Region 1

Hot Issues

Lead Action Levels Exceeded in Four Massachusetts Communities

- Region 1 was informed by the Massachusetts DEP that four large community systems exceed the drinking water lead action level of 15 ppb.
- The communities of Melrose, Medford, Winthrop and Quincy are all served by the Massachusetts Water Resources Authority (MWRA).
- Region 1 will help MA DEP develop and oversee response strategies.
- Issues to be discussed include requesting full rather than partial lead service line replacements, updating lead line inventories, reviewing system-wide water quality data, and ensuring adequate public education.

Chinese Delegation Visits Region 1 to Learn about U.S. Enforcement of Environmental Laws

- Region 1 welcomed a group of 25 Chinese officials from the Ministry of Environmental Protection (MEP) and local environmental bureaus.
- The delegation met with staff to learn how environmental laws and regulations are enforced and how violations are identified and litigated.
- The meeting was a part of a two-week study tour to learn about U.S. experience in enforcement and compliance to achieve environmental protection.

Upcoming Public Events

None.

Upcoming Major Decisions

None.

Highlights from last week

Vineyard Wind Submits Notice of Intent for 800 MW Offshore Wind Farm

- On Dec. 11 Vineyard Wind submitted a notice of intent to submit a Clean Air Act preconstruction permit application within 18 months, pursuant to the Outer Continental Shelf (OCS) regulations.
- The 800 MW proposed project will help satisfy the Massachusetts state law requiring utilities to purchase up to 1,600 MW of electricity from offshore wind farms by 2027.
- EPA will be the permitting authority and, consistent with Clean Air Act OCS regulations, will initiate a consistency review of applicable regulations in the corresponding onshore area that will be published in the Federal Register.

Region 1 and MA DEP Conduct Lead & Copper Rule Training

- MA DEP, with the assistance of Region 1's Lead and Copper Rule expert, conducted one day training workshops in each of the state's four DEP Regions on December 8, 11, 13, and 21. Approximately 120 water suppliers were trained.

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- In preparation for the workshops, Region 1 conducted a "train the trainer" workshop on November 14 for Mass DEP staff.
- Workshop topics included new LCR protocols, testing in schools, consumer notification requirements, corrosion control treatment, and setting water quality parameters.

Region 1 Conducts Community Stormwater Webinar

- On Dec. 14 Region 1 provided technical assistance to 181 participants through the Soak Up the Rain New England Webinar: Engaging Urban Residents: Innovative Approaches to Promoting Community-Based Stormwater Management. Participants were from government agencies, NGO's (mostly watershed associations), and academic institutions.

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Region 2

Hot Issues:

Hurricane Irma/Maria: Close to half of the residents in Puerto Rico and the U.S. Virgin Islands remain without electric power, and this remains a major obstacle to improvements in other areas, including proper management of wastewater and providing drinking water to residents. Use of generators is widespread, but there are frequent failures because the units are not suited to such extended operation. Nevertheless, EPA is making good progress on our mission assignments. To date we have collected over 83.000 household hazardous waste and orphan containers, e-waste items and white goods (for extraction of refrigerant); and we are managing large quantities of medical waste in the USVI. The US Coast Guard has also started removing sunken and stranded vessels, and EPA is managing the oil and hazardous materials from those boats. EPA remains on standby to provide air monitoring in the event that either PR or the USVI authorize the Army Corps of Engineers to carry out air curtain incineration of vegetative debris. In the USVI the question of whether or not to do such burning has become a matter of considerable public controversy. The Corps has advised the USVI government that it will very soon run out of space to stockpile debris – particularly the very large amount of vegetative debris – and will need to terminate collection operations if no decision on how to manage the material is made. There is a lawsuit pending to prohibit the air curtain incineration (ACI) of vegetative debris in the USVI. All ACI operations have been stopped until the legal actions are resolved. In PR, the local government is also wary of ACI operations, anticipating strong negative public reaction to such a plan. Regional Administrator Pete Lopez and regional senior staff met on Dec. 20 with Tania Vasquez, head of Puerto Rico's Environmental Quality Board; this issue was among the main topics of discussion.

Dewey Loeffel: On Dec 12, Rensselaer County passed a law limiting the discharge of 1,4-dioxane to 0.35 parts per billion (ppb) from properties that are owned by the County that are also designated as a Superfund site. The only site that meets these criteria is the Dewey Loeffel site. The most recent treated effluent result available for 1,4-dioxane (collected on Nov. 29, 2017) was 0.36 ppb. The data were posted on the Dewey Loeffel webpage on Thursday, Dec 14 and no inquiries were received. The treated effluent results for Dec. 6 are expected by Dec 20 and will be posted on the webpage later this week.

Pace Environmental Litigation Clinic -- Litigation Update: On December 15, 2017 the court granted EPA an extension to answer/otherwise respond to the compliant, while the court considers EPA's motion to stay this litigation. EPA now has to answer or otherwise respond to the complaint on or before January 17, 2017.

Past Week:

Delaware River Basin Commission Proposed Hydrofracking Rules: On December 18, Region 2 participated on a conference call with Headquarters offices and Region 3 to coordinate EPA's response to the proposed DRBC hydrofracking rules. We agreed that by January 31, 2018 the group would provide comments on the various DRBC documents. The legal review will be completed by the Office of General Counsel (OGC); the technical review will be led by the Office of Water (OW); and the scientific review will be led by the Office of Research and Development (ORD). Regions 2 and 3 will have the opportunity to review the comments submitted by OGC, OW and ORD and can opt to conduct a separate legal review. In addition, Regions 2 and 3 will determine how the proposed regulations would intersect with regional programs, including water quality standards.

EPA assists in navigating air requirements for proposed natural gas pipeline: EPA hosted a meeting on December 12 to coordinate the federal and state general conformity review for the proposed Northeast Supply Expansion natural gas pipeline project. The meeting focused on ensuring that Transco, the private company constructing the pipeline, and the agencies at the federal and state levels, are clear on the next steps for the general conformity analysis. We identified some data gaps and challenges associated with process and schedule. Some details remain to be worked out, including if and how the states can go about approving extended mitigation timelines consistent with EPA regulations. Transco intends to fund clean air projects at the Port of New York and New Jersey in order to offset project emissions.

Court Enters Consent Decree Resolving RCRA, CAA, and CWA Violations by Homeca Recycling Center Co. On 12/18/17, the U.S. District Court for the District of Puerto Rico entered EPA's Consent Decree (CD) with Homeca. The CD resolves our claims against Homeca for alleged violations of RCRA, CWA, and CAA rules at three different facilities located in Caguas, Ponce Playa and Hormigueros, PR. EPA has direct implementation responsibility for these rules in Puerto Rico. The alleged violations resulted from past releases of fluids from crushing cars at the facilities, the release of ozone-depleting substances into the air, and the runoff of contaminated storm water from the facilities to the Rio Grande de Loiza and the Caribbean Sea. The settlement requires Homeca to pay a $50,000 civil penalty in two installments, and to implement various practices as injunctive relief to help the facilities maintain compliance with the applicable regulations.

Upcoming:

Consent Agreement and Final Order (CA/FO) against the Town of North Hempstead: Region 2 will issue a CA/FO to the Town of North Hempstead, Nassau County, for violating the Resource Conservation and Recovery Act (RCRA) Subtitle I, Underground Storage Tanks (USTs) Regulations. The violations include: failure to permanently close a temporarily closed UST after 12 months; failure to monitor tanks for releases every 30 days; and failure to conduct line tightness tests every 3 years. The Town agreed to pay a penalty of $49,500 and to perform two Supplemental Environmental Projects (SEPs) valued at $90,000. The SEPs are: 1) Continuous monitoring release detection for all tanks it owns and/or operates ($50,000); and 2) an infiltration basin system which will divert storm water runoff and thus keep pollution from entering the waterways ($40,000). The continuous monitoring release detection system will also help the Town maintain and monitor its tanks to prevent leaks and loss of product. Although the NYS Department of Environmental Conservation (NYSDEC) does not have State Program Approval for USTs, under its own state authority it has delegated its UST authority to five counties including Nassau County. Region 2 worked with NYSDEC and Nassau County to bring the Town of North Hempstead into compliance with RCRA Subtitle I.

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Region 3

Hot Issues

DOJ/EPA Region III File Consent Decree with ArcelorMittal Monessen, PADEP, and PennEnvironment to Resolve Alleged CAA Violations
On December 20, 2017, DOJ, on behalf of Region III, lodged a Consent Decree to implement a settlement with ArcelorMittal Monessen LLC (AMM) to correct alleged CAA violations at its coke plant in Monessen, PA, a facility that produces coke (purified coal) for eventual use in steel mills. The settlement also resolves claims against AMM made by the Pennsylvania Department of Environmental Protection and PennEnvironment, an environmental group representing neighbors of the plant. The settlement is expected to reduce harmful emissions from the company's coke plant by a total of more than 125 tons per year (tpy) of sulfur dioxide and 50 tpy of particulate matter. Among the requirements of the Consent Decree, the company must install additional monitoring equipment, implement various work plans to improve work practices, conduct studies of existing plant equipment and operations, and perform a demonstration project to control emissions during planned maintenance outages at the facility's desulfurization plant. ArcelorMittal will spend approximately $2 million on air pollution controls/improved work practices at the plant and also pay a civil penalty of $1.5 million, which will be split between the federal and state agencies. At the same time, DOJ filed a Complaint in Intervention in the pending citizen suit brought by PennEnvironment for similar alleged CAA violations.

Final Close Out Report (FCOR) Signed for [HYPERLINK "https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0300596"]
On December 15, 2017, Regional Administrator Cosmo Servidio signed the Final Close Out Report (FCOR) for the Recticon/Allied Steel Superfund Site. The FCOR documents that EPA has determined that all appropriate remedial actions at Site have been completed. Operation and maintenance, institutional controls and Five-Year Reviews are no longer required and no further Superfund response is necessary to protect human health and the environment at the Site. The Site is projected for deletion from the National Priorities List by September 30, 2018.

Vapor Intrusion Investigation Conducted at [HYPERLINK "https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0300563"]**, Doylestown, Pennsylvania**
During the week of December 11, 2017, the Site Team and their contractor conducted a vapor intrusion (VI) investigation at ten residences in the Westwyk community of Doylestown, PA. The VI investigation was conducted because of the presence of groundwater contamination underneath the community. The investigation involved collection of both indoor air and subslab samples in the residences. Analytical results of the sampling are expected to be available in approximately two months. At that time a more extensive VI investigation will be conducted across the entire community, which could involve up to 200 homes. The Site Team has conducted VI investigations at the Site previously, although these have primarily involved testing the subslab and indoor air at the former Chem Fab facility. A vapor mitigation system was installed at the facility as a result of the previous investigations.

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Drinking Water Sampling associated with the Naval Auxiliary Landing Field Fentress (Oceana Naval Air Station) Planned for February 2018, Chesapeake, Virginia

In February 2016, the Navy sampled off-base private drinking water wells for PFAS compounds at residential properties surrounding the Naval Auxiliary Landing Field (NALF) Fentress. Results indicated that drinking water obtained from wells at two properties exceeded the EPA preliminary health advisory levels for PFAS compounds. Navy installed in-home drinking water well treatment systems at the affected residences. The Navy also installed additional off-base monitoring wells to further delineate the groundwater plume migration. Two of the monitoring wells detected PFAS exceeding the EPA Lifetime Health Advisory, indicating further plume migration. The Navy is planning a second round of drinking water well sampling for residents in the vicinity of NALF Fentress in February 2018 which will include approximately 60 additional properties. A public meeting to announce the second round of drinking water well sampling will be schedule for the week of February 5, 2018.

Brownfields Area-Wide Plan Completed in Huntington, West Virginia

During this fall, Huntington completed its Brownfields Area-Wide Plan (AWP) after two years of gathering input from the community including manufacturing operations, businesses, and Marshall University. The AWP focused on three catalyst sites along the Ohio River where there was a coal shipping operation. When redeveloped, these sites will spur further revitalization throughout the city. Marshall University plans to expand its campus to one of the catalyst sites for a minor league ball field hoping to attract a team. An adjacent manufacturer is planning investing $1 million in a second catalyst site to expand their operations and create an incubator for new manufacturing businesses. The Appalachian Regional Commission, state and county agencies have been approached and are in the process of reviewing Huntington's requests for additional funds. Huntington also received an EPA Brownfields Assessment grant that they are using to ascertain if there are any hazardous substances on these sites and what would be needed to clean them up. Altogether, Huntington is on the path to redevelopment that incorporates green infrastructure and other environmental measures.

Upcoming Public Events

No upcoming events to report for next week.

Past Events

Regional Administrator to Participate in Chesapeake Bay Program Principals' Staff Committee meeting

EPA Mid-Atlantic Regional Administrator Cosmo Servidio will represent EPA and the other federal partners as a member of the Principals' Staff Committee meeting December 19-20, 2017 in Cambridge, Md. CBP Director Nick DiPasquale and Deputy Director Jim Edward and other EPA staff will also participate in the meeting. The purpose of the meeting will be to focus on helping PSC members build an understanding and answering questions on key Midpoint Assessment and Phase III

WIP issues, as well as seek collective decisions on foundational Midpoint Assessment issues including:

1) Adoption of the Phase 6 suite of modeling tools for finalizing the draft Phase III planning targets and for management application in the Phase III WIPs and two-year milestones through 2025
2) Approval of the proposed Bay's assimilative capacity
3) Approval of the process for the 4-month Partnership review of the draft Phase III WIP planning targets, including how special cases are addressed
4) Approval to base Phase III WIP development on 2025 current zoning conditions
5) Approval of the draft Phase III WIP planning targets as a starting point of the 4-month Partnership review period
6) Develop a Partnership implementation plan to address Conowingo infill by 2025
7) Adopt a dual approach to factor climate change into the Phase III WIPs

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Region 4

Hot Issues

Rockwell International/Grenada Manufacturing, LLC (Grenada, MS)
Key Message: During the week of December 25, 2017, Region 4 anticipates initiating a Time Critical Removal Action for the former Grenada Manufacturing, LLC site to address onsite exposure to trichloroethylene (TCE). Specifically, the Region is looking to address the continuing worker exposure to TCE vapors by working with the Responsible Party and the Mississippi Department of Environmental Quality to start operation of a Vapor Intrusion system at the facility. In addition, the Region continues to work towards proposing this site to the NPL in January 2018.

Highlights from Last Week
None

Upcoming Travel for the RA
None

Region 5

HOT ISSUES:

EPA Coordinating with Michigan on Wolverine Enforcement Approach
Key Message: On December 21, 2017, EPA and the state of Michigan presented to Wolverine World Wide, Inc. (WWW) a proposed approach to investigation, sampling, analysis, and provision of alternate water at the Wolverine sites.

The coordinated approach includes the negotiation of two separate orders with EPA and Michigan by mid-January 2018: a) an administrative order on consent between WWW and Michigan under state Part 201 and Part 31 authorities that addresses PFAS and provision of alternate water, and b) an administrative order on consent between WWW and EPA under CERCLA Section 106 authorities for investigation, sampling, and analysis at the Tannery and House Street landfill. EPA's deadline for WWW to give an indication of interest in negotiations is close of business December 21. Region 5 plans to sample groundwater and drinking water for PFAS at several locations in Rockford, Michigan the week of December 25, 2017, including at the former Tannery, the House Street landfill, and at residences with filters installed.

Since 2012, Michigan Department of Environmental Quality has had the lead in addressing arsenic and chromium contamination at Wolverine's former Tannery under a state "other cleanup authority (OCA)" alternative. PFAS contamination at the site came to light earlier in 2017. Since then, WWW has identified numerous residential wells impacted by PFAS at concentrations above EPA's lifetime health advisory of 70 parts per trillion – presumably from waste generated by WWW's operations using Scotchgard™, which contained PFAS compounds. WWW potentially used as many as 95 disposal locations for its wastes. Since late summer 2017, WWW has been voluntarily providing alternate drinking water or installing whole-house water filters to some of the impacted residents with PFAS-contaminated drinking water, but EPA has concerns about filter efficacy and the sampling method used to analyze PFAS drinking water samples.

On October 20, 2017, citizens living near the WWW facilities submitted a revised citizen suit notice under RCRA Section 7002(a)(1)(B) (imminent hazard). EPA issued a follow-up CERCLA Section 104(e) information request to WWW on December 1, 2017, to better understand its factory operations, waste handling and disposal operations, and the procedures that are being used to test residents' drinking water and remediate higher concentrations of PFAS. The contamination has been reported on in national and local media and has been of great concern to the local community.

Indiana Harbor Coke Company in East Chicago, Indiana Signs Consent Decree
Key Message: Indiana Harbor Coke Company (IHCC) and Cokenergy, LLC, owners and operators of the Indiana Harbor Coke Company Facility signed a federal consent decree with EPA and the Indiana Department of Environmental Management last week to resolve outstanding Clean Air Act violations.

In several notices of violation, EPA has alleged that the companies exceeded bypass venting, sulfur dioxide, particulate matter, and lead limits in their federal operating permits, failed to stop leaking coke oven doors as required by the National Emissions Standards for Coke Oven Batteries, exceeded numerous opacity limits, and many other violations. Under the settlement, the companies will spend around $120 million in injunctive relief to reduce emissions of sulfur dioxide, particulate matter, lead, and volatile organic compounds. The companies will pay a civil penalty of $5.0 million ($2.5M to the state of Indiana). In addition, Cokenergy will spend $250,000 on a lead abatement supplemental environmental project in East Chicago. There has been significant press and community interest into EPA's investigation and we expect further interest following lodging of the decree. IHCC is a subsidiary of SunCoke, Inc.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

EPA Removal at Abandoned Plating Facility in St. Paul, Minnesota Completed
Key Message: On December 21, 2017, EPA completed a time-critical removal action, reducing threats to public health and the environment, at the Plating Inc. site.

Since mobilizing in August, EPA secured over 20,000 gallons of hazardous acids and caustics; removed damaged asbestos-containing materials; and pumped approximately 9,700 gallons of waste liquids into tanker trucks for disposal off-site. EPA recovered pooled, liquid waste from under the waste treatment lines and recovered caustic liquids released into floor trenches in the building. Equipment and structural components used during processing where decontaminated and EPA worked diligently to recycle or reuse materials whenever possible. Consolidated hazardous materials that could not be recycled were transported to RCRA/CERCLA approved disposal facilities.

The Plating Inc. site is located at a former industrial facility that specialized in zinc and chromate plating of aluminum. The abandoned building where operations occurred is located in a mixed-use residential, commercial area as well as a nearby city park. Throughout the cleanup, EPA conducted air monitoring in the building and at the perimeter to ensure that residents and nearby business occupants were not exposed during the removal process. EPA partnered with Ramsey County and the city of St. Paul to utilize an emergency notification system that would alert nearby residents by land-line, text message, and email in case of an emergency at the site. The notifications included evacuation and shelter in place instructions in the event of a hazardous chemical release at the site. Additionally, EPA maintained night and weekend building security for the entirety of the removal action.

Region 6

I am also pleased to report that yesterday's meetings with Governor Hutchinson and Arkansas DEQ officials were productive and positive.

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES
December 21, 2017

Lazarus Refinery II, LLC, Longview, Texas
EPA intends to issue a unilateral administrative order under its authority pursuant to the Resource Conservation and Recovery Act to Lazarus Texas Refinery II, LLC located in Longview Texas. The Order will be issued in response to ongoing corrective action issues at the facility, specifically releases of hazardous waste and hazardous constituents to the soil and groundwater. The Order requires Lazarus to complete corrective action activities and report according to set timeframes. Lazarus has thirty days to respond and request a hearing. Lazarus is on the Agency's high priority list for corrective action. The Texas Commission on Environmental Quality referred the facility to Region 6 for investigation.

Sid Richardson Carbon and Energy Company, Addis, Louisiana; Borger and Big Spring, Texas
EPA expects all parties to sign a consent decree between EPA and the Sid Richardson Carbon and Energy Company under EPA's Clean Air Act National Carbon Black Initiative. Sid Richardson owns and operates three carbon black manufacturing facilities in Addis, Louisiana, and Borger and Big Spring, Texas. This settlement is part of a national initiative that investigated all carbon black manufacturing plants in the United States. The Louisiana Department of Environmental Quality and the Texas Commission on Environmental Quality are joining this settlement.

Columbian Chemicals Company, Franklin, Louisiana
EPA expects all parties to sign a consent decree between EPA and the Columbian Chemicals Company under EPA's Clean Air Act National Carbon Black Initiative. Columbian owns and operates two carbon black manufacturing facilities in Franklin, Louisiana, and Hickok, Kansas. This settlement is part of a national initiative that investigated all carbon black manufacturing plants in the United States. The Louisiana Department of Environmental Quality (LDEQ) and the Kansas Department of Health and Environment (KDHE) are joining this settlement.

Orion Engineered Carbons, Borger, Texas
EPA expects all parties to sign a consent decree between EPA and the Orion Engineered Carbons, LLC, under EPA's Clean Air Act National Carbon Black Initiative. Orion owns and operates four carbon black manufacturing facilities in Franklin/Ivanhoe, Louisiana, Belpre, Ohio, and Orange and Borger, Texas. This settlement is part of a national initiative that investigated all carbon black

manufacturing plants in the United States. The Louisiana Department of Environmental Quality (LDEQ) is joining this settlement. Texas participated in settlement discussions, but is not signing the agreement because Orion would not agree to install a scrubber at its Borger, Texas, facility. Borger is in an area expected to be designated nonattainment for SO2, and EPA anticipates that the Orion Borger facility will be required to install controls following the designation.

Jicarilla Apache Tribal Nation, Dulce, New Mexico
EPA intends to issue a violation letter to the Jicarilla Dulce water system for the failure to sample at the correct location for the Long Term 2 Enhanced Surface Water Treatment Rule from October 2017 to December 2017. This water system failed to sample at the approved sampling location and will be in violation until the next sample is collected at the correct location.

LACC, LLC US, Ethylene and Derivatives Plant, Westlake, Louisiana
Louisiana granted EPA an extension until January 12, 2018 for the purposes of LDEQ working with the permittee to address EPA concerns. Construction for this new ethylene and derivatives manufacturing facility is ongoing. The preliminary draft permit proposes to authorize new discharges into the Calcasieu River Ship Channel and Bayou D'Inde. Both are on the impaired waterbodies list for the state and both have approved Total Maximum Daily Loads requirements intended to restore the impaired waterbody designated uses.

NEPA

DOE Strategic Petroleum Reserve, Bryan Mount, Texas; Big Hill, Texas; West Hackberry, Louisiana; Bayou Choctaw, Louisiana
The Department of Energy intends to prepare an Environmental Assessment in support of the DOE Strategic Petroleum Reserve Life Extension 2 Project. The SPR mission is to store petroleum to reduce the adverse economic impact of a major petroleum supply disruption to the United States and carry out obligations under the International Energy Program. The Project will ensure that the Strategic Petroleum Reserve can maintain readiness, meet mission requirements, and operate in an environmentally responsible manner. The Reserve currently operates and maintains deep underground storage caverns created in salt domes along the Gulf Coast region at Bryan Mound Texas, Big Hill Texas, West Hackberry Louisiana and Bayou Choctaw Louisiana. Region 6 will support the DOE by meeting our basic statutory requirements for participating in the environmental review process.

UPCOMING PUBLIC EVENTS

January 9 – Louisiana Department of Environmental Quality discussion on Oil & Gas Compliance and Enforcement Efforts, Baton Rouge, Louisiana

January 10 – Region 6 State Agricultural Director Meeting, Dallas, Texas

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January 17 – Texas Commission on Environmental Quality discussion on Oil & Gas Compliance and Enforcement Efforts, Austin, Texas

January 23 – National Oil and Gas Roundtable, Denver, Colorado

January 24 – National Air Quality Conference, Austin, Texas

January 30 – Region 6 Five State Drinking Water Meeting, Dallas, Texas

April 11 – Regional Tribal Operations Committee Meeting, Dallas, Texas

UPCOMING DECISIONS

Bird Creek, Osage County, Oklahoma
EPA intends to finalize the Administrative Orders (SDWA) sent to Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc. to shut-in underground injection wells in Osage County. EPA continues to work with the companies regarding impacts to Bird Creek and will meet regarding compliance with the final orders in early January 2018.

Citizen Potawatomi Nation of Oklahoma
EPA expects to complete review of the treatment in a similar manner as a state (TAS) application for Citizen Potawatomi of Oklahoma to administer water quality standards and certification program under the federal Clean Water Act soon. If the state of Oklahoma does not change its position on extending the state/tribal agreement by December 22 (tomorrow), the application will no longer be eligible for approval. Tribes in Oklahoma are required by Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 ("SAFETEA") §10211(b) to enter into a cooperative agreement with the state of Oklahoma.

Oklahoma Corporation Commission End-of-Year Report
EPA intends to issue the annual review of the underground injection program operated by the Oklahoma Corporation Commission. This year's report acknowledges the proactive efforts by the state to address seismic activities in the region and does not find any significant deficiencies in the state's program.

PAST WEEK ACCOMPLISHMENTS

Arkansas Memorandum of Understanding
EPA signed a Memorandum of Understanding ("MOU") to outline a mutually agreed timeline with Arkansas for submittal and review of Arkansas Regional Haze SIP revisions.

Louisiana Regional Haze

EPA took final action on all outstanding requirements for the Louisiana Regional Haze Program which was under Consent Decree deadline of [HYPERLINK "x-apple-data-detectors://27"].

TCEQ Exceptional Events Demonstration, El Paso, Texas
EPA approved the El Paso Exceptional Event demonstration presented by the Texas Commission on Environmental Quality (TCEQ).

PENDING ACTIONS (Pending Federal Register Publication)

Oklahoma: Final Approval of State Underground Storage Tank Program Revision
FRL 9968-28-Region 6 and 99

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance - Class I Hazardous Waste Injection; TM Deer Park Services (TMDPS) Limited Partnership, Deer Park, Texas
9971-17-Region 6

Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan
9971-85-Region 6

Approval and Promulgation of Implementation Plans; Arkansas; Revisions to the Definitions for Arkansas Plan of Implementation for Air Pollution Control: Volatile Organic Compounds
9971-86-Region 6

Approval and Promulgation of Implementation Plans; Arkansas; Revisions to the Definitions for Arkansas Plan of Implementation for Air Pollution Control: Volatile Organic Compounds
9971-87-Region 6

Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for Volatile Organic Compound Emissions in the Dallas-Fort Worth Ozone Nonattainment Area
9972-00-Region 6

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport for the 2012 Fine Particulate Matter National Ambient Air Quality Standard and Revised Statutes
9971-17-Region 6

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Region 7

Hot Issues

Westlake Landfill (Bridgeton, MO)

Key Message: Work continues on Westlake Landfill documents

- Major components of the Final Feasibility Study (FFS) are anticipated to arrive late this week from the Potentially Responsible Parties (PRPs). The submittals will include schedule and cost information for the risk based industrial use partial excavation alternative and the full excavation with on-site disposal in an engineered cell alternative and other supporting documentation.
- Calls were made to key stakeholders this week to inform them that EPA is additionally considering the full excavation with on-site disposal option to ensure that the FFS includes a broad suite of remedial alternatives to make the most protective remedy selection. Community stakeholders were encouraged to provide feedback to the National Remedy Review Board (NRRB) in advance of the Board discussion scheduled January 9. The Region is also preparing the initial set of briefing documents to be submitted to the NRRB this Friday which includes a response to comments the Board provided subsequent to the panel review in 2012.
- Next week, the Region will be focused on reviewing the FFS submittals from the PRPs including any new documentation that arrives next week.

Des Moines TCE Superfund Site (Dico Inc.)

Key Message: EPA and DOJ request to meet with Dico.

- On 11/22/17, EPA sent a response letter to the Potentially Responsible Party of the Des Moines TCE Superfund Site (Dico Inc.) agreeing to delay the finalization of the Action Memo for building demolition on the site for four months with qualifiers. On 12/12/17, EPA received a response from Dico to EPA's 11/22 letter in which Dico expressed a desire to discuss a sampling proposed in EPA's 11/22 letter and to enter into global settlement negotiations with the United States. In response, EPA and DOJ have expressed a desire to meet with Dico to discuss these issues in the near future. It is anticipated that meeting will be scheduled in January.

Madison County Superfund Site Redevelopment Interest (Anschutz Mine Tailing Site)

Key Message: Meeting scheduled for January 11, 2018 to discuss options.

- EPA is continuing to coordinate with MDNR and Environmental Operations Inc (EOI) who is interested in purchasing a portion of the Madison County Mines NPL Superfund Site for cobalt production. EPA is currently in discussions on how to address Superfund liability issues at this NPL site and allow the re-mining of the area to proceed.
- Options under consideration are delisting the site and transfer of authority to the state VCP, or transfer of the lead for the NPL activities at the site to the state using a site-specific Superfund Cooperative Agreement. A meeting with representatives of EOI, MDNR and EPA is scheduled for January 11.

Region 8

-No report submitted-

Region 9

URGENT/IMPORTANT ITEMS

CA WILDFIRES: today I convened a discussion with FEMA and the Army Corps of Engineers to inform EPA's expanded role in asbestos assessment and removal for the four No. California counties. We expect to complete assessing all parcels in Lake, Mendocino and Napa counties by this weekend, and all resulting removals by mid-January. This leaves a large assessment and removal workload for us in Sonoma County. We're working to take on the Corps' inventory, and are reaching out to County officials re the universe of properties where the Corps did not obtain right-of-entry. We have bilingual information available to the public and plan further communications next week. In So. California, we are supporting the State's response with three OSCs based in Ventura.

NAVAJO NATION: President Begaye has written to the Administrator seeking prompt approval of TAS for two pending matters – the addition of 12-13 drinking water systems to their existing drinking water program primacy, and their pending application for water-quality standards authority (CWA 303/401 TAS). We stand ready to approve the drinking water request, pending concurrence from the Administrator's office. Regarding the water-quality standards request, we're soliciting public comment and reaching out to local and state government officials. After receiving any comments and briefing HQ, we'd be ready to proceed in April. Lastly, re the WIIN Act-funded water quality monitoring program, we expect to receive Navajo Nation's application next month, and could award the funds in February. Of the tasks collectively identified at the October meeting with states and tribes, AZ DEQ has opted not to apply for any of these funds.

DRINKING WATER: our in-depth review of our states' lead-and-copper rule implementation has revealed notable shortcomings in California's applicable regulations and implementation thereof. Specifically, the state is not properly enforcing the monitoring, public education and corrosion control requirements, and may be underreporting violations to SDWIS. Portions of their regulations are less stringent than EPA's. We are sending a report of our findings to the CA State Water Resources Control Board and OW for review, will ask the State to submit a corrective action plan and focus in detail on 19 systems with multiple prior violations, and issue our final report. This will likely generate much public interest in January.

EXTERNAL ENGAGEMENT

BROWNFIELDS: over 70 people attended our two brownfields community events in Fresno to focus on revitalizing an underserved neighborhood. The City, Habitat for Humanity, EPA and other partners also hosted training for community leaders, and a special Saturday session for local youth to present their photos of the area and envision the possibilities for renewal.

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PAST WEEK'S HIGHLIGHTS

CAA SIP ACTIONS: I proposed approval of a CA SIP measure to reduce fine particulate (PM2.5) emissions from woodstoves in a Sierra Nevada (CA) community through an economic incentive program to replace old stoves with new, cleaner ones. This novel approach to attaining the PM2.5 standard is made possible through targeted airshed grant funds and the State's and local air agency's enforceable commitment to implement the replacement program. I also proposed conditional approval of Arizona's new source review program, which will bring the program up to date with all federal requirements for the first time in over a decade. The proposed approval also suspends Clean Air Act sanctions that would otherwise have been triggered early next year.

FINANCIAL MANAGEMENT: we welcome Reg. 8's Comptroller Ben Bielenberg for a one-month detail as Reg. 9's acting Comptroller. Ben has a welcome depth of experience as Comptroller, Regional Budget Officer and Regional Planner in recent years. In February, we'll be assisted by Reg. 8's Budget Officer Joe Poetter for a one-month detail. He'll be followed by OCFO's Sherri Anthony for the month of March. We are deeply grateful to Reg. 8 and OCFO for their support as we seek to build a strong financial management capability.

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Region 10

Hot Issues

Pebble Limited Partnership Will Submit Permit Application December 22 (AK): The Pebble Limited Partnership issued a news release indicating its plans to submit federal Clean Water Act permit application for the Proposed Pebble Mine on December 22. This application will trigger the environmental review process. This week the company also announced a new major Canadian investor. [HYPERLINK "https://www.alaskapublic.org/2017/12/21/pebble-announces-federal-permit-application/"]

Alaska's List of Impaired Water Bodies Out for Public Comment: On December 15, the Alaska Department of Environmental Conservation released its 2014/2016 Integrated Report for public comment. The comment period is open until January 29, 2018. Most notable are the proposed Category 5 impairment listings for the Kenai and the Little Susitna Rivers for turbidity, and a proposed Category 4b listing for the Little Susitna for petroleum hydrocarbons. The Little Susitna has not previously been listed as impaired. These listings have the potential to be controversial, because the suspected causes of the turbidity impairments are fishing guide boats, which provide a significant revenue source for the state. EPA and ADEC have both been contacted by stakeholders, and anticipate we may be again. Region 10 has already contacted by the media regarding the release of the report ([HYPERLINK "http://peninsulaclarion.com/news/local/2017-12-18/state-feds-determine-next-steps-after-turbidity-report"]).

Upcoming Public Events

Public Hearing on Underground Injection Control Class II Well Transfer to EPA (ID): On January 8th, EPA will host a public hearing in Boise, Idaho as requested, to provide information on the UIC Class II program transfer that was announced in the Federal Register in November. This is a voluntary transfer requested by the state of Idaho. Public comments will be accepted at the hearing, and also on Regulations.Gov until the 45-day comment period closes on January 11, 2018. A fact sheet has been developed to provide context and answer FAQs from the public.

Region 10 News Release: EPA provides $650K for diesel reductions from Seattle-area vessels: On January 8, Region 10 will issue a news release announcing that EPA is providing the Puget Sound Clean Air Agency with a $650,000 grant to reduce harmful diesel emissions from engines on up to eight vessels operating in the Puget Sound region. The PSCAA project will provide vessel owners with incentives to scrap and replace up to 19 old "Tier 0" engines with newer, more-efficient, and lower-emission "Tier 3" engines on six to eight harbor vessels operating in Puget Sound, Lake Union, and Lake Washington. Combined with the mandatory match of $891,000, the total project cost is $1,541,000. The PSCAA's Puget Sound Harbor Vessel Engine Replacement Program provides long-lasting emission reductions and public health benefits to a region whose air quality is significantly impacted by the large heavy diesel vessel fleet.

Region 10 to Speak on Federalism Panel at Idaho State Bar Meeting: On January 12th, the Idaho State Bar Association is hosting a conference entitled, "Exploring State and Federal Conflicts and Cooperation." Region 10's Idaho Operations Office Director will represent EPA on a panel at the

conference which will focus on: "Working Together Under Federal Pollution Prevention Laws: State and Federal Perspectives." The other speakers on the panel are IDEQ Director John Tippets and Deputy AG Lisa Carlson.

Upcoming Major Decisions

None to report this week

Last Week Highlights

EPA and Oregon DEQ Move Portland Harbor Superfund Cleanup Forward: On December 19, Region 10 issued a news release announcing significant progress on the Portland Harbor Superfund Cleanup including important agreements with responsible parties for site-wide baseline sampling that will guide future cleanup and for early action hot spot cleanups. We received excellent press coverage of the announcement. News release here: [HYPERLINK "https://www.epa.gov/newsreleases/epa-and-oregon-deq-move-portland-harbor-superfund-cleanup-forward"]

Portland and Oregon Health Authority Sign Compliance Agreement for Treatment and Monitoring of Cryptosporidium in Drinking Water: On December 18 the Oregon Health Authority and the Portland Water Bureau signed a Bilateral Compliance Agreement which establishes a 10-year compliance schedule to construct a filtration treatment plant for cryptosporidium. Treatment is required to comply with EPA's Long Term Treatment drinking water rule. PWB will continue to implement interim measures for watershed protection and meet the Public Notice requirements in the LT2 regulations. PWB will also maintain response protocols with OHA, EPA and local health officials to evaluate any cryptosporidium detections to ensure protection of public health while the filtration plant is being constructed. The most recent detections for cryptosporidium occurred on December 17th and 18th.

Gasoline Tanker Spill in Santiam River, Oregon: On December 15th, a road tanker truck carrying 11,500 gallons of gasoline rolled over, caught fire, and spill gasoline into the Santiam River. Gasoline odors were detected at least six miles downstream at the nearest town of Detroit, Oregon. Many local and state responders immediately deployed to the accident location. Downstream drinking water users were immediately notified to shut down their surface water intakes until the river water could be deemed safe for consumption. EPA Region 10 immediately deployed an On-Scene Coordinator and rapidly notified the natural resource trustees and three impacted tribes of the incident. Once the EPA OSC arrived on-scene and formed Unified Command with the responding agencies, priorities were developed to prevent further contamination of the river, clean-up contaminated soil from the roadway, assess and reopen the surface water intakes for the downstream drinking water sources, and get the highway reopened. Multiple rounds of water quality samples were collected from the five drinking water intakes as well as ambient air conditions was assessed both up and downstream of the accident location. Preliminary results all indicate that the air and water were safe for the public.

Office of Administration and Resources Management

Hot Issues

OSC certification
OARM is providing verification to the Office of Special Counsel of the agency's compliance with 5 U.S.C. 2302(c). The certification program allows federal agencies to confirm they've met the statutory obligation to inform their workforces about the rights and remedies available to them under the prohibited personnel practice and whistleblower retaliation protection provisions found therein.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

Cybersecurity Coding
Cybersecurity coding for all EPA positions in the Department of Interior's Interior Business Center Federal Personnel and Payroll System was completed last week more than 4-months ahead of OPM's deadline of April 2018.

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Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **OAR actions under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
  - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
  - Notice of Proposed Withdrawal of the Control Techniques Guidelines for the Oil and Natural Gas Industry
- **State Implementation Plan (SIP)-Related Information**: We will resume reporting of SIP information in the January 4, 2018, report

Upcoming Meetings, Public Events, or Other Public Releases

- **Light Duty Vehicle Fuel Economy Trends Report and Greenhouse Gas Performance Report:** EPA is close to releasing the annual Trends and GHG Performance reports.

Recap of Past Week

- **Actions signed/announced recently:**
  - Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units - Advance Notice of Proposed Rulemaking
  - Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant - Withdrawal of a direct final rule and a new final rulemaking
  - Approval of Louisiana's Request to Relax the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes in Louisiana
  - Approval of Tennessee's Request to Relax the Federal RVP Gasoline Volatility Standard for Shelby County (Memphis)
  - Notice of Final Action Denying Petition for Rulemaking: Denial of Petition to List Concentrated Animal Feeding Operations Under Clean Air Act Section 111
  - Renewable Fuel Standard (RFS) Program: Grain Sorghum Oil Pathway - Proposed rule
  - 2010 Sulfur Dioxide Standard Round 3 Designations: EPA designated all remaining areas of the country that did not elect to install new SO2 air quality monitors.
  - 2015 Ozone Standard Designations: Later today Regional Administrators will issue 120-day letters to Governors outlining EPA's intended designations.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations				
	Determination Type	**Pending on 12/19/2017**	**Determinations Completed[1] as 12/19/2017**	**Determinations Posted on the Website as of 12/19/2017**
1	# of "not likely" determinations	**1**	**108[4]**	**107[4]**
2	# of §5(e) Orders signed by both EPA and the submitter	**-**	**301**	**297**
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	**65**	**-**	**-**
4	# of non-Order SNURs/"not likely" determinations	**0**	**0**	**0**
5	# of cases in post-FOCUS final determination development[5]	**314[3, 5]**	**-**	**-**
6	# of cases flagged for in-depth review	**57**	**-**	**-**
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**14**	**-**	**-**
8	# of LVE/LOREX exemption grants	**-**	**499**	**503**
9	# of LVE/LOREX exemption denials	**-**	**101**	**101**
10	**Total number of cases**	**451**	**1009**	**-**
11	Normal active workload for the New Chemicals Program	300	**-**	**-**
12	Number of cases undergoing testing or data development by submitter	74[3]	**-**	**-**
13	**Backlog[2]**	77	**-**	**-**

[1] "Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

[2] (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

[3] Of these cases, approximately 73 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.
[4] "Not Likely" determinations are not posted until the final signed determination document is prepared and has been shared with submitter.
[5] These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter or signature; Row 4 when the SNUR is published; and Row 1 when the determination document is sent to the OPPT OD for signature.

HOT ISSUES

Neonicotinoid Ecological and Human Health Risk and Benefits Assessments for Public Comment – On December 15, OPP issued an OPP Update (listserv) to announce the release of the preliminary ecological and human health risk assessments for the neonicotinoid insecticides clothianidin, thiamethoxam, and dinotefuran, and a preliminary ecological risk assessment for imidacloprid, assessing risks to birds, mammals, non-target insects, and plants. OPP also released its response to public comments on the 2014 Benefits of Neonicotinoid Seed Treatment to Soybean Production as well as new cotton and citrus benefits assessments for foliar applications of neonicotinoids. These assessments complement the preliminary pollinator-only risk assessments the Agency published for comment in 2016 and 2017. Preliminary human health and ecological assessments (for aquatic species only) were also released for imidacloprid in 2017. OPP is especially interested in public comment on the benefits assessments for cotton and for citrus, since previous assessments identified potential risks to pollinators from these uses. We believe early input from the public will be helpful in developing possible mitigation options that may be needed to address risks to bees. Among the benefits identified, the neonicotinoids were found to be critical for management of Asian citrus psyllid, which causes citrus greening—a devastating pest for citrus growers—and for control of plant bugs and stink bugs in cotton. OPP has responded to several press inquiries in a timely manner.

Glyphosate – On December 18, OPP issued an OPP Update (listserv) to announce the release of the draft human health and ecological risk assessments for glyphosate on the Web and later on [HYPERLINK "http://www.regulations.gov"] (docket EPA-HQ-OPP-2009-0361). In early 2018, OPP will open a 60-day public comment period. The ecological risk assessment includes an evaluation of the potential for effects on non-target organisms from exposure to glyphosate, incorporating available exposure and effects data, and most current risk assessment methods. EPA's analysis indicates that there is a potential for effects on birds, mammals, and terrestrial and aquatic plants. The human health risk assessment includes an evaluation of dietary, residential/non-occupational, aggregate, and occupational exposures. No risks of concern were identified. Additionally, an in-depth review of the glyphosate cancer database was performed. The data, including epidemiological, animal carcinogenicity, and genotoxicity studies, led EPA to conclude that glyphosate is not likely to be carcinogenic to humans. OPP has responded to several press inquiries in a timely manner.

Initiated Rulemaking to Revise Certain Aspects of the Agricultural Worker Protection Standard and the Certification and Training Rule – On December 14, OPP issued an OPP Update (listserv) to

announce the initiation of the process to revise certain requirements in the Agricultural Worker Protection Standard (WPS) and the Certification and Training (C&T) Rule. By the end of FY 2018, EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the WPS requirements for minimum ages, designated representatives, and application exclusion zones. The compliance dates in the revised WPS published on November 2, 2015, remain in effect; the Agency does not intend to extend them.

Also, EPA initiated a process to revise the minimum age requirements in the C&T rule. EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the rule by the end of FY2018. The implementation dates in the January 4, 2017, final rule, (1) for certifying authorities to submit revised certification plans and (2) for EPA to act on those plans remain in effect; EPA has no plans to change those implementation dates. OPP has responded to several press inquiries in a timely manner.

Adopting 2017 North American Industry Classification System (NAICS) Codes to the Toxics Release Inventory. On Tuesday, December 26, OCSPP will announce a final rule which updates the North American Industry Classification System (NAICS) codes that are used to classify facilities subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Facilities meeting Toxics Release Inventory (TRI) reporting requirements will be required to use 2017 NAICS codes on TRI reporting forms, beginning with reporting forms that are due on July 1, 2018 (covering releases and other waste management activities at facilities for the 2017 calendar year). This final rule does not add any new reporting requirements or burden.

PUBLIC EVENTS AND MEETINGS

January 9, 2018, Worker Protection Standard Presentation – An OPP staff representative will participate in a session on the Worker Protection Standard (WPS) with the Fruit and Vegetable Growers Association of Delaware in Harrington, DE during Delaware Ag-Week. This presentation, as well as another planned presentation in February, is the result of a controversial set of inspections/enforcement actions on WPS that were taken by EPA Region 3 with growers in Delaware. As part of the negotiated settlement discussions, the need for additional education was raised.

January 10, 2018, American Beekeeping Federation - Rick Keigwin, Director of the Office of Pesticide Programs, will be attending the annual meeting of the American Beekeeping Federation in Reno, Nevada, where he will be providing an update on EPA's pollinator protection efforts. He will also meet with individual beekeepers to listen to their concerns and to learn about new technologies they have been developing to control varroa mites.

January 12, 2018, Southeast Regional Fruit and Vegetable Conference - Rick Keigwin will be attending the Southeast Regional Fruit and Vegetable Conference in Savannah, Georgia, where he will be providing the grower community with updates on the implementation of the agricultural worker protection standard and the certification of pesticide applicators rule, as well as responding to questions regarding the new requirements for the use of dicamba in 2018 and other pesticide issues of importance to growers in the Southeast. He will also be meeting with staff from the University of Georgia Cooperative Extension and the Georgia Department of Agriculture to discuss opportunities for increased collaboration and cooperation.

Office of the Chief Financial Officer

Hot Issues

- The House of Representatives and Senate are expected to pass a short term continuing resolution funding the government through January 19.
- The House of Representatives passed an $81 billion Supplemental for disaster relief for Hurricane Harvey, Irma and Maria. The bill includes $6.2 million for the Superfund account and $7 million for the LUST account.

Upcoming Public Events

- N/A

Upcoming Major Decisions

- Finalizing the final draft *FY 2018-2022 EPA Strategic Plan* for submission to OMB by December 22. The final draft Plan reflects COO decisions on language and targets for strategic measures and FY 2018-2019 Agency Priority Goals and results of OCFO policy review.
- Agency review of draft *FY 2017 Annual Performance Report* and two-page performance highlights concludes December 22. The APR presents results against budget measure targets in the *FY 2017 Annual Performance Plan and Congressional Justification* and will be part of the *FY 2019 CJ.*
- A memo to announce 2017 Enterprise Risks and to gain senior leadership support in developing priority area action plans to address the risks will be sent to senior leaders this week.
- A memo to announce the launch of the new Performance System will be sent to senior leaders this week.

Last Week Highlights

- N/A

Other

- Working with programs on draft FY 2018-2019 budget performance measures/targets due to OCFO on December 22.
- Working with NPMs to develop FY 2019 President's Budget submission materials and to coordinate briefings with OMB staff. Budget Justification Narratives are due to OCFO January 4.

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Office of Congressional and Intergovernmental Relations

- ***Upcoming Hot Issues and Important Deadlines***

- ***Upcoming Events***

  - **TBD Week of January 1** – SEPW request for briefing on EPA PFAS activities
  - **January 23-24** – EPA is partnering with the Environmental Council of States (ECOS) and the Intestate Oil and Gas Compact Commission (IOGCC), to host an oil and natural gas roundtable at the Denver Regional Office on Tuesday, January 23 and Wednesday, January 24. Roundtable participants will include senior agency officials, state environmental commissioners, state oil & gas commissioners, as well as industry and NGO representatives. Invitations to the roundtable are being sent out Friday, December 22, 2017.
  - **January 24- 26** – US conference of Mayors will host its 86th annual Winter Meeting in Washington, DC
  - **January 30** (tentative) - Superfund Oversight hearing before the House Energy and Commerce Committee, Subcommittee on Environment (Witnesses: Kell Kelly, Barry Breen)

- ***Past week accomplishments***

  - **December 18** – Notification of draft risk assessments for glyphosate w/OCSPP
  - **December 19** – Notification of the proposal to find that grain sorghum oil qualifies for advanced biofuel and biomass-based diesel designation under the Renewable Fuel Standard (RFS) program.
  - **December 20** – Sen. Boozman (AR) and water associations meeting on draft WIFIA WIN Act w/OW
  - **December 20** – Notification of final rule re CSO notification requirements in Great Lakes basin
  - **December 21** – Notification of round three final area designations for SO2 under the 2010 National Ambient Air Quality Standards (NAAQS).
  - **December 21** - OCIR staff spoke with Sen Schumer's office about locomotive emission credits.
  - **December 21** – Senate Ag staff TA on draft FIFRA/ESA bill w/OCSPP, OGC)
  - **December 22** – Cong. Latta (OH) staff briefing on antimicrobial copper w/OCSPP
  - **December 22** – Planned notification of 120-day letters to governors in over 30 states and territories and tribal leaders in nearly a dozen tribes, indicating our suggested designation for areas under their jurisdiction for the 2015 ozone NAAQS

- ***Ongoing activities***

  - **FY18 Appropriations:** A short-term continuing resolution extending the government's funding until January 19, 2018 was passed by Congress.

Office of Enforcement and Compliance Assurance

Hot Issues

Volkswagen Civil Case:

- OECA anticipates that this week EPA and the California Air Resources Board will issue an approval to VW for a revised emissions modification for a small subset (approximately 2800) of the 2.0 liter vehicles for which the previous emissions modification had been denied after the company determined that these vehicles required an additional hardware change that was not previously disclosed to consumers. The parties will be disclosing this issue to the court this week prior to releasing the approval. This will impact certain model year 2009 vehicles only. With this, final approval the emissions modification process for the 2.0 Liter vehicles will be complete. Almost all 2.0 liter vehicles have received an approval, and VW has withdrawn its application for approval of an emissions modification for model year 2012, 2013 and 2014 Passat diesel vehicles with manual transmissions (therefore, no approved modification will be available for these vehicles).

- EPA and CARB issued an approval to VW for an emissions modification for the larger 3.0 liter passenger cars covering model years 2014-2016 Audi A6 Quattro, A7 Quattro, A8, A8L and Q5 diesel vehicles. Once the emissions modification is applied, the vehicles will be brought into compliance with their certified emission standards (therefore no buyback option will be available to consumers under the terms of the coordinated 3.0 Liter settlements among EPA, CARB, FTC and the consumer class action). EPA and CARB will continue work to review the remaining emissions modifications for the Generation 1.1 and 1.2 3.0 Liter vehicles.

Upcoming Events/Public Meetings

On December 21st, Susan Bodine and Patrick Traylor will meet with the leadership of ECOS to discuss compliance and enforcement priorities.

Upcoming Major Decisions

None.

Last Week's Highlights

Meeting with USDA on Superfund Task Force: On December 19th, OECA's Federal Facilities Enforcement Office met with the USDA to discuss the Superfund Task Force. These discussions occurred as part of a quarterly meeting with the USDA organized by OLEM's Federal Facilities office. USDA was particularly interested in Recommendation 30, which addresses revising Agency policies and agreements to incentivize redevelopment. We are scheduling a follow up meeting with USDA to further explore their perspectives on Recommendation 30.

Clean Air Act Civil Settlement: On December 18th, the Southern District of Texas entered a Stipulation of Settlement resolving an action against Morgan Stanley Capital Group Inc. (MSCG) for violations of the Clean Air Act (CAA). The company agreed to pay a civil penalty of $1,119,000 to resolve violations stemming from the production of gasoline that did not meet fuel standards. MSCG produced approximately 97.3 million gallons of gasoline by blending previously certified gasoline

(PCG) with blendstocks at the Kinder Morgan terminal in Pasadena, Texas in 2013 and 2014. The fuel MSCG produced did not meet the CAA reformulated gasoline volatile organic compound (VOC) emissions performance reduction standards that apply to gasoline produced by adding blendstocks to PCG. MSCG self-disclosed these violations to the EPA under the EPA's Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations.

RCRA Criminal Sentencing: On December 14th, Boasso America was sentenced in the Southern District of Georgia for the illegal transportation and dumping of hazardous waste in violation of RCRA. Boasso will pay $50,000 in restitution to the Georgia Department of Natural Resources, a criminal fine penalty of $500,000, and has agreed to establish, implement, and enforce an effective environmental compliance plan.

In February 2015, approximately 90 drums and containers were dumped onto CSX railroad property and other locations around Savannah, Georgia including at a residence. Labels on some of the drums and containers indicated the waste was generated from Boasso America Corporation, a depot and transportation services company, providing local and long-haul trucking, tank cleaning and terminal services. Some of the drums contained naphthalene, a known hazardous waste. Management of Boasso had requested that employees quickly remove and dispose of the drums in anticipation of an inspection.

This case was investigated jointly by EPA's Criminal Investigations Division and the Federal Bureau of Investigation, the U.S. Coast Guard Investigative Service, the U.S. Customs and Border Protection, the Georgia Department of Natural Resources, the Savannah Fire Department's Haz-Mat team, the Savannah Chatham Metro Police Department, the Pooler Police Department, and the Effingham County Sheriff's Office.

Biodiesel and Tax Credit Scam Criminal Sentencing: On December 20th, former Gen-X Chief Operating Officer and Vice President Donald Holmes was sentenced in the Eastern District of Washington to 78 months of incarceration, supervised release of 36 months, and restitution in the amount of $15,693,341.67. On December 16, 2015, Holmes pled guilty to Conspiracy to Commit Wire Fraud and Conspiracy to Defraud the Government – False Claims for Tax Credits.

This investigation involves a multi-state scheme to defraud biodiesel buyers and U.S. taxpayers by fraudulently selling biodiesel credits and claiming alternative fuel tax credits. From March 2013 to March 2014, the co-conspirators generated at least 60 million fraudulent RINs that were based on fuel that was either never produced or was merely reprocessed at the Gen-X or SRC facilities. They received at least $42 million from the sale of these fraudulent RINs to third parties. In addition, Gen-X received approximately $4,360,700 in false tax credits for this fuel. CEO and Gen-X founder Scott Johnson and COO Donald Holmes each pleaded guilty to conspiracy to commit wire fraud and conspiracy to defraud the government by making fraudulent claims for tax credits (18 U.S.C. §§ 286, 1349).

This case was investigated by EPA's Criminal Investigation Division, the U.S. Secret Service, and the IRS Criminal Investigations

Office of Environmental Information

-No report submitted-

Office of General Counsel

New Judicial Decisions

- The 9th Circuit denied without prejudice EPA's motion to dismiss LULAC's petition. EPA argued that the court lacked subject-matter jurisdiction because the petitioners had failed to exhaust their administrative remedies in challenging EPA's March 29, 2017, denial of the PANNA/NRDC petition to revoke chlorpyrifos tolerances. EPA argued that under the FFDCA, judicial review of a petition denial is only available following EPA's response to the administrative objections to EPA's petition denial. The court did not evaluate the substance of EPA's argument and made clear that it would permit EPA to repeat its jurisdictional arguments in its merits brief. Briefing on the merits should be completed by April 2018. (*LULAC v. Pruitt*, No. 17-71636 (9th Cir.))

- In a favorable decision in *Master v. Obama*. On 12/15/17, the District Court granted EPA's motion to dismiss due to lack of standing. Plaintiff alleged that EPA, NASA, NOAA, President Obama, and Sen. Franken made false representations that humans have caused rising temperatures, which harmed the country and caused the plaintiff to be blacklisted from scientific journals and denied the 2012 Nobel prize. (*Master v. Obama*, No. 2:17-cv-05532 (C.D. Ca.))

New Complaints Filed

- On December 15, 2017, the American Bakers Association filed a petition for review of EPA's final action entitled, "National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast Manufacturing Risk and Technology Review; Final Rule." This was the only petition for review filed. Procedural motions in the case are due January 18, 2018; dispositive motions are due February 2, 2018. The American Bakers Association also submitted a petition for reconsideration of the final rule on December 15, 2017. (*Am. Bakers Ass'n v. EPA*, No. 17-1264 (D.C. Cir.))

- A challenge to the risk and technology review for the pulp and paper NESHAP was filed with the D.C. Circuit. Environmental petitioners also filed petitions for administrative reconsideration asking the agency to reconsider its decision not to establish standards for certain unregulated hazardous air pollutants (they argue we are obligated to do this as part of a RTR) and raising an issue regarding to the use of the census block centroid in risk modeling for chronic health risks. (*Crossett Concerned Citizens for Environmental Justice v. EPA*, No. 17-1257 (D.C. Cir.))

- On December 19, 2017, the South Carolina Coastal Conservation League filed a lawsuit in the U.S. District Court for the District of South Carolina against the U.S. Army Corps of Engineers Charleston District, U.S. Department of Transportation Federal Highway Administration, U.S. EPA, and South Carolina Department of Transportation relating to the construction of Interstate 73 in South Carolina. The complaint alleges that EPA failed to exercise its mandatory duty over the Army Corps imposed by section 404 of the CWA. The complaint also alleges that EPA acted contrary to law when it failed to follow the 404(q) memo and failed to object to the

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Corps' issuance of a 404 permit that violates the 404(b)(1) Guidelines. (*South Carolina Coastal Conservation League v. U.S. Army Corps of Engineers*, No. 2:17-cv-03412 (D.S.C.))

- A petition for review was filed by AFPM challenging the 2018 Renewable Fuel Standards. Each year, EPA is required to set standards for four different types of renewable fuels to be blended into gasoline and diesel transportation fuel. The annual rule for 2018 (and 2019 biomass-based diesel) standards was published on December 12, and it appears AFPM filed a petition that day. (*American Fuel & Petrochemical Manufacturers v. EPA*, No. TBD (D.C. Cir.))

- The National Parks Conservation Association, Sierra Club, and the Environmental Defense Fund have filed a petition for review in the Fifth Circuit challenging EPA's recent regional haze FIP addressing the best available retrofit technology (or BART) requirements for power plants in the state. Rather than requiring the installation of source-specific controls as proposed in January 2017, EPA issued a FIP that establishes an intrastate trading program for emissions of SO2 similar to the CSAPR program in terms of its operation and budgets. Because of limitation on time, EPA did not provide an opportunity for public comment on the intrastate trading program as a means of addressing the BART requirements; the environmental petitioners have filed a petition under 307(d)(7)(B) asking EPA to reconsider certain aspects of our FIP. (*National Parks Conversation Association v. EPA*, No. TBD (5th Cir.))

Hot Topics

- On December 18, 2017, Public Citizen filed GAO bid protests on behalf of Fenton Communication and New Heights Communications. The protests allege that the Agency improperly awarded a $125,000 sole source contract to Definers Corporation (Definers) for news analysis services. After reviewing the facts, the Agency determined that there was merit to the protest grounds and that Definers' contract should be terminated. On December 19, 2017, the Agency terminated Definers' contract. Accordingly, EPA plans to notify GAO of the contract termination and to request that GAO dismiss the protest as moot. (*Fenton Communications v. EPA*, B-415800.1 and *New Heights Communications v. EPA*, B-415800.2)

New Petitions that OGC is Aware Of

- None that OGC is aware of.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Kevin Minoli will be out of the office from December 20 through December 26.

Upcoming Major Deadlines in the Next Two Weeks

12/22 EPA's Appellee brief is due in *Hall & Assoc. v. EPA*, a FOIA matter concerning an EPA Clean Water Act determination to impose an effluent limitation for total nitrogen on certain New Hampshire publicly owned treatment works.

12/22 Reply in support of Cross-Motion for Summary Judgment is due in *Sierra Club, et al. v. Pruitt*, a challenge to extension of compliance date for TSCA formaldehyde rule.

12/22 Reply Brief is due in *Charleston Sanitary Board v. Pruitt*, a challenge to EPA's disapproval of site specific copper criteria in West Virginia.

12/27 Reply Brief is due in *State of Connecticut v. EPA*, where plaintiff alleges EPA failed to grant or deny section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.

12/27 Answer is due in *Riverkeeper v. Pruitt*, a mandatory duty challenge to EPA's inaction on NYS recreational water quality criteria submission.

12/27 Answer and Administrative Record are due in *Rosado v. Pruitt*, a challenge to MPRSA dredged material ocean dump site in Eastern Long Island Sound.

12/29 EPA's Reply brief is due in *PEER v. EPA*, a FOIA matter alleging failure to respond to a two-part request that sought, among other things, statements from the Administrator related to climate change.

12/31 Answer and interim production are due in *Waterkeeper Alliance, Inc., et al. v. EPA*, a FOIA litigation pertaining to a FOIA request submitted by Waterkeeper Alliance, Inc., Sierra Club, Clean Water Action, and Environmental Integrity Project on August 4, 2017, that sought records related to reconsideration of, and postponement of compliance deadlines within, the EPA's Steam Electric Effluent Limitations Guidelines ("ELGs") Rule.

01/02 Answer is due in *Sierra Club v. EPA*, litigation alleging EPA failed to timely publish two studies relating to the RFS program.

01/05 Response Brief on Remedy is due in *Ellis v. Keigwin*, a FIFRA and ESA challenge to clothianidin and thiamethoxam registrations.

01/05 Confidential Mediation Statements is due in *New Mexico v. EPA, et al.*, litigation that resulted from the Gold King Mine incident.

01/05 First production of documents is due in *California v. EPA*, a FOIA litigation concerning a 32-part FOIA request submitted by the State of California seeking a variety of records concerning Administrator Pruitt's ethics-related forms and recusals, communications with the Oklahoma state bar, communications with Oklahoma Attorney General's office, and Agency policies related to ethics and recusals.

01/05 Joint Status Report and Briefing Schedule due in *CBD v. EPA*, a case concerning two FOIA requests submitted to EPA in February 2017 requesting (1) all correspondence to or from Scott Pruitt, and (2) all calendars, schedules and travel itineraries for Scott Pruitt.

Office of International and Tribal Affairs

Hot Issues:

None

Upcoming Engagements:

None

Past Week Highlights:

Mexico Secretary of Environment and Natural Resources - Administrator Pruitt and Secretary Pacchiano, Mexico Ministry of Environment and Natural Resources (SEMARNAT), had a conference call this week. The Administrator reaffirmed EPA's commitment to bilateral cooperation with Mexico under the U.S.-Mexico Border Program and trilateral cooperation under the Commission for Environmental Cooperation (CEC). The Administrator expressed an interest in meeting with Secretary Pacchiano in Mexico and also extended an invitation to the Secretary to join him in Oklahoma City for the CEC Council Session in June 2018.

Indian Environmental General Assistance Program (GAP): OITA held a webinar for regional offices regarding the eligibility requirements for intertribal consortia under GAP. Under the GAP statute, an intertribal consortium is defined as "a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance pursuant to this section." The goal in funding intertribal consortia under GAP is to build the capacity of their member tribal governments to administer environmental protection programs and to implement tribal solid and hazardous waste programs. To meet that goal, EPA requires intertribal consortia to provide some documentary proof that all consortia member tribes authorized the consortia to apply for and receive the grant on the tribe's behalf. However some intertribal consortia find it difficult to meet the "all tribes authorize the grant" standard and OITA is promoting national consistency in how we interpret and apply the requirement.

Partnership for Clean Fuels and Vehicles Addresses Used Vehicles
OITA participated in a meeting of the Partnership for Clean Fuels (PCFV) Used Vehicles Working Group to discuss strategies for reducing harmful older vehicles in developing countries. EPA is a founding and active partner of the PCFV, which is a global, public-private partnership led by UN Environment, to reduce air pollution from transportation through promoting clean fuels and vehicles technology. PCFV successfully eliminated lead from gasoline and is also promoting clean, low sulfur fuels. The Used Vehicles Working Group is seeking to develop recommended strategies for developing countries to help reduce the vehicle age of imported vehicles. Many imported vehicles in developing countries are old and polluting. Policies to ensure newer imported vehicles would help reduce the air pollution impacts from older vehicles. The Working Group will develop a report on suggested strategies in early 2018.

Private Sector Roundtable on Food Loss and Waste

EPA (OITA/OLEM) participated in a roundtable discussion hosted by the Food and Agricultural Organization (FAO) North America Liaison Office on "Private Sector Solutions to Food Loss and Waste". Speakers included representatives from FAO, the National Restaurant Association, and Grocery Manufacturers Association. EPA (OITA/OLEM) also attended a workshop on "Farm-to-Retail Food Loss in Produce: An Exploratory Discussion on the Causes and Economic Drivers of Change" organized by the USDA Economic Research Service.

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Office of Land and Emergency Management

Hot Issues

1. **Emergency responses to hurricanes and wildfires.** Large-scale responses continue in both Region 2 (Puerto Rico and the US Virgin Islands) and Region 9 (Northern and Southern California).

2. **Coal Combustion Residuals (CCR).**

a. OLEM is working with Region 6 and OGC on a proposal to approve Oklahoma's CCR state permit program. A letter of completeness was sent to Oklahoma on December 21.
b. OLEM, OGC, OP, and OA developed a plan to publish a remand rule in the Federal Register in late January. The package went to OMB on December 19, 2017.
c. We are working with the AO and OGC on answers to questions posed by Indiana.

3. **Clean Air Act 112(r) Risk Management Program (RMP).**

4. **Ongoing major Superfund NPL sites (for example, B.F. Goodrich, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates).** OMB has finished reviewing the next round of proposed and final rules to update the National Priorities List. We are preparing for an announcement in January 2018.

5. **CERCLA-EPCRA AFO-CAFO Rule**. The DC Circuit Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018. No reporting is necessary until the mandate is issued.

Upcoming Public Events

1. **WasteWise Awards.** OLEM is recognizing 16 organizations for their leadership in waste prevention and diversion through this year's WasteWise Awards.

Upcoming Major Decisions

1. **E-Manifest User Fee Final Rule.** The Administrator signed the rule on December 20, 2017. Publication in the Federal Register is pending.

Last Week Highlights

1. **Hazardous Waste Compliance Docket.** Since 1988, EPA has maintained a Federal Agency Hazardous Waste Compliance Docket under Section 120(c) of CERCLA, which requires EPA to establish a Docket that contains certain information reported to EPA by Federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances has been released. On December 8, a notice was published in the Federal Register that identifies the Federal facilities not previously listed on the Docket and Federal facilities reported to EPA since the last update in June 2017. The notice also includes a section with revisions of the previous Docket list and a section of Federal facilities that are to be deleted from the Docket.

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At the time of publication of this notice, the new total number of Federal facilities listed on the Docket is 2,349.

2. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing**. The final rule is pending publication in the Federal Register.

3. **Meeting with Senate Environment and Public Works (SEPW) Staff.** OLEM briefed SEPW staffers to answer questions on the CERCLA and EPCRA reporting requirements in two separate calls on December 19th and 20th. The congressional staff had general questions on the guidance and on EPA's plans for implementing the reporting requirements. EPA also provided background on the regulatory history of the reporting requirements.

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Office of Policy

-No Report Submitted-

Office of Research and Development
Administrator,

This week ORD held our first monthly business review meeting where we walked through dashboard analytics and discussed their meaning to ORD. We also discussed mission metrics data, challenges, and next steps. The meeting was instructive and will inform future meetings.

Merry Christmas and Happy New Year!

Upcoming public events

People, Prosperity, and the Planet (P3) Program
ORD's People, Prosperity, and the Planet (P3) Program has just released its 15th Annual P3 Awards Solicitation. EPA offers the P3 Competition to respond to the technical needs of the world and to support education in Science, Technology, Engineering, and Mathematics (STEM). This competition encourages interdisciplinary teams of college students to use STEM principles to create innovative projects aimed at researching and developing solutions to real world challenges. P3 includes four broad research categories that are within EPA's statutory authority, and this solicitation is requesting applications in the following areas:

- Improve Air Quality
- Provide Clean and Safe Water
- Prevent Contamination of Land, and
- Ensure Safety of Chemicals in the Marketplace

Release of Village Blue Web Application
The Village Blue project is providing real-time water quality monitoring data to the Baltimore community and is testing, evaluating, and developing water sensors to collect real-time water quality data. On December 26, the new Village Blue web-based application will be released to the public, along with a fact sheet and frequently asked questions. The app displays the data in a mobile-friendly, easy-to-understand format complimentary to work that a number of state and local organizations are already doing to make water quality data available to the public. The app will be linked from the Village Blue landing page, also to be released December 26: [HYPERLINK "https://www.epa.gov/water-research/village-blue"]

Helping Oregon Farmers Improve Farmland Management and Water Quality
On January 10, ORD will meet in Monroe, OR, with the Oregon Department of Agriculture (ODA) Local Area Committee for the Upper Willamette and Upper Siuslaw Watersheds (UWUS LAC) to discuss potential ways to reduce nitrate leaching to groundwater in this area where nitrate contamination has been identified as a problem. ORD is leading a [HYPERLINK "https://www.epa.gov/sciencematters/keeping-fertilizer-ground-and-dollars-farmers-pockets"] to determine best practices for minimizing nitrate leaching while maintaining crop yield. The study's findings, so far, about the most effective ways for farmers to waste less money on fertilizer that washes away, while protecting and maintaining water quality, are of interest to the UWUS LAC. ODA Local Area Committees are charged with developing Area Plans that identify strategies to prevent and control pollution from agricultural activities to achieve and maintain water quality standards.

Last week Highlights

New Approach to Identify Commonly Occurring Chemical Mixtures
A recently published news feature in *Environmental Health Perspectives* highlights ORD research to identify chemical combinations that most frequently occur in humans as measured in biomonitoring studies of the America population. The article is based on ORD research from the peer-reviewed publication in EHP [HYPERLINK "https://ehp.niehs.nih.gov/ehp1265/"]. The researchers used an approach called frequent itemset mining (FIM) that was originally developed to identify commercial products that were most frequently purchased together. For their analysis, the researchers used the FIM approach to identify chemicals that most frequently appear together in the blood and urine of people throughout the US. These co-occurring chemicals can then be used to focus research efforts to understand the potential toxicological effects of relevant mixtures that occur in humans. Without identifying the most common co-occurring chemicals, a near infinite number of chemical combinations would need to be tested for potential toxicity. The full news feature can be found [HYPERLINK "https://ehp.niehs.nih.gov/ehp2325/"].

Online Particle Pollution Course Shared with Over 60,000 Health Care Professionals
The current edition of the Centers for Disease Control and Prevention's (CDC) Million Hearts e-Update, which goes to 60,000 e-mail subscribers, promotes the online continuing education training course developed by EPA and CDC for health care professionals. [HYPERLINK "https://wcms.epa.gov/pmcourse"]. It provides evidence-based training about respiratory and cardiovascular health effects associated with particle pollution exposure and includes educational tools to help patients learn how to use the Air Quality Index to protect their health. The course is available for Continuing Medical Education, Continuing Nursing Education, and continuing education credit for other health care professionals and demonstrates the value of such partnerships to amplify EPA's public health research, messages, and reach.

***Bacillus anthracis* detection: ORD publishes Second Edition of protocol for EPA lab networks**
ORD recently published a second edition of the step-by-step Protocol for Detection of *Bacillus anthracis* in Environmental Samples During the Remediation Phase of an Anthrax Incident first published in 2012. This protocol includes three analytical methods and sample-type-specific processing procedures for the detection of *B. anthracis* spores in various environmental matrices (e.g., aerosols, particulates and drinking water). To simply detect the presence of the deoxyribonucleic acid (DNA) of *B. anthracis*, real-time polymerase chain reaction (PCR)-based sample analysis method is included. To detect whether viable *B. anthracis* spores are present in the samples, microbiological culture and ORD's Rapid Viability-PCR (RV-PCR) analytical methods are included. This edition includes analysis of additional sample types, and updated RV-PCR method. These updates are based on finding from recent research efforts, feedback from laboratories, and changing policies. This protocol has been specifically developed for use by the EPA's emergency response lab networks – the Environmental Response Laboratory Network and the Water Laboratory Alliance - for the analysis of environmental samples during an anthrax incident. Also, since this is an open-access protocol, it can also be used by the national and international biodefense communities.

[HYPERLINK "http://intranet.ord.epa.gov/news/2016/04/nhsrc-supporting-region-8-assessment-asbestos-exposure-due-forest-fires"]
ORD is providing technical support to Region 3 to help protect water bodies at several locations at the [HYPERLINK "https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0302526"] (Saltville, Virginia), a former chemical manufacturing facility. The effort includes containment of toxic wastes and

installation of a sustainable, environmentally friendly barrier at various locations to protect humans, animals and ecological species and to prevent release of toxic contaminants to soil and water bodies. The selection of the barrier material considers use of locally available cost-effective natural materials that are free from any detrimental contaminants of concern and capable of immobilizing toxics.

Office of Water

Hot Issues

Vessels Permitting**:** On December 19, the Congressional permit moratorium for incidental discharges from all commercial fishing vessels and other small commercial vessels (e.g., utility vessels, freight barges, passenger vessels) less than 79 feet in length ended. As a result, approximately 125,000 additional vessels are now required to obtain NPDES permit coverage for these discharges, most likely under the Small Vessel General Permit (sVGP). Affected vessel owner/operators can obtain permit coverage under the sVGP by completing the one-page Permit Authorization and Record of Inspection (PARI) Form and retaining a copy of the signed form onboard the vessel.

Delegation of Authority: As early as today, OW anticipates sending a request to the Administrator to approve a temporary delegation of authority to the Acting Principal Deputy Assistant Administrator (PDAA) for the Office of Water, Benita Best-Wong. This delegation of authority will permit the Acting PDAA to take all necessary action in performance of functions and duties that previously were delegated to the Assistant Administrator (AA) for the Office of Water, and will be in effect from the date of Acting AA Mike Shapiro's retirement (December 31, 2017) until David Ross assumes his position as Assistant Administrator, expected on January 8, 2018.

Steam Electric FOIA: Next week, in response to a court order, EPA will send the Waterkeeper Alliance 252 documents that are responsive to their FOIA request. Under an amended court order, the remaining 508 documents are due to the requestor on January 17th. Those documents are currently undergoing Senior Management Review.

Waters of the U.S.: EPA has received approximately 4,600 comments on the proposed rule to add an applicability date to the 2015 rule, with seven mass mailer campaigns identified to date. The docket continues to process public comments and work is underway to parse the comments which will in turn allow staff to summarize issues in early January. In support of the step 2 rule, the staff team met with the Red Cliff Band of the Lake Superior Chippewa on December 20 to present an overview of the rulemaking process and pre-proposal feedback received to date. The tribe intends to provide further feedback to the agencies. The agencies are also working with state associations to begin planning for further co-regulator engagement and plan to send letters to the RTOC chairs in early January to identify tribal representatives for engagement.

Geologic Sequestration of Carbon Dioxide: Underground Injection Control (UIC) Program Class VI Implementation Manual for UIC Program Directors: As early as next week, EPA anticipates releasing the final *Geologic Sequestration of Carbon Dioxide: Underground Injection Control (UIC) Program Class VI Implementation Manual for UIC Program Directors*. The document will assist Class VI UIC Program Directors with understanding their responsibilities when implementing a geologic sequestration project from pre-permitting through to site closure. The document also includes lessons learned during pre-permitting and/or permitting of five Class VI projects. A copy of the document will be available on the EPA website.

Lead and Copper Rule Federalism Consultation: On January 8, EPA will convene a meeting with intergovernmental organizations in Washington, DC to initiate a 60-day Federalism Consultation as the agency continues to work closely with states and tribes on revisions to the Lead and Copper rule. Dave Ross and Lee Forsgren will participate. The intergovernmental consultation will be followed by

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discussions with these and other stakeholders on the proposed rule. During the meeting, EPA will provide an overview of the Lead and Copper Rule and review key areas that EPA is considering for rule revisions. This engagement, along with the peer review input the agency recently received on assessments of lead exposure to children, will help to ensure that any potential revisions reflect the best available information and latest science to provide Americans with important public health protections.

Upcoming Public Events
NONE

Last Week Highlights
San Juan Watershed Monitoring Program: Today, EPA finalized guidance for issuing CWA section 106 grants to implement portions of the San Juan Watershed Monitoring Program authorized by Section 5004(d) of the Water Infrastructure Improvements for the Nation ("WIIN Act"). Prior to issuing this guidance, OW worked with the affected Regions and consulted with states and tribes on the overall long-term monitoring program, including the specific amounts to be awarded to jurisdictions via 106 grants. Regions 6, 8 and 9 will now work with the jurisdiction to issue grants in accordance with the guidance. The target is to make grant awards by the end of February, in time for monitoring during the spring runoff period and thereafter.

Missouri Nutrient Criteria Rulemaking: On December 15th, EPA met its consent decree to have the proposed rule for Missouri numeric nutrient criteria (NNC) for lakes signed by the Administrator. The EPA proposal includes two options: one identical to a state proposal that is currently still in the state adoption process, and another that aligns with the state proposal in all but a few key respects. The proposal is anticipated to publish on December 27, 2017 for a 60-day comment period, ending on February 26, 2018. There will be two virtual public hearings on February 7 and 8, 2018.

Public Notification Requirements for CSOs to the Great Lakes Basin**:** This week, OW finalized a rule establishing public notification requirements for combined sewer overflows (CSO) to the Great Lakes Basin as required by the Consolidated Appropriations Act of 2016. These notification requirements apply to 158 communities with CSOs that discharge to the Great Lakes Basin and address signage, notification of combined sewer overflows to local health departments and the public, and annual notice provisions. This rule protects public health by ensuring timely notification to the public and to public health departments, public drinking water facilities and other potentially affected public entities, including Indian tribes.

Availability-Based Project Waiver of American Iron and Steel Requirements, City of Jacksonville, IL New Water Treatment Plant Project: This week, EPA granted an availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements to the City of Jacksonville. IL for the purchase of forty-five 14-inch uni-flange adaptors for the New Water Treatment Plant Project. This waiver permits the use of 14-inch uni-flange adaptors that have not been produced domestically because no known domestic manufacturer produces 14-inch uniflange adaptors that meet the project's technical specification. This is a project-specific waiver and only applies to the use of the specified product for the referenced project funded by the Drinking Water State Revolving Fund (DWSRF). Any other project funded by either the Drinking Water or Clean Water State Revolving Fund (SRF) that wishes to use the same product must request a separate waiver based on the specific project circumstances.