Message

From: Carey, Curtis [Carey.Curtis@epa.gov]
Sent: 2/10/2021 10:49:14 PM
To: Halstead, Amanda [halstead.amanda@epa.gov]; Tapp, Joshua [Tapp.Joshua@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]
CC: Gotto, Lisa [Gotto.Lisa@epa.gov]
Subject: RE: For Review - State hot issues for OCIR - due Feb. 10

Wow! These are great. Bravo Zulu to the person/s who wrote them.

From: Halstead, Amanda <halstead.amanda@epa.gov>
Sent: Wednesday, February 10, 2021 4:26 PM
To: Tapp, Joshua <Tapp.Joshua@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>
Cc: Carey, Curtis <Carey.Curtis@epa.gov>; Gotto, Lisa <Gotto.Lisa@epa.gov>
Subject: RE: For Review - State hot issues for OCIR - due Feb. 10

Thanks Josh! I will go ahead and include the additional POCs for all the topics. Earlier today I reached out to the R9 LRC that is compiling this info to get a better pulse on the appropriate POC level, but haven't been able to connect with him yet. So I'll add the POCs and send this forward shortly with a copy to you all.

From: Tapp, Joshua <Tapp.Joshua@epa.gov>
Sent: Wednesday, February 10, 2021 4:03 PM
To: Halstead, Amanda <halstead.amanda@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>
Cc: Carey, Curtis <Carey.Curtis@epa.gov>; Gotto, Lisa <Gotto.Lisa@epa.gov>
Subject: RE: For Review - State hot issues for OCIR - due Feb. 10

Hey Amanda,

This looks good....one request for change. On the POC column for all topics, pls add

Ed Chu, Acting RA and DRA
Josh Tapp, Sr Advisor to Acting RA
Curtis Carey, PAD
+ Div Dir

You can leave out phone numbers to make more room. Once you have made these changes, pls go ahead and send.

Thanks.

Josh

From: Halstead, Amanda <halstead.amanda@epa.gov>
Sent: Wednesday, February 10, 2021 11:54 AM
To: Chu, Ed <Chu.Ed@epa.gov>
Cc: Tapp, Joshua <Tapp.Joshua@epa.gov>; Carey, Curtis <Carey.Curtis@epa.gov>; Gotto, Lisa <Gotto.Lisa@epa.gov>
Subject: For Review - State hot issues for OCIR - due Feb. 10
Importance: High

Hi Ed-

Attached are the Region 7 state hot issues for the OCIR request that is due today (see the state topic tab). I've also copied them below in case it is easier for you to review in an e-mail.

Please let us know if you have any edits before we send these forward. Thanks!

STATE HOT ISSUES

OCIR Request: Enter the top 3 hot issues specific to each state/territory that are of particular interest to that state/territory and that are likely to come up in conversation with their leadership. This is not intended to provide briefing-level information and is to raise awareness for the new political team in OCIR.

State	EPA Program Area Use dropdown list or type in	Issue Title Enter short descriptive title (e.g., XYZ Copper Mine)	State-Specific Issue Description Briefly describe in 2-3 sentences why this is important to the specific state/territory and/or what they want/need from EPA	EPA POC Name & phone #
IA	Air	Biofuels & Renewable Fuel Standards (RFS)	Iowa leads the nation in producing 25% of all the ethanol in the nation. The ethanol industry is interested in limiting or denying exemptions to the RFS. In 2018, the ethanol industry sued EPA claiming the Agency improperly granted Small Refinery Exemptions (SREs) and the 10th Circuit recently struck down three exemptions granted by EPA. EPA has 65 outstanding SRE requests, many likely impacted by the 10th Circuit Case which has been appealed to the Supreme Court. The state of Iowa would likely support the ethanol industry position that these SRE's hurt the ethanol industry and would additionally ask EPA to provide certainty in the ethanol market for a specified volume through the RFS.	Dana Skelley 913-551-7923
	Land	Dico (Des Moines TCE) Superfund Site Cleanup & Redevelopment	IDNR has worked closely with EPA on cleanup and redevelopment of the Dico site which has been the subject of significant city, public, and congressional interest, primarily focusing on the need to change the blighted condition of the property. On 2/1/21, a Consent Decree between the U.S., Dico/Titan, and the city of Des Moines was entered by the Court, resolving years of litigation and providing a clear path for site cleanup and future redevelopment of the site. The litigation also resulted in significant cost recovery for the U.S. and sets an important precedent on the issue of CERCLA arranger liability. IDNR is interested in EPA completing site cleanup projects necessary to support redevelopment, and is	Mary Peterson 913-551-7882

			interested in pursuing partial site deletion as soon as possible.	
	Wtr	Meskwaki Tribe TAS	Local state legislators have expressed concern regarding Meskawki's TAS which was granted in 2019, primarily from an ag and municipal perspective that standards might force activities on non-tribal lands. Both national and state legislators have been briefed, and EPA will work with Tribe as they work on draft standards (which just arrived in house).	Jeff Robichaud 913-551-7146
KS	Air	Flint Hills Prairie Pre-Scribed Fires	KS and OK burn about 2.3 million acres of Flint Hills tallgrass prairie during spring prescribed fires to preserve and manage rangelands. In 2003, air quality evaluations confirmed that rangeland burning can significantly impact air quality downwind, most frequently in Nebraska and Missouri. EPA and KS Dept of Health & Environment have been working to balance public health, tallgrass prairie preservation, and partnerships with the KS livestock industry. EPA advocates for spreading out the burn window over months/seasons and continues to do extensive outreach education and partnership building. The state will be interested in continued EPA support in education and outreach with flexibility in addressing exceedances through exceptional events requests as needed.	Dana Skelley 913-551-7923
	Air	NAAQS Lead Redesignation in Saline, KS	This nonattainment lead redesignation is a priority for the state of Kansas, as this is the last remaining nonattainment area in the state. There is at least three years of clean data for the area, and good progress has been made, however the former source declared bankruptcy and there is a new source owner. KDHE is concerned about working with a new source, potential changes at the source and impacts to redesignation, and their level of experience with redesignations. EPA is working closely with Kansas on redesignation planning.	Dana Skelley 913-551-7923

	Enfrcmnt	Off-Site Rule Determination at Superfund Sites for Chat Sales	The Tar Creek Superfund Site in Region 6 has chat sales for commercial use as an integral part of the remedy. Use of chat in road asphalt is the largest use, and asphalt companies in Missouri and Kanas are major buyers. CERCLA requires that any facilities that receive Superfund cleanup waste be in compliance with other environmental laws (CWA, CAA, etc), and so Region 7 has to make determinations of compliance for asphalt companies before they can receive waste from the Tar Creek site. Making these determinations quickly enough to not disrupt the timeframes desired by the purchasers is difficult. We are working cooperatively with Kansas to gather the info from state files necessary to complete these determinations, but it is an unanticipated workload for the state and they have expressed concerns about meeting expected timelines	Dave Cozad 913-551-7587
MO	Lnd	West Lake Landfill (WLL) Superfund NPL Site	The WLL Superfund Site contains radiologically impacted material (RIM) and has been the subject of considerable public interest for over 8 years. The remedial design for the portion of the site with RIM is underway with completion planned for late 2022. Community and congressional members have expressed frustration with the time to complete the additional investigations and design work necessary to implement the remedial action. Historically, EPA has been asked to relocate residents living near the site but EPA determined that site conditions do not warrant relocations at this time based on available data. MDNR has been actively engaged in the technical aspects of the ongoing OU1 RD investigation and OU3 RI. In addition, MDNR is the lead agency for portions of OU2 and is interested in advancing the implementation of the OU2 remedy. EPA and MDNR are working very collaboratively on this complex project.	Mary Peterson 913-551-7882
	Lnd	Big River Watershed Multi-Site Project *(Big River Mine Tailings & SW Jefferson County Superfund NPL Sites)*	The Big River watershed includes 107 river miles, 14,000 acres of floodplain, and 500 residences impacted from historic lead mining. Impacts at the sites have resulted in excessive, uncontrolled human health and ecological risks. EPA is pursuing an Interim Record of Decision (IROD) which could exceed $800 million. It is expected that much of the burden for cleanup will rest with EPA and the state. Many stakeholders including federal and state agencies, PRPs, and the public are expected to engage on the remedy decision during the upcoming IROD public comment period. MO state agencies have expressed support for a remedy that addresses lead contamination, however there are concerns about the state's cost share. MDNR is also interested in EPA signing the IROD as soon as possible so that	Mary Peterson 913-551-7882

		the state can make decisions about restoration projects they can perform using funds from a NRD settlement. EPA and MDNR are working collaboratively in order to leverage available funding.	
Enfrcmnt	EPA Inspection & Enforcement Presence	MO has taken the position since 2017 that they do not want any federal inspections or enforcement in delegated programs in MO. We have largely assented. This is out of step with our history in MO and other R7 states, our current practice in other R7 states, and Agency practice around the country.	Dave Cozad 913-551-7587
Wtr	303d Overlist	EPA is overlisting 40 lakes for nutrients. Public comment period was extended to 3/22. Lake of the Ozarks and Truman will generate significant concern and MO does not support listing at senior levels.	Jeff Robichaud 913-551-7146
Lnd	Underground Storage Tank (UST) State Program Approval	R7 received an UST/LUST Program re-SPA (State Program Approval) application from Missouri in January 2019 and has been working to address issues related to state agency roles and responsibilities for the program. The Missouri UST Program approval and operation of the state insurance fund are linked and there have been concerns regarding adequate program funding and program implementation practices. Recently MDNR has made progress in working with the state insurance fund to resolve issues related to the program funding and fund operation. Additionally, MDNR and the state insurance fund have been collaborating on two legislative packages to be considered in the 2021 state legislative session, that may provide permanent fixes to some of our state program concerns. R7 continues to work with MDNR to find a pathway to resolve the outstanding program deficiencies and move forward with the re-SPA application.	DeAndre Singletary 913-551-7373
Air	St Louis Ozone Designation Remand & Vehicle Inspection/Maintenance Removal	MO has requested removal of the requirement for vehicle Inspection/Maintenance (IM) for Jefferson County and part of Franklin County which were historically included in the St. Louis Ozone non-attainment area, but re-designated in 2015 as attainment. The state also requested the removal of the IM requirement from the part of Franklin County that is still nonattainment. The Jefferson County designation was remanded to EPA for consideration in July 2020. On Jan. 19, 2021, former Administrator Wheeler signed final designations in response to the remand which includes a nonattainment designation	Dana Skelley 913-551-7923

			for Jefferson County. This will effectively not allow for IM removal. These final designations are pending review by the new Administration. MoDNR, the MO Legislature and citizens are interested in the outcome of the vehicle IM removal request.	
NE	Enfrcmnt	AltEn	AltEn is an ethanol producer that uses waste pesticide treated seed as feedstock. Wet-cake and wastewater from the production process contains high levels of pesticides, and the facility does not have adequate waste handling practices for these wastes. The community around the facility is concerned, and numerous press articles have recently highlighted the situation. Action needs to be taken to require the facility to cease the improper handling of wastes, which could require the facility to shut down due to cost. The state is in the lead on this matter for now, but has asked for EPA to be engaged and we may need to get further involved if the facility will not cooperate with the state.	Dave Cozad 913-551-7587
	Enfrcmnt	Big Ox	This is a civil enforcement action against a methane digester facility in eastern NE that had serious violations of the CAA. It is a joint EPA-State case. The parties are in prefiling negotiations now over penalty amount, and are far apart. A complaint may need to be filed soon in federal district court. As of now, EPA and NDEE are in total agreement as to case strategy and settlement position but it is possible that could change if negotiations break down. The environmental issues at this facility resulted in considerable community and press attention.	Dave Cozad 913-551-7587
	Air	Regional Haze	As a result of litigation on the first planning period regional haze SIP, EPA took a remand of the Long Term Strategy (LTS) for SO2 Best Available Retrofit Technology (BART) for NPPD's Gerald Gentleman Station (GGS). Neither the state nor EPA has finalized any action to address this outstanding obligation to date. Nebraska is in the process of developing its RH SIP for the second planning period and EPA believes that Nebraska can address the outstanding obligation for the LTS for SO2 BART at GGS as part of their second round SIP submission. We are working with Nebraska on the development of their SIP. If Nebraska addresses this outstanding obligation, we will also be able to move forward on outstanding infrastructure SIP submissions related to visibility or Prong 4. GGS has already raised "affordability" of controls as an issue for the second planning period	Dana Skelley 913-551-7923

			to OAR. Nebraska may need our guidance/support on this affordability issue as they work with the source.	
	Wtr	Winnebago Tribe TAS	EPA approved the Winnebago TAS application in January. The Governor and several lawmakers had expressed serious concerns echoing stakeholders regarding tribal sovereignty and non-tribal members living on tribal land, however these concerns were not germane to EPA's action. No immediate action is expected although Winnebago is expected to start working to develop standards in the future.	Jeff Robichaud 913-551-7146

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From: Chu, Ed <Chu.Ed@epa.gov>
Sent: Friday, January 29, 2021 1:49 PM
To: Halstead, Amanda <halstead.amanda@epa.gov>
Cc: Tapp, Joshua <Tapp.Joshua@epa.gov>; Carey, Curtis <Carey.Curtis@epa.gov>
Subject: FW: ACTION - State hot issues for OCIR - due Feb. 10

Amanda, I would like to ask you to lead prep for our response. Thank you.

Edward H. Chu | Deputy Regional Administrator
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
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From: Jordan, Deborah <Jordan.Deborah@epa.gov>
Sent: Friday, January 29, 2021 11:55 AM
To: Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>
Cc: Amato, Paul <Amato.Paul@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Saddler, Melissa <Saddler.Melissa@epa.gov>
Subject: ACTION - State hot issues for OCIR - due Feb. 10

Hi all,

As Casey Katims, Deputy Associate Administrator for Intergovernmental Affairs, described earlier this week, he'd like our assistance in identifying the top hot issues specific to each state and territory. We've created the attached spreadsheet to collect the information in a common format that is easily viewed and sorted. We request your responses **by February 10**.

This inventory is intended to gather basic information by Region on current high-profile matters in each state and territory that are likely to be on the top of the list for discussions with EPA. These should be the top 2-3 issues specific to the state or territory, not national issues. A tab has been created for each Region with a list of states and territories. There are also brief instructions included.

After filling out your Region's information, please return the spreadsheet to me and to Paul Amato, AO Lead Region Coordinator and DRA Special Assistant, at amato.paul@epa.gov.

Feel free to reach out to me with any questions about content and to Paul with any questions about the spreadsheet.

Thanks for your help.

Deborah Jordan
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