CAT - One Pager Report

Cape Cod 208 Implementation and Southeast New England Program - Maryjo Feuerbach (WD) HOT

BACKGROUND:
In September 2015, EPA approved an updated Clean Water Act Section 208 Plan to address nitrogen sources causing poor water quality on Cape Cod. The decision to update the plan was a result of a settlement with the Conservation Law Foundation (CLF) and EPA. EPA is responsible for tracking Plan implementation progress for six years. The Cape Cod Commission (CCC) and Massachusetts Department of Environmental Protection (MassDEP) are working with the 15 Cape towns to develop final nutrient reduction strategies and prepare new Targeted Watershed Management Plans or updated Comprehensive Wastewater Management Plans.

The Southeast New England Program (SNEP) is a geographic program focused on building and maintaining resilient ecosystems and sustainable communities in southeastern New England's coastal watersheds. The region includes the watersheds of the south-facing embayments on Cape Cod, Buzzards Bay and Narragansett Bay, and Nantucket, Martha's Vineyard and Block Island. Congress began allocating funding for SNEP implementation in FY14 with annual appropriations ranging between $5 to $5.5 million. Funds support local efforts to restore and protect water quality and habitat, monitor water quality, evaluate non-traditional technologies that hold promise to solve regional challenges, and share knowledge and resources about effective restoration strategies and the benefits of restoration.

STATUS OF WORK:
The CCC works with the 15 towns to annually update town compliance reports that track local progress and is working on a regional water quality database to track embayment health. Several inter-municipal agreements are in development and a watershed permit was issued to towns in the Pleasant Bay watershed. EPA Region 1 provides technical support to MassDEP, CCC, and towns. Nearly all of the region's involvement on the Cape to provide financial and technical support has been supported by SNEP.

SNEP provides technical assistance to communities and tribes through its SNEP Network, Local Watershed Implementation Grants, and applied research through a partnership with USGS, ORD, and/or Cape Cod communities and organizations. Region 1 completed a five-year strategic plan in 2021 that will guide future priorities and actions. In FY21, EPA will solicit proposals to administer its Local Implementation Grants and to select four pilot watersheds. SNEP funding and authority to award grants, including grants for implementation, has been defined only through the annual appropriations process. This continues to create uncertainty for the program.

SENSITIVE ISSUES:
Towns need to accelerate development of inter-municipal agreements and targeted water management plans, obtain watershed permits, and reduce nitrogen loads. Recent CLF lawsuits have introduced uncertainty over future permits. CLF issued an NOI to the Barnstable and Willowbend wastewater facilities alleging the facilities' discharge of nitrogen to groundwater is the "functional equivalent of a direct discharge" to U.S. waters necessitating an NPDES permit. CLF also notified the towns of Barnstable and Falmouth and MassDEP that it will file a lawsuit alleging noncompliance with State Title 5

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regulations for septic systems. Negotiations related to the notification are ongoing.

PARTNERS:
MassDEP, RIDEM, MA Department of Ecological Restoration, Cape Cod Commission, EPA-ORD, USGS, Buzzards Bay National Estuary Program, Narragansett Bay Estuary Program, The Nature Conservancy, Association for the Preservation of Cape Cod, Save the Bay, Martha's Vineyard Commission, Waquoit Bay and Narragansett Bay National Estuarine Research Reserves, NRCS, FEMA, USFWS, NOAA, NEIWPCC.

Date	Milestone	Status
11/30/2021	208 EPA Cape 208 Year 6 Progress Review 9/30/2021: First draft complete, undergoing review 10/15/2021: Waiting for MassDEP response or report submission to finalize. Expect to finalize and continue review 11/1 if no response. 11/8/2021: MassDEP reached out on 11/5 to say that they will share report and NSA language this week. This is the last piece of information EPA has been waiting on to finalize 208 determination.	In Progress restricted
04/29/2022	Complete installation of 12 neighborhood-level I/A septic systems (testing nitro I/A system and layer cake i/A design) in Three-Bays watershed.	In Progress restricted

Charles River Residual Designation Petition - Newton Tedder (WD) HOT

BACKGROUND: On May 9, 2019 the Conservation Law Foundation (CLF) and Charles River Watershed Association (CRWA) filed a petition under 40 C.F.R. 122.26(f)(2) for a determination by Region 1 that discharges of stormwater from privately owned commercial, industrial, institutional, and multi-family residential properties of one or more acres in the Charles River Watershed contribute to violations of water quality standards and require NPDES permits.

STATUS OF WORK: EPA must first make a determination about whether or not to grant the petition. Region 1 staff (Water Division and Office of Regional Counsel) worked with staff from Office of Water and Office of General Counsel to develop an options paper. Potential options include: grant in full; partial grant/partial denial; development of stake holder process; deny; or a combination of two or more. During summer 2020, Region 1 worked with the neutral Consensus Building Institute to develop a stakeholder outreach plan. In September 2020, Region 1 hosted three webinars for stakeholders: municipalities, commercial/industrial/institutional stakeholders, and environmental stakeholders. EPA will have further conversations/information finding sessions with those stakeholders this fall. Additionally, Region 1 has been analyzing GIS data for the watershed and assessing the kinds of discharges that are not currently regulated that may need permits. Region 1 will notify the petitioners of the designation determination once it is made. The decision will determine any additional work by the Region, which could include permit development.

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SENSITIVE ISSUES: Use of Residual Designation Authority has been limited and thoughtful messaging must accompany any associated permitting activity.

PARTNERS: EPA HQ and MA DEP

Ex. 5 Deliberative Process (DP)

Clean Air Act OCS Permitting Actions - Patrick Bird (ARD) HOT

BACKGROUND: In 2013-14, and in 2018, the Bureau of Energy and Management (BOEM) signed leases with several companies to develop offshore wind energy resources on several areas of the Outer Continental Shelf (OCS) off Rhode Island and Massachusetts.

Massachusetts has adopted legislation requiring electricity distributors to enter into cost-effective, long-term contracts for offshore wind energy generation equal to approximately 1,600 megawatts no later than June 30, 2027. Rhode Island, Connecticut, and New York have made similar commitments to offshore wind energy development and electricity procurement. Development of these projects will occur in BOEM's Massachusetts/Rhode Island lease areas.

Under the Clean Air Act (CAA), EPA is responsible for permitting air emissions from sources located on the OCS for areas where the state has not been delegated the permitting program. There are significant air emissions during the construction phase of an offshore windfarm due to vessels and construction equipment. We have issued permits for two projects, and met with several developers for other large projects. We anticipate receiving several additional applications for CAA permits from the developers of other projects.

STATUS OF WORK: EPA has issued one final OCS permit for a meteorological buoy to Deepwater Wind (Permit # EPA-R1-OCS-02). EPA has issued a final OCS permit for Vineyard Wind, an 800-MW windfarm off the coast of Massachusetts (Permit # EPA-R1-OCS-03). EPA has also proposed a draft permit for South Fork Wind's 130-MW windfarm (Permit # EPA-R1-OCS-04). EPA is also coordinating with BOEM to provide input as a cooperating agency under NEPA and has designated BOEM as the lead federal agency for our consultation obligations under ESA, EFH, and NHPA. EPA also has had pre-application meetings with Bay State Wind, Revolution Wind, Sunrise Wind, Beacon Wind, Mayflower Wind, and Park City Wind for additional windfarms ranging from 400 to 2,000 MW capacity.

SENSITIVE ISSUES: Although there are significant environmental benefits during the lifespan of a windfarm, offshore wind farms can have significant environmental impacts during the construction phase. Concerns regarding avian flight, impacts on fishing grounds, impacts on marine wildlife from vessel traffic and construction activities, impacts on the cultural traditions of Native Americans, and high NOx emissions during the ozone season from

construction equipment, are examples of issues raised to EPA and BOEM regarding the construction of other offshore windfarms.

Many of the proposed projects are subject to the offset requirements under the Nonattainment New Source Review permit program. Due to the large NOx emissions of these sources, offsets availability is limited and the requirement to obtain offsets is a significant challenge for developers. In consultation with HQs, R1 reproposed the South Fork Windfarm draft permit to seek comment on a revision to exclude offsets from construction emissions. Offsets are still required for operating emissions. The public comment period ends. Dec. 6, 2021.

PARTNERS: This work involves coordination with the states, BOEM, Tribes, and other federal agencies, as well as with the EPA Headquarters Office of Air Quality Planning and Standards (OAQPS) and Office of General Counsel (OGC).

Date	Milestone	Status
01/18/2022	Issue final permit in accordance with OCS air permitting regulations at 40 CFR part 55 to Deepwater Wind South Fork 132MW wind farm development project off the coast of Massachusetts. Application deemed complete on January 13, 2021. Draft permit proposed on June 24 (comment period ended Aug. 9). EPA held virtual public hearing on Aug. 9th. Region reproposed the draft permit to exclude construction emissions from NNSR offset requirements on Oct. 20. The second public comment period ends Dec 6 and a public hearing is scheduled for Dec. 2.	Planned restricted

GE-Housatonic Superfund Site - Bob Cianciarulo (SEMD) HOT

BACKGROUND: From 1932-1977, General Electric (GE) used polychlorinated biphenyls (PCBs) at its Pittsfield, MA facility, resulting in PCB contamination in soils at and nearby the facility, and in sediments and soil of the adjacent Housatonic River. The Housatonic River flows from north of Pittsfield, MA to the Long Island Sound and drains an area of approximately 1,950 square miles in Massachusetts, New York, and Connecticut. The primary study area is a 10.5-mile section of river, associated bank soils and floodplains, and Woods Pond near Lenox, MA, 8 miles south of Pittsfield. EPA's cleanup plan seeks a balanced approach to addressing the PCB risks and includes components of capping/containment of PCBs, roughly 750,000 to 1 million cubic yards of sediment/soil removal, off-site disposal and monitored natural recovery at an estimated total cost of $613 million.

STATUS OF WORK: On October 20, 2016, the Region signed the RCRA Final Permit Modification which lays out performance standards and corrective measures for the $613 million cleanup of the Housatonic River "Rest of River." GE, two non-governmental organizations (NGOs), a municipal group and a neighborhood representative filed petitions appealing EPA's Permit decision to EPA's Environmental Appeals Board (EAB). In January 2017, EPA notified GE that several elements of the Final Permit were severable and uncontested and that GE needed to comply with these provisions. GE has submitted several Work Plans, including a a floodplain sampling plan, assistance with biota consumption advisories, and plans for inspection, monitoring and maintenance of GE-owned dams. EPA continues to review and approve submittals. The EAB issued its ruling on the petitions on January 26, 2018. The EAB upheld the entirety of the remedy, but remanded for further review and justification the selection of off-site disposal. In response to the EAB ruling, EPA, GE, CT and five other parties reached a Settlement Agreement in February 2020. The Agreement included enhancements to the remedy, disposal of lower level waste in a new on-site landfill, off-site disposal in an off-site landfill, and financial benefits to six local communities. The Settlement

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agreement requires a modification to the RCRA Permit. Public meetings were held in February and March 2020 to explain the Settlement Agreement. The majority of public comments were related to strong opposition to the local landfill. In July 2020, EPA issued its revised Draft RCRA Permit (revised cleanup plan) for public comment. The public comment period ran through September 18, 2020 and included three virtual public hearing sessions.

SENSITIVE ISSUES: The proposed landfill is the most contentious issue. Local governments support the remedy, including the landfill, but the 3 public meetings turned out 300-500 people each, with a majority opposed to the landfill. In addition to the local governments, two NGOs, a private citizen and the State of CT signed on the Settlement Agreement and support the draft revised Permit. The Commonwealth of Massachusetts did not participate in Settlement discussions, however, EPA coordinate with the Commonwealth on several permit related issues, including ARARs.

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Date	Milestone	Status
12/31/2021	EAB Renders Decision (no formal deadline for EAB to act)	Planned

restricted

Integrated Lead Strategy - Kristi Rea (ORA) HOT

BACKGROUND:
New England states have some of the oldest housing in the United States with over a third of New England housing built before 1950, where deteriorating lead-based paint is most likely to exist along with aging water infrastructure which can include lead service lines. Lead poisoning can cause serious health problems, especially in children younger than six years old. There is no safe level of lead for children or adults. Even a small amount of lead can have a negative effect on a child's development and can cause serious health problems including learning disabilities, loss of IQ, reduced attention span, behavior, and speech/language development. Childhood lead poisoning is preventable if exposure to lead in paint, dust, soil and drinking water is minimized. Region 1 has been a leader in implementing innovative strategies to reduce the amount of lead exposed to the public and the number of children poisoned by lead in New England since the 1990's.

STATUS OF WORK:
A cross-office team worked together to identify remaining vulnerable populations at risk for childhood lead poisoning and focuses resources to produce results to continue to benefit New England communities. Region 1's integrated strategy outlines short-term and long-term efforts to produce real results by combining assistance, training, education, outreach, state program oversight, and targeted enforcement to reduce lead exposure. Program efforts emphasize support to environmental justice communities which frequently represent the lowest income, most diverse populations with significant cumulative environmental risk from pollution in air, water, paint and soil. This work also incorporates creative ways to ensure that New England families and places where children live, learn and play are engaged and informed with training and information to prevent childhood lead poisoning in New England.

SENSITIVE ISSUES:
High level of public concern over children's health issues. Public confidence in federal, state and local government response may diminish given the increased profile of lead contamination in some drinking water systems. Childhood lead poisonings continue to be disproportionately high in New

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England, especially in environmental justice areas representing the most diverse, lowest-income population. Lead poisoning can be caused by exposure to lead from many sources which makes it difficult to address and despite the achievements met to date, costs to fully address all sources of lead will be prohibitive.

PARTNERS:
New England State Departments of Health, New England State Environmental Agencies, New England State Drinking Water Programs, New England Water Works Association, U.S. Department of Housing and Urban Development (HUD), U.S. Department of Health and Human Services/Centers for Disease Control and Prevention (HHS/CDC), U.S. Department of Labor/Occupational Safety and Health Administration (DOL/OSHA), Office of Water (OW), Office of Chemical Safety and Pollution Prevention (OCSPP), Office of Enforcement and Compliance Assurance (OECA), New England Lead Coordinating Committee (NELCC), Consortium of North East States and Tribes (CONEST) and others.

Date	Milestone	Status
11/15/2021	Cross Office Lead Team Meeting	Completed New restricted
12/03/2021	Complete captioned recording of Federal Facilities Webinar Training	Planned restricted
12/13/2021	Cross-Office Lead Team Meeting	Planned restricted
01/10/2022	Cross-Office Lead Team Meeting	Planned restricted
01/31/2022	FY2022 Region 1 Lead Action Plan Due to EPA HQ	Planned restricted
02/28/2022	Cross-Office Lead Team Meeting	Planned restricted
04/29/2022	ECAD provides compliance assistance tools for e-contacts in Connecticut.	Planned New restricted

Lead in Drinking Water - Jane Downing (WD) HOT

BACKGROUND: The events of Flint, Michigan spotlighted concerns relating to implementation of the Lead and Copper Rule (LCR). The rule was enacted in 1991, and amended two more times by the early 2000s. Regulatory requirements, including complex monitoring schemes, initially included material inventories, water quality studies, tap water sampling, and corrosion control treatment. Exceedances above a Lead Action Level of 15 parts per billion (ppb) prompted additional studies to optimize treatment, public education, and in some cases lead service line replacement.

In Feb. 2016 the region developed the New England Lead in Drinking Water Strategy which included assessing the status of public water supply systems;

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identifying areas of support; developing consistent LCR protocols, conducting state program reviews, and looking for creative funding and leveraging. Currently in New England there are about 50 public water supply systems over the lead action level which represent a little more than 1% of the total systems (4500) which need to comply with the LCR requirements. Activities described in the strategy are on-going.

STATUS OF WORK: Continuing to work with New England State Drinking Water Programs to track public water systems over the lead action levels, and document historical exceedances. Technical assistance provided to states on specific cases including Malden MA, Medford MA, and Providence RI. Utilizing opportunities to support lead in drinking water in school sampling and testing efforts. Facilitating discussions and training with states and water associations on sampling protocols, lead compliance determinations, and regulatory developments. Continuing work on the "Get the Lead Out Initiative" including follow up from the New England Lead Summit, completion of the Get Lead out Video, and roll out of Protect the Tap - an online tool to instruct homeowners on ways to identify lead service pipes.

SENSITIVE ISSUES: Public confidence diminished through continued negative press on sampling protocols, filter effectiveness, and other lead-related issues. The search for and removal of residential lead service lines is technically and financially complex.

PARTNERS: New England State Drinking Water Programs; New England Water Works Association; Water Utilities; EPA Office of Water, Local Mayors

Date	Milestone	Status
12/16/2021	Deadline for FR of final national decision on the Lead and Copper Rule Revisions. This will kick off regional outreach and training for NE states, associations, and utilities.	Planned restricted
12/31/2021	Coordination with U.S. Housing and Urban Development (HUD) state directors to discuss use of CDBG to support private lead line replacements and Protect Your Tap Tool to help homeowners identify lead pipes.	In Progress restricted
12/31/2021	OW approves R1 EJ proposal to fund a number of lead line inventory and public campaign projects in communities throughout NE - Total funding is $350,000. Competition scheduled for Fall 2021.	In Progress restricted
01/31/2022	Development of a draft public engagement plan, including use of advocacy groups, for Fall River MA.	Planned restricted

Long Island Sound Nitrogen Strategy - Mel Cote (WD) HOT

BACKGROUND: Over the past 18 years, actions under the 2000 Total Maximum Daily Load to Achieve Water Quality Standards for Dissolved Oxygen in Long Island Sound (2000 plan) have resulted in significant progress toward reducing nitrogen pollution. Despite positive trends, modeling and monitoring suggest that further reductions in nitrogen will be needed to attain water quality standards. In addition, nitrogen pollution can cause impairments to water quality that were not directly addressed in the 2000 plan such as harmful algal blooms, loss of tidal wetlands and eelgrass, coastal acidification, and hypoxia in embayments. EPA and the five watershed states have not been able to agree on revising the 2000 plan to set new allocations sufficient to attain

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water quality standards. Instead, the watershed states have developed a set of “enhanced” nitrogen control actions. EPA has informed the states that, while it supports enhancement of nitrogen reduction efforts, the level of activity, timeframes and specificity are insufficient to result in water quality standards attainment.

STATUS OF WORK: EPA Region 1 and Region 2 have developed a strategy to complement the LIS 2000 TMDL by addressing other eutrophication-related impairments. This strategy proposes to translate existing narrative nutrient criteria into numeric nitrogen endpoints that are protective of designated uses. The indicators for these designated uses could include water clarity sufficient for eelgrass growth (propagation of aquatic life), nitrogen levels that reduce harmful algae blooms (supporting human recreation), and others. EPA is working closely with the Technical Stakeholder group, the States and interested partners as well as conducting public outreach through meetings, webinars and updating the Long Island Sound Study website. The Phase 1 contract was completed in March 2018 and draft deliverables have been posted on the LISS website. The Phase 2 contract was initiated in November 2018. The external Technical Review and Public Review of the Phase 1 deliverables are underway.

SENSITIVE ISSUES: Connecticut Fund for the Environment "put in abeyance" its petition to EPA to revise and update the Long Island Sound Nitrogen TMDL, based on the commitments in the Long Island Sound Nitrogen Strategy.
Watershed states of NY, CT, RI, MA, NH and VT, and municipalities are concerned with the timing of releasing our reports as well as the potential for nitrogen reductions in the future especially with respect to Waste Water Treatment Plant (WWTP) permits. Municipalities are particularly concerned with the cost of addressing multiple environmental issues at their treatment plants such as Combined Sewer Overflows (CS0s), phosphorus, and nitrogen.

PARTNERS: States of NY, CT, MA, NH, VT, RI, USGS, New England Interstate Water Pollution Control Commission, Connecticut River Conservancy, Connecticut Fund for the Environment, Save the Sound, Long Island Nitrogen Action Plan, Niantic River Study, Science and Technical Advisory Group, Citizens Advisory Group and others.

Date	Milestone	Status
01/21/2022	The LISS Management Committee meeting agenda will include an update on the LIS Nitrogen Strategy and preliminary budget decisions.	Planned restricted

Lower Neponset River NPL Listing - Meghan Cassidy (SEMD) HOT

BACKGROUND:The Lower Neponset River site is an area of sediment contamination in the Neponset River. The site as currently defined includes a 3.7-mile stretch f the Neponset River starting at the confluence with Mother Brook extending downstream to the Walter Baker Dam. This area of the river begins in Hyde Park, runs through Mattapan, and ends in Dorchester/Milton, Massachusetts (MA). The sediment contamination contains elevated levels of polychlorinated biphenyls (PCBs). The Lower Neponset River channel ranges from approximately 40 feet to 300 feet wide, and comprises an estimated 40 acres within or bordering the City of Boston (Hyde Park, Mattapan, and Dorchester sections) and the Town of Milton, MA. The site is bordered by residential, commercial, industrial, and public parcels of land, including the Neponset River Greenway. Historically, numerous mills were established along the Lower Neponset River site area utilizing dams to generate power to turn mill grinding wheels and later to operate the large industrial mills.

MassDEP requested that EPA consider this portion of the Neponset River for inclusion on the National Priorities List (NPL). The Superfund Pre-Remedial

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program completed a Preliminary Assessment and Site Inspection which indicate that the area of interest is a candidate for proposal to the NPL. A Hazard Ranking System (HRS) package was finalized in July 2021. The HRS provides all necessary analyses and documentation required to propose a site to the NPL. Sites are added to the NPL through NPL Updates issued by HQ.

EPA is working closely with MassDEP and MassEEA to implement an outreach strategy to inform stakeholders of the planned actions. This includes briefings, presentations and community meetings.

Region 1 received the required letter of concurrence in support of listing from Gov. Baker on June 25, 2021. The site was proposed to the NPL on September 9, 2021. A 60-day public comment period runs from September 9 thru November 8, 2021. HQ will review comments received before determining when the site will likely be finalized on the NPL.

STATUS OF WORK: Public Outreach ongoing; developing required technical information and documentation.

SENSITIVE ISSUES:

PARTNERS: MassDEP, Mass EEA, City of Boston

Date	Milestone	Status
01/31/2022	Create Site Strategy Report.	In Progress New
04/29/2022	Produce Community Involvement Plan.	Planned New

Maine Ozone Transport Region Opt-Out Request - Anne Mcwilliams (ARD) HOT

BACKGROUND: Maine's inclusion in the Ozone Transport Region (OTR) requires Maine to implement certain Clean Air Act programs, including enhanced motor vehicle inspection and maintenance, NOx RACT (reasonably available control technology) and nonattainment area New Source Review (NSR) permitting requirements for volatile organic compounds (VOC) and nitrogen oxides (NOx). It should be noted that Maine previously requested, and EPA approved an "OTR Restructuring" relieving Maine of the OTR enhanced motor vehicle inspection and maintenance requirements. NSR permitting in Maine requires new major sources or major modifications to obtain offsets in the amount of 1.15 tons for each new ton of VOC or NOx. The Clean Air Act allows Maine to seek a waiver from the RACT and nonattainment area NSR requirements for NOx, but not for VOC requirements. Regulatory relief for VOC requirements can only be accomplished by an approved opt-out from the OTR. EPA previously granted Maine NOx waivers under the 1-hour ozone standard, and the 1997 and 2008 8-hour ozone standards. Maine is now pursuing an opt-out from the OTR and will not pursue another NOx waiver under the 2015 ozone standard.

STATUS OF WORK: Maine posted a draft 176(A) OTR Opt-Out Petition on June 26, 2018 for public comment. By letter dated August 27, 2018, Maine sent a

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final version of the opt-out request to the Acting Administrator. This version of the 176(A) petition requested removal of all but 11 select towns in southeastern Maine and Acadia National Park.

On March 26, 2019, ME DEP requested a hold on their Opt-Out petition review considering modifications they wished to make to the petition.

On May 7, 2019, the State of Maine formally withdrew the version of the 176(A) petition submitted August 27, 2018.

On August 6, 2019, ME DEP communication to the Region that the 176(A) petition would be modified and that an updated petition would request an to remove the entire state of Maine with the exception of 111 cities and towns that comprised the Portland and Midcoast limited maintenance areas under the 1997 ozone standard. By letter dated February 24, 2020, ME DEP submitted a revised 176(A) OTR Opt-out Petition.

SENSITIVE ISSUES: We think that EPA should be able to ultimately approve an opt-out request from Maine.
Maine is designated attainment/unclassifiable for the 2015 ozone standard, and there are no ozone nonattainment areas for the 2015 standard in neighboring states (i.e., MA & NH). Maine has also been shown to be downwind of all other nonattainment areas in the OTR supporting by back trajectory analyses showing that Maine is not a source region on days when the 2015 ozone standard is exceeded in upwind areas. Lastly, EPA's modeling to support the Cross State Air Pollution Rule (CSAPR) shows that Maine's contribution on projected nonattainment areas is not significant.

Furthermore, Maine's previous opt-out request showed: 1) both monitored ozone and the emissions that form ozone (NOx and VOC) have trended downward (i.e. improved) in Maine over the last 25+ years, 2) granting an opt-out will not result in any existing sources in Maine circumventing existing control requirements, and 3) all new or modified air pollution sources in Maine will still be subject to stringent permitting requirement (i.e., Maine's Prevention of Significant Deterioration rules).

PARTNERS: ME DEP, EPA OAQPS, EPA OGC, EPA OTAQ

Date	Milestone	Status
11/29/2021	Administrator signature	Planned restricted
11/30/2021	Take final action on the Maine Ozone Transport Region Opt-Out Request	Planned restricted
12/01/2021	Outreach public webinar	Planned restricted

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Municipal Waste Water Treatment Plant (WWTP) NPDES Permitting in MA & NH - Michael Cobb (WD) HOT

BACKGROUND: The Clean Water Act (CWA) is the primary federal statute focused on protecting the nation's surface waters from pollution, enacted to restore and maintain the chemical, physical, and biological integrity of our waters. The National Pollutant Discharge Elimination System (NPDES) permit program created under CWA § 402 is a centerpiece of this effort. CWA § 301 prohibits the discharge of any pollutant into waters of the United States except in compliance with certain sections of the Act, including CWA § 402. The CWA established the National Pollutant Discharge Elimination System (NPDES) permit program to be administered by EPA or authorized states, territories or eligible tribes. EPA is the NPDES permitting authority for all discharges in MA and NH and for specific types of discharges in Maine and Vermont. The NPDES permit program requires permits to cover point sources discharging pollutants. About two thirds of the NPDES permits issued by Region 1 authorize the discharge of pollutants from municipal waste water treatment plants (WWTPs), also known as Publicly Owned Treatment Works (POTWs).

STATUS OF WORK: Region 1 is continually in the process of developing the 200 individual MA, NH and ME municipal WWTP permits for issuance. This number is limited by availability of resources in the Water Division (WD) and Office of Regional Counsel (ORC). Permits, which are limited by statute to 5-year terms, continue to be issued and expire monthly. Region 1 receives very few applications for new individual WWTP permits (less than one per year). The milestones listed below include selected permits of particular interest that are currently under development or that were recently issued. Over the past few years, Region 1 has implemented new permit writing procedures and tracking protocols in an effort to improve efficiency and reduce the backlog for municipal permits which is currently at about 70%.

SENSITIVE ISSUES: There is often keen municipal, state, non-government organization (NGO), and congressional interest in MA and NH municipal WWTP permits. All permittees and other interested parties have the right to appeal permits on regulatory, technical, and/or procedural grounds. In MA and NH, currently EPA Region 1 has the sole responsibility of issuing, justifying and defending permits in a litigious atmosphere that is charged with public, financial, and environmental interests. Issues include whether the permit is adequately protective, affordable, and/or defensible under the law.

PARTNERS: Massachusetts Department of Environmental Protection, New Hampshire Department of Environmental Services, municipalities, other federal agencies such as the National Marine Fisheries Service and the U.S. Fish and Wildlife Service for the Endangered Species Act Program, and the Massachusetts Coastal Zone Management Agency of Coastal Policy Consistency Determinations.

Date	Milestone	Status
11/12/2021	Keene, NH Wastewater Treatment Facility Permit (NH0100790) issued 9/13/2021. ORC was notified by Keene that they plan to appeal the permit and they requested an extra 30 days (on top of the normal 30 days) to file their appeal. We agreed so appeal must be filed by 11/12/2021. In the meantime, we are finalizing the Administrative Record Index.	Planned
11/19/2021	DRAFT: Currently working on draft permit. Permit will include new total phosphorus limits. Nitrogen limits are in the Great Bay Total Nitrogen General Permit.	In Progress

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12/30/2021 FINAL: Issuance of 301(h) waiver denial and permit with secondary treatment standards. In Progress

Gloucester Secondary Treatment Issue:

On August 30, 2018 EPA met with Gloucester Department of Public Works and the Gloucester Community Development Director and MADEP to discuss Gloucester's next steps about planning for secondary treatment. The City plans to try to use some of its 2017 State Revolving Fund Master Utility Planning funds to analyze the costs and challenges associated with the implementation of secondary treatment. Gloucester appears ready to implement secondary treatment and is working with MADEP and EPA to identify loan and grant funding that may be available.

NPDES program will finalize response to comments for final issuance by September 30, 2021.

Northeast Gateway LNG - Timothy Timmermann (ORA) HOT

BACKGROUND:

Northeast Gateway proposes to modify their existing port to provide a long-term solution to the regional natural gas pipeline capacity issue. Northeast Gateway proposes changes to port operations to allow LNG delivery by liquefied natural gas carriers (LNGC) utilizing established ship-to-ship (STS) LNG transfer methods to resupply an FSRU permanently moored at the Port. The modifications will require an NSR Air permit and a new NPDES permit.

NPDES
The NPDES permit for Northeast Gateway expired on November 30, 2019. As Northeast Gateway submitted a timely and complete application on June 3, 2019, the existing (2014) permit is administratively continued and all conditions of the permit remain in effect until a new NPDES permit is issued and becomes effective. Proposed changes in operations at the port that would result in pollutant discharges or cooling water withdrawals exceeding the limits and conditions of the existing NPDES permit will be addressed during reissuance of a new NPDES permit and would not be authorized until a new permit accommodating such changes becomes effective. EPA received preliminary information about proposed changes in operations at the port on March 23, 2020. Consultations (under the ESA and MMPA) conducted by MARAD and USCG as part of their NEPA process may support the NPDES permit. Additional consultations specific to the NPDES permit may also be required (under the EFH and NMSA programs).

CAA
Region 1 air permitting staff have coordinated with Excelerate Energy since the fall of 2019 about a change in the method of operation at their Northeast Gateway deepwater port. Region 1 informed Excelerate Energy in writing on August 13, 2020 (and verbally on previous dates) that changes to operations of the port and associated emissions from the transfer of LNG from carrier vessels will require a permit under the CAA. Excelerate applied for a CAA permit with EPA on December 23, 2020, and EPA deemed its application complete on February 10, 2021.

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STATUS OF WORK:

The applicant has submitted a CAA application, EPA deemed that application complete, and staff are in the process of drafting an air permit and fact sheet.

SENSITIVE ISSUES:

PARTNERS:

Date	Milestone	Status
11/30/2021	EPA will host a meeting to hear public comments regarding its draft Clean Air Act permit for the proposed operations at Northeast Gateway. This will require interagency consultations through the NEPA process. Timing is approximate.	Planned restricted
01/31/2022	EPA will issue a final Clean Air Act permit for the proposed changes to the Northeast Gateway deepwater port. Schedule is dependent on the timing of the SEIS.	Planned restricted

Regional Climate Change Adaptation Implementation Plan - Cynthia Greene (ARD) HOT

BACKGROUND:

STATUS OF WORK:

SENSITIVE ISSUES:

PARTNERS:

Date	Milestone	Status
12/01/2021	Draft RCAP priority actions submitted to programs and regions	Planned
01/24/2022	Draft RCAP to Office of Policy	Planned
04/15/2022	Incorporate OP comments on RCAP	Planned
05/02/2022	Spring 2022 External engagement on the RCAP	Planned

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Sole Source Aquifer Review of Multi-Purpose Machine Gun Range JBCC - Jane Downing (WD) HOT

BACKGROUND: Massachusetts Army National Guard is proposing to construct and manage a multi-purpose machine gun range (MPMGR) at Joint Base Cape Cod. For many years, EPA R1 has been very active under CERCLA and SDWA overseeing cleanup and other activities to protect public health and the environment. The Region has agreed to conduct a Sole Source Aquifer Review of the proposed project. All state and local stakeholders have been informed.

STATUS OF WORK: Information gathering on proposed project and connecting with state partners.

SENSITIVE ISSUES: Significant Public Interest and Various Views on whether EPA should determine significant public health threat.

PARTNERS:

Date	Milestone	Status
11/10/2021	Meeting with Regional Administrator to discuss options for public involvement.	Planned restricted
11/16/2021	Virtual meeting with Mass DEP managers to discuss status of EPA's SSA review and coordinate with EMC.	Planned restricted
11/18/2021	Internal weekly meeting with EPA R1 SSA Team to discuss MAARNG responses to EPA requests for information.	Planned restricted

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