Administrator's Actions

- **Needed by January 10: Administrator's signature requested (OMS):** Delegation of Authority 2-93A, Vessel Sewage. (OMS POC: Deborah Ward-Beard, [HYPERLINK "mailto:beard.deborah-ward@epa.gov"], 513-569-7766)
- **Needed by January 10: Administrator's signature requested (OMS):** 30/40/50 Federal Service Awards. (OMS POC: Kimberly Wheeler, [HYPERLINK "mailto:wheeler.kimberly@epa.gov"], 202-564-1877)
- **Needed by January 10: Administrator's signature requested (OMS):** Response to Secretary Cardona on Executive Order 14041 on White House Initiative on Advancing Educational Equity, Excellence and Economic Opportunity Through Historically Black Colleges and Universities. (OMS POC: Tania Allen, [HYPERLINK "mailto:allen.tania@epa.gov"], 301-232-4973)
- **Needed by January 10: Administrator's signature requested (OECA/OCSPP):** Following the public comment period and as part of the public docket to withdraw two FAQs from EPA's website that state that EPA will not enforce the TSCA Lead-based Paint Renovation, Repair and Painting (RRP) Rule against property management companies (PMCs) for RRP violations by outside contractors hired by PMCs. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) James Miles, [HYPERLINK "mailto:miles.james@epa.gov"], 202-564-5161)
- **Needed by January 11: Administrator's signature requested (OAR):** Response to Petition for EPA to Develop an Endangerment Finding for Lead Emissions from Aircraft: EPA has received a petition to develop a proposal regarding endangerment related to lead emissions from piston-engine aircraft. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP)
- **Needed by January 12: Administrator's signature requested (OP):** National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction (Final rule). In this action, EPA is finalizing technical revisions and clarifications for the national emission standards for hazardous air pollutants (NESHAP) for MSW Landfills established in the **March 26, 2020,** final rule. (OP POC: Bill Nickerson, [HYPERLINK "mailto:Nickerson.William@epa.gov"], 202-566-0326)
- **Needed by January 12: Administrator's signature requested (OP):** Control of Air Pollution from Aircraft Engines: Emission Standards and Test Procedures (Proposed Rule). Re-signature requested December 27. EPA is proposing particulate matter (PM) emission standards and test procedures applicable to certain classes of engines used by civil subsonic jet airplanes (those engines with rated output of greater than 26.7 kilonewtons (kN)) to replace the existing smoke standard for aircraft. (OP POC: Bill Nickerson, [HYPERLINK "mailto:Nickerson.William@epa.gov"], 202-566-0326)
- **Needed by January 12: Administrator's approval requested (OP):** Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Regional Haze State and Federal Implementation Plans (Final rule). EPA is finalizing approval of a State Implementation Plan (SIP) revision submitted by the State of North Dakota on **August 3, 2020**, addressing regional haze. (OP POC: Bill Nickerson, [HYPERLINK "mailto:Nickerson.William@epa.gov"], 202-566-0326)
- **Needed by January 12: Administrator's approval requested (OP):** Civil Monetary Penalty Inflation Adjustment (Final rule). EPA is promulgating this final rule to adjust the level of the maximum (and minimum) statutory civil monetary penalty amounts under the statutes the EPA

administers. (OP POC: Bill Nickerson, [HYPERLINK "mailto:Nickerson.William@epa.gov"], 202-566-0326)

- **Needed by January 12: Administrator's approval requested (OP): Petition to Revise the Non-Hazardous Secondary Material Standard: Proposed Response** (Notification of tentative response to petition for rulemaking). EPA is responding to a rulemaking petition from American Forest and Paper Association et al. ("the petition") requesting amendments to the Non-Hazardous Secondary Materials (NHSM) regulations, initially promulgated on **March 21, 2011, and amended on February 7, 2013, February 8, 2016, and February 7, 2018,** under the Resource Conservation and Recovery Act (RCRA). The EPA is proposing to deny the requested amendments. (OP POC: Bill Nickerson, [HYPERLINK "mailto:Nickerson.William@epa.gov"], 202-566-0326)
- **Needed by January 17: Administrator's signature requested (OMS):** Request to Lift the Biweekly Maximum Earning Limitation (Biweekly Pay Cap) Due to Work Critical to the Agency's Mission for the Benton Harbor Drinking Water Response and Filter Performance Study. (OMS POC: Loretta Hunt, [HYPERLINK "mailto:hunt.loretta@epa.gov"], 202-564-6963)

Region 1

Acting Regional Administrator Signature Items

- On **December 13**, R1 signed a final notice that approves Connecticut's Transport SIP for the 2015 ozone NAAQS. This notice approves the "Good Neighbor" (or interstate transport) CAA provisions for this air-quality standard. (R1 POC: Lynne Hamjian, [HYPERLINK "mailto:hamjian.lynne@epa.gov"], 617-918-1601)
- On **December 28**, R1 signed a letter to the Chief of Micmac Nation addressing concerns about use of the herbicide glyphosate in Maine, the common active ingredient in most Roundup® products. (R1 POC: Nancy Barmakian, [HYPERLINK "mailto:Barmakian.Nancy@epa.gov"], 617-918-1202)

Hot Topics

- On **December 13**, US DOJ lodged a proposed consent decree in US District Court resolving alleged Clean Air Act violations by Synagro Northeast, LLC and the City of Woonsocket, RI related to operation of a sewage sludge incinerator. Pursuant to the consent decree, defendants are required to meet all federal requirements, including complying with emission limits for nine air pollutants, and to pay a $373,660 penalty. The proposed settlement affects an area with potential EJ concerns.
- On **December 14**, R1 approved TMDLs for six metals for Buckeye Brook and Tributaries to Warwick Pond in Rhode Island, to restore the aquatic life uses of the waterbodies. Buckeye Brook was first listed as impaired on the state's 303(d) list in 1998, and RI DEM began work on the TMDL study in 2008.
- On **December 15**, R1 notified the Environmental Appeals Board (EAB) of its decision to withdraw the load-based permit limits for the Marlboro Westerly WWTF, MA which were contested by Organization of the Assabet River (OARs). Until a new permit is issued, the concentration-based limits in the previous permit will remain in effect. This agreement resolved the appeal filed by the OARs.

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- On **December 17**, R1 finalized a consent order with the City of Fall River, MA to address CWA violations. The order requires the City to reduce combined sewer overflow (CSO) discharges, rehabilitate its wastewater treatment plant, optimize existing CSO chlorination facilities, evaluate new CSO screening disinfection options, and update its integrated plan. The City is expected to spend $126 million to implement these projects. Fall River is a community with low income and minority populations and EJ concerns.
- On **December 21**, R1 submitted two Massachusetts RCRA Authorization FR notices. The notices, scheduled to be published **January 4**, authorize revisions to the hazardous waste program. The final authorization will be effective 60 days after the date of publication unless EPA receives adverse written comments within 30 days. The revisions include additional hazardous waste listings as well as Universal Waste Rule Provisions for Mercury Containing Equipment, Cathode Ray Tube Exclusion, Academic Laboratories Generator Standards, and Conditional Exclusions for Solvent Contaminated Wipes.
- On **December 16**, R1 met with South Fork Wind, LLC to discuss comments received on the draft permit for the South Fork Windfarm. South Fork Wind, LLC provided clarifying information on the operating scenarios for the generator engines that will be used at the windfarm. R1 anticipates issuing a final permit decision in January 2022.

Region 2

Hot Topics

- **Limetree Bay Refining:** ***Consent Decree Modification:*** On **December 30, 2021,** the U.S. District Court for the U.S. Virgin Islands approved and entered the First Modification of the 2011 consent decree (CD Mod) between the United States, the USVI and Hovensa, concerning the oil refinery on St. Croix. DOJ had filed a motion in **April 2021** for the court's entry of the CD Mod. The entry of the CD Mod. accomplishes a number of things, including substituting Limetree Bay Refining and Limetree Bay Terminals for Hovensa on the consent decree; adding the Environmental Response Trust (ERT) (which is conducting the long-term groundwater remediation at the facility under RCRA) as a party; changing some of the work requirements that were contained in the original CD; and enabling Hovensa to transfer several million dollars to the ERT for use in the groundwater cleanup, and for Hovensa then to dissolve. We expect that there will be another CD modification in the future, adding to the CD the winning bidders for the refinery, currently identified as West Indies Petroleum Ltd. and Port Hamilton Refining and Transportation, LLLP (WIP/PHRT). (The lawsuit in which the CD and the CD Mod. were filed is a separate case from the one we filed against Limetree in **July 2021** to seek relief under Section 303 of the Clean Air Act to address an imminent and substantial endangerment caused by the refinery operations.) ***Bankruptcy:*** WIP and PHRT have until **January 21** to close the purchase transaction with Limetree Refining. (Two of the unsuccessful bidders have filed appeals of the bankruptcy court's **December 21, 2021** order approving the sale to WIP/PHRT; the appeals have no effect on the schedule for the sale unless the sale order is stayed pending appeal.)
- **Ex. 5 Attorney Work Product (AWP)**

Ex. 5 Attorney Work Product (AWP)

- **Favorable Decision on Mt. Kisco, NY Superfund Site:** On **December 27, 2021**, the SDNY District Court ruled in *Cannistra Realty, LLC, v. EPA, et al.*, upholding an EPA administrative order for access under CERCLA against the plaintiff, the owner of contaminated property in Mt. Kisco, Westchester County, New York. For ten months, EPA attempted to obtain consent to access the property to investigate possible radioactive contamination. Plaintiff set unreasonable conditions, tantamount to denying access. EPA finally issued a CERCLA administrative access order, which plaintiff challenged in this lawsuit. EPA counterclaimed to compel compliance and sought civil penalties. At a court-mandated settlement conference, plaintiff agreed to grant EPA access to the property, but continued to challenge the order. The court ruled for EPA and imposed and imposed a penalty of $62,250 for 83 days of non-compliance.

Miscellaneous

- **Ezra Prentice Homes Meeting:** R2 will hold a meeting and listening session with the community, likely in early **February**, as a follow up to Administrator Regan's August 2021 visit to the Ezra Prentice Homes in Albany, NY. On **December 13, 2021**, R2 had an initial planning meeting with representatives from Congressman Paul Tonko's Office, Legislator Carolyn Mclaughlin, NYSDEC, NYSDOH, HUD, Capital District Transportation Committee, the Albany Housing Authority, and the Port of Albany.

Region 3

Regional Administrator Signature Items

- **January 3:** RA submitted a Summary of the Clarksburg Drinking Water Issues for the EPA Administrator (R3 POC: Michael Dunn, [HYPERLINK "mailto:Dunn.Michael@epa.gov" \h], 215-814-2712)
- **January 3:** RA signed the West Penn Power Consent Decree Package (R3 POC: Douglas Frankenthaler, [HYPERLINK "mailto:Frankenthaler.Douglas@epa.gov" \h], 215-814-2472)
- **January 3**: DRA signed four State Implementation Plans (0531, 0554, 0834 & 0854), (R3 POC: Cristina Fernandez, [HYPERLINK "mailto:Fernandez.Cristina@epa.gov" \h], 215-814-2178)
- **January 3:** DRA signed the Notice of Proposed Rulemaking for an Outer Continental Shelf - Consistency Update for Commonwealth of Virginia (EPA-R03-OAR-2021-0767), (R3 POC: Cristina Fernandez, [HYPERLINK "mailto:Fernandez.Cristina@epa.gov" \h], 215-814-2178)

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- **December 28:** RA signed the ECAD & LSASD Re-Organization Decision Memorandums (R3 POC: Kevin Schuman, [HYPERLINK "mailto:Schuman.Kevin@epa.gov" \h], 215-814-5338)

Items awaiting Regional Administrator Signature -

- Due **January 6:** For RA signature, WVDEP Messer DOJ Referral & Joint Prosecution Agreement (R3 POC: Douglas Frankenthaler, [HYPERLINK "mailto:Frankenthaler.Douglas@epa.gov" \h], 215-814-2472)
- Due **January 10:** For DRA or RA signature, EPA Response to Department of Energy & Environment (DOEE) 2020 DC Exceptional Events (EE) Rule (R3 POC: Cristina Fernández, [HYPERLINK "mailto:Fernandez.Cristina@epa.gov" \h], 215-814-2178)

Hot Topics

- **R3 Settles Alleged SPCC Violations at Pennsylvania Petroleum Storage and Distribution Facility in Greensburg, PA [Docket No. CWA-03-2022-0014.]** On **November 30, 2021,** R3's ECAD Division Director signed a proposed Consent Agreement between EPA and Buckeye Terminals, LLC, settling alleged violations of the CWA's Spill Prevention, Control, and Countermeasure (SPCC) requirements with a penalty of $67,856. This case helps ensure compliance by Buckeye with spill prevention regulations and to mitigate potential discharge threats into nearby waterways and adjacent PA communities.
- **EPA R3 Regional Tribal Operations Committee Holds First Annual Meeting** – The first annual meeting of the EPA R3 Regional Tribal Operations Committee (RTOC) was held on **December 14, 2021**. All seven Federally recognized tribes in R3 were represented and gave individual tribal updates during the meeting. The primary purpose of the meeting was to help inform R3 on issues important to tribes and on EPA operations that affect tribes.
- **Bay Congressional Staff Briefed on Chesapeake Bay Allocation in the Bipartisan Infrastructure Law (BIL) -** On **December 14**, EPA HQ and R3 provided a briefing to staffers representing congressional offices across the Chesapeake Bay watershed. EPA explained the development of a "spend plan" per the BIL and that the $238,000,000 for the Chesapeake Bay over the next five years appropriated in the BIL will be allocated based on the language in the BIL and the FY'21 explanatory statement language for geographic programs referenced in the BIL.

Region 4

Regional Administrator Signature Items

- On **December 29**, the following Notices were signed: Sullivan County, Tennessee Sulfur Dioxide Finding of Failure to Attain Determination proposed rulemaking (TN-FFA-PR); Jefferson County Emissions Statements Requirements for the 2015 8-Hour Ozone Standard Nonattainment Area (KY-282); Approval of Mecklenburg County General Provisions (NC-228); and North Carolina Minor Revisions to Cotton Ginning Rule (NC-257). (R4 POC: Caroline Freeman, [HYPERLINK "mailto:freeman.caroline@epa.gov"], 404-562-8976)

Hot Topics

- **Reginal Administrator External Engagement in Washington DC:** On **January 11-12**, Regional Administrator Blackman will be in Washington DC for individual meetings with Congressional members to include Congressman Bennie Thompson (MS-2) and Congressman James Clyburn (SC-6).
- **New Indy Catawba, LLC:** On **December 29**, EPA lodged a proposed Consent Decree with New Indy to resolve EPA's Clean Air Act Section 303 imminent and substantial endangerment civil action against New Indy. New Indy has agreed to a civil penalty of $1.1 million to resolve alleged violations of EPA's **May 13, 2021** CAA Section 303 Order and to enforceable measures designed to prevent New Indy from emitting hydrogen sulfide above health-based concentration levels at its fence line. The Consent Decree is subject to a 30-day public comment period.
- **Notice of Intent; Manatee Mortality** – On **December 20**, EPA received a Notice of Intent (NOI) from Earth Justice alleging that the EPA has unlawfully failed to reinitiate Endangered Species Act consultation with the U.S. Fish and Wildlife Service (FWS) relative to EPA's **November 30, 2012** approval of Florida's estuary-specific numeric nutrient water quality criteria (NNC for nitrogen, phosphorus, and chlorophyll-a). Since **December 1, 2020**, more than 719 manatees have died and there have been 67 rescues in the estuaries along the Florida Atlantic coast largely in the Indian River Lagoon. Region 4 is working with the OW and OGC in response to this NOI.
- **Old Davis Hospital Superfund Site (Statesville, NC) and Pineville Textile Mill Superfund Site (Pineville, NC):** On **January 3, 2022**, the case for recovery of EPA's costs at these two sites is scheduled for trial before a judge and a jury in the U.S. District Court for the Western District of North Carolina. The U.S. is seeking to recover $2.5 million in response costs.

Region 5

Regional Administrator Signature Items

- On **December 30**, the RA signed a second modification to the GLLA project agreement between EPA and U.S. Steel for remedial action work at the U.S. Steel Duluth Works/Spirit Lake Sediment project site in Duluth, Minnesota, within the St. Louis River AOC. (R5 POC: Chris Korleski, [HYPERLINK "mailto:korleski.christopher@epa.gov"], 312-353-8320)
- The RA is scheduled to sign a *Federal Register* notice approving the redesignation request for the Rhinelander area in Wisconsin. (R5 POC: John Mooney, [HYPERLINK "mailto:mooney.john@epa.gov"], 312-886-6043)
- The RA is scheduled to sign an amendment to the GLLA project agreement between EPA and the Minnesota Pollution Control Agency for remediation and habitat restoration at the Ponds Behind Erie Pier site in the St. Louis River AOC in Duluth, Minnesota. (R5 POC: Chris Korleski, [HYPERLINK "mailto:korleski.christopher@epa.gov"], 312-353-8320)

Hot Topics

- EPA continues to respond to concerns about lead in drinking water in Benton Harbor, Michigan. In mid-December, EPA concluded the fieldwork portion of its filter studies, where sampling occurred at 240 homes. The Region is continuing to process the nearly 2,000 samples in the laboratory and is continuing to communicate preliminary results to residents through phone calls and letters. EPA

has drafted a response to the **September 9** petition, which is undergoing additional review at headquarters.

- R5 will host a meeting of state environmental agency directors on **January 12**. These monthly meetings are part of an ongoing effort to enhance our partnership with state agency directors. The round-robin communication style allows each state to report on hot issues and provide updates to their ongoing efforts.

Region 6

Regional Administrator Signature Items

- By **January 10**, R6 will respond to Multicultural Alliance for a Safe Environment correspondence regarding the ongoing CERCLA remediation at the Homestake Gold Superfund site.

Hot Topics

- **Northwest Arkansas Conservation Authority, Arkansas:** On **December 30**, R6 sent General Objection letters to the Arkansas Department of Environmental Quality and the permittees for the Northwest Arkansas Conservation Authority (NACA) and the Springdale NPDES permits. By **January 7**, R6 will issue the Specific Objection Letter for the NACA permit. By **January 14**, R6 will issue the Specific Objection Letter for the Springdale permit.
- **St Bernard Parish, Louisiana:** On **December 28**, a Federal Register notice was published extending the comment period to **January 13** for EPA's proposed finding that the St. Bernard sulfur dioxide (SO2) nonattainment area failed to attain the SO2 ambient air quality standard by the attainment deadline of **October 4, 2013**.
- **January 11:** Regional Tribal Operations Committee Meeting
- **January 13:** SAFETEA Consultation

Region 7

Hot Topics

- On **January 10, 11, and 13,** R7 is holding our annual meeting with R7 states and tribes on the Clean Water Act 303(d) and Total Maximum Daily Load programs. Major topics for discussion include environmental justice training, on-going regional and national litigation, updates on major Tribal rules and treaties, climate change, and national program initiatives.
- On **January 11**, R7 is holding our first meeting with Iowa, Kansas, Missouri, and Nebraska to discuss the Bipartisan Infrastructure Law (BIL) ramp-up, timeline, and spend plan. The states are asked to share any information or news that they may have about areas of focus or resource commitments regarding these Administration priorities. R7 currently plans to hold these calls monthly to ensure that lines of communication remain open and that our strong state partnership

achieves the greatest benefit possible for our communities in need. If a Build Back Better (BBB) plan is passed into law, discussions about the implementation of that law will also be included in future calls.

- On **January 25**, R7 will host the first virtual National Listening Session for EPA's Draft Lead Strategy. The R7 Lead and Sustainability Advisory, R7 Information Technology staff, and R7 Public Affairs staff are working with HQ staff. RA Meg McCollister will provide introductory remarks.

Region 8

Hot Topics

Marshall Fire, Boulder County, Colorado

- On **January 1, 2022**, EPA R8 Superfund and Emergency Management Division received a FEMA Activation Mission Assignment (MA) for the Marshall Fire response. The Activation MA directs EPA to provide personnel to participate in coordination calls/meetings as requested to support disaster operations.
- R8's Water Division has also been working with Colorado Department of Public Health and Environment (CDPHE) as they address water issues in the burn area.

White Mesa Mill CERCLA Off-Site Rule Determination

- R8 and the Office of Radiation and Indoor Air will hold an informal conference with Mill owner/operator Energy Fuels on **January 6** to discuss EPA's initial determination that the Mill is unacceptable for receiving CERCLA wastes.
- If information presented in the informal conference does not support a determination of acceptability, Energy Fuels will have 10 calendar days after EPA issues a final notice of unacceptability, to request a reconsideration from the Regional Administrator.
- R8 is planning a site visit of White Mesa Mill on **January 13 and 14**. The State of Utah will be invited.

Region 9

Regional Administrator Signature Items

Anderson Air Force Base, Guam

- The RA intends to sign letters to Guam Senator Sabina Flores Perez and to Earth Justice responding to concerns regarding Guam EPA's proposed draft RCRA permit and health issues surrounding open burn/open detonation. EPA is initiating a rulemaking process to revise regulations pertaining to this type of disposal reflecting the latest information regarding alternative treatment technologies for energetic waste. (R8 POC: Barbara Gross, 415-972-3972)

Hot Topics

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Drinking Water Emergency at Joint Base Pearl Harbor-Hickam (HI)

- This week, EPA and Navy will finalize an Interagency Agreement to support EPA's continued participation in the multiagency response. As of **January 4**, flushing of the water distribution system has been completed in seven of 19 zones, pending confirmation sampling results. Residential flushing and sampling will follow successful system flushing in each zone. Outreach to residents, social media audiences and stakeholders continues. EPA has three OSCs and three expert members of our Water Emergency Team onsite and has deployed two mobile labs to California to assist with analytical capacity. Last week, we responded to a Senate Appropriations Committee's request for a cost estimate for the Navy to set up and sustain an environmental lab at the University of Hawaii.

Border 2025 California-Baja California Regional Coordinators Meeting

- This week, we will host the first Border 2025 binational meeting for California/Baja California Regional Coordinators. Program partners include federal and state agencies in the U.S. and Mexico and all federally recognized tribes in the area. Discussion will focus on our partners' regional environmental priorities, recently funded projects focused on water quality and emergency preparedness, and development of an Action Plan. EPA will also advocate for expanding and strengthening environmental justice integration in the Border 2025 Program.

Primacy Program Revision for the Commonwealth of the Northern Mariana Islands

- Last week, we approved the Commonwealth of the Northern Mariana's primacy program revision request for adoption of the federal Ground Water Rule. The public has 30 days to request a public hearing, elsewise the approval will become effective on **February 2.**

Region 10

Acting Regional Administrator Signature Items

- 12/28/2021: Letter directing payment from the Tulalip Landfill Superfund Trust account to the Tulalip Tribes of Washington.
- 12/29/2021: Hilcorp Alaska Amendment: Underground Injunction Control Financial Responsibility Requirement

Miscellaneous

- **State Revolving Fund Helps Rebuild Water System After Wildfires (OR):** The City of Detroit, Oregon suffered catastrophic damage during the 2020 Lionshead Complex wildfire including to its water treatment facility. $200,000 from EPA's Drinking Water State Revolving Fund is helping co-fund reconstruction of this facility. Detroit is deemed a disadvantaged community by the State of Oregon.

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- **R10 Healthy Schools News January Issue:** The January issue of R10's Healthy Schools News will offer readers practical tools to help keep classrooms healthier for students and staff. This e-newsletter reaches about 6,000 school officials across R10.
- **Major Milestone Achieved at Idaho National Laboratory:** The U.S. Department of Energy completed the final exhumation and out of state shipment of transuranic waste as required under an agreement between the State of Idaho and DOE. More than 10,300 cubic meters of waste were removed and shipped one year ahead of schedule.
- **Portland Water Bureau Continues to Detect Cryptosporidium (OR):** The Portland Water Bureau detected low levels of Cryptosporidium from routine monitoring of the Bull Run Watershed on **December 27**. Cryptosporidium was last detected on **November 29.**
- **R10 Issues Underground Injection Control Permits to Oil and Gas Facilities in Alaska and Idaho:** In the first week of January, R10 will issue Class 1 Underground Injection Control permits to two oil and gas facilities in Alaska. In addition, in mid-January, the region will issue a draft permit for public comment for the Snake River Oil & Gas facility in Idaho following an invitation for Government-to-Government consultation to the Shoshone-Bannock Tribes.

Office and Air and Radiation

Acting Assistant Administrator Signature Items

- On **January 3**, Principal Deputy Assistant Administrator Joseph Goffman provided EPA's approval of the National Radon Action Plan (NRAP) 2021-2025. The NRAP 2021-2025 was reviewed for concurrence by all member organizations of the NRAP Leadership Council. The NRAP 2021–2025 is the third installment of a strategy anchored by EPA to ramp up action on radon. The NRAP Leadership Council has set a goal for the nation to find, fix and prevent high indoor radon levels in 8 million buildings by 2025; to prevent an average of at least 3,500 lung cancer deaths per year; and to save one-quarter of a million lives in those buildings over the next 74 years.

Hot Topics

- On **January 4**, EPA held a virtual public hearing on its proposal for the "Renewable Fuel Standard (RFS) Program: RFS Annual Rules" which was signed on **December 7, 2021**. In this action, EPA is proposing the 2020, 2021, and 2022 renewable fuel standards, several regulatory changes to the RFS program, and to address the remand of the 2016 standard-setting rulemaking. There were 218 registered participants for the public hearing, of which 81 were registered to speak.
- Beginning on **January 4**, EPA will launch its outreach campaign announcing that January is National Radon Action Month. Throughout the month of January, the Office of Radiation and Indoor Air (ORIA), Regional Offices, and their state grantees are encouraging Americans to test and fix their homes as part of National Radon Action Month (NRAM). The annual outreach campaign features a national press release, social media posts, stakeholder engagement messages in English and in Spanish, new infographics and targeted outreach by EPA Regional programs. Regional public affairs offices will be encouraged to amplify the headquarters announcements.

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Additional social media messages will be sent throughout the month to emphasize the importance of radon testing and mitigation, and to highlight EPA's radon resources.

- On **January 11**, EPA's Office of Air Quality Planning & Standards (OAQPS) will host a webinar, titled "EPA's Enhanced Air Quality Monitoring for Communities Grant Competition: Informational Webinar." The webinar will provide an opportunity for participants to have their questions answered regarding EPA's recent announcement of $20 million in available funds under the American Rescue Plan Act of 2021 (ARP) for eligible entities to conduct ambient air monitoring of pollutants of greatest concern in communities with environmental and health outcome disparities stemming from pollution and the COVID-19 pandemic.

Office of the Chief Financial Officer

Chief Financial Officer Signature Items

- **On December 30**, OCFO transmitted the Administrator's required Antideficiency Act violation notifications to Congress, the President, and GAO regarding FY 2017 and FY 2018 expenses. (OCFO POC: Maria Williams, [HYPERLINK "mailto:williams.maria@epa.gov"], 202-564-3021)

Hot Topics

- OMB confirmed the FY 2023 Passback will not occur before **January 10** but has not provided a specific revised date. The FY 2023 President's Budget submission to Congress as well as other related deliverables, including the *Final Draft FY 2022-2026 EPA Strategic Plan*, FY 2022-2023 APG Action Plans, and Evidence Act *Final Draft Learning Agenda* and *Final Draft Capacity Assessment*, will be delayed by about the same amount of time as the Passback to allow time to account for budget levels and policy guidance included in Passback.
- OCFO shared the Deputy Administrator's input on the *Final Draft FY 2022-2026 EPA Strategic Plan* and extended the deadline for Core Team responses from **January 7 to January 12**.
- OCFO continues to work with key senior officials and program offices to implement the Bipartisan Infrastructure Law (BIL). OCFO submitted the Spend Plan to OMB on December 17 for review and clearance and received OMB's initial comments on **December 23**. OCFO is preparing a response to transmit to OMB this week. The CFO also issued budget guidance to the agency on **December 28** followed by technical guidance issued by the Office of Budget. In addition, OCFO is fine-tuning the Program Integrity Guidance for the infrastructure programs based on results of the OAR pilot. This guidance will focus on performing risk assessments and evaluating the effectiveness of internal controls for specific programs related to the BIL. On **January 10,** OCFO will provide the EPA Steering Committee an update on initial analysis results and next steps to apply continuous improvement support to BIL implementation.

Miscellaneous

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- The E-Enterprise for the Environment Leadership Council co-chairs' New Year greeting is scheduled to be distributed to the E-Enterprise community, comprised of internal EPA and external stakeholders, on January 5. The message was developed with input from the Leadership Council's co-chairs: Janet McCabe, EPA EELC chair; Myra Reece, state EELC chair; and Kari Hedin, tribal EELC chair.
- On **January 5**, OCFO will meet with the U.S. Patent and Trademark Office's Director of Process Improvement to share information and best practices from each agency's continuous improvement program.
- On Tuesday **January 11**, OCFO will meet with the Director of the Arizona Department of Environmental Quality as a follow-up to the state and tribe pre-summit session the AZ DEQ provided in December 2021.

Office of Congressional and Intergovernmental Relations

Hot Topics

- **January 4 – 6 -** State Environmental Secretaries from priority states will meet with leadership from EPA's Office of Intergovernmental Relations and Office of Land and Emergency Management to discuss forthcoming action from the agency on coal combustion residuals or "coal ash." Among the meetings taking place this week are with the environmental secretaries of Michigan, New York, North Carolina, and Illinois.
- **January 6** -Mayor LaToya Cantrell of New Orleans, Louisiana will meet with EPA Administrator Regan to discuss his visit to the City in November and the environmental justice issues raised during his tour of the Gordon Plaza affordable housing development, which the Mayor is seeking to develop into a solar farm.
- **January 7**- Dialogue with Intergovernmental Associations on the Bipartisan Infrastructure Law. EPA's Office of Intergovernmental Relations will lead the next regularly scheduled dialogue with Intergovernmental Associations to continue regular engagement on BIL implementation. Participants from the agency include EPA's Office of Water, Office of Air and Radiation, Office of Chemical Safety and Pollution Prevention, and Office of Land and Emergency Management.
- **January 7 (T) -** Administrator may do a virtual BIL water infrastructure event with Representative Steny Hoyer (D-MD 5th District).

Office of Chemical Safety and Pollution Prevention

Assistant Administrator Signature Items

- **AA Signature projected by January 10 (OCSPP):** On an FR document announcing that there will be a 3-day public peer review virtual meeting of the Science Advisory Committee on Chemicals (SACC) to consider and review the draft EPA TSCA Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities. In addition, EPA is announcing the availability of and soliciting public comments on the draft approach, which will be

presented as a screening level methodology for assessing potential air and water chemical exposures to fenceline communities. (OCSPP POC: Angela Hofmann, [HYPERLINK "mailto:hofmann.angela@epa.gov" \h], 202-564-0258)

Hot Topics

- As part of the comprehensive Strategic Roadmap to confront the human health and ecological risks of PFAS, EPA will announce the addition of five PFAS to the Toxics Release Inventory (TRI). The Fiscal Year 2020 National Defense Authorization Act (NDAA) provides the framework for adding additional PFAS to the TRI each year. The NDAA also identifies certain regulatory activities, including finalization of toxicity value and Significant New Use Rules under TSCA, that automatically add PFAS or classes of PFAS to the TRI beginning January 1 the following year. Per the NDAA requirements, these PFAS additions became effective as of **January 1, 2022.** Reporting forms for these PFAS will be due to EPA by **July 1, 2023,** for calendar year 2022 data. Finalization of a toxicity value is a triggering regulatory action under the NDAA for automatic addition to the NDAA, and in April 2021, EPA finalized a toxicity value for perfluorobutane sulfonic acid (PFBS), potassium perfluorobutane sulfonate, and perfluorobutanesulfonate. One PFAS was added because it is subject to EPA's 2020 long-chain PFAS Significant New Use Rule under TSCA. Another PFAS had been identified for addition to the TRI list based on the NDAA's provision to include certain PFAS upon the NDAA's enactment; however, due to a confidential business information (CBI) claim related to its identity, as provided by the NDAA, this PFAS was not included on the TRI list until EPA completed its review of the CBI claim. This PFAS was included in updates to the confidential status of chemicals on the TSCA Inventory published by EPA in October 2021, and thus was added to the TRI list due to the CBI declassification.
- EPA will announce that before the agency registers any new conventional pesticide active ingredient (AI), EPA will evaluate the potential effects of the AI on federally threatened or endangered (listed) species and their designated critical habitats, and initiate ESA consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services), as appropriate. If EPA finds through its analyses that a new pesticide is likely to adversely affect listed species or their critical habitats, EPA will initiate formal consultation with the Services before registration and consider whether the registration may jeopardize the continued existence of listed species or adversely modify their designated critical habitat. In addition, EPA intends to release an overall ESA workplan in the coming months.
- EPA will renew time-limited registrations for Enlist One and Enlist Duo prior to their expiration in January 2022 Enlist One and Enlist Duo are herbicides used for post emergence control of broadleaf weeds. These herbicides offer a potential alternative to over-the-top dicamba. The new product labels incorporate robust ESA mitigation measures. EPA's ecological risk assessment found direct risks to non-listed and listed plants from runoff and indirect risks to animals that rely on these affected plants for diet or habitat, including non-listed and listed animals and some designated critical habitats. Based on these findings, the Agency is implementing a variety of control measures to protect honey bees, on-field listed animals, and their designated critical habitats, as well as off-field listed animals and their designated critical habitats. Additionally, as required under ESA, EPA has made effects determinations for Enlist One and Enlist Duo and has initiated formal consultation with the U.S. Fish and Wildlife Service.

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Office of Enforcement and Compliance Assurance

Acting Assistant Administrator Signature Items

Ex. 5 Deliberative Process (DP)

Hot Topics

- **Three Companies Face Criminal Charges of Negligent Conduct During Offshore Oil Leak that Damaged Southern California Coastline:** A 17-mile-long pipeline, which was used to transfer crude oil from several offshore facilities to a processing plant in Long Beach, California, began leaking on the afternoon of **October 1, 2021**. Amplify Energy, Beta Operating, and San Pedro Bay Pipeline allegedly continued to operate the damaged pipeline, on and off, until the next morning. As a result of the negligent conduct, an estimated 25,000 gallons of crude oil was discharged from a point approximately 4.7 miles west of Huntington Beach into the Pacific Ocean from a crack in the 16-inch pipeline. On **December 15**, the defendants were indicted in the Central District of California for illegally discharging oil during the pipeline break.
- **Monsanto Agrees to Plead Guilty to Illegally Using Pesticide at Corn Growing Fields:** After using the Forfeit 280, a glufosinate ammonium-based product, in 2020 on corn fields on Oahu, Hawaii, Monsanto allowed workers to enter the fields during a six-day "restricted-entry interval" after the product was applied. As a result of this new conduct, the company violated a 2019 Deferred Prosecution Agreement (DPA) related to the storage of Penncap-M, a banned pesticide. Monsanto will plead guilty to two felony RCRA charges filed in 2019 that the government would have dismissed if the company had complied with federal law. On **December 9**, Monsanto admitted in a filed plea agreement that it committed 30 misdemeanor FIFRA crimes. Monsanto will serve three years of probation, pay a total of $12 million, and continue for another three years a comprehensive environmental compliance program that includes third-party auditor.

Office of General Counsel

Hot Topics

- New Decision: *Northwest Environmental Advocates v. EPA,* No. 2:20-cv-01362-MJP (W.D. Was.) -On **December 29**, the U.S. District Court for the Western District of Washington issued a decision vacating EPA's denial of Northwest Environmental Advocates' (NWEA) Clean Water Act (CWA) rulemaking petition. NWEA's petition requested that EPA exercise its CWA 303(c)(4)(B) authority to determine whether new or revised aquatic life water quality criteria were necessary for Washington waters. The court found that EPA's denial of NWEA's petition was unreasonable and not grounded in the CWA, rejecting the three bases for EPA's decision, namely: (1) cooperative federalism, (2) resource constraints, and (3) assertions about the stringency of Washington's existing human health criteria as well as certain existing aquatic life criteria.
- New Decision: *Iowa League of Cities v. EPA,* No. 11-3412 (8th Cir.) – On **December 22**, the Eighth Circuit Court of Appeals partially granted and partially denied Petitioner's request for mandamus relief to enforce a March 2013 decision. The Court held that its prior decision finding that EPA exceeded its statutory authority in regulating the practice of "blending" applied to both sanitary sewer systems (SSS) and combined sewer systems (CSS).
- New Decision: *Food and Water Watch v. EPA,* 20-71554 (9th Cir.) - On **December 16**, the Ninth Circuit Court of Appeals issued a new order, superseding the prior decision described below and remanded the relevant permit to EPA rather than vacating it. On September 16, the Ninth Circuit had issued a decision finding that the monitoring provisions in EPA's general permit for concentrated animal feeding operations in Idaho were inadequate and vacated the permit. EPA requested panel rehearing of the court's vacatur on the grounds that vacatur would be unduly disruptive; it would shift permitting authority to Idaho and the State would be required to initiate the permit issuance process anew if it had chosen to issue a CAFO general permit.

Miscellaneous

- New Litigation: *Center for Investigative Reporting v. EPA,* 4:21-cv-9680 (N.D.Cal.)- On **December 15**, the Center for Investigative Reporting filed a Freedom of Information Act (FOIA) complaint in the Northern District of California. The complaint alleges that the Office of Air and Radiation (OAR), Office of Atmospheric Programs (OAP) failed to timely respond to two FOIA requests (EPA-2022-000018 & EPA-2022-000019) which sought Natural Gas STAR Program annual reports and implementation plans from 2010 to 2021, for all segments of the oil and natural gas industry.
- New Litigation: *Board of County Commissioners of Weld County, CO v. EPA,* (D.C. Cir.)– On **December 15**, Board of County Commissioners of Weld County, CO filed a Petition for Review of "Additional Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards: El Paso County, TX and Weld County, CO," challenging the portion of the rule that applies to Weld County, CO.

Office of International and Tribal Affairs

Hot Topics

- On **January 11**, EPA Administrator Regan and WHO Director-General Tedros Adhanom, will virtually sign the EPA-WHO Memorandum of Understanding that covers a range of environment and health issues. WHO has been a longstanding and valued international EPA partner,

collaborating on health-related topics including climate change, air quality, children's environmental health, chemicals and toxics, water sanitation, and environmental burden of disease. In 1992, former EPA Administrator Reilly and former WHO DG Dr. Hiroshi Nakajima signed the first EPA-WHO MOU.

- On **January 12**, EPA Administrator Regan and United Nations Food and Agriculture Organization Director-General Dr. Qu Dongyu, will meet to identify areas of potential collaboration. The meeting is expected to focus on mobilizing ambitious action to mitigate climate change, such as reducing food loss and waste, reducing methane emissions associated with food production, and promoting a more sustainable and resilient global food system.
- **On January 13,** EPA (OITA and R6) will host a consultation with Oklahoma Tribal nations on the **December 22, 2022**, withdrawal and reconsideration of the Agency's decision from **October 1, 2020**, granting the State of Oklahoma's request to extend its EPA-approved environmental regulatory programs into certain areas of Indian country within Oklahoma. The comment period on the proposed withdrawal and reconsideration ends on **January 31, 2022.**
- On **January 13**, EPA (OITA and R10) will participate in a consultation with the Chiefs in the Interior of Alaska in the Tanana Chiefs Conference Region on the proposed Ambler Road project. The previous Administration approved permits and authorization by DOI and USCOE for a proposed access road that runs across much of interior Alaska to the Ambler mining district without meaningful tribal consultation.

Office of Land and Emergency Management

Hot Topics

- **Non-Hazardous Secondary Materials (NHSM).** The NHSM Standards Petition Response package is with OP for OMB review.
- **Risk Management Program Retrospection Notice of Proposed Rulemaking (NPRM).** On **December 16**, option selection was held.
- **Clean Water Act Hazardous Substances Worst Case Discharge NPRM.** On **November 19**, OLEM briefed OMB on the rule and background. OMB has agreed to an expedited 45-day review.
- **Designation of PFOA and PFOS as CERCLA Hazardous Substances NPRM.** The final agency review (FAR) meeting was held **December 13**, and the package will go to OP for OMB review shortly thereafter.
- **Coal Combustion Residuals (CCR**).
    - The notice re-opening the comment period for 60 days for the CCR Beneficial Use and Waste Piles NODA was published in the Federal Register (FR) on **March 12, 2021**. The public comment period ended on **May 11, 2021**.
    - We are developing the first batch of responses to applications for extensions past the deadline to cease receipt of waste. The regulations toll the deadline until the Agency acts on the applications. We are working closely with OGC, OECA, affected regions, and others.
- **Ongoing major Federal Facilities and Superfund National Priorities List (NPL) sites.** We are working with R4 on Oak Ridge Reservation; R6 on Chevron/Questa; R7 on Big River Watershed; and R9 on Hunters Point Naval Shipyard.

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- **National Brownfields Training Conference.** This conference is now scheduled for **August 16 – 19, 2022.**

Office of Mission Support

Hot Topics

- After months of hard work, on **January 3**, the new [HYPERLINK "https://www.epa.gov/careers"] was launched. The new webpage features new graphics, user-friendly navigation, and many new resources for individuals interested in working for the EPA, including a page for [HYPERLINK "https://www.epa.gov/careers/hiring-outreach-events"], [HYPERLINK "https://www.epa.gov/careers/how-apply-applying-usajobsgov"], and [HYPERLINK "https://www.epa.gov/careers/equal-opportunity-employment-epa"].
- There are multiple upcoming outreach events scheduled in January, targeting students and recent grads at Minority Serving Institutions.
    - HBCUs and Predominantly Black Institutions (Students and Alumni) on **January 18 and 19**
    - Native-Serving Institutions and Tribal Colleges (Students and Alumni) on **January 25**
    - Latin American and Hispanic-Serving Institutions (Students and Alumni) on **January 27**
    - Asian American and Pacific Islander-Serving Institutions (Students and Alumni) on **February 1**
- Microsoft 365/Teams Federation with the Small Business Association: The Office of Digital Services and Technical Architecture and Office of Information Technology Operations successfully established federation with the SBA as part of a pilot initiative. EPA employees, especially in the Office of Small and Disadvantaged Business Utilization, can now chat with SBA employees and include them in Microsoft Teams meetings.

Office of Policy

Hot Topics

- **January 5 – National Environmental Justice Advisory Council Public Meeting:** The National Environmental Justice Advisory Council (NEJAC) will convene a public meeting on Wednesday **January 5**. Administrator Regan will join the NEJAC to provide a welcome and update on priority EJ actions underway at EPA and engage the membership in dialogue following his remarks. NEJAC will spend the majority of time during this meeting deliberating on final recommendations to EPA regarding the multiyear strategic plan and updates on the work of various NEJAC working groups. The NEJAC will then hold a public listening session to close out the meeting.
- **January 14 - Establishing a baseline for Objective 1.2 (Climate Adaptation) Long Term Performance Goals (LTPGs):** OP continues to work closely with all the Programs and Regions through the Cross-EPA Work Group on Climate Adaptation and the Performance Measures Subgroup to establish baselines for the LTPGs in Objective 1.2 of the draft FY'22-FY'26 Strategic Plan. OP sent a data call for baseline information to all the Programs and Regions. The information is due to OP by **January 14.** The baseline data will then be used to determine the targets for the Annual Performance Goals in the Strategic Plan.

Office of Research and Development

Acting Assistant Administrator Signature Items

- **5170 for ORD Society of Toxicology/ToxExpo** for **March 27-31, 2022** at the San Diego Convention Center, CA.

Hot Topics

- **ORD is planning a tabletop exercise demonstrating tools for addressing tribal waste management and response needs.** The Tribal Waste and Response (TWAR) Committee will choose the tools needed from the [HYPERLINK "https://www.epa.gov/emergency-response-research"] and [HYPERLINK "https://www.epa.gov/sites/default/files/widgets/resilience/"] to design a table-top exercise to learn and use ORD tools. The tabletop is scheduled for March 2022. On December 13th, ORD briefed the TWAR Committee describing a selection of waste tools that the Tribes could use in their response and recovery efforts following all types of disasters.
- **EPA provides support to the NC Department of Agriculture and Consumer Services (NCDA&CS) in evaluating cleaning and disinfection protocols for commercial farm equipment.** Commercial vehicles contaminated with African swine fever, foot and mouth disease, and highly pathogenic avian influenza viruses or other biological contaminants could pose potential risks to human and animal health following a disease outbreak or incident. The operational procedures for decontaminating vehicles exposed to viruses and bacteria are challenging and knowledge gaps exist. Viable options for returning vehicles to pre-incident risk levels are of immediate need. At the request of NCDA&CS, EPA conducted a study in May of 2021 to evaluate potential vulnerabilities in the NCDA&CS cleaning and disinfection standing operating procedures with the purpose of identifying vehicle locations where contaminated material may be overlooked during cleaning and disinfection operations. Recently, EPA and NCDA&CS coauthored a report providing insight into the performance of NC's cleaning and disinfection standing operating procedures and technologies when confronted with foreign animal disease outbreaks with the goal to limit the spread through well practiced cleaning and disinfection procedures and efficacious treatments. NC Department of Agriculture and Consumer Services Emergency Programs Director, John Howard, thanked ORD researchers for their continued support of NC's farm cleaning and disinfection efforts in preparation for African swine fever and other foreign animal disease impacts.
- On **December 17, 2021**, the draft Hexavalent Chromium IRIS assessment went to EPA Agency review (Step 2) for a six-week period ending **January 28, 2022**, with 'showstopper' comments requested within four weeks by **January 14, 2022**.

Office of Water

Hot Topics

- **Beginning next week**, EPA and Army are hosting three virtual public hearings to provide an overview and get feedback on the "Revised Definition of 'Waters of the United States'" proposed

rule. The public hearings will be held on **January 12, 2022** from 10 AM to 1 PM Eastern; **January 13, 2022** from 2 PM to 5 PM Eastern; and **January 18, 2022** from 5 PM to 8 PM Eastern. Registration is currently open online and the agencies will hear from up to 150 speakers. On **December 7, 2021**, the "Revised Definition of 'Waters of the United States'" proposed rule published in the *Federal Register,* and the public comment period is open until **February 7, 2022**.

- On **Monday January 10**, EPA Administrator Michael S. Regan will announce three Water Infrastructure Finance and Innovation Act (WIFIA) loans—totaling nearly $396 million—to the City of Baltimore, Maryland. These WIFIA loans will enable the city to proactively implement projects to improve the reliability and resiliency of its water systems. Through WIFIA, the city will save approximately $100 million while project construction and operation are expected to create an estimated 2,700 jobs.

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