**Region 1**

Hot Topics

**Region 1 Participates in STEM Career Exposition**
On February 13, R1 participated in the UMass Boston "STEM Career and Internship Exposition" with approximately 300 undergraduate and graduate students. R1 established a concrete relationship with UMass Boston through an October 2016 Memorandum of Understanding (MOU). The MOU has enabled the sharing of expertise, research, resources, and training between the two entities and provides EPA with access to an ongoing supply of student interns and graduates, with particular focus on students from minority and underserved communities to enhance EPA's overall diversity and inclusiveness.

**Opportunity Zone Project Meeting in Burlington, Vermont**
On February 11, R1 participated in a meeting of the Brownfields Economic Revitalization Alliance (BERA) program in Burlington at the 453-501 Pine Street site. Convened by the Vermont Agency of Commerce and Community Development and Agency of Natural Resources, the event focused on next steps for a planned cleanup and redevelopment of the site for a nonprofit community health center.

**Public Meeting Regarding Cleanup Site in Bath, Maine**
On February 10, R1 attended a public meeting to present the cleanup alternatives for the Moses/Columbia Block building in downtown Bath. The Bath Housing Authority received a cleanup subgrant from Midcoast Economic Development District's Brownfields RLF grant to abate lead and asbestos in the residences and businesses.

**Metrowest Food Recovery Project in Massachusetts**
On February 12, R1 met with Boston area communities to discuss the existing food rescue and donation program to area colleges and K-12 schools in this sector. Food for Free, a Cambridge-based food rescue organization, is the recipient of the donated food to its Family Meals program that delivers frozen single serving meals to those in need, including a site at Mass Bay Community College in Wellesley.

**Consent Decree Lodged in CWA Case against Grimmel Industries, Inc., et al.**
On February 10, the U.S. Department of Justice lodged a proposed Consent Decree with the U.S. District Court of Maine resolving alleged Clean Water Act stormwater and oil pollution violations by closely related companies that operate scrap recycling facilities in Maine. Under the agreement, the companies will comply with all stormwater permit and SPCC requirements and will pay a civil penalty of $250,000.

**EPCRA Training & Technical Assistance**
On February 4-7, R1 trained 288 individuals in four half-day compliance assistance workshops in Rhode Island, New Hampshire and Massachusetts on Emergency Planning and Community Right-to-Know Act (EPCRA) Tier 2 reporting requirements. Three additional workshops were held previously in Vermont and Connecticut. Since January 2020, EPA has trained at total of 641 individuals at the seven workshops.

**Region 1 IMT Exercise**
On February 11-13, R1 coordinated a table-top training exercise for OSCs and members of the Response Support Corps who are trained in various key leadership positions that are part of the Incident Command System. The purpose of the exercise was to train staff for certification and maintaining proficiency, which are the main requirements under EPA Order 2073. This order is one of a number of EPA orders that define EPA's role in the National Response Framework.

**Lower Neponset River NPL Listing**
On February 13, R1 briefed the Boston City Council on the potential listing of the Lower Neponset River site on the NPL. On February 6, R1 provided a similar briefing to members of the state legislative delegation. MassDEP Commissioner Suuberg attended with the MassDEP team. Members of the state legislative delegation were supportive of the ongoing efforts by EPA and MassDEP.



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## Upcoming Major Decisions and Events

Nothing to report.

**Region 2**

Hot Topics

**Puerto Rico Earthquake Response**
PR continues to experience numerous quakes, typically 15-25 per day. EPA is conducting on-site inspections of non-PRASA water systems to assess for infrastructure damage. We now have information about the status of about 191 of 240 such systems. Among these, only three are currently non-operational. We completed on-site assessments of hazardous substance and oil facilities. Because of an additional 4.2 quake near Guayanilla on February 11, however, we reassessed some 25 facilities within a specified distance from the epicenter. Additional requests for No Action Assurances were received from an NGO on behalf of many private industries, regarding the use of emergency and mobile generators.

**Chemours Deepwater, NJ**
On January 28, Chemours informed NJDEP about testing the company has conducted at the facility. NJDEP reports that Chemours identified 147 PFAS chemicals as being present in raw materials, intermediate byproducts, and as a result of product impurities (Gen X, for example). Of these, 45 PFAS chemicals have been quantified in air emissions from four buildings on site. Of those 45, 13 chemicals make up 99% of the PFAS air emissions. Chemours acknowledged there may be more as yet unidentified compounds onsite and in the air emissions. We share the state's concern that emissions from some buildings are not being treated with carbon or that treatment is not effective in removing the PFAS from air emissions. Chemours will provide to us the list of 147 PFAS chemicals. We do not yet know whether the speciation is the result of computer simulations based on Chemours processes and raw materials, from chemical sampling and analysis, or a combination of both. We have asked for clarification. NJDEP is requesting a full-risk assessment before any air permits can be renewed or modified.

**NY Proposed PFAS and 1,4-dioxane Regulations**
On January 22, NYSDOH published proposed rules to set MCLs for PFOA and PFOS at 10 ppt each and 1,4-dioxane at 1 ppb. If finalized, these will be the nation's lowest values for PFOA and PFOS.

**CDC/ATSDR PFAS Exposure Assessments in Newburgh, NY**
On February 11 CDC and ATSDR held a public meeting in Newburgh. They informed attendees they are conducting PFAS exposure assessments in eight communities around the country near military bases that are known to have had PFAS in their drinking water. Newburgh is one of those eight. They will randomly test 400 people in the community of 30,000 to extrapolate PFAS levels in the community at large. They will also be surveying participants for other potential sources of PFAS contamination and sampling for PFAS contaminated dust in participants' houses. The entire project will take about a year. Some 50 people attended the meeting. A number of attendees, including the Mayor, expressed frustration at the limited knowledge about how PFAS affects human health, the lack of improvement in their health care or support since the discovery of Newburgh's PFAS problem in 2016, and the government's response to PFAS contamination from the former air force base. Some expressed skepticism that this study would bring any benefits to the city.

Upcoming Major Decisions and Events

**Vo-Toys Community Meeting, Harrison, NJ**
On February 13 we will hold a public meeting to discuss this CERCLA site where we plan demolition of a mercury-contaminated building. The removal action will be done by General Electric under our oversight. We have coordinated extensively with local authorities in the planning.



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Region 3

Hot Topics

**Increasing EPA Brownfields Resources Across Maryland**
On February 5, R3 staff met with representatives of the Maryland Department of Environment (MDE) and the Maryland Department of Planning (MDP) to discuss ideas to assist Maryland communities in applying for EPA Brownfields resources. Few communities outside of the City of Baltimore have utilized EPA's funding or technical resources. MDP is taking the lead for the State on supporting Brownfields redevelopment and is developing a new website that will outline Federal and State resources and highlight key Brownfield sites across the State. MDE will also update its website to include more information about EPA Brownfield resources. Plans were also laid out for doing additional Brownfields 101 training in the State this year, training for the consultant community, and outreach to the Maryland Association of Counties and the Tri-County Councils and metropolitan planning organizations to discuss Brownfield resources.

**EPA Solid Waste Program Funds Composting Efforts in Philadelphia, DC, and MD**
The EPA Solid Waste program recently awarded a $53,000 grant to the Institute for Local Self Reliance (ILSR) to establish and improve Community Compost sites in Philadelphia, Washington, DC, Baltimore, and Montgomery County, MD. Under this grant, EPA has funded ILSR to establish five community scale demonstration sites in Baltimore; seven host sites for home composting training workshops in DC; six workshops for community scale composters in Philadelphia and Baltimore; an Eagle Scout compost system in Montgomery County, MD; and four composting training workshops for over 60 people. They also project that at each site 100 to 500 pounds per week of food waste will be composted and will also produce assistance materials, educational signage, posters, and lists of best management practices; prepare case studies; deliver podcasts and webinars of model demonstration sites to facilitate sharing tips for replication and lessons learned; and elevate and amplify the work and activities regionally as well as within our national community composting network and to a national audience.

**Huntington, WV, Purchases 42-Acre Brownfield After Six Years of Negotiations**
On January 30, Huntington acquired the ACF property, a blighted rail car manufacturing factory that had been idle for over 20 years. The city has received three EPA Brownfields grants beginning in 2015 that enabled them to perform extensive environmental and economic investigations and planning activities. This property is in a highly economically distressed neighborhood. Huntington has already leveraged millions of dollars as a result of the three EPA Brownfield grants they have received. The reuse plan for the ACF site, which was developed with an EPA Area Wide Planning grant, calls for mixed tech-flex, R&D, laboratory, health care, light industrial, makerspace, commercial/office, retail, entertainment, residential, public space, and green infrastructure reuse. As a result of this purchase, the City is now poised to leverage another $200 million and create as many as 3,000 jobs that would not have been possible without these EPA Brownfields grants.

**EPA Meets with PA Agencies to Model Impacts of Possible Revisions to Vehicle Emission Program**
On January 31, R3 staff met with Pennsylvania's Departments of Environmental Protection (PADEP) and Transportation (PENNDOT) to begin the process of evaluating the emissions impact of changes under consideration to the Commonwealth's vehicle emission inspection program (DriveCleanPa). These changes range from modernization efforts (to more closely align emissions testing to modern vehicles) to proposed state legislation (to improve convenience and reduce costs to motorists). PADEP and PENNDOT, in conjunction with EPA, will conduct an analysis to project the resulting emissions impacts from a number of scenarios that include: elimination of emissions testing for some newer and older model cars, expanded use of on-board diagnostic computer checks in lieu of traditional tailpipe emissions measurement, and a reduction in test frequency from an annual to a biennial basis. Pennsylvania will propose specific scenarios to be modeled in the next several weeks, after which PADEP will reconvene the parties to agree upon the options to be modeled. After agreement on the options, Pennsylvania will model these options to test against EPA's minimum I/M program performance standards, which should take one to two months. After narrowing the options based on the



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outcome of that analysis, PADEP will begin its assessment of whether the remaining options would interfere with any area's ability to meet the NAAQS.

**EPA, FHWA, FTA, and PennDOT Meet with Pennsylvania Air Quality Workgroup**
On February 4, the eightieth meeting of the Pennsylvania Transportation Air Quality Workgroup (PAQ) was held to review the current State Transportation Improvement Program (TIP) and Long-range Transportation Plan (LRTP) conformity analyses, as well as the status of approvals for the upcoming biennial TIP/LRTP cycles. The TIP/LRTP includes highway and transit projects that are determined to be "significant" by the interagency consultation team. The TIP/LRTP will be completed in order to demonstrate that mobile source emissions for each analysis year of the long-range plan, adhere to all applicable carbon monoxide (CO), nitrogen oxides ($NO_x$), particulate matter ($PM_{2.5}$ and $PM_{10}$), and volatile organic compounds (VOCs) emissions budgets. The Clean Air Act (CAA) requires federal actions in nonattainment and maintenance areas to "conform to" the goals of the state implementation plan (SIP). This means that such actions will not cause or contribute to violations of a NAAQS; worsen the severity of an existing violation; or delay timely attainment of any NAAQS or any interim milestone.

**R3 Participates in ACWA National Stormwater Roundtable Meeting**
From February 4 to 6, EPA and state agencies met in San Antonio, TX, for the Association of Clean Water Administrators' (ACWA) national meeting. The purpose of the meeting is to support the implementation of all sectors of the stormwater program (including MS4, industrial, and construction) by transferring knowledge among practitioners and sharing lessons learned while implementing the various stormwater programs. An array of state and federal partners shared presentations that highlighted electronic technologies being utilized by states for permitting and reporting, education and outreach strategies, construction requirements for small sites and emerging topics such as solar farms, and how to address and locate non-permitted facilities. A session was dedicated to sector breakouts, at which R3 moderated the discussion for the MS4 sector that included: top non-compliance issues in the sector, designation criteria, implementing the Phase II Remand Rule, implications of the 2020 census, and unique facilities/challenges in the MS4 sector. The R6 Administrator McQueen gave the keynote address. The R3 states of DE, MD, and VA had representatives in attendance.

**Wetlands Regulatory and Enforcement Coordination Meeting with Army Corps in State College, PA**
R3 staff attended a multi-day coordination meeting with US Army Corps Pittsburgh, Philadelphia, and Baltimore Districts on February 5-6 in State College, PA, where they discussed the Navigable Waters Protection Rule, policy directions, ESTP grants, enforcement coordination, and mitigation banking. In addition, the Corps districts and EPA staff discussed potential changes to the upcoming Pennsylvania State Programmatic General Permit (SPGP) and Nationwide Permit reauthorizations. The constructive dialogue provided clarity on a number of topics discussed and is expected to help facilitate the mitigation banking process and enforcement coordination in the future.

Upcoming Major Decisions and Events

RA Servidio has the following event scheduled

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| February 18-21 | EPA and WV Department of Agriculture Roundtable and MOU Signing, Charleston, WV. Visit to Shell Pennsylvania Petrochemicals Complex in Monaca, PA. |



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**Region 4**

Hot Topics

**Westside Lead Site (Atlanta, GA)**
On February 10, RA Walker and R4 management met with GAEPD to discuss site efforts and the path forward. Based on the data obtained by EPA, GAEPD agreed with the approach of expanding the site boundary, increasing the total number of properties to 900. Additionally, GAEPD offered their assistance in cleanup efforts. Sampling efforts continue at residential properties. Excavation efforts were slowed down this week due to inclement weather. R4 also held a call on February 11 to update the City of Atlanta on the site efforts and path forward. R4 is internally discussing the communication strategy related to the boundary expansion and will reconvene with GAEPD and the City of Atlanta next week.

**Louisiana Harmful Algal Bloom Task Force**
R4 was invited to present at the HAB Task Force meeting February 6 at Louisiana State University (LSU) in Baton Rouge. The Task Force meeting was facilitated by the Lake Pontchartrain Basin Foundation, the LSU College of the Coast and the Environment, and the LSU College of Science. Its objective was to present findings of algal blooms and discuss next steps in protecting Louisiana's waters. R4 co-presented with USGS on a Regional Applied Research Effort (RARE) project focusing on deployment of a sensor in Lake Pontchartrain capable of providing real-time data on algal indicator parameters. R4 is collaborating with R6 and USGS on the RARE project.

**Title VI Complaint Filed Against the NC Department of Environmental Quality**
On February 6, the Friends of the Earth and the North Carolina Climate Solutions Coalition submitted a Title VI complaint to EPA HQ against NCDEQ for approving and subsequently failing to revoke a permit issued to Atlantic Coast Pipeline, LLC. The complainants allege that NCDEQ's actions will have a disproportionate impact on Native Americans and African Americans and have requested a meeting with HQ Civil Rights office to discuss a timeline for addressing their concerns. EPA has issued a letter to the complainants and NCDEQ acknowledging receipt and noting that the complaint is now undergoing a jurisdictional review.

**Twin Pines (Charlton County, GA)**
Twin Pines Minerals, LLC, submitted a letter to the Corps on February 7 that withdrew their 404 permit application, which was subject to significant comments from the public, EPA, and other agencies. The letter states the company will submit a new application on a "proposed demonstration project" in the near future.

**Petro Operations bankruptcy (Santa Rosa County, FL)**
R4 and FDEP conducted a joint site assessment (SA) at the Blackjack Creek oil field on February 12. The main goals of the SA were to collect pressure readings of wells for future comparison, to understand and prioritize potential environmental risks at the site, and to collect any site operational and closure documentation for potential future need. When the SA is complete, R4 and FDEP will discuss how best to oversee the site after its anticipated abandonment on February 25.

Upcoming Major Decisions and Events

February 14 RA Walker will participate in a press event at Florida International University announcing three water grant awards related to South Florida Geographic Initiative. Open Press. North Miami, FL.



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**Region 5**

Hot Topics

**EPA Asked to Help Cleanup Abandoned State-owned Mental Health Facility in Tinley Park, IL**
EPA is reviewing a state environmental evaluation for the closed facility and acreage. Rep. Bobby Rush and Tinley Park Mayor Glotz have requested EPA help in cleaning up the site the site for possible redevelopment. The site is currently owned by the Illinois Department of Central Management Services. A multi-media state-lead inspection was conducted last December following a resident's complaint. Several environmental areas of concern were observed and noted by the state inspectors. R5 staff members have discussed the site with Illinois EPA but have not received a request for assistance from the state.

**EPA Highlights Projects Funded by the Great Lakes Restoration Initiative in 2019**
In 2019, EPA and its federal partners provided GLRI funding to support more than 475 projects throughout the Great Lakes basin, according to a year-end wrap up to be released this week. Since its launch in 2010, the GLRI has funded more than 5,300 projects totaling more than $2.7 billion. The GLRI funded nearly 500 projects in 2019. Administrator Wheeler recently unveiled the GLRI Action Plan III, which will guide the work of GLRI partners over the next five years. This week, as part of its 50th anniversary celebration, EPA is spotlighting actions that help protect America's waters.

**RA Thiede Visits Illinois Electronics Factory as Part of TRI Rollout**
On February 11, RA Thiede toured Eagle Electronics in Schaumburg, IL, to highlight EPA's latest Toxic Release Inventory report. This small business had installed a $40,000 lamella clarifier to remove 100% of copper from its wastewater. Thiede toured the facility and spoke to an employee gathering. He noted the latest TRI found an increase in recycling of chemical wastes nationwide and evidence that companies continue to find ways to implement new source reduction activities.

**RA Thiede Hosts Call with State Environmental Directors**
On February 12, RA Thiede held a teleconference with R5 state environmental directors and commissioners as well as EPA HQ staff. Following a round-robin discussion with the states, staff members from the EPA Office of Research and Development presented information on PFAS thermal treatment work.

**Michigan Application to Run Class II Well Program**
On February 7, Michigan submitted a revised program description and statement of legal authority from the Michigan Attorney General for a state-run UIC Class II well program. The latest submittal means R5 may now invite public comments on the proposal. In September 2018, former Gov. Snyder applied for EPA approval of a Michigan program to protect drinking water from Class II fluid injection underground wells. Class II fluids include those generated during production of oil and gas or to enhance oil and gas recovery. R5 currently administers the full underground injection control program in the state.

**RA Thiede Welcomes State Partners to Chicago to Discuss GLRI**
On February 11, RA Thiede visited a Great Lakes Restoration Initiative state forum held at R5. RA Thiede met and provided some brief remarks to Great Lakes state agency representatives who lead their states in implementation of the GLRI. RA Thiede stressed the importance of communication and collaboration between federal and state agencies in ensuring the GLRI's continued success.

Upcoming Major Decisions and Events

February 20 R5 to participate in public meeting sponsored by Rep. Dingell Rep. Debbie Dingell will hold a town hall to discuss environmental issues impacting downriver communities, including the McLouth Steel and Gibraltar Superfund sites. R5 staff will join a panel discussion.

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| February 20 | RA Thiede and DRA Newton will meet with ORD senior managers The discussion will focus on ORD's role as NPM for the regional labs, the role of the ORD lead region, and ways to optimize communication. |

**Region 6**

Hot Topics

**San Jacinto River Waste Pits Superfund Site, Channelview, Texas**
On February 7, TCEQ notified R6 of its concurrence to move forward with EPA's proposed surface water discharge compliance approach. R6 is utilizing the State's identified water quality criteria and sampling methodology, which will be incorporated into the remedial design. On February 12, R6 participated in a community advisory committee meeting to provide an update on the status of the remedial design. On February 19, R6 will participate in a technical workgroup meeting to further discuss the remedial design for implementing the remedy. On February 20, R6 will participate in a remedial action consent decree negotiation meeting with DOJ and the responsible parties and their attorneys.

**Denka Performance Elastomer, La Place, Louisiana**
On February 11, R6 attended the monthly meeting of Concerned Citizens of St John the Baptist Parish in LaPlace, LA, to discuss EPA's plan to replace the existing ambient air monitoring network with a new type of ambient air monitoring (SPods) around Denka's neoprene facility. R6 explained that the new SPod monitoring would help in understanding the frequency and magnitude of re-occurring "spikes" of chloroprene and in identifying actions that could further reduce Denka's chloroprene emissions. Also on February 11, R6 responded via letter to Congressman Richmond's (LA-2) written questions regarding the new SPod monitoring. Meanwhile, the government enforcement team continues to review Denka and former owner DuPont's respective settlement counteroffers, which were submitted in January.

**United Parcel Service (UPS), Arkansas, Louisiana, New Mexico, Oklahoma, Texas**
R6 plans to issue a RCRA 3007 information request letter to United Parcel Service (UPS) regarding operations of their locations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. R6 is conducting an investigation and records review of UPS's management practices for the hazardous waste it generates and/or receives from sources including but not limited to receipt of damaged packages and wastes generated on site from maintenance and/or other activities. The predicate for this investigation and records review is supported by information EPA has concerning UPS's shipment of hazardous waste from its facilities and inconsistencies with respect to generator status. R6 has informed our state partners of this current investigation and offered them the opportunity to take the lead. The aim is to transmit the request within the next 10 days. UPS then has 30 days to respond with options for extension with rationale.

**Corpus Christi Naval Air Station, Corpus Christi, Texas**
The Navy is hosting a PFAS Public Meeting/Open House tentatively planned for the week of February 24. Navy has identified potential PFAS sources on base and plan to sample off-base private drinking water wells. There are a large number of private offsite drinking water wells within a one-mile downgradient of NAS Corpus Christi and its associated outlying airfields.

**Tar Creek Superfund Site, Oklahoma**
EPA continues to refine its implementation of EPA's Chat and Offsite Rules imposed by the Record of Decision (ROD). Most of the chat sold from the Tar Creek site is used within R7 as aggregate in asphalt manufacturing, though a small portion is used throughout the United States. R6 is taking steps to improve tracking chat sales from production facilities and self-certifications on uses allowed under the under the Chat Rule and ROD. A draft MOU to implement improvements between R6 and R7 is under review.

Major Decisions and Events

**Oklahoma Title V Program**
Currently, ODEQ's air permitting program does not require public notice for new facilities getting a CAA Title V Permit for the first time, which is inconsistent with CAA Title V permit regulations. R6 has discussed the

issue with ODEQ. The state is willing to fix the state's regulation. ODEQ has requested a letter from R6 to support these changes.

**Bexar County, San Antonio, Texas**
By February 18, R6 intends to provide adverse comments on the State-proposed demonstration that foreign pollution sources contribute to ozone exceedances for San Antonio. If denied, San Antonio will likely be designated as moderate non-attainment area later this year. On January 15, the TCEQ-approved proposal of the Bexar County Ozone Nonattainment Area Clean Air Act Section 179B Demonstration SIP Revision. The proposed SIP revision would demonstrate that the Bexar County marginal ozone nonattainment area would attain the 2015 8-hour ozone NAAQS by its attainment deadline "but for" anthropogenic emissions emanating from outside the United States. This is the first 179B demonstration for an area not adjacent to the border.

**Louisiana SIP Revision for Withdrawal of Stage II Vapor Recovery Systems Requirements, Louisiana**
By February 21, R6 anticipates proposed approval to the Louisiana State Implementation Plan (SIP) revision to remove Stage II Gasoline Refueling Vapor Recovery Program. On May 30, 2019, R6 received a request from Louisiana to withdraw Stage II Vapor Recovery Systems requirements.

**Proposed Approval Louisiana 2015 Ozone i-SIP FRN, Louisiana**
By February 21, R6 anticipates proposed approval of the Louisiana Infrastructure SIP Revision for the 2015 Ozone National Ambient Air Quality Standard. This action is to demonstrate that the Louisiana SIP meets the Clean Air Act (CAA) infrastructure requirements for the 2015 Ozone NAAQS.

**Proposed Final Approval of Oklahoma SIP Revisions, Oklahoma**
By February 28, R6 anticipates proposed approval of revisions to the Oklahoma SIP that make general updates and PSD permitting updates for the current Appendix W and public notice requirements. The public comment period on the proposed approval ended on January 3, 2019. Response to these comments will be incorporated into the final approval of the FRN.

**Arkansas Regional Haze Phase III Domtar SIP Revision, Arkansas**
By February 28, R6 intends to propose action on the Arkansas Regional Haze Phase III and Visibility Transport SIP revisions. ADEQ submitted a SIP revision on August 13, 2019, with an alternative measure to BART for SO2, PM, and NOX at the Domtar Ashdown Mill that would replace the final portion of the existing Arkansas FIP. The NPRM also addresses the visibility transport (prong 4) provisions in the October 4, 2019, interstate transport SIP submittal, which covers the 2006 and 2012 PM2.5 NAAQS; the 2008 and 2015 ozone NAAQS; the 2010 NO2 NAAQS; and the 2010 SO2 NAAQS.

**Upcoming Events**

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| February 19 | Permian Basin Water Energy Conference, Midland, TX |
| February 25 | NEJAC, Jacksonville, FL |



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**Region 7**

Hot Topics

**Press Release on Settlement of Lead-Based Paint Renovation Cases related to HGTV Television Shows**
R7 announced settlements with multiple renovation firms to resolve alleged violations of federal regulations during renovations filmed for the Rehab Addict and Bargain Mansions television shows. EPA reached settlements with Detroit Renovations, LLC, Growing Days, LLC, and four Kansas City-area contractors. The show hosts will educate the public about lead-based paint hazards and appropriate renovation procedures in self-produced videos, social media postings, and public events. These outreach efforts are expected to reach an estimated audience of 2 million television viewers and 1.6 million social media followers.

**R7 Annual Preparedness Training for Superfund Remedial Project Managers**
R7 hosted an annual administrative and technical training program for Superfund Remedial Project Managers and state staff on February 10-14. R7 delivered a week-long, in-house training program for all regional RPMs and state partners that covered an array of topics including contracts, administrative processes, technical site issues, legal support resources, risk communication, data visualization, project management, and health and safety. The training sessions were developed and delivered in-house by regional staff from the Superfund program, the regional lab, legal counsel, public affairs, and Mission Support Division, and included presentations from ORD, OLEM/OSRTI, and ATSDR. Approximately 50 people attended the training over the course of the week.

**EPA Regions 5, 7, and 8 Harmful Algal Blooms Workshop Held in Overland Park, Kansas**
R7 hosted over 200 attendees at the EPA R5, R7, and R8 HABs Workshop on February 4-6. Workshop attendees included 17 states, two tribes, and numerous federal and university partners. A proceedings document that highlights next steps and key actions programs can take to address common HAB-related goals, needs, and barriers will be developed. Workshop goals included: sharing information and building relationships among federal, state, and tribal water quality programs by making connections and identifying shared HAB-related goals, needs, and barriers, particularly related to HAB prevention and source water protection in an agricultural landscape; developing a shared understanding of best practices for preventing HABs in an agricultural dominated landscape and protecting source water quality in the Midwest and Great Plains; and encouraging the application of new science-based approaches by strengthening the network of HABs professionals in the Midwest and Great Plains.

Upcoming Major Decisions and Events

**Public Availability Session for Carter Carburetor Superfund Site**
R7 and various stakeholders will host a public availability session on February 18 to discuss the ongoing Superfund removal action and future of the Carter Carburetor Site in St. Louis, MO. The Carter Carburetor Site is currently on the Administrator's Emphasis List. R7 will finalize cleanup actions at the site in spring 2020. These actions have consisted of building demolition after asbestos removal, excavation, and removal of contaminated soil and placement of a cap over the remaining contaminated soil. A public availability session is scheduled for February 18 to answer questions from the community about the status of the cleanup and future reuse plans. Representatives from the Herbert Hoover Boys and Girls Club, PGA Reach, Missouri Department of Natural Resources, and the City of St. Louis will also be available to answer questions from the community.

**Quarterly Meeting of the Region 7 Federal Lead Task Force**
R7 will host the quarterly meeting of the R7 federal Lead Task Force on February 20. Participants at the meeting will include senior leadership and support staff from EPA and the Departments of Housing & Urban Development and Health & Human Services. Discussion topics will include data mapping tools, regional lead initiatives, grants workshops, and opportunities for inter-agency collaboration during upcoming public health awareness events.

**Region 8**

Hot Topics

**The U.S. Department of Justice, working with the Air and Toxics Enforcement Branch, finalized a Stipulation of Settlement and Order with US Development Group, LLC, USD LLC, and CBRH Holding, LLC regarding the Van Hook Crude Terminal (VHCT) for the crude oil transloading facility operated in Mountrail County, North Dakota on the Fort Berthold Indian Reservation.**
The Stipulation and Order will be filed on February 18. Alleged violations are for failure to obtain a permit prior to constructing the VHCT and failure to meet certain New Source Performance Standard (NSPS). The Stipulation and Order require the Defendants to pay a civil penalty in the amount of $2.4 million.
The Defendants sold the facility in December 2012. VHCT no longer operates as an oil transloading facility.

**Petition to Reconsider Uinta Basin Ozone Nonattainment Area Designation**
On August 3, 2018, the EPA received a petition for administrative reconsideration of the 2015 ozone NAAQS nonattainment designation for the Uinta Basin area. The petition was submitted by the Michael Best Law Firm on behalf of Patel Industrial Park (Petitioner), a landowner in the area. The petition includes what it terms a "provisional exceptional events demonstration" that claims snow cover in the Uinta Basin is an exceptional event that influenced the monitoring data that the EPA has relied upon in designating the area as nonattainment. Staff level (OAQPS, OGC, Region 8) recommendation is to deny the petition based on the Petitioner's lack of standing.

**Region 8 Hosts Public Hearings for Proposed Changes to the National Environmental Policy Act (NEPA)**
On January 10, the CEQ published a proposal to update its regulations for implementing the procedural provisions of NEPA. On February 11, the White House Council on Environmental Quality (CEQ) held a public hearing in the R 8 conference center. On February 12, CEQ hosted its first tribal listening session and feedback opportunity at the R 8 building for western U.S. Tribes. A second public hearing will be held in D.C. on February 25, with another tribal listening session for eastern U.S. Tribes on February 26.

Upcoming Major Decisions and Events

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| February 17-18 | R8 Regional Administrator Sopkin will attend the Groundwater Protection Council meeting in San Antonio, Texas. |



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**Region 9**

Hot Topics

**Pesticide Shipments Denied Entry**
R9 recommended that the Bureau of Customs and Border Protection (CBP) prevent the importation of shipments through Los Angeles International Airport (LAX) from China containing 84,000 kg of unregistered and misbranded carbofuran, a highly toxic insecticide. R9 also recommended denial of shipments of unregistered pesticides through San Francisco International Airport and LAX that were being imported for experimental uses. These pesticides lacked appropriate permits, and some were also misbranded. CBP will oversee the re-export or destruction of all shipments of illegal pesticides within 90 days.

**Treatment as a State (TAS) Approvals**
R9 approved two Clean Water Act TAS applications, for the Yerington Paiute Tribe of Nevada and the Quartz Valley Indian Tribe of Northern California. The approvals grant the tribes authority to establish water quality standards and issue or deny certifications for activities on their lands requiring federal permits. These actions bring the number of R9 tribes with water quality standards authority to 20.

**Stipulated Penalty Demand for Clean Air Act Consent Decree Violations**
R9 issued a demand for $33,000 in stipulated penalties to ASARCO, LLC, for failure to comply with the fugitive dust plan requirements of its 2015 consent decree involving its Hayden, AZ, smelter. The fugitive dust plan is one of the central components of the injunctive relief in the decree, which is aimed at protecting the nearby community from emissions of particulate matter, including hazardous air pollutants, from one of the largest remaining copper smelters in the U.S.

**Iron Mountain Mine Superfund Site**
R9 entered into a settlement agreement that will allow us to construct a higher dam to store the increasing volume of sludge generated as part of acid mine drainage treatment and removal at this Northern California legacy mine site. This construction is critical to protect the surrounding area, as there is only one or two years of storage capacity left in the current configuration. The proposed design that will be submitted to the State of California's Division of Safety of Dams will allow for the raising or widening of the dam in phases, providing the most flexibility in construction in future years.

**Zero Waste Symposium**
R9 presented information on EPA's America Recycles initiatives to more than 300 attendees of the Zero Waste 2020 Symposium in San Diego. The event was co-sponsored by the Office of Resource Conservation and Recovery as part of our America Recycles recycling market development efforts.

Upcoming Major Decisions and Events

**Welcoming New R9 Regional Administrator**
John W. Busterud will be sworn in as R9 Administrator on February 18. He will participate with OCIR AA McIntosh in briefings on the upcoming border water stakeholders meeting, prepare for meetings with Arizona colleagues, and hold his first all-hands meeting.



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**Region 10**

Hot Topics

**Yakima Washington Dairies Petition**
On February 6, the Washington State Dairy Federation, Adam Dolsen, Cow Palace, LLC, and the Dolsen Companies ("Petitioners") filed a petition with the U.S. 9th Circuit Court of Appeals. The petitioners ask the court to review the Administrative Order on Consent pursuant to SDWA 1431 signed between EPA and Cow Palace, LLC, in March 2013, and the EPA report "Relation Between Nitrate in Water Wells and Potential Sources in the Lower Yakima Valley" (September 1992, revised March 2013). OGC is reviewing the petition.

**Lower Umatilla Basin Petition (OR):**
R10 is evaluating a petition received on January 16 from Food & Water Watch and multiple other organizations asking EPA to use our authorities under SDWA 1431 to respond to nitrate exceeding drinking water standards in the Lower Umatilla Basin Groundwater Management Area in north central Oregon. The petition identifies CAFOs as a particular concern and provides 1,500 pages of information to support their request, much of which is publicly available from the GWMA's efforts. R10 is coordinating with OECA and OGC and making initial inquiries of state agency contacts for the GWMA at the Oregon Departments of Agriculture and Environmental Quality and the Oregon Health Authority as we evaluate the information submitted.

Upcoming Major Decisions and Events

**Hanford Title V Petition (WA)**
The response to a citizen petition asking EPA to object to the U.S. Department of Energy Hanford Title V permit, issued by the Washington Department of Ecology, will be sent for the Administrator's signature as early as this week. Ecology issued a Title V permit renewal for Hanford on July 15, 2019, in part to address EPA's October 15, 2018, Order objecting to issuance of a prior permit for failure to follow public participation requirements. Under Clean Air Act Section 304, a citizen must give EPA 60 days' notice prior to initiating a citizen suit against EPA for failure to meet a statutory deadline, and the Clean Air Act vests exclusive authority for issuing final orders responding to Title V petitions with the EPA Administrator. By letter dated December 19, 2019, counsel for Bill Green filed a 60-day notice of intent to sue EPA for failure to grant or deny within 60 days of receipt the petition requesting EPA to object to the Hanford Title V permit.

**Public Notice Draft NPDES Permit for City of St. Maries Wastewater Treatment Plant (ID)**
R10 plans to public notice a preliminary draft NPDES permit for the City of St. Maries Wastewater Treatment Plant the week of March 2. The WWTP is a major facility using lagoons to treat wastewater to secondary treatment standards, and discharges into the St. Joe River within the boundaries of the Coeur d'Alene Tribal Reservation. Because the Tribe received treatment in a manner similar to a state for administering water quality standards over portions of Lake Coeur d'Alene and the St. Joe River, R10 will request a final Clean Water Act 401 certification from the Tribe. R10 has prepared a Biological Evaluation and is seeking U.S. Fish and Wildlife Service's concurrence that the action is not likely to adversely affect threatened Bull Trout.

**Draft National Industrial Stormwater Permit**
R10 expects the draft 2020 NPDES Multi Sector General Permit for Industrial Stormwater to be of interest to all four R10 states and many of the tribes. The public comment Federal Register Notice is expected next week. The draft includes numerous proposed updates that would improve clarity and consistency and proposes to make national the CERCLA provisions that currently only apply in R10. The permit covers hundreds of facilities in R10 and forms the basis for the parallel state permits.



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**Office of Air and Radiation**

Hot Topics

**Packages for Signature**
- Vegetable Oil Production RTR (Final Rule)
- Municipal Solid Waste Landfills RTR (Final Rule)
- Strat Ozone - Section 608 Refrigerant Management – Revisions (Final Rule)
- Boat Manufacturing and Plastic Composites RTR (Final Rule)

**Packages at OMB for Review**
- Vehicle Test Procedure Adjustments for Tier 3 Test Fuel (Proposed Rule: RECEIVED DATE February 25, 2019)
- Light Duty Greenhouse Gas Program Technical Amendments (Final Rule: RECEIVED DATE August 19, 2019)
- MATS RTR & Cost Review (Final Rule: RECEIVED DATE October 4, 2019)
- SAFE (Final Rule: RECEIVED January 14)
- Fuels Regulatory Streamlining (Proposed Rule: RECEIVED January 27)
- Residential Wood Heaters NSPS Amendments (Final Rule: RECEIVED January 28)
- MATS Coal Refuse-Fired Units (Final Rule: RECEIVED January 29)
- Boiler MACT (Proposed Rule: RECEIVED February 7)

**Packages Heading to OMB Soon**
- Biogenic CO2 (Proposed Rule)
- Granting Petitions to Add n-Propyl Bromide to the List of Hazardous Air Pollutants granting notice (Final Notice)
- PM NAAQS (Proposed Rule)

Upcoming Major Decisions and Events

**2019 Power Plant Emissions Data Release**
As early as next week, OAR anticipates releasing preliminary data on 2019 power plant emissions of SO2, NOX, CO2, and Hg. Emissions data is required from power plant units covered under the Acid Rain Program, the Cross-State Air Pollution Rule (CSAPR), CSAPR Update, and the Mercury and Air Toxics Standards (MATS). These data show emission levels, emission rates, and total generation of power plant units covered under these programs. The 2019 data show significant reductions of annual and ozone season NOx, SO2, CO2, and Hg emissions from power plants in the lower 48 states.

**Automotive Trends Report**
Next week, EPA anticipates issuing the annual *Automotive Trends Report,* which provides the public with a single source of information about new light-duty vehicle greenhouse gas emissions, fuel economy, technology data, and auto manufacturers' performance in meeting the agency's GHG emissions standards. The report shows that fuel economy for the U.S. fleet continues to improve. Model Year 2018 vehicle fuel economy was 25.1 miles per gallon, slightly higher than MY 2017, and a record high overall. Since MY 2004, fuel economy and CO2 emissions have improved in 12 out of 14 years.

**Sensor Videos Available for Preview**
Next week, EPA anticipates releasing three short (3-minute) videos to help people understand the nature of low-cost sensors and how air quality measurements relate to public health, as well as a PSA to introduce the videos. The videos cover how EPA collects and uses regulatory data, how EPA communicates health messaging, and questions that the public can ask themselves as they consider how to uses sensors. EPA has shared previews of

the videos with key stakeholders. The videos will be made available publicly via the Air Sensor Toolbox web page at www.epa.gov/air-sensor-toolbox.

**Office of Chemical Safety and Pollution Prevention**

Hot Topics

**TSCA Confidential Business Information (CBI) Review Plan for Specific Chemical Identities**
OPPT will soon finalize a rule establishing substantiation requirements and review procedures for certain CBI claims to protect the specific chemical identities of chemical substances on the TSCA Inventory. This fulfills a requirement of the 2016 TSCA amendments and is designed to ensure public transparency while minimizing regulatory burden. The final rule is a follow-on to the 2017 TSCA Inventory Notification (Active-Inactive) Requirements rule and amends certain substantiation provisions in response to a recent federal court decision.

**Trichloroethylene (TCE) Draft Risk Evaluation**
OPPT will soon seek public input on the draft risk evaluation of TCE, a volatile organic compound widely used in industrial and commercial processes, and with limited uses in consumer products. The draft risk evaluation assessed 54 conditions of use. EPA has found that all conditions but one present an unreasonable risk of injury to health, while none of the conditions of use present an unreasonable risk of injury to the environment. TCE is the eighth of the first 10 chemicals to undergo risk evaluation under the amended TSCA. EPA will also hold a peer review meeting of EPA's Science Advisory Committee on Chemicals (SACC) on the draft risk evaluation for this chemical's conditions of use on March 24-26.

Upcoming Major Decisions and Events

**Final Designation for Low-Priority Chemical Substances for Risk Evaluation**
OPPT will soon publish final designations for 20 chemical substances identified as low-priority for risk evaluation under TSCA. The documents represent the final step in prioritization, another major TSCA implementation milestone. EPA considered reasonably available information for each chemical substance under its conditions of use. EPA's designation of a chemical as low priority is a final agency action.

**General Exemptions from Reporting Requirements for Certain Microorganisms**
OPPT will soon finalize a rule reducing burden for two microorganisms used in the biotechnology industry. *Trichoderma reesei* and *Bacillus amyloliquefaciens* will not present an unreasonable risk of injury to health or the environment under the conditions of the exemptions, including physical containment.

**Policy to Reduce Pesticide Testing on Birds**
On February 18, OPP plans to release a final science policy to reduce testing of pesticides on birds when registering conventional outdoor pesticides. This is part of EPA's commitment to reduce animal testing while ensuring adequate information supporting registration decisions protective of public health and the environment. OPA plans to issue a press release.

**Speaking Engagements**

| | |
|---|---|
| February 26-27 | AA Alexandra Dunn, via VTC, and OPP OD Rick Keigwin and DOD Ed Messina will participate in the OCSPP HQ/Regional Division Directors' Meeting at R6 in Dallas. |
| February 28 | Keigwin and Messina will also participate in the 2020 Commodity Classic, held this year in San Antonio, presented annually by the National Corn Growers Association, the American Soybean Association, the National Association of Wheat Growers, the National Sorghum Producers, and the Association of Equipment Manufacturers. |

**Selected Upcoming Rulemaking**

**SNUR**
Supplemental SNUR on imported products containing certain long chain PFAS substances

**TSCA CDR**
Amendment to TSCA CDR requirements and separate action updating small manufacturers definition.

**Office of the Chief Financial Officer**

Hot Topics

**FY 2020 Operating Plan**
EPA's FY 2020 Operating Plan and FY 2021 Congressional Justification were delivered on time to Congress on February 10. Accompanying the Operating Plan was a formal reprogramming request to shift resources across several different programs to cover significant shortfalls in mission support activities. In coordination with OCIR, OCFO briefed appropriations staff on both the FY 2021 President's budget and the FY 2020 Operating Plan. OCFO also briefed authorizing committee staff on the FY 2021 President's budget.

**FY 2021 Budget Hearings**
OCFO drafted the Administrator's testimony and is working with programs and OCIR to review fact sheets in preparation for the Administrator's upcoming FY 2021 Budget Hearings with Congress, the first of which is with the House Energy and Commerce Committee on February 27. The draft testimony was prepared in coordination with OPA and the Administrator-approved testimony will be sent to OMB for review and clearance prior to submitting the final testimony to the HEC to meet its February 21 deadline.

**GAO and OIG Entrance Conferences**
New agency entrance conferences since the last weekly report:

| GAO Audits – Week Ending 2/7/2020 | | | | |
|---|---|---|---|---|
| Audit Type | Title | Office | Engagement/ Report No. | Next Steps/Comments |
| Entrance Conference | Waste Isolation Pilot Plant Resumption Oversight | OAR | Engagement Code 103487 | This was a follow up meeting to discuss DOE's current planned change request, proposed schedule and approval process -- **February 12, 2020** |

| | OIG Audits – Week Ending 2/7/2020 | | | |
|---|---|---|---|---|
| **Audit #** | **Title** | **Status** | **Office** | **Next Steps/Comments** |
| None | | | | |

**Upgrade Agency's Accounting System**
As of close of business February 14, OCFO will begin the agency's accounting system upgrade. OCFO and OMS are working together closely to minimize impacts to the agency. Financial transactions in the accounting system and other supporting systems will be impacted beginning close of business February 14 through February 25, with reporting systems impacted February 15 through March 6. Agency offices should work with their respective Funds Control Officer and Senior Budget Officer or Regional Comptroller to follow guidance issued to the agency resource community during this upgrade period.

**Guidance on FY 2020 Strategic Reviews and Internal Controls**
The Acting CFO will issue guidance on FY 2020 strategic reviews and internal controls to the agency by next week. This guidance lays out the approach for senior leaders to assess the pace of progress towards EPA's strategic objectives, identify the significant risks that may hinder progress, and utilize results of FY 2020 internal control reviews to inform assurance letters.



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Upcoming Major Decisions and Events

**EPA's Initial Draft FY 2020 Quarter 1 Agency Priority Goal Action Plan**
By February 21, OCFO will submit EPA's Initial Draft FY 2020 Quarter 1 Agency Priority Goal Action Plan Updates, including responses to prior OMB comments on the draft Action Plans, to OMB. Final Drafts are due to OMB by March 16. OMB will publish the updates on www.performance.gov in mid-April.

**Office of Congressional and Intergovernmental Relations**

Hot Topics

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|---|---|
| February 27 | FY 2021 Budget hearing, House Committee on Energy and Commerce, Subcommittee on Environment and Climate Change (EPA Witness: Administrator Wheeler) |

Upcoming Major Decisions and Events

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|---|---|
| Week of February 17 | House Agriculture Conservation Subcommittee briefing on Navigable W Protection Rule with OW |
| February 21 | PFAS Briefing for House Oversight with cross-HQ team |
| February 24 | House Transportation & Infrastructure budget briefing on Clean Water Act programs with OW |
| February 26 | Representatives from the Office of Water and R4 will join OIR for a meeting with Scott Schroyer, Executive Director of the South Granville Water and Sewer Authority, and James Wrenn, member, to discuss the Authority's efforts to modernize its wastewater infrastructure and secure federal and state funding support. |
| February 27 | Caryl F. Sheehan, President, Division One, Raymond A. Riehle, Vice President, Division Two, Hilary Straus, General, and other officials from the Citrus Heights, CA, Water District will meet with staff from OW, OAR, Region 9, and OIR to learn about EPA's programs to support communities' efforts to address water infrastructure challenges, and to promote the deployment of smart and energy efficient technologies |
| Feb. 29-March 4 | National Association of Counties will hold its annual legislative conference at the Washington Hilton Hotel, Washington, DC. |



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**Office of Enforcement and Compliance Assurance**

Hot Topics

**OECA Releases its FY2019 Annual Environmental Enforcement Results**
On February 13, 2020, OECA published its annual environmental enforcement results. Highlights of EPA's FY 2019 enforcement and compliance achievements include: voluntary self-disclosed violations at over 1,900 facilities expediting return to compliance, an estimated 20% increase compared to FY 2018. Investment of over $4.4 billion in actions and equipment that achieve compliance with the law and control pollution, an increase of over $400 million from FY 2018 and $471.8 million in combined Federal administrative and judicial civil penalties and criminal fines, the highest total of all but four of the past ten years. Commitments to reduce, treat, or eliminate 347.2 million pounds of pollution (air, toxics, and water), the highest value in the past four years and 7.56 million pounds of emissions prevented from mobile sources, an increase of nearly 6.9 million pounds from FY 2018. In addition, 170 criminal cases opened, an increase from 128 in FY 2018, continuing to reverse the downward trend that began after 2011. A total of 137 criminal defendants charged, an increase from 107 in FY 2018, reversing a downward trend that began after 2013. Commitments for $570.4 million in new site cleanup work, $283 million in reimbursement of EPA's costs, and more than $108 million in oversight billed, totaling $961 million, an increase of over $349 million from FY 2018. Cleanups and redevelopment at over 160 sites through use of Superfund enforcement tools, an increase of 6 sites from 2018.

**Responding to Earthquakes in Puerto Rico**
OECA continues to be responsive to requests by Puerto Rico Electric Power Authority (PREPA) for "no action assurances" (NAAs) in order to provide electric power to citizens and critical infrastructure in Puerto Rico, and to facilitate quick restoration of lost electrical service caused by the earthquakes. On February 13, OECA issued an NAA to PREPA to support the Power Authority's efforts to provide power to residences and businesses. This NAA follows two that were issued on January 31, 2020 to allow for operation of generating units beyond limits otherwise imposed under Clean Air Act rules.

**California Man Pleads Guilty to Illegally Dumping Industrial Wastewater in Stockton Sewer System**
On February 10, Jeremiah Young pleaded guilty in the Eastern District of California to the unlawful discharge of industrial wastewater. Young was an assistant operator for Community Fuels from 2014 to 2016. Community Fuels is registered in San Joaquin County by American Biodiesel and manufactured biodiesel fuel on property leased from the Port of Stockton. Young participated in a scheme to discharge hundreds of thousands of gallons of polluted wastewater by various unlawful means, including the discharge of wastewater directly into Stockton's sewer system after tampering with pH readings. Young also caused a discharge on a different date by using an improvised hose system into a floor drain that led to the city's sewer system. On July 8, 2019, American Biodiesel was sentenced to serve a three-year term of probation, pay a fine of $401,000, and pay $256,206 in restitution for damage and repairs.

Upcoming Major Decisions and Events

Nothing to report



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**Office of General Counsel**

Hot Topics

***Natural Resources Defense Council, Inc. v. EPA*, No. 19-5174 (S.D.N.Y. Feb. 10, 2020)**
New Decision: The court held that EPA's October 31, 2017 federal advisory committee Directive entitled "Strengthening and Improving Membership on EPA Federal Advisory Committees" (the "Directive") was issued in violation of the Administrative Procedure Act ("APA"). Plaintiffs specifically challenged the Directive's policy that "no member of an EPA federal advisory committee be currently in receipt of EPA grants." The court held that: (1) the Federal Advisory Committee Act provides judicially manageable standards for the court to review the Directive; (2) the Directive was arbitrary and capricious because it was an unexplained departure from prior policy; (3) the Directive is a general statement of policy for which APA notice and comment is not required; and (4) there is no private right of action to enforce the federal ethics regulation setting out the process for issuing supplemental agency ethics regulations. In a separate order, Judge Cote directed the parties to confer and file with the court any proposed order terminating the case or setting forth a briefing schedule on remaining issues by February 21, 2020. Note that EPA prevailed in two other lawsuits challenging this Directive (*Physicians for Social Responsibility et al. v. Wheeler*, No. 17-2742 (D.D.C. Feb. 12, 2019) and *Union of Concerned Scientists et al. v. Wheeler,* No. 18-10129 (D. Mass. Mar. 27, 2019)), both of which are currently on appeal.

***Lee Perry v. Wheeler, et. al.*, No. 4:19-CV-4757 (S.D. Tx. Dec. 6, 2019)**
New Litigation: While this suit was filed in December, OGC was not notified of it until late last week when the United States Attorney's Office, which was served in late January, contacted OGC.) The suit, which was filed pursuant to the Safe Drinking Water Act, also alleges Bivens and Fourteenth Amendment violations. The suit alleges property takings under color of law that deprived plaintiff of profits associated with mineral rights from oil extraction on land once owned by African Americans. The suit also alleges that leaks in an oil well contaminated drinking water in a predominately African American community. The named defendants include federal agencies, state agencies and corporations.

***Washington Dairy Fed'n v. EPA*, No. 20-70331 (9th Cir. Feb. 6, 2020)**
New Litigation: The Washington State Dairy Federation and others filed a petition for review in the Ninth Circuit challenging the Administrative Order on Consent issued by EPA in March 2013 under Section 1431 of the Safe Drinking Water Act. This Consent Order requires the performance of certain actions by respondent dairies in response to nitrate contamination in an underground source of drinking water in the Lower Yakima Valley in Washington. The petition for review also challenges a report titled "Relation Between Nitrate in Water Wells and Potential Sources in the Lower Yakima Valley," issued by EPA on September 27, 2012 and revised in March 2013.

***Downwinders At Risk et al v. Wheeler*, No. 1:20-cv-00349 (D.D.C. filed Feb. 7, 2020)**
New Litigation: Five environmental groups filed a complaint alleging that EPA has failed to fulfill its nondiscretionary duty under CAA section 110(c) to promulgate final federal implementation plans (FIPs) for 20 upwind states under the Clean Air Act's "good neighbor provision," section 110(a)(2)(D)(i)(I). The plaintiffs allege that the CSAPR Update constituted only a partial remedy for interstate transport under the 2008 ozone NAAQS. They seek a court-ordered deadline "to promulgate and publish" final FIPs for the 20 identified states, as well as costs. This is the second complaint filed over substantially the same allegations. On January 16, 2020, the states of NY and CT filed a complaint in the Southern District of New York making the same allegations, albeit only with respect to five upwind states. An additional Notice of Intent to Sue (NOI) was filed by a larger group of states—including NY and CT—and could soon be converted into a complaint.

**New NOI**
By letter dated February 4, 2020, Arizona Center for Law in the Public Interest submitted a notice of intent to sue (NOI) under the Clean Air Act alleging that the agency has failed to perform two mandatory duties by the applicable statutory deadlines: (1) to take action under section 110(k) to approve or disapprove a PM10

NAAQS nonattainment plan SIP submission from Arizona for the West Pinal area; and (2) to take action under section 188(b)(2) to determine whether the area attained this NAAQS, and to reclassify the area from Moderate to Serious if it did not.

**New NOI**

Earthjustice has made public a Notice of Intent to Sue (NOI) asserting that it plans to bring a RCRA citizen suit, 42 USC 6972(a)(2), against EPA alleging a "failure to perform a nondiscretionary duty under [RCRA] . . . to hold 'public hearings' and ensure 'public participation' on EPA's proposal to revise closure deadlines for Coal Combustion Residuals . . . impoundments." OGC is waiting to receive official notice of Earthjustice's NOI to determine when the 60-day clock to file suit has begun.

Upcoming Events

Nothing to report



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**Office of International and Tribal Affairs**

Hot Topics

**Meeting with Fond du Lac Band of Lake Superior Chippewa**
OITA and OW met with Chairman Kevin DuPuis of the Fond du Lac Band of Lake Superior Chippewa. The tribe is working with the Indian Health Service (IHS) on remedying violations of the Safe Drinking Water Act in one of the IHS water systems within the Fond du Lac Reservation. To meet the need for a new regional water system, the Tribe is looking for funding from EPA as well as other federal agencies. OW provided helpful information to the Tribe on potential funding sources at EPA.

**Meeting on Water Reuse Action Plan (WRAP) International Action Areas**
OW, OITA, and State Department met to discuss international components of the National Water Reuse Action Plan (WRAP). OW is leading the development of the Implementation Plan, under which there are two international action areas: 1) US-Israel Collaboration; and 2) Raise Global Awareness. EPA also met with Israeli counterparts and the WateReuse Association to discuss the action items that will be highlighted during the launch of the WRAP at the end of February.

Upcoming Major Decisions and Events

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|---|---|
| February 13 and 14 | AA McIntosh will be meeting with officials from SEMARNAT (Mexico's Environment Ministry) and CONAGUA (Mexico's National Water Commission) and US Ambassador in Mexico to discuss several topics. The topics include the recently signed USMCA implementing legislation, EPA's role under the legislation in addressing the Tijuana transboundary sewage issue, and the status of the ongoing negotiation of the new US-Mexico Border 2025 program. |



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**Office of the Land and Emergency Management**

Hot Topics

**Coal Combustion Residuals (CCR).**

a) CCR Phase 2 proposed rule (package 1) – On October 15, 2019, the public comment period ended. OLEM is reviewing the comments.
b) CCR permitting NPRM (package 3) – This was signed and announced on December 19, 2019. In response to edits received from the Office of the Federal Register (OFR), final edits were submitted by OLEM on February 3, including a change in the associated public meeting date. An OFR publication date is expected to be announced soon.
c) CCR litigation packages (package 2, parts A and B) – On December 2, the Part A NPRM package was published in the FR. The 60-day public comment period ended January 31. Part B is with OMB for expedited review. OLEM sent its response to OMB on February 4. We anticipate OMB to conclude its review by February 13 and Administrator signature soon thereafter.

**Modernizing Ignitable Liquids Determinations Final Rule**

OMB has determined that this final rule is not a significant regulatory action and is, therefore, not subject to an interagency review prior to signature. The final rule package was distributed for workgroup closure/final review that will end on February 21.

**PCB Extraction NPRM**

Workgroup closure on this proposed rule ends on February 14. OMB has determined that this proposed rule is a significant regulatory action and, therefore, subject to interagency review.

**Ongoing Major Superfund NPL sites**

We are working with R1 on the Housatonic River; R2 on Woodbrook Road and Rolling Knolls; R4 on Oak Ridge, Birmingham 35th Ave., and Petroleum Products Corporation; R8 on Butte and Anaconda Smelter; and R 10 on Portland Harbor, Quendall Terminal, Bradford Island, and East Waterway.

**Administrator's Emphasis List (AEL)**

OLEM is prepared to brief the Administrator on the next release of the AEL.

**CERCLA 108(b) Financial Assurance (next three sectors)**

On December 4, 2019, the Industry 2 (Petroleum and Coal) rule package was signed by the court-ordered deadline. The rule was published in the FR on December 23, 2019, and the public comment period ends on February 21, 2020. For the Industry 3 (Chemical Manufacturing) NPRM package, the Administrator signed the proposed rule on February 11.

**PFAS**

Designation of PFOA/PFOS as CERCLA Hazardous Substances NPRM. The rule package was submitted to the Office of Policy on September 20, 2019, for OMB review.

Upcoming Major Decisions and Events

February 18 Tribal Waste and Response (TWAR): OLEM leadership will participate in the TWAR Steering Committee meeting.

February 20 OLEM Business Review: OLEM will hold its monthly business review meeting.



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**Office of Mission Support**

Hot Topics

Nothing to report.

Upcoming Major Decisions and Events

**African American History Keynote Speaker**
To celebrate Black History Month, OMS will host keynote speaker Deborah Tulani Salahu-Din, educator and researcher at the Smithsonian National Museum of African American History and Culture. Tentative dates for the event are February 19 or the week of February 24. EPA's theme for 2020 is "Uniqueness is Powerful: Diversity & Inclusion, Our Foundation for Innovation." Additional communication about the event details is forthcoming.

**PMF Class of 2020 In-Person Hiring Fair**
The Presidential Management Fellows (PMF) Program Office will host an in person hiring fair for the class of 2020 finalists. The fair will take place on March 13, at the National Institute of Health (NIH) Natcher Conference Center in Bethesda, MD. For more information, contact Joann Brant, EPA PMF Coordinator.

**Office of Policy**

Hot Topics

Nothing to report

Upcoming Major Decisions and Events

**Black History Month Forum**
On February 20, Office of Policy DAA Helena Wooden-Aguilar will be a guest panelist at R7's African-American Forum in honor of Black History Month. The forum will feature other distinguished EPA senior leaders to discuss, "Opportunity Knocks: Leadership, Strategy, and Making the Most of Your Federal Career."

| Active Interagency Reviews from OMB | |
|---|---|
| **Subject** | **OMB Due Date** |
| DOT/FRA NPRM: Miscellaneous Amendments to Brake System Safety Standards and Codification of Waivers | 02/14/2020 |
| DOT/FRA NPRM: Rail Integrity Amendments & Track Safety Standards | 02/14/2020 |
| Treasury/IRS NPRM: Denial of Deduction for Certain Fines, Penalties, and Other Amounts; Information with Respect To Certain Fines, Penalties, and Other Amounts | 02/14/2020 |
| DOD/ACE NPRM: Proposal to Reissue and Modify Nationwide Permits | 02/20/2020 |
| FAR NPRM: Federal Acquisition Regulation: Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment (FAR Case 2019-009) | 02/20/2020 |
| DoD/ACE NPRM (Pass-back): Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers | N/A |

| Documents Sent to the OFR from February 6 – 12, 2020 | | |
|---|---|---|
| **FRL #** | **Title** | **Date Sent to FR** |
| 9992-86-OCSPP | Certain New Chemicals; Receipt and Status Information for December 2019 | 02-12-2020 |
| 10005-49-Region 3 | Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2019 Amendments to West Virginia's Ambient Air Quality Standards | 02-12-2020 |
| 10005-51-Region 9 | Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; Determination of Attainment by the Attainment Date; Imperial County, California | 02-12-2020 |
| 10005-08-Region 8 | Public Water System Supervision Program Revision for the State of South Dakota | 02-12-2020 |
| 10005-41-OAR | Revisions to Appendix - Concerning Minimum Emission Reporting Requirements in SIPs | 02-12-2020 |
| 10004-94-Region 8 | Approval and Promulgation of Implementation Plans; State of Utah; Salt Lake County, Utah County, and Ogden City PM10 Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes and State Implementation Plan Revisions | 02-11-2020 |
| 10004-97-Region 8 | Approval and Promulgation of Implementation Plans; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards; Wyoming | 02-11-2020 |
| 10005-16-Region 3 | Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Administrative Revisions to | 02-11-2020 |

| | | |
|---|---|---|
| | Definitions, Remedies, and Enforcement Orders Sections and Incorporation by Reference of National Ambient Air Quality Standards | |
| 10005-26-OAR | Proposed Information Collection Request; Comment Response; Prevention of Significant Deterioration and Nonattainment New Source Review (Renewal) | 02-11-2020 |
| 10005-43-Region 7 | Air Plan Approval; Missouri; Control of Nitrogen Oxide Emissions from Portland Cement Kilns | 02-11-2020 |
| 10003-45-OCSPP | Significant New Use Rules on Certain Chemical Substances (18-1); Technical Correction | 02-10-2020 |
| 10004-90-OCSPP | Significant New Use Rules on Certain Chemical Substances (20-2.B) | 02-10-2020 |
| 10005-18-Region 10 | Air Plan Approval; Washington; Revised Public Notice Provisions and other Miscellaneous Revisions | 02-10-2020 |
| 10005-35-Region 7 | Air Plan Approval; Iowa; Linn County; State Implementation Plan | 02-10-2020 |
| 10005-01-OMS | Engines and Vehicles -- Compliance Information Sysem (EV-CIS) EPA-65 | 02-10-2020 |
| 10005-42-Region 2 | Proposed CERCLA Cost Recovery Settlement for the Mariners Marsh Site on Staten Island, Richmond County, New York | 02-10-2020 |
| 10005-21-OECA | NPDES Electronic Reporting Rule – Phase 2 Extension | 02-10-2020 |
| 10004-98-Region 7 | Air Plan Approval; Missouri; Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products | 02-07-2020 |
| 10005-34-Region 5 | Air Plan Approval; Indiana; Revisions to NOx SIP Call and CAIR Rules | 02-07-2020 |
| 10005-38-OAR | Allocations of Cross-State Air Pollution Rule Allowances from New Unit Set-Asides for 2019 Control Periods | 02-07-2020 |
| 10005-03-Region 7 | Air Plan Approval; Missouri; Removal of Control of Emissions from the Application of Automotive Underbody Deadeners | 02-07-2020 |
| 10005-20-Region 7 | Air Plan Approval; Missouri; Control of Emissions from Batch Process Operations | 02-07-2020 |
| 10005-25-Region 7 | Air Plan Approval; Nebraska; Approval of State Implementation Plan and Operating Permits Program | 02-07-2020 |
| 10005-32-Region 2 | Approval and Promulgation of Implementation Plans; New York; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standards in the New York Metropolitan Area Moderate Nonattainment Area | 02-07-2020 |
| 10005-33-Region 5 | Air Plan Approval; Indiana; Revisions to NOx SIP Call and CAIR Rules | 02-07-2020 |
| 9998-74-OCSPP | Banda de Lupinus albus doce (BLAD); Proposal to Revoke Exemption and Establish Pesticide Tolerances | 02-06-2020 |
| 10005-14-OAR | National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbine Residual Risk and Technology Review | 02-06-2020 |
| 10005-17-Region 10 | Air Plan Approval; ID: Idaho Portion of the Logan UT-ID 2006 24-Hour PM2.5 Nonattainment Area; Moderate Plan Elements | 02-06-2020 |
| 10005-02-OCSPP | Pesticide Product Registration; Receipt of Applications for New Uses | 02-06-2020 |
| 10004-54-OCSPP | Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities | 02-06-2020 |

**Office of Research and Development**

Hot Topics

**PFAS Firefighting Foam Proposal Accepted by Department of Defense**
The Department of Defense's Environmental Security Technology Certification Program (DOD/ESTCP) accepted an ORD funding proposal on decontaminating PFAS containing firefighting foam delivery systems. Within DOD, this is viewed as a $2.1 billion issue and is also important in the civilian sector as firefighting departments transition to other foams. The project uses approaches originally developed for homeland security and environmental remediation, along with fate and transport modeling. Other project team members include the U.S. Air Force Institute of Technology and the Airports Council International – North America, which represents 95% of all civilian airports, many of which have foam delivery systems similar to that of DOD.

**Researchers Share Landfill Odor and Gas Control Technologies with TCEQ**
Over the last three years, more than 2,000 residents in Houston, TX, complained about odors from a landfill site near their homes. On February 19 and 20, ORD researchers will be in Houston to provide technical support to the Texas Commission on Environmental Quality (TCEQ) and R6 on the landfill site. ORD will bring national perspective and provide advice on innovative means for landfill odor and gas control.

**Global Water Research Coalition (GWRC) Board Meeting and Workshop**
This week, ORD led the Global Water Research Coalition (GWRC) workshop in France on *Microplastics in the water cycle: An international challenge.* This workshop is a follow-on to the December 11, 2019, meeting with the French Senate Parliamentary Office for Scientific and Technological Assessment (OPECST) and the December 12-13, 2019, US-France Microplastics Partnership workshop. On February 11, ORD participated in the OECD workshop on *Microplastics from synthetic textiles in the environment: Knowledge, mitigation and policy.* The objective of this workshop was to gather scientists, policy makers, industrial representatives, water and wastewater utilities, and NGOs to discuss the state-of-the-science on synthetic textiles and microplastics.

**IRIS Handbook Interagency Review (February 6-March 6)**
The IRIS Program submitted the ORD Handbook for Developing IRIS Assessments or "IRIS Handbook" for a four-week review and comment by interagency partners. Following the review, which ends on March 6, the IRIS Handbook will be revised and posted for public comment.

**IRIS Program Update (February 2020)**
The IRIS Program is updating and releasing the IRIS Program Outlook, which shows IRIS assessment timelines. The IRIS Program updates this at least three times per year.

**Environmental Quality Index (EQI)**
The Environmental Quality Index (EQI) is included in the National Academies of Sciences, Engineering, and Medicine 2020 "Leading Health Indicators 2030: Advancing Health, Equity, and Well-Being" consensus study report. At the request of HHS, this study presents a slate of Leading Health Indicators (LHIs) that will serve as options for the Healthy People Federal Interagency Workgroup to consider as they develop the final criteria and set of LHIs for Healthy People 2030.

Upcoming Major Decisions and Events

**EPA Chemicals Dashboard Trainings**
R10 has organized training sessions on EPA's Chemicals Dashboard to take place on February 24-26. ORD will provide the training sessions to R10 staff, partners at the Oregon Health Authority, Oregon Department of Environmental Quality, and Washington Department of Ecology, as well as a variety of other state, academic, local, and non-profit partners.

**Contaminated Sites and Community Resilience Problem Formulation Workshop**
Next week ORD will host the Contaminated Sites and Community Resilience Problem Formulation Workshop. This two-day workshop will bring together about 60 experts from ORD, other Program Offices, Regions and other partners working on strategic intervention points of contaminated sites and community resilience decision making.

**Office of Water**

Hot Topics

**Uniform National Discharge Standards (UNDS) "Batch Two" Final Rule Headed for Signature**
This week, OW will route the final UNDS rulemaking package to the Administrator for review and signature. After the Administrator signs, the package will be routed to the Navy for signature prior to publication in the Federal Register. Planning for a joint Navy-EPA ceremonial signing event is ongoing. In this rule, EPA and the Navy (on behalf of the Department of Defense) will promulgate discharge performance standards for 11 discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the U.S., the territorial seas, and the contiguous zone. Once implemented, the standards will reduce the adverse environmental impacts associated with the vessel discharges, stimulate the development of improved vessel pollution control devices, and advance development of environmentally sound vessels of the Armed Forces.

**NPDES MS4 eRule**
As early as next week, OW will route to the Administrator for review and signature "Updates to NPDES eRule Data Elements to Reflect MS4 General Permit Remand Rule." This final rulemaking will update specific data elements within the National Pollutant Discharge Elimination System Electronic Reporting Rule (NPDES eRule) at 40 CFR Part 127 that apply to regulated municipal separate storm sewer systems (MS4s).

**Proposed Multi-Sector General Permit (MSGP)**
On January 12, all EPA Regions signed the proposed 2020 reissuance of the NPDES MSGP. The proposed MSGP covers eligible stormwater discharges associated with industrial activity for 29 sectors located in areas where the EPA is the permitting authority. This permit will replace the 2015 MSGP, which expires June 4. A settlement agreement on the 2015 MSGP specified potential revisions to the permit to be proposed or considered in the next issuance. EPA requested input from the National Academies of Sciences, Engineering, and Medicine's (NAS) National Research Council (NRC) on some of these potential revisions and will consider the results of their study in the issuance of the 2020 MSGP.

Upcoming Major Decisions and Events

**NGL Energy Partners Permian Basin Water in Energy Conference**
Next week, Deputy Assistant Administrator Lee Forsgren will speak during the produced water forum. conference in Midland, TX. Open press.

**2020 Family Farm Alliance Annual Meeting and Conference**
Next week, AA Ross will participate on two panels. First, AA Ross will discuss OW priorities and cross-cutting issues that impact Western water use with Administration officials. Second, he will discuss water quality trading and approaches to address excess nutrients in waterways. Conference in Reno, NV. Open press.



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