Region 1

Hot Issues

Issuance of Sunapee, NH NPDES permit

- Region 1 issued a final NPDES permit for the discharge of treated domestic wastewater from the publicly owned treatment works in Sunapee to the Sugar River. Although the permittee has not expressed concerns and did not comment on the draft permit, it is possible that outside parties might appeal.

Exceptional Event Demonstration

- On July 31, the acting Regional Administrator signed a letter concurring on CT DEEP's exceptional event demonstration regarding elevated ozone concentrations.
- The demonstration states that elevated ozone concentrations recorded at four air quality monitoring locations in Connecticut on May 25 and 26, 2016 were the result of high levels of ozone and ozone precursors being transported within the smoke plume from the Ft. McMurray wildfire in Alberta, Canada to New England.
- The data for the Westport, CT monitor will be excluded from design value calculations as a result of this action, allowing the EPA to proceed with a proposed clean data determination for the New York-N. New Jersey-Long Island, NY-NJ-CT nonattainment area meeting the 1997 ozone NAAQS.
- We have received similar demonstrations from MA and RI for this same wildfire event.

Upcoming Public Events

NH Governor's Task Force on Seacoast Cancer Cluster

- The Governor's Task Force on the Seacoast Cancer Cluster meets on August 16th in Portsmouth. The group brings together local and state officials, state and federal agencies, community members, and families impacted by the cancer cluster investigation on the Seacoast to coordinate a consistent strategy related to health and environmental concerns.

Association of Clean Water Administrators

- Region 1 will participate in a panel discussion of Clean Water Act integrated planning at the annual meeting of the Association of Clean Water Administrators (ACWA). The meeting will be held on August 21st in Burlington, Vermont.

Brownfields Event in Shelton, CT

- The City of Shelton is the recipient of an assessment grant that will be acknowledged by the Acting Regional Administrator on August 23rd along with the Mayor of Shelton. Assessment activity will focus on the Shelton Canal and industrial district.

Upcoming Major Decisions

None this week.

Past Highlights

Institutional Knowledge Retention Training

- Staff conducted a voluntary training for all supervisors who have positions eligible for VERA/VSIP. As part of this year's Leadership Development course a team developed tools that can be used to capture this knowledge and experience. The training included an interactive session on various tools.

Canada Workgroup Kickoff

- The Public Affairs office organized the first of quarterly meetings to share information across offices on programs and projects that involve Canada at the federal and provincial levels.

Region 2

Upcoming Hot Issues and Important Deadlines

- Public Concerns at Vieques Superfund Site. A high level of public outcry and media attention followed a Navy operation on July 25 to detonate 300 munitions, as part of their ongoing cleanup of this former military training site on the island of Vieques. The site was used by the Navy for many years for target practice and as a result a large number of undetonated munitions are scattered around the site and in the water. EPA has an oversight role in the Navy's cleanup planning, but does not control the operations. The July 25 operation took place within the facility borders and was not a public safety threat, but the unexpected loud noise and associated brush fires at a location near the local community upset the residents. The community has frequently raised concerns to the Navy in the past about its open detonation practices, including complaints about the lack of prior notice to the community of detonation events. The community also has raised these issues to EPA and we have attempted to work with our Navy counterparts to address the concerns. Region 2 received media inquiries regarding the July 25 event and provided responses in coordination with OPA. At the same time we responded to media inquiries about (unfounded) allegations that hazardous materials from the Navy site were being transported from Vieques in the cargo ferry to the main island of Puerto Rico.

Upcoming Public Events

- Acting RA will visit Puerto Rico August 21-25. Catherine McCabe will join Carmen Guerrero, the Director of Region 2's Caribbean office in Puerto Rico the week of August 21 for several meetings and a site visit to Vieques. Planned meetings include the Secretary of the Puerto Rico Department of Environment and Natural Resources and the Environmental Quality Board, the Secretary of Agriculture, and possibly the Governor. Topics of discussion will include the island's municipal landfills, most of which are failing to operate in compliance with RCRA Subtitle D requirements, ongoing problems with maintenance and compliance of the island's sewer systems, and unauthorized wetlands filling. We also plan to meet with the director of the Puerto Rico Aqueduct and Sewer Authority, and the executive director of the PROMESA oversight board, the federally-established body overseeing Puerto Rico's response to its ongoing fiscal crisis.

- Lipari Superfund site tour on August 15. On August 15, Acting Deputy Regional Administrator Walter Mugdan will tour the Lipari Landfill Superfund Site in Mantua Township in southern New Jersey, with Corbin Hiar, a reporter with E&E News. He is interested in the Agency's recent Superfund Task Force Report, and requested to tour the Lipari Site, which during the 1980s was the number one site on the CERCLA National Priorities List.

- Public meeting for Wolff-Alport Superfund site. On August 16, there will be a public meeting regarding EPA's proposed cleanup plan for the Wolff-Alport Superfund Site located in Queens County, New York City. In the past, the site was home to a company that extracted rare earths from minerals, creating waste products that contained radioactive thorium, which contaminated the soil beneath and around the current buildings and a City sewer main. EPA's proposed cleanup plan includes relocation of several business that now occupy the site; demolition of the buildings currently on the site; excavation of the contaminated soil and cleaning the sewer line.

Past Week Accomplishments

- Third Public Meeting for Hudson River Five Year Review. At the request of stakeholders and Senators Schumer and Gillibrand, a third (and final) public meeting was held on August 9 in New York City. Some 50 people attended; EPA fielded some 15-20 questions from the audience.

- EPA meeting with City of Trenton re brownfields site. Region 2 and the Office of Research and Development (ORD) met with the City of Trenton, NJ to discuss use of the Decision Analysis for a Sustainable Environment, Economy, and Society (DASEES) tool for a Brownfields site in Trenton. DASEES is a tool that helps solve environmental problems using a structured decision making process with an emphasis on getting community input. Region 2 and ORD are exploring how the tool could be used to support land revitalization in Trenton along the Assunpink Greenway and downtown. ORD provided a general overview of the tool and will be sharing examples of deliverables and outcomes and that are similar to what could be expected from a project in Trenton.
- Settlement of stormwater enforcement action. Region 2 entered into a Clean Water Act administrative settlement with the Village of Kiryas Joel, NY on August 4 to resolve the Village's failure to comply with the terms of its state NPDES permit for stormwater discharges from municipal separate storm sewer systems. The Village had failed to update its stormwater management program to incorporate the 2010 MS4 Permit changes; have a local ordinance for illicit discharges; and implement or enforce a construction general permit program. The Village has come into compliance and, pursuant to the settlement, will pay a penalty of $27,500.

Region 3

Hot Issues

$3.5 Million to Stormwater and Pollution Prevention Projects in DC
The District Department of Energy and the Environment (DOEE) will receive $3.5 million in funding for projects to control Stormwater runoff and prevent pollution to District waterways. The four projects that are being funded include $1.2 million for the Oregon Avenue Watershed Green Streets project, $0.7 million for a Stormwater Outfall Restoration Project, $1.1 million for the Department of Public Works Transfer Station Stormwater Improvement Project, and $49,500 for the 19th Street NW Green Infrastructure Project. In addition, the agency announced $361,518 in additional funding to DOEE for a Stormwater tracking database project.

Status Update on the Baltimore SSO Consent Decree Modification
On Wednesday, August 9, 2017, the City of Baltimore Board of Estimates (BOE) unanimously approved the modified Consent Decree (CD) that has been negotiated by the U.S. Department of Justice (DOJ), EPA and the Maryland Department of Environment (MDE) regarding the activities that the city must complete to address sanitary sewer overflows (SSO). The modified CD is necessary to extend the date by which the city must complete all work. The original end date was January 1, 2016. We expect that the mayor will sign the document if no revisions are recommended and provide signature pages to DOJ. The modified CD will move through for signature within EPA, DOJ and MDE. Once all signatures are received, DOJ will move to enter the CD with the local district Court. We anticipate entry the week of August 23 if no issues are identified as Blue Water Baltimore (BWB) was granted intervention in this matter and the agencies working through DOJ have shared a draft of the document for review and comment. There is still a chance that BWB will contest the CD and a judge could request a hearing in this matter.

Region Supports Pennsylvania Request to File Amicus Curiae Brief Before the Third Circuit in State Cost Recovery Case (Stoney Creek Technologies Site)
The Region has requested that the Office of General Counsel petition the Department of Justice to file an *amicus curiae* brief in response to a request from the Commonwealth of Pennsylvania in a case arising from the Stoney Creek Technologies Site in Trainer, Delaware County, Pennsylvania. The Commonwealth asked EPA to file a brief in its interlocutory appeal to the U.S. Court of Appeals for the Third Circuit in *Commonwealth of Pennsylvania Department of Environmental Protection v. Trainer Custom Chemical LLC, et al.* In its appeal, the Commonwealth seeks to reverse a holding by the U.S. District Court for the Eastern District of Pennsylvania that CERCLA § 107(a)(1) does not authorize a plaintiff in a Superfund cost recovery case to recover from the current owner of a site costs incurred prior to the owner's acquisition of the site.

West Virginia Requests Support on Developing NPDES Discharge Limits and Drinking Water Health Goals for New Perfluorinated Compound (PFC) "GenX"
Recent research indicates that a PFC now being used as a replacement for perfluorocotanoic acid (PFOA) is being dispersed into the environment during its manufacturing process. Perfluoro-2-propoxypropanoic acid (PFPrOPrA, aka GenX) has been released into the Ohio River and a limited amount of surface water sampling indicates the PFPrOPrA may have been released via air dispersal and contaminated surface waters in West Virginia and Ohio. The DuPont/Chemours facility in Parkersburg, WV historically released PFOA via air dispersal which resulted in contamination of hundreds of private and public water supply wells. West Virginia Department of Environmental Protection (WVDEP) entered into a consent order with Chemours in 2012 which set limits on the concentration of PFPrOPrA in Chemours'

wastewater discharge. These limits were set with health effects data available at the time and used by EPA to create the TSCA order on consent signed with DuPont in 2009. WVDEP requested EPA's help in determining if their current discharge limits remain protective. They also requested assistance in determining if PFPrOPrA is present in groundwater supplies where PFOA contamination is present.

Remedial Action Workers at Washington DC Munitions Site (Spring Valley) NW Washington DC Exposed to Unknown Chemical

U.S. Armcy Corps of Engineers (USACE has been removing soil contaminated with low levels of WWI chemical agents Mustard and Lewisite from 4825 Glenbrook Road in NW Washington DC. The property was used for disposal of chemical warfare material and munitions when the American University Experiment Station closed after WWI. The home at 4825 was removed so soil under the house could be excavated. Contamination was found to cross the property boundary onto 4835 Glenbrook Road which is the American University President's residence.

On Wednesday afternoon, August 9th seven remedial action site workers were taken from the site to George Washington Hospital following exposure to an unknown contaminant at the site. All workers, who are all Army contractors, have been released from the hospital. Analysis of blood and urine for chemical agent metabolites is underway. The site is shut down (no intrusive work) while the USACE and Army evaluate the event and consider changes to site safety plans. The event was reported to DC Emergency Management and the hospital followed protocols for notifications of potential chemical agent exposure.

USACE is developing a communication plan to inform closest residents to the site and the general public. USACE and Army will evaluate the situation and decide what actions are necessary to protect their workforce and the public. No intrusive activities will be conducted until the evaluation is complete. The AU President will remain in the rental property (funded by USACE) until all risks are mitigated and response actions are complete. USACE is developing a sampling plan to evaluate soil under the house and driveway to characterize any contamination under the house. USACE will communicate what happened and future plans with neighbors close to the work zone and the public. USACE is evaluating the appropriateness of a press release. EPA and DOEE will continue to provide technical support to USACE.

Region 3 Provides Training on Brownfield Basics – Land Reuse for Building Better Communities, Harrisburg, Pennsylvania

On August 24, 2017, the Redevelopment Authority of the City of Harrisburg will host Brownfields 101 as one of the first activities under the Area Wide Planning grant. EPA Region 3, Pennsylvania Department of Environmental Protection, and New Jersey Institute of Technology will conduct the training for Harrisburg community members and leaders. Participants will learn about the foundations of the Brownfields program. Topics will include an overview of the Brownfield redevelopment process, examples of Brownfields, state and federal funding opportunities, as well as how the community can participate in the planning process. The training will provide the knowledge necessary to launch a successful and effective Brownfields program for the City of Harrisburg.

Upcoming Public Events

Region 3 does not have anything to highlight this week.

Past Events

CBS News Interviews Acting RA about Lead in Philadelphia Soil

CBS News reporter Jericka Duncan visited the Region 3 office in Philadelphia on August 8 to interview Acting Regional Administrator Cecil Rodrigues about the lead in soil issue in Philadelphia. Ms. Duncan also attended a public meeting that same night that included staff from the City of Philadelphia, EPA, and ATSDR. CBS also interviewed the Philadelphia Health Commissioner in the recent past. The story is expected to run on *CBS This Morning* at the end of next week at the earliest.

Region 4

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL

Key Message: Chemours (formerly DuPont) manufactures the chemical GenX, a processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). The free acid GenX precursor chemical has been found in the Wilmington, NC, drinking water system.

- **(Update)** On August 8, 2017, Region 4 provided an update to the North Carolina Department of Environmental Quality (NDEQ), via conference call, regarding the status of its investigation resulting from the June 28-29, 2017, TSCA Inspection at the Chemours facility.
- **(Update)** On August 9, 2017, Region 4 participated on a call coordinated by the HQ Office of Congressional and Intergovernmental Affairs with Senator Burr's Office (South Carolina) and the mayor of Wilmington and county commissioners to provide an update on the EPA's work with the state of NCDEQ on the concerns about the contaminants from the Chemours facility in the Cape Fear river.
- **(Update)** EPA Region 4 also received from Chemours the final inspection data (records) that were requested during the June TSCA inspection. The records are currently being reviewed and analyzed to determine compliance with the applicable TSCA sections.

Ensystex, II Imports Matter – ENFORCEMENT CONFIDENTIAL
Key Message: EPA Region 4 recommended a Stop Sale, Use or Removal Order (SSURO) to allow Ensystex, II to relabel a Federal Insecticide, Fungicide, and Rodenticide Act noncompliant imports shipment and achieve compliance. On July 19, 2017, Region 4 submitted a request to the Office of Enforcement and Compliance Assurance to expedite a decision to proceed with the issuance of the SSURO.

- On July 27, 2017, Region 4 issued a SSURO to Ensysex II.
- **(Update)** August 9, 2017, Region 4 staff is working with involved parties to ensure appropriate relabeling of the product to bring it into compliance.

Title V Petition – TVA Gallatin Power Plant

Key Issues: On May 15, 2017, the Sierra Club filed suit against the Administrator for EPA to respond to their title V petition to object to the TVA Gallatin permit. EPA filed a response to the court on July 21, 2017. The court issued a "Minute Order" directing parties to meet and confer and, no later than August 4, 2017, jointly file a proposed schedule for summary judgment briefing, or reasons why this matter cannot proceed immediately to briefing. Regional staff is working with the Office of Air Quality, Planning, and Standards and the Office of General Counsel (OGC) to develop options to respond.

- **(Update)** At the direction of Office of Regional Counsel, Region 4 has asked Tennessee Department of Environment and Conservation for an email stating their expected timeline for finalizing a title V permit modification that addresses some of the petition issues. The public comment period for this modification ends on August 9, 2017.
- **(Update)** In addition, OGC has requested a declaration from the Region 4 APTMD Director related to its review of the documents and the revised permit. OGC / Department of Justice (DOJ) filed the response on August 4, 2017. In the response, DOJ asked for a stay while TDEC completes the final permit which will address a portion of the issues raised by the petitioner.

Savannah River Site (U.S. DOE; Aiken, SC)

Key Message: The South Carolina Attorney General's Office filed a lawsuit to recover $100 million it claims DOE owes the State for failing to meet its promise to remove plutonium from the Savannah River Site.

- The lawsuit does not impact the EPA's oversight of the Superfund activities at the Site and EPA has no authority over the issue.
- The lawsuit was brought on by the lack of funding to build the Mixed Oxide Fuel Fabrication Facility, which would be used to down blend weapons grade plutonium in an effort to remove the plutonium from the State of South Carolina.

Mississippi Phosphates Corporation Site (Pascagoula, MS)

Key Message: Due to heavy rainfall events, a 72-hour emergency bypass was implemented on July 25th to maintain necessary freeboard.

- **(Update)** As of August 9, 2017, a second bypass had discharged 30 million gallons. The action was deemed necessary to prevent potential inundation of the in-situ wastewater treatment system, which would greatly impair the ability to maintain Site stability.
- A geophysical evaluation to determine the structural stability of both the West and East stacks is anticipated to begin mid to late August. Emergency repairs to address a sinkhole at the West Stack also began. Repairs are anticipated to be completed by early September 2017.

Upcoming Public Events

None this week

Upcoming Major Decisions

Paducah Gaseous Diffusion Plant (Paducah, KY)

Key Message: The EPA, State of Kentucky, and DOE executed a Memorandum of Agreement (MOA) on the C-400 Complex to document the priorities for development and submission of the FY 2018 Site Management Plan (SMP).

- The MOA incorporates agreements related to reprioritization of the work for the C-400 Complex including integration of the Phase IIb groundwater source area Interim Action.
- According to the agreement, the FY 2018 SMP will also provide an out year enforceable milestone for the Remedial Action Start in FY 2024.

Last Week Highlights

Outreach to Tribal Entities on Children's Environmental Health and Lead issues

Key Issues: Each year, the Eastern Band of Cherokee Indians hosts a Children's Trout Derby in Cherokee, North Carolina. EPA Region 4 staff participate in the event and take the opportunity to reach large numbers of children, parents and teachers to educate them on environmental health hazards.

- Representatives from the Children's Environmental Health, Water, Lead and Tribal Programs conducted environmental health educational programming at the 16th Annual Talking Trees Children's Trout Derby on August 4 - 5, 2017, in Cherokee, N.C.
- EPA representatives engaged children in many interactive games to teach them about water quality, air pollution, lead, pesticides, the SaferChoice label and conservation. The activities were so popular, children stood in long lines to participate. Volunteers from the community, including a student with the Cherokee Boys and Girls Club and interns from the Great Smokey Mountain National Park Service, helped conduct educational activities.
- This year, EPA interacted with over 2,000 children and their families.

Region 5

HOT ISSUES:

Region 5 Starts Time-Critical Removal Action at Plating, Inc. in St. Paul, Minnesota

Key Message: Region 5 is conducting a hazardous waste cleanup at the Plating, Inc. Site in St. Paul starting on August 10.

The removal action will focus on the 82 open chemical vats containing hazardous wastes such as cyanide, caustics, and chromium inside the building. In addition, there are approximately 76 drums and totes with various chemicals and suspect hazardous liquids have been released in the building. Asbestos material is another immediate concern due to the deteriorating building condition. Contractor work is expected to take approximately 65 days with final disposal of wastes to be completed by the end of the year.

On August 7, RA Kaplan had a conference call with Congresswoman McCollum and local officials about the site. EPA has begun door-to-door community outreach and will be participating in a community meeting sponsored by Congresswoman McCollum, The Hamline Midway Coalition, and local public safety officials on August 15, 2017 to discuss cleanup efforts and address any concerns.

The site consists of a 21,100 square-foot commercial building with several homes and businesses close to the structure. The now abandoned industrial facility specialized in zinc and chromate plating of aluminum. Preliminary information indicates the business is bankrupt. Enforcement and cost recovery efforts are running parallel to the removal action.

Region 5 Coordinating with Indiana Department of Environmental Management on Indiana Harbor Confined Disposal Facility

Key Message: EPA is working closely with the Indiana Department of Environmental Management and federal partners on a possible alternative to the proposed plan to dredge and dispose of PCBs.

EPA, in close coordination with the state and federal partners, is considering an offsite disposal option for the remediation and disposal of the Indiana Harbor and Canal PCB contaminated sediment. This alternative is being developed in response to local community concerns about the TSCA level PCBs being disposed on in the confined disposal facility located in East Chicago, Indiana.

EPA is planning to meet with local community leaders to conceptually discuss the viability of the off-site disposal option and is coordinating with IDEM on the meeting.

Removal Assessment Initiated at the Niagara LaSalle Optima Steel Site in Hammond, Indiana

Key Message: Region 5 began a removal assessment at the Niagara LaSalle Optima Steel industrial site on August 3.

As part of the assessment, EPA collected soil samples which were screened with an XRF and sent to a laboratory for analysis. On August 16 and August 17, EPA will be in the neighborhood meeting residents and obtaining access agreements from those interested in having their property sampled. Residential soil sampling is schedule to begin on or around September 5, 2017. In the meantime, EPA will continue outreach efforts in the community to obtain access agreements and schedule the sample collection.

In April 2017, Indiana Department of Environmental Management (IDEM) collected soil samples from the Niagara LaSalle Optima Steel industrial site and from nearby public spaces. XRF screening results showed elevated levels of arsenic and lead. At that time, IDEM requested EPA's assistance to assess the need for a removal action at the residential properties nearby. A joint letter from the city of Hammond and EPA was sent to 97 residential properties adjacent to the Niagara LaSalle Optima Steel site. On August 16 and August 17, EPA will be in the neighborhood meeting residents and obtaining access agreements from those interested in having their property sampled. Residential soil sampling is schedule to begin on or around September 5, 2017. In the meantime, EPA will continue outreach efforts in the community to obtain access agreements and schedule the sample collection.

UPCOMING EVENTS:

Region 5 Acting RA to Speak at Lower Menominee River Area of Concern Celebration

Key Message: On August 16, Bob Kaplan will be speaking at the Menekaunee Harbor dedication and the immediately succeeding Lower Menominee River Area of Concern celebration in Marinette, Wisconsin.

The celebration will commemorate the completion of recent remediation efforts within the Lower Menominee River Area of Concern (AOC). EPA's Great Lakes Restoration Initiative has invested over $50 million into the AOC restoration. One component of the effort was the restoration of the Menekaunee Harbor, which now contains boat docks, a canoe/kayak launch, and public viewing areas. Other projects that have been implemented include remediation at the TYCO site and the Wisconsin Public Service Coal Tar Site; the installation of a sturgeon fish passage; and restoration of the islands in the river. So far, three of the Beneficial Use Impairments (BUIs) have been lifted and the remaining three BUIs are on their way to being lifted.

Other partners in the restoration will also be speaking at the events, including the Mayor of Marinette and state officials. On a recent call, the city thanked EPA for our contributions and for "saving the project." In conjunction with AOC celebrations, Cabela's will be hosting a 3-day National Walleye Tour Championship.

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS:

Region 5 Issues Notice of Violation to S.H. Bell for Clean Air Act Violations

Key Message: On August 7, Region 5 issued an NOV to S.H. Bell for excessive manganese emissions from the company's southeast Chicago facility.

Four months of air monitoring data from the facility for March 1, 2017, through June 30, 2017, show an average concentration of 0.32 micrograms per cubic meter (µg/m3) of manganese. The Agency for Toxic Substances and Disease Registry's (ATSDR) minimal risk level for chronic inhalation exposure to manganese is 0.3 µg/m3. The company submitted the data to EPA on August 1. S.H. Bell was required to install the particulate monitors as the result of a December 5, 2016 Stipulated Settlement and Final Consent Order, which can be viewed [HYPERLINK "https://www.epa.gov/sites/production/files/2016-12/documents/20161205-sh-bell-final-order.pdf"].

On August 7, 2017, EPA issued a Notice of Violation for violating the Illinois SIP. The Illinois EPA and the City of Chicago are supportive of EPA's action. The region is also working with ATSDR and local community groups to notify them of the levels and coordinate a response. The monitoring data is publicly available on EPA's website, which can be viewed [HYPERLINK "https://www.epa.gov/il/sh-bell-chicago-air-monitoring-data"]. The action has attracted press coverage, some of which can be viewed [HYPERLINK "http://chicagotonight.wttw.com/2017/08/07/epa-cites-sh-bell-excessive-manganese-emissions-chicago"].

Region 5 Provided Wayne County with Comfort/Reasonable Steps Letter Regarding McLouth Steel Property

Key Message: On August 10, Region 5 provided Wayne County with a Comfort/Reasonable Steps Letter, as requested.

Region 5 held a meeting and conference call on August 10 with the city of Trenton, Wayne County and MDEQ officials informing them of the letter and its content.

Over the past year, EPA Region 5 has been working with the city of Trenton, Wayne County, Congresswoman Dingell's Office and others in an effort to provide liability clarification and assurances to future developers of the former steel mill. Following bankruptcy in 1996, the 250-acre property has undergone several failed redevelopment attempts and is currently being evaluated for inclusion on the Superfund National Priorities List. Within the last two months Wayne County issued a request for qualifications, seeking a master developer for the site. Proposals were evaluated by representatives from

the city of Trenton and the Wayne County Land Bank. A developer was selected on July 25. Wayne County is currently negotiating a development agreement with the chosen entity.

Region 6

Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery

Region 6 intends to approve revisions submitted by the State of Louisiana controlling emissions of volatile organic compounds (VOCs) and changes to the Stage II gasoline vapor recovery rule as part of the Louisiana State Implementation Plan (SIP). This final action will be published in the Federal Register.

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Denka, LaPlace, Louisiana

EPA, LDEQ and St. John the Baptist Parish are developing an information flyer to update the community regarding efforts to address elevated chloroprene emissions from Denka. The final flyer is expected to be distributed soon. In addition, EPA, in coordination with both LDEQ and St. John the Baptist Parish is preparing a summary report describing the EPA-lead ambient air monitoring activities in the area. The chloroprene monitoring program was begun in May, 2016 in response to the National Air Toxics Assessment to determine chloroprene concentrations in the ambient air in the neighborhoods surrounding the Denka Facility. Once finalized, the summary report will be available on EPA's website at [HYPERLINK "https://www.epa.gov/la/laplace-st-john-baptist-parish-louisiana"] . Media interest continues to be high including national networks (CNN).

Cimarex Energy, Culberson County, Texas

Region 6 received a notification through the National Response Center's Spill Reporting Hotline that Cimarex Energy reported a produced water spill directly to the Delaware River of over 567,000 gallons (18,000 barrels) of highly concentrated solution of salt called brine. The spill occurred about three miles from the Texas and New Mexico state line. A fish kill of about 150 fish has been reported along the spill and the area is home to several sensitive species. The Red Bluff Reservoir is located downstream of the spill. Region 6 has identified drinking water supply intakes potentially threatened by the spill and shared the information with local, state and coordinating agencies. Multiple federal and state response agencies from both New Mexico and Texas will meet on August 10 at the spill site to coordinate response activities. Limited news coverage due to the remote location of the spill [HYPERLINK "http://www.currentargus.com/story/news/education/2017/08/04/produced-water-spill-reported-delaware-river/541505001/"]

Bird Creek, Pawhuska, Oklahoma; Warren American Oil Company, LLC, Jireh Resources, LLC and Novy Oil and Gas, Inc., Osage County, Oklahoma

EPA field investigators are conducting on-site inspection to confirm that none of the companies have voluntarily shut-in their wells at this time. Of the 7 wells, 4 wells were not actively injecting but remain functional, and 3 wells are actively injecting. The 30-day public comment period for Administrative Orders issued to three operators on Friday, August 4 which require the Respondents to shut-in injection of select injection wells located on the Osage Mineral Reserve in Osage County, Oklahoma has begun. The

proposed Orders were also posted to the EPA national public notice website at [HYPERLINK "https://www.epa.gov/publicnotices/notices-search/location/Oklahoma"] , and consultation letters have also been sent to the Osage Nation. Region 6 will meet with both Osage Nation and the Osage Minerals Council next week. Public comment closes September 5. A summary of in-stream monitoring data for local landowners is being finalized and Region 6 will meet with landowners next Wednesday. Media interest continues to be high.

Chaparral Energy, LLC, Osage County, Oklahoma

Region 6 issued a Notice of Violation (NOV) to Chaparral Energy, LLC for a violation of Chaparral's underground injection control area permit 06S1264P6273. On August 8, 2017, the EPA witnessed a previously plugged well located on their North Burbank CO2 flood in Osage County, Oklahoma, failed causing a discharge of CO2, formation gases, and formation fluids (fluids) to the surface and thus creating a potential for these fluids to contaminate underground sources of drinking water (USDWs). The Notice of Violation requires Chaparral to plug the well and perform any other corrective actions necessary to prevent the upward migration of fluids.

Range Resources, Inc., Louisiana

Region 6, in consultation with OECA and the Louisiana Department of Environmental Quality entered into a new owner audit agreement with Range Resources – Louisiana, Inc. through an exchange of letters under EPA's Interim Approach to Applying the Audit Policy to New Owners. Range is an oil and natural gas producer who acquired 389 facilities in Northern Louisiana via merger with Memorial Resource Development Corporation and KJECO, LLC. Range will audit these facilities to identify and correct any potential violations of the Clean Air Act originating with the prior owner in accordance with the schedule set forth in the audit agreement. The audit is divided into three major sections (each with assessment and corrective action phases), addressing facility compliance with LDEQ permitting requirements, NSPS/NESHAP regulations, and greenhouse gas reporting regulations. Range will provide EPA with a Final Audit Report and its responses to a New Owner Self-Disclosure Questionnaire within 90 days of completion of the audit.

City of Houston, Houston, Texas

EPA, DOJ, and the State of Texas have been actively negotiating a possible settlement with the City of Houston, and as of early 2017, the parties were very close to settlement. In the Spring of 2017 the Mayor of Houston requested additional time to respond to the latest draft Consent Decree (CD) so that the new Public Works Director could review the draft CD for creative engineering solutions. On August 7, the City submitted a settlement proposal in which it substantially changed the terms of the previously agreed draft consent decree. The US and Texas are currently reviewing the new Houston proposal. Preliminary conclusion by EPA and DOJ is that the proposal is fundamentally flawed and unacceptable because the proposed terms will not sufficiently address the SSO and effluent violations. The next step is to discuss the Houston Proposal with the State of Texas to determine the appropriate response to the City. Houston is the second largest municipality in the United States with a separate sewer system. A performance evaluation in 2009 of Houston's Sanitary Sewer Overflows (SSOs) indicated that Houston has the most extensive problem in Region 6. In a five-year period, EPA identified more than 18,000 sewer overflows.

In addition to the sewer overflows, the performance evaluation of the City's Waste Water Treatment Plants (WWTPs) also indicated a large number of effluent violations from many of the Houston WWTPs. As a result, the Region referred the case to the U.S. Department of Justice (DOJ) in January of 2009 to address the SSO and effluent violations of the Clean Water Act.

Fieldwood Energy LLC, Gulf of Mexico

The pressure in the well has risen again and is now averaging above 9600 PSI. Department of Interior Bureau of Safety and Environmental Enforcement (BSEE) is the lead federal agency. BSEE, Fieldwood Energy engineers, and contract geologists believe that the pressure increase stems from a gas production zone high in the well bore, and continue to evaluate data and mitigation strategies as the intervention preparation work continues around the clock. On July 28, Fieldwood Energy LLC notified the federal Department of Interior Bureau of Safety and Environmental Enforcement (BSEE) of an abnormality with a well located offshore in the Gulf of Mexico about 160 miles southwest of New Orleans. The well was a completed production well that was tied by a subsea riser to the Bullwinkle fixed platform. It produced/flowed for many years, but in 2009 was shut in and hasn't produced since. The abnormality was an increased well pressure over normal in a certain portion of the well, likely due to an internal well barrier that failed. Fieldwood believes that a zone of gas condensate sand is the source of the pressure increase. Fieldwood Energy continues to fly an Remote Operating Vehicle (ROV) to identify any leaks from the wellheads, common manifold or riser. No leaks have been discovered in any component of the system. Trajectories from NOAA indicate a spill would still be approximately 45 NM from shoreline 7 days after the release. The Unified Command continues with regular briefings and updates.

Tar Creek, Picher, Oklahoma

Region 6 continues Operable Unit 5 field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tri-state Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife). The sampling is focusing on a tri-state watershed approach to address sediments and surface water in perennial streams that may be impacted by mining operations. The project area consists of seven watersheds, and covers approximately 437 square miles and 119 river miles. Senior Advisor Albert Kelly will tour the Tar Creek Superfund site on Monday, August 14. San Francisco-based media site, Timeline, is working on a story about how Picher evolved from a wartime boom town to a ghost town.

Georgia Pacific Plant, Crossett, Louisiana

EPA is preparing to send letters to provide individual sampling results for Hydrogen Sulfide (H2S) to homeowners who allowed monitors to be placed on their property. The sampling was conducted to pinpoint possible sources of hydrogen sulfide emissions from the Georgia-Pacific Corporation's wastewater treatment system. Hydrogen Sulfide was detected in locations throughout the community. However, EPA does not have an ambient air quality standard for H2S making any potential health-related conclusions difficult to derive from the sampling results. The Hydrogen Sulfide (H2S) air sampling in and

around the Georgia Pacific Plant started in January 2017 and was completed on June 30. The Arkansas-Democrat Gazette has filed a FOIA for the data. Media interest has been high and FairWarning, a nonprofit investigative news organization is working on a story.

SO2 Round 3 Designations 120-day Letters
Region 6 has notified the states that make up the region of proposed S02 designations within their boundaries. Of the five states, only Louisiana has one area designated as non-attainment for S02. However, several states commented on use of attainment/unclassifiable versus attainment for this round of proposed actions by the EPA. Region 6 States chose a path for characterizing air quality around all SO2 sources greater than 2000 tons/year in January, 2017. States could choose modeling (Round 3 sources) or monitoring (Round 4 sources) Letters sent to the governor of each state will formally announce our intended designations for all counties/parishes in Round 3 plus all other undesignated counties/parishes in the states, with the exception of those in Round 4. At or around the same time we send out these letters, OAQPS will publish a notice in the Federal Register announcing our intended area designations, which will trigger a 30-day public comment period. The states and tribes will have until October 13, 2017, to submit comments or any additional information they would like EPA to consider before finalizing area designations.

Coal Combustion Residual Training, Oklahoma City, Oklahoma
EPA will hold a training session on Coal Combustion Residual state permit programs in Oklahoma City, OK after the Association of State and Territorial Solid Waste Management Officials training conference on August 17. Region 6 states have expressed interest in applying for state permit program approval. Oklahoma has submitted its CCR Permit Program Package for approval and Louisiana has submitted a draft program for review.

Chemical Waste Management, Inc., Lake Charles, Louisiana
Region 6 completed the review of the Modified Hazardous Waste Operating and Post-Closure Permit for the Chemical Waste Management, Inc., Lake Charles Facility in Carlyss (near Sulphur), Louisiana. Chemical Waste Management requested a major permit modification to add two thermal desorption units, two oil recovery units and several tanks associated with these units. These units will process different oil-bearing and organic waste streams for recovery of oil products. Louisiana Department of Environmental Quality (LDEQ) successfully worked with the facility to ensure that when these units are installed, they will be operated in a manner protective of human health and the environment.

TransCanada Keystone Pipeline, Oklahoma

Region 6 is reviewing a request for Tribal water quality certification for use of Nationwide Permits on the lands of The Choctaw, The Muscogee (Creek), and Sac & Fox Nations. EPA has until September 29, 2017 to reach a certification determination, or the 401 certification will be considered waived by the Corps. Region 6 will meet with representatives from the affected tribes on August 16 and issue public notice of the project details in tribal community areas to solicit feedback and comments from the impacted communities prior to making a water quality certification determination. The proposed activities would be conducted under Nationwide Permits 3 (Maintenance) and 13 (Bank Stabilization), and are projects for Keystone's PCRM program, which identifies and corrects surface issues on the Keystone right-of-way. Some projects to repair erosion or stabilize banks require temporary work in waters of the U.S. or placement of small volumes of fill in streams crossed by the Keystone pipeline.

City of Venus, Texas

Region 6 will conduct a wastewater collection system inspection of the City of Venus, Texas as part of EPA's National Sanitary Sewer Overflow (SSO) Initiative. The inspection's focus is to evaluate the wastewater utility's capacity, management, operations, and maintenance to assure that SSOs are mitigated or stopped in order to protect the public health and the environment in accordance with the CWA. The City of Venus is one of 28 municipalities served by a Trinity River Authority wastewater treatment plant (operating under a separate National Pollutant Discharge Elimination System Permit) that will be similarly inspected. Region 6 has invited Texas Commission on Environmental Quality to participate in this inspection.

Celanese Clear Lake, Pasadena, Texas

Region 6 is sending an information request letter to the Celanese Clear Lake facility in Pasadena, Texas on September 5. The purpose of the letter will be to evaluate remedies for potential noncompliance concerning the facilities' flare operations. Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The Region has notified TCEQ about our issuance of the letter.

Cornerstone Chemical, Waggaman, Louisiana

Region 6 is sending an information request letter to the Cornerstone Chemical facility in Waggaman, Louisiana on September 12. The purpose of the letter will be to evaluate remedies for potential noncompliance concerning the facilities' flare operations. Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The Region has notified LDEQ about our issuance of the letter.

Ector Drum, Odessa, Texas

Region 6 intends to send additional 104(e) information request letters to eleven companies to obtain information on the number of drums and their contents that were sent to Ector Drum Superfund Site in Odessa, Texas.

Malone Service Co. Site, Texas City, Texas

Region 6 intends to issue an 104(e) information request letters to six de Minimis parties to get information on current successor relationships to determine potential liability for cost recovery.

Eagle Industries Site, Oklahoma County, Oklahoma

Region 6 intends to issue an additional 104(e) information request letter to the owner of the site. Past attempts to send a 104(e) letter have been unsuccessful. EPA announced the proposal of Eagle Industries to the National Priorities List on July 31. The site, southeast of Oklahoma City, was an inspection and repair facility for aircraft oxygen and fire extinguisher systems from 1990 to 2010. A 2003 Oklahoma

Department of Environmental Quality (ODEQ) inspection of the operating facility revealed improper disposal of trichloroethylene (TCE) which are threatening surrounding area ground water.

NEPA

San Juan Mine, San Juan County, New Mexico

Office of Surface Mining Reclamation and Enforcement is preparing an Environmental Impact Statement that will analyze the impacts of the San Juan Coal Company's proposed Deep Lease Extension Mining Plan Modification at the existing underground San Juan Mine, approximately 15 miles west of Farmington in San Juan County, New Mexico. Region 6 will support OSMRE by meeting our basic statutory requirements for participating in the environmental review process.

Valley Crossing Natural Gas Transmission Pipeline Project (Border Crossing Project), Gulf of Mexico, Texas

Federal Energy Regulatory Commission (FERC) will use recommendations received from various federal agencies to determine whether to issue a Finding of No Significant Impact or issue an Environmental Impact Statement regarding the Valley Crossing Natural Gas Transmission Pipeline EA located in the Gulf of Mexico about 30 miles east of Brownsville, Texas. The Project will connect the non-jurisdictional intrastate Valley Crossing System with the Commission Federal de Electricidad's Marina Pipeline and would be capable of delivering up to 2.6 billion cubic feet per day of natural gas. Region 6 will support FERC by meeting our basic statutory requirements for participating in the environmental review process.

FOIA

EPA-R6-2017-008762, Sierra Club request for documents regarding Arkansas Regional Haze

UPCOMING PUBLIC EVENTS

August 15 – Fruit Avenue Plume Superfund Site Public Meeting, Albuquerque, New Mexico. Public meeting on proposed plan to expand the use of Monitored Natural Attenuation as the site-wide remedy for the ground water plume. This alternative allows for the decommissioning of the existing pump and treat facilities and returns the property to the City of Albuquerque. The alternative facilitates the reuse of the property and promotes further redevelopment in the area.

August 17 – Falcon Refinery Superfund Site Public Meeting. Public meeting on proposed plan for Operable Unit 01 (Site Wide Groundwater) for the site. EPA will record public comments on its preferred remedial approach of no action for the shallow groundwater at the site.

[HYPERLINK "x-apple-data-detectors://17"] – National Air Quality Conference, [HYPERLINK "x-apple-data-detectors://18/1"] Attendees will learn the latest information on air quality forecasting and mapping.

[HYPERLINK "x-apple-data-detectors://20"] - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

[HYPERLINK "x-apple-data-detectors://21"] – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting Regional Administrator will keynote.

UPCOMING DECISIONS

Quapaw Tribe of Oklahoma, Oklahoma

The Quapaw Tribe of Oklahoma's application for Treatment as a State (TAS) for Clean Air Act (CAA) authority on Tribal lands in Oklahoma and Kansas final approval is being processed. This action is signed by both Region 6 and Region 7 Regional Administrators. The Tribe seeks authority for the following non-regulatory programs: CAA §105 – allows Tribe to apply for funding at a reduced match of 5%; CAA §107(d)(3) – EPA notice to Tribe for re-designation process participation; CAA §126 (a) & (b) – State notice to Tribe of new or modified sources; ability to petition and CAA §505(a)(2) – State notice to Tribe of certain operating permits within 50 miles. The 30-day public comment period on the proposed application closed on March 17, 2017, and no comments were received.

Los Alamos National Laboratory (LANL), Los Alamos, New Mexico

Region 6 plans deny the Santa Fe-based Concerned Citizens for Nuclear Safety (CCNS) petition to terminate Outfall 051 from Los Alamos National Laboratory's NPDES water discharge permit. Region 6 has primacy for the NPDES program in New Mexico. The petition alleged that since LANL does not normally discharge from this outfall, continued authorization under the NPDES permit improperly provides an exemption from regulation under RCRA.

PAST WEEK ACCOMPLISHMENTS

Texas Regional Haze

EPA and the State of Texas continue to have senior level discussions on the best pathway to address the proposed Regional Haze BART FIP for Texas. EPA and the State of Texas are developing a letter or

Memorandum of Agreement to formally outline a 15-month schedule with commitments and next steps to present to the Court as part of a request for an extension of the deadline so as to allow Texas to develop and proceed with a SIP. Plaintiffs (NPCA, Sierra Club) in the case are expected to oppose EPA's request for this 15-month extension. As a contingency for a scenario where the court denies the request, Region 6 is preparing final briefings for the Administrator on a Texas Regional Haze Intrastate Trading Program BART FIP, which is Texas' preferred outcome in the event an extension is denied. EPA has a Consent Decree deadline of September 9.

PENDING ACTIONS (Pending Federal Register Publication)

None

Region 7

Last Week's Highlights

Cass Ave Asbestos Response Update (St. Louis, MO)
Key Message: As of 8/4/2017 the responsible party completed agreed upon removal actions at the site including debris removal and activity based sampling.

- Preliminary sampling data are negative for elevated asbestos fibers in the air.
- The responsible party has agreed to continue to assess and address properties as they are discovered if additional debris is reported to the St. Louis Health Department.
- The responsible party plans to demolish the affected structure within the next month. This activity will be under the oversight of the city of St. Louis or the state.
- The responsible party is preparing a final report for actions at the site and will submit to EPA documenting the removal actions.

Sporlan Valve Site Vapor Intrusion Assessment (Washington, MO)
Key Message: Last week EPA R7 staff collected samples of indoor air and soil at the former Sporlan Valve facility and adjacent properties in Washington, MO.

- The facility was recently subject to an Administrative Settlement Agreement and Order on Consent (ASAOC), but the responsible party has indicated that they lack the funds necessary to complete the agreed removal activities.
- EPA contractors are collecting samples this week of sump water at adjacent properties and the final round of quarterly samples for indoor air are planned to be collected later this month.

Update on Toastmaster Site (Macon, MO)
Key Message: EPA has engaged the current site owner, Compton's, to conduct vapor mitigation activities within the Toastmaster facility which is addressed in a signed ASAOC.

- Recently, indoor air samples obtained at adjacent properties have shown elevated levels of TCE.
- Last week, EPA conducted sampling of the ambient air and collected samples from the discharge locations of the operating mitigation systems from the Toastmaster facility.
- A Regional Decision Team (RDT) meeting with EPA and ATSDR staff was held on August 4 to discuss the next steps forward. The RDT decision was to conduct additional assessment activities of the areas around the former Toastmaster facility to determine the potential effects of the operation of the mitigation units at the Toastmaster facility. Additional sampling activities are being scheduled over the next few weeks.
- EPA continues to negotiate a second ASAOC with the former owner Spectrum Brands to delineate the source and plume of TCE contamination and to recommend removal alternatives.

Wichita Regional Water and Emergency Management Workshop
Key Message: On August 16, 2017, EPA R7 is sponsoring a one day workshop designed to bring together Wichita regional water utility staff, emergency services personnel, Kansas Department of Health and Environment and EPA Region 7 staff to discuss their concerns and priorities during a water supply incident.

- Extreme weather events and other disasters can affect critical lifeline services; e.g., flooding from heavy rains or accidental spills can quickly disrupt a drinking water supply. A catastrophic equipment failure could lead to the inability to treat water and test the limits of both a community and its responders.
- The workshop addressed:
    - What parties need to coordinate during a catastrophic event?

  - Who provides critical resources like alternate drinking water and for how long?
- The workshop will include a presentation from the KDHE on regulatory requirements and minimum needs calculations, and will then focus on a facilitated group discussion regarding an extended potable water outage.

Region 8

Hot Issues – None.

Upcoming Public Events – None.

Upcoming Major Decisions –

Addressing Air Quality Issues on Uintah and Ouray Reservation

Key Message: **(Decision needed from OA – first reported 7/27)** Region 8 is ready to begin working on an Advanced Notice of Proposed Rulemaking for a proposed FIP for the U&O Reservation to address concerns raised by several industry representative and the Ute Tribe.

- Industry representatives and the Ute Indian Tribe have emphasized the need for EPA to develop a mechanism to allow EPA to continue to issue minor source permits after nonattainment designation.
- On June 1-2, 2017, EPA R8 met with several industry representatives and the Ute Indian Tribe to discuss options to allow energy production to continue post-nonattainment designation, while also ensuring that new/modified sources do not cause or contribute to ozone exceedances.
- Industry representatives suggested the Advanced Notice of Proposed Rulemaking approach to allow specific comments from stakeholders and to give EPA an opportunity to make revisions prior to formal proposal. The Tribe is supportive of the approach.
- On July 12, 2017, Sarah Dunham and Mandy Gunasekara were briefed on options for moving forward including the Advanced Notice of Proposed Rulemaking. We are awaiting a decision.
- This is time sensitive given the time it will take for the ANPR, proposed FIP and final action.

Wyoming Revised Water Quality Standards for Recreation Use

Key Message: **(Decision needed from OA – first reported 7/27)** Region 8 is preparing to take action on Wyoming's revised water quality standards in August.

- Region 8 is finalizing an action letter and decision rationale to approve most of Wyoming's proposed waterbody reclassifications from primary to secondary contact recreation (>99% of proposed waterbody reclassifications) with disapproval of 10 waterbody reclassifications (<1%).
- OST, ORC, and OGC concur on Region 8's proposed actions.
- A briefing was provided to OW senior leadership (including Sarah Greenwalt) on July 13, and we are awaiting a decision.

Montana Regional Haze Final Federal Implementation Plan (FIP) Revision (reported in 8/3 weekly)

Key Message: Region 8 plans to send the final Montana Regional Haze FIP revision package forward for the Administrator's signature the week of August 14, 2017.

- The Montana FIP revision relaxes a NOx emission limit for one cement kiln to more accurately reflect the removal efficiency of required NOx control equipment and corrects two errors in the 2012 FIP (an error regarding the reasonable progress determination for a compressor station and an error related to the compliance procedures for the BART sources).
- Region 8 received generally supportive public comments from Montana DEQ, NorthWestern Energy (the compressor stations that will benefit from one of the error corrections), and Oldcastle (owner/operator of the cement kiln).
- Oldcastle's comments expressed disagreement with some aspects of EPA's approach to setting the proposed emission limit.
- Region 8, OAQPS and OGC recommend the FIP be finalized as proposed in April 2017.
- The revision needs to be signed by late August in order to be effective prior to Oldcastle's compliance deadline of October 18, 2017.

Last Week Highlights –

NPDES Enforcement Enters into Compliance Order on Consent with Colorado Department of Transportation to resolve Clean Water Act violation.

Key Message: On August 7, 2017, Region 8 and the Colorado Department of Transportation (CDOT) entered into an Administrative Order for Compliance on Consent to resolve Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System permit violations.

- CDOT agreed to various corrective actions, including conducting a review of its storm water management plan, completing training materials for staff with MS4 responsibilities, developing a self-audit and corrective action program, updating its construction site program, updating and maintaining an inventory of permanent water quality control features, and inspecting control measures at its facilities.
- These measures should substantially reduce the amount of oil, grease, rust, salts, hydrocarbons, rubber particles, and other pollutants flowing from highways, vehicles, and maintenance operations into streams, rivers, and lakes throughout Colorado.
- EPA took this action under a workshare agreement with the State of Colorado.

Region 9

HOT ISSUES:

SO2 Designation: pending final OAR text, we're ready to issue 12 letters providing notice of our preliminary designations for the 2010 NAAQS standard. Our letters address designations in Guam, American Samoa, the No. Mariana Islands, California, Nevada, Hawaii, Arizona, and the following tribes: Navajo Nation, Hopi, Pechanga, White Mountain Apache, and San Carlos Apache.

EXTERNAL ENGAGEMENT:

Brownfields: we're hosting a major public/press event in Humboldt County (nw corner of California) to highlight our various clean-ups in recent years (pulp mill liquor, hazardous waste removal, residential lead abatement), a $10+ mil. investment. Our Superfund Director, Enrique Manzanilla, will be joined by Cong. Huffman and local elected leaders.

Environmental Justice: on Monday, I'll join our State partners annual meeting in Sacramento with over 70 statewide environmental justice leaders and their coalitions. The meeting will focus on the State's draft civil rights and language-access policies, relevant to our EPA Title VI cases.

Drinking Water: as part of our R9 focus on bringing small drinking water systems into compliance, we'll join our CA State Water Board, CA Rural Water Association and Rural Community Assistance Corporation partners at a technical assistance and training symposium for small systems.

Tribal Lands Environmental Forum: we'll present our Tribal Green Building Toolkit and Zero Waste Planning Guide at this Tulsa, OK meeting, in collaboration with R9's Gila River Indian Community.

PAST WEEK HIGHLIGHTS:

Starkist (American Samoa) multimedia settlement: we've forwarded for lodging our multimedia (CWA, CAA, EPCRA, RCRA) judicial settlement with Starkist, the world's largest tuna canning operation. Our settlement will result in very significant reductions in nutrient loading to Pago Pago harbor, safer operations re onsite industrial gas storage, and with an onsite compliance staff, implement an Environmental Management System, perform annual compliance audits, and train employees. Starkist will pay a $6.3 mil. penalty, will donate emergency response equipment to the local fire department, and is now upgrading its four large above-ground oil-storage tanks to prevent spills to the harbor. For the

55,000 residents of the territory, this brings significant benefit to those who live beside, paddle, swim, dive and fish in these waters. Our American Samoa EPA partners, while not delegated for these programs and lacking capacity to participate in the case, are very supportive; this will complement their remarkable efforts to reduce trash and marine debris, and improve coral reefs. Starkist has been very cooperative throughout, and has already signed the settlement. We'll brief Patrick, Traylor on Monday.

Edwards Air Force Base FFA dispute: I convened our SES-level dispute resolution committee to address the State of California/USAF dispute regarding appropriate PCE clean-up levels, affecting primarily contaminated groundwater and thus, vapor-intrusion pathways. California recently proposed a new toxicity criteria regulation for various contaminants. The parties agreed to set aside this dispute for 60 days, while we participate in a two-day deep dive into the proposed regulation's structure and scientific basis of PCE toxicity. If we can narrow our differences, we may find a path forward when we reconvene in October.

Region 10

Hot Issues

Alaska Stand Alone Pipeline – CWA Section 404 public notice and supplemental draft EIS: The comment period was extended to August 29th on the CWA section 404 public notice and the NEPA supplemental draft EIS for the Alaska Stand Alone Pipeline (ASAP) project. The ASAP Project is proposed to provide natural gas for in-state use and reaches from the North Slope to Southcentral Alaska (733 miles), with a lateral supply line to Fairbanks. The Alaska District Corps of Engineers is the lead federal agency for developing the SEIS. Region 10 staff are reviewing these two documents to evaluate whether the applicant's proposal complies with the CWA § 404(b)(1) Guidelines. Region 10 will coordinate closely with the Office of Water and the Office of Federal Activities on our comment letters. Additional details on this issue were included in the July 27 Weekly Report.

Upcoming Public Events

Idaho Rural Partnership Board Meeting: On August 16, the IRP Board will meet in Orofino, ID. The IRP Board includes private, state, and federal interests, appointed by the Governor. Region 10's Idaho Operations Office Director serves on the IRP Board, and will attend the Board meeting. The agenda for the meeting will include discussions on economic development opportunities and challenges facing rural North-Central Idaho communities.

Upcoming Major Decisions

Leavenworth National Fish Hatchery NPDES Permit (Washington): On August 9, the Washington Department of Ecology initiated a 30-day comment period on their Clean Water Act Section 401 certification of EPA's draft NPDES Permit for the Leavenworth Fish Hatchery which is operated by the US Fish and Wildlife Service. The certification includes a compliance schedule for the facility in order to provide the time needed to address new limitations for nutrients that are discharged from the hatchery. EPA is also receiving public comments on the Antidegredation Analysis associated with the draft permit. The comment period for both actions is 30 days. EPA first published our draft permit for this facility in January 2017. Following this comment period, Region 10 will respond to comments, complete ESA consultations, and issue the final permit before the end of the calendar year.

City of Sandpoint NPDES Permit (Idaho): On August 8th, Region 10 received concurrence from the US Fish and Wildlife Service that EPA's proposed NPDES permit for the City of Sandpoint, ID is not likely to adversely affect any threatened or endangered species. The main species of concern was bull trout (and associated critical habitat). Region 10 had previously issued this permit for public comment and had received a final Clean Water Act Section 401 certification from Idaho DEQ. The permit will include

new effluent limits for phosphorus and mercury, a requirement to develop and implement a mercury minimization plan, and monitoring requirements for PCBs. We expect to issue this permit by the end of August.

Last Week Highlights

Columbia River Federal Caucus Meeting: On August 9 and 10, Region 10 Staff participated in the CRFC Meeting in Hood River, OR. The CRFC includes federal agencies working together on salmon recovery in the Columbia River Basin. The agenda includes discussions on water temperature in the Columbia River. Water temperatures came close to 75 degrees in July, endangering salmon runs. An article on [HYPERLINK "http://www.salmonrecovery.gov"] highlights the federal agencies' efforts and commitment to water temperature work efforts. Federal agencies will discuss a collaborative plan to participate in an October EPA workshop in Portland to discuss the EPA Columbia River Cold Water Refuge work effort.

Alyeska Pipeline Service Company Annual Drill (Alaska): This week Region 10 participated in Alyeska's annual Incident Management Team (IMT) / Combine Resources Exercise (CRE) oil spill response drill. The exercise was a full field deployment and command post evolution. This year's IMT/CRE is based upon a significant crude oil spill from the Trans-Alaska Pipeline (TAPS) at its crossing on the Tanana River just north of Delta Junction, Alaska.

Lead-Based Paint Outreach to Renovators and Homeowners (Idaho and Alaska). Region 10 is getting the word out on the Lead-based Paint Renovation, Repair and Painting Rule by launching a Lead Outreach Campaign in Boise, ID and Anchorage, AK. Region is working with news outlets and providing them information on the importance of the RRP Rule. After making contact with the Idaho Statesman an article was published August 2, 2017 in the Idaho Statesmen titled, "3 in 10 Ada County houses may have lead paint. Simple steps will keep your family safe." (Full article: [HYPERLINK "http://www.idahostatesman.com/news/local/article165071012.html" \l "storylink=cpy"]).

Air Pollution from Crop Residue Burning Research Publication: Scientists from Region 10 and ORD published an academic paper in Atmospheric Environment (October 2017), detailing their research on measurements of air pollution from agricultural burning. The project was funded by ORD's Regional Applied Research Effort Program. The goal of the study was to collect field data to improve our modeling of smoke from crop residue burning so that state, local, and tribal agencies can best protect the public from harmful smoke. This work found that the amount of smoke from a field burn is related more to the amount of residue left in the field than whether it was a Kentucky bluegrass or a wheat field being burned. The study also provided estimates for the emissions of volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), polychlorinated dibenzodioxins/dibenzofurans (PCDDs/PCDFs) from fires. (Full publication and citations: [HYPERLINK "http://www.sciencedirect.com/science/article/pii/S1352231017304247"])

Office of International and Tribal Affairs

Hot Issues:

NAFTA Modernization - The U.S. is developing and clearing positions for the North American Free Trade Agreement (NAFTA) modernization process, which will begin next week in DC. EPA is participating in the inter-agency effort to develop inputs for several areas of the negotiations - environment, investment, technical barriers to trade, government procurement, and sanitary and phytosanitary issues. EPA will send a delegation to the NAFTA negotiations next week to cover these relevant areas.

Upcoming Engagements:

August 14-17 - Tribal Lands and Environment Forum in Tulsa

August 21 - Meeting with Secretary Pacchiano in Mexico City

Past Week Highlights:

National Program Management (NPM) Guidance Tribal Consultation Call: OCFO partnered with the NPMs to host the second tribal consultation call on EPA's FY 2018-2019 Draft NPM Guidances. Thirteen tribal representatives and tribal associations participated from various regions including Regions 5, 8, 9 and 10. Each of the NPMs shared highlights from their documents related to tribes. The main tribal comments raised included:

- (OITA): strong support for the 1984 Indian Policy as the foundation; concern over the use of EPA-Tribal Environmental Plans (ETEPs)
- (OAR): request more details for the Alaska Native Villages; concern over the elimination of indoor air, radon mitigation and climate change mitigation programs
- (OW): concern over the cut of Section 319 programs; concern that Alaska Native Villages do not have good water and have a huge need for water assistance programs
- (OCSPP): concern over the cut of the lead and pollution prevention programs; concern that TSCA and Chemical Risk Reduction was not addressed.

Federal Strategy to Reduce Childhood Lead Exposure: OITA met with the Office of Children's Health to discuss the Federal Strategy to Reduce Childhood Lead Exposure, a multi-agency task force that EPA co-chairs. Participants discussed the strategy's priorities to reduce lead paint exposure from multiple sources, including ambient air, drinking water and consumer products.

- While a domestic strategy, global lead paint affects US consumers, who are exposed to imported products that may be produced with high levels of lead paint.
- Lead paint in many of the developing countries often exceeds 10,000 ppm, while the US lead paint limit is 90ppm.
- OITA shared some of its work as Chair of the Global Alliance to Eliminate Lead Paint, which includes research on lead paint impacts and a model law for developing countries.

Office of General Counsel

New Judicial Decisions

- The U.S. Court of Appeals for the District of Columbia Circuit issued orders in pending cases challenging agency regulations pertaining to reporting CO2 emissions at existing and new power plants:
  - Clean Power Plan Litigation – On August 8th, the DC Circuit (en banc) issued an order setting a second 60-day abeyance period for the litigation regarding existing power plants, with EPA directed to provide status reports every 30 days.
  - New Source Rule Litigation – On August 10th, the DC Circuit panel (Henderson, Srinivasan and Pillard) issued an order holding the case in abeyance indefinitely (until further order of the court) with EPA directed to file status reports every 90 days beginning October 27, 2017.

- On August 8, 2017, the District Court for the Eastern District of New York dismissed the matter of *Evans and Benjamin v. Port Authority, et al.* without prejudice. This case was a class action alleging that the United States "distributed grants and Federal Funds but have failed to police, monitor, and audit the use of Federal Funds so as to be available to improve the employment opportunity of the class." Specifically, the Court granted the Port Authority's motion to dismiss for lack of jurisdiction and dismissed the Amended Complaint against all Defendants while granting Plaintiffs thirty (30) days to amend the Amended Complaint to allege facts sufficient to demonstrate standing. Unless and until an amended complaint is filed, there is no need to respond to this action.

- The U.S. Court of Appeals for the District of Columbia Circuit issued a partly unfavorable decision in *Mexichem v. EPA*, which involved challenges by two chemical suppliers to EPA's 2015 SNAP rule issued under section 612 of the Clean Air Act. The challenged rule changed the status of certain hydrofluorocarbons (HFCs) from acceptable to unacceptable for use in certain refrigeration and foam blowing uses. The court, over a dissent, vacated the 2015 SNAP rule to the extent it requires manufacturers who are already using HFCs in lieu of ozone-depleting substances (ODS) to switch to another substance. The court unanimously held that EPA can prohibit any manufacturer who is still using an ODS from moving into the HFCs whose listing was changed. The court unanimously rejected all of petitioners' arbitrary and capricious challenges to the change of listing status for the HFCs at issue.

New Complaints Filed

- FOIA litigation concerning a multi-part FOIA request submitted by NRDC seeking records concerning named individual employees' roles in TSCA implementation work. The complaint alleges that EPA only produced two records and did not complete its response within the statutory time frame.

- Two petitions challenging EPA's extension of the deadline for promulgating designations for the 2015 ozone NAAQS were filed. The court consolidated these petitions into the already-existing litigation from a group of environmental petitioners. DOJ previously filed a motion to dismiss this litigation based on the Agency's withdrawal of the extension.

New Petitions/Notices

- On August 4, 2017, EPA received notice from a coalition of public health, environmental, and conservation organizations that they intend to file a citizen suit against the agency for an alleged failure to perform a nondiscretionary duty as mandated by Section 126 of the Clean Air Act, 42 U.S.C. § 7426(b). Specifically, the notice alleges that the EPA has failed to hold a public hearing and failed to either grant or deny the Section 126 Petition filed by the Maryland Department of the Environment on November 16, 2016, regarding emissions from 36 coal-fired electric generating units.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Acting Principal Deputy General Counsel, Elise Packard, is out of the office from August 10 through August 18.
- Deputy General Counsel, Justin Schwab, is out of the office from August 14 through August 18.

Upcoming Major Deadlines in the Next Two Weeks

08/11 Answer is due in *Center for Biological Diversity v. EPA*, litigation concerning a FOIA request which sought records related to the "revised water quality criteria for cadmium."

08/11 Joint Status Report is due in *New Mexico v. EPA* and *Navajo Nation v. EPA*, consolidated cases that allege claims under CERCLA § 107 and Clean Water Act § 505(h) against EPA related to the Gold King Mine release. On July 28, the court issued an order requesting additional evidence on the scope of EPA's removal action, which is relevant to the court's consideration of EPA's defense to the CWA claims.

08/11 EPA's Motion to Dismiss on jurisdictional grounds and Reply to Petitioners' Motion to Show Cause as to why the petition for review should not be dismissed are due in *LA Waterkeeper, et al. v. Pruitt*, a challenge to EPA's denial of petition asking EPA to exercise residual designation authority to require NPDES permits for commercial, industrial, and institutional stormwater discharges within two LA-area watersheds.

08/11 Opposition to Motion to Dismiss is due in *Duarte Nursery, Inc. v. U.S. Army Corps of Engineers*, a CWA § 404 enforcement case against crops nursery owner for ripping activity in waters of the U.S.

08/14 Motion to Govern Further Proceedings is due in *Southwestern Electric Power Co., et al. v. EPA*, a challenge to 2015 Steam Electric ELG Rule by Industry, Environmental Group, and Drinking Water Utility Petitioners.

08/14 Trial begins in *Foster v. EPA*, a challenge to an EPA administrative compliance order.

08/15 EPA's Dispositive Motion is due in *Cause of Action v. EPA*, a lawsuit alleging that EPA failed to respond to a FOIA request concerning EPA employees' use of an encrypted messaging applications called "Signal" to communicate about agency business, as well as EPA efforts to

retrieve, recover, or retain records created or received by EPA employees on Signal from January 20, 2017, to present.

08/15 EPA's Reply Brief is due in *Northwest Environmental Advocates v. Commerce, NOAA, and EPA*, a challenge to EPA and NOAA actions and inaction with respect to Washington nonpoint source programs.

08/16 EPA's Reply brief is due in *ASW Associates, Inc. v. EPA*, a case involving a former remediation contractor at the Region 7 Madison County Superfund Site in Missouri, who filed a $1.8 million claim against the Agency alleging that: (1) the Agency interfered with ASW's contract performance; and (2) the amount of work the Agency estimated in the contract was inaccurate.

08/16 Oral Argument in *Universal Welding & Fabrication, Inc. v. U.S. Army Corps of Engineers*, an appeal of a favorable decision challenging a Corps' jurisdictional determination for adjacent wetlands.

08/17 Answer is due in *Alliance for the Wild Rockies v. EPA*, a suit to compel EPA to consult USFWS under the Endangered Species Act regarding the effect of EPA's ongoing remedy at the Silver Bow Creek Butte Area Superfund Site on the endangered species Bull Trout.

08/18 EPA's Answer is due in *Pineros y Campesinos Unidos del Norroeste, et al., v. Pruitt*, a challenge to deferral of the effective date of pesticide applicator rule.

08/18 EPA's Reply in Support of Amended Motion for Protective Order governing confidentiality of administrative record materials is due in *National Family Farm Coalition, et al., v. EPA*.

08/18 Case Management Report is due in *CBD v. EPA*, a megasuit involving ESA challenges for numerous pesticide registration actions.

08/21 Deadline for rehearing in *API v. EPA*, where the court issued its opinion on July 7, 2015, regarding the definition of solid waste rule. EPA filed an unopposed motion to extend this deadline for 60 days.

08/22 Status Report is due in *New York Coalition to End Lead Poisoning, et al. v. EPA*, a challenge to 2008's Lead Renovation, Repair, and Painting (RRP) rule's lack of coverage of public and commercial buildings. The February 2017 status report acknowledged that the Agency would not be able to meet the March 2017 deadline from the Settlement Agreement, but this August 2017 status report will be the first status report since the missed deadline.

08/23 Response brief is due in *City of Kennett v. EPA*, a case where the City has appealed the lower court decision dismissing its TMDL challenge for lack of standing and ripeness.

08/23 Summary Judgment brief is due in *U.S. v. Lipar*, a challenge to Corps' CWA § 405 enforcement action. Note that EPA is not a party to the litigation.

08/23 District court hearing in *NRDC, et al. v. Pruitt*, a mandatory lawsuit alleging that California water rights permit decisions are new and revised CWA WQS.

08/25 Answer due in *Gulf Restoration Network v. Pruitt, et al.,* a suit against the Natural Resource Damage Assessment (NRDA) Trustees (including EPA), arguing that the decision to select the Gulf State Park project was arbitrary and capricious because the trustees failed to comply with the

applicable Oil Pollution Act (OPA) and National Environmental Policy Act (NEPA) statutory and regulatory requirements.

Office of Water

Hot Issues

Steam Electric: On Monday, August 14th, the Agency will file a motion with the U.S. Court of Appeals for the 5th Circuit to allow the agency to conduct a rulemaking to reconsider certain requirements and standards in the 2015 Steam Electric Power Plant Effluent Guidelines Rule. Specifically, EPA will ask the court for the opportunity to reconsider the appropriate technology bases used for the best available technology economically achievable ("BAT") requirements for two wastestreams: Flue Gas Desulphurization (FGD) wastewater and bottom ash transport water. In addition, OW is working towards an 8/21 signature date on a final rule to postpone the compliance dates for bottom ash transport water and flue gas desulfurization (FGD) wastewater by two years.

Proposed Rule to Establish Aluminum Aquatic Life Criteria for the State of Oregon: Next week, OW anticipates sending to OP for submittal to OMB on August 21, the Proposed Rule to establish aquatic life criteria for aluminum in Oregon. The proposed criteria for Oregon are based on the draft CWA 304(a) criteria recommendation for aluminum that was published in the FR on July 28, 2017. These criteria are based on the latest scientific research and will protect aquatic life from the harmful effects of exposure to toxic levels of aluminum. The Agency is under a 2016 consent decree to propose criteria for Oregon by December 15, 2017, unless the EPA approves criteria submitted by Oregon prior to that date. At this time, Oregon has not initiated state rulemaking to adopt and submit aluminum criteria prior to EPA's December 15, 2017 proposal deadline. This obligation stems from a 2015 lawsuit from Northwest Environmental Advocates, who argued that EPA had not fulfilled its mandatory duty to promptly propose and promulgate aquatic life criteria for aluminum for the state of Oregon following EPA's 2013 disapproval of the state's criteria submission, and the state's failure to remedy the disapproval.

Bristol Bay: Monday, OW, together with Region 10, will hold the second of three tribal and ANSCA webinars as part of ongoing tribal consultation for EPA's Proposal to Withdraw the 2014 CWA Section 404(c) Proposed Determination (PD) regarding Pebble/Bristol Bay. Eight tribal councils/associations and three corporations participated in the first webinars, held on July 26. Additional webinars are scheduled for September 5. The tribal consultation period is set to end on October 11 and the public comment period is set to end on October 17. An extensive list of Bristol Bay stakeholders and other groups have requested that both be extended in light of the busy summer salmon fishing season followed by the subsistence hunting period.

Coal-Tar Sealcoat Request for Reconsideration: On August 14th OW, along with ORD, will be briefing an EPA Executive Panel regarding an Information Quality Guideline Request for Reconsideration from the Pavement Coatings Technology Council (PCTC) concerning OW's stormwater Best Management Practices (BMP) fact sheet and ORD's CADDIS site on coal-tar sealcoat. The PCTC sent a request for correction for these products in 2014. In response to the request for correction, OW and ORD did make several minor modifications to these products, and declined other requested changes. In accordance with the IQG, the Executive Panel will review the PCTC's request for reconsideration and will make a decision on the Agency's final response. Executive Panelists include Steven Fine, Acting CIO/AA OEI, Samantha Dravis, EPA Policy Advisor, and Nancy Beck, Acting DAA OCSPP.

Upcoming Public Events

Urban Waters Partnership Tour: On Thursday, August 17th, OW will participate, together with Lee and Sarah, in an Urban Waters Partnership Tour in Baltimore, MD led by the USDA's Forest Service. The three planned tour locations will provide opportunities for on-site observations, including the Healthy Harbor initiative, the Green Pattern Book, and Project CORE/Details Deconstruction. Key themes of observations that can be made at these sites include: cleaning up the harbor and monitoring the clean-up

progress; building public awareness of water quality issues; using green infrastructure techniques with stormwater benefits; and neighborhood revitalization with stormwater mitigation. The site visits are not open to the press. The Urban Waters Federal Partnership is comprised of 14 federal agencies with the support of 28 non-governmental organizations working in 19 urban watershed locations throughout the country.

Association of Clean Water Administrators (ACWA) Annual Meeting: The week of August 21, Benita Best Wong will speak at the ACWA 2017 Annual Meeting. Benita will speak to the priorities that Administrator Pruitt spoke about at ACWA's March meeting including, implementing cooperative federalism, the Back to Basics agenda, the National Program Guidance, and areas where OW will be seeking ACWA's active engagement.

EFAB Summer Meeting: August 22 and 23, I will chair, as the Designated Federal Official, the Environmental Financial Advisory Board meeting in Kansas City, KS. EFAB is an advisory committee chartered under the Federal Advisory Committee Act to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities. The purpose of this meeting is to hear from informed speakers on environmental finance issues, proposed legislation, and EPA priorities; to discuss activities, progress, and preliminary recommendations with regard to current EFAB work projects; and to consider requests for assistance from EPA program offices. The meeting is open press.

Last Week Highlights

NAPA Affordability Study: On August 9 the National Academy of Public Administration (NAPA) sent EPA their draft study on community affordability. Senate Report 114–70, which accompanied the 2016 Consolidated Appropriations Act, directed EPA to contract with NAPA to conduct this independent study to create a definition and framework for "community affordability" and determine how different localities can effectively fund municipal projects. EPA has until August 23 to respond to the report, and a final report is anticipated to be submitted on September 29th.

National Coastal Condition Assessment (NCCA) Interactive Dashboard: This week, OW launched a data dashboard allowing state partners, researchers, and the public to explore results from the 2010 NCCA in an interactive manner. The data dashboard is similar to what was created for sharing data for the National Lakes Assessment (NLA) 2012. The NCCA and NLA are two surveys conducted under the National Aquatic Resource Surveys (NARS) which is a robust partnership between EPA, states, and tribes designed to assess the quality of the nation's coastal waters, lakes and reservoirs, rivers and streams, and wetlands using a statistical survey design. Through this partnership, the NARS provide critical, groundbreaking, and nationally-consistent data on the nation's waters. The interactive dashboard enables States, Tribes, and other users quickly access information from the surveys, download graphics and assessment information. All of the data in the NCCA dashboard are reported out in the 2010 report ([HYPERLINK "https://www.epa.gov/national-aquatic-resource-surveys/national-coastal-condition-assessment-2010-results"]) and/or available for download from our NARS data page ([HYPERLINK "https://www.epa.gov/national-aquatic-resource-surveys/data-national-aquatic-resource-surveys"]).
Weekly Report – 08/11/2017

Office of Research and Development

Hot Issues

ORD meeting with agencies in North Carolina to discuss treatment of PFASs in drinking water, August 15: At the request of the Region 4 Acting Deputy Director of the Water Protection Division, ORD scientists will participate in a call with representatives from local governments in North Carolina to

discuss treatment options for GenX and other per- and polyfluoroalkyl substances (PFASs) at drinking water utilities in Cape Fear, NC. Issues to be discussed are the appropriate treatment processes for GenX and whether or not pilot studies at North Carolina sites are warranted. Participants on the call will include Deputy Director of the Division of Water Resources, North Carolina Department of Environmental Quality; Pender County (NC) Health Director; and Executive Director of the Cape Fear Public Water Utility. This follows a call ORD participated in on August 9th with OCSPP, OW, and Region 4 set up by Senator Burr's staff with local officials in North Carolina, including the Mayor of Wilmington and a number of representatives from local county commissioners' offices. ORD discussed our current efforts to support NC DEQ and that our analysis of their samples has shown a decrease in GenX over the past few weeks. We also mentioned that we have found other compounds beyond GenX in the samples, but that we are still in the process of analyzing these.

New cooperative research and development agreement (CRADA) for NRMRL-patented lead tap sampling device: ORD has signed a CRADA with Southern Design Services, Inc., for research and development of a newly-patented tap sampling device. As reported on July 26, ORD scientists were awarded a provisional patent for their lead exposure assessment device. The goal of the CRADA is to jointly develop a point-of-use device to be used as a sampling approach to assess lead and other contaminant exposure from drinking water in premise plumbing.

EPA's 2010 IRIS assessment of chloroprene: In response to a Request for Correction (RfC) regarding EPA's 2010 IRIS assessment of chloroprene, a chemical used in the production of neoprene products, ORD, OAQPS, R6 and OEI met August 7, 2017 to develop a path forward in evaluating the Request and developing an Agency response. The RfC process requires an Agency response by late October 2017, to include extensive review within EPA and by OMB.

TSCA Support: ORD continues to work with OPPT on the successful implementation of TSCA. ORD staff are assisting with the development of the approach and outline for the alternative toxicity testing strategy document to be released in June 2018. We also continue to work on developing the chemical information database and visualization tools needed for chemical prioritization. ORD staff are involved in several discussions with OPPT staff to improve estimates of chemical exposure used for chemical prioritization and evaluation. Discussions focus on improving exposure estimates for chemicals in consumer products, occupational exposures, and ambient exposures.

Upcoming public events

ITRC Board and Maine DEP Commissioner to visit ORD's Atlantic Ecology Division: ORD will host the summer meeting of the Interstate Technology and Regulatory Council (ITRC) Board, a subgroup of the Environmental Research Institute of the States (ERIS), at ORD's Atlantic Ecology Division in Narragansett, RI, August 15-17. On August 17, Maine DEP Commissioner Paul Mercer and Acting Regional Administrator Deb Szaro will join the ITRC Board members to tour the EPA facility and learn about ongoing research efforts—including an early warning indicator system using historical and current satellite data to detect algal blooms in U.S. freshwater systems, the Watershed Management Optimization

Support Tool, an easy-to-use process for assessing restoration sites using non-monetary benefit indicators, and mercury predictions for New England lakes and loons.

SAB peer review meeting for ETBE and TBA: On August 15-17, the Science Advisory Board Chemical Assessment Advisory Committee will hold a peer review meeting on the draft IRIS assessments for ethyl tertiary butyl ether (ETBE) and tert-butanol (TBA).

Village Blue Project highlighted on EPA Office of Water tour in Baltimore
On August 17, EPA OW will lead a tour in the Baltimore area focused on projects associated with the Baltimore Urban Waters Partnership for representatives from the City of Baltimore, EPA HQ, EPA Region 3, the U.S. Department of Interior, and the State of Maryland. The tour will include a site visit to EPA's Village Blue Project during a segment on the Waterfront Partnership of Baltimore's Healthy Harbor initiative. Village Blue is located along the Jones Falls River near Baltimore Harbor, and provides real-time water quality monitoring data to the Baltimore community. The project complements work already being done by state and local organizations to make Baltimore Harbor swimmable and fishable by 2020.

Overview of the Risk-Related Services from the Superfund Health Risk Technical Support Center: On August 9, ORD delivered a presentation titled "Overview of the Risk-Related Services from the Superfund Health Risk Technical Support Center" at the OLEM Human Health Regional Risk Assessors Forum (OHHRRAF) training conference in Philadelphia. The presentation provided an overview of the risk-related services available from the Superfund Health Risk Technical Support Center (STSC), including a description of PPRTVs, the nomination of chemicals for future PPRTVs, and the breadth of work available through the STSC Hotline.

14th Annual EPA Drinking Water Workshop: Small Systems Challenges and Solutions: EPA's free annual workshop will be held **August 22-24** in Cincinnati, OH. The workshop is a partnership between ORD, OW, and the Association of State Drinking Water Administrators, and provides attendees with in-depth information and training on various solutions and strategies for handling small drinking water system challenges. As of August 7, there are 284 people registered.

Last week Highlights

Successful Launch of Citizen Science App: Nearly 900 new users have downloaded ORD's Smoke Sense [a free citizen science mobile app] since it became available for [HYPERLINK "https://www.epa.gov/air-research/smoke-sense-study-citizen-science-project-using-mobile-app"] on Android devices July 31. More than 2000 visitors have visited the site. Smoke Sense reports the extent to which wildfire smoke exposure affects health and productivity and offers health risk communication strategies that improve public health outcomes.

Tire Crumb Study receives OMB approval: On August 2, the Office of Management and Budget (OMB) approved the Information Collection Request for the Tire Crumb Study Exposure Characterization Study, which allows field work to begin. The EPA and CDC/(ATSDR research team is currently determining an updated timeline for the study based on OMB's approval, and when results will be available. This activity is part of [HYPERLINK "https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields"], which is being co-led by EPA, CDC/ATSDR, and the Consumer Product Safety Commission.

Scientists Collaborate with Connecticut

ORD scientists are working with the Connecticut Department of Energy and Environmental Protection to study emerging contaminants in the Long Island Sound and major rivers. Research cruises are underway as part of a collaborative effort to assess the distribution and fate of newer classes of contaminants. Results of the surveys will fill knowledge gaps on potential ecosystems impacts resulting from contaminants of emerging concern in coastal waters.

U.S.-China Scientific Cooperation Exchanges Program: On August 2, ORD's National Center for Environmental Research hosted the China's Ministry of Agriculture Delegation Team for U.S.-China Scientific Cooperation Exchanges Program on Sustainable Development of Water Resources for Agriculture. ORD facilitated scientific research discussions on potential research collaborations and scientific information exchanges on agricultural water resource conservation and management; water reuse and recycling; stormwater harvesting, and wastewater treatment technologies; sustainable ecological farming practices; agro-technical extension services to agricultural communities; and building resilience against emerging environmental challenges in agriculture.

Oil and Gas Development in the Appalachian Basin (National Priorities): EPA [HYPERLINK "https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/recipients.display/rfa_id/625/records_per_page/ALL"] to lead a trans-disciplinary team of epidemiologist, hydrogeologist, water engineers, risk assessors, exposure scientists, and environmental health scientists to investigate any positive or negative holistic total environmental impacts of oil and gas activities to nearby community residents. The project applies innovative research methods of quantitative drinking water vulnerability index, linking community activities to potential health outcomes via plausible chemical exposure pathways.

Aquifer Recharge Pilot Project in Oklahoma: On August 7, ORD scientists met with representatives from the City of Ada, OK, East Central University's Oka' Institute, the Chickasaw Nation, and Oklahoma's DEQ and Water Resources Board to learn about the City of Ada's proposed approach for investigating best practices for enhanced aquifer recharge in the City's wellfield and springs. The Chickasaw Nation and East Central University have asked ORD scientists at EPA's Robert S. Kerr Environmental Research Center to participate in the proposed research. The goal is to enhance base flow resources for times of water scarcity in the Arbuckle-Simpson Aquifer, which is a designated sole-source aquifer. This was a first step in the permit application process for a pilot program recently announced by the state "Limited-Scale Aquifer Storage and Recovery (ASR) Pilot Projects" (pursuant to 27A O.S. § 2-6-110).

Working with Region 7 and Missouri to Address Sewage Overflow Issues: On August 4, the Region 7 Acting Regional Science Liaison and ORD scientists met with Region 7, the City of St. Louis and the Missouri Department of Conservation to discuss how EPA can help the city develop a watershed plan to address critical sewer overflow issues. They discussed ORD's combined sewer overflow research and related activities at the University of Texas in Austin's [HYPERLINK "https://news.utexas.edu/2016/11/03/epa-selects-ut-austin-for-water-infrastructure-center"]. The Center, established by an EPA grant of $3.9 million, develops open source water infrastructure models and shares tools and research with local communities.

Office of Congressional and Intergovernmental Affairs

- ***Upcoming Hot Issues and Important Deadlines***
-
    - **September 5** Senate in Recess until
    - **September 5** House in Recess
    - **TBD** - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

- ***Upcoming Events***

    - **September 12-14** The Mississippi Rivers Cities and Towns Initiative will host its 6th Annual Meeting in St. Louis, MO. The Annual Meeting is co-hosted with the National Caucus of Environmental State Legislators. Twenty-four state legislators are expected from the ten state Mississippi River corridor.

    - **September 29** Mayor Debora Fudge, Mayor of Windsor, CA will meet with the EPA. OIR will continue to work with the city's Washington representative to secure additional information on the city's projects of interest for the meeting with headquarters Program and Region IX staff.

- ***Past week accomplishments***

    - **August 8** - Ken Wagner visited Region 6 to attend their Environmental State Directors Meeting in Dallas, TX

    - **August 8** – The U.S. Court of Appeals for DC ruled that EPA cannot require companies to replace potent heat-trapping chemicals with other substances. The court found that EPA exceeded its authority under the Clean Air Act with a 2015 rule that eliminated some uses for hydrofluorocarbons (HFCs) — which were previously accepted as alternatives to ozone-depleting substances — and approved certain replacements. The court vacated the rule to the extent that manufacturers are required to replace HFCs and remanded the rule to EPA for further proceedings.

    - **August 9** – Hill notification on final Methods Update Rule, approving additional analytical test methods for measuring pollutants in wastewater

    - **August 9** - Call with North Carolina local officials, Sen. Burr staff, and NC DEQ on GenX w/ OCSPP, ORD, OW, R4, and OECA

    - **August 11** – Hill notification on final TSCA inventory rule.

- ***Ongoing activities***

    - Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 27 letters during the previous two weeks. We closed out 5 FOIA's this week.

- The OIR team is finalizing the PPG Capacity Analysis project outline and will begin a preliminary analysis to identify PPG baseline metrics to determine each state and regions' capacity. The team plans to establish these metrics by late July.

- OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017.* The bill is the successor to Sen. Murkowski and Sen. Cantwell's legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to conservation to infrastructure to Native American energy.

- We are working on a request from CBO about questions on HR3053 Nuclear Waste Policy Amendments Act of 2017

- The OCIR continues its solicitation for nominations for 10-20 new appointments and reappointments for its Local Government Advisory Committee (LGAC) and the Small Community Advisory Subcommittee (SCAS). To date 39 nominations have been submitted for consideration of candidacy for the LGAC. Last day to submit nominations is Thursday, August 10.

Office of the Chief Financial Officer

Hot Issues

- Acting AA/RA assurance letters are due to the Administrator on August 18. The letters include each AA and RA's personal statements of assurance on the soundness of internal controls within their organization in addition to other requirements. These assurances serve as the basis for the Administrator's signed assurance statement on the overall effectiveness of EPA internal controls required in the FY 2017 Agency Financial Report, which is due to the President and Congress on November 15.

Upcoming Public Events

- OCFO will present E-Enterprise for the Environment at the August 17 Tribal Lands Environment Forum in Tulsa, OK.
- On August 25, the Assistant Deputy Administrator, Acting Deputy Administrator, and OCFO and OITA senior leaders are having a call with National Tribal Caucus officers to get their input on EPA's FY 2019 Budget. OCFO is coordinating with OCIR to schedule a comparable call with ECOS and the States. OCFO will coordinate with OITA and OCIR to set up a joint prep before.

Upcoming Major Decisions

- On August 10, OCFO issued a red flag review of the FY 2018-2022 Strategic Plan narratives due August 14 to AAs/RAs and other Senior Leaders via a restricted access SharePoint Site prior to submittal to the Policy Team/OPA for review (August 17-31). The Assistant Deputy Administrator and OCFO Senior Leaders are meeting with OMB on August 11 to discuss OMB's feedback on the EPA's draft Strategic Plan framework. The draft Strategic Plan is due to OMB on September 11.
- OCFO is scheduling meetings next week for the Assistant Deputy Administrator and agency Senior Leaders to discuss strategic measures as basis for advancing Administrator's priorities. Strategic measures will inform development of annual budget measures for inclusion in EPA's FY 2019 OMB Budget Submission also due to OMB on September 11.

Last Week Highlights

- Following issuance of FY 2019 OMB Budget Submission major policy and resource information and additional base budget guidance, OCFO issued initial over-target decisions to Senior Leaders of affected offices via a restricted access SharePoint Site on August 3.

Other

- On August 11, OCFO will suspend travel cards for those individuals with travel cards issued on or before July 1, 2014 who were required to complete mandatory refresher training by July 21, 2017 but did not. The majority of those who will be suspended are expected to retire or no longer travel.
- Finalizing FY 2017 Q3 Quarterly Performance Report for issuance to the Administrator by August 15.
- Remaining regional/state meetings are planning to include a state discussion on the role of the newly established E-Enterprise Regional Coordinators to share and provide feedback on the regional position. OCFO is coordinating with OCIR, Regions (Acting DRAs), and ECOS to facilitate the conversation and provide support. Details are as follows:
    - R10: August 17 (Meeting including Canada, not just states and EPA).

  - R3: August 24 (Ben Grumbles/MD presenting)
- OCFO is working with OARM and OEI to support One Stop HQ Employee V/V Separation Events on August 23 and August 30 for HQs employees who accept V/V offers.
- Related to the FY 2018 budget, OCFO continues to work with the Policy Team, OGC, OCIR, and OMB to prepare responses to Senate Appropriations Committee Questions for the Record and with the NPMs, Policy Team, and OGC to prepare Senate Subcommittee Capability/Impact Statements. While not scheduled, House Floor action could occur the week of September 3 and Senate Full Committee mark-up could occur the week of September 17.
- Based on feedback from NPMs, OCFO adjusted the schedule to finalize the FY 2018-2019 NPM Guidances from the end of August to the end of September. NPMs will now submit final Guidances by September 1, followed by OCFO/Policy Team review, and issuance and posting to the internet by September 29.

OFFICE OF CHEMICAL SAFETY & POLLUTION PREVENTION

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	**Pending on 8/1/2017**	**Determinations Completed* as of 8/1/2017**	**Determinations Posted on the Website as of 8/1/2017**
# of "not likely" determinations	**1**	**101*****	**101****
# of §5(e) Orders signed by both EPA and the submitter	-	**245**	**234**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**78**	-	-
# of cases in Order development process	**235*****	-	-
# of cases flagged for in-depth review	**48**	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**24**	-	-
# of LVE/LOREX exemption grants	-	**436**	**427******
# of LVE/LOREX exemption denials	-	**102**	**89******
Total number of cases	**385**	**884**	-
Normal active workload for the New Chemicals Program	300	-	-
Number of cases undergoing testing or data development by submitter	78	-	-
Backlog**	7	-	-

* *"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).
** (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) – (Number of consent order cases that have been with the submitter more than 30 days) = Backlog
*** Of these cases, approximately 76 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.
**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

HOT ISSUES

Reports of Crop Damage from Use of the Pesticide Dicamba. The Office of Pesticide Programs is continuing to lead efforts to assess and understand reported damage to non-target crops from use of dicamba to control weeds in genetically modified soybeans and cotton crops. On August 8, OPP met with Monsanto and BASF to discuss possible solutions to address the unacceptable damage. Monsanto and BASF are the primary companies that have these dicamba products. During the week of August 21, OPP expects that Monsanto and BASF will respond with a proposed series of measures that can be implemented to protect non-target plants during the 2018 growing season. In late 2016, EPA registered dicamba for use on dicamba-tolerant cotton and soybeans. Since June 2017, EPA has been receiving reports of a high number of crop damage incidents involving dicamba. To date, an interim total of the incidents this year are reported to affect around 2.5 million acres of soybeans and a number of other susceptible plants. EPA has had a series of in-depth conference calls with various stakeholders (including State Lead Agencies, university weed scientists, state extension agents, EPA regional staff, and representatives from USDA, and others) to discuss possible causes and solutions.

LAST WEEK HIGHLIGHTS

New Chemicals Backlog. On Monday, August 7, EPA issued a press release ([HYPERLINK "https://www.epa.gov/newsreleases/epa-eliminates-new-chemical-backlog-announces-improvements-new-chemical-safety-reviews"]) on the successful elimination of the new chemicals case backlog. In addition, EPA committed to new operating principles in its review of new chemicals; continued improvement of the new chemicals program; and increasing the transparency overall for new chemical reviews and determinations.

PBTs Webinar Announced. EPA will shortly announce that it will be hosting a webinar for interested parties to explain the process for gathering use and exposure information on five persistent, bioaccumulative, and toxic (PBT) chemicals. This webinar, scheduled for September, will provide background on new requirements for regulating certain PBT chemicals and explain how interested parties can provide use information to EPA on five chemicals (DecaBDE; HCBD; PCTP; Phenol, isopropylated, phostphate (3:1); and 2,4,6-Tris(tert-butyl phenol). Under amended TSCA section 6(h), EPA is required to take expedited regulatory action to address exposures from these PBT chemicals and must propose rules by June 22, 2019. Information gathered from stakeholders will be used to inform any regulatory action.

Inventory Rule. On Friday, August 11, the TSCA Inventory Notification (Active-Inactive) Rule will be published in the Federal Register. The rule had been released previously on June 22nd and requires

industry reporting of chemicals manufactured or processed in the U.S. over the past 10 years, which in turn will be used to identify which chemical substances on the TSCA Inventory are active in U.S. commerce. Friday's publication in the Federal Register initiated a 180-day reporting period in which manufacturers, including importers, are required to notify EPA of chemical substances on the TSCA Inventory that were manufactured (including imported) for nonexempt commercial purposes during the ten-year time period ending on June 21, 2016. OCSPP sent out a reminder to potentially affected stakeholders and has provided online instructions to assist submitters with reporting.

Office of Land and Emergency Management

Hot Issues

1. **CCR State Permit Program Guidance.** Today, the interim final guidance was released.

2. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing**.

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

4. **Hanford Record of Decision (ROD).**

5. **Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King mine/Bonita Peak, Hudson River, Portland Harbor).**

6. **CERCLA-EPCRA AFO-CAFO Rule**.

7. **Definition of Solid Waste (DSW).** We are working with OGC to follow up on the DC Circuit's decision.

8. **General Electric Financial Assurance template**. We are conferring with the AO regarding this technical assistance requested by state staff.

Upcoming Public Events

1. **Tribal Lands and Environment Forum** (week of Aug 14th, in Tulsa, OK).

Upcoming Major Decisions

1. **Hanford ROD.** We are working with Region 10 and the AO in preparation to brief the Administrator, targeted for in mid-September.

2. **CERCLA-EPCRA AFO-CAFO Rule.** We are conferring with the AO on next steps.

3. **CERCLA 108(b) Financial Assurance Rulemaking.** We are discussing a NODA with the AO, OP, and OGC.

4. **E-Manifest User Fee Final Rule.** The rule package is with OMB.

5. **RMP Modernization Rule Reconsideration.** OLEM, OGC, and the AO are conferring on next steps and schedule.

Last Week Highlights

1. **Environmental Workforce Development and Job Training (EWDJT) Grantee Meeting.** OLEM hosted a large group of EWDJT grantees for this annual meeting. New Grantees, along with existing grantees and applicants who were unsuccessful in the last round, participated.

2. **Superfund Roundtable.** OLEM reps participated in The Horinko Group's Superfund Roundtable on August 10.

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **Proposed Rules under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
  - Review of the Clean Power Plan
- **Sulfur Dioxide (SO2) Designations:** Per a court order, we have a December 31, 2017, deadline to promulgate final SO2 area designations for Round 3 (which includes modeled areas and areas without monitors). To meet this deadline, the Regional Administrators will need to send 120-day letters to the States in early August in which we will notify the States of any intended modifications to their attainment/nonattainment recommendations.
- **Clean Air Scientific Advisory Committee (CASAC) meeting on SOx NAAQS Review:** As part of the ongoing review of the primary NAAQS SOx, OAR is planning to release for CASAC review and public comment the external review draft of the Policy Assessment (PA) and Risk and Exposure Assessment (REA) documents. The CASAC meeting is scheduled for September 18-19. Preliminary information indicates that the scientific evidence supports the conclusions of the last review. The SO2 NAAQS review is on a court-ordered schedule, with a proposed decision required by May 25, 2018, and a final decision by January 28, 2019.
- **National Air Toxics Assessment:** As part of developing the next National Air Toxics Assessment (for emissions year 2014), we are quality assuring the facility-level emissions that are submitted by the states to the National Emissions Inventory. To complete this QA, we begin by working with states and regions who can provide confirmation of emissions or updates that are based on new or corrected information. That work is nearly complete. After the states have completed their review it is common for us to reach out to a small subset of facilities to gain a better understanding of the emissions estimates, including how the emissions were calculated and uncertainties in those calculations. This more detailed information helps us better understand these emissions sources, refine our assessment, and ensure that the NATA results are accurate. We plan on contacting facilities beginning in mid-August.

Upcoming Meetings, Public Events, or Other Public Releases

- **2017 International Emission Inventory Conference:** EPA will host the 2017 International Emission Inventory Conference Aug. 14-18 in Baltimore. This semi-annual conference focuses on scientific, technical, logistical, and policy aspects of emissions inventories and their development and use. The focus of this year's technical conference is improving science and streamlining processes to build robust, sound and timely inventories. EPA presentations and papers will address emissions from a range of industry sectors, including several oil & gas-related efforts. (Note the oil & gas presentations will be cleared through the agency's oil & gas review process.)
- **Agricultural Air Quality Conservation Measures – Reference Guide for Poultry and Livestock Production Systems:** EPA has received requests to identify measures that may be considered to manage air emissions from livestock operations and potentially satisfy State Implementation Plan requirements. These requests have come from a variety of stakeholders, including USDA's Agricultural Air Quality Task Force, agricultural producers, industry representatives and state and local agencies. This reference guide is chiefly designed as a technical tool to provide a compilation of

approved practices from the USDA Natural Resources Conservation Service (USDA-NRCS) to address air emissions from livestock and poultry operations in areas where those operations have been demonstrated to contribute to air quality issues. We plan to release the guide in mid-August.

Upcoming Decisions

- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **For Administrator's Signature - Good Cause Final Rule and Proposed Rule: National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry: Alternative Monitoring Method:** On June 23, 2017, we published a direct final rule with a parallel proposal for the Portland Cement NESHAP. The direct final rule extended, indefinitely, approval for the use of an alternative compliance monitoring method to show compliance with hydrogen chloride (HCl) emissions limits for Portland cement plants until calibration gases used for the emission monitoring methods called for in the rule are widely available. We received adverse comment and were not able to withdraw the direct final rule prior to it taking effect. As a result, we are now issuing a good cause final rule to withdraw the direct final rule, and also issuing a re-proposal of the extension of the HCl monitoring alternative. This package is with OP for review.
- **For Administrator's Signature – Proposed Rule to Approve Request from Tennessee to Relax the Summer Gasoline Volatility Standards for Shelby County:** This proposal, when finalized, will approve the Tennessee Department of Environment and Conservation's (TDEC) request to relax the Federal Reid Vapor Pressure (RVP) gasoline standard from 7.8 pounds per square inch (psi) to 9.0 psi in Shelby County (the Memphis area) that currently meet the ozone National Ambient Air Quality Standards (NAAQS). The package is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Rotary Spin Lines Technology Review:** This rule is proposing revised formaldehyde emission limits, setting new methanol emission limits for new and existing RS lines, as well as work practice standards to demonstrate compliance with potential phenol emissions. EPA conducted a technology review for rotary spin (RS) lines as part of the Wool Fiberglass Manufacturing NESHAP. In addition, the agency has reviewed revised emissions data for wool fiberglass flame attenuation (FA) lines, as provided by industry, and is setting standards that more accurately reflect current industry conditions related to the FA lines. This package is with OP for review.
- **For Administrator's Signature – Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas:** This final rule will provide certainty to the Texas EGUs whose FIP requirements are being withdrawn and provide a stronger legal foundation for expected finalization of an action by September 9, 2017 that would rely on CSAPR as a NOX BART alternative for Texas EGUs. Note that there are still ongoing discussions that would have implications for the timing of this action.

- **Delegated to Division Director Level – Notice of Intent to Establish Voluntary Criteria for Radon Credentialing Organizations:** On August 4, the Director of the Indoor Environments Division (IED) signed a Federal Register Notice next week to seek public feedback on a proposed approach for developing voluntary criteria for organizations that credential radon service providers. These criteria will help promote continued quality of radon services in the marketplace. States and private industry stakeholders support EPA establishing such guidelines for credentialing organizations to reflect current industry standards and best practices, and this year's appropriations contained language urging EPA to use FY17 funds to begin establishing criteria for credentialing. The notice is with OP for submittal to the Federal Register.

Recap of the Past Weeks

- **Actions signed recently:**
  - Proposed Amendments to the Amino/Phenolic Resins Risk National Emission Standards for Hazardous Air Pollutants (NESHAP)
  - Revisions to Procedure 2 – Quality Assurance Requirements for Particulate Matter (PM) Continuous Emission Monitoring Systems (CEMS) at Stationary Sources
  - Mid-term Evaluation (MTE) Determination Federal Register notice
- **Ozone Report to Congress:** As required by the Consolidated Appropriations Act, 2017, EPA plans to submit to the House and Senate Appropriations Committees a report on "the potential for administrative options to enable States to enter into cooperative agreements with the Agency to provide regulatory relief and meaningfully clean up the air" with respect to ozone air quality.

Office of Administration and Resource Management

Hot Issues

Grant Solicitation Review

On August 8, 2017, OARM notified offices of a new review process for competitive grant solicitations. Under the new process, offices will send draft competitive grant solicitations to the Office of Public Affairs for approval before they are transmitted to the grants competition advocate's office in the Office of Grants and Debarment (and the Office of General Counsel/Regional Counsel if applicable) for review and posting on grants.gov. In addition, under the new process, OPA will review and approve outreach material. OGD provided offices a review protocol and policy notice to facilitate program office compliance with the new process.

Possible Active Shooter Incident in the WJC North Building

On August 9, 2017, a possible active shooter situation was reported late in the afternoon in the WJC North Building to which the Metropolitan Police Department and the US Secret Service immediately responded. The 911 call from an employee's personal cell phone went directly to these law enforcement agencies who responded quickly believing that the threat was real. The employee thought she heard gun shots while in fact, the noise was a large door slamming shut. OARM is working with the Office of the Inspector General, the Criminal Investigation Division, the Federal Protective Service, the General Services Administration, and local law enforcement on an after action report and lessons learned. OARM will also be sending out a message to all headquarters employees explaining the law enforcement response, sharing information on our active shooter training, and reinforcing that safety and security of our employees is our top priority.

Senior Executive Services Appraisal System Recertification

The agency is required to request certification of its Senior Executive Services appraisal system every two years from the Office of Personnel Management. EPA's certification expires on September 7, 2017. The certification package must be sent to OPM and include EPA's FY 2016 SES ratings distribution, the EPA Executive Resources Policy and the performance plans for career and political employees. OPM will review the package, meet with an EPA panel and forward to OMB for final review and approval. Upon receiving certification, the agency will be permitted to pay its highest performing SES members above the rate for level III of the Executive Schedule, up to the rate for level II of the Executive Schedule.

Upcoming Public Events

The Annual Historical Black Colleges and Universities Conference

The HBCU conference is scheduled for September 17 – 19, 2017. The annual HBCU conference is planned under the leadership of the White House Initiative on HBCUs with input from the President's Board of Advisors on HBCUs and its conference sponsors. It provides a forum to exchange information and share innovations among institutions. OARM will be staffing a table and talk about internships at EPA at the "Student Track" section of the conference. The EPA's Office of Small and Disadvantaged Business Utilization will also provide information at the table. Michael Burns, Special Assistant to the Region 4 Regional Administrator, will participate on a panel presenting on the College/Underserved Community Partnership Program, a federally coordinated program that allows local colleges to assist with community needs on a voluntary basis.

Upcoming Major Decisions

None

Last Week's Highlights

VERA/VSIP

OARM issued official VERA/VSIP offers on August 9, 2017 to individuals who have chosen to participate in VERA/VSIP.

Office of Environmental Information

Last Week's Highlights

Windows 10 Migration Passes Major Milestone

- **Brief description:** More than half (approximately 56 percent) of all EPA computers have been upgraded to Microsoft's latest operating system, Windows 10. How quickly and smoothly this upgrade has been progressing is unprecedented for the agency.
- **Who benefits or cares:** All EPA employees
- **Why this is important:** For this upgrade, OEI has deployed a new set of automated tools that enables an operating system upgrade to be performed remotely without a technician touching each computer. This migration method has saved employees and contractors significant time and has significantly reduced disruption to employees' work.
- **Additional information:**
    - Windows 10 provides a modern, fast and secure platform for employees to conduct their work.
    - All upgrades are expected to be completed by the end of December 2017.

Office of Enforcement and Compliance Assurance

Hot Issues

EJSCREEN Updates: EPA anticipates that it will launch its annual updates to EJSCREEN next week. EJSCREEN is the Agency's nationally acclaimed environmental justice screening and mapping tool. The updated version incorporates the most up-to-date demographic and environmental data available. It also reflects improvements made based on feedback from users. This year's updates include:

- a revised water data layer that vastly improves user ability to screen for surface water pollution;
- the ability to look at municipalities as distinct geographic areas--a common request from our local government users--in addition to states, counties and census boundaries; and
- new map layers that provide data on public institutions such as schools and public housing.

EPA will host a series of webinars on how to use the newly updated tool. OECA is working with OPA on a press release.

Meeting with Office of Management and Budget: On August 16th and 17th, OECA and OLEM representatives will meet with OMB to respond to a set of questions OMB posed concerning the Superfund Task Force Report Recommendations that impact private sites and federal facilities. OECA and OLEM are coordinating responses to the questions.

Upcoming Public Events

None.

Upcoming Major Decisions

None.

Last Week's Highlights

Meeting with the Superfund Settlements Project: On August 10th, representatives from OECA and OLEM (both cleanup and federal facilities) are meeting with the Superfund Settlements Project (SSP). The SSP is an association of major companies from different industry sectors. EPA has met with SSP on a number of previous occasions to discuss CERCLA issues of interest to SSP clients. The purpose of this meeting will be to discuss recent SSP comments regarding CERCLA financial assurance. Additionally, EPA will discuss the Superfund Task Force report recommendation regarding financial assurance (which is consistent with the stakeholder involvement goal in the Task Force report).

Volkswagen Criminal Case: On August 4th, a former Volkswagen general manager and citizen of Germany pled guilty in the Eastern District of Michigan to one count of conspiracy and one count of violating the Clean Air Act. These charges stemmed from his role in the almost decade-long conspiracy to defraud U.S. officials and customers by selling diesel vehicles containing illegal software ("defeat devices") that allowed Volkswagen vehicles to cheat emissions tests while polluting far beyond legal limits on the road. The defendant was indicted by a federal grand jury on January 11th, along with five other Volkswagen executives and employees. Sentencing has been scheduled for December 6th, 2017. Earlier this year, Volkswagen pled guilty to similar charges and was sentenced to pay a $2.8 billion criminal penalty.

New Owner Audit Agreement with Range Resources - Louisiana, Inc.: On August 9th, Region 6 and OECA, in consultation with the Louisiana Department of Environmental Quality (LDEQ), entered into a

new owner audit agreement with Range Resources – Louisiana, Inc. ("Range") under EPA's Interim Approach to Applying the Audit Policy to New Owners. Range, which requested the agreement, is an oil and natural gas producer headquartered in Fort Worth, Texas. On September 16, 2016, Range acquired 389 facilities in Northern Louisiana via merger with Memorial Resource Development Corporation and KJECO, LLC. Range will audit these facilities to identify and correct any potential violations of the Clean Air Act originating with the prior owner in accordance with the schedule set forth in the audit agreement. The audit is divided into three major sections (each with assessment and corrective action phases), addressing facility compliance with LDEQ permitting requirements, NSPS/NESHAP regulations, and greenhouse gas reporting regulations. The final assessment phase is expected to end on October 22, 2019, with corrective action completed shortly thereafter. Range will provide EPA with a Final Audit Report and its responses to a New Owner Self-Disclosure Questionnaire within 90 days of completion of the audit.

Office of Policy

Documents Submitted to OFR August 4, 2017 – August 10, 2017

FRL	Title	Date Submitted to OFR
9965-91-Region 1	Air Plan Approval; Connecticut; Nonattainment New Source Review Permit Requirements for the 2008 8-Hour Ozone Standard	8/8/2017
9965-92-Region 1	Air Plan Approval; Connecticut; Nonattainment New Source Review Permit Requirements for the 2008 8-Hour Ozone Standard	8/8/2017
9965-77-Region 4	CORONET INDUSTRIES, INC. PLANT CITY, HILLSBOROUGH COUNTY, FLORIDA NOTICE OF AMENDMENT TO FEDERAL REGISTER NOTICE	8/7/2017
9965-97-OAR	Withdrawal of Extension of Deadline for Promulgating Designations for the 2015 Ozone National Ambient Air Quality Standards	8/7/2017
9965-99-Region 4	Air Plan Approval; South Carolina; Cross-State Air Pollution Rule	8/7/2017
9965-86-Region 3	Delaware: Final Authorization of State Hazardous Waste Management Program Revisions	8/7/2017
9965-87-Region 3	Delaware: Final Authorization of State Hazardous Waste Management Program Revisions	8/7/2017
9963-35-Region 3	Clean Air Act Operating Permit Program; Petition to Object to Title V Permit for Scrubgrass Generating Company; Pennsylvania	8/4/2017
9964-59-OEI	Standards for Pesticide Containers and Containment/ICR No.1632.05	8/4/2017
9964-60-OEI	Pesticide Registration Fees Program/ICR No.2330.03	8/4/2017
9965-34-OCSPP	Certain New Chemicals or Significant New Uses; Statements of Findings for June 2017	8/4/2017
9965-41-Region 10	Public Notice of State of Idaho National Pollutant Discharge Elimination System (NPDES) Program Submission for EPA Approval	8/4/2017

9965-66-OARM	National and Governmental Advisory Committees	8/4/2017
9965-73-Region 3	Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regional Haze Five-Year Progress Report State Implementation Plan	8/4/2017
9965-74-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Allegheny County Regulations for Open Burning	8/4/2017
9965-75-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Allegheny County Regulations for Open Burning	8/4/2017
9965-76-Region 10	Air Plan Approval; Alaska: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards	8/4/2017
9965-79-Region 2	Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey	8/4/2017
9965-81-Region 4	Air Plan Approval; Florida; Interstate Transport (Prongs 1 and 2) for the 2010 1-hour NO2 Standard	8/4/2017
9965-82-Region 4	Air Plan Approval; Florida: Infrastructure Requirements for the 2010 NO2 NAAQS	8/4/2017
9965-83-Region 4	Air Plan Approval; Florida: Infrastructure Requirements for the 2010 NO2 NAAQS	8/4/2017
9965-84-Region 4	Air Plan Approval; SC: Revisions to New Source Review Rules	8/4/2017
9965-85-Region 4	Air Plan Approval; SC: Revisions to New Source Review Rules	8/4/2017
9965-90-Region 9	Approval of California Air Plan Revisions, Placer County Air Pollution Control District	8/4/2017
9965-98-Region 4	Air Plan Approval; Florida; Permitting Revisions	8/4/2017
9966-00-Region 4	Air Plan Approval; North Carolina; Interstate Transport	8/4/2017
9966-01-Region 4	Air Plan Approval; KY; Miscellaneous Source Specific Revisions for Jefferson County	8/4/2017