Message

From: Hestmark, Martin [Hestmark.Martin@epa.gov]
Sent: 1/30/2019 7:22:04 PM
To: Morales, Monica [Morales.Monica@epa.gov]
CC: Daly, Carl [Daly.Carl@epa.gov]
Subject: RE: AAW Request, RA Briefings this week, and Wed Mtg

Thanks for catching that. I sent a corrected version up to SLT.

From: Morales, Monica
Sent: Wednesday, January 30, 2019 12:01 PM
To: Hestmark, Martin <Hestmark.Martin@epa.gov>
Cc: Daly, Carl <Daly.Carl@epa.gov>
Subject: RE: AAW Request, RA Briefings this week, and Wed Mtg

Hey Martin – The ND DEQ Reorg is not accurate for Air. I updated Carl's tracking table yesterday with our rules' status. See my edits below.

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From: Hestmark, Martin
Sent: Wednesday, January 30, 2019 11:52 AM
To: Wood, MelanieL <Wood.MelanieL@epa.gov>; Videtich, Callie <Videtich.Callie@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Morlock, Nancy <morlock.nancy@epa.gov>
Cc: Lucas, Debra <Lucas.Debra@epa.gov>; Rule, Maryann <Rule.Maryann@epa.gov>
Subject: FW: AAW Request, RA Briefings this week, and Wed Mtg

FYI

From: Hestmark, Martin
Sent: Wednesday, January 30, 2019 11:50 AM
To: R8 SLT <R8_SLT@epa.gov>
Cc: Hestmark, Martin <Hestmark.Martin@epa.gov>
Subject: FW: AAW Request, RA Briefings this week, and Wed Mtg

OPRA priorities and path forward on the priorities by Program have been identified as follows:

General
ND DEQ Reorg – It appears that no adverse comments were received for UST or hazardous waste direct final rules (waiting for mail delivery to verify). Two Air Program final rules were signed on December 20, 2018. Final rules were transmitted from OP to OFR on January 29, 2019 and should be published sometime next week. Impacts schedule by 1 month, ~~Two Air Program final rules are routing for RA signature. Anticipating possible 1 month schedule impact,~~ but no regulatory impact for ND.

Staffing – RCRP vacancy (tentative offer for vice Brenda South position) – working with the SSC to figure out what needs to happen before determining a start date. There is confusion over fingerprinting and it's possible we could lose this person.

RCRP Priorities (highest priorities in yellow)
EVRAZ Rocky Mountain Steel -

- Coordinate with Region 7 and EPA HQ to get better understanding of the issues in Iowa
- Update the RA on status of the draft letter to EVRAZ including yesterday's response from CDPHE

Energy Solutions PCB Permit Renewals

- TD*X (thermal treatment permit): Permit expires April 4. Region 8 and HQ are reviewing performance test data. As we have lost 4 weeks of review time, it will be difficult to meet the April 4 deadline. In order to ensure protective permit conditions, RCRP is drafting a 60-day extension of the current permit.

- Mixed Waste Landfill Cell Permit: Permit expires on March 1. RCRP is working on the permit renewal but will also draft an extension of the existing permit, for another 60 days, in the event of a shut down. If there is no shut down, we will proceed with the permit renewal by March 1.

Energy Solutions RD&D Permit - State worked on permit during shut down. They addressed the 2nd round of EPA comments, but we have not seen their response as of 1/29/19. This is a priority but likely not a priority for the next 3 weeks.

Pueblo Chemical Depot – CDPHE intends to permit static detonation chambers as incinerators. RCRP plans to attend one of the upcoming public meetings to stay engaged on the Colorado issues. At same time, we are making other regions including Region 4, aware of CDPHE's intent to permit under RCRA Subpart O (incineration). We will deliver a Hot Topic on this subject tomorrow.

Enefit meeting - Had been scheduled for Thursday, 1/24/19. Needs to be rescheduled. Megan Garvey has been the point person. Review of company's website indicates no changes in status of facility, no immediate plans to begin operation, etc.

Haz Waste state EOYs - Need to schedule calls with all states except Utah.

UST SPA for Colorado and Montana - Both of these SPA packages are in-house and under review.

UST EOY for Montana – delayed, needs to be rescheduled. This will be an in-person meeting in Montana.

STAG allocation workgroup, first call was supposed to be last week. Waiting for ORCR to reschedule.

Utah statutory definition of solid waste – In late December we heard from UDEQ that one of their legislators said to open a bill under his name . But we do not see this on the state's legislative calendar. Need to monitor this.

Air Program Priorities
PERMITS
Tribal Permitting, Pending Permits:
We are catching up on processing registrations and updating our website for sources covered by the national oil and natural gas FIP and reviewing NSR applications received during the shutdown. In addition, there are currently 11 pending permitting actions, all SMNSRs, that are subject to the 6/15/2018 Henry Darwin email and subsequent clarification (permits > 12 months old versus > 6 months old) plus 2 recently backlogged actions. We will initiate the public comment period on 2/4/2019 for Anadarko's Diablo Compressor Station. This is a template for 9 other Anadarko permits, similar to those that were appealed last year and for which EPA prevailed with the appeals board. Five other permitting actions have already been proposed and could potentially be issued in the next 3 weeks; 2 of these, FBIR Compressor Station and Catamount Ignacio Gas Treating Plant are our highest priority due to company interest and/or new construction. Below is a detailed list of near-term permitting actions. Those we are focusing on in next 3 weeks are highlighted.

Propose by 3/1/2019 and issue final by 4/15/2019:
• Diablo Compressor Station, Anadarko (Claudia), template for other Anadarko permits, propose by 2/4/2019 • L-16 Compressor Station, Anadarko (Patrick)

• Morgan State Compressor Station, Anadarko (Patrick)

• South East Compressor Station, Anadarko (Patrick)

• Ouray Compressor Station, Anadarko (Patrick), became backlogged on 1/25/2019

• Blue Feather Compressor Station, Anadarko (Greg)

• East Junior Compressor Station, Anadarko (Greg)

• Willow Creek Compressor Station, Anadarko (Greg)

• South Compressor Station, Anadarko (Greg), became backlogged on 1/25/2019

• Bonanza West Compressor Station, Anadarko (Joe)

• Federal 10-22-6-20, Crescent Point (Colin)

• Ute Tribal 20-02 Compressor Station, Crescent Point (Colin), potential MM2A issue being coordinated with HQ

• FBIR Compressor Station, MCP Operating LLC (Colin), in management review

• Catamount Ignacio Gas Treating Plant, Catamount Energy (Claudia), comment period closed on 1/16/2019, working on response to tribe's comments, becomes backlogged on 2/22/2019

• Steamboat Butte C1/C3 Tank Battery, Merit Energy (Christopher), comment period ended 1/22/2019

Issue final by 3/15/2019:

• Federal 10-22-6-20, Crescent Point (Colin)

• Ute Tribal 20-02 Compressor Station, Crescent Point (Colin), potential MM2A issue being coordinated with HQ

The following two final permits (not backlogged) are high priorities for the companies involved:

• FBIR Compressor Station, MCP Operating LLC (Colin), in management review

• Catamount Ignacio Gas Treating Plant, Catamount Energy (Claudia), comment period closed on 1/16/2019, working on response to tribe's comments, becomes backlogged on 2/22/2019

Tribal Permitting, Preapplication/Application Completeness Review Work:

- A meeting is being scheduled with Arcadis in the Region 8 office to discuss Thunder Butte Petroleum Services refinery project to advise the tribe's consultant on air dispersion modeling. The tribe will not be in attendance.
- A permit application modification was received on 1/4/2019 for Newfield's Well Pad Mamie 4-25-3-3-WH in the Uinta Basin. We are reviewing modeling and other information submitted with the application in order to determine application completeness.
- Enefit and Red Leaf meetings need to be rescheduled for future oil shale projects in the Uinta Basin.

State Permitting Oversight:

- EPA received a CAA Title V Petition for North Dakota's proposed Coyote Station Title V renewal permit on 1/15/2019. The petition was filed by Casey and Julie Voigt, private citizens who live and work in close proximity to the coal-fired Coyote Creek Station power plant and the Coyote Creek Mine. We should make coordination with OAQPS/ORC/OGC and the state a priority in the hope of getting the state to re-propose this permit, Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) for purposes of Prevention of Significant Deterioration (PSD) regulations. The state has not issued a final permit; however, EPA's 45-day review period closed on 11/16/2018. A petition needs to be filed within 60 days of the close of the 45-day review period.

UTAH

1. Reschedule Ute Tribe FIP consultation – a meeting was scheduled for January 16th.

2. Salt Lake and Provo PM2.5 Attainment SIP(s) and NOI – see 1-pager for details.

3. Uinta Basin Emission Reduction Credit (ERC) Program - see 1-pager for details.

COLORADO KERR MCGEE – GEN 5 PERMITS

Background

(Deliberative Process Privilege – Not to Be Shared Outside EPA) The Colorado Air Pollution Control Division (APCD) began discussions with Region 8 in January 2018 requesting information on who in EPA would be the approving authority under a Reg 7 Section XII.A.9 State Implementation Plan (SIP) provision for approving alternative VOC emissions control equipment and pollution prevention control devices at oil and gas production facilities.

This is to discuss a proposal to exercise a previously unused provision at Colorado Reg. 7, Section XII.A.9, that would allow Kerr-McGee to take advantage of low emissions from existing tankless well production facilities ("GEN5" process) in meeting the state's system-wide 90% VOC control efficiency requirement.

This provision, copied below, is for the approval of alternative emissions control equipment and pollution prevention control devices installed to meet the control requirements of Reg. 7 Section XII.

EPA approves the proposal. The division shall transmit a copy of the permit application and any other materials provided by the applicant, all public comments, all division responses and the division's permit to EPA Region 8. If EPA fails to approve or disapprove the proposal within 45 days of receipt of these materials, EPA shall be deemed to have approved the proposal.
The APCD expects to receive approximately 80 such requests from Kerr-McGee for facilities in the ozone nonattainment area. CDPHE provided a pre-draft permit document to process these requests for EPA's review. The Air Program reviewed the pre-draft permit document and provided comments to Colorado in July 2018. The state provided some additional supporting technical analysis on the process in addition to responses to our comments in
Region 8 met with the Colorado APCD and Kerr-McGee on November 1, 2018 to discuss EPA's questions and concerns regarding Colorado's pending Pollution Prevention Process proposal. In response to the meeting action items, Colorado sent on December 13, 2018 an updated 1) technical review document, 2) permit document, 3) process flow diagram and 4) a letter from KMG to EPA responding to requests for information regarding emissions control practices for storage tanks that are not subject to Regulation 7, Section XII.D along with feedback on continuous pressure monitoring recordkeeping. We had initially committed to responding to Colorado by January 11th.

Next Steps
Technical staff discussion of revised material – Meeting scheduled for February 6th
Brief Megan – Meeting scheduled for February 7th
Send to Colorado – week of February 11th

REGIONAL HAZE
Jim Bridger RH Reassessment Proposal – EPA Region 8 staff and OGC met with Pacificorp and WY DEQ on December 7, 2018 to discuss paths forward on an alternate approach to meeting regional haze requirements at Pacificorp's Jim Bridger power plant. Pacificorp sent EPA updated information regarding their proposed approach on December 31, 2018. EPA Region 8 and HQ's technical and legal staff plan to commence review of PacifiCorp's approach during the three-week CR period. A timely turnaround by EPA is needed in order to stay as close as possible to Pacificorp's tight schedule for moving forward on this approach.

WYOMING INTERSTATE TRANSPORT
RA signature is needed on a proposed approval of Wyoming's interstate transport SIP for the 2008 ozone NAAQS. There is a March 6, 2019 deadline for EPA to issue a Finding of Failure to Submit resulting from EPA's March 6, 2017 disapproval of a previous WY interstate transport SIP. The action needing RA signature proposes to approve a new SIP revision that addresses the deficiencies we identified in the 2017 action. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

WEG 60 DAY NOTICE OF INTENT FOR DENVER OZONE (Deliberative Process Privilege – Not to Be Shared Outside EPA)
On January 22, 2019 WildEarth Guardians notified EPA of its intent to file suit against the EPA over the agency's failure to determine whether the Denver area attained the 2008 ozone NAAQS within six months of its July 20, 2018 attainment date. EPA proposed to grant Colorado a one-year extension of the attainment date through a national rulemaking published on November 14, 2018 but that action has not yet been finalized. During the comment period, EPA received requests for public hearings from WildEarth Guardians, the Center for Biological Diversity, and the Texas Commission on Environmental Quality. The hearing was scheduled for January 29, 2019, but due to the government shutdown, the notice announcing the details for the hearing and reopening of the comment period for the proposal was not published in the Federal Register. OAQPS has determined the new date for the hearing will be on Friday, February 15th in D.C., and plans to have the revised notice signed on January 30.

Partnerships and Environmental Stewardship Priorities
(Highlighted bullets are highest priority)
Pesticides

- Will be continuing our grant end-of years reviews and plan to complete the state and tribal reviews by the end of this 3 week period. Will also be working on the written reports which were due the end of February (This date will likely be extended as we allow the states and tribes to review a draft of the reports and provide feedback.
- Busy time for federal certification and training of pesticides applicators in Indian country (will not know how many applications we have until receive the mail as those arrive via regular mail. Will be issuing as many

certifications as we can over the next few weeks so the producers in Indian country are ready for their spring planting season.

- Reached out to all of our state partners yesterday regarding pesticide funding. Does not appear there is a need to provide any funds in the short-term since states are funded for most of FY19. Asked the states to identify any funding priorities (like dicamba) for which they would like additional (supplemental) funding in FY19 so we could prioritize those requests and be poised to make decisions once we have a budget.

Lead

- Reviewing status of applications for lead training service providers.
- Have responded to all citizen inquiries that were left on the Region 8 lead help line during furlough.

State Partnerships

- State end-of-year PPA reports were due at the end of December. Will be making sure that we have received all of those (some may arrive via regular mail) and will be sending them out to the programs so the technical personnel can start reviews.
- Working with grants and budget to see what funds are available and to assess and prioritize state needs for funds.

TRI

- TRI National Analysis was delayed. Will get an updated release date.

Sustainable Materials Management - Food

- ORD/SMM condo waste audit in San Miguel County. Had previously planned to conduct the waste audit the week of 2/18. They are meeting this week to reassess and decide on new dates.
- Be Green workshop on 3/12 (as a reminder, this is Energy Star, SMM, Water Sense, etc. for houses of worship). The registration went live last week (our partners carried the ball on this). They are relying on EPA as speakers for many of the sessions so there will be an issue if we are not working next month.

Tribal Program Priorities

- Issue Funding Opportunity Notices to Tribes for GAP, 106, UST/LUST, Pesticides, Air grants. Much of the work on the FON was completed in December. Finalization of those materials was to be completed by 1/11/19 with the final FON was scheduled to go out 1/16/19. Tribes were scheduled to submit Initial grant application packages to Grants.gov by 2/26/29. TAP will work this week with air, water, pesticides and UST/LUST to finalize their portions of the FON by COB 2/4. TAP will coordinate all FON elements and issue FON 2/7/19, Tribal applications will be due 3/7/19. No other dates related to FON will be changed. EPA to provide anticipated funding levels on 4/30/19. Tribes submit final acceptable grant packages by 6/13/19.
- **Other Important Work**
  1. RTOC – meeting with RTOC chairman and secretary being scheduled for 1/31 to discuss whether the March 19 – 21 RTOC can be coordinated or whether it should be delayed.
  2. ETEP's – The 13 final ETEP's due March 15th will be delayed. Must develop new schedule for EPA priority discussions with SLT for March due date ETEPs. Based upon those discussion, Tribes will finalize ETEPs at a later date.
  3. Follow-up with Ute and Cheyenne River on Ex. 5 Deliberative Process (DP) discussed with them in December.

From: Thomas, Deb
Sent: Monday, January 28, 2019 4:34 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Buhl, Rick <Buhl.Rick@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>;

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Subject: AAW Request, RA Briefings this week, and Wed Mtg

Highlighted items are issues Doug would like to be briefed on this week

1) Acting Administrator Wheeler has requested a 1 page summary of high priorities and whether timelines have shifted due to the shutdown. Below is a preliminary list of issues Doug would like to mention. If you think we have missed something please add it. Please provide a very brief status update, key milestones, and an indication of whether the timeline has shifted **by COB Wednesday, 1/30.**

   Superfund
   - Butte
   - Anaconda – CD and Delistings
   - **BPMD**
   - **Colorado Smelter**
   - Libby Delistings

   Water

   - Wyoming & tribal DI DW update. Have we missed anything – status update of our DI responsibilities. Include status at Crow
   - **PFAS** – status of R8 activity; timing of national roll out

   Air
   - U&O FIP
   - SLC Sip and lawsuit
   - Emissions banking notice of proposed rulemaking

2) Doug is planning on meeting with the CO Governor's office Monday or Tuesday of next week to discuss Colorado issues that will be of interest to the Governor. **Please provide 1-pagers by COB Thursday, 1/31.**
   - **Evraz** (Martin and Carl – one briefing to cover Evraz and Ethylene Oxide)
   - **Ethylene Oxide**
   - **Colorado Smelter**
   - **BPMD**
   - Colorado Springs
   - Anything Else?

3) On Wednesday at 1:00p we will have an SLT check-in on your efforts, working with your supervisors, to establish priorities for the next three weeks. Please keep this high level and save the details for your individual briefings with Doug. The primary goals are to have a collective conversation about the priorities and identify needs for cross office coordination.

If you have any questions just let me know. Deb

Debra H. Thomas
Deputy Regional Administrator
EPA Region 8

303-312-6298