Region 1

Hot Issues

Final NPDES Permit for Fairhaven, MA Water Pollution Control Facility

- **As discussed in our September 7 report, on September 27 R1 issued a final NPDES permit to the Fairhaven Water Pollution Control Facility.**

PFAS Support to Connecticut

- R1 will provide support to the Connecticut Department of Public Health and the Connecticut Department of Energy & Environmental Protection as they evaluate potential PFAS drinking water impacts in Greenwich. The potential source of contamination is an airport located just over the state line in New York.
- R1 assistance includes collection of drinking water samples from residential wells in the area. The R1 regional laboratory will analyze the residential well samples, as well as samples collected by CT from public supply wells.
- Samples will be analyzed using EPA Method 537 and provided to CT for their use and decision-making.

Jones & Lamson, Springfield, VT

- Excavation and removal of PCB-contaminated soil and drill cuttings from this former machine tool manufacturing facility and EPA Brownfields recipient is expected to be completed this week.
- Approximately 1000 tons of soil and drill cuttings are being transported and disposed of at a hazardous waste landfill.
- In addition to addressing potential exposures, the completed removal will leverage on-going Brownfields work, enhancing redevelopment opportunities for the Town of Springfield.

Upcoming Public Events

Quarterly Meeting of the New England States and R1 Enforcement and Compliance Assistance Committee

- Region 1 will host the New England States Region 1 Enforcement and Compliance Assistance Committee on October 4th.
- Agenda topics include:
    - the process for work planning for FY18
    - information exchange on best practices and challenges related to
        - implementation of self-certification programs
        - processing of tips and complaints
    - industrial user requirements under the Clean Water Act
- The Committee meets quarterly in person and during intervening months via conference call to plan and coordinate compliance activities.

Upcoming Major Decisions

None

Highlights from last week

None

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Region 2

Hot Issues:

Hurricanes Irma/Maria: The humanitarian crisis in the aftermath of these hurricanes is intensifying, particularly on Puerto Rico. There, large segments of the population are isolated, without power, water supply, or food resupply, and often without adequate shelter. Throughout PR and USVI, generators are the only source of electricity. However, fuel supplies are low, and fuel distribution and access is very problematical, particularly in PR. Some drinking water facilities in PR were damaged; but throughout the islands, even where facility damage was minimal, insufficient generators and/or shortages of fuel for generators makes pumping water for distribution very difficult. Wastewater treatment plants also sustained damage, and are hampered by fuel shortages. Hospitals and other medical facilities are desperately short of fuel; life-saving treatment for patients is being postponed because of electric outages. Where fuel is available, waiting times are many hours long. There are food shortages, exacerbated by the difficulty for moving supplies onto land from ships and from ports to inland areas; and by the lack of electricity at stores. Across the islands most transactions must now be conducted with cash, but because banks and ATMs are without electricity it is hard for residents to get cash. There are many reports of lawlessness, often involving theft of fuel and generators. Communications in PR are particularly bad; more than a week after the storm we have still not been able to establish contact with 2 of our 56 employees in the Caribbean; EPA-CID agents are on the ground assisting us to reach those employees. We are eager to carry on with our important response missions, but we have had great difficulty moving personnel and equipment to the islands due to limits on air flights and also difficulties securing lodging. Several teams reached the USVI over the past several days and have initiated assessments of drinking water facilities, including field testing water quality. Many others are expected to be able to embark today (9/28) and over the following days. Many of our Caribbean staff have volunteered to assist, and have initiated field assessments of drinking and wastewater infrastructure.

Past Week:

Region 2 RA-Designee Speaks with Press. On 9/28, shortly after the announcement of his appointment as Regional Administrator for Region 2, effective October 10, NYS Assemblyman Pete Lopez held a telephone availability session to respond to press inquiries. He was joined on the call by Acting RA Catherine McCabe.

Emergency Order Authorizing use of Temporary Alternate Water Supply in USVI. On 9/23 Region 2 issued an administrative order under Section 1431 of the Safe Drinking Water Act to FEMA and the Department of Defense, authorizing them to use emergency temporary water treatment systems to provide the public in the USVI in areas where the existing public water system is not operational, and establishing certain requirements relating to their use. The authorization expires on 10/8, but may need to be extended; at this writing the temporary systems have not yet been placed into operation by DOD.

Civil Complaint Filed for Superior Barrel and Drum Superfund site. On 9/21 a complaint was filed in the District of New Jersey for recovery of response costs relating to this site in Elk Township, Gloucester County, NJ. The three defendants are the current and past owners and operators of the Site. EPA has incurred approximately $6.3 million in removal action costs addressing contamination at this abandoned container reconditioning plant. EPA removed and properly disposed of thousands of containers containing numerous hazardous substances such as benzene, toluene, trichloroethylene, ethylbenzene, xylenes, PCBs and lead. The containers were leaking, uncovered, exposed to weather, rusted, damaged due to gunshots, stored improperly, and overturned. The facility was unsecured and could be accessed from a public road and surrounding trails. EPA has tolling agreements with PRPs that are generators or "arrangers," and expects to engage in settlement negotiations with those parties.

Consent Decree (CD) Entered in TSCA Case Involving Violations of Lead-based Paint Rules. On 9/27 the federal district court in the Southern District of NY entered a CD resolving our case against Accolade Construction Group, Inc. and its owner, Faisal Ahmed, for their past noncompliance during renovations at six different locations in New York City with both the TSCA lead-based paint rules and a previous administrative settlement with Region 2. The CD requires the defendants to pay a civil penalty of $58,000 (disgorging illegal profits earned during the noncompliant work); (2) attend training and obtain required certification; (3) develop a comprehensive compliance plan; and (4) notify EPA of each job 14 days prior to undertaking work covered by the rules. The defendants and their contractors and subcontractors are required to submit periodic reports demonstrating their continuing compliance for the five-year term of the CD. The lead-based paint program is not delegated to NY. The rule is intended to protect residents (particularly children) from lead paint exposure in the home, the chief source of lead poisoning in the US. No comments were received on the proposed CD during the comment period.

Upcoming:

NJDEP Press Event on Updated Barnegat Bay Strategy: Catherine McCabe, Acting RA, has accepted an invitation from the NJDEP Commissioner to participate in a press event on 10/4 on its "Barnegat Bay Restoration, Enhancement, and Protection Strategy." Barnegat Bay is one of the 28 large waterbodies in the National Estuaries Program (NEP). NJDEP's strategy is a blueprint for continued work towards the goal of a healthy and viable watershed. It represents a transition from NJDEP's earlier "Phase One Ten Point Action Plan" for the bay Initiated in 2010, building on the data, modeling results, and research of Phase One. The strategy includes four major components: restoration, enhancement, protection and assessment; it specifies short-, mid-, and long-term actions and objectives. NJDEP, with the support of the Barnegat Bay Partnership program office, partially funded through the NEP, has held three stakeholder meetings to obtain input for the development of the draft strategy.

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Region 3

Hot Issues

State of Maryland Files Lawsuit under Section 126 of the Clean Air Act
On Wednesday, September 27, 2017, Maryland Department of the Environment filed a lawsuit against EPA under Section 126 of the Clean Air Act. Last November 16, 2016, the State of Maryland petitioned EPA under Section 126 of the Clean Air Act (CAA), alleging that 36 power plants located in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia significantly contribute to Maryland's nonattainment of the 2008 and 2015 ozone national ambient air quality standards (NAAQS) or interfere with its maintenance of those standards. According to Maryland, approximately 70% of Maryland's ozone problem originates from emissions in upwind states. On July 26, 2017 the Chesapeake Bay Foundation filed a petition under Section 126 and mentioned in the press that the Foundation plans to file a similar suit in the near future.

Acting RA Rodrigues and Secretary McDonnell to Meet with Pittsburgh Water and Sewer Authority
EPA and PADEP are meeting with representatives of the Pittsburgh Water and Sewer Authority on Thursday, October 5, 2017. The Agencies would like to discuss the limiting factors identified during the Comprehensive Performance Evaluation and PWSA's status on compliance with the Lead and Copper Rule. Peter Grevatt will also be participating in this meeting, to be held in the PADEP Harrisburg office.

Region 3 Partners with Local Organizations to Present Upcoming Workshop on Food Waste Reduction in the Lehigh Valley
The Region is planning a food waste reduction workshop with a number of partners including the Easton Hunger Coalition, the Lehigh Valley Food Policy Council, Second Harvest Food Bank, and BioCycle Magazine. The workshop will be held on November 2, 2017 at the Pfenning Alumni Center at Lafayette College in Easton, PA. Region 3 is co-sponsoring this event. This is a workshop model that was first presented at an event in Prince Georges County, MD in April 2017. The model uses actual food waste data and environmental, social and health indicators to develop and prioritize implementation strategies. The workshop puts data and tools into the hands of local governments, community leaders, organizations and commercial entities to support the achievement of the [HYPERLINK "https://www.epa.gov/sustainable-management-food/united-states-2030-food-loss-and-waste-reduction-goal"].

EPA and NFWF Announce Award of 14 Grants Totaling $9.4 Million in Virginia
On September 25, EPA and the National Fish and Wildlife Foundation (NFWF) announced funding for 14 projects in Virginia that will leverage matching funds of $5.6 million for a total of $9.4 million to support the restoration and conservation of the Chesapeake Bay watershed. The grants were

awarded through the [HYPERLINK "http://www.nfwf.org/chesapeake"], a partnership between NFWF and the EPA's Innovative Nutrient and Sediment Reduction, and Small Watershed Grants Programs. The Virginia grant recipients were recognized at the site of a previous grant recipient project — the recently completed oyster reef and living shoreline at the Hermitage Museum, situated on the Lafayette River in Norfolk, Virginia. The event was attended by Governor Terry McAuliffe, and U.S. Representatives Robert Scott, Scott Taylor, and Donald McEachin.

Upcoming Public Events

No events to report at this time.

Past Events

First Annual State Secretary Agriculture Meeting Held in Region 3

Acting RA Rodrigues hosted the first Agriculture State Secretary Meeting in Philadelphia on September 28, 2017. Representatives from each state participated. Nancy Beck (OCSPP) also participated via videoconference to answer any pesticide related questions. Main topics included the use of SRF funding, the Chesapeake Bay Watershed Implementation Plan Part 3, and Worker Protection Standards. Some action items included visiting state agencies and presenting on SRF possibilities and

Acting RA Rodrigues, Secretary McDonnell, and Agriculture Secretary Redding Meet with Pennsylvania Farm Bureau

Acting RA Rodrigues met with PADEP and representatives of the Pennsylvania Farm Bureau on Monday, September 25, 2017 to discuss possible partnership interests in addressing nutrient management and market-based industry incentives.

Office of Preparedness and Response Participates in the U.S. Coast Guard Sector Maryland - National Capital Region, National Preparedness for Response Exercise Program Area Exercise, Forest Hill, Maryland

On September 20 – 21, 2017, On-Scene Coordinators and an Emergency Planner participated in a full-scale U.S. Coast Guard (USCG) led multi-agency exercise. The exercise was designed to evaluate the capabilities and effectiveness of the USCG Area Committee, Maryland National Capitol Region local and industry partners to carry out their collective responsibilities as outlined within the Area Contingency Plan and local response plans. The exercise was held at the Harford County Emergency Operations Center and the scenario involved the derailment of a train carrying Bakken Crude Oil impacting the Susquehanna River.

Region 4

Response to EPA Orders Re Title V Petitions – Duke Energy

Key Message: On September 27, 2017, North Carolina Department of Environmental Quality and Western North Carolina Regional Air Quality District sent their responses to the CAA Title V Order issued by the EPA Administrator on June 30, 2017, granting objections to proposed Title V permit for Duke Energy facilities in Roxboro Asheville. The Administrator's Order directed the State and Western North Carolina Regional AQD to respond to deficiencies in the administrative record raised by the petitioner, the Sierra Club. Region 4 staff will work with HQ to evaluate the responses.

Region 4 Administrator Charleston Meetings

Key Message: On September 25-26, 2017, Region 4 Administrator Trey Glenn traveled to Charleston, South Carolina to hold a variety of meetings with South Carolina energy company representatives, the South Carolina Port Authority, and Mayor John Tecklenburg (Charleston, SC). Closed press.

Upcoming Travel for the RA

- On October 3rd – tour of Mississippi Phosphates facility and meeting with Mayor Dane Maxwell (Pascagoula, MS). Closed press.

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Region 5

HOT ISSUES:

City of Peoria Requests Meeting with EPA and DOJ in Combined Sewer Overflow Case
Key Message: EPA and the Department of Justice (DOJ) senior management will meet with representatives from Peoria on October 18, 2017, to discuss issues raised by the city.

Representatives from EPA OECA, EPA Region 5, DOJ, the U.S. Attorney General's Office, Illinois Environmental Protection Agency (IEPA) and the Illinois Attorney General's Office will meet with representatives from Peoria in Washington D.C. The issues Peoria wishes to discuss are: Green Infrastructure implementation, level of combined sewer overflow (CSO) control, EPA and IEPA's sensitive area determination, a recent CWA Sec. 308 information request for CSO water quality sampling, and EPA and IEPA's civil penalty demand.

The enforcement team has made a significant effort to accommodate the concerns that have been raised by Peoria thus far, within the confines of the requirements of the CWA and the CWA CSO Policy. Many of Peoria's concerns have already been discussed at length by the parties, with terms memorialized in exchanges of a draft Consent Decree. Given the duration of these negotiations; their slowed pace; and concerns about the certainty and commitment from Peoria to previously agreed upon terms, DOJ, EPA and the state have also been working on a draft civil complaint which the case team intends to circulate for management approval. The state of Illinois has joined EPA in every settlement position, and intends to be a co-Plaintiff in the case if this proceeds to litigation.

Western Lake Erie Has Very Extensive Algal Blooms
Key Message: News articles indicate that Toledo Mayor Hicks-Hudson has changed her position, and now requests that Western Basin of Lake Erie be declared impaired following recent algal blooms.

The algal bloom has received significant press attention. A September 28 Detroit News article, located [HYPERLINK "http://www.detroitnews.com/story/news/environment/2017/09/28/lake-erie-algae-bloom/106064754/"], describes the algal bloom, which stretches from the Maumee River and the western edge of Lake Erie to Canadian waters, and references a fish kill in a creek within the Basin. The Detroit News article references a letter (image below) written by Toledo Mayor Paula Hicks-Hudson to President Trump this week requesting the President to issue an executive order regarding the protection and restoration of Lake Erie. The letter starts with. The article reports that the mayor has called on Governor Kasich and the federal government to declare the western basin of Lake Erie impaired to force the federal government to respond with a plan to improve the water quality.

Toledo water department testing currently shows toxic concentrations remain low enough that the Water Treatment Plant is able to safely treat the water. The bloom is a 7.5 on a scale of 10, making it at least the fourth largest bloom on record. The researcher noted that a large bloom and a toxic bloom are not necessarily synonymous, but that as was the case in August 2014, when Toledo and some Michigan residents couldn't use the water for days, blooms can change quickly from nontoxic to toxic. The Toledo-Lucas County Health

department issued a recreational public health advisory because of an algal bloom on the river in downtown Toledo.

EPA Working with DOJ and DOT on Recall, Storage, and Disposal of Takata Airbags
Key Message: Region 5 participated in a videoconference on September 27 with Takata, Dept. of Transportation, DOJ, HQ, and Region 7 to discuss Takata's bankruptcy and plans for the recalled inflator disposal.

Takata Corporation manufactured automobile airbag inflators using ammonium nitrate explosive between 2000 and 2014, which are now subject to recall. A February 2015 Preservation Order and Testing Control Plan issued by the National Highway Traffic Safety Administration, part of the Department of Transportation (DOT), requires that all recalled explosive airbag inflators be stored indefinitely to allow for testing and analysis. Inflators are now being stored at warehouses in Michigan, Missouri, and Texas and Takata is investigating additional warehouse space as they are near capacity. The company has requested relief from the preservation order and EPA plans to work with DOT on any modified order language regarding disposal of the inflators to ensure compliance with RCRA. EPA is also reviewing potential violations identified from a FY 2016 inspection of the Howell facility and is determining next steps in the investigation.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

Tremont Open House Held on September 21
Key Message: EPA provided information about the cleanup, the city shared its renovation plans for the park, and the County provided updates about the Tow Path Trail project, located next to the park.

In attendance to answer questions were EPA, multiple departments from the city of Cleveland, the City Councilman, Cuyahoga County Engineer's Office and Ohio EPA. Approximately 45 people attended the availability session. The citizens expressed their appreciation that the park was finally going to be remediated and restored and for the opportunity to receive information from the various agencies. One area of consistent concern raised by the attendees was in regards to EPA funding and the possibility of cleanup delays due to funding levels.

In 2013 and 2014 the city conducted environmental assessments as part of park improvement process and found high concentrations of lead, arsenic, and polycyclic aromatic hydrocarbons (PAHs) present in the soil. In February 2016, based on the results of the environmental investigations, the city requested that the EPA assist in conducting a removal action at the site. EPA signed an Action Memorandum to conduct the removal action on August 31, 2016.

Archer Daniels Midland Company Celebrates Carbon Sequestration Project

Key Message: The project represents the first large-scale application of carbon capture and storage (CCS) technology at a biofuels production facility in the world.

On September 22, the Archer Daniels Midland Company hosted a celebration of the April 2017 start-up of carbon dioxide injection for geologic sequestration at its injection well in Decatur, Illinois. ADM has injected 300,000 metric tons of CO_2 to date and will be able to claim a federal tax credit of at least $10 million if they reach or exceed 500,000 metric tons by the end of the year. Staff for Senators Durbin and Duckworth attended the celebration, as did staff for two members of Congress. Representatives from the Department of Energy and Region 5 attended as well.

ADM generates the CO_2 in the course of converting corn to ethanol. ADM constructed and now operates the well under an EPA Underground Injection Control Class VI permit issued by Region 5 in 2014. The permit is the first in the nation issued under rules that EPA adopted in 2010 to protect drinking water from carbon injection. ADM plans to inject and sequester 5.5 million metric tons of CO_2 over five years via the well. The Department of Energy paid 68 percent of the $208 million cost to plan for and construct the well.

Lake Michigan Ozone Study Data Workshop Held in Region 5

Key Message: On September 25-26, 2017, Region 5 and Lake Michigan Air Directors Consortium (LADCO) co-hosted the 2017 Lake Michigan Ozone Study (LMOS) data workshop.

LMOS collaborators collected ozone data earlier this year around Lake Michigan. These data will help researchers gain a better understanding of ozone, its formation over the lake, and its immediate surroundings and will help to better inform future policy decisions that will help areas reach attainment of the ozone standards.

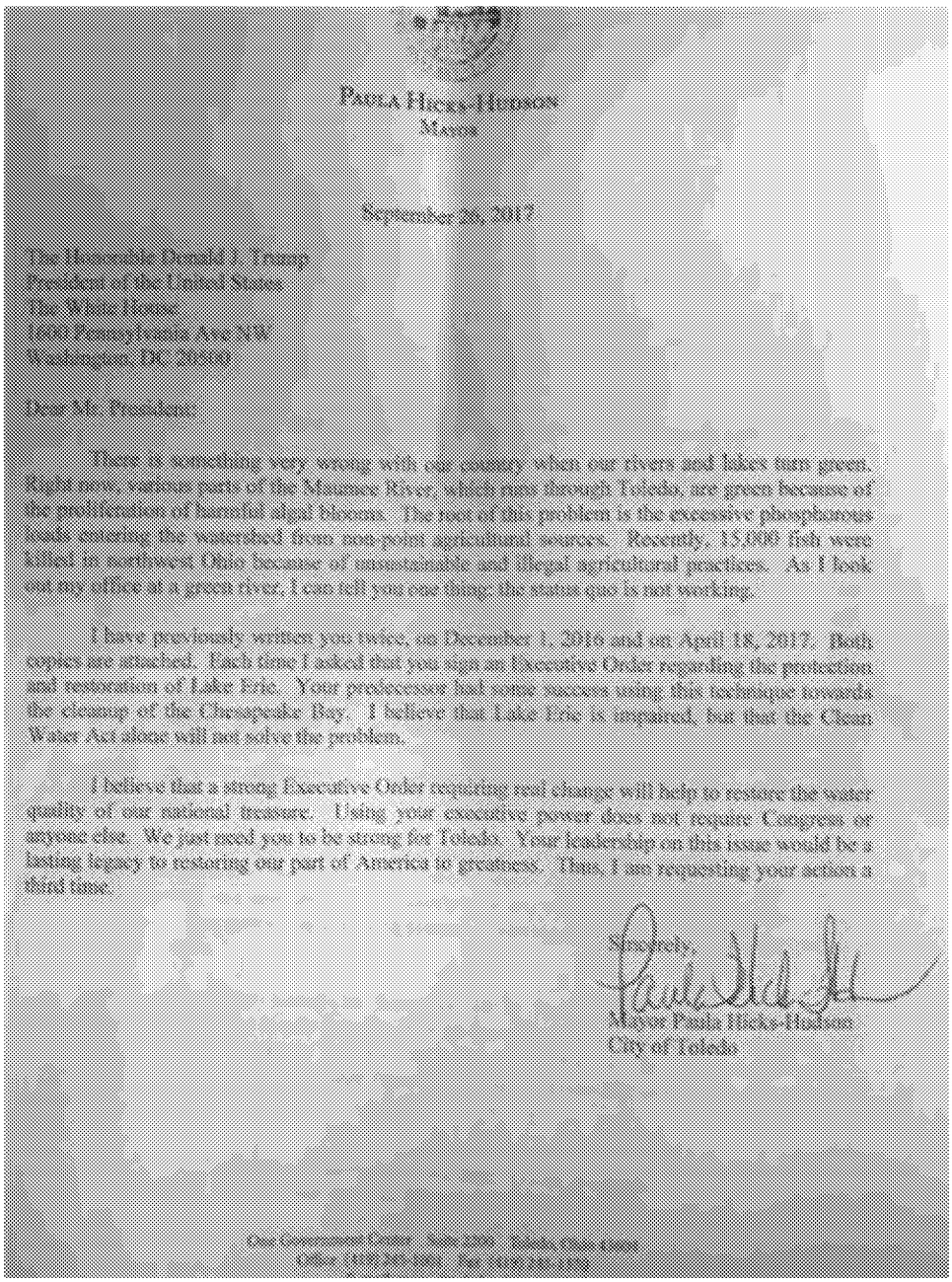
Historically, because of the unique meteorological phenomena associated with Lake Michigan, some of the highest monitored ozone levels in the country are recorded at monitors along the lakeshore. During a one-month period, starting in late May, LADCO and many other federal, state and academic researchers collaborated in LMOS 2017 to collect data to better understand the challenges of summertime ozone production and transport over Lake Michigan. Using many enhanced ground-based fixed monitoring sites, satellite data, as well as monitors in aircraft, boats, and vehicles, the team of researchers collected high resolution (spatial and temporal) ozone, particulate matter, NO_2, VOC, and meteorological data. The data will provide information to evaluate and improve the understanding of precursor emissions, ozone formation, ozone transport, as well as how those processes are uniquely affected by the lake/land interface along the western shore of Lake Michigan between Chicago and Sheboygan, Wisconsin. Specifically, Region 5 used its geospatial monitoring of air pollution platform to measure ozone concentrations across gradients inland and up the lakeshore. The other LMOS 2017 collaborators include LADCO and its member states, NASA, NOAA, EPA ORD, EPRI, Scientific Aviation, the University of Iowa, University of Minnesota, University of Wisconsin, and University of Northern Iowa.

Region 5 Hosted Lead Workshop for Communities on September 26

Key Message: Region 5 is working to empower state and local governments and community leaders with information and tools, in support of our shared goal of eliminating childhood lead exposure.

Region 5's Children's Health and Environmental Justice programs hosted an all-day workshop on September 26 to inform community leaders about the range of tools, strategies, and resources available to help eliminate lead poisoning. Panelists represented federal, state and local agencies; grassroots community leaders; and nationally-recognized public health professionals. Over 70 attendees took part, traveling from every state in the Region to learn from the panelists and each other.

Region 5 organized this workshop in response to broad and sharply increased community interest in preventing and responding to childhood lead exposure. EPA resources identified included the EJ Small Grants program - which has three Region 5 recipients this year working on lead education and outreach; and the Lead Renovation, Repair and Painting Rule - enforcement of which has a very high return on investment, at least $3.10 per dollar spent.



PAULA HICKS-HUDSON
Mayor

September 26, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

There is something very wrong with our country when our rivers and lakes turn green. Right now, various parts of the Maumee River, which runs through Toledo, are green because of the proliferation of harmful algal blooms. The root of this problem is the excessive phosphorous loads entering the watershed from non-point agricultural sources. Recently, 15,000 fish were killed in northwest Ohio because of unsustainable and illegal agricultural practices. As I look out my office at a green river, I can tell you one thing: the status quo is not working.

I have previously written you twice, on December 1, 2016 and on April 18, 2017. Both copies are attached. Each time I asked that you sign an Executive Order regarding the protection and restoration of Lake Erie. Your predecessor had some success using this technique towards the cleanup of the Chesapeake Bay. I believe that Lake Erie is impaired, but that the Clean Water Act alone will not solve the problem.

I believe that a strong Executive Order requiring real change will help to restore the water quality of our national treasure. Using your executive power does not require Congress or anyone else. We just need you to be strong for Toledo. Your leadership on this issue would be a lasting legacy to restoring our part of America to greatness. Thus, I am requesting your action a third time.

Sincerely,

Mayor Paula Hicks-Hudson
City of Toledo

One Government Center, Suite 2300, Toledo, Ohio 43604
Office (419) 245-1001, Fax (419) 245-1099

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES
September 28, 2017

Los Alamos National Laboratory NPDES Permit Appeal
On September 14, 2017, Concerned Citizens for Nuclear Safety (CCNS) filed an informal appeal with the Environmental Appeals Board, asking the Board to review the Region's denial of a request to terminate permit coverage for Outfall 051 under an NPDES waste water permit issued to Los Alamos National Laboratory (LANL). The permit authorizes LANL to discharge from eleven sanitary and/or industrial outfalls, including a discharge of treated radioactive liquid waste from the Radioactive Liquid Waste Treatment Facility (RLWTF). The petitioners argue that because LANL's RLWTF facility was redesigned as a zero discharge facility and has not discharged since 2010, Outfall 051 does not require NPDES permit coverage, and that in fact issuing such coverage is outside the jurisdiction of EPA pursuant to recent federal court rulings. Withdrawal of NPDES coverage for this outfall would negate LANL's RLWTF eligibility for a Waste Water Treatment Unit regulatory exemption under RCRA despite no actual CWA discharges. EPA's deadline for filing a response to the appeal to October 18, 2017.

San Jacinto River Waste Pits Superfund Site, Harris County, Texas
Region 6 continues to finalize the Record of Decision and supporting Administrative Record for the San Jacinto Waste Pits Superfund site in Harris county, Texas. The proposed remedy requires the Administrator's signature. EPA will discuss the ROD with TCEQ next week and expect to transmit the package to Headquarters on October 5 for processing.

Bird Creek, Osage County, Oklahoma
Region 6 collected data from 10 in-stream monitor stations the week of September 18th. Data analysis of the in-stream water monitors is ongoing. Proposed shut-in Orders have been issued to three companies; Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. All three companies have submitted requests for a hearing scheduled for October 11 in Tulsa, and all are represented by counsel. The companies have also submitted FOIA requests related to these proposed AOs and the hearing. EPA released large portions of data and technical documentation during the week of September 18. Region 6 has identified an additional area of review extending three miles from the original Bird Creek site (monitoring station #2) to determine the extent of possible impact to the USDW and Bird Creek from produced water injection. A total of nine wells have been identified in this area of review, including two wells to which the Region has sent notices for the wells to be plugged. The Region identified that two of the nine wells had passed mechanical integrity tests (MITs) in June 2017, and initiated MITs on five of the nine wells within this area. Of those five wells, two wells passed MITs in August 2017 and one well has passed its MIT in

September 2017. Additionally, one well is in process of being plugged, and one well will be converted to a production well.

Water Monitoring for Bacteria, Corpus Christi, Texas

EPA intends to conduct a monitoring event in Corpus Christi, TX using PhyloChips monitoring technology. The technology is a forensics tool that identifies all human, animal, and environmental sources of bacteria through DNA fingerprinting with a single test. The purpose of the monitoring event will be to collect water samples at multiple storm water outfall locations to determine bacterial sources, water quality impacts, and to evaluate the technology. TCEQ is participating in this monitoring event.

Risk Management Plan Inspection at the Shackelford Gas Plant, DGP Taurus Field Services LP, Cisco, Texas

EPA intends to conduct a Risk Management Plan (RMP) inspection at the Shackelford Gas Plant, Cisco, Texas, to determine compliance with the Clean Air Act (CAA) Section 112(r) and 40 CFR Part 68 Chemical Accident Prevention requirements. The inspection will focus on compliance with RMP requirements. This inspection was coordinated with the Texas Commission on Environmental Quality (TCEQ). TCEQ has not requested delegation of the Chemical Accident Prevention Provisions under 40 CFR Part 68 and EPA Region 6 conducts the inspections for facilities regulated under this program in the State of Texas. This inspection falls under the National Enforcement Initiative under CAA Section112(r) for natural gas processing plants.

NEPA

None

UPCOMING PUBLIC EVENTS

October 3 – Brownfields Grant Writers' Workshop in Addison, TX.

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

November 28 – 29 - Oil and Gas Environmental Conference, Location TBD

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UPCOMING DECISIONS

Texas Regional Haze and Interstate Visibility Transport Final Action (Federal Implementation Plan)
This FIP action finalizes determinations regarding BART for Electric Generating Units and interstate transport requirements in Texas. We are approving Texas' determination that the EGUs are not subject to BART for particulate matter. Other determinations have been made to render this action approvable. There is a court ordered deadline of September 30, 2017 on Texas Regional Haze and Interstate Visibility Transport.

DFW 2008 Ozone Nonattainment and RACT for VOC requirements for NAAQS
EPA will propose approval of SIP revisions for the DFW ozone area. Specifically, EPA is proposing to approve revised regulations that limit VOC air emissions and a demonstration that the DFW area meets VOC RACT requirements for the 2008 ozone NAAQS. EPA worked closely with TCEQ and find that our approval would not interfere with any applicable CAA requirement.

Exxon Mobil Refinery, Beaumont, TX
EPA intends to approve a delisting exclusion for the surface impoundment basin solids.
The Exxon Mobil Refinery in Beaumont submitted a delisting petition to EPA in August of 2016. Exxon Mobil is scheduled to clean out the refinery's surface impoundment basin and remove sludge that has built up over more than a decade. Approximately, 400,000 cubic yards of generated waste is scheduled to be removed.

PAST WEEK ACCOMPLISHMENTS

Oklahoma Corporation Commission State Program Approval
EPA approved the SPA regulation package so Oklahoma retains their ability to manage underground storage tank regulations. Under new standards for USTs, this will be the first program approval in the Nation. EPA completed the review and a Direct Final Approval is recommended.

City of Albuquerque and Bernalillo County, New Mexico; Regional Haze Progress Report State Implementation Plan
EPA proposed to approve a County regional haze SIP revision that addresses Clean Air Act and EPA rule requirements to submit a periodic report assessing progress toward reasonable progress goals for mandatory Class I Federal areas in and outside the County and include a determination of the adequacy of the County's existing regional haze SIP.

PENDING ACTIONS (Pending Federal Register Publication)

None

Region 7

Hot Issues

Harvey Support Update

Key Message: Region 7's support for Hurricane Harvey continues to be a priority for Region 7.

- As the response backup for Region 6, we have to date deployed 62 employees from Region 7 to various locations in Texas to assist with the response – 45 of those employees have returned leaving 17 employees currently deployed.
- R7 is currently planning and preparing to backfill our 14 Community Liaison positions.

Record of Decision for W HWY 6 and HWY 281 Superfund Site

Key Message: Region 7 finalized a Record of Decision (ROD) for the West Highway 6 & Highway 281 Superfund site in Hastings, NE.

- The site consists of soil and groundwater contamination on a former industrial facility property and a contaminated groundwater plume downgradient of the same former facility. The contaminants of concern are the volatile organic compound tetrachloroethylene (PCE) and its degradation compounds.
- The Selected Remedy is an interim remedial action to address the contaminated groundwater plume portion of the site. EPA's original proposed remedy was groundwater recovery, treatment and discharge at the leading edge of plume areas.
- After receiving comments from NDEQ, EPA changed the remedy in the ROD to groundwater recovery, treatment and discharge both at the mid-plume and leading edge of plume areas.
- This remedy change will result in a faster cleanup time and long term operation and maintenance cost savings.

Record of Decision for Vienna Wells Superfund Site

Key Message: Region 7 finalized a Record of Decision (ROD) this week for the Vienna Wells Superfund site in Vienna, MO.

- The Site includes soil and groundwater contaminated with volatile organic compounds (VOCs) related to former manufacturing activities and three public drinking water wells contaminated with VOCs from the same source area.
- The Selected Remedy addresses the VOC contamination from the source area and includes excavation and off-site disposal of the contaminated soil, and groundwater extraction and treatment for the contaminated groundwater.
- The Selected Remedy will be the first and final response action for the site and addresses the principal current and potential risks to human health and the environment.
- MDNR concurred on the preferred alternatives for soil and groundwater as part of the proposed plan.

Last Week Highlights

Ed Chu, DRA, Travels in Nebraska

Key Message: Ed Chu visits Tribal Nations and speaks at two events.

- Site visits and meetings with Tribal Leaders and staff at the Ponca, Santee Sioux, Winnebago and Omaha Tribes all located in Nebraska were an opportunity to see first-hand the results of Tribal Environmental Programs.
- Ed also spoke at the Region 7 Asthma Summit in Omaha and met with members of the Omaha Chamber of Commerce.

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Region 8

REGION 8 WEEKLY REPORT – September 28, 2017

Hot Issues

Region 8 to complete Superfund Five Year Reviews (FYRs) this week involving Emerging Contaminants

Key Message: Five-year reviews provide an opportunity to evaluate the implementation and performance of a remedy to determine whether it remains protective of human health and the environment. This week, Region 8 will complete FYRs for two Colorado sites where the emerging contaminant 1,4-dioxane, a probable carcinogen, has been discovered.

- In neither case was dioxane identified as a contaminant of concern (COC) at the time of the ROD. The state of Colorado in 2012 established a groundwater standard for dioxane of 6.1 parts per billion (ppb). The EPA has set a health advisory level of 35 ppb for 1,4-dioxane.
- The Chemical Sales Co. site in Denver, Colorado was operated as a chemical storage and repackaging site. Groundwater at the site is contaminated with volatile organic compounds (VOCs). A dioxane plume runs many miles offsite and has been detected in wells belonging to the South Adams County Water and Sanitation District (SACWSD). The FYR recommends including 1,4-dioxane as a COC and, if necessary, analyzing remedial alternatives to address the plume.
- The Lowry Landfill site is located in Arapahoe County, Colorado. From the mid-1960s until 1980, the city and county of Denver operated a landfill at the site, using unlined pits and land application. The remedy is designed to contain and remove contaminants in groundwater to prevent offsite migration. However, a plume of 1,4-dioxane has migrated offsite. A community organization has advocated for treatment of the offsite plume and a more aggressive cleanup in general. The FYR recommendations include increasing monitoring for the offsite dioxane plume.

Upcoming Public Events –

Region 8 to host regional conference on wetlands management on October 3-5

Key Message: Region 8 is hosting a regional wetlands conference in Boulder, CO on October 3-5. Participants from local, state, federal, and tribal governments and non-governmental organizations across Region 8 will discuss planning, implementing management and protection of wetlands, particularly through local land use planning.

- The goal for this conference is to inspire coordination and cooperation among governments, NGOs, and other interests to share knowledge, experience, and tools related to wetlands management and protection.
- Topics include non-regulatory protection and restoration, mitigation banking and tools, advances in monitoring and assessment, and aquatic resource resiliency.
- Approximately 175 people have registered, representing organizations in all Region 8 states, except South Dakota, and a few from Regions 6 and 10.

Upcoming Major Decisions – None.

Last Week Highlights –

Regional Tribal Operations Committee (RTOC) Meeting in Helena, Montana, September 26-28

Key message: Region 8 hosted the RTOC meeting September 26-28, 2017. Ten tribes attended. The following topics were discussed:

- EPA's budget and priorities for FY18
- EPA-Tribal Environmental Plans (ETEPs)
- Ft. Peck Green Infrastructure Project
- Water: WOTUS rule revision; Tribal Water Quality Standard Programs, Penobscot Water Quality Standards Case Appeal, Blackfeet Water Code Enforcement
- Air: Indoor Air Program, Air Quality Program, Ft. Peck Minor Sources Air Program, Blackfeet Open Burning Code and Northern Cheyenne Air Quality Program

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Region 9

Important issues/action items:

1. **Remedy decision for NPL site:** we're working with OLEM to finalize briefing materials for the Administrator's review of the proposed remedy for the Casmalia NPL site in Santa Barbara County, CA. This 252-acre site is a former hazardous waste disposal facility, with multiple containment, source reduction and treatment components to the remedy. Following OA review, we'll commence a 60-day comment period, during which we expect strong support from the State of California, the PRPs who will perform the remedy, and the local community.
2. **Navajo Nation:** we stand ready to approve Navajo's request to expand its jurisdiction over tribal drinking water systems, following OA review and concurrence. We've briefed Lee Forsgren, Sarah Greenwalt, and Justin Schwab.

External engagement:

1. **Hurricane response**: we'll support hurricane response operations through the deployment next week of four very capable staff, one to public affairs in HQ, one press officer to Edison NJ, and two community liaisons to San Juan PR.
2. **Mexican Border**: we are supporting our Arizona DEQ partners, Cochise (AZ) County and the International Boundary and Water Commission in efforts to ameliorate an ongoing transboundary sewage spill from the Naco, Sonora (MX) wastewater treatment plant into the San Pedro River. A temporary pump and piping system will be completed by this weekend, but the longstanding lack of maintenance at this plant in Mexico illustrates our challenge in addressing such problems from the U.S. side.
3. **San Francisco/Bay Delta Estuary**: next week, I'll address the San Francisco "State of the Estuary" conference. Each such gathering draws upwards of 500 participants to discuss the most recent research and project findings.

Past week's highlights:

1. **Underground Injection Control**: the EAB denied two petitions challenging Region 9's December 2017 issuance of a UIC permit for the Florence copper facility in Pinal County, AZ. The petitioners had challenged a long-standing SDWA aquifer exemption and potential impacts to drinking water sources for this proposed in-situ copper mining operation. In a separate action, we approved the SDWA aquifer exemption package for the Jasmin operation in California, the fifth of 30 such actions we expect to receive from California in the year ahead.
2. **CAA Defeat Device referral**: we referred to DOJ the Kohler Co. case, a joint effort with the CA Air Resources Board, to address several million small, non-road spark-ignition engines lacking fully compliant certification, and further, 180,000 engines with a defeat device that significantly reduced nitrogen-oxide emissions during certification testing. We continue to work with OECA on other defeat-device cases.

3. **CAA attainment**: I signed a Federal Register notice taking final action to resolve a 2016 disapproval of ozone monitoring in the San Joaquin Valley (CA), for the 1997 and 2008 ozone standards in the Bakersfield area. Our action brings to a close years of robust technical analysis to move the ozone monitor with the highest readings to a new site, and for which we were under much critical scrutiny. This area of the Region has some of the most challenging air-quality problems we've long been focused upon.
4. **Brownfields:** what was once a homeless encampment is now the Emergency Communications Center for the central California town of Visalia. EPA supported this transformation with $736K in assessment and cleanup funds, while the town invested $11.3 million in constructing the center.

Region 10

Hot Issues

None

Upcoming Public Events

Pebble Mine/Bristol Bay public hearings (Alaska): EPA HQ and Region 10 leadership will be hosting public hearings in Dillingham and Iliamna, Alaska, on 10/11 and 10/12 for the proposed withdrawal of EPA's 404c Proposed Determination regarding the Pebble Mine/Bristol Bay. On September 21, EPA published Public Notices in Alaska newspapers and the Federal Register to announce the public hearings. Public Comment and Tribal Consultations end on October 17.

EPA Attending Liberty Public Hearings and Tribal Consultation Meetings (Alaska): During the week of October 2-5, Region 10 staff will attend Liberty Public Hearings and Tribal Consultation Meetings. Staff will be participating with the Bureau of Ocean Energy Management in the public hearings for the Draft EIS and draft NPDES permit for the proposed Liberty Development Project in Nuiqsut, Fairbanks, Kaktovik, Utqiagvik (Barrow), and Anchorage, respectively. Consultation meetings have also been requested with the tribal governments in Kaktovik, Nuiqsut and Barrow. The 90-day public comment period for the draft documents will close on November 16, 2017. Region 10 plans to adopt the EIS to satisfy our NEPA compliance obligations for the new source NPDES permit; we will also send comments to BOEM on the Draft EIS under our CAA 309 review authority prior to the comment deadline.

Clean Air in Communities Workshops in Oregon: During the week of October 2, Region 10 will partner with the State of Oregon and community groups to host community workshops focused on improving public engagement on air quality issues. Oregon is in the process of revising state air rules, and will begin public comment later in October. The objectives of the workshop are to help citizens identify key elements of the Cleaner Air Oregon rule-making process and incorporate their experiences and concerns into the regulatory process; provide training on how to use existing tools, data and resources; provide training on making effective public comments; and create a space for concerned residents, community organizations and regulators to understand each other's priorities, roles and limitations in order to better address air quality concerns.

Vessel, Rail, and Pipeline Growth in the Salish Sea (Washington State): On September 29, Region 10 staff will be attending a forum with representatives of Washington Treaty Tribes to discuss the risks associated with vessel, rail, and pipeline growth in the Salish Sea. EPA will be represented on a speaker panel along with Washington Departments of Ecology, Archeology and Historic Preservation,

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and Natural Resources, U.S. Coast Guard, and Army Corps of Engineers. The event is being hosted by the Tulalip Tribe in Marysville, Washington with session moderation and event organization by the Swinomish Indian Tribal Community.

Upcoming Major Decisions

Proposal to Delist Superfund Site - Vancouver Water Stations #1 and #4 (Washington State): On September 25, Region 10 published Notices of Intent to Delete the Vancouver Water Station #1 and Vancouver Water Station #4 Superfund Sites from the NPL was published in the Federal Register. Public comments will be accepted for 30 days. A deletion decision will follow. The Site was listed to address a PCE plume in groundwater that was impacting water quality at two sets of wells that provide drinking water to the City of Vancouver.

Meeting with State of Idaho on UIC Class II Well Transfer: On October 3, Region 10 and HQ-OGWDW will meet by teleconference with Idaho agencies (Idaho Department of Water Resources, Idaho Department of Environmental Quality, and Idaho Department of Lands) to discuss the process for voluntary transfer of the Underground Injection Control Class II Well program to EPA (see Aug. 31 entry for details). On August 25th, Idaho formally requested that EPA the UIC Class II program. The meeting purpose is to share a draft timeline for the steps in the transfer process, and to discuss issues and questions regarding agency permitting processes.

Approval of Oregon's Water Quality Standards to Establish the North Fork of the Smith River System as Outstanding Resource Waters (ORW) : During the week of October 2nd, Region 10 plans to approve Oregon's July 28, 2017 submittal of new water quality standards which establish the North Fork Smith River system as ORWs. On July 13, 2017, Oregon's Environmental Quality Commission voted unanimously to make North Fork Smith River, its tributaries, and associated wetlands ORWs of Oregon under the anti-degradation policy of the state's water quality standards. The federal provision provides that the existing high water quality is to be maintained and protected. Oregon's rule prohibits new or increased activities that would degrade the existing water quality and ecological characteristics and values of the river system.

Federal Register Notice for draft Idaho Suction Dredge General Permit: Region 10 is proposing to reissue an NPDES general permit for small suction dredgers in Idaho (excluding Tribal Reservation land). The notice for the draft permit will be submitted to the Federal Register on October 2nd. When published, it will start a 45 day comment period. The current general permit expires on April 30, 2018.

Issuance of NPDES Permit Sorrento Cheese to Agricultural Drain (Idaho): R10 is preparing to issue the NPDES Permit for the Sorrento Cheese Facility, located in Nampa, Idaho. The facility discharges to

Purdam Drain, which Idaho considers to be a man-made water/agricultural drain. The permit contains technology-based effluent limits for the cheese industry and water quality-based limits to protect Purdam Drain for agricultural uses. The permit also includes water quality-based limits to insure protection of the downstream waters (Mason Creek and the Boise River) for fishable/swimmable uses (i.e. cold water aquatic life and primary contact recreation). The permit requires the permittee to collect information to identify any additional uses of Purdam Drain. An EPA survey of additional existing uses was inconclusive. During the comment period, the permittee expressed the view that the existing use study condition in the permit exceeds EPA's authority under the CWA.

Last Week Highlights

Environmental Impact Assessment Training in Vietnam: From September 18-21, Region 9 and 10 Staff traveled to Vietnam to deliver Environmental Impact Assessment Training in Hanoi, Vietnam. The event was coordinated with USAID. , coached/mentored a regional "Principles of EIA Review" training in Hanoi, Vietnam. The course also included presenters from Vietnamese academics, in partnership with the Asian Institute of Technology in Vietnam's Learning Center for Environmental and Social Sustainability. Fourteen participants attended the training from Vietnam, Philippines and Kenya, representing the public and private sectors, academia, and non-governmental organizations.

LEAN Tools Used in Region 10 PCB Efforts: On September 26 and 27, Region 10 staff engaged with staff at two PCB contaminated sites and brought newly developed LEAN tools to the process which will increase efficiency and effectiveness of the site work. At Clear Air Force Base (Alaska), working with the Army Corps of Engineers, Region 10 used LEAN checklists in discussions about the abatement of PCBs in a building on base. A 30-day approval timeline was discussed as a LEAN fast-track if the data submitted is robust and the approval application is complete. In Seattle, Washington, working with the Port of Seattle, Region 10 staff will be implementing the new national PCB Program LEAN tools for the project to address PCB contamination in soil at the Sea-Tac Airport International Terminal construction site. Fast-tracking the approval will allow re-development to occur and reduce unnecessary construction costs to the Port.

Removal Action at the River Street Warehouse Site (Oregon): On September 25 Region 10 began work to clean up the remaining Asbestos Containing Material at the site of a warehouse that burned down in Portland, Oregon on May 14, 2017. To address safety concerns about the structural integrity of the site adjacent to the Willamette River, EPA will construct two trestles over the site to safely access and remove all remaining ACM. The work is expected to last four months. For more information about the River Street Warehouse Fire Asbestos Response, visit [HYPERLINK "http://www.oregon.gov/deq/Programs/Pages/River-Street-Fire-Response.aspx"]

Mining Sector: Tailings Dam Safety Meeting: On September 13 through 15, Region 10 participated in the inaugural meeting of the Association of State Dam Safety Officials (ASDSO) Tailings Dam

Regulatory Committee (TDRC) and in an accompanying workshop "Lessons Learned from Recent Tailings Dam Failures: A Path Forward". Participants included representation from states, federal agencies, and mining interests. EPA-HQ-ORCR had requested Region 10 represent that Agency at this meeting. The committee was established after the Mt Polley tailings dam breach and the Samarco tailings dam failure in order to assess current state dam safety programs and develop model regulations or guidance (that would be adopted by states) with the ultimate goal of ensuring safe tailings dams. ASDSO invited EPA and other federal agencies to participate in the Committee. ASDSO wants to collaborate with Federal agencies in developing a best practices document. The Federal agencies that attended (EPA, MSHA, OSM, FEMA, US Forest Service) were in agreement that minimum standards (e.g., safety factors) are needed and working with states is a priority. ORCR has formed a small team, including R10 to participate in this effort.

Presentations at the Land Reuse Resources for Alaska Commission Workshop: On September 27, Region 10 presented at the Land Reuse Resources for Alaska Communities Workshop held in Fairbanks, AK. Local, regional, and tribal governments as well as economic and community development departments attended. Focus was on how and where to obtain funding and manage projects to redevelop previously-used sites into job-creating businesses, energy production facilities, housing and other public uses. The workshop was hosted by the Fairbanks North Star Borough and was provided by the Center for Creative Land Recycling, Alaska Department of Environmental Conservation, and the EPA.

Office of Administration and Resources Management

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Hot Issues

FEMA SURGE Deployment

To date, the volunteer response is as follows:

Applications Submitted to FEMA	Deployed	Deployment Date Received	Eligible for Deployment *(difference)*
83	8	2	73

*8 additional applications have yet to be submitted as they are waiting for security info

Small Business Administration SURGE Deployment

To date, 12 applications have been received and will be forwarded to SBA.

NOTE:

- 4 employees have submitted applications for both FEMA and SBA. However, at this time, employees will not be permitted to deploy for both efforts.
- Volunteering with the SBA will require the establishment of an interagency agreement.

Region 3 Office

Over the last several years, OARM has been working with the General Services Administration to complete the competition for a new lease. The current lease expires
May 31, 2020. The space requirements for the new office was developed approximately 2 years ago and it is now necessary for EPA to analyze our requirements to provide a right-sized office for the long-term. Therefore, upon EPA's request, GSA has canceled the current procurement of space. On September 27, 2017, Congressional stakeholders and EPA staff in the Region 3 office were notified of this action.

Upcoming Public Events

Breast Cancer Awareness

In honor of Breast Cancer Awareness month, OARM will host the following events in October:

- Brown Bag Webinar for Breast Cancer Awareness month on October 10th and 12th, at Federal Triangle, Potomac Yard, and via webinar. The speaker will be Dolores Miller of the Susan G. Komen Organization.
- A Mammogram truck will be stationed at EPA Headquarters on October 18th for "Wear Pink Day" where free mammograms will available.

Domestic Violence Awareness

October is Domestic Violence Awareness Month which provides an opportunity for the agency to support the many victims and survivors amongst us. The EPA Employee Counseling and Assistance Program is offering a free, one-hour webinar on how domestic violence affects the workplace on October 18, 2017, at 12 noon EST. Participants will discuss the effects of domestic violence in the workplace, and how employers, their management staff and office security can respond to incidents.

Diversity and Inclusion Awareness

OARM continues to collaborate with the Federal Triangle Partnership—which includes the Department of Commerce, U.S. Agency for International Development and U.S. Customs and Border

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Protection—to co-sponsor diversity and inclusion events such as Hispanic Heritage Month in September and next month's National Disability Employment Awareness Month. The event will be held on Wednesday, October 11 at the U.S. Department of Commerce's Auditorium from 1:30 p.m. to 2:30 p.m. EST. The keynote speaker will be Mr. William R. Botten, Accessibility Specialist at the U.S. Access Board.

Upcoming Major Decisions

None

Last Week's Highlights

None

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Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **Tracking SIP Actions:** (Note we are continuing to explore how to best track and convey SIP information in this report. We welcome feedback on how it is presented here)
  - Total Number of SIPs submitted to Regions in FY 2017: 299
  - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2017: 335 (This total includes final actions by the Regions on both backlogged and non-backlogged SIPs as well as State withdrawals of outdated SIPs)
  - Total Number of Backlogged and Non-backlogged SIPs as of September 27th: 674
    - Backlogged: 369
    - Non-backlogged: 305
- **2015 Ozone Standard Designations:** We have a statutory deadline of October 1, 2017, to promulgate initial designations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS).
- **Risk and Technology Review (RTR) final rules:** We have a court-ordered date of October 1, 2017, for the Administrator to sign two RTR final rules:
  - Nutritional Yeast Manufacturing RTR (package currently at OMB)
  - Pulp and Paper RTR (package in OP for review)
- **Final Approval of Texas Regional Haze and Interstate Visibility Transport:** We have a court-ordered date of September 29, 2017, for the Administrator to take final action to address regional haze and interstate visibility transport in Texas. The package is in OP for review.
- **Title V Petition Response:** We are aiming to have the Administrator's signature on a response to a Title V petition for Wheelabrator Frackville Energy, Inc. (Mahanoy Township, Pennsylvania) by October 6, 2017, as the petition is tied to litigation for which we have an October 13th response due to the court. The package will move to OP next week for review.
- **OAR actions under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
  - Review of the Clean Power Plan – Proposed rule
  - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
  - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month and Two Year Stay of Certain Requirements - Notices of Data Availability (NODAs)

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following 15 SIP-related actions were signed this week:
  - **Region 3:** Proposed and Direct Final - Control of VOCs from Auto and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations - PA
  - **Region 3:** Proposed and Direct Final Rule - Virginia - Ozone 8-Hour 2015 NAAQS

- **Region 6:** Proposed Rule - Albuquerque Regional Haze Progress Report Proposed Approval
- **Region 7:** Withdrawal Notice - IA-167B; Amendment to Administrative Consent Order - IDNR/GPC, Muscatine, Iowa
- **Region 8:** Final Rule - CO265: Reg 3 revisions: PM2.5 in Part A and error correction in Part B, C and D
- **Region 8:** Proposed and Direct Final Rule - MO-345; 2010 NO2 Infrastructure SIP
- **Region 8:** Proposed and Direct Final Rule - MO-371; 2012 PM2.5 Infrastructure SIP
- **Region 8:** Proposed and Direct Final Rule - MO-344; 2008 Ozone Infrastructure SIP
- **Region 8:** Proposed Rule - MO-346; 2010 SO2 Infrastructure SIP
- **Region 8:** Final Rule - ND356,318: Chapter 33-15-03-05; Method 22 and 33-15-14-02.5.a; SILs for all NAAQS
- **Region 8:** Final Rule - PM10 Part H SIP Revisions; UT299,349
- **Region 8:** Final Rule - UT228,282: Revisions to R307-202, Emission Standards: General Burning
- **Region 9:** Final Rule - Bakersfield, California 1997/2008 Ozone Ambient Monitoring
- **Region 9:** Proposed Rule - San Manuel, AZ Second 10-yr SO2 Maintenance Plan
- **Region 9**: Proposed and Interim Final Rule - South Coast, California 2006 PM2.5 Moderate Plan

Upcoming Meetings, Public Events, or Other Public Releases

- **Release of Diesel Emissions Reduction Act (DERA) Request for Tribal Proposals:** As early as October 5th, EPA will release a Request for Proposals (RFP) for FY2017 Diesel Emissions Reduction Program (DERA) funds for tribal applicants. In the Tribal RFP, EPA will announce the availability of $1 million in grant funding for Tribal applicants to establish clean diesel projects aimed at reducing emissions from the tribal communities' existing fleet of diesel engines.
- **Green Power Leadership Awards:** On October 23, the recipients of the Green Power Leadership awards will be recognized at the Renewable Energy Markets Conference in New York City, New York.
- **SmartWay Excellence Awards:** On October 23, the recipients of the SmartWay Excellence awards will be recognized at the American Truckers' Association Conference in Orlando, Florida.
- **ENERGY STAR Partner Meetings Products, Homes, & Commercial Buildings:** On October 23-25, ENERGY STAR will host the ENERGY STAR Partner Meetings for Products, Homes, & Commercial Buildings in Chicago, Illinois.
- **Natural Gas STAR Annual Implementation Workshop:** On October 24-26, Natural Gas STAR will host their annual implementation workshop in Houston, Texas.

Upcoming Decisions

- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Residual Risk and Technology Review ("POTW RTR"):** We have a court-ordered deadline for signature of October 16, 2017, for this action to finalize the RTR for the POTW source category. The package is with OP for review.

- **For Administrator's Signature – Title V Petition Response for Pacificorp Hunter (Emery County, Utah):** We have an October 16, 2017, consent decree deadline to respond to a petition from Sierra Club related mostly to Prevention of Signification Deterioration/New Source Review issues.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines: Direct Final Rule Withdrawal.** This withdrawal action needs to be signed and published prior to October 25, 2017, which is the date the direct final rule will take effect. We are withdrawing the direct final rule due to an adverse comment we received on August 25, 2017. The package is with OP for review.
- **For Administrator's Signature – Advance Notice of Proposed Rulemaking: Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units:** The package is with OP for review prior to submitting it to OMB.
- **For Administrator's Signature – Final Approval of Rescission of Nevada Visibility Protection Federal Implementation Plan (FIP) for the Mohave Generating Station (MGS):** This action finalizes the withdrawal of the visibility protection FIP for the MGS in response to a Nevada Division of Environmental Protection's (NDEP) request. NDEP requested this rescission because MGS has not operated in over a decade and has been decommissioned and demolished. The package is in OP for review.
- **For Administrator's Signature – Title V Petition Response for Linn/Berry Oilfield (Kern County, California):** The petition relates to new source review emission offsets for the Linn/Berry gas-fired steam generators on two existing thermally enhanced oil recovery operation sites. Our response to the petition will move to OP next week for review.
- **For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources:** In this rule we are proposing editorial and technical corrections to regulations that require source testing of emissions. (This is a routine "clean-up" action that we have done several times in the past – most recently in August 2016). The package is with OP for review.

Recap of Past Week

- **Actions signed:**
  - Notice of Data Availability (NODA) Concerning Potential Reductions in the Volume Requirements for 2018 Renewable Fuel and 2019 Biomass-Based Diesel Under the Renewable Fuels Standard Program
  - Final Approval of Arizona Regional Haze State Implementation Plan Revision and Withdrawal of Federal Implementation Plan for Coronado Generating Station
- **Release of Greenhouse Gas Reporting Program 2016 Data:** This Friday, EPA's Greenhouse Gas Reporting Program (GHGRP) will release its seventh consecutive year of facility-level greenhouse gas data. The GHGRP requires reporting of greenhouse gas data and other relevant information from large GHG emission sources, fuel and industrial gas suppliers, and CO_2 injection sites in the United States. A total of 41 categories of reporters (~8,100) are covered by the GHGRP. The annual data set will be made publicly available online.
- **EPA's National Clean Diesel Rebate Program - 2017 School Bus Replacement and Retrofit Funding**: This week OAR announced the availability of $7 million in rebate funding to school bus fleet owners to replace buses with engine model years of 2006 and older and retrofit

buses with engine model years of 1994-2006. The application period will be open until mid-November.

- **Agricultural Air Quality Conservation Measures – Reference Guide for Poultry and Livestock Production Systems:** EPA and the U.S. Department of Agriculture (USDA) have collaborated to develop a reference guide that compiles conservation measures for emission reductions from livestock and poultry operations. Consistent with USDA objectives that promote the use of cost-effective practices and innovative technologies to address air resource concerns from agricultural operations and meet federal, state and local regulatory requirements, many of the measures have additional resource benefits such as soil, water or energy conservation. The guide will be posted later this week at: [HYPERLINK "https://www.epa.gov/afos-air/agricultural-air-quality-conservation-measures-reference-guide-poultry-and-livestock"].
- **National Association of Clean Air Agencies (NACAA) Fall Membership Meeting:** Earlier this week OAR staff attended NACAA's annual fall membership meeting in Seattle, Washington.
- **Regional Air Division Directors (ADD) Fall Meeting:** This week OAR senior management and staff attended the ADD annual fall meeting at the EPA Region 10 building in Seattle, Washington.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	**Pending on 9/26/2017**	**Determinations Completed[1] as of 9/26/2017**	**Determinations Posted on the Website as of 9/26/2017**
# of "not likely" determinations	**1**	**103[4]**	**102[4]**
# of §5(e) Orders signed by both EPA and the submitter	**-**	**275**	**270**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**73**	**-**	**-**
# of cases in post-FOCUS final determination development[6]	**231[3]**	**-**	**-**
# of cases flagged for in-depth review	**49**	**-**	**-**
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**25**	**-**	**-**
# of LVE/LOREX exemption grants	**-**	**455**	**447[5]**
# of LVE/LOREX exemption denials	**-**	**99**	**90[5]**
Total number of cases	**379**	**932**	**-**
Normal active workload for the New Chemicals Program	300	**-**	**-**
Number of cases undergoing testing or data development by submitter	79	**-**	**-**
Backlog[2]	**0**	**-**	**-**

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

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

[3] Of these cases, approximately 73 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

[4] "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

[5] Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.
[6] These cases are those for which interim section 5(a)(3) determinations were made at the FOCUS Meeting. Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders.

HOT ISSUES

Formaldehyde Voluntary Consensus Standards. OCSPP will soon publish a direct final rule to update several voluntary consensus standards listed at 40 CFR § 770.99 and incorporated by reference in the Formaldehyde Emission Standards for Composite Wood Products rule. These updates apply to emission testing methods and regulated composite wood product construction characteristics. Several of those voluntary consensus standards (technical specifications for products or processes developed by standards-setting bodies) were updated, withdrawn, and/or superseded through the normal course of business by these various bodies to take into account new information, technology, and methodology.

Dicamba. EPA is continuing its work with Monsanto and BASF on label revisions designed to provide protections against off-target damage for use of dicamba in the 2018 growing season. EPA is currently evaluating estimates from Monsanto on the approximate amount of product currently in the supply chain and proposals for relabeling products. Efforts to finalize label language are ongoing and involve discussions with state lead agencies, extension services, and the registrants. OPP is working with a goal of approving labels by later next week.

UPCOMING DECISIONS

FDA to Issue Guidance Transferring Regulatory Responsibility for Certain Genetically Engineered Mosquitoes to EPA. During the week of October 2, FDA will announce availability of the final version of their guidance document on regulatory jurisdiction of genetically engineered (GE) mosquitoes. This guidance will transfer regulatory responsibility for GE mosquitoes used to control mosquito populations to EPA. This action will be of significance to certain biotechnology companies, e.g., Intrexon's Oxitec, that are interested in developing and deploying GE mosquitoes. The Oxitec mosquito is currently regulated by FDA as a "new animal drug" under the Federal Food, Drug and Cosmetic Act, and has yet to be approved for general use. EPA, FDA, and USDA will continue to work to clarify regulatory jurisdiction for other GE insects.

UPCOMING MEETINGS AND PUBLIC EVENTS

Global Minor Use Summit-3. From October 1-4, Rick Keigwin, Director of OPP, will participate in the Global Minor Use Summit-3 in Montreal, Quebec, Canada. Rick is a member of the steering committee organizing the event and plans to speak on EPA's accomplishments on minor use registrations. The theme for the summit is "Filling the Grower Tool Box, Developing Strategies for Specialty Crops and Minor Use Programs and Harmonization."

Inventory Reporting Webinars. EPA has scheduled three webinars to assist the regulated community with reporting under the TSCA Inventory Notification (Active-Inactive) Rule, published in the Federal Register on August 11, 2017. This rule requires industry to report chemicals manufactured or imported in the U.S. over the past 10 years. Each identical webinar will include an overview of reporting requirements, a demo of the electronic reporting application (Central Data Exchange (CDX)), and will provide time for questions and answers. The first webinar occurred on September 27, 2017. The remaining webinars are scheduled for 1-3 PM EDT on October 25, 2017 and November 29, 2017.

LAST WEEK HIGHLIGHTS

CDX Electronic Communication Begins. In an effort to move from paper to electronic communications in responding to the TSCA stakeholder community, on September 26, 2017, OCSPP announced that it will now *electronically* send letters acknowledging receipt of TSCA Section 8(e) notices of substantial risk that are submitted electronically via the Central Data Exchange (CDX). In the future, OCSPP will begin to respond electronically for other TSCA notices submitted using CDX. This new communication service is similar to how some electronic banking messaging systems work, as it will deliver a secure message to the authorized official's (AO) CDX account, and will deliver a second generic message to the AO's email account, stating a communication has been delivered to their CDX account. OCSPP will hold a webinar later this Fall to demonstrate this new feature. For a transition period of about six weeks, OCSPP will continue to send paper letters (in addition to electronic) to those using the CDX.

Safer Chemicals Ingredient List Update. OCSPP has evaluated and added 52 chemical ingredients to the agency's Safer Chemical Ingredients List (SCIL) this quarter. The SCIL is a list of chemical ingredients, arranged by functional-use class, that OCSPP has evaluated and determined to less hazardous than other chemical ingredients. This list is designed to help manufacturers find chemical alternatives that meet the criteria of the Safer Choice Program. With this update, SCIL now has 918 individual chemicals listed that can be used to develop products.

Office of the Chief Financial Officer

Hot Issues

- OCFO continues to prepare the FY 2018 Continuing Resolution, which funds the Federal government through December 8, and associated guidance to issue to the agency after factoring in OMB's governmentwide guidance just received today. Staff for the Senate Appropriations Subcommittee has indicated mark up of its version of the FY 2018 appropriations bill may occur next week. OMB cleared all responses to FY 2018 EPA Senate Budget Hearing Questions for the Record (QFRs), which will be transmitted to SAC and then inserted into the Senate hearing record which is available to the public.
- NPM FY 2019 budget hearings with OMB concluded this week. OCFO is working with NPMs and the Policy Team to respond to OMB's follow-up questions.
- OCFO continues to work with the relevant headquarters and regional offices on the financial aspects supporting the EPA's responses to Hurricanes Harvey, Irma, and Maria. To date, EPA has received 27 mission assignments for a total of $44.8 million to support directly or indirectly Hurricane Harvey and Irma responses. Nothing received to date for Hurricane Maria. This is in addition to funding from within EPA's base appropriated funding. OCFO also continues to work with headquarters and regional offices to develop estimates for the hurricanes' environmental damage costs. The intent is to have needs outlined that can be part of a future supplemental. Before engaging with OMB on possible supplemental funding requirements estimates will need to be approved by the Policy Team.

Upcoming Public Events

- The draft FY 2018-2022 Strategic Plan is planned to be available for public comment starting October 4 through October 31. This period also will include tribal consultation. (The draft Plan will first be shared with Senior Leaders and then all agency employees before it is made available to the public.) After the draft Plan is made available for public comment, OCFO, in coordination with OCIR, will send letters to key Congressional Committee members notifying them of the availability of the draft Plan and public comment process to meet the legal Congressional consult requirement.

Upcoming Major Decisions

- Follow-up briefing targeted for October 4 or 5 for Chief of Operations to discuss the alignment of enterprise risk mitigation efforts with actions/progress updates on reform plans and strategic measures.

Last Week Highlights

- N/A

Other

- OCFO is on track to publish final FY 2018-2019 NPM Guidances and response to comments on September 29 (except OECA, which will be posted as soon it is cleared by the Policy Team member). NPMs will initiate the FY 2018 Annual Commitment bidding process with regions on October 2. Final DRA-approved regional commitments due December 20.
- OCFO's PeoplePlus, the agency's time and attendance system, will be unavailable from September 29 through October 4 due to a system upgrade. The upgraded PeoplePlus system will be available again to users on October 5. Agency training on the new system has been completed and training videos/materials, frequently asked questions, and other useful information are available to employees. Communications to the agency and targeted audiences continue. In response to a request from the unions to bargain on the PeoplePlus upgrade, OCFO and OARM met with union officials to discuss the need to continue the launch of the upgraded system along with options to implement post launch

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improvements to address specific concerns identified in the bargaining proposals. OCFO and OARM also will continue to work with the unions to address specific questions and provide additional guidance and communication on aspects of the upgraded system identified by the unions as problematic for the workforce.

- OCFO is working with OARM and agency programs and regions on FY 2017 year-end close out activities. FY 2017 ends September 30.

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Office of Congressional and Intergovernmental Relations

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

  - **October 4** – Senate Environment and Public Works Committee Confirmation hearing for Michael Dourson, OCSPP; David Ross, OW; Matt Leopold, OGC; Bill Wehrum, OAR at 10am
  - **Week of Oct 2** – Notification on Dicamba label changes w/OCSPP
  - **TBD** - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

- ***Upcoming Events***

  - **October 2 -** OW staff will join OIR and Region 5 for a meeting with local Ft. Wayne officials to discuss the City's concerns with past EPA policies governing how water quality revisions made on the basis of Use Attainability Analyses (UAA) are integrated with enforcement of Combined Sewer Overflow (CSO) Long-Term Control Plans (LTCPs).

- ***Past week accomplishments***

  - **September 29** – announced designations and proposed classifications for the 2015 National Ambient Air Quality Standards for Ozone.
  - **September 29 –** EPA met with Mayor Debora Fudge, Mayor of Windsor, CA. OIR will 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 9 staff.
  - **September 28**: Notifications sent to the hill on National Preparedness Month (September), showcasing recent activities of EPA scientist and engineers on national disasters and emergency response.
  - **September 28** – Notification for HEC and EPW on 2016 DWSRF annual report w/OW
  - **September 27 –** OCIR staff will hosted a technical assistance conference call for House Energy and Commerce Committee on **H.R. 848** "Farm Regulatory Certainty Act".
  - **September 27** – Met with Rep Simpson (ID) and ORD to discuss possible government partnerships to advance research efforts at the water test bed lab in Idaho.
  - **September 25** - EPA staff from OECA, with support from OAR and OCIR, updated Governors' office staff on the status of the VW Settlement Trust Agreement. Through a series of three partial settlements, the EPA and VW resolved allegations that VW violated the Clean Air act by selling approximately 590,000 vehicles equipped with defeat devices. As a part of the settlements, VW required to provide $2.7 billion for the 2.0 liter violating vehicles and $225 million for the 3.0 liter violating vehicles to an Environmental Mitigation Trust.

- ***Ongoing activities***

  - Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out several letters during the previous two weeks. We received 1 new FOIA's this week.
  - Participating in responses to hurricanes Harvey, Irma and Maria. Coordinating with state and local elected officials to ensure seamless communications. Two OCIR staff are alternating shifts in the EOC.
  - VW: The Court has approved the Trust Agreement. The Trust Effective Date will be October 3, 2017. Our colleagues in OCIR's Intergovernmental Relations office will be working with our colleagues in OECA to ensure the word gets out to the governors' staffs.
  - 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.
  - CIR is working on a request from CBO about questions on HR3053 Nuclear Waste Policy Amendments Act of 2017

Office of Enforcement and Compliance Assurance

Office of Enforcement and Compliance Assurance Weekly Report – Larry Starfield, Acting AA

Hot Issues

Hurricane Response: OECA issued an additional fuel waiver for the use of dyed diesel fuel in Florida. An additional NAA was also issued to facilitate the importation of mobile power generators for Puerto Rico to address critical electrical needs due to the widespread damage to the grid on the island. Most of the Gulf-area refineries impacted by Hurricanes Harvey and Irma are now operational, although OECA (together with OAR) continues to monitor the fuel supply situation. In addition, OECA is also continuing to monitor and work with officials in Puerto Rico and the Virgin Islands on drinking water and power issues, and is prepared to take any additional actions necessary to facilitate response and recovery efforts.

Upcoming Public Events

None.

Upcoming Major Decisions

None.

Last Week's Highlights

Coronet Industries Superfund Alternative Site Cleanup Transferred to the State of Florida: Oversight of the cleanup of the Coronet Industries Superfund site has now been transferred from the EPA to the Florida Department of Environmental Protection (FDEP). Cleanup of the Site will be conducted under a state cleanup agreement by the PRPs. The EPA and the FDEP agreed to transfer oversight of the cleanup to support state regulatory consistency in the cleanup of former phosphate mining sites. To implement the transfer, three agreements were negotiated: (1) a modification to an existing work agreement between EPA and Coronet, which limits Coronet's obligations to work already completed; (2) an administrative settlement pursuant to which three PRPs, including Coronet, will pay $1.9 million in past costs to the EPA by 10/19/17; and (3) a state cleanup agreement between the three PRPs and the FDEP that provides for the completion of the remediation at the Site.

Federal Partners on the Superfund Task Force Report: On September 27th, the OECA and OLEM federal facilities programs jointly sent letters inviting several Federal agencies to engage with EPA to discuss the July 25, 2017, Superfund Task Force Report recommendations, including how to better partner with EPA. The letters went to the USDA, DOI, DOE, NASA and DOD, including the military components. EPA and DOD have agreed to discuss the recommendations at the November 2017 Federal Facilities Leadership Council joint meeting with DOD. At DOD's suggestion, EPA has set aside a full day on the agenda to discuss the Task Force recommendations that are of particular interest to DOD.

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Tyson Poultry Pleads Guilty to Clean Water Act Violations: On September 27th, Tyson Poultry pled guilty in the Western District of Missouri to violations of the Clean Water Act resulting from the discharge of an acidic feed supplement. In May 2014, a tank used to store a liquid food supplement called "Alimet," which has a pH of less than one, leaked at a Tyson feed mill. As a result, Tyson had it transported to its Monett, Missouri plant where it was unloaded into the in-house treatment system that was not designed to treat waste with Alimet's characteristics. Some of the Alimet made it into the City of Monett's municipal waste water treatment plant, where it killed bacteria used to reduce ammonia in discharges from the treatment plant into Clear Creek, resulting in the death of approximately 108,000 fish.

Under the terms of the plea agreement, Tyson will pay a $2 million criminal fine and serve two years of probation. In addition, Tyson will maintain and restore waters in the Monett area, with a focus on Clear Creek and the adjoining waterways. Tyson will also implement environmental compliance programs at its facilities. This case was investigated by EPA's Criminal Investigations Division, with assistance provided by the Missouri Department of Natural Resources.

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Office of Environmental Information

Hot Issues

Acting Assistant Administrator to Testify in Congressional Hearing: "Evaluating the Paperwork Reduction Act: Are Burdens Being Reduced?"

- **Brief description:** On October 11, Acting Assistant Administrator, Steve Fine, will testify in a hearing held by the House Committee on Small Business.
- **Who benefits or cares:** The public, small businesses, federal agencies
- **Why this is important:** The purpose of the hearing is to help determine the effectiveness of the Paperwork Reduction Act (PRA).
- **Additional information:**
    - The PRA was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; Federal contractors; State, local and tribal governments; and other persons resulting from the collection of information by or for the federal government.
    - Chief Information Officers of federal agencies are responsible for ensuring that their agencies are in compliance with the PRA.
    - A hearing was held in March 2017 where small business representatives testified about their concerns with the PRA. Concerns are that the PRA has not been successful in minimizing the amount of federal paperwork on individuals and small businesses.

Upcoming Public Events

NA

Upcoming Major Decisions

NA

Last Week's Highlights

Successful data management and dissemination for three hurricane responses

- **Brief description:** OEI has provided key data management support for EPA's hurricane response efforts..
- **Who benefits or cares:** All EPA employees; the public
- **Why this is important:** EPA has improved data management and dissemination of data to the public through the following activities:
    - OEI helped provide support for much faster processing of ASPECT aerial imagery into a service that can be consumed by the Emergency Response online viewers. Having this data service available greatly reduced the level of effort for responders themselves.
    - Office of Emergency Management was able to provide tailored map services for hurricane-related NRC reports.
    - EPA published a [HYPERLINK "https://epa.maps.arcgis.com/apps/MapJournal/index.html?appid=fadbae6b2832436fb65ca497bd75b9a6"] right after Hurricane Harvey that explains the agency's role in responding to disasters and the work being done on site.
    - Improvement in the way data quality objectives are developed led to better data management and release of data during these responses. Focusing on data quality objectives helped avoid

some of the common problems seen in past responses with sampling and monitoring activities.

- Use of the EPA On-Scene Coordinator Website [HYPERLINK "https://response.epa.gov/"] as the main public website for the responses was successful, and the site received record high visits.

- **Additional information:**
  - EPA is taking a lead role in data management for the USCG's work on abandoned vessels after Irma. Near future work in Puerto Rico will likely include monitoring debris and air quality.
  - Follow-up actions include:
    - Deliver web traffic statistics to the Office of Web Communications.
    - Develop version control and roles and responsibilities for editing of content on story maps for future responses.
    - OEI to continue providing support during responses with aerial imagery when needed, and technology assistance related to the GeoPlatform tools, such as story maps.

Office of Water (OW) and OEI Collaborate on Waters of the U.S. Docket Comments Management

- **Brief description:** OW and OEI have developed an application in the agency's Business Automation Platform (BAP) that supports OW's management of responses to [HYPERLINK "https://www.epa.gov/wotus-rule"] comments.
- **Who benefits or cares**: OW staff and contractors processing and responding to comments, and the public
- **Why this is important:** Rather than waiting for all of the comments to be sorted first, the BAP will allow OW to begin responding to comments as comments are entered into the database. The BAP will track and organize the work leading to a more efficient response process and a substantial labor savings to OW.
- **Additional information:** OW expects approximately a million comments over the course of the two rulemakings.

Office of General Counsel

New Judicial Decisions

- The Fifth Circuit granted EPA's and the other parties' joint proposed briefing schedule in the litigation involving petitions for review of EPA's 2015 steam electric rule. Because the Court previously stayed those claims relating to the parts of the 2015 rule that EPA is conducting further rulemaking on (to potentially revise), the only claims that will go forward at this time are environmental petitioners' claims alleging that EPA's leachate and legacy wastewater limits are not stringent enough. Environmental petitioners already filed an opening brief on their claims in December 2016, and now EPA's response brief is due on December 15, 2017. (*Southwestern Elec Power Co., et al v. EPA*, 15-60821)

- EPA received a favorable order from a D.C. Circuit motions panel (Tatel, Griffith and Pillard) denying NRDC's motion for summary vacatur of EPA's 90-day stay of the CAA landfill GHG standards. The order transfers all issues in the case to a merits panel and directs the clerk to calendar the case for normal briefing and argument. The Court directs the parties "to address in their briefs whether the case is moot because the administrative stay being challenged by petitioners ended on August 29, 2017." (*NRDC v. EPA*, 17-1157)

- The U.S. District Court for the District of Columbia issued a partially favorable decision in a FOIA case involving a FOIA request seeking records related to the EPAct/V2/E-89 Tier 2 Gasoline Fuel Effects Study, also known was the EPAct Study. The court upheld EPA's applied FOIA exemptions as appropriate; however, the court disagreed with the scope of EPA's search. Accordingly, the court remanded the matter back to EPA so the agency can conduct a further search for responsive records. (*Urban Air Initiative, Inc., et al. v. EPA*, 1:15-cv-01333)

- The 10th Circuit Court of Appeals issued a decision that puts into effect the 2015 rule issued by the Bureau of Land Management (BLM) to regulate hydraulic fracturing on federal lands. A district court had enjoined the rule before it went into effect, in part, on the grounds that an exemption in SDWA related to hydraulic fracturing under the underground injection control (UIC) program precluded most federal regulation of hydraulic fracturing. Citizen group intervenors appealed the decision, but because BLM is reconsidering the rule, the Court found that it would be a "very wasteful use of limited judicial resources" for it to address the merits; thus, it found the appeal "prudentially unripe," vacated the lower court decision, and dismissed the appeal, thus reinstating the 2015 rule. (*Wyoming v. Zinke*, 16-8068)

New Complaints Filed

- Massachusetts Rivers Alliance and nine other environmental groups filed a complaint against the EPA in U.S. District Court in Massachusetts with regards to EPA's June 29, 2017 action under Section 705 of the APA (Administrative Procedure Act) to postpone the effective date of the Massachusetts small MS4 (municipal separate storm sewer system) general permit by one year, from July 1, 2017 to July 1, 2018. Multiple parties have already challenged the general permit in the D.C. Circuit Court of Appeals; the D.C. Circuit has consolidated those cases, and we are now awaiting its decision on whether to hold those cases in abeyance indefinitely to allow for the parties to pursue court-sponsored alternative dispute resolution. In this new lawsuit, the environmental groups ask the district court to set aside

EPA's APA section 705 postponement of the effective date because, they argue, it is arbitrary and capricious, an abuse of discretion, not in accordance with law, in excess of EPA's statutory jurisdiction and authority, short of statutory right, without observance of procedure required by law, and otherwise in violation of the APA. (*Massachusetts Rivers Alliance, et al. v. EPA*, 1:17-cv-11825)

- The State of Maryland, through the Maryland Department of the Environment, filed suit against the EPA alleging a failure to take mandatory duties associated with the State's CAA Section 126 Petition. That petition asked the EPA to issue a finding that 36 electric generating units located in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are in violation of the prohibition of 42 U.S.C. § 7410(a)(2)(D)(i), commonly referred to as the "good neighbor provision." The complaint alleges we failed to hold a hearing and failed to issue a decision within the statutory time limits. (*Maryland v. Pruitt*)

- Litigation was initiated in the U.S. District Court for the Southern District of New York concerning a FOIA request submitted by Earthjustice, Waterkeeper Alliance, Inc., Environmental Integrity Project, Sierra Club, and Clean Water Action requesting various records concerning the "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" rule that was signed by the Administrator on September 30, 2015. The request included communications involving the White House, DOJ, the Presidential Transition team, EPA's Beachhead team, and industry groups. The complaint alleges that EPA has not completed is response to the FOIA request. (*Waterkeeper Alliance, Inc. et al v. EPA*, 1:17cv7400)

New Petitions that OGC is Aware Of

- Nothing to report.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Kevin Minoli, Acting General Counsel, will be attending the Out and Equal Workplace Summit in Philadelphia from October 10-12.

Upcoming Major Deadlines in the Next Two Weeks

09/29 Take final action pursuant to a Consent Decree by promulgating a FIP or unconditionally approving a SIP to address the BART requirement for EGUs in Texas in *National Parks Conservation Association, et al. v. EPA*.

09/29 Answer due in *NRDC v. EPA*, a FOIA litigation concerning a multi part FOIA that sought records regarding Nancy Beck.

10/01 Consent Decree deadline for the Final RTR for the Yeast Manufacturing NESHAP and Pulp Mills NESHAP in *Sierra Club v. EPA*.

10/02 EPA's Response to Petition for Certiorari is due in *DTE, et al. v. US*, a petition for writ of certiorari of a 6th Cir. decision in a PSD enforcement case.

10/02 Answer to Intervenor's Complaint is due in *State of Connecticut v. EPA*, litigation alleging EPA failed to grant or deny section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.

10/02 Responses to various motions due in *Samuel Masias, et al. v. EPA*, consolidated challenges to the SO2 Round 2 designations.

10/02 A status report and production or briefing schedule is due in *American Oversight v. EPA*, a FOIA litigation concerning a request that sought, among other things, all calendars or calendar entries for Scott Pruitt.

10/02 EPA's Reply in support of Motion to Transfer is due in *Safer Chemicals Healthy Families v. EPA*, litigation over TSCA prioritization and risk evaluation rules.

10/02 Parties to inform court whether they want a further stay or to commence briefing on remedy as currently scheduled in *Ellis v. Keigwin*, a challenge under ESA and FIFRA to registrations of clothianidin and thiamethoxam).

10/02 EPA must "produce to all parties documents relevant to the jurisdictional issue and a declaration by an EPA employee concerning the scope of EPA's response action" in *New Mexico v. EPA, et al.* and *Navajo Nation v. EPA, et al.*

10/03 EPA's Reply in Support of Motion for Summary Judgment is due in *Nucor Steel-Arkansas, et al. v. EPA*, litigation where plaintiffs' allege EPA failed to grant or deny Nucor's petition for objection to Title V Operating Permit issued to Big River Steel by Arkansas DEQ for a steel manufacturing facility in Osceola, Arkansas.

10/03 Production of documents in *Energy & Environment Legal Institute v. EPA*, a FOIA litigation regarding a request seeking information from specific EPA officials showing communications with IARC, CARC and named individuals over a limited, specified date range concerning glyphosate.

10/04 Reply to Sierra Club's Response to EPA's Cross-motion for Summary Judgment due in *Sierra Club v. EPA*, litigation alleging EPA failed to grant or deny a petition seeking an objection by EPA to the Title V Operating Permit renewal for the Tennessee Valley Authority's Gallatin Fossil Plant.

10/04 Parties will file for an addition continuance as productive settlement discussions occur in *NAHB, et al. v. EPA*, consolidated challenges to EPA's 2017 Construction General Permit in D.C. Circuit by National Association of Homebuilders and Chesapeake Bay Foundation.

10/04 Settlement meeting to discuss the prospect for mediation in *New Mexico v. EPA*, a case relating to the GKM incident.

10/05 Oral argument in *State of Delaware Department of Natural Resources & Environmental Control v. EPA*, a petition for review of final rule entitled "Determinations of Attainment by Attainment Date; Extension of Attainment Date; and Reclassification of Several Areas for the 2008 Ozone National Ambient Air Quality Standards."

10/05 Various procedural filings are due in *EDF v. EPA*, a challenge to TSCA inventory rules.

10/06 Answer due in *EIP, et al. v. Pruitt*, five consolidated CAA § 304(a)(2) actions alleging failure to respond to petitions to object to Title V permits issued by the Texas Commission on Environmental Quality for the following facilities: "Baytown Olefins," Baytown Refinery," "Pasadena Refinery," "Port Arthur Refinery," and "Welsh Power Plant."

10/06 Status Report to notify the Court when a proposed TMDL (or TMDLs) will be submitted for the remaining stream segments in Alaska's 1992 impaired waters list for which a TMDL has not yet been prepared nor water delisted due as required by 1992 court order in *Alaska Center for the Environment v. Pruitt*.

10/06 Deadline for filing dispositive motions (motion to dismiss on mootness grounds/motion to transfer to Fifth Circuit) due in *Clean Water Action v. EPA*, a protective petition for review of EPA's action postponing certain compliance deadlines in the 2015 steam electric rule pursuant to APA section 705.

10/10 Motion to Govern Further Proceedings due in *American Petroleum Institute v. EPA*, Petitions for review of EPA's 2012 oil and gas NESHAP revision based on residual risk and technology review.

10/11 EPA's Brief is due in *CLF v. EPA*, an appeal from district court decisions in MA and RI regarding whether statements in TMDL documents constitute residual designation of stormwater sources for NPDES permitting.

10/11 Oral Argument in *National Association of Manufacturers v. Department of Defense, et al.*, a challenge to 6th Circuit's decision that it has exclusive jurisdiction over the Clean Water Rule litigation under Section 509 of the CWA.

10/12 Oral Argument in *Hawaii Wildlife Fund v. County of Maui*, litigation on whether discharges to ocean waters through a direct hydrological connection to groundwater is subject to permitting.

10/13 The U.S. will serve its expert reports in *Kelsey Cascadia Rose Juliana, et al. v. United States, et al.*, a case where plaintiffs allege multi-agency constitutional and public trust violations arising from actions and inactions on climate change.

10/13 Answer is due in *Sierra Club, et al. v. EPA*, where plaintiffs allege the EPA failed to grant or deny a petition to object to a proposed Title V Operating Permit for Wheelabrator Frackville Energy, Inc. power plant in Schuylkill County, Pennsylvania.

10/16 Oral argument on EPA's Motion to Dismiss challenge to its refusal to designate municipal stormwater for permitting under its residual designation authority *in LA Waterkeeper v. EPA*.

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Office of International and Tribal Affairs

Hot Issues

NAFTA Negotiations – The third round of NAFTA negotiations was held on September 23-27 in Ottawa. EPA participated in several elements of the negotiations - Environment, Investment, Government Procurement, Technical Barriers to Trade, and Good Regulatory Practices. The next round of negotiations will be held on October 11-15 in D.C. and will include discussion of future institutional arrangements for public submissions and environmental cooperation, and Investor State Dispute Settlement (ISDS).

Upcoming Engagements

September 29 – White House Council of Native American Affairs meeting to discuss tribal representation, potential workgroups, and upcoming engagements.
October 11 – National Tribal Operations Committee (NTOC) meeting with EPA Senior Leadership and the National Tribal Caucus (NTC).
October 13 – Commission for Environmental Cooperation (CEC) Alternative Representative meeting to discuss future direction and the 2018 Council Session.

Past Week Highlights

Alaska and Montana Stakeholder Meeting on Transboundary Pollution – EPA (OITA, Region 8 and 10) and the State Department met with a delegation of Alaska and Montana stakeholders regarding transboundary pollution from large scale mines in British Columbia. The delegation was in D.C. to meet with their Congressional representatives and ask for federal intervention to address water quality and tribal concerns relating to the Taku, Stikine and Unuk Rivers in Alaska and Lake Koocanusa and Kootenai River in Montana and Idaho.

- The delegation requested assistance/resources for water quality monitoring and collection of baseline data, creation of an interagency task force to coordinate federal agency response/assistance, and financial assurances and enforceable protections to address long term impacts.
- The delegation informed us that Senator Tester and Murkowski may be adding language to the FY 18 budget which would direct agencies to develop an interagency framework to address transboundary pollution impacts in Montana and Alaska.
- Region 8 and 10 have convened a meeting with regional federal entities on October 16 to explore the potential of developing a coordinated federal approach for the Kootenai watershed.
- OITA and the State Department have raised British Columbia mining concerns at our semi-annual meetings with Canada and it is on the agenda for the next meeting on October 26 in Ottawa.

Administrator's Meeting with Taiwan Minister Follow Up– At the opening of the International Environmental Partnership (IEP) Conference in Taiwan this week, Minister Lee expressed gratitude for his successful meeting with Administrator Pruitt in D.C. last week. He noted the renewal of the U.S.-

Taiwan international partnership and applauded the Administrator's commitment to work with Taiwan under the IEP program, which addresses environmental issues such as air pollution, circular economy and environmental enforcement.

- The IEP Conference was attended by country representatives from the European Union, Great Britain, Netherlands, Germany, Switzerland, Japan, South Korea, Singapore, New Zealand, Thailand, Vietnam, Estonia, and El Salvador.
- As part of the IEP, Taiwan hosted a Circular Economy Global Forum with policymakers, experts, and private sector representatives from around the world to share circular economy regimes regarding plastics, food reuse and recycling.
- Experts from EPA/OLEM presented the U.S. experience and initiatives on sustainable material management. Other speakers presented on the importance of integrating circular tools in communities and companies to drive down financial and environmental costs associated with waste and redundancy.
- Taiwan also hosted a IEP Environmental Enforcement and Compliance Workplace where environmental inspectors from Thailand and Vietnam joined experts from Taiwan and the U.S. in an enforcement training on standard practices, crime scene investigation, and new technologies.

Meeting on China Collaboration - The U.S.-China Social and Cultural Dialogue was held this week in D.C., which is one of the four pillars under the U.S.-China Comprehensive Dialogue Mechanism established by President Trump and China's President Xi Jinping. The dialogue was co-chaired by Secretary Tillerson and Chinese Vice Premier Liu Yandong and focused on 8 areas of cooperation, including the environment.

- EPA (OITA) also met with China's Ministry of Environmental Protection (MEP) in Beijing to review the status of collaboration under the EPA-MEP MOU and to discuss preparations for the Joint Committee on Environmental Cooperation (JCEC) meeting.
- MEP is preparing a written summary of collaboration it hopes to see under each of the Annex Workplans to be approved at the JCEC and encourages EPA to do the same thing.
- Timing for the JCEC meeting still needs to be confirmed, but both EPA and MEP hope that a convenient time can be identified in the first quarter of 2018.

Office of Land and Emergency Management

Hot Issues

1. **Hurricanes.** The Headquarters Emergency Operations Center (HQ EOC) remains activated since its initial activation on August 28. We are in support of the Region 6 response to Hurricane Harvey, the Region 2 and 4 responses to Hurricane Irma, and the Region 2 response to Hurricane Maria.

2. **CCR State Permit Program Guidance.**

3. **Mississippi Phosphates Corp. Site (Pascagoula, MS).**

4. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing**. We are working with OGC, OP, and OA as we work toward a Dec 1, 2017 signature.

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

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

7. **San Jacinto ROD.**

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

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

Upcoming Public Events

1. OLEM convened the e-Manifest Advisory Board on September 26-28, working toward the June 2018 target.
2.

Upcoming Major Decisions

1. **Hanford ROD.** We are working with Region 10 and the AO in preparation to brief the Administrator, and regarding DOE's tribal consultation.

2. **CERCLA-EPCRA AFO-CAFO Rule.** Today, a press release was issued announcing that EPA is working to have guidance available by October 16, to assist farmers in meeting CERCLA and EPCRA reporting requirements. We are conferring with the AO and OGC on next steps.

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

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

Last Week Highlights

1. **San Jacinto Waste Pits ROD.** The Administrator was briefed on September 22.

2. **Stakeholder Meeting.** On September 27, OLEM met with several members of the American Petroleum Institute, the American Chemistry Council, and the American Fuel and Petrochemical Manufacturers at their request, to hear the trade associations' views regarding EPA's ongoing reconsideration of the RMP Amendments Rule. The discussion focused on the industry's specific concerns for various RMP amendments. The association representatives also suggested future collaboration with EPA on voluntary best safety management practices.

3. **House Energy and Commerce (HEC) Technical Assistance on Brownfields Legislation**. OLEM has been responding to several requests for technical assistance from HEC related to legislative language in H.R. 3017 that would create a "Small Community Technical Assistance Grant" program, revise the current state/local government liability, provide a petroleum set-aside in the BF grant program, and allow state/local governments to apply for grants to cleanup sites they obtained prior to 2002.

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Office of Policy

Documents Sent to the OFR September 21 - 28, 2017

FRL	Title	Date Submitted to OFR
9968-74-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to Ozone Offset Requirements in Davis and Salt Lake Counties	9/27/2017
9968-70-OAR	Notice of Data Availability Concerning Potential Reductions in the Volume Requirements for 2018 Renewable Fuel and 2019 Biomass-Based Diesel under the Renewable Fuels Standard Program	9/27/2017
9966-09-OCSPP	Fluoxastrobin; Pesticide Tolerance	9/27/2017
9964-91-OAR	Agency Information Collection Activities; Proposed Collection; Comment Request; Implementation of the 2008 Ozone National Ambient Air Quality Standards for Ozone; State Implementation Plan Requirements, EPA ICR No. 2347.03, OMB Control No. 2060-0695	9/27/2017
9968-37-ORD	Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference Method	9/27/2017
9968-39-Region 9	Casmalia Resources Superfund Site; Notice of Proposed CERCLA Administrative De Minimis Settlement	9/27/2017
9968-61-Region 6	Hazardous Waste Management System; Identification and Listing of Hazardous Waste	9/27/2017
9968-44-Region 1	PROPOSED FIRST AMENDMENT TO CERCLA ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT; GREAT LAKES CONTAINER CORPORATION SUPERFUND SITE, COVENTRY, RHODE ISLAND	9/27/2017
9968-52-Region 6	Final NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)	9/27/2017
9968-54-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Baltimore, Maryland Nonattainment Area	9/27/2017
9968-53-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Baltimore, Maryland Nonattainment Area	9/27/2017
9967-77-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque and Bernalillo County; Regional Haze Progress Report State Implementation Plan	9/26/2017
9968-31-Region 9	Approval of California Air Plan Revisions; Anti-Idling Regulations	9/26/2017

9968-62-Region 7	Approval of Implementation Plans; State of Iowa; Elements of the Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard (NAAQS)	9/26/2017
9968-60-Region 7	Approval of Implementation Plans; State of Iowa; Elements of Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard (NAAQS)	9/26/2017
9968-50-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone Standard	9/25/2017
9968-51-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone Standard	9/25/2017
9968-63-Region 2	Approval and Promulgation of Implementation Plans; New Jersey; Regional Haze Five-Year Progress Report State Implementation Plan	9/25/2017
9968-64-Region 2	Approval and Promulgation of Implementation Plans; New York; Regional Haze Five-Year Progress Report State Implementation Plan	9/25/2017
9968-65-Region 7	Approval of Iowa Air Quality Implementation Plans; Elements of the Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard (NAAQS)	9/25/2017
9968-66-Region 7	Approval of Iowa Air Quality Implementation Plans; Elements of the Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard (NAAQS)	9/25/2017
9968-67-OAR	Protection of Stratospheric Ozone: Refrigerant Management Regulations for Small Cans of Motor Vehicle Air Conditioning Refrigerant	9/25/2017
9968-68-OAR	Protection of Stratospheric Ozone: Refrigerant Management Regulations for Small Cans of Motor Vehicle Air Conditioning Refrigerant	9/25/2017
9968-46-OAR	Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas	9/25/2017
9966-02-OCSPP	Certain New Chemicals; Receipt and Status Information for June 2017	9/22/2017
9966-67-OCSPP	Fluazifop-P-Butyl; Pesticide Tolerances	9/22/2017
9966-68-OCSPP	Oxathiapiprolin; Pesticide Tolerance	9/22/2017
9966-71-OCSPP	Environmental Modeling Public Meeting; Notice of Public Meeting	9/22/2017
9967-08-OCSPP	Certain New Chemicals; Receipt and Status Information for July 2017	9/22/2017

9968-43-Region 1	Air Plan Approval; New Hampshire; Attainment Plan for the Central New Hampshire 2010 1-Hour SO2 Nonattainment Area	9/22/2017
9968-32-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Clean Air Interstate Rule (CAIR) Trading Programs	9/22/2017
9968-34-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Clean Air Interstate Rule (CAIR) Trading Programs	9/22/2017
9968-38-Region 9	Approval and Promulgation of Implementation Plans; Enhanced Monitoring; California	9/22/2017
9968-45-OW	Extension of Public Comment Period for the Draft Updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater	9/21/2017
9967-64-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan	9/21/2017
9968-19-Region 3	Air Plan Approval; Delaware; State Implementation Plan for Interstate Transport for the 2008 Ozone Standard	9/21/2017
9968-20-Region 3	Air Plan Approval; Delaware; State Implementation Plan for Interstate Transport for the 2008 Ozone Standard	9/21/2017

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Office of Research and Development

Hot issues

Three new FRMs Approved: A core element of ORD's Emissions and Measurements program is designating Federal Reference Methods (FRMs) for measuring criteria pollutants in ambient air. These measurements are used to inform attainment/nonattainment decisions and for a wide range of analyses. Three new FRMs for measuring concentrations of $PM_{2.5}$, PM_{10}, and $PM_{10\text{-}2.5}$ in the ambient air were recently [HYPERLINK "https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20447.pdf"].

Superfund: Researchers Seek Remediation Solutions at Abandoned Mine

ORD researchers are installing demonstration test plots at the abandoned Formosa Mine Superfund site near Riddle, OR, as part of EPA's effort to find remediation solutions for toxic residuals at the decommissioned copper and zinc mine. The project will examine the efficacy of an in situ remediation technique to facilitate the restoration of the soil-stabilizing native plant community. Collaborators in the project include the U.S. Department of Agriculture's Coastal Plains Soil, Water, and Plant Research Center; ORD; and EPA Region 10.

Region 5 Flint Enforcement Team Meeting

On September 20 ORD participated in the Region 5 monthly Flint Enforcement Team call. Many activities are on hold in Flint while the City continues to deliberate on its permanent source of drinking water, but there was a discussion of how EPA can help with Flint's upcoming corrosion control study which will use the pipe loop system built by ORD. ORD scientists will be traveling to Flint next week to assist with the installation of four new lead service lines into the pipe loop, provide training to the City and its contractor, and transition operation and maintenance of the loop to the City and its contractor.

PFAS

On October 11 ORD staff will participate in a meeting with the North Carolina Department of Health and Human Services, NIH, CDC, and the New Jersey Department of Environmental Protection to discuss what is known and unknown about the toxicity and exposure potential for per- and polyfluoroalkyl substances (PFAS). This meeting will allow for each group to provide updates on the projects they are working on that will fill the knowledge gaps.

Upcoming Events

Employee Conversation on Scientific Integrity

On September 28, Kevin Teichman, the Acting Scientific Integrity Official, will host the 2017 Employee Conversation on Scientific Integrity. He will summarize the 2016 Annual Report and findings from the 2016 employee survey. He will be joined by Steve Alderton, EPA's Whistleblower Ombudsman.

2017-2018 SBIR Phase I Solicitation Webinar

ORD is hosting an [HYPERLINK "https://www.eventbrite.com/e/us-epa-2017-2018-small-business-innovation-research-sbir-solicitation-webinar-registration-37395571160"] on Sept. 28 at 2 p.m. The solicitation is scheduled to open for proposals in October 2017. The webinar will highlight this year's topics and how to apply for an SBIR contract. The program purpose is to support eligible small businesses in the development and commercialization of innovative environmental technologies.

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Superfund support: Groundwater sampling in Montana
During the week of October 2nd, ORD will conduct groundwater sampling at the East Helena Superfund Site. Groundwater samples will be analyzed for a suite of metals, metals speciation, anions, and stable isotope ratios. The data will be used to evaluate the long-term performance of a pilot groundwater remediation technology used for arsenic contamination at the site and to evaluate co-contaminant behavior of arsenic and selenium in groundwater. This project is a collaborative effort with Region 8 and helps stakeholders understand the factors that govern arsenic and selenium mobility and attenuation in groundwater and methods for groundwater treatment. The East Helena Superfund site is the location of a former lead and zinc smelter which deposited heavy metals, arsenic, and other hazardous chemicals into the soil, surface water, and groundwater of the Helena Valley.

Perchlorate
On October 2, ORD will participate in a second interagency discussion on the draft charge for OW's upcoming peer review of their draft *Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal (MCLG) for Perchlorate in Drinking Water*. A meeting to discuss comments on the draft document will be held at a later date. Representatives from OMB, CEQ, OSTP, HHS, DoD, FDA, SBA, NASA, and DoE are expected to participate.

American Chemistry Council Long-Range Research Initiative Strategic Science Team
On October 3 ORD staff will participate in an American Chemistry Council (ACC) Long-Range Research Initiative Strategic Science Team (LRI SST) meeting on their exposure research activities. ORD will provide an overview of the high-throughput exposure research, with the goal of helping LRI SST members identify LRI projects that have the potential to make the most impact. These projects will contribute to the strategic goals of improving the understanding of consumer exposures and advancing risk-based decision making in product stewardship and TSCA.

OMB Meeting on IRIS. On October 3, ORD is scheduled to provide an update on the IRIS Program to the Office of Management and Budget as a follow up to our organizational briefing last week.

<u>Last week Highlights</u>
ORD/OW Discussion: Nutrient Reduction Prize
ORD and OW met to discuss the Nutrient Reduction Prize Competition. This competition is being developed by an interagency partnership with EPA, USGS, NOAA and USDA in an effort to support management of excess nitrogen in U.S. waters. The goal of the competition will be to identify new treatment solutions that improve nitrogen removal and management in a range of water systems. Specifically, this competition will advance the efficiency and feasibility of affordable nitrogen reduction in water systems adversely impacted by nutrient pollution that are not served by current treatment systems.

Nutrient Sensor Action Challenge
On September 20, ORD received 11 submissions for Stage 1 of the Nutrient Sensor Action Challenge. Interdisciplinary teams from 9 states and 5 EPA regions submitted plans for using low-cost nutrient sensors in state and local nutrient pollution management decisions. Up to 5 winning applications will be selected for Stage 1 prizes. Winners will each receive $10,000. In addition, the winners will be recognized and

be invited to participate in webinars and workshops which will provide information and guidance for participating in Stage 2, launching in Spring of 2018.

Video About EPA's Water Security Test Bed Receives R&D Award at WEFTEC

ORD's Water Security Test Bed (WSTB) [HYPERLINK "https://www.youtube.com/watch?v=olCs_kbegBA&feature=youtu.be"] has won the Research & Development (R&D) category of the Interactive Knowledge Exchange (IKE) at the 2017 WEFTEC. WEFTEC, a conference and tradeshow for water technology, is recognized as the largest annual water quality technical conference and exhibition. The WSTB, constructed in 2013 and located at Idaho National Laboratory (INL), replicates a section of a typical municipal drinking water piping system. It enables EPA to support the water sector's priority need to test in full scale any treatment technology or tool to inform response and recovery. This video highlights the growing and strategic use of video by the Homeland Security Research Program as one means of translating our research to various audiences.

Underground Transport Restoration (UTR) Project Wraps up with Huge Impacts

The final quarterly project meeting for the Underground Transport Restoration (UTR) Project was held this week in RTP. EPA staff participated in the meeting to highlight the accomplishments in developed capabilities for sampling, decontamination, and waste management challenges associated with an anthrax spore release in underground transport systems. This meeting concludes the four-year, joint project between EPA and the Department of Homeland Security dedicated to developing capabilities to support the rapid return to service of subway systems after a biological agent incident. Presentations by EPA, [HYPERLINK "https://www.anl.gov/about-argonne"], [HYPERLINK "http://www.sandia.gov/about/"], [HYPERLINK "https://www.llnl.gov/about"], and [HYPERLINK "https://ll.mit.edu/"] discussed capabilities developed through lab testing, model development and field testing sponsored by the UTR project. These efforts included close coordination with the Bay Area Rapid Transit (BART) and New York City Metropolitan Transportation Authority (NYC MTA) to understand remediation challenges after the release of anthrax spores in a subway system, developing sampling and decontamination capabilities, and devising plans to aid the rapid return to service of the systems. Several of these lab-developed capabilities were transitioned to field-proven methods during the CMAD-led decontamination of a subway rail car and the remediation of a mock subway station and tunnel at Ft. AP Hill, VA a year ago. The results from this project will help prepare our urban centers for rapidly returning their transportation systems to operation following a biological release.

Atmospheric Water Generator CRADA

ORD is working with OGC to finalize a Cooperative Research and Development Agreement (CRADA) with a company to facilitate the potential use of atmospheric water generators (AWGs) to expand the availability of water during interruptions of service such as water shortages or water contamination events. The CRADA will focus on assessing the quality of the water generated and any potential health risks that it might pose. In addition, the CRADA will aim to identify scenarios where AWGs could be viable water sources.

Webinar presentation to New Jersey Water Monitoring Council

On September 20 ORD presented a webinar, "EPA Current Research on Cyanotoxins in Fish Tissue," to the New Jersey Water Monitoring Council (NJWMC) during their meeting on [HYPERLINK "http://www.nj.gov/dep/wms/NJWMC%209-20-17%20Agenda%20Final%20rev.pdf"]. The NJWMC is a

statewide partnership that addresses the biological, chemical, physical, and ecosystem aspects of water monitoring, including surface and ground waters, freshwater, estuarine, and marine environments in New Jersey. Members include representatives of the NJ Department of Environmental Quality, NJ Department of Health, NJ Sea Grant Consortium, NJ Water Supply Authority, Delaware Basin Commission, EPA Region 2, USGS, the Interstate Environmental Commission, NOAA, universities, and local watershed associations.

Sharing Technology and Methods with States

The Region 4 Science and Technology Liaison and the Director of the Site Characterization and Monitoring Technical Support Center recently coordinated assistance to provide state scientists in New Jersey, Oregon, and Delaware with information on how to use EPA's updated[HYPERLINK "https://www.epa.gov/land-research/proucl-software"]. ProUCL provides statistical methods and graphing tools to address environmental sampling and statistical issues at Superfund sites.

Small Systems Monthly Webinar Series to highlight the DeRISK National Small Systems Research Center work. On September 26, the webinar attracted approximately 700 attendees. Scott Summers and Chad Seidel from the University of Colorado Boulder highlighted a decision support methodology developed by the DeRISK Center to address decision making challenges by deciding what criteria are most important to stakeholders and providing an easy way to compare technology alternatives to each other with respect to each criterion.

Baltimore Urban Waters Partnership Meeting

On September 27, ORD and Region 3 along with members of the [HYPERLINK "https://www.epa.gov/sites/production/files/2016-09/documents/villagebluefactsheet.pdf"] project team, attended the Baltimore Urban Waters Partnership Meeting at the USGS Science Center in Baltimore, MD, to present EPA's work to visualize and interpret real-time sensor and weather data. Local stakeholders, including Blue Water Baltimore, the National Aquarium and the City of Baltimore attended the meeting.

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Office of Water

Hot Issues

Hurricane Response Update

Maria: Region 2, Puerto Rico: Caribbean Environmental Protection Division (CEPD) began field inspections on 9/26 and visited several Puerto Rico Aqueducts and Sewers Authority (PRASA) plants near San Juan. Assessment teams will also go out 9/27 to visit 5 additional PRASA plants. Of PRASA's total 52 total plants, 9 are operational, 19 are non-operational, and 24 have an unknown operational status.

Region 2, St Croix: A joint EPA and Department of Planning and Natural Resources (DPNR) team sampled 9 public drinking water systems on 9/25/17, with 20 more sampled on 9/26/17. These facilities are up and operating, and are part of approximately 150 total facilities on the island. Analysis of the 9 samples collected on 9/25 show positives for Ecoli for 3 of the systems. Disinfection of these cistern based community systems is required.

Irma: the US Army Corps of Engineers (USACE) and EPA Water Protection Division (WPD) continue to assist Florida Department of Environmental Protection (FDEP) in assessing the status of drinking water and wastewater facilities. Water team members in the EPA Region 4 office have conducted 183 assessments, leaving 71 that appear to need a site visit. The Key Largo Water Team completed FDEP-assigned field assessments and met with utility personnel regarding the operational status of their drinking water system. The Naples Water Team completed FDEP-assigned assessments with visits to two public water systems and a wastewater system. Per the Florida Department of Health's website, of the 478 Boiler Water Notices issued since September 11, 380 have been rescinded and 98 remain active.

National Water Quality Inventory Report to Congress: Today, OW signed forward to OP and OCIR the National Water Quality Inventory Report to Congress. Prepared pursuant to Section 305(b) of the Clean Water Act, the Report presents information on water quality conditions in the U.S., drawing from the National Aquatic Resource Surveys (NARS) and State targeted site-specific monitoring and assessments. The report provides water quality information that states, tribes, and others can use to inform water resource protection and restoration priorities.

Release of Testing Version of Modernized Drinking Water Data System: This week, OW anticipates releasing the 0.8 version of SDWIS Prime for state testing. The State Drinking Water Information System- Primacy Agency, or SDWIS Prime, will modernize the drinking water data system that the majority of states use to manage their drinking water programs and report to EPA. This modernized system, one of the Agency's commitments to the states under the E-Enterprise for the Environment effort, will improve state efficiency and facilitate direct e-reporting, which will increase data accuracy and completeness while decreasing the reporting burden for primacy agencies, utilities and laboratories. This allows the states to then make more informed decisions and strategically focus their resources on public health protection. OW has worked closely with states in the development of SDWIS Prime through its Advisory Board and numerous staff-level workgroups. At state request, version 0.8 will allow states to test the Lead and Copper Rule and some of the

drinking water microbial rules. OW will load state data into SDWIS Prime version 0.8 so that states can test the system with their own data. OW will continue to work with states on finalizing the system and making corrections as a result of state testing. The final version of SDWIS Prime is scheduled for release in March, 2018.

Waters of the U.S.: This week, EPA and Army held the second outreach webinar on September 26 focused on recommendations for the step 2 rule from environmental and public advocacy organization. Approximately 130 participants joined the webinar with 21 individuals providing statements. The next webinar will be on October 3 focused on conservation organizations. The step 1 proposed rule public comment period also closed this week on September 27. We have received over 198,000 comments.

2017 Five Star and Urban Waters Grant Program: Next week, the National Fish and Wildlife Foundation (NFWF) will issue a press release announcing the recipients of the 2017 Five Star and Urban Waters Grants. Of the 260 proposals received nationwide in 2017, 65 community-led wetland, stream and coastal restoration projects have been awarded approximately $2.5 million in grants. Additionally, the grantees have committed $5.2 million in local project support, creating a total conservation investment of more than $7.6 million in projects that will restore wildlife habitat and urban waters across all of EPA's regions. We are working with NFWF to develop a press release template for the Regional offices to amplify the announcement.

WaterSense Awards: Next week, the WaterSense program will announce the winners of the 2017 Partners of the Year awards as part of the WaterSmart Innovations Conference. Each year WaterSense recognizes those partners who have gone above and beyond in supporting WaterSense. WaterSense will recognize seven Sustained Excellence Award winners, five WaterSense Partners of the Year, and eight Excellence Award winners for helping to advance and promote WaterSense and water efficiency.

Upcoming Public Events

Water Environment Federation's Annual Technical Exhibition & Conference (WEFTEC): Next week, Lee and I will attend WEFTEC in Chicago, IL. This is the world's largest annual water quality technical conference and exhibition to connect water professionals. We will participate in multiple sessions, including speaking about the future of water, clean water policy, and water technology innovation.

Last Week Highlights

Source Water Protection Workshop: This week, EPA hosted a Source Water Protection workshop during the annual conference of the Ground Water Protection Council (GWPC) in Boston, MA, on the theme "Opportunities for Partnerships & Collaboration". The workshop brought together about 50 participants from four EPA regions and 12 states, and showcased effective collaboration and partnership efforts at the national, state, and local levels. State participants such as Vermont and Iowa shared their experiences and lessons learned on a variety of creative approaches that can be used to form and sustain partnerships to protect drinking water sources.

Financial Leadership Report: This week, OW published the report *Water Infrastructure Financial Leadership: Successful Financial Tools for Local Decision Makers.* The report was developed in coordination with ECOS to be a resource for local leaders considering water infrastructure investments. The document highlights successful financial tools to help inform local water infrastructure investment decisions.

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