Region 1

Hot Topics

Multiple Munitions Cleanups at Joint Base Cape Cod in Barnstable County, Massachusetts
On December 12, the U.S. Air Force issued a press release regarding its issuance of a No Further Response Action Planned Decision Document for Otis Target Butt, a Munitions Response Area. No public comments were received during a 30-day public comment period and both EPA and MassDEP concurred with this determination. Also this week, the Massachusetts Army National Guard began destroying in place over 200 munitions excavated in the Camp Edwards Impact Area. Next week, two 500-pound bombs discovered in mid-November, along with a third large bomb discovered just this past week, will be destroyed in place. Extensive notification is planned to alert nearby citizens, local first responders, and town officials.

Advanced Septic System Nitrogen Sensor Challenge Field Testing
On December 11, a one-month long test of prototype nitrogen sensors began at the Massachusetts Alternative Septic System Test Center (MASSTC). The testing is part of the next phase of EPA's Advanced Septic System Nitrogen Sensor Challenge, a cross-office effort designed to spur the development of a low-cost, durable, deployable nitrogen sensors that can be used to monitor the performance of innovative and alternative septic system technologies. The MASSTC septic testing site and sensor challenge are both collaborations involving teams from R1, R2, ORD, and state partners.

Nuclear Metals Consent Decree Entered
On December 6, the U.S. District Court for the District of Massachusetts approved the United States' motion to enter the Consent Decree for Remedial Design and Remedial Action for the Nuclear Metals, Inc. Superfund Site in Concord, Massachusetts. In the CD, four potentially responsible parties agreed to finance and/or conduct all remedial design and remedial action activities for the Site, with an estimated cost of $125 million.

Region 1 Provides Stormwater Assistance
R1 is continuing efforts to promote compliance with requirements of stormwater permits through a combination of assistance and enforcement tools. On December 5, R1 provided training related to requirements under the Massachusetts Municipal Separate Storm Sewer System permit to over 150 participants through a webinar "Working Together: Stormwater Management in Central Massachusetts." R1 also issued orders to several Massachusetts communities who failed to adopt ordinances required by the 2003 and 2016 MS4 permits.

LUST Cleanups Complete Countermeasure Update
Several R1 states continue to make excellent progress on implementing countermeasures to increase the number of LUST sites meeting the cleanup completion milestone. In FY 19, the UST/LUST program staff collaborated with our states and began implementation of several countermeasures. Based on data provided by our states, 9% of LUST cleanups completed in FY 19 were attributable to countermeasures implemented by our states.

Upcoming Major Decisions and Events
Nothing to report.

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Region 2

Hot Topics

Sharing a Best Practice with Region 6

R6 DRA David Gray reached out to R2 for more information on the best practice RA Lopez presented at last week's senior leadership meeting in Washington, DC. R2 sent DRA Gray a short description and additional details on the process undertaken to lower the significant non-compliance rate, including for DMR non-receipt. In addition, R2 forwarded the national version of the "early warning" dashboard OECA developed.

RA Lopez Keynote Speaker at New York State Bar Association Meeting

On December 12, RA Lopez delivered the keynote address in Manhattan at a luncheon meeting of the New York State Bar Association's Environmental Law Section. At the event, RA Lopez and DRA Mugdan provided general information to the assembled environmental attorneys on EPA's Brownfields programs, including the various grant opportunities and technical assistance available to eligible entities, as well as referencing several successful Brownfields projects accomplished in R2.

Hurricane Recovery in the Caribbean

R2 submitted statements of work to FEMA for interagency agreements (IAA) in Puerto Rico and the U.S. Virgin Islands to conduct solid waste-related work. The IAAs will be funds-in, which means FEMA will provide the funds to EPA. Staff are currently waiting for FEMA to send R2 the approved IAA paperwork.

Upcoming Major Decisions and Events

Long Island Sound Nitrogen Strategy

On December 17, R2 will hold a coordination call on regional nitrogen target development efforts involving the Long Island Sound Nitrogen Strategy, the Long Island Nitrogen Action Plan in New York, and the Niantic River Estuary Project in Connecticut. Participants will include R1 and R2, NYSDEC, Suffolk County (NY), Connecticut Department of Energy and Environmental Protection (CTDEEP), and the University of Connecticut. The agenda will include: Tetra Tech update on preliminary results comparing Suffolk County Watershed Plan nitrogen targets to those derived from the LIS Nitrogen Strategy methodology; CTDEEP update on Niantic River Estuary work and planned Pawcatuck River Estuary work; and Suffolk County update on public review of Sub-Watersheds Plan. On December 18, R2 will hold a call with Tetra Tech to discuss deliverables and progress to the Nitrogen Strategy work.

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Region 3

Hot Topics

EPA Supports Delaware & NOAA Disaster Debris Workshop

The National Oceanic and Atmospheric Administration (NOAA) and the Delaware Emergency Management Agency hosted a stakeholder workshop on December 3 to discuss coordination of collection, removal, and disposal activities related to the management of marine debris following a disaster in Delaware. State, county, federal agencies, and the U.S. Coast Guard participated in this workshop, which was held at St. Jones Reserve, DE. The workshop facilitated better understanding of the various roles and responsibilities for entities having a disaster debris responsibility.

Lehigh Cement Company, LLC and EPA Reach Settlement at 11 Portland Cement Plants

On December 3, EPA and the Department of Justice announced that Lehigh Cement Company LLC (Lehigh) and Lehigh White Cement Company, LLC (Lehigh White) agreed to invest approximately $12 million in pollution control technology at their 11 Portland cement manufacturing plants in eight states to resolve alleged violations of the Clean Air Act. Three of the plants are in R3 (Union Bridge, MD, York, PA, and Evansville, PA). Lehigh has agreed to mitigate the effects of past excess emissions from its facilities by replacing old diesel truck engines at its facilities in Union Bridge, MD, and Mason City, IA, at an estimated cost of approximately $650,000, which is expected to reduce smog-forming NOx by approximately 25 tons per year. Lehigh will also pay a civil penalty of $1.3 million to resolve CAA violations. This settlement will reduce more than 4,555 tons of harmful nitrogen oxides (NOx) and 989 tons of sulfur dioxide (SO_2) pollution each year.

Region 3 closes Consent Agreement and Final Order (CAFO) with Nova Chemicals, Inc. (PA)

On December 4, R3 sent a Termination Letter that formally closes a CAFO with Nova Chemicals, Inc., regarding its facility in Monaca, PA. Nova manufactures expandable styrenic resins for use in the packaging, construction, and food container industries. After a 2012 release of wastewater containing styrene and extensive investigations by EPA, R3 signed a CAFO with the facility in 2017 requiring major site work to ensure such a release would not reoccur. Although the work was originally estimated to cost $1.6 million, the facility ultimately spent over $3 million to fully implement all protective measures identified in the agreement, which included installing secondary containment, a deionization unit, and sump upgrades.

VADEQ Presenting Updated Trading and Offset Regulations to VA Water Board for Adoption

Virginia Department of Environmental Quality (VADEQ) will present the Nonpoint Source Nutrient Credit Certification Regulation to the Virginia State Water Control Board (Board) at their December 13 meeting to consider for adoption. EPA has reviewed and provided technical assistance to VADEQ during the development of these regulations, which expand the generation and use of nutrient credits in agriculture and stormwater sectors. Once the regulations are adopted by the Board, they will be sent to the Governor's office for Executive Review.

Varying Levels of PFAS Detected

Pennsylvania regulators have discovered varying levels of PFAS in drinking water supplies across the state. Earlier this year, PADEP began sampling for PFAS from water systems deemed most vulnerable to contamination due to proximity to military and industrial sites. Of the first 96 sample sites across the state, only one utility exceeded EPA's 70 ppt Health Advisory Level. PADEP testing returned a combined PFAS level of 114 ppt at that utility. The other 95 samples collected by PADEP in this first batch were below the EPA advisory level. Several exceeded the New Jersey limit of 17 ppt. PADEP plans to test drinking water from 493 more at-risk utilities. These at-risk sites include Suez Mechanicsburg, which serves 32,000 residents in Cumberland County and is near a Navy depot. Governor Tom Wolf's administration asserts that this first round of testing drinking water samples in Pennsylvania does not indicate widespread contamination. In 2018, Wolf signed an executive order for a state action plan to identify and remediate PFAS contamination.

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Super-advanced Textiles Water Treatment Facility, Bristol, Virginia
American Merchant expects to use 300,000 gallons of water daily and will employ a $2.5 million state-of-the-art plant to treat it. About 70% of the water is expected to be recycled and reused in the towel-making process, with the balance dumped into the city's sewer treatment system. The treatment process was designed by Roanoke, Virginia-based Pro-Chem. It will be fully operational in January. Work on the treatment plant began in 2018, but American Merchant opted to delay its implementation until the plant was up and running. American Merchant received a $500,000 grant from the Appalachian Regional Commission to help with the plant's cost.

EPA Seeks Input on Proposed Blades NPL Listing
On December 5, residents from the Town of Blades and surrounding area filled the Blades, DE, fire hall to provide input on the proposed addition of the Blades Groundwater Site to the Superfund National Priorities List (NPL). The community has had problems with water pollution from metals and chemicals related to the electroplating industry. In February 2018, DNREC began treating the town's water supply with a carbon filtration system after the town's municipal wells were found to contain levels of PFAS above EPA's health advisory level of 70 parts per trillion. Listing the Site on the NPL would enable EPA to use federal funds to address groundwater pollution at the site.

Court Approves $2.1 Million Settlement for Alleged Violations of Essroc Cement CAA Consent Decree
On December 5, the Court signed the settlement agreement resolving stipulated penalty claims for violations of the CAA Consent Decree in the matter of *U.S., et al. v. Essroc Cement Corp.* In settlement, Lehigh Hanson ECC, Inc., the new owner and operator of the cement plants at issue, agreed to pay a stipulated penalty of $2.1 million. The alleged violations involved exceeding emission limits at Essroc plants in Pennsylvania, West Virginia, and Puerto Rico, as well as failing to continuously operate its air pollution control equipment at those plants and additional cement plants in Indiana. The Pennsylvania Department of Environmental Protection, the States of Indiana and West Virginia, and the Commonwealth of Puerto Rico are also parties to the Consent Decree. The stipulated penalty will be allocated among the parties.

Fort Detrick Restoration Advisory Board Meeting
On December 4, the Fort Detrick Restoration Advisory Board (RAB) held a scheduled meeting to update the community on Fort Detrick's Area B Groundwater Remedial Investigation (RI) activities. Members from Fort Detrick, EPA, Maryland Department of the Environment, Frederick County Health Department, City of Frederick, and the community were present. Agenda topics included presentations on the ongoing USGS Area B investigation of groundwater and stream flow and progress on the Area B Groundwater Pilot Study. The objectives of the activities are to support and further refine the RI. Community RAB members inquired about how RI activities could affect potential residential development adjacent to Area B and the City of Frederick's future proposal to construct a roadway through Area B. Fort Detrick and EPA will continue to provide information to keep all parties informed and ensure transparency regarding issues that could impact future development in and around the Area B NPL Site.

Naval Air Station Joint Reserve Base Willow Grove USGS Groundwater Model Release
On December 4, a USGS regional groundwater model funded by the Navy was shared at the Naval Air Station Joint Reserve Base (NASJRB) Restoration Advisory Board (RAB) Meeting. The model is a tool to guide the investigation and provides evidence to support decisions. During the regulator update portion of the RAB, EPA presented information on the strengths and limitations of the model and how it ties into the Superfund process. Approximately 40 people attended the RAB including elected officials or their representatives. On December 3, Pennsylvania Department of Environmental Protection hosted a meeting at their Norristown office for the USGS to share the model results with Warminster, Warwick, Warrington, Horsham, and Northampton township officials. This meeting provided the USGS with an opportunity to go into more depth about the model's development and for the townships to have an extended period to ask technical questions.

Former Nansemond Ordnance Depot Technical Review Committee and RAB
The Technical Review Committee and the Restoration Advisory Board (RAB) for the Former Nansemond Ordnance Depot (FNOD) were held December 4 and 5. The purpose of the meetings is to provide updates

regarding the progress at the site and to identify their priorities and timelines so cleanup decisions can accommodate parcel-specific reuse. The highlight of the RAB was the final signature of Memorandum of Understanding (MOU) between R3, the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Tidewater Community College Real Estate Foundation (TCCREF) for the FNOD. The purpose of the MOU is to increase coordination among the parties, develop a joint process and schedule to expeditiously address risks to human health and the environment, and facilitate prompt productive reuse of the land by TCCREF. FNOD is a 975-acre formerly used defense site listed on the National Priority List. It is occupied by TCCREF and other private entities. In 2017, after years of slow progress, EPA, USACE and VADEQ agreed to use "partnering principles" in concert with TCCREF to accelerate the cleanup and support reuse plans.

Healthy Schools Coordination Meeting with the School District of Philadelphia
On December 4, EPA met with the School District of Philadelphia to discuss ongoing asbestos issues at the various school buildings in Philadelphia. The School District revealed that 175 buildings with asbestos require remediation and will apply their prioritization criteria for addressing the asbestos issues. The School District also explained that they are coordinating with an asbestos expert at Drexel University's School of Public Health. The School District and EPA agreed to share documents and information, work together on better risk communication, create asbestos training for school staff and teachers, and have ongoing meetings to better address the problem. The next meeting is scheduled for January 8.

R3 Meets with Golf Industry on Roll-out of Smart Sector with Special Emphasis on Golf Courses
On December 2, R3 held a conference call with the Golf Course Superintendents Association of America (GCSAA). On December 4, R3 held a call with the PGA of America's regional office. The purpose of both meetings was to plan next steps for collaborating on the golf course component of the Outdoor Recreation Smart Sector. GCSAA and EPA are planning a Smart Sectors roundtable with GCSAA and other golf trade groups in February and a smaller roundtable the second week of January with PGA of America and PGA Reach with an emphasis on the Philadelphia region.

Eastern Mine Drainage Federal Consortium (EMDFC) Meet on Monongahela River Basin Mine Pool
On December 5, R3 attended an EMDFC technical meeting that included representatives from the U.S. Army Corps of Engineers, U.S. Geological Survey, and U.S. Department of Agriculture. The federal agencies reaffirmed their commitment to addressing this long-term challenge. Likewise, there was strong agreement that EMDFC must engage with leadership at our state/local partners in a coordinated manner. The EMDFC continued to develop a draft technical workplan, aiming for a framework by early January. The draft workplan will be shared with appropriate leadership at the Commonwealth of Pennsylvania and State of West Virginia to ensure their support and ongoing collaboration on the effort.

Upcoming Major Decisions and Events
RA Servidio has the following event scheduled:

December 19	EPA and Army Corps of Engineers (Mid-Atlantic) Meeting

Region 4

Hot Topics

Florida Power & Light, Turkey Point

On December 5, the U.S. Army Corps of Engineers (Corps) Jacksonville District issued a 404(q) "3(c) letter" to EPA regarding their intention to issue a permit for Florida Power and Light Company's proposed construction of two nuclear reactors at the Turkey Point site located adjacent to the Atlantic Ocean immediately south of Miami, Miami-Dade County, FL. Per the EPA-Corps 404(q) MOA, EPA needs to issue a "3(d) letter" to the Corps by December 20. R4 plans to send the "3(d) letter" to the Corps informing them that we will not elevate our review.

Two Nonpoint Source Restoration Successes

- Restoration of Smith Swamp (SC): EPA published a new nonpoint source restoration success story, "Watershed Project Leads to Cleaner Water in Smith Swamp." The project received $693,490 in CWA 319 grant funds to help address bacteria pollution from agriculture runoff and failing septic systems has contributed to elevated bacteria levels in the Smith Swamp watershed.
- Restoration of East Rock Creek (TN): EPA published a new nonpoint source restoration success story, "Improvements to Agricultural Management Help in the Recovery of East Rock Creek." The project received $1.5 million in CWA 319 grant funds to help address nitrate and siltation pollution and stream habitat alteration from pasture grazing.

Oak Ridge Reservation, TN

- EMWDF Focused Feasibility Study (FFA) for Water Management: On December 13, a meeting among TDEC, DOE and EPA technical staff will convene at EPA Headquarters. A pre-meeting will be held on December 12. FFRRO is expected to facilitate the discussion on December 13.
- EMDF ROD: DOE provided a signed electronic version of the EMDF D1 ROD extension request to January 31. However, DOE has indicated that an additional formal request will be made to allow six months for issuing the D1 ROD. EPA will respond when the request is received formally.

Upcoming Major Decisions and Events

December 9	RA Walker held a video teleconference with the state environmental commissioners. Brief updates were provided to them on current agency activities.
December 11	RA Walker conducted a site visit to Petroleum Products Corp., a former waste oil recycling/recovery facility, located in Broward County, FL. The following day, a meeting was held with site PRPs and the State to discuss the ROD schedule and other items. The program is preparing for a briefing with OLEM Director on January 7, to be followed by a briefing for EPA Administrator in late January. The Record of Decision is scheduled for completion in June 2020. The site was added to the Administrator's Emphasis List in July due to increased cost and potential impact or disruption to 50+ small businesses that lease Site warehouse space.

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Region 5

Hot Topics

University of Illinois at Chicago Releases Study of EtO in Blood of Lake Co., IL, Residents

EPA continues to work closely with Illinois EPA to address EtO emissions in Lake County and, at a national level, to review and update regulations for sources that emit EtO. University of Illinois at Chicago School of Public Health conducted a study regarding potential ethylene oxide (EtO) exposure to residents near Medline Industries and Vantage Specialty Chemicals in Lake County, IL. The study reports that residents living near the Medline facility have significantly higher levels of EtO adducts in their blood. EPA's understanding, based on materials provided by UIC to the study participants, is that this preliminary screening survey is based on a relatively small number of samples from volunteers who were not randomly selected. The Centers for Disease Control and Prevention has begun work to establish a national average blood level for EtO in the U.S. population. Without a national average available, Lake County results were compared to a small number of studies currently in the scientific literature.

Lake County, IL, Health Department Releases Latest EtO Monitoring Data

EPA will work with Illinois EPA and the health department to analyze the monitoring data and address EtO emissions in Lake County. The latest data from the county's EtO monitoring showed unexpectedly high levels near the Vantage facility, where emission controls are already in place. The Illinois EPA has prepared a draft construction permit for Vantage, placing a 110-pound annual cap on emissions of EtO from the facility. After holding a public meeting and accepting comments on the draft permit in November, Illinois EPA is expected to issue Vantage a final permit before the December 18 State of Illinois legislative deadline. The values near Medline were not elevated in this latest dataset. Medline is working to finish installation of all controls by the December 18 legislative deadline.

ATSDR to Release Follow-up Health Consultation on EtO Emissions in Willowbrook, IL

R5 and OAQPS will attempt to coordinate communications with ATSDR before this Willowbrook report is released. ATSDR recently cleared a report that assessed EtO monitoring data collected in Willowbrook, IL. ATSDR presented this assessment during the May 2019 Sterigenics public meeting. This report is a follow-up to the agency's August 2018 letter health consultation. Among other things, the follow-up report is intended to incorporate newly-available ambient air dataset to estimate long-term EtO exposures, including EPA's recently released NATTS/UATMP dataset, and to evaluate possible health risks associated with these exposures, particularly cancer. The report is tentatively scheduled to be released on January 10.

R5 Coordinating with Michigan to Respond to Detroit Riverbank Collapse

EGLE is currently the lead agency for the incident. EPA will continue to support the state and is available to assist if requested. On November 26, the shoreline of a bulk storage area in Detroit collapsed, releasing aggregate including limestone into the Detroit River. The former Revere Copper & Brass site was used for uranium processing in the 1940s and 50s. Due to the site history, the public is concerned with residual contamination entering the Detroit River. The incident is receiving heavy media attention on both sides of the border. On Dec. 6, representatives from EPA, Michigan EGLE, City of Detroit, Coast Guard, and FBI inspected the site. EGLE and FBI surveyed the site and found no radiation above background levels. EGLE also collected water samples and will share that data as it becomes available. There is no reason to conclude that drinking water sources downstream from the collapse will be affected. As an added precaution, the Great Lakes Water Authority and the city of Wyandotte are conducting additional testing.

No radiation above background levels has been detected. In 1981 and 1989, the Department of Energy conducted radiation surveys. The 1989 survey indicated no radiation above background levels. EPA conducted a site assessment and limited PCB removal at the site during the 1980s and reached the same conclusion about radiation levels. Testing conducted earlier this year by EPA's Great Lakes National Program Office and EGLE did not detect radiation above background in sediment offshore of the site.

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R5 Holds First in a Series of Congressional Brown Bag briefings
On December 9, R5 kicked off its Congressional Brown Bag briefing program, a series of conference calls with regional congressional staff on major regional issues. Thirty-five staffers from 28 congressional offices RSVP'd for the first call, during which two Superfund branch chiefs discussed the R5's role in emergency response. Topics for future calls include Brownfields and the Great Lakes Restoration Initiative.

Mercury Released at Northwest Indiana U.S. Steel Plant
EPA remains in close contact with IDEM and is receiving regular updates as the state works with USS. The public has been advised to avoid the East Branch of the Grand Calumet River until further notice from IDEM. Flooding at the U.S. Steel (USS) Gary Works on November 26 caused a mercury release. On December 5, Indiana Department of Environmental Management notified EPA of the incident. U.S. Steel sample results between November 27 and December 1 at two outfalls into the Grand Calumet River showed mercury levels above the maximum amount permitted for discharge. By December 2, levels were below the limit. All sampling results to-date have been well below EPA's allowable limit for mercury in drinking water. USS is currently conducting in-stream sampling for mercury and other potential pollutants from its facility to the Gary Sanitary District main outfall.

Another USS facility in Portage, IN, is the subject of a proposed consent decree over an April 2017 spill into Lake Michigan. That plant also released hexavalent chromium into the lake October 30. In a letter-to-the-editor, the Indiana Division of the Izaak Walton League this week became the latest organization to announce it has asked EPA and IDEM to reject the proposed consent decree with USS. Intervenor plaintiffs the City of Chicago and Surfrider Foundation also object to the proposed CD.

R5 Briefs Chamber of Commerce Officials on New Smart Sector Program
On December 11, RA Stepp and senior staff briefed representatives from the R5 states' chambers of commerce on EPA's new Smart Sector program. R5 put the initial roundtable together to hear from each state's chamber about current priorities and future topics to explore in 2020. R5 officials and representatives of the chambers discussed industrial sector activity, future trends and innovation, and opportunities for EPA/industry sector engagement.

Upcoming Major Decisions and Events

R5 and R7 to Co-host Renewable Fuels Smart Sectors Event
On December 19, R5 and R7 will co-host an EPA Smart Sector biofuels event in Lenexa, KS. This event will focus on the agriculture sector, specifically on renewable fuels. During the meeting, EPA intends to hear from the biofuels/renewable fuel sectors from both regions on conditions necessary to expand biofuels distribution infrastructure; impacts of State Implementation Plans on E15 production and use; and compliance assistance engagement with the renewable fuels industry.

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Region 6

Hot Topics

TPC South 4 Group Fire, Port Neches, Texas

Demobilization of most of EPA resources is likely to occur over this weekend as response transitions to longer-term monitoring activities. The ASPECT aircraft conducted aerial reconnaissance and release monitoring while EPA technical assistance contractors conducted air monitoring in the surrounding community and collected surface water samples between the TPC outfall and the Neches River. For EPA community air monitoring, no sustained concentrations above the action level have been detected since December 5. On December 9, EPA, Agency for Toxic Substance and Disease Registry (ATSDR), and Texas Poison Control Network participated in a Port Neches-Groves Independent School District board meeting.

Blind Oso Bay, Corpus Christi, Texas

EPA is preparing to approve revised water quality standards for Blind Oso Bay in Texas within the next two weeks. EPA and TCEQ have been evaluating information and data necessary to support the state's request for a site -specific Dissolved Oxygen standard.

Permian Basin Oil and Gas Facilities, Texas and New Mexico

On November 26, R6, in coordination with TCEQ, sent notification letters to 32 companies in Texas notifying them of potentially unauthorized emissions observed during the September/October flyovers of oil and gas facilities located in the Permian Basin, as identified by Optical Gas Imaging technology. The companies were asked to verify ownership, provide permit information, and take corrective action necessary to address any unauthorized hydrocarbon emissions. NMED is taking a different approach with state-issued notice of violations to facilities with potential unauthorized emission. NMED anticipates issuing NOVs in upcoming weeks.

Border 2020 OIG Draft Report

On December 9, the OIG issued a draft report titled "Management Controls Needed to Verify and Report Border 2020 Program Accomplishments." The report examines whether Border 2020 management controls are sufficient to verify that program activities are completed, linked to the accomplishment of program objectives, and demonstrative of progress toward achieving the program's environmental and public health goals and objectives. The report makes five recommendations for improvement. EPA's response is due within 15 days of the draft report date (December 24).

Mosaic Fertilizer Uncle Sam, Convent, Louisiana

Options are still being discussed regarding the disposal of treated wastewater. Mosaic has confirmed that no fresh gypsum has been added to Stack 4, East Cell, or West Cell since the last call on November 21. The water level currently is at elevation 177.7 ft. EPA looked at the requirements for maximizing the use of disposal in UIC wells and the permitting requirements necessary to implement maximum UIC use. LDEQ continues to express concerns with modifications to the state-issued NPDES permit to allow process wastewater discharge.

Denka Performance Elastomer, La Place, Louisiana

EPA is preparing to implement a new air monitoring program in early 2020 to replace the existing community monitoring program. Notifications began this week including plans to notify the community soon. The new program will involve deploying a network of air monitors (SPods) that will continuously measure VOC concentrations in the ambient air and will collect samples when triggered by high VOC levels. The samples will then be analyzed for chloroprene. SPod monitoring will be used to better understand the frequency and magnitude of chloroprene spikes. EPA also believes the monitoring may help identify ways Denka can reduce the occurrence of spikes and thereby further reduce ambient concentrations of chloroprene in the community.

Louisiana Regional Haze Litigation, Louisiana

The 5th Circuit Court of Appeals denied environmental petitioners' petition for a rehearing on December 10. In the petition, Sierra Club requested a rehearing on the basis that the Court overlooked its own factual findings in the case and 5th Circuit precedent. It claimed Louisiana failed to weigh and consider the five statutory factors

for BART and that the Court could not supply a reasoned basis for agency action that the agency itself did not provide. The mandate will issue on December 17 if no further relief is sought.

Louisiana Offshore Oil Port (LOOP) Title V Operating Permit, Louisiana
The Louisiana Offshore Oil Port (LOOP) has submitted an application to renew and to make minor modifications to the on-shore portions of its operations that are subject to the Federal Operating Permits program. These modifications should not trigger a PSD Review for the state Title V and PSD permits. They have requested expedited permitting to reauthorize their operations.

Upcoming Major Decisions and Events

Texas Regional Haze Supplemental Proposal Public Hearing, Dallas, Texas
On December 9, R6 held a public hearing to take comment on its November 14 supplemental proposal to modify the Texas Regional Haze SO2 trading program, including adding an assurance level and penalty provisions. At the public hearing, six commenters (speaking as individuals or representing environmental organizations) provided comments. The comments were mainly adverse, focusing on the administration's environmental policies or the SO2 trading program in general. The comments did not address the modifications to the SO2 trading program proposed in the supplemental proposal. The public comment period for this action closes on January 14.

Los Alamos Storm Water Designation Petition, Los Alamos County, New Mexico
By December 16, EPA plans to make a final decision on a petition by Amigos Bravos to designate storm water discharges in Los Alamos County, NM, as needing NPDES permits due to contributions to water quality impairments of local receiving waters. This final designation decision would then be available for filings with the U.S. District Court for New Mexico due December 20, regarding a lawsuit filed by Amigos Bravos for failure to make the final designation decision.

Exceptional Events Demonstrations, 2017 for PM10, Dona Ana and Luna Counties, New Mexico
By December 20, EPA anticipates concurrence on the NMED requests that certain ambient air monitoring data - particulate matter (PM) - be excluded from regulatory actions. The final Exceptional Event Demonstration package for PM less than 10 microns in diameter was submitted November 4.

Exceptional Events Demonstrations, 2018 for PM10, Bernalillo County, New Mexico
By December 20, EPA anticipates concurrence on the City of Albuquerque request that certain ambient air monitoring data - particulate matter (PM) - be excluded from regulatory actions. The final Exceptional Event Demonstration package for PM less than 10 microns in diameter was submitted October 11.

Louisiana SIP Revision, Louisiana
By December 27, EPA anticipates proposed approval of the Louisiana SIP revision to remove Stage II Gasoline Refueling Vapor Recovery Program. On May 30, EPA received a request from Louisiana to withdraw Stage II Vapor Recovery Systems requirements. EPA rulemaking in May 2012 determined that onboard refueling vapor recovery systems were essentially equal to and would soon surpass the emission reductions achieved by Stage II system requirements. States implementing the program could now phase out the program.

Oklahoma Infrastructure for the 2015 Ozone National Ambient Air Quality Standards, Oklahoma
By December 27, EPA anticipates approval of Oklahoma's demonstration to meet infrastructure requirements necessary to implement, maintain, and enforce the 2015 ozone NAAQS, except for requirements to prevent interference with maintenance of the NAAQS in other states and visibility protections, which we will address in future actions.

Albuquerque Second Set of Air Permit SIP Revisions, Bernalillo County, Albuquerque, New Mexico
By December 27, EPA anticipates final approval of the second set of pending air permit related SIP revisions from Albuquerque/Bernalillo County on changes to the NSR rules to exempt gasoline dispensing facilities and

emergency RICE engines from permitting. Adverse comments requiring EPA's response were received and addressed in the final FRN.

December 17-18	Tribal Visits to Pueblos, NM
December 19	Texas NPDES Delegation Task Force meeting, Austin, TX

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Region 7

Hot Topics

West Lake Landfill Site Update

R7, the State of Missouri, and the PRPs continue to make progress on site activities at the West Lake Landfill Superfund Site.

- On December 4, a technical meeting was held in the R7 office between representatives of the PRPs, MDNR, EPA, and EPA's geostatistical/modeling contractor. The meeting focused on technical aspects of the geostatistical model and expectations for the OU-1 Preliminary Excavation Plan, due on January 8.
- The next joint meeting for OU-1 will be held January 15-16 in the R7 office. This meeting will focus on engineering issues associated with cover design and drainage.
- On December 5, R7 met with MDNR and USGS to discuss comments on the revised OU-3 RI/FS Workplan, Quality Assurance Project Plan, Field Sampling Plan, and Health and Safety Plan. A meeting to discuss these documents with the PRPs is scheduled for December 17.
- R7 continues to review the revised OU-2 RD Work Plan, Quality Assurance Project Plan, Field Sampling Plan, and Health and Safety Plan.
- On December 10, the R7 project team met with OSRTI representatives to discuss project progress and to provide an overview of the site.

Information Request letters Regarding Madison County Mines Superfund Site

CERCLA § 104(e) information request letters will be sent this week to Doe Run and National Lead regarding mine waste at the Madison County Mines OU1 – Mine LaMotte NPL Site.

- The information request letters seek information about Doe Run and National Lead and their predecessors' historic operations at the Madison County Mines Operable Unit 1, also known as the Mine LaMotte Subsite, located in northern Madison County and southern St. Francois County.
- These requests were generated in response to the OU-1 PRP Search Report prepared in July. Doe Run and National Lead have 30 days to respond to the request, although R7 expects they will seek extensions.
- As a result of these letters, the PRPs may request meetings with EPA. Historically, they have requested meetings at multiple levels of management and may contact the Regional Administrator, Regional Counsel, or EPA HQ.

Region 7 Conducts Private Well Sampling around Syntex Superfund Site

R7 is currently conducting private well sampling within two miles of the Syntex Facility Superfund Site in response to detections of 1,4-dioxane and public concerns.

- The Syntex Facility Superfund Site is a 180-acre site in Verona, MO, where several companies produced Agent Orange or hexachlorophene at the site, contaminating groundwater and soil with dioxin and volatile organic compounds. Cleanup activities are complete. Monitoring at the site is ongoing.
- The public has expressed concerns about water quality impacts to their private wells, primarily by 1,4-dioxane. In response, EPA is performing private well surveys and sampling within a two-mile radius of the site. An estimated 80 wells will be tested during two sampling events.
- EPA is performing the first private well sampling event this week. The remainder of private wells will be sampled in early 2020.
- EPA presence has been well-received in the field and has provided the opportunity for EPA to clarify some of the public's misconceptions on site conditions.

Upcoming Major Decisions and Events

9th Annual EPA Region 7/8 and State Departments of Agriculture Meeting

RA Gulliford and R7 Ag Advisor Doug Jones will attend the State Departments of Agriculture meeting in Salt Lake City, UT, on December 17-18. RA Gulliford and RA Sopkin will deliver opening and closing remarks on both days. A national update will be shared by Hema Subramanian, Office of the Administrator, followed by roundtable and topical discussions among state and EPA participants.

Renewable Fuels Smart Sectors Event

On December 19, R7 in partnership with R5 will host a Smart Sectors event focused on the renewable fuels industry. Representatives of multiple trade groups have confirmed their attendance for the event. Planned agenda topics will address biofuels distribution infrastructure, the impacts of SIPs on E15 production, and compliance assistance engagement in the renewable fuels sector. RA Gulliford and RA Stepp will deliver opening remarks. Regional personnel will introduce conversation on the three agenda topics.

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Region 8

Hot Topics

Finding of Failure to Attain and Reclassification of Denver Area for 2008 Ozone NAAQS

By December 20, RA Sopkin will sign a final rule determining that the Denver nonattainment area (NAA) failed to attain the 2008 ozone NAAQS by the applicable attainment date for "Moderate" nonattainment areas. The effect of failing to attain by the attainment date means that the area will be reclassified, or "bumped up," to a "Serious" NAA upon the effective date of this final reclassification notice. A public hearing was held on September 6. The comment period for this action closed September 19. In addition to the oral testimony received at the public hearing, EPA received more than 400 written comments, predominantly in favor of the action, along with a strong minority opinion in opposition.

Stipulated Penalties for CAA Violations of Consent Decree at HollyFrontier Refinery

R8 is assessing $700,000 in stipulated penalties against HollyFrontier for violations of the consent decree (CD) at the Cheyenne, WY, refinery. EPA received Enforcement Referrals from the Wyoming DEQ on April 17 and October 7 identifying violations of a 2009 CAA CD at the refinery. Violations included exceedances of CO and NOx emission limits at the facility between the third quarter of 2017 through the second quarter of 2019. Following two in-person meetings involving Wyoming DEQ, R8, and HollyFrontier in November and December, the parties have agreed to a $700,000 penalty for the identified CD violations. Half of the stipulated penalty will be paid to the State of Wyoming.

Upcoming Major Decisions and Events

RA Sopkin will participate in the R7 and R8 and State Departments' of Agriculture Conference in Salt Lake City, UT, on December 17-18.

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Region 9

Hot Topics

CERCLA Settlement with Honeywell

R9 entered into a CERCLA administrative settlement agreement with Honeywell International Inc. for recovery of $11.6 million in past response costs at an operable unit of the San Fernando Valley Superfund Site. The site, a large area of contaminated groundwater in southern California, is an important source of drinking water for the Los Angeles metropolitan area.

CAA and EPCRA Settlement with Kern Oil & Refining Co.

The U.S. lodged a consent decree with Kern Oil & Refining Co. that resolves CAA and EPCRA violations at its petroleum refinery in Bakersfield, CA. The violations include failure to monitor flare emissions and document leak inspections under the CAA and submit toxic chemical reports under EPCRA. The company will pay a civil penalty of $500,000 to be shared equally between the U.S. and the San Joaquin Valley Unified Air Pollution Control District and will purchase emergency responder equipment for the local public health and fire departments.

Collaboration with Pacific Gas and Electric

R9 will meet with PG&E to discuss mitigating the impacts of power shutdowns on tribal and other small drinking water and wastewater systems. As PG&E modifies its grid in preparation for future wildfire events, we want to ensure that tribal and small rural systems are prioritized for protection through a combination of grid "hardening" and backup power generation.

Clean Electronics Production Network Leadership Meeting

R9 hosted the semiannual meeting of the leadership group of the Clean Electronics Production Network. The Network is a multi-stakeholder effort to reduce the exposure of workers to hazardous chemicals in electronics manufacturing processes. The leadership group, which is composed of representatives from leading brands, suppliers, and NGOs, considered final parameters of the Network's industry-wide commitment program to reduce targeted chemicals in the supply chain and gather chemical information from suppliers. The group hopes to launch the program in 2020.

Upcoming Major Decisions and Events

Clean Air Act SIP actions

During the next two weeks, R9 plans to issue several actions on state implementation plans: 1) final approval of San Joaquin Valley's (CA) rule concerning wood burning fireplaces and heaters; 2) final approval of the Western Nevada County (CA) reasonably available control technology plan for the 2008 ozone standard; and 3) final approval of a San Diego rule limiting emissions from adhesive coating operations.

California Universal Waste RCRA Authorization

We intend to issue a final authorization of California's Universal Waste Program. This program streamlines hazardous waste standards for commonly generated categories of hazardous waste including batteries, pesticides, mercury-containing equipment, and lamps.

Drinking Water Training for Northern Mariana Islands

R9 staff are training staff of the Northern Mariana Islands drinking-water primacy agency on Saipan over the next 10 days. In addition to remotely delivered rules training, we will give in-person training on sanitary surveys, data management, and related topics.

Final Underground Injection Control Permit

R9 plans to issue a final Class I UIC permit to the McKittrick power plant in Bakersfield, CA. The permit authorizes operation of a well for injection of non-hazardous waste generated from this or any of seven other plants under common ownership in California's Central Valley.

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Region 10

Hot Topics

EPA Administrator Signs Explanation of Significant Differences for Portland Harbor Superfund Site
On December 9, Administrator Wheeler signed an Explanation of Significant Differences (ESD) for the Portland Harbor Superfund Site. The purpose of the ESD is to document changes to the cleanup levels for carcinogenic polycyclic aromatic hydrocarbons (cPAHs). R10 will post the final ESD and responsiveness summary on the Portland Harbor website on December 16. Also on December 9, RA Hladick and other R10 and HQ staff and managers were in Portland for meetings with several PRPs and community leaders. There was also a Quarterly Portland Harbor Public Forum on December 11. Finally, this week the Department of Justice, the Port of Portland, the City of Portland, and the State of Oregon signed an agreement for remedial design for the Willamette Cove. EPA plans to sign this ASAOC this week.

Upcoming Major Decisions and Events

Regional Tribal Operations Committee
On December 13, RA Hladick will meet with the Regional Tribal Operations Committee in Seattle, WA.

Region 10 to Approve Idaho's Revised Mixing Zone Policy
During the week of December 16, R10 anticipates taking Clean Water Act section 303c action to approve Idaho's new and revised water quality standards related to the mixing zone policy. Idaho submitted the revisions in October 2016 and the region recently completed ESA consultation. The mixing zone revisions include ensuring consistency with the updated water quality standards and updated policies and procedures. The regulated community indicated support for the revisions during the negotiated rulemaking process conducted by the state in 2014. This action is one of the priorities WQS backlog actions for the state of Idaho and R10.

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Office of Air and Radiation

Hot Topics

Packages for Signature

- Federal Implementation Plan for Oil and Natural Gas Sources; Uintah and Ouray Indian Reservation in Utah (Region 8 Proposed Rule)
- Revision to Method 23 (Proposed Rule)
- Revisions to the Petition Provisions of the Title V Permitting Program (Final Rule)
- NESHAP: Petroleum Refinery Sector (Final Rule)
- PAMs Compliance Deadline Extension (Final Rule)
- Metal Can/Coil RTR (Final Rule)
- Heavy Duty Technical Amendments (Proposed Rule)

Packages at OMB for Review

- Vehicle Test Procedure Adjustments for Tier 3 Test Fuel (Proposed Rule; RECEIVED DATE February 25)
- Renewable Fuel Standard Program: Modification of Statutory Volume Targets / RFS Reset (Proposed Rule; RECEIVED DATE: May 20)
- Light Duty Greenhouse Gas Program Technical Amendments (Final Rule: RECEIVED DATE August 19)
- MATS RTR & Cost Review (Final Rule: RECEIVED DATE October 4)
- Strat Ozone - Section 608 Refrigerant Management – Revisions (Final Rule: RECEIVED DATE October 4)
- RFS 2020 (Final Rule: RECEIVED DATE December 6)
- Stratospheric Ozone – 2020 HCFC Allocation Rule (Final Rule: RECEIVED DATE December 6)

Packages Heading to OMB Soon

- Residential Wood Heaters NSPS Amendments (Final Rule)
- Boiler MACT (Proposed Rule)
- MATS Coal Refuse-Fired Units Review (Final Rule)
- Fuels Regulatory Streamlining (Proposed Rule)

Upcoming Major Decisions and Events

SIP Lean Toolkit

This week, OAR provided the final "State implementation Plan (SIP) Lean Toolkit for Collaboration Between EPA and Air Agencies" ("SIP Lean Toolkit") to ECOS to share with their membership. The Toolkit is intended to support implementation of early engagement between air agencies and EPA in the SIP development process. Early engagement was identified as a key to timely SIP approval in a lean kaizen event held in February 2018 that included EPA and state and local air agency participants. The Toolkit provides checklists, templates and other tools to help operationalize early engagement.

DERA Request for Applications

This week, EPA announced the availability of grant funding to implement projects aimed at reducing emissions from the nation's existing fleet of older diesel engines. EPA anticipates awarding approximately $44 million in Diesel Emission Reduction Program (DERA) grant funding to eligible applicants.

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Office of Chemical Safety and Pollution Prevention

Hot Topics

Action Packages at OMB for Review

- Supplemental NPRM: Long-Chain Perfluoroalkyl Carboxylate (LCPFAC) SNUR

Going Soon for OMB Review

- Final Rule: Chemical Data Reporting (CDR) Rule Revisions; updates to align with new TSCA, improve data collected, and reduce burden
- Report to Congress on Improving Endangered Species Act §7 Consultation Process for Pesticide Registration and Registration Review; describes progress of the interagency group under the Farm Bill
- Proposed Rule: Plant-Incorporated Protectants (PIP); to streamline review of certain plants modified in limited ways to carry additional pesticidal properties
- Draft Risk Evaluation for Carbon Tetrachloride; 7th of first 10 chemicals (informal interagency review; not 12866)

TSCA High Priority Chemicals

On December 20, OPPT will announce it is publishing final designations for 20 chemical substances identified as high-priority for risk evaluation. These include seven chlorinated solvents, six phthalates, four flame retardants, formaldehyde, a fragrance additive, and a polymer. In 2020, EPA will begin a three-year risk evaluation process to determine whether each, under the conditions of use, presents an unreasonable risk. By mid-January, OPPT plans to publish in the Federal Register a preliminary list of manufacturers who may be subject to fees associated with the risk evaluation for these high priority chemicals.

Upcoming Major Decisions and Events

Triazine Proposed Interim Decision

On December 19, OPP plans to issue the Triazine Proposed Interim Decision (PID) and open a 90-day public comment period. Atrazine, propazine, and simazine (known collectively as the triazines) are herbicides used to control of a variety of grasses and broadleaf weeds. To mitigate potential risks to children, the simazine PID proposes to cancel simazine products applied to residential turf. The PID also proposes additional personal protective equipment for workers handling atrazine and simazine, an application rate reduction for atrazine products applied to residential turf, and spray drift control measures for atrazine, propazine, and simazine to minimize off-field drift.

Hemp Registrations

On December 19, OPP plans to announce its decision to add hemp as a use site for a number of pesticide products. EPA has committed to a timely review of any pesticide registration action for use on hemp.

First Annual Conference on New Approach Methods (NAMs) for Chemical Safety Testing

On December 17, EPA will host a conference on the state of the science on development and use of NAMs.

Selected One-Month Look-Ahead

- December 19: Agriculture Day (Issue Atrazine PID and Hemp final registration decision)
- Late December: Release TSCA New Chemicals Working Approach for comment
- Around January 15: Release TRI National Analysis, following December 19 briefing for Administrator
- Early/Mid-January: Announce registration of products to fight *c. auris*, an emerging fungal pathogen that causes serious fungal infections, especially in hospitalized patients, and can be resistant to antifungal drugs
- January 16: Issue Glyphosate Interim Decision and Neonics Proposed Interim Decision
- Late January: Release draft Trichloroethylene (TCE) and Carbon Tetrachloride risk evaluations

Office of the Chief Financial Officer

Hot Topics

FY 2021 OMB Passback

OCFO sent the Administrator's appeal to the FY 2021 OMB Passback on December 6. OCFO is working with program offices and EPA leadership to support ongoing negotiations with OMB to reach settlement on EPA's FY 2021 President's Budget.

FY 2020 Continuing Resolution

The second FY 2020 Continuing Resolution funds the federal government through December 20. Funding new programs, activities, or initiatives is prohibited under a CR. In terms of congressional action, House and Senate Appropriations Committees received their funding allocations for each Subcommittee. Committee Staff are working to negotiate FY 2020 appropriations bills. We believe that details will begin to be available next week.

Upcoming Major Decisions and Events

Executive Management Council

At last week's Executive Management Council meeting, OCFO led a discussion regarding a Workload Analysis White Paper and proposed approach. OCFO is evaluating next steps and will update the white paper for discussion with DAAs/DRAs and approval in January.

Agency Priority Goal Action Plans

Draft FY 2020-2021 Agency Priority Goal Action Plans, reflecting approval of the relevant policy team members, are due to OCFO on December 13 for review by the Acting CFO and COO. Final Draft APG Action Plans are due to OMB for review in early January. Final FY 2020-2021 APG Action Plans along with FY 2020 Q1 results are due to OMB in mid-February.

FY 2019 Annual Performance Report

During the week of December 16, OCFO is requesting agency review via the Performance SharePoint site of the draft FY 2019 Annual Performance Report. The agency's policy team review is planned for the week of January 6 prior to OMB review on January 13-17. OCFO will submit the final FY 2019 APR to Congress as part of the FY 2021 Congressional Justification on February 3, 2020 when it also will be available to the public.

FY 2019 Q4 Action Plan Updates

OMB anticipates posting federal agency FY 2019 Q4 Action Plan Updates for the FY 2018-2019 Agency Priority Goals on www.performance.gov by December 19. EPA met targets for three of the six FY 2018-2019 APGs (water infrastructure, permitting, NPDES enforcement).

Performance Dashboard

On December 19, OCFO is scheduled to provide a demonstration of the Performance Dashboard for the Assistant Deputy Administrator.

Compass

OCFO plans to issue a memorandum to the agency soon regarding plans to upgrade the agency's financial system, Compass, in February 2020.

GAO and OIG Audits and Activities

The following tables summarize new agency OIG or GAO audits and other related activities from December 2, 2019 through December 6.

	OIG Audits – Week Ending 12/6/2019				
Audit #	Title	Status	Office	Date	Next Steps/Comments
No new significant OIG agency audits or activities to report since last week.					

GAO Audits – Week Ending 12/6/2019				
Status Type	Title	Office	Engagement No.	Next Steps/Comments
Entrance Conference	Use of Internet of Things	OMS	103549	Entrance conference - December 12.

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Office of Congressional and Intergovernmental Relations

Hot Topics
Nothing to report this week.

Upcoming Major Decisions and Events

December 16 (tent.)	Release of cyanotoxins Technical Support Document w/water implementation materials
January 2020 (tent.)	LGAC's Water Workgroup plans to meet to discuss follow up on PFAS and to begin to organize a workplan for the 2020 agenda and water priorities for the LGAC.
January 2020 (tent.)	Notification on WIIN grants to reduce lead in drinking water with OW.
January 22-24	U.S. Conference of Mayors 88th Annual Winter Meeting, Washington, DC
January 22- 24	Mayor Bryan K. Barnett (Rochester Hills, MI) will preside as over 200 member mayors convene for a number of Best Practice Forums, Task Force meetings and Plenary sessions.

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Office of Enforcement and Compliance Assurance

Hot Topics

Oak Ridge Federal Facility Formal Dispute

On December 13, OECA, the Department of Energy, and the Tennessee Department of Environment and Conservation will meet in Washington, DC, regarding the ongoing Federal Facility Agreement formal dispute at the Oak Ridge Reservation Superfund site. The parties will discuss the setting of protective and legally sufficient effluent limits for the waste water discharge of radionuclides to surface water from two on-site CERCLA landfills at Oak Ridge Reservation.

Upcoming Major Decisions and Events

During the week of December 16, OECA will send for the Administrator's signature the proposed 2020 Civil Monetary Penalty Adjustment Rule to adjust the statutory civil penalties under the various environmental laws as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act.

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Office of General Counsel

Hot Topics

Union of Concerned Scientists v. EPA, No. 19-1383 (1st Cir.).

Oral Argument: On December 3, the First Circuit heard oral argument in an appeal of a district court decision dismissing a challenge to the October 31, 2017, Directive, "Strengthening and Improving Membership on EPA Federal Advisory Committees," specifically the policy that "no member of an EPA federal advisory committee be currently in receipt of EPA grants." Appellants argued that the district court erred in dismissing their claims that the Directive is unreasonable in violation of the Administrative Procedure Act (APA) and violates the Federal Advisory Committee's Act's requirements that advisory committees be "fairly balanced" and free from "inappropriate influence." The court suggested that this case warrants further factual development. Based on that suggestion and the court's line of questioning, DOJ predicts that the First Circuit will remand the case to the district court for further proceedings.

California Trout, et al v. Hoopa Valley Tribe, et al, No. 19-257 (S.Ct. Dec. 9, 2019).

Cert. Denied: Consistent with the position EPA recommended to the Office of Solicitor General (reflected in the government's brief filed on behalf of the Federal Energy Regulatory Commission (FERC)), the Court denied certiorari in this Clean Water Act (CWA) case. The issue presented was "[w]hether the [D.C. Circuit] court of appeals correctly determined that California and Oregon waived water quality certification under 33 U.S.C. 1341(a)(1), where, pursuant to a written agreement between the States and the applicant to delay certification, the applicant repeatedly withdrew and resubmitted its certification request over the course of more than a decade." The D.C. Circuit had ruled that – under the facts presented – the two states had waived their statutory opportunity to certify a FERC license renewal within the CWA's one-year certification window. EPA recommended against certiorari due to a lack of circuit conflict on the question presented and because EPA had proposed for comment new CWA 401 certification regulations addressing certification waiver. EPA argued that the Court should not take up the issue of waiver while the question was being addressed in an ongoing agency rulemaking.

Missouri Coalition for the Environment Foundation v. Andrew Wheeler, No. 2:19-cv-04215-WJE (W.D. Mo. Dec. 3, 2019).

New Litigation: On December 3, 2019, the Missouri Coalition for the Environmental Foundation filed a lawsuit in the U.S. District Court for the Western District of Missouri challenging under the Administrative Procedure Act EPA's 2018 approval of Missouri's nutrient water quality criteria for lakes. The complaint discusses EPA's approval of the criteria as protecting the most sensitive designated use and EPA's reliance on an implementation document to approve the state's combined criteria approach.

New NOI: On November 21, the Center for Biological Diversity submitted a notice of intent to sue (NOI) under the Clean Air Act. The NOI alleges that EPA failed to fulfill several specific mandatory duties related to ozone SIPs in California as follows: (1) EPA failed to promulgate a necessary FIP for Mendocino County for 2008 ozone NSR following a limited disapproval; (2) EPA failed to take final action in a timely manner on a group of 51 SIP revisions submitted for Eastern Kern (Kern County) for the 2008 ozone NAAQS; and (3) EPA failed to take final action in a timely manner on the 2008 ozone NSR SIP revision submitted for Northern Sierra Air Quality Management District.

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Office of International and Tribal Affairs

Hot Topics

U.S.-Mexico-Canada Free Trade Agreement

The White House announced a deal with House Democrats on the U.S.-Mexico-Canada Agreement (USMCA), the new North American trade pact. The USMCA contains the strongest and most comprehensive set of environmental obligations of any U.S. trade agreement, including for the first time a provision on marine litter. According to news reports, amendments to the USMCA text also included provisions to address pollution on the U.S.-Mexico Border through a new authorization of the North American Development Bank and EPA's Border Water Infrastructure Program. OITA coordinated the intra-agency review of the USMCA related documents with the US Trade Representative Office and is waiting for the final text of the agreement.

EPA-Taiwan Cooperation Under International Environmental Partnership (IEP)

EPA and Taiwan co-hosted the 2019 International E-Waste Management Network Meeting in Bangkok, Thailand, to bring together government, private sector, and NGOs to share strategies on the environmentally sound management and recycling of e-waste. More than 50 representatives from the U.S., Thailand, Malaysia, Indonesia, the Philippines, Argentina, Colombia, Brazil, Vietnam, Egypt, Taiwan, and Cambodia shared their programs and policies on e-waste management. In addition, a Taiwan delegation, consisting of governmental officials, academics, and private sector, visited the U.S. to observe OCSPP's Peer Review of the Draft Evaluation sessions for methylene chloride and N-methylpyrrolidone as a part of Taiwan's efforts to improve their chemical peer review process.

GAO Meeting on EPA's Environmental Grant Programs for Tribes

OITA participated in the first interview with GAO under a new Job 10362, which seeks to gather information on EPA tribal environmental grant programs. Over the next two months, GAO will conduct 90-minute interviews with all EPA regions and major program offices that implement tribal grant programs. OITA worked with OCFO earlier this year to conduct a comprehensive collection of EPA tribal grant award data from FY16–FY19 for all tribal grant programs implemented at EPA and will provide that information to GAO for this effort.

Upcoming Major Decisions and Events

December 16	Administrator Wheeler will meet with the Japanese Embassy and Monumental Sports to discuss cooperation on food waste related sports events.
December 17-18	OITA AA Chad McIntosh and AIEO Director Scott Mason will travel with R6 to meet with tribal leaders from the Pueblos of Laguana, Nakoma, and Aleta in New Mexico.

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Office of the Land and Emergency Management

Hot Topics

Coal Combustion Residuals (CCR)

- CCR Phase 2 proposed rule (package 1) – On October 15, the public comment period ended; OLEM is reviewing the comments.
- CCR permitting NPRM (package 3) – EPA responded to interagency comments on November 26; we are awaiting any follow up from OMB. The 90-day OMB review ended on December 5.
- 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 ends on January 31, 2020. OLEM received a request to extend the comment period to 120 days; we are coordinating closely with the Office of Water, as they received a similar request on the ELG rule. Part B is with OP for OMB review.
- The final decision package for the Georgia CCR permitting program is with OP for Administrator signature by the December 16 statutory deadline.

Clean Air Act 112(r) Risk Management Program (RMP)

The Administrator signed the final rule on November 20. We received confirmation that it will be published in the FR with immediate effectiveness on December 19.

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 and Birmingham 35th Ave.; R8 on Anaconda Smelter; and R10 on Portland Harbor, Quendall Terminal, and Bradford Island. On December 18, Steven Cook is participating in a site tour of Birmingham 35th Avenue with elected officials and R4.

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

On December 4, the Industry 2 (Petroleum and Coal) rule package was signed by the court-ordered deadline. We anticipate publication in the FR by December 23. OLEM is working with OMB to address comments on the Industry 3 (Chemical Manufacturing) NPRM package. We anticipate OMB concluding its review soon.

Aerosol Cans Universal Waste Final Rule

The final rule was published in the FR on December 9 and will be effective on February 7, 2020.

PFAS

- PFOA and PFOS contaminated groundwater guidance. On December 11, OP delivered the package to OMB for review. We anticipate quick review by OMB, so that the guidance may be publicly released before the end of December.
- Designation of PFOA/PFOS as CERCLA Hazardous Substances NPRM. The rule package was submitted to the Office of Policy on September 20 for OMB review.

Upcoming Major Decisions and Events

Brownfields Training Conference	OLEM Senior Leadership and staff are participating in the conference this week in Los Angeles, CA.
OLEM Holiday Party	This will take place on December 17, 1:30-4:30 in the Green Room.
Environmental Law Institute (ELI)	On December 18, Peter Wright will participate in the ELI Leadership Council luncheon meeting.
Monthly Business Review	On December 19, OLEM will hold its monthly business review meeting.

Office of Mission Support

Hot Topics

FOIAonline Executive Committee Meeting

FOIAonline, an electronic system maintained by EPA, provides 18 federal agencies with an efficient and consistent way to manage and respond to Freedom of Information Act requests. On December 9, OMS held a successful FOIAonline Executive Committee meeting with its federal agency partners to establish shared rates and a system strategy for FY 2021. Vaughn Noga, EPA CIO, led the meeting.

Mandatory Training on Whistleblower Protection Update

New Mandatory Training for Executives, Managers & Supervisors on Whistleblower Protection must be completed by December 31. As of December 11, 58% of agency supervisors have completed the required training offered through FedTalent. 870 supervisors are left to complete the training by the December 31 deadline.

Upcoming Major Decisions and Events

OMS Honor Awards Ceremony

The Office of Mission Support Inaugural Honor Awards Ceremony will be held on December 18 from 1:00 to 3:00 at the National Press Club in Washington, D.C. Associate Deputy Assistant Administrator Douglas Benevento will present awards to employees who have served 30 and 40 years of government service. A reception for award recipients will be held in OMS's suite in room 3330 WJC North immediately following the ceremony.

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Office of Policy

Hot Topics

Smart Sectors Events

On December 18 and 19, staff from the Office of Policy's Smart Sectors program will participate in launches of regional sectors programs for R4, R5, and R7.

Active Interagency Reviews from OMB	
Subject	**OMB Due Date**
USDA/NRCS Interim (Pass-back): Agricultural Conservation Easement Program	N/A
DOD/ACE NPRM: Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers	12/13/2019
DOI/BOEM FRM (Pass-back): Air Quality Control, Reporting, and Compliance	12/16/2019
DOC/NOAA NPRM (Pass-back): Fisheries of the Northeastern United States; Omnibus Deep-Sea Coral Amendment	12/16/2019
DOE/EERE SNPRM: Energy Conservation Program for Appliance Standards: Procedures for Evaluating Statutory Factors for Use in New or Revised Energy Conservation Standards	12/20/2019
DOE/EERE FRM: Energy Conservation Program for Appliance Standards: Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment	12/20/2019
DOC/NOAA NPRM: Magnuson-Stevens Act Provisions; Interjurisdictional Fisheries Act; Fishery Disaster Assistance Programs; Fisheries Assistance Programs	12/23/2019
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 December 4 - 11, 2019 -		
FRL #	**Title**	**Date Sent to FR**
10002-94-Region 3	CLEAN WATER ACT: Maryland – Chester River Vessel Sewage No-Discharge Zone – Final Affirmative Determination	12-11-2019
10003-10-OLEM	Financial Responsibility Requirements Under CERCLA Section 108(b) for Facilities in the Petroleum and Coal Products Manufacturing Industry	12-11-2019
10003-11-Region 2	40 CFR Part 52 Approval of Air Quality Implementation Plans; New Jersey; Infrastructure SIP for Interstate Transport Requirements for the 2006 PM10, 2008 Lead, 2010 Nitrogen Dioxide, and 2011 Carbon Monoxide National Ambient Air Quality Standards	12-10-2019
10003-08-OAR	National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations	12-09-2019
10003-02-Region 5	Air Plan Approval; Indiana; Indiana RACT SIP and Negative Declaration for the Oil and Natural Gas Industry Control Techniques Guidelines	12-09-2019
10002-93-Region 5	Final Approval of the Indiana 1997 Ozone Second Full Maintenance Plans	12-06-2019
10002-99-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Regulatory Definition of Volatile Organic Compounds	12-06-2019
10002-32-OCSPP	Pesticide Product Registration; Receipt of Applications for New Uses (October 2019)	12-06-2019
10003-06-Region 1	New Hampshire: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference	12-06-2019
10003-05-Region 1	New Hampshire: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference; Correction	12-06-2019
10001-40-Region 8	North Dakota Department of Environmental Quality: Incorporation by Reference of State Hazardous Waste Management Program	12-05-2019

10002-55-OW	4 Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Restoration Plan and Environmental Assessment #6: Wetlands, Coastal, and Nearshore Habitats	12-05-2019
10002-97-Region 4	Air Plan Approval; Tennessee; Knox County Miscellaneous Revisions	12-04-2019

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Office of Research and Development

Hot Topics

Congressional PFAS Round Table

On December 10, ORD participated in a round table on the impacts of PFAS on U.S. military veterans. The discussion was hosted by the U.S. Congressional House Committee on Veterans' Affairs.

Coordinating Research Efforts with Regions on PFAS in Groundwater

On December 9 and 11, ORD met with R2 and R3, the New Jersey Department of Environmental Protection, and the New York State Department of Environmental Conservation to scope the work in the project "Investigation of the Factors Influencing Fate and Transport of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and the Development of a PFAS Impact to Groundwater Tool to Protect Our Groundwater Resources." The project aims to understand factors that control the movement of PFAS in the subsurface to give environmental practitioners a more accurate prediction of PFAS concentration ranges in soil that negatively impact groundwater quality. On December 9-13, ORD will meet with staff from R2 and R3 to coordinate additional research efforts on the factors influencing fate and transport of PFAS and the development of a groundwater impact tool.

NAMs Training

On December 11-12, ORD is presenting at a training course on New Approach Methodology Use for Regulatory Application hosted by The Physicians Committee for Responsible Medicine. The theme of the course is Integrating Modern Science Approaches into evaluating chemicals for potential health effects. ORD is also presenting a case study on regulatory use of integrated testing strategies and participating in a panel discussion.

ORD Project Honored by Department of Defense

An ORD project was selected as DoD's Environmental Security Technology Certification Program (ESTCP) 2019 Project of the Year. ORD collaborated with the U.S. Army on anaerobic membrane bioreactor (AnMBR) research at Fort Riley, KS. The AnMBR unit was installed in July 2016, operated for 18 months, and evaluated for effectiveness for water reuse and energy efficiency. The Ft. Riley system was compared with another AnMBR system installed and operated in South Korea. Research results show that AnMBRs are capable of being energy positive under certain conditions and meeting nutrient removal objectives while reducing sludge production.

Tribal Consultation

On December 11, ORD held the second and final webinar for tribal governments as part of a consultation on specific elements of ORD's national research programs. The 60-day consultation period ends December 31.

Strengthening Transparency in Regulatory Science; Supplemental Proposal (Tier 1)

On December 5, ORD participated with OGC and OP on an inter-agency call to discuss DOJ comments on the supplemental proposed rule. OMB also provided interagency comments from HHS, DOD, USDA, DOT and the White House Council of Economic Advisors. This week, ORD will participate in four meetings with stakeholders regarding the supplemental, which is now under OMB review.

Upcoming Major Decisions and Events

Conference on Development and Use of New Approach Methods (NAMs) for Chemical Safety Testing

Next week, OCSPP and ORD will host the First Annual Conference on the State of the Science on Development and Use of New Approach Methods (NAMs) for Chemical Safety Testing. This conference is one of EPA's commitments under the Directive to Prioritize Efforts to Reduce Animal Testing memorandum calling for the agency to reduce its use of mammal studies. Agenda topics include Establishing Baselines for Animal Use at EPA and Opportunities for Reduction, Variability and Relevance of Current Animal Tests and Expectations for NAMs, State of the Science in Development and Application of NAMs and Developing Scientific Confidence in NAMs.

Office of Water

Hot Topics

Designating Rio Reimagined Project as a New Location for the Urban Waters Program
As early as this week, OW and the Department of the Interior (DOI) will sign a proclamation designating Rio Reimagined-Rio Salado Project as the 20th Urban Waters Partnership location on behalf of the Urban Waters Federal Partnership. This partnership of 15 Federal agencies coordinates its various mission expertise to support local community-led revitalization efforts that include promoting enhanced water quality and access, reconnecting communities to their waterways, and fostering sustainable water stewardship and management. AA Ross and DOI Assistant Secretary for Water and Science Timothy Petty will sign the proclamation.

Oil and Gas Report
As early as next week, EPA expects to release a final report, *Summary of Input on Oil and Gas Extraction Wastewater Management Practices Under the Clean Water Act.* The report summarizes stakeholder engagement on potential uses of oil and gas extraction wastewater (i.e., "produced water"), including comments received on the agency's May 2019 draft *Study of Oil and Gas Extraction Wastewater Management Under the Clean Water Act*. The final report provides information on potential approaches for managing produced water from onshore oil and gas extraction activities as well as summaries of states', tribes', and stakeholders' input on potential options for discharge of treated produced waters.

Upcoming Major Decisions and Events

9th Annual EPA Regions 7 & 8 and State Departments of Agriculture Meeting
Next week, Principal Deputy Assistant Administrator Anna Wildeman will speak about WOTUS, nutrient reduction strategies (water quality trading, harmful algal blooms, and EPA funding toward nutrient reduction efforts), and water reuse. Closed press.

Steam Electric NPRM Virtual Public Hearing
On December 19, EPA will host a virtual public hearing on the Steam Electric ELG proposed rule that is currently out for public comment. The public hearing will be a "modernized" virtual public hearing that will allow for greater participation from communities across the country.

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