Region 1

Hot Topics

Maine Comment Period for Ozone Transport Region (OTR) Opt-out Closed
On December 23, 2019, the Maine comment period for the proposed Maine 176A(a) OTR Opt-out Petition closed. At the public hearing, four forest product industries testified in support of the petition while two private citizens opposed the petition. The greatest concern was the potential impact on cross-state collaboration. Maine Department of Environmental Protection plans to finalize the petition at an upcoming Environmental Board Meeting and send it to EPA for approval.

Massachusetts Credits Offsets for Offshore Wind Energy Projects
On December 23, 2019, the Massachusetts Department of Environmental Protection (MassDEP) finalized crediting of nitrogen oxides (NOx) and volatile organic compounds (VOC) emissions offsets based on emissions reductions resulting from the permanent shut-down of the former Brayton Point Station power plant in Somerset, MA. MassDEP will make the offsets available for use in EPA Outer Continental Shelf (OCS) air quality permits for offshore wind energy projects.

Region 1 Ozone Transport SIPs for CT and MA
On December 26, 2019, a notice of proposed rulemaking was published in the Federal Register approving Connecticut's 2008 Ozone transport SIP. In addition, a Notice of Final Rulemaking approving the Massachusetts 2015 Ozone transport SIP is now routing for signature. EPA finds that emissions from Massachusetts do not contribute to downwind nonattainment or interfere with any maintenance area.

Brownfield Cleanup Completed in Downtown Attleboro, MA
On January 7, R1 participated in the Brownfields Support Team meeting regarding the American Machine Products site redevelopment. The final phase of the cleanup is complete, and construction for the new site buildings will break ground in March. Mirroring the first phase of the project, this redevelopment will bring new residential and retail space to the heart of Attleboro's town center (within walking distance of the train station). This site leverages approximately $50 million in additional private investment for a development-wide combined total of $100 million.

Continued Opportunity Zone Outreach Across Massachusetts and Maine
On January 8, R1 attended an advisory committee meeting at the Montachusett Regional Planning Commission (MRPC) in Fitchburg, MA. At the meeting, community representatives discussed several candidate sites for which the commission is considering funding assessment work under their Brownfields grant. MRPC represents 22 cities and towns across north central Massachusetts, several of which have project sites in Opportunity Zones. On January 10, R1 participated in kickoff meetings for two new grantees in Opportunity Zones – one in Brockton, MA and one in Lincoln, ME – to familiarize the grantees with the terms of their Brownfields grants and help them set up their new Brownfields programs.

UST/LUST State Program Approval for New Hampshire
On December 31, 2019, New Hampshire's final approval for their UST/LUST program became effective. Maine and New Hampshire are two of the nine states across the country to have attained state program approval under newly finalized 2019 regulations. The other four New England states are planning to submit packages to EPA for review in 2020.

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Wells G&H Superfund Site Consent Decree Negotiation Successfully Concluded
The R1 case team and DOJ have concluded negotiations for a Consent Decree regarding Operable Unit 4 - the Southwest Properties – at the Wells G&H Superfund site in Woburn, MA. The PRPs are expected to sign the consent decree by January 13. An EPA referral package is ready to be sent for DOJ review and the decree will be likely lodged (for public review and comment) by end of January.

Solar Project Completed at Nyanza Chemical Waste Dump
On December 31, 2019, the construction of the photovoltaic system on the Nyanza Chemical Waste Dump Superfund Site landfill in Ashland, MA, was completed and was "energized." Two solar arrays will generate approximately 5.8 megawatts of combined power for nearby communities.

Region 1 Leads EPCRA Training
On December 19, 2019, R1 led an EPCRA training for 672 participants via webinar on the new Tier II Submit Software ("Tier II Reporting under the Emergency Planning and Community Right-to-Know Act"). The training covered the basics of EPCRA and Tier II reporting, a live demonstration of the new reporting software, and a robust Q&A session.

Upcoming Major Decisions and Events
Nothing to report.

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Region 2

Hot Topics

Puerto Rico Earthquake
On January 7, Puerto Rico experienced a magnitude 6.4 earthquake. In the following 24 hours there were >70 seismic events with magnitude 2.5 to 4.7. Several power plants sustained damage. 50% of residents remain without power as of January 9 (95%+ restoration is projected by January 11); about 2500 residents are in shelters; 33 of 114 drinking water plants out of service (about 269,000 customers without water on January 9; water will be delivered by truck until service is restored); 3 of 51 wastewater plants out of service as of January 8. A federal emergency declaration was issued. We are working under a narrowly focused FEMA Mission Assignment to support USACE on water sector issues. We are reaching out to all CERCLA, FRP, RMP, and SPCC facilities. We know of two FRP facilities with spills that were captured within secondary containment and one SPCC facility with an aluminum nitrate release to the ground. We are following up on these. PREPA (the electric utility) is expected to request waivers from certain CAA requirements.

Coal Combustion Residuals (CCR)
On January 2, Puerto Rico Governor Wanda Vázquez signed an amendment to an existing law. The amendment bans the deposit and disposal of CCR and use of non-encapsulated CCR on all roads, land (including landfills), and bodies of water within PR. It also prohibits storage of CCR for a period greater than 180 days from production. Storage is allowed in tanks or silos for up to one year.

NJ 303(d) List and 305(b) Integrated Report
NJDEP submitted its 2016 integrated water quality assessment report to R2 on January 2. NJ public-noticed the proposed list on September 16, 2019, and received responses from six commenters. NJ has appropriately addressed EPA's concerns and R2 plans to fully approve it the final list, which is not considered controversial. The proposed list included one waterbody/pollutant combination already covered under a TMDL. Otherwise, the final list is the same as the proposed list.

NJ Gasoline Transfer SIP (Stage I & Stage II)
R2 received two comments on its notice of proposed approval of this SIP revision. One suggests that NJ should consider all 21 counties, rather than just five counties, when determining "widespread use" of onboard systems. The other suggests a tax credit for gasoline dispensing facilities to encourage compliance with the proposed Stage II decommissioning rule. We expect to approve and, if so, this action will allow NJ to upgrade its Stage I underground tank controls and decommission its Stage II vapor recovery systems on a phased basis. Many states have decommissioned Stage II programs pursuant to EPA's 2012 ruling that onboard refueling vapor recovery (ORVR) installed on new vehicles is in widespread use nationwide and allowing states to request decommission of their Stage II systems if they can demonstrate widespread use. We determined that NJDEP followed EPA guidelines and adequately demonstrated widespread use of ORVR. Finalizing this action is part of our SIP backlog reduction commitment.

Gowanus Canal Superfund Site Cost Recovery
On December 23, 2019, R2 signed an agreement with National Grid providing for reimbursement of $10 million in past EPA response costs at the Brooklyn, NY, site. This will ensure EPA oversight is fully funded during remedial action work targeted to begin in 2020.

Upcoming Major Decisions and Events

Clean Trucks Initiative
On January 13, RA Lopez will hold a press event to highlight EPA's Clean Trucks Initiative, together with the Port Authority of NY & NJ, at a Port Authority facility near Newark, NJ.

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Ringwood Mines Superfund Site
The week of January 13, R2 will publish the proposed cleanup plan for the groundwater OU at this site in Ringwood, NJ. We anticipate significant public interest and press coverage.

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Region 3

Hot Topics

Brownfields Site Kicks off $1B Redevelopment, Pittsburgh PA
First National Bank has sealed a deal to anchor a 24-story office tower at the 28-acre former Civic Arena site, former venue for the Pittsburgh Penguins. Construction is expected to start in the third quarter of 2020, with completion set for mid-2022. The $200 million building, known as FNB Financial Center, will feature 387,000 square feet of office space overall, with another 20,000 square feet of retail. The project will still need the approval of the Pittsburgh Urban Redevelopment Authority and Sports & Exhibition Authority. In addition to the office tower, construction of the first phase of the housing, an $82.3 million project, is expected to start in May near Crawford Square. The Penguins, who own the development rights to the land, are planning to begin work on the 97,000-square-foot indoor/outdoor music venue, with Live Nation expected to be the operator, and the parking garage in the third quarter of 2020. Team officials also have been contemplating the construction of a 220-room hotel near the office tower. Overall, the $1 billion redevelopment is to hold up to 1,420 units of housing, 810,000 square feet of office space, 190,000 square feet of retail, the music venue, a food hall, and the hotel. The FNB project is expected to generate up to $9 million in tax revenue that will be redirected to other parts of the lower Hill district as part of a community agreement. North Side Industrial Development Company utilized an EPA Brownfields assessment grant to investigate the former Civic Arena and surrounding parking which was previously part of a commercial business district with several gas stations. Approximately 20% of the new housing units will be designated for low-income households. The Pennsylvania Department of Transportation began construction this summer on a $32 million cap across Interstate 579, designed to link the Lower Hill District and Downtown via a three-acre park.

38 Communities Apply for 2020 Brownfields Funding
The FY20 Brownfields funding Request for Proposals closed December 3, 2019. A total of 459 applications were submitted nationally. R3 received 38 total: 25 community wide assessment, 10 cleanup, and 3 Revolving Loan Fund grant proposals including two from Maryland, 13 from Pennsylvania, nine from Virginia, and 14 from West Virginia. The numbers of proposals received have continued to increase, from 33 last year and 28 in 2018, including 22 proposals from communities that had not applied for Brownfields funding previously (58%). This increase of proposals received and awarded corresponds directly with extensive outreach and training conducted by the Brownfields Branch across the Region in the past three years. Proposals will be reviewed and scored by national panels based on ranking criteria. Recipients are expected to be announced in May.

R3 Forwards Referral to DOJ to Initiate Filing of Proofs of Claim in Bankruptcy Against PES Holdings
On December 16, 2019, RA Servidio signed a direct referral to the U.S. Department of Justice (DOJ) in connection with the PES Holdings, LLC bankruptcy. The referral seeks to have DOJ file proofs of claim against PES Holdings, LLC and seven affiliated companies (collectively the "Debtors") in the U.S. Bankruptcy Court for the District of Delaware in a matter captioned, *In re PES Holdings, LLC*, No. 19-11626. On June 21, 2019, equipment failure and a loss of containment at the Debtors' Philadelphia-based refinery ("Facility") caused a fire and subsequent catastrophic explosion and release of hydrofluoric acid (HF). Post-accident investigations have generated evidence supporting a claim for penalties and potential injunctive relief for violations of Section 112(r)(7) of the CAA for failure to adhere to industry standards and safely operate and maintain the Facility. In addition, EPA incurred response costs under CERCLA when it responded to the Facility to monitor for the release of HF vapors and to oversee the process of neutralizing the HF that remained on-site at the Refinery so that it could be safely and properly disposed. On July 21, 2019, Debtors filed for bankruptcy protection in the U.S. Bankruptcy Court for the District of Delaware. R3 is requesting that DOJ file, on its behalf, proofs of claim in the bankruptcy in order to: (1) seek penalties under CAA 113(b) for the Debtors' failure to safely operate the Facility, violating CAA 112(r) and regulations – EPA will also seek appropriate injunctive relief; (2) seek to recover, under CERCLA, the response costs it incurred in monitoring conditions at the Facility and overseeing the neutralization of HF after the explosion – EPA will also seek an order compelling Debtors to comply with their existing cleanup obligations at the Facility pursuant to a 2012 Prospective Purchaser Agreement, and (3) EPA will also seek stipulated penalties for Debtors' violations of a CAA consent decree and an order requiring

the Debtors, or other future operators, to abide by the operating requirements of this consent decree, if the Facility continues to operate as a refinery in the future.

Region 3 Concurs on Insurance Buyback Agreement with Tank Car Corporation of America Site, PA
R3 has concurred on an insurance buyback agreement between Tank Car Corporation of America (TCCA) and Pennsylvania Manufacturers' Association Insurance Company (PMAIC). Under the buyback agreement, PMAIC agrees to pay to the United States $650,000 in return for a release by TCCA from all insurance policies written by PMAIC to TCCA. Total unreimbursed costs at the Site through March 29, 2016, are $5.7 million. TCCA is the sole responsible party at the Site. Under a settlement between the United States and TCCA entered in the U.S. District Court on December 6, 2016, TCCA (1) confessed to a Monetary Judgment of $14 million in favor of the United States (this included approximately $8.3 million in estimated future costs); (2) irrevocably assigned to the United States all of its rights to proceeds under its insurance policies; (3) agreed to execute all necessary documentation to allow the pursuit and collection, by the United States, of any insurance claims against TCCA's carriers relating to the Site; and (4) agreed to reasonably cooperate with and assist the United States in asserting and pursuing claims for coverage under the TCCA insurance policies and in negotiating or litigating claims under the policies. Since then, R3, the Department of Justice, and EPA Headquarters have pursued settlement with PMAIC and Liberty Mutual Insurance Company in close coordination with Eisenstein Malanchuk LLP, EPA's insurance consulting firm.

A DC Nonpoint Source Success Story: Stream Restoration and Trash Removal Improve Nash Run
Nash Run, a first-order tributary of the Anacostia River, is impaired by stormwater runoff from a highly impervious watershed. Stormwater runoff has led to severe bed and bank erosion, contributing to diminished water quality and degradation of instream habitat conditions. The Washington, D.C. (District of Columbia) Department of Energy and Environment (DOEE) used a legacy-sediment-removal stream design technique to reduce bank erosion by creating a low and wide floodplain bench along the stream corridor. As a result, Nash Run water quality has improved and is closer to attaining water quality standards. The partners involved in this project include the National Fish and Wildlife Foundation (NFWF); EPA Clean Water Act (CWA) Section 319 Program; EPA Chesapeake Bay Program; the Clean Water State Revolving Fund; and DOEE. The total project cost (including design, construction and monitoring) was over $3.5 million. Funding included $400,000 from a NFWF grant, $1.025 million from the District's Bag Law, $1.1 million from both the federal and local Clean Water State Revolving Fund, $357,773 from the Chesapeake Bay Program, and $337,221 from EPA's CWA Section 319 Program.

EPA Approves Chlorophyll-A Criteria for James River
Virginia completed a review of its existing chlorophyll-a criteria for the tidal James River and submitted the resulting water quality standards (WQS) revisions to EPA for its review under Clean Water Act §303(c). The most notable changes are modified seasonal mean criteria (eight proposed criteria are lower than the existing criteria, and two proposed criteria are higher) and new short-duration criteria that protect aquatic life from the effects of harmful algae. EPA received the WQS submittal on November 12, 2019, and approved the package on January 6.

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

January 15 Delaware Agriculture Roundtable for Delaware Ag Week, Harrington, DE

Region 4

Hot Topics

Oak Ridge Reservation (Oak Ridge, TN) EMWDF Focused Feasibility Study (FFS)
As a follow-up to the December 13, 2019, meeting between DOE, TDEC, R4, and EPA HQ, another meeting will be held in mid-January in Nashville to continue the technical discussion. Based on a meeting R4 had with TDEC and DOE this week at Oak Ridge Reservation, DOE is expected to provide EPA/TDEC with concentrations of certain radionuclides measured instream. EPA will provide DOE with calculated concentrations for radionuclides using the CWA methodology, which were calculated with TDEC consultation. EPA and DOE concentrations will be compared to identify the variance between all parties with respect to proposed effluent limits for radionuclides.

EMDF ROD
EPA and TDEC approved the December 10, 2019 DOE request to extend the submission of the D1 ROD to June 17, 2020, to allow for the resolution of the FFS.

Paducah Gaseous Diffusion Plant (KY)
The Alternative Dispute Resolution Team Collaboration Workshop has been scheduled for January 29. The final agenda is being drafted by the facilitator with program coordination.

Westside Lead Site (Atlanta, GA)
During the week of January 6, R4 worked with the contractor to begin improvements to the temporary staging area in advance of the region commencing excavation activities on January 27. The region will hold a kick-off community meeting on January 23 to discuss the anticipated project timeline and address community concerns.

DNP Imagingcomm America Corporation CA/FO (NC)
On December 27, 2019, EPA and DNP Imagingcomm America Corporation entered into a Consent Agreement and Final Order to settle allegations related to improper waste handling procedures at their North Carolina facility. This settlement is part of the RCRA Air National Compliance Initiative. Included in the settlement is a $200,000 civil penalty. As a result of the inspection and enforcement action, DNP Imagingcomm America Corporation voluntarily spent over $100,000 reconfiguring their waste handling procedures to comply with applicable rules and regulations.

Yazoo Backwater Area
R4 and OW staff are reviewing project information and a 404(b)(1) analysis transmitted by the Corps on December 20, 2019, which is based in part on new data and information presented in the analysis. EPA modeling staff are reviewing the USACE models for the proposed project, working on a parallel process of Yazoo modeling. The Corps and EPA leadership will meet in Atlanta on January 15 to discuss the project.

Valdosta Sewage Spill (Madison County, FL)
On January 8, R4 participated in a meeting with Florida state legislative and Florida Department of Environmental Protection staff to discuss the ongoing sewage spills being experienced by the residents of north central Florida (Madison County) and the next steps to address the spills.

R4 Wastewater Optimization
Our article, "Pilot Partnership for Optimization Pays Off" was published in the Winter 2019 edition of the Clean Water Professionals of Kentucky and Tennessee's journal "Streamlines." R4 highlighted nutrient reductions and cost savings at 3 POTWs in Kentucky at which EPA conducted optimization assessments and technical assistance. R4 will conduct optimization assessments in La Grange and Stanford this month.

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Upcoming Major Decisions and Events

Cleaner Trucks Initiative
On January 16, RA Walker will hold a press event to highlight the Agency's advanced notice of proposed rulemaking for the Cleaner Trucks Initiative. Atlanta, GA. Open Press.

Georgia Recycling Economic Development Meeting
On January 17, RA Walker will speak at the Georgia Recycling Economic Development Partners meeting. Atlanta, GA. Closed Press.

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Region 5

Hot Topics

EPA Expands Investigation in Michigan "Green Ooze" Incident
EPA is expanding its investigation of the extent of hexavalent chromium pollution that resulted in yellow-green slime oozing from an I-696 embankment near Detroit last month. The contamination originates from the former Electroplating Services site in Madison Heights, MI. The frozen yellow-green liquid was discovered oozing onto the interstate on December 20, 2019. Since then, EPA responders and contractors have installed sumps and wells to capture the hexavalent chromium-contaminated water released from the plating buildings. On January 2, EPA began a subsurface investigation to determine the extent of the contamination and potential migration pathways and installed several monitoring wells and boring holes. On January 6, the subsurface investigation expanded to the highway embankment and more borings and wells were installed. EPA is working with Michigan Department of Environment, Great Lakes, and Energy, the city of Madison Heights, and Oakland County. Michigan DOT and Michigan State Police are maintaining a lane closure on I-696 to allow for work to be conducted. Local media interest remains high.

EPA Coordinating with Indiana on ArcelorMittal Data Manipulation Issue
R5 has been and is coordinating closely with IDEM in addressing alleged discharge violations and is investigating whether ArcelorMittal's testing and reporting methods may constitute additional alleged violations. On January 7, the *Chicago Tribune* reported that the ArcelorMittal Burns Harbor facility in Indiana manipulated samples required after a fish kill that occurred last summer by retesting and reporting the more favorable values to regulators. This coverage was based on a letter from IDEM telling the steelmaker it appears that water sample results showing excessive ammonia and cyanide levels were improperly retested and the lower score submitted to regulators. ArcelorMittal has been required to do daily water testing at its Burns Harbor, IN, facility for more than a dozen chemicals and substances near an industrial outfall since a toxic spill last August. That release into the Little Calumet River killed 3,000 fish, closed beaches, and idled a local water plant. The January 6 IDEM letter says the company "undermines the integrity" of its self-disclosures by the unauthorized retesting.

ATSDR to Release EtO report on Willowbrook, IL, Sterigenics Facility Soon
ATSDR will soon release a follow-up health consultation about the now-closed Sterigenics ethylene oxide facility in Willowbrook, IL. The health consultation, which may be released within a couple weeks, assesses ethylene oxide monitoring data to estimate potential exposure for nearby residents and workers. The 50-page document concludes that people who have lived and worked near Sterigenics for a long time have a higher risk of certain blood and breast cancers. Noncancer health effects are unlikely in the Willowbrook community from short-term or long-term exposures, the report says. ATSDR also stated ethylene oxide is commonly detected in ambient air across the United States, even when known emissions sources are not present. The ambient EtO levels can result in estimated cancer risks the agency considers to be elevated.

Solar Redevelopment of EPA's Yeoman Creek Landfill Site
A "comfort letter" issued by EPA helped pave the way for a solar redevelopment project on a portion of the Yeoman Creek Landfill Superfund site in Waukegan, IL. Waukegan Public Schools and the city of Waukegan will use the electricity generated by the 7 MW solar project developed under the Illinois Solar For All program. On January 3, the Illinois Power Agency, which distributes solar-generated electricity, awarded a bid to build the solar project to BQ Energy Development. The 70-acre Yeoman Creek Landfill released hazardous chemicals and gases during its 12 years of operation. EPA completed a cleanup in 2005, but vapor intrusion concerns require long-term monitoring.

Strong Interest in Great Lakes Trash Free Waters Grant Process
More than 130 participants joined a January 7 informational webinar about the Great Lakes Trash-Free Waters grants. During the webinar, EPA shared key information about the funding opportunities and responded to over

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60 questions. Participants included representatives from states, local governments, universities, nonprofit organizations, and the private sector. Applications are due February 14. GLNPO also maintains an RFA website.

EPA's Successful GM Brownfields Site in Flint May Become New Michigan State Park
The Michigan Department of Natural Resources is coordinating with the city of Flint and local partners to establish a state park that includes greenspace along the Flint River and EPA's former Brownfields site known as "Chevy in the Hole." Last month, Michigan Gov. Gretchen Whitmer told media the Chevy Commons area and the associated greenway along the Flint River present a good opportunity to develop Genesee County's first state park. Redevelopment efforts thus far have achieved 90% transformation of the site from a contaminated industrial area into open meadows, woods, and wetlands connected by trails to neighborhoods, schools, and regional trail networks. After the 2011 GM bankruptcy settlement, RCRA and CERCLA cleanup actions addressed PCB-contaminated soil and groundwater on the site. The remediation and subsequent redevelopment were funded using $12.8 million from 13 funding sources, including $3.5 million in EPA Brownfields grants.

Upcoming Major Decisions and Events

Public Meeting Organized by Rep. Dingell
On January 16, R5 will participate in a public meeting in Ann Arbor, MI, organized by Rep. Debbie Dingell to discuss the controversial Gelman site, which is a plume of 1,4-dioxane. Residents want more aggressive attention to the plume threatening local drinking water supplies, and Dingell has suggested EPA take over the lead on investigating and cleaning up the pollution under the Superfund program.

Meeting with Rep. Mitchell on Metamora Superfund Site
On January 22, R5 will meet with Rep. Paul Mitchell to discuss the Metamora (MI) Landfill Superfund site. Some neighboring residents are concerned pollutants from the site are moving on their properties. The site has recently been included in a national pilot program for risk communication at construction-complete Superfund sites.

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Region 6

Hot Topics

Denka Performance Elastomer, La Place, Louisiana
EPA, DOJ, and the State of Louisiana continue to pursue enforcement of Clean Air Act violations that occurred at the facility from 2013-2017. Denka and DuPont are expected to submit their respective comprehensive settlement counter offers to the government team by January 10. EPA plans to deploy a new SPod air monitoring network around the Denka facility in early 2020. By letter dated January 6, U.S. Representative Cedric L. Richmond (LA-02) requested that R6 convene a community meeting to explain the new air monitoring program and what it is expected to achieve. EPA ORD continues to process Denka's request for reconsideration regarding the 2010 Integrated Risk Information System (IRIS) Toxicological Review of Chloroprene. ORD is nearing completion of its quality assurance (QA) review of the scientific models, code, and data submitted by Denka.

Fifth Ward/Kashmere Gardens, Houston, Texas
Congresswoman Jackson Lee is hosting a community meeting in the Fifth Ward-Houston about the Cancer Study associated with Union Pacific Railyard on January 21 and has requested EPA participation. On December 23, the Congresswoman sent a second letter to Administrator Wheeler requesting EPA conduct a Superfund preliminary assessment and site inspection (PA/SI) at the site. EPA's response continues to outline provisions that TCEQ has primacy and is adequately addressing conditions at the site under RCRA corrective action. R6 is preparing to decline the Congresswoman's invitation since TCEQ has primacy for RCRA and is attending the community meeting.

Reese Air Force Base, Lubbock County, Texas
Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) have publicly announced the launch of the PFAS exposure assessment in Lubbock County, TX, near former Reese Air Force Base (AFB). They are inviting community members in the area, especially those living near the Reese Technology Center, to attend an information session on January 22, about the issue. Scientists will provide information about ATSDR, the PFAS exposure assessment, the participant recruitment process, and upcoming PFAS testing to be conducted.

Revised Water Quality Standards for Blind Oso Bay, Corpus Christi, Texas
On January 6, EPA acted to approve revised water quality standards for dissolved oxygen in Oso Bay and the newly designated "Blind" Oso Bay near Corpus Christi, TX.

Compliance Evaluations for Oil and Gas Facilities, Permian Basin, Texas
As of January 7, EPA has received responses from 28 of 32 companies regarding emissions observed during flyovers of the Permian Basin. The letters were sent to oil and gas facilities in Texas observed to have potentially unauthorized emissions identified by Optical Gas Imaging. The companies were asked to take corrective action necessary to address unauthorized hydrocarbon emissions. We will then determine if there have been Clean Air Act violations and evaluate enforcement options. Additionally, TCEQ will be provided a list of unidentified facilities to continue enforcement efforts for those sites. The goal is to complete the enforcement assessment of the Texas Permian Basin facilities by February. For the New Mexico facilities, we continue to provide support to New Mexico Environment Department as it prepares follow up actions.

Revised Water Quality Standards for Magcobar Mine, Arkansas
On January 7, EPA acted to approve revised water quality standards for minerals for certain waterbodies in the Ouachita Mountains and Gulf Coastal Ecoregions in Arkansas. The revised water quality standards are temporary and apply during the period of water quality restoration at the former Magcobar Mine Site (Halliburton Energy Services Inc./Dresser Industries.)

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NESHAP Hearing, Houston, Texas
On January 14, EPA will hold a public hearing in Houston, TX, on proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Miscellaneous Organic Chemical Manufacturing source category. EPA is proposing decisions concerning the residual risk and technology review, including proposing amendments pursuant to the technology review for equipment leaks and heat exchange systems and proposing amendments pursuant to the risk review to specifically address ethylene oxide emissions from storage tanks, process vents, and equipment leaks.

Mosaic Fertilizer Uncle Sam, Convent, Louisiana
On January 6, discussions with LDEQ and Mosaic resumed. The plant is now up to full production of phosphoric acid (after a three-month shutdown) and has reduced process wastewater inventory but has not landed on a long-term solution for inventory reduction. Mosaic submitted modifications for its Clean Air Act and Louisiana Discharge Elimination System permits, but Louisiana has not yet acted on them. LDEQ informed Mosaic that this option is unlikely to be approved. The Clean Water Act permit modification is for operation of a Reverse Osmosis (RO) unit to treat process wastewater with discharge of permeate (potable quality water) to the Mississippi River. This option could be accommodated federally but would require a significant revision of the Louisiana rules, which is unlikely at this time.

Los Alamos MS4, New Mexico
On January 16, EPA will be meeting with representatives of Los Alamos County, Los Alamos National Laboratory (LANL), the New Mexico Department of Transportation, New Mexico Environment Department, and Amigos Bravos to begin discussions on next steps for developing permits for municipal storm water discharges. Amigos Bravos is the petitioner who requested designation of Municipal Separate Storm Sewer Systems (MS4s) in the Los Alamos, NM, area due to contributions to water quality impairment. A final designation decision was signed December 16, 2019, designating MS4s within the Los Alamos Urban Cluster and on LANL property.

Upcoming Major Decisions and Events

ODEQ NPDES Authorization for Produced Water, Oklahoma
R6 is preparing an approval of non-substantial revision to the Oklahoma Pollution Discharge Elimination System (OPDES). ODEQ submitted a Supplement to the OPDES for produced water on November 2, 2019. The OPDES program was approved by EPA in 1996, authorizing ODEQ to implement CWA 402(b) NPDES program within the State of Oklahoma. Because discharges from oil and gas exploration and production related industries and pipeline operations were at that time under the jurisdiction of the Oklahoma Corporation Commission and not ODEQ, EPA retained NPDES authority over these discharges. As a result of state statutory change and jurisdictional MOU with OCC, ODEQ is now the agency in Oklahoma with authority to regulate oil and gas discharges. Texas is preparing to seek authorization for oil and gas discharge regulatory authority.

ExxonMobil Baytown Chemical Plant, Texas
R6 is preparing a formal objection to the TCEQ proposed title V permit for the ExxonMobil Baytown Chemical Plant in Texas. The deadline for EPA to object is January 24. The objection is consistent with decisions regarding recent claims in petitions granted by the EPA Administrator. The state's draft title V permit for the ExxonMobil Baytown Chemical Plant went to public notice on August 22, 2019. TCEQ will have 90 days from the date of objection to submit a revised permit that resolves all objections. The objection would take the form of a letter to TCEQ providing recommendations to address the objections. If TCEQ does not resolve the objections, EPA can start a process specified by title V air permit regulations to take over issuance of a permit that complies with Federal title V permit requirements.

Texas Regional Haze Supplemental Proposal Public Hearing, Dallas, Texas

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The public comment period for the November 2019 supplemental proposal to modify the Texas Regional Haze SO2 trading program, including adding an assurance level and penalty provisions closes on January 14. R6 held a public hearing on December 9, 2019.

2008 Ozone Transport SIP, New Mexico
R6 extended the comment period for the New Mexico 2008 Ozone transport action to January 17, 2019. Final signature is expected by April 4.

Louisiana SIP Revision for Withdrawal of Stage II Vapor Recovery Systems Requirements, Louisiana
By January 21, EPA anticipates proposed approval to the Louisiana SIP revision to remove Stage II Gasoline Refueling Vapor Recovery Program. On May 30, 2019, 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.

January 9	Department of Defense Regional Environmental Coordinators Meeting, Dallas, TX
January 14	NESHAP Hearing, Houston, TX
January 15	EPA/Agriculture Commissioners Annual Meeting, Dallas, TX
January 16	EPA/State Environmental Directors Meeting, Oklahoma City, OK
January 22	Galveston State of the Bay Conference, Galveston, TX
January 23	Rural Water Association Meeting, Dallas, TX

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Region 7

Hot Topics

National Association of Conservation Directors North Central Region Board of Directors Meeting
RA Gulliford was a keynote speaker at the National Association of Conservation Directors North Central Region Board of Directors meeting in St. Charles, MO, on January 7. The speech focused on EPA priorities and emphasized that protecting the nation's resources relies on cooperation and collaboration among EPA, farmers, ranchers, producers, federal agencies, states, tribes, and local communities.

Mercury Response in Marshalltown, Iowa
R7 On-Scene Coordinators are finishing response to mercury release that resulted in the mercury poisoning of 13 persons and impacts to multiple homes, schools, and vehicles. Vials of mercury were broken in a residential basement in early December 2019. Local authorities became aware of potential impacts to the family in mid-December. EPA was asked to respond on December 20, 2019. Since that date, EPA has cleaned and/or screened the primary home, as well as other areas where the family tracked the mercury including a relative's home, two schools and relevant classrooms, a school bus, two vehicles, and a car wash. EPA is still onsite this week conducting final clearance actions for the primary residence.

EPA Signs Administrative Order for the PCE Chestnut Street Site in Atlantic, Iowa
This week EPA agreed to an administrative order with the PRP to conduct a Time-Critical Removal Action at the PCE Chestnut Site. An Administrative Settlement Agreement and Order on Consent and Enforcement Action Memo were signed on January 6 for the PCE Chestnut Street Site. PCE Chestnut is the site of a former dry cleaner where a release of perchloroethylene, or PCE, has created vapor intrusion issues in adjacent properties. As part of the removal action, the PRP will remove the PCE-contaminated soil for proper disposal and will conduct post-removal site controls in accordance with the ASAOC. After the removal action is complete, operation and maintenance of vapor mitigation systems will be conducted at four properties.

Finalization of Two Superfund Cleanup Decisions at Lake City Army Ammunition Plant Site
On December 20, 2019 Region 7 finalized two Explanations of Significant Difference, or ESDs, for the Lake City Army Ammunition Plant Superfund Site in Independence, MO. The two recently finalized ESDs significant modify the scope of the cleanup remedies for three Operable Units at the Lake City Army Ammunition Superfund Site—the Installation-wide operable unit, the Area 18 OU, and the Northeast Corner OU. One ESD incorporates Building 83 into the scope of the installation-wide OU and documents land use controls as the remedy for the subject area. Building 83 was previously used as a trinitroresorcinol (TNR) production facility with contamination addressed during a 2017 removal action. The second ESD incorporates an alternative discharge location for the treated effluent from the Building 163 treatment system. Building 163 houses a groundwater extraction and treatment facility that receives extracted groundwater from volatile organic compound groundwater plumes at the Area 18 OU and the Northeast Corner OU.

Upcoming Major Decisions and Events

Drinking Water Quarterly State Meetings with Kansas and Missouri
In mid-January, R7 will host meetings to discuss the status of current drinking water systems State Drinking Water programs for Kansas and Missouri.

- On January 9, R7 Water Division/Ground Water and Drinking Water Branch will meet with the Kansas Department of Health and Environment Drinking Water Program. Region 7 will discuss with KDHE the latest increase in trends regarding the number of community water systems with health-based violations.
- On January 13, R7 will meet with the Missouri Department of Natural Resources Drinking Water Program. R7 will discuss with MDNR the latest successful data flow into the State Drinking Water Information System compared to last quarter which had a major problem.

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- As a result of all the state submissions, R7 has 199 community water systems with health-based violations compared to its baseline of 258 community water systems. This is a 23% decrease and the highest decrease compared to other regional offices.

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Region 8

Hot Topics

Drinking Water from Wyoming Public Water System is Not Safe for Consumption by Infants
Brush Creek Ranch is a vacation resort that serves approximately 552 people per day in Carbon County in southern Wyoming. During late December 2019 and January 2020, Brush Creek Ranch collected routine nitrate samples with an averaged result of 12.58 mg/L, which exceeds the maximum contaminant level (MCL) of 10 mg/L. The water system has been directed to notify residents of the situation and to not provide the water to infants under 6 months of age. An expedited administrative order will require the water system to provide water that meets the nitrate regulatory requirements. R8 notified the Wyoming Department of Environmental Quality and other state partners about this situation since R8 has direct implementation responsibility for Wyoming's public water systems.

Region 8, DOJ, and Colorado Reach Agreement on Consent Decree with K.P. Kauffman Company, Inc.
On December 26, 2019, EPA, the U.S. Department of Justice, and the State of Colorado reached an agreement with K.P. Kauffman Company, Inc. (KPK) on a Consent Decree to settle air violations associated with the unlawful emissions of volatile organic compounds (VOCs) from condensate storage tanks and associated vapor control systems. KPK will pay a civil penalty of $1 million, which will be evenly split between Colorado and the United States. The CD also requires injunctive relief and mitigation projects that will reduce VOC emissions by approximately 550 tons per year. The Consent Decree is currently routing for approval and signature with DOJ and EPA.

EPA to Participate in International Meetings
R8 will participate in an International Red River Board (IRRB) meeting in Fargo, ND, January 16-17 and in an International Joint Commission (IJC) public hearing January 17 to hear input on the proposal to adopt nutrient targets at the international boundary between North Dakota/Minnesota and Manitoba. A primary purpose of the thresholds is to improve water quality in downstream Lake Winnipeg, which has experienced a significant increase in HABs due to elevated nutrient concentrations. If adopted by the IJC, the thresholds would be non-binding. It would be up to the states of North Dakota and Minnestoa to implement them through adoption of nutrient water quality standards, permitting or other approaches.

Upcoming Major Decisions and Events

Colorado Motor Carriers Association
RA Sopkin will conduct a media event with the Colorado Motor Carriers Association (tentatively scheduled for Jan uary16) to visit a local trucking operator to highlight the proposed Clean Truck Imitative (CTI) rulemaking and demonstrate emissions reductions and efficiency efforts being implemented by truck operators in Colorado. Potential locations include Navajo Express trucking in Denver and WalMart fleet operations in Loveland.

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Region 9

Hot Topics

SDWA UIC Settlement (Large Capacity Cesspools)
R9 issued a public notice for a Proposed Consent Agreement/Final Order with County of Hawai'i for violating EPA's 2005 ban on Large Capacity Cesspools (LCCs) under the Safe Drinking Water Act's Underground Injection Control regulations. R9 found Respondent utilizing one LCC for sanitary wastewater disposal needs past the closure deadline at the Kainaliu parking lot in Kealakekua, HI. The CA/FO requires Respondent to close the LCC, replace it with an approved wastewater treatment system by December 31, and pay a civil penalty in the amount of $133,000.

Pesticide Spray Safe Event
On January 10, RA Stoker provided opening remarks for the Pesticide Spray Safe event in Fresno, CA. This event is one in a series of pesticide education events bringing together growers, pesticide applicators, farm labor contractors, and regulators to improve pesticide use and worker safety compliance in the San Joaquin Valley. Last summer, a series of high-profile large-scale pesticide drift incidents occurred in the area. Growers recognized that more education was needed and partnered with regulators to put on "Spray Safe" events. EPA funded these events through our grant with the California Department of Pesticide Regulations.

Moffett Field
On January 7, EPA sent the Navy written notice for failing to submit the Revised Draft Site 28 Vapor Intrusion Remedial Design/ Remedial Action Work Plan for six buildings at Moffett Field and failure to notify the Agencies or request an extension. Failure to submit this primary document may constitute a violation of the 1990 Moffett Field FFA, 1993 amendment, and 2011 vapor intrusion remedy implementation dispute agreement; and stipulated penalties may be assessed. EPA had already approved a four-month extension of the Work Plan conditioned upon implementing interim vapor intrusion mitigation measures that the Navy completed in October 2019. EPA requested a written response from the Navy regarding the nature and justification of the delay, along with detailed plans to minimize the delay, by December 31, 2019.

Approval of Revised Primacy for Arizona and Nevada Drinking Water Programs
R9 determined that Arizona and Nevada have met the requirements for retaining primacy for their Public Water System Supervision (PWSS) programs through adoption of revised federal drinking water rules and statutory authorities. R9 announced the determination to grant revised primacy to Arizona for two federal rules (Public Notice, Consumer Confidence Report) and two statutory revisions (PWS definition, administrative penalty authority) and to Nevada for two federal rules (Lead and Copper Rule Minor Revisions and Short-term Revisions) in December 2019 and January 2020, respectively. Absent a request for a public hearing in the 30-day notice period, the approvals become final and effective January 21 for Arizona and February 6 for Nevada.

Treatment as a State (TAS) Expansion for Shingle Springs
Last week, R9 approved TAS financial assistance eligibility for CWA 106 and 319 funding for a 122.85-acre geographic expansion to Shingle Spring's existing 160-acre rancheria located in El Dorado, CA. This will allow the tribe to apply their 319 and 106 funding to on-the-ground monitoring and nonpoint source pollution control in these new locations.

NPDES Stormwater Presentation at CASQA Annual Meeting
This week, R9 will present EPA's annual update of its stormwater program at the California Stormwater Quality Association (CASQA) in Sacramento. CASQA is a nonprofit organization that is dedicated to the advancement of stormwater quality management, science, and regulation. Other topics include State and Regional Board program updates, LA stormwater permit issues, bacteria and trash management, and funding.

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Upcoming Major Decisions and Events

Tse Tah Water Informational Meeting (Red Mesa, AZ)
On January 16, EPA and NNEPA will host an all-day water informational meeting at the Red Mesa Chapter on the Navajo Nation. Community members are concerned about drinking water, livestock water, and the potential impacts from the concentration of abandoned uranium mines in the area. Participants also include the Navajo Superfund Program, Navajo Public Water System Supervision Program, Navajo Department of Water Resources, US Natural Resource Conservation Service, and Colorado State University.

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Region 10

Hot Topics

Alaska Will No Longer Participate in National Aquatic Resources Survey (NARS)
The Alaska Monitoring and Assessment Program has informed EPA that the Alaska Department of Environmental Conservation will no longer participate in NARS. ADEC has stated that NARS is too challenging logistically and has become a financial burden and that DEC's abilities to conduct other monitoring work are limited. Because DEC has received a Clean Water Act grant for NARS focusing on coastal assessment, EPA will need to discuss the options available to DEC. DEC is considering using the existing NARS coastal funding to complete the analysis and prepare final reports for rivers/streams work or conducting a very limited coastal survey focused on the Tongass Narrows outside Ketchikan. R10 and DEC will soon discuss the implications and options.

Hanford Dispute Between Washington Department of Ecology and U.S. DOE Yields Large Penalty (WA)
For almost two years, the U.S. Department of Energy and the Washington Department of Ecology have been discussing their disagreement about whether DOE met a Tri-Party Agreement milestone relating to data access. In December 2019, Ecology issued an official determination that DOE failed to meet the milestone and did not comply with two additional requirements. This week, Ecology announced that they were assessing $1,065,000 in penalties for the failures. EPA was not consulted in the determination and was unaware of the intent to assess penalties until they were announced. DOE's next steps and any involvement from DOJ are not yet known.

Upcoming Major Decisions and Events

Fairbanks North Star Borough PM2.5 Nonattainment Area Serious SIP Completeness Determination
By January 15, R10 will submit a notice for Federal Register publication stating that Alaska has made an administratively complete SIP submission. By issuing this notice, EPA will meet its consent decree obligation with Citizens for Clean Air and Sierra Club. Under the Clean Air Act, we have 12 months after issuing the completeness finding (January 15, 2021) to approve or disapprove Alaska's Serious Plan submittal based on statutory and regulatory requirements.

Changes in Leadership at Washington Department of Ecology
Laura Watson started as the newly appointed Director of the Washington Department of Ecology on January 8. Laura comes from the Washington Attorney General's office, where she was the senior assistant attorney general in the Ecology Division of the Attorney General's Office. In addition, Ecology's long-time Deputy Director, Polly Zehm, retires at the end of January.

Region 10's Cleaner Trucks Event at the Port of Seattle With Local Trucking Partners (WA)
On January 15, RA Hladick will participate in R10's Cleaner Trucks Initiative event with the Washington Trucking Association and other partners at the Port of Seattle drayage yard. This is part of the national announcement of the Advance Notice of Proposed Rulemaking for this initiative.

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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)
- Revisions to the Petition Provisions of the Title V Permitting Program (Final Rule)
- NESHAP: Petroleum Refinery Sector (Final Rule)
- Landfills Federal Plan (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)
- Strat Ozone - Section 608 Refrigerant Management – Revisions (Final Rule; RECEIVED DATE October 4, 2019)

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

Public Hearings on Miscellaneous Organic Chemical Manufacturing NESHAP (MON) Proposed RTR
Next week, EPA will hold two public hearings, one on January 14, in Houston, TX, and the other on January 16, 2020 in Washington, DC, on the Miscellaneous Organic Chemical Manufacturing National Emission Standards for Hazardous Air Pollutants (MON) Proposed RTR. The action proposes to amend the 2003 rule and will be the first regulatory action we have taken to address ethylene oxide emissions under our two-pronged approach to reduce ethylene oxide emissions. To date, 15 public speakers are registered for these public hearings (eight in Houston and seven in Washington, DC).

Stakeholder Roundtable
Next week, EPA will hold a roundtable in Research Triangle Park, NC, with states and other stakeholders to inform the agency's direction toward a cord wood-based compliance test method for emissions from wood heaters, such as wood stoves. The roundtable is a step toward improving the methods EPA and states use for measuring emissions from wood burning devices. EPA, along with State and industry stakeholders, believes emissions testing using cord wood is important because it presents a more realistic picture of emissions from wood heaters in daily use. These discussions are intended to lay the foundation for a future test method rulemaking.

January is National Radon Action Month
Throughout January, ORIA's Indoor Environments Division, Regional Offices, and their state grantees will encourage Americans to Test, Fix, and Save a Life as part of National Radon Action Month.

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Office of Chemical Safety and Pollution Prevention

Hot Topics

Published
- New Chemicals Working Approach to Making Determinations under TSCA Section 5; Notice of Availability – comment period ends February 18.

Pending Signature
- Preliminary List Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations – 60-day comment period for correction or amendment of EPA list
- Carbon Tetrachloride: Draft Risk Assessment – Notices February 24 peer review and public meeting and opens 60-day comment period on seventh of first 10 chemicals under TSCA review

Action packages at OMB for Review
- Supplemental NPRM: Long-Chain Perfluoroalkyl Carboxylate (LCPFAC) SNUR
- Final Rule: Chemical Data Reporting (CDR) Rule Revisions; updates to align with new TSCA, improve data collected, and reduce burden
- Proposed Rule: Pesticides; Exemptions of Certain Plant-Incorporated Protectants (PIPs) Derived from Newer Technologies

Going Soon for OMB Review
- Final Rule: Confidential Business Information (CBI) Review Plan & Substantiation Procedures – Pending EO Determination of not significant. Statutory deadline: final rule to be signed by February 19

Upcoming Major Decisions and Events

Toxics Release Inventory (TRI) PFAS List
On December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020 (NDAA) was signed into law. Among other provisions, the NDAA adds certain per- and polyfluoroalkyl substances (PFAS) to the list of chemicals subject to TRI reporting and establishes a framework for including additional PFAS on the TRI list. OCSPP notified TRI reporters of the pending change to TRI on December 31, 2019, and will soon post the list of the PFAS added to TRI. OCSPP has also initiated the ADP process for incorporating the list changes into the TRI regulations and plans to develop the final rule under the APA good cause exemption on an expedited schedule.

New Products to Fight Dangerous Fungal Infections
In mid-January, in coordination with the Centers for Disease Control, EPA will announce the availability of the first 10 products registered to fight *c. auris*, an emerging fungal pathogen that causes serious and sometimes fatal fungal infections, especially in hospitalized patients, and that can be resistant to antifungal drugs.

New Methodologies to Estimate Pesticide Concentrations in Surface Waters
On January 14, OPP plans to post for public comments new and improved methodologies to estimate pesticide concentrations in surface waters. OPP designed these improvements to continue to generate estimated drinking water concentrations that are protective of human health. The improvements will minimize underestimation, reduce the magnitude of overestimation, and increase consistency.

Glyphosate Herbicide & Neonicotinoid Insecticides
OPP plans in mid-January to publish an interim decision for the registration review of glyphosate and a preliminary interim decision (PID) for neonicotinoids. For glyphosate, there are no risks of concern for human health; however, OCSPP identified potential risks of concern for birds, mammals, and non-target plants. The neonicotinoids PID will be accompanied by the most comprehensive pollinator assessment that EPA has

conducted to date, as these insecticides can adversely impact hives. OCSPP and OPA are developing communication materials.

Selected One-Month Look-Ahead

January	Chlorine gas proposed interim decision
January	Isoxaflutole proposed conditional registration (in 332 counties) of new use on soybeans genetically modified to resist this herbicide

Office of the Chief Financial Officer

Hot Topics

FY 2020 Operating Plan
The agency's detailed OMB-approved FY 2020 Operating Plan is due to Congress on February 10. OCFO has scheduled meetings with the Associate Deputy Administrator on January 13 and the Administrator on January 15 to discuss and finalize the plan for submittal to OMB. A summary of EPA's FY 2020 enacted appropriation can be found in the Acting CFO memo distributed to the agency on December 20, 2019.

FY 2021 President's Budget
The federal government's FY 2021 President's Budget request will be submitted to Congress on February 10, at which time it and the agency's FY 2021 Congressional Justification will be available to the public.

FY 2019 Annual Performance Report
On January 13, OCFO will provide EPA's draft FY 2019 Annual Performance Report, including draft targets for FY 2021 annual performance goals, to OMB for review (January 13-17). We are preparing the Administrator's statement for signature by January 30 supporting the reliability and completeness of performance data in the FY 2019 APR. The FY 2019 APR will be issued as part of the FY 2021 Annual Performance Plan and Congressional Justification on February 10.

FY 2020-2021 Agency Priority Goal (APG) Action Plans
On January 10, OCFO will submit for OMB review the draft FY 2020-2021 Agency Priority Goal (APG) Action Plans (excluding FY 2020 Q1 results), which reflect feedback from the Assistant Deputy Administrator and policy official approval. Draft APG Action Plans including FY 2020 Q1 results are due to OMB February 7, and final drafts addressing OMB comments are due to OMB February 28. The six APGs are: reducing nonattainment areas; leveraging water infrastructure financing; accelerating Superfund/brownfields site cleanups; accelerating permitting decisions; reducing childhood lead exposures; and reducing PFAS risks to the public.

Performance Dashboard
OCFO has scheduled a Performance Dashboard meeting for the Assistant Deputy Administrator on January 15 to demonstrate current Dashboard functionality and landing page mock-ups.

Compass Financial System Upgrade
On December 23, 2019 the Acting CFO issued a memorandum to DAAs and DRAs and others in the budget and finance community announcing an upgrade to the agency accounting system, Compass, that will occur in mid-February. This upgrade will move the current Compass Financial System to a newer version as the vendor will no longer support the existing version. There will be an impact to the availability of Compass, and then each system that depends on Compass data.

GAO and OIG Audits and Activities
No new significant OIG or agency audit activities since the last weekly report.

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Office of Congressional and Intergovernmental Relations

Hot Topics

January 14	House Committee on Energy and Commerce Subcommittee on Environment and Climate Change will hold a legislative hearing entitled, "Promoting American Innovation and Jobs: Legislation to Phase Down Hydrofluorocarbons." EPA's Director of the Stratospheric Protection Division of the Office of Atmospheric Programs, with the Office of Air and Radiation is preparing to offer testimony.
January 15	House Committee on Science, Space, and Technology is scheduled to hold a hearing entitled, "An Update on the Climate Crisis: From Science to Solutions

Upcoming Major Decisions and Events

Week of January 13	Rep. Mast (FL) briefing request on invasive species with OW, OCSPP, R4
Week of January 13	House Approps briefing request on OCSPP reorganization w/OCSPP, OCFO
January 14	OITA, R9, and OW will join OIR in a meeting with Phil Rosentrater, Executive Director, Salton Sea Authority, to discuss the New River sewage challenges, and the Authority's proposed restoration projects that might be eligible for WIFIA support
January 14 (tent.)	EPA headquarters and R4 staff will meet with Greg Donovan, Executive Director, Bill Johnson, Senior Advisor, and Jack Ryals, Chairman, to discuss the terminal expansion of the Orlando Melbourne International Airport Authority
January 14	House Oversight briefing on Rouda, Kildee on PFAS letter with OW
January 14	Senate Ag biotech briefing w/OCSPP, USDA, FDA
January 15-17	ORD leadership will meet with R6 states in Oklahoma and provide an update with emphasis on PFAS research and upcoming deliverables
January 15	EPA's Office of Wetlands, Oceans and Watersheds (OWOW) and OIR will co-host two follow-up briefings for West Coast states' regulatory program managers to further discuss the development of forthcoming national standards, required by the Clean Water Act (CWA) as amended by the Vessel Incidental Discharge Act (VIDA), regulating discharges incidental to the normal operation of vessels. Two additional region-oriented follow-up briefings also took place on December 18, 2019.
January 16	A trial run of OW's "How's My Waterway" (HWM), an innovative, visual web-based application that allows users to learn about the condition of water resources – 24/7 via computer or mobile phone -- for certain uses (e.g. drinking water, swimming, fishing, etc) will take place.
January 22-24	The U.S. Conference of Mayors will host its 88th Annual Winter Meeting in 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
Nothing to report.

Upcoming Major Decisions and Events
Nothing to report.

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Office of General Counsel

Hot Topics

Columbia Riverkeeper v. Wheeler, No 18-35982 (9th Cir. Dec. 20, 2019)
New Decision: The court affirmed a district court decision finding that a state's inaction in developing a total maximum daily load (TMDL) for a particular impairment could constitute a constructive submission of "no TMDL," triggering a non-discretionary duty for EPA to approve or disapprove the constructive submission, and if disapproving, to issue a TMDL. The court found that the facts surrounding inaction by the States of Washington and Oregon in this case represented a constructive submission applicable to temperature impairments on the Columbia River and lower Snake River.

Upper Missouri Waterkeeper v. EPA, No 16-52 (D. Mont. Dec. 20, 2019)
New Decision: The court denied EPA's motion to alter or amend the court's final judgment. The court reaffirmed its reading of EPA's regulations as requiring that a variance should start with the highest attainable condition and end with compliance with the base water quality standards (WQS). The court reasoned that EPA's reading of the variance regulation would allow dischargers to receive variances that do not require attainment of the base water quality standards, to be followed by the same dischargers receiving more variances that still would not require attainment of base WQS.

Northwest Environmental Advocates v. EPA, e. al. No. 18-01420 (D. Or. Dec. 20, 2019)
New Decision: The court denied Northwest Environmental Advocates (NWEA) motion to complete the administrative record with 21 extra-record documents, noting that the availability of the documents at the time the Fish and Wildlife Service (FWS) drafted its Biological Opinion did not necessarily mean FWS considered the documents. The court also denied NWEA's motion to supplement the administrative record, noting that NWEA failed to point to any evidence suggesting that the 21 documents constituted superior scientific data than that considered in preparation of the Biological Opinion. The court denied the government's request to limit review of Endangered Species Act claims against EPA to the administrative record.

Wash. Cattlemen's Ass'n v. EPA, et al. No 18-0569 (W.D. Wash. Dec. 30, 2019)
New Decision: The Court denied a motion by Washington Cattlemen's Association for a preliminary injunction against EPA and the Corps' 2015 rule defining "waters of the United States" under the Clean Water Act. After observing that a final rule repealing the 2015 regulatory definition went into effect on December 23, 2019, the court held that plaintiff's alleged harms from the 2015 rule were "neither concrete nor imminent," as the 2015 rule "no longer has legal effect." The court further held that "because Plaintiff has not demonstrated that there is a reasonable expectation that the Agencies will again promulgate the [2015 rule] or a rule similar to it, Plaintiff has not overcome the presumption that the [repeal rule] rendered its motion for a preliminary injunction moot," adding that plaintiff could "refile its motion for a preliminary injunction if the [2015 rule] becomes effective again in the future."

New York, et al. v. Wheeler, No. 19-11673 (S.D.N.Y. filed Dec. 20, 2019)
New Litigation: On December 20, 2019, 14 states, the District of Columbia, and the City of New York filed a complaint challenging EPA and the Corps' rule repealing the 2015 definition of "waters of the United States" under the Clean Water Act and reinstating the prior regulatory definition. Plaintiffs seek declaratory and injunctive relief, claiming the rule is arbitrary and capricious in violation of the Administrative Procedure Act (APA). Some of the allegations are that the agencies failed to consider whether the rulemaking met the CWA section 101(a) objective of restoring and maintaining the integrity of the Nation's waters, and that the rulemaking violates the APA's notice-and-comment requirements.

Suncor Energy. v. EPA, No. 19-9612 (10th Cir. filed Dec. 23, 2019)
New Litigation: On December 23, 2019, Suncor Energy filed a petition for review challenging an October 25, 2019, EPA decision that determined Suncor's East Refinery and Suncor's West Refinery are integrated such that they now operate as a single refinery which fails to meet the definition of "small refinery" in either the Clean

Air Act or the relevant regulation, and as such, is not eligible to petition for a small refinery exemption. EPA declined to evaluate Suncor's 2018 petitions for a one-year small refinery exemption for these entities.

New NOI

On December 20, 2019, the states of New Jersey, Connecticut, Delaware, New York, and Massachusetts, and the City of New York sent a notice of intent to sue (NOI) under the Clean Air Act. The NOI alleges outstanding federal implementation plan (FIP) obligations under Clean Air Act section 110(c) to fully address "good neighbor" requirements under section 110(a)(2)(D)(i)(I) for the 2008 ozone national ambient air quality standards.

New NOI

On December 30, 2019, EPA received a notice of intent to sue (NOI) under the Clean Air Act alleging that the Agency failed to timely respond to a petition from Bill Green asking the Administrator to object to a Title V operating permit issued by the Washington Department of Ecology for the U.S. Department of Energy's Hanford Site.

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Office of International and Tribal Affairs

Hot Topics

G20 Environment Ministerial Meeting
AA McIntosh participated in a conference call with Saudi Arabia's Ministry of Environment, Water and Agriculture (MEWA) to discuss the meeting calendar, proposed themes, and expected outcomes on environmental issues for Saudi Arabia's G20 Presidency in 2020. Saudi Arabia's environmental priorities include combatting land degradation and habitat loss, improving coral reef resilience and conservation, and minimizing marine plastic litter. The issue of climate change will be covered in the G20 Energy Ministerial Meeting and food waste will be covered in the Agriculture Ministerial Meeting. The first G20 Environment Deputies Meeting will be held on March 3-4 in Riyadh, preceded by a side event on March 2 focused on land degradation. OITA will hold an interagency call to discuss U.S. preparations for the G20 environment track and environmental equities in other G20 tracks.

Alaska Native Claims Settlement Act (ANCSA) Consultation
After internal discussions within EPA, OITA/AIEO has initiated consultation and coordination with federally recognized tribes to clarify how EPA consults with Alaska Native Claims Settlement Act (ANCSA) corporations. In 2004, Congress directed all federal agencies to consult with corporations established by ANCSA on the same basis as Indian tribes under Executive Order 13175. EPA has a long history of engaging with ANCSA corporations on matters for which it consults with tribes and now seeks to formalize this process. The consultation period will be open for 120 days, from December 16, 2019 through April 14, 2020.

Upcoming Major Decisions and Events

January 9	Administrator Wheeler will meet with Finland's Permanent Secretary at the Ministry of Environment and Finland's Ambassador to the U.S. to discuss cooperation on the Arctic, resource efficiency and marine litter.
January 16	AA McIntosh will meet with officials from the U.K. Department of Environment, Food and Rural Affairs (DEFRA) to discuss G7 and G20 environmental meetings in 2020.

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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; we are awaiting a publication date from the Office of the Federal Register.
c. CCR litigation packages (package 2, parts A and B) – On December 2, 2019 the Part A NPRM package was published in the FR; the 60-day public comment period ends on January 31, 2020. OLEM, in coordination with the Office of Water, denied a request to extend the comment period to 120 days for the CCR Part A and ELG rules. Part B is with OMB for expedited review.
d. The final decision package for the Georgia CCR permitting program was signed by the Administrator on December 16 and announced with the CCR permitting NPRM. We anticipate publication in the FR on January 10, 2020, with an effective date of February 10.

Aerosol Cans Final Rule

The final rule will be effective February 7.

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.

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. OLEM is working with OMB to address comments on the Industry 3 (Chemical Manufacturing) NPRM package. We anticipate OMB concluding its review soon.

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

Consumer Electronics Show (CES)

On January 8, AA Wright participated in the CES in Las Vegas.

Monthly Business Review

On January 16, OLEM will hold its monthly business review meeting.

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Office of Mission Support

Hot Topics

National Information Technology/Information Management Meeting
The National IT/IM Meeting is in progress at EPA's facility in Research Triangle Park, North Carolina. R1 and OMS partnered with RTP to host the conference for EPA's IT/IM community, including senior leadership, management, and staff. Exploring past successes and lessons learned, examining current activities and developing strategic plans for managing IT/IM across the agency are the focal points of the meeting. Individuals attending include Senior Information Officials, Regional Information Resources Management Branch Chiefs and Headquarters Program Office Information Management Officials.

Upcoming Major Decisions and Events

National Honor Awards Ceremony and National SES Meeting
Based on the Administrator's calendar, we are looking at the week of June 22 for these events. OMS is currently working to secure space.

National Mission Support Division Directors Meeting
The Office of Mission Support and the Office of the Chief Financial Officer senior leadership will participate in the quarterly Mission Support Division Directors meeting on January 22-23 in Dallas, TX. OMS, OCFO and Regional leadership will discuss strategic level mission support services agencywide.

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Office of Policy

Hot Topics

Opportunity Zones Summit
On January 13, staff from the Office of Community Revitalization will participate in the Opportunity Appalachia Summit in Bridgeport, WV. The summit will focus on bringing investment to Opportunity Zones in Central Appalachian.

Environmental Justice Grants Teleconference
On January 15, the Office of Environmental Justice will host a teleconference in Spanish to provide pre-application assistance for Fiscal Year 2020 Environmental Justice grants.

Active Interagency Reviews from OMB	
Subject	**OMB Due Date**
DOI&DOC NPRM: Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat	01/10/2020
USDA/APHIS FRM: Movement of Certain Genetically Engineered Organisms	01/14/2020
DOI/FWS NPRM: Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-billed Cuckoo	01/15/2020
HUD NPRM: Acceptance of Private Flood Insurance for FHA-Insured Mortgages	01/21/2020
HUD NPRM: Streamlining and Implementation of Economic Growth, Regulatory Relief, and Consumer Protection Act Changes to Family Self–Sufficiency (FSS) Program	01/27/2020
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 December 23, 2019 thru January 8, 2020		
FRL #	**Title**	**Date Sent to FR**
10003-60-Region 6	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; New Mexico and Albuquerque-Bernalillo County, New Mexico; Control of Emissions From Existing Other Solid Waste Incineration Units	01-08-2020
10003-44-Region 6	Air Plan Approval; New Mexico; City of Albuquerque-Bernalillo County; New Source Review (NSR) Preconstruction Permitting Program	01-08-2020
10003-62-OW	Proposed Information Collection Request; Comment Request; Clean Water Act State Revolving Fund Program	01-08-2020
10003-61-Region 6	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; New Mexico and Albuquerque-Bernalillo County, New Mexico; Control of Emissions From Existing Other Solid Waste Incineration Units	01-08-2020
10004-19-Region 4	Air Plan Approval; GA; Nonattainment New Source Review	01-08-2020
10004-06-Region 4	Air Plan Approval; GA; Revisions to Aerospace VOC Rule	01-08-2020
10003-81-OAR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans and Surface Coating of Metal Coil Residual Risk and Technology Review	01-07-2020
10004-00-Region 7	Air Plan Approval; Missouri; Open Burning	01-07-2020
10003-37-Region 8	Approval and Promulgation of Implementation Plans; State of Montana; State Implementation Plan Revisions for Open Burning	01-06-2020
10003-98-Region 9	California: Final Authorization of State Hazardous Waste Management Program Revisions	01-06-2020
10003-96-Region 9	Air Plan Approval; California; Northern Sierra Air Quality Management District; Reasonably Available Control Technology	01-06-2020
10003-97-Region 9	Extreme Area Submission Requirements, Coachella Valley Nonattainment Area; California Ozone	01-06-2020
10002-21-OCSPP	Fenhexamid; Pesticide Tolerances	01-03-2020
10002-22-OMS	Tips and Complaints Regarding Environmental Violations (Renewal)/ICR. 2219.06	01-03-2020
10003-34-OMS	Spill Prevention, Control and Countermeasure (SPCC) Plans/ICR 0328.18	01-03-2020
10004-02-OMS	NSPS for Sewage Sludge Treatment Plants (Renewal)/ICR 1063.14	01-03-2020

10003-91-Region 1	Notice of Availability of Draft NPDES Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities in New Hampshire	12-31-2019
10003-89-Region 9	Public Water System Supervision Program Revision for the State of Nevada	12-30-2019
10003-82-OLEM	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Federal CCR Permit Program	12-30-2019
10003-95-Region 9	Air Plan Approval; California; San Joaquin Valley Unified Air Pollution Control District	12-30-2019
9992-83-OCSPP	Certain New Chemicals; Receipt and Status Information for September 2019	12-27-2019
10002-07-OCSPP	Registration Review; Draft Human Health and/or Ecological Risk Assessment for Several Pesticides; Notice of Availability	12-27-2019
10002-65-OCSPP	Access to Confidential Business Information by Eastern Research Group and its Identified Subcontractor, PG Environmental	12-27-2019
10002-91-OCSPP	Cancellation Order for Certain Pesticide Registrations and Amendments to Terminate Uses	12-27-2019
10002-92-OCSPP	Pesticide Registration Review; Proposed Interim Decisions for Several Triazines; Notice of Availability	12-27-2019
10002-95-OCSPP	Cancellation Order for Certain Pesticide Registrations and Amendments to Terminate Uses	12-27-2019
10002-90-Region 6	Air Plan Approval; Oklahoma; Infrastructure for the 2015 Ozone National Ambient Air Quality Standards	12-27-2019
10003-01-OCSPP	Pesticide Registration Review; Revised Interim Registration Review Decision for Sodium Cyanide; Notice of Availability	12-27-2019
10003-03-OCSPP	Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations	12-27-2019
10003-20-OCSPP	Updated Working Approach to Making New Chemical Determinations under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment	12-27-2019
10003-71-OCSPP	N-Methylpyrrolidone (NMP); Draft Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability; Extension of Comment Period	12-27-2019
10003-16-Region 7	Air Plan Approval; Missouri; Revisions to the General Conformity Rules	12-27-2019
10003-76-Region 7	Air Plan Approval; Nebraska; Lincoln-Lancaster County Health Department (LLCHD)	12-27-2019
10000-52-Region 9	Partial Approval, Partial Disapproval and Promulgation of State Plans for Designated Facilities and Pollutants; California; Control of Emissions from Existing Municipal Solid Waste Landfills	12-23-2019
10003-87-OAR	Extension of Photochemical Assessment Monitoring Stations Compliance Deadline	12-23-2019
10003-15-OCSPP	High-Priority Substance Designations under the Toxic Substances Control Act (TSCA) and Initiation of Risk Evaluation on High-Priority Substances; Notice of Availability	12-23-2019
10003-84-Region 6	Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance - Class I Hazardous Waste Injection; Great Lakes Chemical Corporation (GLCC) El Dorado, Arkansas Facility	12-23-2019
10003-86-Region 6	Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance - Class I Hazardous Waste Injection; Blanchard Refining Company LLC (Blanchard) Texas City, Texas Facility	12-23-2019
10003-83-Region 4	Air Plan Approval; Alabama; 2010 1-Hour SO2 NAAQS Transport Infrastructure	12-23-2019

Office of Research and Development

Hot Topics

Region 6 Meetings
Next week we will meet with R6 states in Oklahoma. On Wednesday, ORD will meet with Scott Thompson, Executive Director of OK DEQ and ERIS Board member, and his team. On Thursday at the R6 State Directors Meeting, ORD will provide an update on PFAS research and upcoming deliverables. On Friday, RA McQueen, R6 Chief of Staff Erin Chancellor, and OK Secretary for Energy & Environment Ken Wagner will visit the Ada lab. We are also looking forward to briefing you on the ORD efforts underway around PFAS on Monday.

Chemours Meeting
On January 14, ORD will meet with representatives from Chemours at EPA-RTP. The goal of the meeting is to exchange ideas and discuss ORD capabilities for ambient and near-source measurements, including for the Chemours facility near Fayetteville, NC. ORD will also provide an overview of research into air and process-related PFAS measurements.

Integrated Science Assessment for Particulate Matter
The Integrated Science Assessment (ISA) for Particulate Matter (PM) was released and posted to EPA's website on December 31. This report represents an update to the 2009 ISA for PM. The ISA provides the scientific basis for EPA's decisions, in conjunction with additional technical and policy assessments, on the adequacy of the current National Ambient Air Quality Standards and the appropriateness of possible alternative standards.

Region 5 Assistance
ORD continues to support R5 with assistance via the Site Characterization Technical Support Center in Cincinnati. This event is a major fish kill due to dewatering pump effluent unintentionally drawing from a creosote contaminated aquifer in Terre Haute, IN. ORD is recommending geophysical technologies to understand the geology and hydrogeology that governs the transport of the contaminants to the pumping well. The fish kill is over 1,000 so far.

OMB Technical Work Group Briefing
On January 6, ORD briefed the OMB Technical Work Group (TWG) and Agency partners on the Integrated Risk Information System (IRIS) perfluorobutane sulfonic acid (PFBS) assessment.

Sharing PFAS Analytics Information with Kentucky State Lab
Next week ORD will share information on our PFAS research with Kentucky State Laboratory. Specifically, they will discuss purchasing and creating PFAS calibration solutions and an overview of analytical methods. This meeting will help the state laboratory better manage PFAS in their state.

Upcoming Major Decisions and Events

Tox 21 Biannual Meeting
On January 14, ORD will participate in the biannual Toxicology in the 21st Century (Tox21) Face-to-Face Meeting. Tox21 is a federal collaboration among EPA, NIH, including the National Center for Advancing Translational Sciences and the National Toxicology Program at the National Institute of Environmental Health Sciences, and the Food and Drug Administration that aims to develop New Approach Methods (NAMs) to more quickly and efficiently test whether certain chemicals have the potential to disrupt processes in the human body that may lead to negative health effects. ORD scientists will be providing updates on work being done on Cross Partner Projects under the Tox21 program.

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Office of Water

Hot Topics

Uniform National Discharge Standards (UNDS) "Batch Two" Final Rule Headed for Signature
As early as next week, OW anticipates routing the final UNDS rulemaking package to the Administrator for signature. In this rule, the 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 the development of environmentally sound vessels of the Armed Forces. After the Administrator signs, the package will be routed to the Navy for signature and returned to the EPA for publication in the Federal Register.

Upcoming Major Decisions and Events
Nothing to report.

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