Message

From: Tanimura, Erin [Tanimura.Erin@epa.gov]
Sent: 2/23/2021 2:58:39 PM
To: Gray, David [gray.david@epa.gov]
Subject: FW: ACTION [DUE COB TODAY]: R6 Weekly Update February 23
Attachments: RA Update Draft Final 02-18-jm.docx; Unused 02-18.docx

Importance: High

David, I removed the Winter Storm updates as those previously included are now dated, and updates have been provided directly to HQ. The Denka entry looks to be a duplicate of previous ones, so I think it can be removed.

Sue and Turk are working with Air to set up a briefing for the two upcoming RA signature items - the Texas SIP FRN (Diesel Emissions Reduction Incentive Program), and the NM Exceptional Events Demonstration.

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R6 Weekly Update
February 23, 2021

Hot Topics

COVID-19
Region 6 is coordinating closely with state and tribal environmental and public health agencies as well as EPA HQ offices to elevate and address challenges quickly. Dallas Renaissance Tower and Addison Warehouse are in Phase 2. The El Paso Border Office, Houston laboratory, and Tulsa field office are in Phase 1. To date, we have had minimal response from our state immunization contacts regarding the availability of vaccine for our first response personnel.

Denka Performance Elastomer, LaPlace, Louisiana
Since becoming fully operational in October 2020, the continuous air monitors around the Denka neoprene manufacturing facility have measured elevated levels of chloroprene for four 24-hour periods. New data shows an additional elevated level of chloroprene was detected from samples collected in December. On February 5, Denka declined to provide information responsive to the Region's January 6 written request, citing both technical and legal concerns. EPA extended plans to operate the Continuous Air Monitoring Program until February 28, in order to collect monitoring data during a facility turnaround re-scheduled from last November.

NPDES Oil and Gas Program Authorization, Texas
On February 12, Region 6 was granted an extension from the Texas Commission on Environmental Quality for transferring records for approximately 55 permit files with supporting documents to TCEQ, in support of TCEQ's recently approved partial NPDES program authorization for oil and gas discharges. In accordance with the Memorandum of Agreement between EPA and TCEQ, transfer of records and files must occur within 30 days from the date of authorization (February 15). However, due to the COVID-19 pandemic, accessibility to permit records and files is limited. The new deadline is March 15.

Toltec Mounds, Lonoke County, Arkansas
On February 15, Riverbend Estates, LLC responded to Region 6's February 1 request for information concerning the alleged CWA 404 violations associated with the spillway water control structure and pipeline sites at Mound Lake, Arkansas. The alleged violations have severe secondary impacts to Toltec Mounds, an archeological site designated as a

National Historic Landmark that contains Quapaw burial grounds. Region 6 updated the Quapaw Tribe on February 10 on our enforcement action. The case team is reviewing Riverbend Estates' responses and plans to visit the site in late February or early March to complete the waters of the United States analysis.

Ethylene Oxide, Texas and Louisiana

Region 6 is working with the Texas Commission on Environmental Quality and Louisiana Department of Environmental Quality on options for completing the technical assessment and conducting outreach in the communities near ethylene oxide-emitting facilities (four in Texas and five in Louisiana). Region 6 will coordinate with OAQPS on several action items resulting from a conference call with TCEQ on February 9 and follow up with TCEQ in two or three weeks. Region 6 met via conference call with LDEQ on February 18.

National Energy Advisory Team

On February 16, Region 6 continued to host the National Energy Advisory Team (NEAT) biweekly meeting to provide opportunities for EPA Headquarters and Regional team members to share insights and discuss projects and related energy topics. During the meeting, OAQPS highlighted the restart of the OOOOa workgroup and provided context on possible avenues forward given the current timetable. OECA relayed a question from the AO on abandoned well plugging and possible authorities. Region 6 shared the DOE 202(c) ERCOT Emergency Order, IOGCC's request for more EPA program office representation on the EPA/IOGCC Taskforce and DOE's programs with overlapping interest with the Agency. The next meeting will be held on March 1. EPA Region 6 will continue to issue the Weekly Energy Brief, to update leadership and team members on the status of the oil and gas sector, renewables, the electric grid and other energy areas of interest.

Oiltanking, Houston Ship Channel, Texas

Oiltanking is pursuing a permit through the Corps of Engineers for a dredging project adjacent to the Houston Ship Channel. The proposed project is located in an area with former RCRA waste management units. Region 6 and the Texas Commission on Environmental Quality have been providing ongoing technical support to the Corps including reviewing historical and current information, identifying data gaps, and making sampling recommendations. The next step is for the Corps to request a sampling plan from Oiltanking on the dredging project (the "Tide" project), that fulfills the recommendations made by TCEQ (with which Region 6 is in agreement) as well as additional sampling that the Corps would like to have included.

Air Quality, El Paso, Texas-Juarez, Chihuahua-Dona Ana County, New Mexico

On February 11, Region 6 participated in the 79th meeting of the Joint Advisory Committee for the Improvement of Air Quality in the Juarez, El Paso and Dona Ana County Air Basin (JAC). The JAC approved a resolution to recommend and raise priorities to the Binational Fund for dispensing financial resources for the air quality monitoring network in the airshed. The Binational Fund is the first-of-its-kind mechanism to support long-term operations and maintenance for the air quality monitoring network and may serve as a model for future binational agreements between the U.S. and Mexico.

Public Drinking Water, San Angelo, Texas

On February 9, Region 6 informed commercial air carriers using the San Angelo Regional Airport (SJT) that the City of San Angelo issued a precautionary citywide DO NOT USE advisory. As a result of this advisory, Region 6 informed air carriers subject to EPA's Aircraft Drinking Water Rule (American Airlines, Envoy, Elite Air (EPA Region 1), Sun Country Airlines (EPA Region 5) and Swift Air (EPA Region 9)) not to board water from this airport. Late on February 9, the City of San Angelo lifted the DO NOT USE advisory for the high plane part of the system that includes the SJT airport.

January Environmental Services, Inc., Oklahoma City, Oklahoma

On November 30, DOJ filed a Complaint against January Environmental Services, Inc. (JES) and Cris January in the Western District of Oklahoma alleging nine claims for relief. On February 5, counsel for JES and Mr. January filed a Motion to Dismiss for six of the nine alleged claims. The government's response will be prepared and filed by February 26, 2021. The case involves violations of the used oil and hazardous waste regulations.

Coal Combustion Residuals Program, Oklahoma
On February 22, all parties were directed to "file motions to govern further proceedings" in this case, which is in abeyance. On February 17, Region 6 attended a briefing by ORCR and OGC for the OLEM DAA regarding the Oklahoma

Ex. 5 AC/DP

Major Decisions and Events

RCRA Cluster XXIV, Texas
During the week of February 22, Region 6 intends to authorize the State of Texas for portions of Hazardous Waste regulations under RCRA Cluster XXIV. The Final Rule will authorize the State of Texas for additional federal hazardous waste rules contained in the State of Texas program revision application, including e-Manifest, and changes associated with the revisions to the Definition of Solid Waste. No additional requirements will be imposed on the regulated community by this action because the regulations for which the State of Texas is being authorized are already effective and enforceable requirements under State law. The public comment period closed on December 7. Region 6 did not receive any adverse public comments.

Diesel Emissions Reduction Incentive Program, Texas
On February 25, Region 6 expects to propose approval of a non-controversial Texas SIP revision for the voluntary Diesel Emissions Reduction Incentive Program. The program provides grants to reduce emissions from diesel-powered vehicles and equipment in areas designated as nonattainment for an air quality standard or other counties identified by the Texas Legislature. The revisions: (1) lowered the required minimum usage for grant-funded vehicles and equipment in the eligible area from 75% to 55% and (2) removed Victoria County from the list of counties eligible for program grants.

Exceptional Events Final Demonstration, New Mexico
By March 1, Region 6 expects to concur on the New Mexico Environment Department's 2018 Exceptional Event package requesting that PM10 particulate matter less than 10 microns in diameter (PM10) data from specific dates be excluded from calculations for design values used to determine compliance with the national ambient air quality standard for PM10.

Inter-pollutant Trades, Texas
By March 5, Region 6 expects to inform the Texas Commission on Environmental Quality and four companies with inter-pollutant trades requests pending (Lyondell, Targa, Enterprise WHB, and Enterprise) of the impact of the January 29 D.C. Circuit court decision vacating inter-pollutant trading provisions of the 2018 ozone implementation rule.

March 4 Texas Industry Project Quarterly Meeting (virtual)