June 2, 2017

Weekly Email Reports

To: Administrator Scott Pruitt (Redacted as Necessary)
Acting Deputy Administrator Mike Flynn
Chief of Staff Ryan Jackson

June 2, 2017

Region 1 – Acting Regional Administrator Deb Szaro

Hot Issues

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Region 1 EPA Plans to Conduct Additional Public Notice Period for a New Hampshire Power Plant

- Public Service New Hampshire (PSNH), now owned by Eversource Energy, operates the Merrimack Station coal-fired power plant in Bow, NH. The facility's NPDES permit has expired, and Region 1 previously issued a draft permit for public comment. EPA is the NPDES authority in NH.
- Merrimack Station withdraws cooling water from the Hooksett Pool impoundment of the Merrimack River, and returns heated water and other pollutants to that impoundment.
- Since the draft permit was issued, there have been important changes to applicable regulations. PSNH also submitted important new information and requested that the comment period be reopened. Region 1 agrees and plans to begin a new comment period, possibly later this month, to allow input on the new information, the application of the new regulations, and new permitting options.
- The Sierra Club filed suit seeking to put EPA on a court-ordered schedule to issue permits for Merrimack Station and another PSNH facility in NH, Schiller Station in Portsmouth. EPA opposed this action and in April, the First Circuit denied Sierra Club's petition. The Court did state its expectation that EPA will continue working diligently to meet the Agency's previously stated target of December 2017 for finalizing these two permits. EPA did inform the court that the target date for the Merrimack permit might need to be pushed back if the comment period is reopened.

MA MS4 Permit Appeal

- On Friday, May 26, the group of municipalities that appealed the MA MS4 Stormwater General Permit, filed a joint request with the Acting Regional Administrator to stay the effective date of the permit (July 1, 2017) pending resolution of their ongoing appeal in the U.S. Court of Appeals for the D.C. Circuit, alleging that the affected municipalities will suffer irreparable harm if the MS4 permit is not stayed pending judicial review. The Region is considering how to respond to the request and will coordinate with HQ offices (OGC and OW), as well as DOJ, before preparing our response.

Region 1 and MA DEP Jointly Issue Stormwater News

- On May 25, Region 1 and the MA DEP distributed the first, quarterly electronic publication of Stormwater News to provide information to municipalities and others related to the MS4 permit. Stormwater News features topics of interest, provides updates on upcoming permit deadlines and highlights assistance and training opportunities.
- The first issue, distributed to over 350 contacts, highlighted the importance of coordination across municipal departments to successful stormwater planning. This issue also included information about an upcoming training on GPS mapping, fact sheets and resources such customizable education and outreach tools. The next issue is planned for distribution by the end of July.

Planned Approval of CT Impaired Waters List

- EPA received CT DEEP's 2016 Clean Water Act Section 303(d) list on May 2, 2017. The Region has reviewed the list and hopes to approve it by June 2, 2017. CT DEEP completed a public participation process on the draft list in early 2017, has addressed all of the public comments, and

does not expect commenters to challenge our approval. CT DEEP is supportive and is awaiting our approval.

Upcoming Public Events

June 7 – Region 1, in coordination with the MA Office of Technical Assistance, will host a **webinar for Massachusetts companies on business disaster preparation**, aimed at businesses using hazardous chemicals in flood-prone areas. Presenters include a flood management engineering expert from the insurance agency FM Global. There are currently over 60 registrants, including municipal, state and federal entities as well as businesses, consultants and nonprofits.

Upcoming Major Decisions

None this week.

Last Week Highlights

Region 1 Signs Statement of Cooperation with U.S./Canadian Agencies and Tribes

- On May 31, 2017, at a meeting in New Brunswick, Canada, Region 1 signed a Statement of Cooperation regarding the Wəlastəkw/St. John River watershed, a boundary water between the U.S. and Canada, expressing support for "the common goal of restoring sea-run fish" to the river.
- Other signatories include the Bureau of Indian Affairs, U.S. Fish and Wildlife Service, United States Army Corps of Engineers, United States Geologic Survey, Department of Fisheries and Oceans Canada, Environment and Climate Change Canada, the Houlton Band of Maliseets (a Maine tribe), and various First Nations (Canadian Tribes).

Region 2 – Acting Regional Administrator Catherine McCabe

Upcoming Hot Issues and Important Deadlines

- On the evening of June 5 EPA will attend a "Community Water Meeting" in Newburgh, NY. In 2016, Newburgh's drinking water supply was found to be contaminated with PFOA, probably from fire-fighting foam used at a former Air Force base. This has been a source of concern to the residents and local government. The NY Dep't of Environmental Conservation has the lead role for the prospective cleanup work; EPA has offered technical assistance. The NY Department of Health has offered free blood tests to all residents, and has provided information and advice.
- On June 7-8 Region 2 will host the New York State Brownfields Redevelopment and Community Revitalization Summit. The target audience includes EPA Brownfields grantees and NYS BF Opportunity Area designees. Technical experts will provide presentations and information about planning, development and execution of BF and redevelopment projects.
- Lake Ontario water levels are at the highest since reliable records began in 1918. NY shoreline communities are experiencing considerable damage. DHS, the U.S. Army Corps of Engineers (USACE) and New York State are attempting to mitigate flood damage. The recently adopted Plan 2014 for Lake Ontario lake level regulation has been blamed for the flooding, but USACE has stated that no plan could have averted this situation given the enormous amount of rainfall that the Great Lakes Basin received this spring. (NOAA reports that nationally, April 2017 was the second wettest April on record; flooding has occurred in many parts of the country.)

Upcoming Major Public Events

- The Region is planning for a potential media availability event to announce completion of a Superfund removal action at the Morgan Materials site in Tonawanda, New York. The company haphazardly stockpiled thousands of drums of hazardous chemicals. We have received a number of inquiries from media outlets about the status of the removal action (which began in November, 2016). The media availability event would be held in the June 6 – 15th time frame.

Past Week Accomplishments

- Region 2 released the proposed Second Five Year Review for the Hudson River PCBs Superfund Site on June 1, five years after release of the First Five Year Review. A 30-day public comment period will follow the release; this will likely be extended to 60 days in response to requests from stakeholders. The draft document was previously shared for review with NOAA & USFWS (federal trustees) and New York State; those agencies received a copy of the final document on May 31. (Previously reported.)
- Acting RA visited Trenton, NJ on 5/31/17 for press event announcing selection for an EPA Brownfields grant. Commissioner Bob Martin of the NJDEP and Diana Rogers, Camden's Housing and Economic Development Director, joined Acting RA Catherine McCabe at the event. This event supports NJDEP's Trenton Community Collaborative, a community-based environmental improvement initiative. Region 2 is now working with NJDEP and the City of Trenton to organize a 6/20/17 tour of priority projects as part of the Collaborative initiative.
- On June 1 Region 2 participated as an observer in an exercise simulating an accident involving transportation of spent naval nuclear fuel by rail car cask. The exercise simulated an accident at a rail facility in Mechanicville, NY. New York State is traversed by transportation routes for spent naval nuclear fuel (as well as other hazardous materials). The drill was being hosted by the Naval Nuclear Propulsion Program.

Region 3 – Acting Regional Administrator Cecil Rodrigues

Hot Issues

EPA was recently sued by four environmental group due to the approval of a list of Virginia's polluted waters that doesn't include the algae-laden Shenandoah River. The groups, represented by Earthjustice, are challenging the Environmental Protection Agency's refusal to address the problem of algae blooms in the Shenandoah River and its North Fork, South Fork and other tributaries that are resulting in a lack of oxygen that is leading to fish kills. The lawsuit was filed May 30 in the the U.S. District Court for the District of Columbia (Potomac Riverkeeper v. Pruitt, D.D.C., No. 17-cv-01023, 5/30/17).

Former Brownfield Site Transformed in Charles Town, WV: On June 2, the City of Charles Town, WV, along with other local partners is organizing and hosting a ribbon cutting ceremony to celebrate the transformation of a century-old brownfields site into a new waterside community park and nature area. The City has invited EPA to participate in the event and provide remarks. Patrick Davis, the Deputy Assistant Administrator for the Office of Land and Emergency Management and David Lloyd, Director of Brownfields and Land Revitalization will represent EPA. The ribbon-cutting ceremony will be held at the new Perry Fields Park which is on a former Superfund Removal site, the Supertane coal tar site. The 5.6 acre park is part of a larger project that will transform an additional 12 acres into a community park, regional green infrastructure system and provide public access to Evitts Run Creek. Charles Town has leveraged $2,285,000 million in federal, state, local and private sector resources including U.S. Environmental Protection Agency (EPA) Brownfields revitalization grants and three National Fish & Wildlife Foundation (NFWF) Chesapeake Bay Stewardship grants. EPA provided $650,000 in Brownfields Revolving Loan Fund cleanup subgrants along with significant municipal and private sector contributions, to clean up the badly-contaminated site. Other invited guests include WVDEP, the Evitts Run Conservancy, the National Fish and Wildlife Foundation, the Chesapeake Bay Trust, the WV Eastern Panhandle Planning and Development Council, the Blue Ridge Watershed Coalition.

Consent Decree Entered (May 19, 2017): U.S. and Anacostia Riverkeeper v. Potomac Electric Power Company(PEPCO). The Consent Decree settles stormwater effluent violations of metals and other pollutants discharged to the Anacostia River between 2012 and 2016. To achieve full compliance with its NPDES permit, PEPCO will install a treatment system, at Outfall 013, that will provide in-pipe treatment to reduce concentrations of dissolved and particulate metals. PEPCO will also design and construct a stormwater retention project that will treat stormwater, at Outfall 101. Siting of these projects is scheduled for completion no later than December 31, 2017 and June 30, 2018, respectively. Continued implementation of best management practices, including drainage system maintenance, employee training, and recordkeeping, are expected. Injunctive relief, penalties and interest are estimated at $2.5M.

Last Week Highlights

Region 3 does not have anything to highlight this week.

Upcoming Public Events

On Tuesday, June 6, 2017, RA Rodrigues will be joining the Chester, PA Mayor Kirkland to launch the Community-Based Public Private Partnership (CBP3) to plan, finance, build and maintain up to $50 million in green stormwater infrastructure over the next 20- 30 years on approximately 350 acres to address significant pollution and flooding issues; improve neighborhood quality of life; assist small, minority-owned businesses; drive economic growth, including significant job creation and cost savings to water and other public and private capital improvement efforts (e.g., streets, housing, economic development, education). EPA (Region 3 and Headquarters) is providing more than $150,000 in technical and planning assistance, including help to design and develop the CBP3, enabling greater infrastructure investment and efficiencies. PENNVEST, Pennsylvania's infrastructure investment authority, has announced a $1 million planning/pre-construction grant to support the initial $11 million-$15 million green street projects in Chester. The water quality program being planned by the Stormwater Authority of the City of Chester and its private partner, Corvias, with program financing and development expected to begin in fall 2017. The Chester Water Authority (CWA) has matched the EPA technical and planning assistance funds with a $50,000 grant.

Region 4 – Acting Regional Administrator Anne Heard

Hot Issues

District Court dismisses Florida Clean Water Network v. Pruitt (N.D. Florida)
Key Message: On May 30, 2017, the district court granted EPA's motion to dismiss the claims in Florida Clean Water Network v. Pruitt.

- The complaint alleged that EPA unreasonably delayed responding to a petition submitted to EPA in 2009, asking EPA to establish numeric water quality criteria for toxic pollutants in Florida.
- EPA moved to dismiss the case as moot after the petition was denied on May 25, 2017. Plaintiffs did not oppose EPA's motion.

Upcoming Public Events

None

Upcoming Major Decisions

Mississippi Phosphates (Pascagoula, MS)
Key Message: Action Memo for Ceiling Increase Approved.

- On May 26th, the Action Memo requesting a ceiling increase for the continuation of a time-critical removal action was approved by the Acting Assistant Administrator, OLEM.
- The total project ceiling is $12,673,606, and $10,047,077 of that sum will come out of the Regional Removal Allowance.

Last Week Highlights

Atlanta Redesignation for the 2008 Ozone (O3) National Ambient Air Quality Standard (NAAQS)
Key Message: On July 18, 2016, the State of Georgia submitted a request for the EPA to redesignate the Atlanta, Georgia area to attainment for the 2008 8-hour O3 NAAQS and to approve a State Implementation Plan (SIP) revision containing a maintenance plan for the area; the final rulemaking to approve the redesignation request and maintenance plan will be published in the *Federal Register* on June 2, 2017.

Region 5 – Acting Regional Administrator Bob Kaplan

June 2, 2017

HOT ISSUES:

Dow Chemical, Midland, Michigan, Risk Management Program (RMP) Compliance Inspection

Key Message: Region 5 is working with EPA's National Enforcement Investigations Center (NEIC) to conduct an RMP inspection at Dow Chemical June 12-16. A June 15 visit to Midland by Ken Wagner, Senior Advisor for Regional and State Affairs, may coincide with the inspection.

One of the Dow facilities in Midland, Michigan, is scheduled for a routine RMP inspection from June 12-16. NEIC is leading the inspection and one EPA Region 5 staff member will be on-site as part of the inspection team.

EPA's RMP program aims to prevent catastrophic releases of highly hazardous chemicals. The number of highly hazardous chemicals and the quantities of those chemicals present has placed the Dow facility on EPA's High Priority RMP Inspection List. NEIC decides the timing of their inspections and Region 5 has been working with NEIC to arrange this inspection for some time. The facility has been notified of the planned inspection.

U.S. and Canada Seek Public Input on Draft Binational Strategies under Annex 3 of the Canada-U.S. Great Lakes Water Quality Agreement

Key Message: Annex 3 of the Great Lakes Water Quality Agreement requires both the development of binational strategies and public engagement prior to the finalization of those strategies.

Pursuant to key commitments in the Canada-U.S. Great Lakes Water Quality Agreement, Environment and Climate Change Canada (ECCC) and EPA are soliciting public input regarding draft binational strategies for two chemicals of mutual concern (CMCs): Polychlorinated Biphenyls (PCBs) and Hexabromocyclododecane (HBCD). PCBs and HBCD, along with 4 other chemicals or class of chemicals, were binationally designated as CMCs in May of 2011.

Binational.net is being used as the conduit to solicit public feedback on the draft documents. The site is a collaboration between EPA and ECCC to provide a single window on joint work undertaken by both governments in support of achieving the purpose of the Great Lakes Water Quality Agreement. Specifically, feedback is being solicited on:

1. The draft HBCD and PCB strategies
2. Any additional material the public would like to provide for consideration in the preparation of the remaining 4 strategies.

Comments and information received will be reviewed and incorporated into the final draft of the strategies, where appropriate.

UPCOMING EVENTS:

Region 5 to Host State Director's Meeting June 14, 2017

Key Message: This meeting supplements monthly one-on-one meetings with an opportunity to have discussions on priorities and concerns; provide key updates; and exchange ideas and best practices.

On June 14, 2017, state directors from all six of the Region 5 states will be meeting in Chicago to discuss state and federal updates as well as priorities and challenges. Historically, this meeting has been a great opportunity for Region 5 and state leadership to meet in-person to discuss areas of importance. It has been integral to developing stronger working relationships between the region and the states, and among the states. We look forward to Ken Wagner's participation in this year's meeting.

UPCOMING MAJOR DECISIONS

NONE

PAST WEEK ACCOMPLISHMENTS:

EPA Announces East Chicago Customer Service Plan
Key Message: In response to Administrator Pruitt's East Chicago visit, EPA has developed a concrete plan to further engage with and inform the residents of East Chicago.
The plan, which was announced on May 31, 2017, appoints a community involvement coordinator to serve as a direct point of contact for residents. The plan also calls for monthly community meetings between residents and EPA and increased coordination between EPA and East Chicago community organizations. The plan has received positive coverage from local media outlets, which can be viewed here and here.

Steel Ceilings, Coshocton, Ohio, Vapor Intrusion Assessment in Residential Neighborhood Started During the Week of May 29

Key Message: Ohio EPA requested that Region 5 take the lead in assessing indoor air impacts in residential homes.

June 2, 2017

On May 25, 2017, Ohio EPA requested assistance in sampling the indoor air of residential homes near the former Steel Ceilings Site in Coshocton, Ohio. Ohio EPA has been investigating the site for approximately one year and identified a number of homes with indoor air issues and installed several vapor mitigation systems. However, they have quickly depleted their resources investigating the extent of contamination and have requested to transfer the site to EPA.

Based on data provided by Ohio EPA, EPA identified a sub-set of residential homes and one apartment complex near the site with potential for vapor intrusion and initiated the collection of indoor air and sub-slab soil gas samples this week. If analytical results indicate trichloroethylene (TCE) is present at harmful levels, EPA will take immediate action to mitigate the threat to human health. In addition, Ohio EPA will be providing EPA with the data they have collected over the past year. EPA will review the data and determine the appropriate steps forward to continue the investigation into off-site migration of TCE and any potential impacts to both residential and commercial buildings near the site.

We received a note of thanks from Ohio EPA Director Craig Butler for our prompt assistance.

Didion Milling Ethanol Plant Explosion, Cambria, Columbia County, Wisconsin
Key Message: EPA assistance was requested by the Cambria Fire Chief to help control explosion debris from entering a nearby creek.

The explosion took place in a laboratory building at the Didion Milling, Inc. plant in Cambria, Columbia County, Wisconsin on Wednesday, May 31, 2017 at roughly 11pm. Although the fire has been extinguished, search and rescue (SAR) operations continue for 2 missing persons.
The request from Cambria Fire Department (CFD) was fulfilled by working with ethanol plant personnel to deploy an absorbent in the firefighting water run-off stream, which is effectively removing all solids from entering the storm drain. Currently, there has been no off-site release to Duck Creek and only very small amounts of hazardous materials are suspected to have been present in the blast site. The blast did not impact the ethanol plant and no product was discharged, however, as a precautionary measure, the plant has been shut down. EPA has been working with CFD and Wisconsin Department of Criminal Investigations as they continue with their investigations and continues to stand by at incident command in the event that assistance may be needed.

Region 6 – Acting Regional Administrator Sam Coleman

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Bird Creek Area, Pawhuska, Oklahoma

June 2, 2017

Region 6 is conducting Mechanical Integrity Tests (MIT) at the UIC wells closest to Bird Creek. Two wells passed testing. The 3rd well is being tested on Friday 2 June, and the fourth well passed an integrity test on May 4, 2017 and will be tested again next week. The fifth well, Greyhorse, failed an integrity test on May 4, 2017 and EPA revoked it's operating status and is shut down. This well must be re-tested before coming back into service after repairs are completed. The 48-hour shutdown for each well is currently scheduled to begin late next week or the week of 12 June. The shutdown will be done one well at a time to assess if there is an impact on Bird Creek related to any individual well. EPA has placed instream monitors to collect data to assist in the ongoing investigation of the elevated levels of TDS and temperature. EPA will continue to coordinate with the landowners, Osage Nation, Osage Minerals Council, Bureau of Indian Affairs (BIA), and other local stakeholders on actions related to this investigation.

Denka Pontchartrain Plant, LaPlace, LA

EPA is reviewing the state-proposed water discharge permit for the Denka Performance Elastomer LLC plant and must comment by May 31. LDEQ agreed to extend the comment deadline to June 8 to allow for continued discussions. Louisiana Department of Environmental Quality provided clarifications for some of Region 6 initial comments on May 25, 2017, however some concerns with the state-proposed water discharge permit remain. EPA plans to issue a response letter by June 8 that provides some comments that will improve the State permit and make it more defensible. Denka is a new owner of a portion of this existing synthetic rubber manufacturer with neoprene and chloroprene manufacturing units.

Donna Canal Site, Donna, TX

The Donna Canal Superfund site is contaminated with polychlorinated biphenyls (PCBs) which bio accumulates in fish. Region 6 fish "depopulation" activities continued this week. The purpose of the fish removal is to prevent human consumption by removing fish that may be contaminated with PCBs from the reservoir and canal system. The fish will be removed from the system by the U.S. Fish and Wildlife Service using electroshocking methods. EPA and TCEQ are developing a coordinated plan to permanently address pollution at the site and will meet on June 7. The state of Texas is a potential responsible party and cleanup cost will need legislature authorization during the 2018 session. Local media interest is high. The fish "depopulation" is taking place this week and is being covered by both print and TV media.

Camp Minden, Minden, LA

Louisiana Military Department (LMD) is expected to submit the overall draft site closure plan for EPA approval within the next week. We anticipate that the plan will include removal from the Contained Burn Unit from Minden. We have not received any further word from Army concerning purchasing or contracting for this unit to destroy more demilitarized munitions.

June 2, 2017

Colonial Creosote Superfund Site, Washington Parish, Bogalusa, LA

Region 6 will begin field sampling for the Remedial Investigation (RI) of the Colonial Creosote Superfund site, which will occur over a two-week period. An Information Meeting will also be conducted June 6 at Bogalusa's City Hall.

Devon Energy Corporation

On June 8, EPA Region 6 and the Texas Commission on Environmental Quality are meeting with Devon Energy Corporation at the company's request to discuss aerial flyovers of Devon oil and gas facilities located in the Eagle Ford Shale area, southwest of San Antonio, Texas. The flyovers occurred in October and November of 2015 and used optical gas imaging technology. EPA identified numerous potential areas of noncompliance involving 56 Devon facilities as a result of the flyovers, and met with the company on June 26, 2016, to discuss flare and tank operations at the facilities. EPA has completed its review of additional information provided by Devon after the meeting. EPA and TCEQ are meeting with the company to get an update of operations and improvements since the flyovers and any updates to the information provided by Devon in 2016.

Range Resources Corporation, Louisiana

Range contacted EPA and the Louisiana Department of Environmental Quality regarding an audit of CAA compliance at the newly-acquired assets and are seeking coverage under EPA's New Owners Audit policy. The company has 9 months to seek coverage (June 16). Range Resources acquired a number of new facilities (377 wells, 3 pipelines, 8 tank batteries, 2 dehydration facilities) in northern Louisiana via merger with Memorial Resource Development Corporation. The audit and corrective actions that Range Resources will implement following the audit will help bring the facilities into compliance with the CAA and help reduce VOC emissions. LDEQ does not have a state new owner audit program, but EPA is coordinating with LDEQ on the federal response as the state evaluates its response to the potential violations identified to date as well as next steps for moving the facilities into compliance.

Louisiana Offshore Oil Port (LOOP), LLC, Deepwater Port Complex, Louisiana

LOOP is the only port in the U.S. capable of offloading a wide range of vessels including Ultra Large Crude Carriers (ULCC) and Very Large Crude Carriers (VLCC) down to Medium Range (MR) Tankers. LOOP is a joint venture of Marathon Pipe Line LLC, Valero Terminal and Distribution Company, and Shell Oil

Company. The water discharge permit is issued jointly by the state of Louisiana and Region 6, and the existing permit expired years ago. The Louisiana Department of Environmental Quality and Region 6 have been working with the facility to renew the discharge permit and incorporated whole effluent toxicity (WET) requirements for their brine discharge. On May 25, the parties met to discuss next steps.

NEPA

BLM/BIA Oil and Gas, Chaco Canyon, New Mexico

Bureau of Land Management and Bureau of Indian Affairs are jointly preparing an Environmental Impact Statement for the Proposed Farmington Resource Management Planning Area and BIA managed mineral leasing and associated activities. BLM/BIA have requested EPA participate in the EIS development as a cooperating agency and EPA currently negotiating a Memorandum of Understanding. EPA will support BLM by meeting our basic statutory requirements for participating in the environmental review process. BLM has been sued for failing to complete an EIS and ligation is pending. The preliminary draft EIS is expected in February 2018. Chaco Canyon is a high visibility project with a high level of citizen, state, tribal, Congressional and media interest. BLM/BIA are the lead Agencies and will maintain the responsibility to address all issues in the EIS.

UPCOMING PUBLIC EVENTS

June 15 – Village Green Air Monitoring Bench Ribbon Cutting Ceremony, Health Museum, Houston, Texas

June 20 - Public hearing in Houston, Texas for the Proposed Outer Continental Shelf Oil and Gas General Permit

June 21 – Public hearing in New Orleans, Louisiana for the Proposed Outer Continental Shelf Oil and Gas General Permit

July 12 – EPA Regional Tribal Operation Committee meeting, Albuquerque, New Mexico

July 27-28 – Children's Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

UPCOMING DECISIONS

Arkansas Regional Haze

Status Report on settlement talks due to Eighth Circuit Court on June 9. On Tuesday, May 30, 2017, EPA held a status update call with attorneys for Arkansas, EGUs, and industrial ratepayers. (Counsel for

Enviros were invited but did not participate on the call.) ADEQ received technical information from several of the companies as requested. Several companies (Entergy, Domtar, and AEP/SWEPCO) asked for extensions. Arkansas Attorney General stated that the companies until Friday June 2 to submit their information or ADEQ will finalize a SIP without that information. EPA stated its intent to submit a joint motion with the state requesting an additional abeyance of the litigation until July 24.

Texas Regional Haze

TCEQ Commissioner Bryan Shaw has met with Gov Abbott's office to discuss the path forward. We have letters from the TX AG asking that we hold air litigation with TX in abeyance until the parties have a chance to talk and EPA can reconsider some previous decisions. The AG has separately requested a meeting with EPA through DOJ. We anticipate scheduling these meetings after the Jun 6 update from TCEQ. TCEQ held a meeting with its EGU industries/industry associations on May 31 to discuss its SIP update around a BART alternative for state-wide SO2 budget/cap with an intrastate trading program and to get industry buy-in. On June 6, TCEQ will provide EPA a debrief of the meeting and, EPA expects, its decision on how it will update its SIP.

PAST WEEK ACCOMPLISHMENTS

Texas Mobile Source Incentive Program

Region 6 signed these five Texas State Implementation Plan (SIP) revisions that pertain to regulations to control air pollution from motor vehicles with mobile source incentive programs.

New Mexico Regional Haze Progress Report

Region 6 approved the New Mexico SIP revision progress report that assesses progress towards regional haze reasonable progress goals.

Texas State Implementation Plan (SIP) Revision for the Dallas-Fort Worth Ozone Nonattainment Area

Region 6 approved the Texas SIP revision for vehicle inspection and maintenance (I/M) and nonattainment new source review (NNSR) are met in the Dallas-Fort Worth for the 2008 ozone air quality standard.

Infrastructure and Interstate Transport for the 2012 Fine Particulate Matter National Ambient Air Quality Standards in Oklahoma

Region 6 approved portions of the Oklahoma infrastructure SIP submission for the 2012 PM2.5 NAAQS. We are taking no action with regard to the proposed disapproval.

Final PCB Authorization for Dow, Lake Jackson facility

Region 6 reauthorized Dow to continue to dispose and store Dow generated liquid and solid PCBs for an additional 5-year period.

PENDING ACTIONS (Pending Federal Register Publication)

- Final Authorization of Louisiana Waste Management Program Revisions; Proposed Rule and Direct Final Rule

June 2, 2017

- Final Authorization of Oklahoma Hazardous Waste Management Program Revisions; Proposed Rule and Direct Final Rule
- Texas Revisions to the General Definitions for Texas Air Quality Rules
- Texas State Implementation Plan (SIP) Emissions Banking and Trading Programs

June 2, 2017

Region 7 – Acting Regional Administrator Ed Chu

Hot Issues

Region 7 collaboration with NDEQ

Key Message: On May 31, 2017, R7 program managers and senior staff met with the leadership of the Nebraska Department of Environmental Quality in Nebraska City, Nebraska.

- The agenda included discussions on our partnership, priorities and process improvement efforts.

Vapor Intrusion TCE Exposure Concerns at Commercial Property in Ogallala, NE

Key Message: R7 is working with the owner of Adams Bank to address concerns about worker exposures due to vapor intrusion associated with the groundwater plume at the Ogallala Groundwater Contamination Site.

- Recent site data indicate that exposures to TCE are occurring, posing a potential risk to workers and visitors.
- R7 is proceeding with mitigating the immediate health risks associated with VI as a time-critical removal action.
- The owner of Adams Bank has indicated that he was considering relocating all operations at the building until mitigation occurs.
- R7 has provided the owner with additional information on TCE exposure limits and advised him to implement low-tech solutions, such as natural ventilation to decrease indoor concentrations. We have also offered to facilitate a discussion with ATSDR to answer further the property owner's questions.

Last Week's Highlights

Unified Government of Wyandotte County and Kansas City, Kansas Reuse/Revitalization Meeting

Key Message: On May 30, 2017, R7 participated in a meeting with Unified Government of Wyandotte County and Kansas City, Kansas regarding redevelopment and property reuse in the Northeast area of Kansas City, Kansas.

- Representatives from K-State (Brownfields TAG), the Unified Government, NAACP, EPA HQ's and R7 staff attended the meeting.
- The meeting included a presentation which identified blighted areas with vacant and abandoned properties which might be considered for reuse/redevelopment; and was followed by a community tour.
- R7 and K-State will continue to provide technical assistance to the Unified Government and the community in their redevelopment/reuse efforts.

June 2, 2017

Region 7 Ammonia Safety Day

Key Message: On June 1, 2017, R7supported the ammonia refrigeration safety training hosted by the Garden City Ammonia Program.

- This 9th annual edition of the training was held at the Kansas City Kansas Community College campus.
- The training is focused towards owners and operators of ammonia refrigeration systems; approximately 200 individuals were in attendance.
- The R7Chemical & Oil Release Prevention (CORP) program provided regulatory compliance assistance on the Chemical Accident Prevention Provisions of the Clean Air Act section 112(r) as well as the Emergency Planning Community Right-to-Know Act and staffed a compliance assistance exhibit.
- Ammonia refrigeration facilities make up approximately 10% of the Risk Management Plan facilities in R7 (246) and roughly half of the RMP chemical accidents in R7 in a given year (~10).

Pools Prairie Site Work Group Meeting

Key Message: On June 1, 2017, R7 held a Pools Prairie Superfund Site workgroup meeting with representatives from both PRPs (Boeing and TDY Inc.) and their consultants, the COE and the Missouri National Guard.

- The workgroup meets at least quarterly to discuss site issues and activities.
- This meeting focused on a new draft order for a Remedial Investigation/Feasibility Study and updates on the soil vapor extraction system operating as part of a removal action at the site.
- The next meeting scheduled for August 16, 2017.

Upcoming Events

Meeting with Vienna Well City Council

Key Message: On June 5, 2017, R7 will meet with the Vienna Springs, Missouri City Council to present the details of the Proposed Plan and community involvement opportunities associated with the Vienna Springs NPL Superfund site.

- The meeting comes in advance of the formal public meeting scheduled for the end of June.

Emergency Response/Removal Program Data Management Workshop

Key Message: On June 6-7, 2017, R7 will host a workshop to discuss regional procedures and protocols.

- This workshop is a part of national efforts to standardize data and information flows during EPA response actions.
- Approximately 40 participants will include: R7 OSC's, program managers and GIS specialists; OSC's from other regions, HQ's and national Emergency Response Team staff.

June 2, 2017

Region 8 – Acting Regional Administrator Deb Thomas

Hot Issues

Region 8 Issued to United Park City Mines a Notice of Work Takeover at the Richardson Flat Superfund Site in Summit County, Utah

Key Message: On May 25, 2017, EPA issued to United Park City Mines (UPCM) a notice of work takeover for work in operable units 2 and 3 (OU2/3) of the Richardson Flat Superfund Site (Site).

- EPA, UPCM, and the Natural Resource Damage Trustees entered an administrative order on consent for engineering evaluation and cost analysis, as well as a removal action, at the Site (OU2/3 AOC) in 2014.
- After finalizing the OU2/3 AOC, UPCM failed to meet key deadlines, and has been repeatedly late and deficient in performing the required work.
- Pursuant to the OU2/3 AOC, UPCM has 10 days after notice of work takeover is issued to cure the deficiencies.
- The work takeover would include completion of the engineering evaluation and cost analysis (EE/CA) that may allow work to start this construction season.

Department of Justice Files Complaint Against United Park City Mines and Talisker Finance LLC for Failure to Respond to CERCLA Information Requests.

Key Message: On May 30, 2017, DOJ filed a complaint against both United Park City Mines (UPCM) and Talisker Finance LLC (Talisker) for failure to respond to information requests issued pursuant to section 104(e) of CERCLA.

- In March 2014, UPCM entered into an Administrative Order on Consent with EPA and the Natural Resource Trustees to perform an Engineering Evaluation/Cost Analysis and removal action and to pay for EPA's oversight costs at the Richardson Flat Site in Summit County, Utah.
- In February 2015, Wells Fargo initiated foreclosure of a $163.8 million loan made to UPCM and other affiliated companies, including Talisker Finance LLC.
- UPCM has failed to perform actions required by the AOC, and the company has approximately $400,000 in unpaid EPA oversight bills.
- UPCM's failure to comply with the requirements of the AOC has raised significant questions about the company's ability to pay for or perform work at the Site.
- In 2016, EPA issued information requests to gather information into UPCM's ultimate ability to pay for or perform cleanup.
- Both UPCM and Talisker engaged in conversations with EPA and DOJ regarding the requested information, and the companies ultimately declined to provide responsive documents.
- On May 30, 2017, the Department of Justice filed the complaint in the District of Utah and seeking compliance with the information requests and penalties for failure to comply with the information requests.

Montana Nutrients - Public Comment on Revised Variance

Key Message: On May 31, 2017, Region 8's Water Quality Unit submitted comments to the Montana Department of Environmental Quality (MT) on their proposed revisions to the multi-discharger nutrient variance that is current under litigation.

- On February 26, 2015, EPA approved numeric nutrient criteria (NNC) for wadeable streams in Montana and approved a 20-year general (multiple discharger) variance.
- On May 31, 2016, Upper Missouri Waterkeeper, represented by Earthjustice and Albert Ettinger, filed a complaint challenging the EPA's approval of MT's variance provisions for the State's NNC. A hearing is scheduled for June 28, 2017.
- Almost concurrently, MT's 2015 variance expires on July 1, 2017; hence, MT is in the process of updating their variance language and conducting a rulemaking for the next set of interim milestones.
- Region 8 and EPA Office of Science and Technology (OST) have been working closely with MT in updating the variance.
- Once MT finalizes and submits their revised variance provisions on July 1, 2017, EPA will have 60 to 90 days to act.

Upcoming Public Events

On June 6th, Deb Thomas, R8 Acting RA, will join Martha Rudolph, Director of Environmental Programs, Colorado Department of Public Health and John Jacus, Partner, Graham and Stubbs, at an Environmental Leaders Conference for corporate executives to discuss, "The Changing Regulatory Landscape in the Wake of a New Presidential Administration."

Last Week Highlights - None

Region 9 – Acting Regional Administrator Alexis Strauss

HOT TOPICS: FYI, no Administrator action sought at this time

1. **Navajo:** last week, the U.S. District Court for the District of Columbia dismissed claims filed by the Navajo Nation and El Paso Natural Gas against the United States in *EPNG v. U.S.*, alleging violations of UMTRCA, RCRA and other laws relating to a former uranium mill near Tuba City (AZ). Most of the claims were dismissed previously; the Navajo Nation agreed to drop remaining claims in exchange for limited groundwater monitoring, to be performed by the Dept. of Energy at a site near the former mill. EPNG also signed the joint motion to dismiss in exchange for the U.S. agreeing to drop its counterclaims. No state parties were involved.
2. **Title VI**: working with the OGC Civil Rights staff, we are finalizing the completion of two letters to close out old Title VI complaints in Arizona. In one, the Arizona Dept. of Environmental Quality has strengthened its requisite Title VI compliance tools (e.g. its public participation guidance, and its civil rights policy, available in Spanish and English on their website). In the other, an old Maricopa County (AZ) matter will also be closed out though similar improvements made.

PUBLIC MEETINGS/ENGAGEMENT: none. We look forward to hosting Ken Wagner's return visit next Tuesday, including his midday meetings with Nevada DEP and California EPA senior executives here in the Regional Office.

PAST WEEK HIGHLIGHTS:

1. **Portland (OR) Warehouse Fire:** Reg. 9 lent staff support to Region 10 and Oregon DEQ in addressing significant impacts of the warehouse fire and asbestos debris clean-up. Oregon DEQ Director Richard Whitman sent the following: "I can't think of a more fitting description of the state and federal partnership on display over the past two weeks. EPA's expertise, professionalism, generosity, humor and most important, the laser focus on outcomes for health, the environment and public safety, has been stellar. From the quality personnel EPA was able to dedicate from multiple regions, to the technology that assesses progress in the field, to the web based tools that have helped inform the public in real time, we are indebted to you for

the overwhelming support! The operation has been seamless and my staff have already reported how much we've learned from this collaborative experience. "

2. **Lab:** we worked very productively with OARM to develop options to meet Region 9's analytic, scientific and field-support needs since opting to not renew our laboratory lease. We've developed a concept for further refinement in the month ahead, which includes partnering with ORD at its Corvallis facility.
3. **Brownfields:** I joined local officials in hosting a terrific event with the City of Pittsburg (CA) to celebrate renewal of its industrial waterfront, to complement the national announcement.

June 2, 2017

Region 10 – Acting Regional Administrator Michelle Pirzadeh

Hot Issues

Westward Seafoods (AK) Consent Decree Comment Period Re-Opened: Region 10, DOJ and the State of Alaska are re-opening the public comment period for another 20 days for the proposed Consent Decree with Westward Seafoods, Inc. The consent decree would resolve alleged violations of the Clean Air Act at Westward's seafood processing facility in Dutch Harbor, Alaska. The original 30-day comment period ended May 25, 2017. To date, comments were submitted by the Qawalangin Tribe of Unalaska, Alaska. Region 10 is scheduling a teleconference with the Tribe to discuss their comments, some of which appear to be outside the scope of the proposed settlement and may be better addressed outside the formal public comment process.

Kapstone (WA) formal information request: EPA met with the Washington Department of Ecology and Kapstone (formerly Longview Fiber) to follow up on a letter sent to the company outlining Clean Air Act compliance concerns. The company has been resistant to discussing solutions to the uncontrolled emissions. EPA is preparing a CAA Section 114 information request requiring testing of the emission source. We will coordinate with OECA/AED prior to issuing the request. Under the pulp and paper toxics rule, the use of an alternative control setup, such as that used by Kapstone, would only be allowed if it achieves similar reductions and is approved by EPA Headquarters. Kapstone has not tested its system or submitted a request for approval to EPA.

Upcoming Public Events

State of Idaho Class II Underground Injection Control Wells. In follow up to a request from Idaho Governor Buch Otter, Region 10 staff and management will meet in Boise on June 5th with Idaho's departments of Water Resources, Environmental Quality & Lands and a representative from Governor Otter's office. EPA headquarters representatives from the groundwater program as well as OCIR's Tate Bennett and Oil and Gas lead, Jim Kenney will participate by phone. The purpose of the meeting is to discuss the current status of Idaho's draft application for state program revision to authorize Class II (Oil & Gas) wells. The desired meeting outcome is to inform Idaho on the regulatory options (SDWA 1422 or 1425) and general time lines for authorizing Class II wells, summarize the significant issues needing resolution and identify key points of contact for EPA and Idaho to ensure timely resolution moving forward.

North Slope (AK) Hazardous Waste Inspections: In early and mid-June, EPA Region 10 will conduct RCRA hazardous waste inspections of North Slope Borough (NSB) facilities. The inspections will be focused on NSB's generation and management of hazardous waste at various facility types. EPA directly implements

the RCRA hazardous waste program in the State of Alaska. We have coordinated with the Alaska Department of Environmental Conservation's Spill Prevention and Response programs and they concur that inspections of NSB's waste management is a high priority.

Upcoming Major Decisions

Region 10 Approval of Hawk Inlet TMDL (AK): By June 7 Region 10 plans to approve the Hawk Inlet TMDL submitted in early May by the Alaska Department of Environmental Conservation (ADEC). The TMDL covers five metals (cadmium, copper, lead, mercury, and zinc) in the marine sediments. This TMDL has received much interest, including by the local native tribal villages and Region 10 has engaged these tribes both informally and through formal consultation. In response to the interests of tribes, ADEC included a comprehensive watershed data collection/assessment and recommendations for future monitoring and implementation. EPA is required to either approve the TMDL or disapprove the TMDL and develop its own TMDL within 30 days. A decision is due by June 7.

Last Week Highlights

Future of Alaska Area Response Planning: In late May, Region 10's Emergency Management Program and our Alaska response partners at the Alaska Department of Environmental Conservation and the U.S. Coast Guard, struck an agreement to update and restructure government spill contingency plans in Alaska. Planners, On-Scene Coordinators, and Emergency Response Managers from all three agencies decided how to move forward with updating Alaska's contingency planning framework to be more consistent with the National Contingency Plan, and other Regions throughout the country. In addition, Region 10 participated in a national Endangered Species Act Workgroup meeting with other National Response Team members from the U.S. Coast Guard, National Oceanic and Atmospheric Administration/National Marine Fisheries Service, and the Department of the Interior/U.S. Fish and Wildlife Service to complete the draft Biological Evaluation template to be followed when conducting Endangered Species Act Section 7 consultation on spill responses nationwide.

Portland, OR Warehouse Fire and Asbestos Cleanup Response: Region 10's response to the May 14 warehouse fire in Portland, Oregon, continued this week with focus shifting from collection of asbestos containing material (ACM) on the ground to collection on roof-tops throughout the heavily populated downtown Portland area. Impacts extend approximately three miles downwind from the fire on both sides of the Willamette River including approximately 440 residential and commercial roof-tops. Access has been obtained to the majority roof-tops in the most highly impacted area. It is anticipated that the roof-top ACM recovery will be largely complete this week. A stabilizer/tackifier was applied to the former warehouse site to prevent releases of asbestos containing material while a long-term plan to address the asbestos containing debris is formulated. On Friday May 26 the City of Portland was able to

resume all regular maintenance activities in parks and public spaces. This activity coincided with the start of the annual Rose Festival throughout the city which included a fireworks display Friday night over the Willamette River. A revised public "story board" was released over the weekend to provide the public information on cleanup activities and sample results. http://arcg.is/2r1F40V.

Region 10 lends support to Washington State and local agencies re: lake closure due to harmful algae bloom: Popular Summit lake was closed on May 8 due to harmful algae blooms which have caused illness in area dogs and up to six deer deaths. The lake is closed for recreation and drinking water intakes. The Thurston County Health Department has the lead, and has been conducting weekly sampling and has provided bottled water to the community. Region 10 has been contacted by community members, and we have provided links to websites and other information sources, while coordinating with Thurston County. We have offered analytical support via EPA ORD to the county, as well as connected the county to researchers who may be able to provide support on developing tools to better understand why such large anatoxin levels are occurring.

Fourteen Region 10 Communities Selected for Brownfields Funding: In concert with the national announcement, Region 10 announced fourteen communities selected for Brownfields Cleanup and Assessment Grants including. We received excellent local press coverage of these selections as well as social media amplification.

June 2, 2017

Office of Air and Radiation – Acting Assistant Administrator Sarah Dunham

Upcoming Hot Issues and Important Deadlines

- **Acting on Exceptional Events Demonstrations:** Early next week I will approve a request to exclude ozone monitoring data affected by exceptional events. The Ute Indian Tribe of the Uintah and Ouray Reservation claimed that a stratospheric ozone intrusion caused exceedances of the 2015 ozone standard in June 2015 at four tribal ozone monitors in the Uinta Basis and asked that these data not be used for regulatory purposes.
- **Moving Forward on Stay Notices for Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG):** The longer term stay notices for the MSW Landfills NSPS and EG are at OMB for interagency review. We are aiming for signature on them next week. (The 90-day stay was published in the Federal Register on May 31).
- **Moving Forward on Stay Notices for Oil and Natural Gas New Source Performance Standards (NSPS):** The longer term stay notice for the 2016 Oil and Natural Gas NSPS is at OMB for interagency review. We are aiming for signature on it next week. (The 90-day stay will be published in the Federal Register on June 5).
- **Moving Forward on the Renewable Fuel Standard (RFS) Proposed Rule for 2018 Volumes:** The proposed rule is currently at OMB for interagency review. We are targeting June 14th for signature of the proposed rule.

Upcoming Meetings, Public Events, or Other Public Releases

- **National Healthy Homes Month:** This June marks the inaugural National Healthy Homes Month. OAR is working with HUD to remind the public that a healthy home begins with healthy indoor air. Newsletters and social media messages throughout the month will encourage states, tribes and the public to take action to protect and improve indoor air quality in homes. OAR will also convene federal partners for the quarterly meeting of the Interagency Committee on Indoor Air Quality on June 7th.
- **Ozone Transport Commission (OTC) Spring Meeting**: On June 6-7, the Ozone Transport Commission is holding their Spring Meeting in Saratoga Springs, NY. OAR Staff will be participating in the meeting and will be delivering brief opening remarks on recent air actions. The OTC is a multi-state organization created under the Clean Air Act that is responsible for advising EPA on transport issues and for developing and implementing regional solutions to ground-level ozone issues in the Northeast and Mid-Atlantic regions.
- **Lead Author Meetings for the Elaboration of the 2019 Refinement to the 2006 Intergovernmental Panel on Climate Change (IPCC) Guidelines:** On June 7-14, OAR staff will attend a series of technical meetings in Bilbao, Spain hosted by the IPCC to develop the 2019 refinement of the GHG inventory guidelines. The guidelines, which were last updated in 2006, serve as the international standard for developing national GHG inventories.

Upcoming Decisions

- **For Administrator's signature – Title V Petition Responses:**
    - **Waupaca Foundry:** This is an Order denying a petition from a private citizen requesting that EPA object to a title V operating permit issued to two foundry plants located in Waupaca, Wisconsin. (No deadline)
    - **Bunge North America, Inc.:** This is an Order denying a petition from two citizens requesting that EPA object to a title V operating permit issued to the Bunge Grain Elevator in Louisiana. (No deadline)
- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package will be going today to OP for review.

Recap of the Past Week

- **Final Rule to Approve Request from Tennessee to Relax the Summer Gasoline Volatility Standards for the Middle Tennessee Area**: On May 31st the Administrator signed the final rule to relax the federal Reid Vapor Pressure (RVP) standard for gasoline sold in the Middle Tennessee area. This change affects the volatility of gasoline sold during the summer ozone season (June 1 to September 15 of each year).
- **Information Access Agreement with the Energy Information Administration (EIA) and EPA:** This week Howard Gruenspecht (EIA Acting Administrator) and I are signing an information access agreement that will give EPA access to information that will be useful as we conduct the analysis required by the Final Order from the U.S. District Court for the Northern District of West Virginia related to Clean Air Act section 321(a).

Office of Administration and Resource Management – Acting Assistant Administrator Donna Vizian

Hot Issues

OPM Executive Memorandum
On January 4, 2017, the Office of Personnel Management distributed an executive memorandum on the mandatory government-wide initiative to assign information technology, cybersecurity and cyber-related codes to federal positions. The memorandum addresses the requirements of the Federal Cybersecurity Workforce Assessment Act.

In response to the OPM memorandum, the agency is required to develop standard operating procedures to properly code all agency positions by April 2018. OARM will be working with the Department of Interior to ensure all agency positions are properly coded and uploaded into the Interior Business Center's Federal Personnel and Payroll System by the April 2018 deadline.

Upcoming Public Events

OPM's Annual Research Summit
The U.S. Office of Personnel Management in partnership with the American University School of Public Affairs will host its 2nd Annual Research Summit on Wednesday, June 7, 2017, in Washington, DC. The Summit is designed to bring together academic researchers, federal practitioners, and industry partners to exchange ideas, collaborate, and participate in critical conversations about ways to transform Human Capital Management Policy through research, innovation, and analytics. This year OPM will focus on four specific summit tracks: performance management, diversity and inclusion, workforce reshaping, and analytics and technology. Over 250 participants have registered to attend this event.

OPM invited OARM's Office of Human Resources to present a paper on "Mitigating Unconscious Bias in Hiring, Promotion, Detail Assignments, and Awards Decisions" at the Summit.

Upcoming Major Decisions

None

Last Week's Highlights

None

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemical Determinations					
Determination Type	**Pending on 5/23/2017**	**Pending on 5/30/2017**	**Determinations Completed* as of 5/23/2017**	**Determinations Completed* as of 5/30/2017**	**Determinations Posted on the Website as of 5/23/17**
# of "not likely" determinations	**5**	**5**	**80**	**81*****	**78******
# of §5(e) Orders signed by both EPA and the submitter	**-**	**-**	**180**	**181**	**171**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**49**	**53**	**-**	**-**	**-**
# of cases in Order development process	**271**	**283*****	**-**	**-**	**-**
# of cases flagged for in-depth review	**103**	**82**	**-**	**-**	**-**
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**23**	**20**	**-**	**-**	**-**
# of LVE/LOREX exemption grants	**-**	**-**	**367**	**372**	**367********
# of LVE/LOREX exemption denials	**-**	**-**	**99**	**99**	**90********
Total number of cases	**451****	**443****	**726**	**732**	**-**
Backlog	**151**	**143**	**-**	**-**	**-**

* "Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).
** Of these cases, approximately 300 cases are the normal active workload for the New Chemicals Program.
*** Of these cases, approximately 94 are lung toxicity cases that are suspended while EPA conducts its evaluation of these types of effects.
**** "Not Likely" determinations are not posted until the final determination document is prepared and shared with submitter.
***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.
****** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted."

HOT ISSUES

TSCA Framework Rules: Prioritization, Risk Evaluation and Inventory
OCSPP is working to complete development of the final TSCA Framework Rules before the June 22, 2017, statutory deadline. The Prioritization rule is currently undergoing OMB/Interagency review. The Risk Evaluation rule ended Final Agency Review on May 30, and

began OMB/Interagency review on June 1. The Inventory rule began Final Agency Review on May 31st, and does not require OMB/Interagency clearance.

UPCOMING PUBLIC EVENTS

June 8-9- OPPT expects to host the first meeting of a Negotiated Rulemaking Committee on Chemical Data Reporting Requirements for Inorganic Byproducts. The objective of the Committee is to negotiate a proposed rule that would limit chemical data reporting requirements, under subsection 8(a) of the Toxic Substances Control Act (TSCA), for manufacturers of any inorganic byproducts when such byproducts are subsequently recycled, reused, or reprocessed. The negotiated rulemaking process is required by the Lautenberg amendments to TSCA. The public is invited to attend.

June 12 - The 2017 Green Chemistry Challenge Award winners will be honored on June 12 at a ceremony in Washington, DC. These annual awards recognize chemical technologies that incorporate the principles of green chemistry into chemical design, manufacture, and use. OCSPP sponsors the Green Chemistry Challenge Awards in partnership with the American Chemical Society, Green Chemistry Institute and other members of the chemical community including industry, trade associations, academic institutions, and other government agencies.

LAST WEEK HIGHLIGHTS

Extension of Effective Date for the Certification of Pesticide Applicators Rule

On June 2, EPA issued a final rule that delays the effective date of the C&T rule until May 22, 2018. On May 15, EPA solicited public comment on the proposed delay of the effective date and received more than 130 comments (18 commenters supported the extension and the rest opposed). A summary of comments and EPA's responses are included in this final rule. EPA is delaying the effective date to give recently arrived agency officials the opportunity to conduct a substantive review of the regulation. This is the fourth extension to the effective rule date. EPA's second extension has been challenged in the 9th circuit. The final C&T rule (issued January 4, 2017) revises regulations concerning the certification of pesticide applicators who apply restricted use pesticides.

Initial Release of the 2016 Chemical Data Reporting (CDR) Data

EPA released initial data collected under EPA's Chemical Data Reporting (CDR) rule from the 2016 CDR reporting period. This initial release of the 2016 CDR data includes national production volume, other manufacturing information, and processing and use information, but does not include information that was claimed by the submitter to be confidential business information (CBI) or information that is being withheld to protect CBI. CDR data is collected every four years, with the latest submission period ending on October 31, 2016. Under the CDR rule, EPA collects basic exposure-related information on the types, quantities and uses of chemical substances produced domestically and imported into the United States. This information constitutes a comprehensive source of basic screening-level, exposure-related information on chemicals available to EPA, and is used by the Agency to help assess potential health or environmental effects of chemicals in commerce.

June 2, 2017

Office of the Chief Financial Officer – Acting Chief Financial Officer David Bloom

Hot Issues

- OCFO submitted the FY 2017 Operating Plan to OMB on May 25 and received OMB's comments today (June 1). EPA must obtain OMB's timely approval to submit the Operating Plan to Congress by the June 5 deadline; however, all comments are expected to be resolved.

June 2, 2017

Upcoming Public Events

- N/A

Upcoming Major Decisions

- OCFO continues to prepare the FY 2018 President's Budget Fact Sheets and other materials for the Administrator to use during hearings with the House and Senate Appropriations Committees on June 15 and 27, respectively. Materials incorporate feedback from the Policy Team and address Congressional polling topics. OCFO will participate in the Administrator's hearing prep early this month. *Decision: Administrator feedback received during the prep will be incorporated into Fact Sheets and materials.*
- EPA's draft FY 2018-2022 EPA Strategic Plan framework is due to OMB by June 30. As a follow-up to input from the Core Team, OCFO will work with EPA senior leaders to: 1) develop the full draft Strategic Plan, including narratives and performance measures, and 2) assess risks to achieve the strategic goals and objectives outlined in the draft framework. *Decision: To comply with OMB's deadline and move the development process forward, OCFO is scheduled to meet with the Administrator to obtain approval of the draft framework.*

Last Week Highlights

- OCFO provided the second of two Travel Policy training sessions to over 200 OIG employees across the agency.

Other

- As a follow-up to the May 31 briefing, OCFO is developing a plan to respond to the Administrator's feedback on Quarterly Measures Reporting, which includes refinements to measures to address process-driven elements and identification of monthly measures to inform decision making.
- Based on Policy Team input, OCFO plans to issue supplemental agency guidance on June 2 regarding next steps to develop FY 2018-2019 National Program Manager Guidances, which align with the FY 2018 President's Budget and provide programmatic activities and measures for EPA regions, states and tribes that inform state-EPA grant work planning. This guidance will be available to the states and general public on the internet.

Office of Congressional and Intergovernmental Affairs – Associate Administrator Troy Lyons

- ***Upcoming Hot Issues and Important Deadlines***
    - **June 7** – Senate Committee on Environment and Public Works will hold a hearing on the nomination of Susan Bodine to be Assistant Administrator OECA
    - **June 15 –** House Committee on Appropriations, Subcommittee on Interior,

Environment, and Related Agencies will hold a hearing on the President's FY 2018 Budget. Administrator Pruitt will testify.

- ***Upcoming Events***

  - **June 6** – Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs will visit Region 9. In June and July, the team will work to schedule visits in Regions 4, 5, 6, 7, 9, 10
  - **June 6** – Cong. King (IA) staff meeting Carroll, IA on NPDES w/OW
  - **June 8** - EPA will host a consultation with the Western Governors' Association and representatives from several governors' offices.
  - **June 8** – Troy Lyons and Ken Wagner will attend the EPA at the Chesapeake Bay Executive Council on behalf of the Administrator
  - **June 13 Tentative** - Notification on final WIIN lead notification strategic plan w/OW
  - **June 13** OIR, Office of Water, and Region IX staff will meet with Mayor Kevin Faulconer to continue discussions and dialogue on the Point Loma Wastewater Treatment Plan
  - **June 27** – Senate Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies will hold a hearing on President's FY 2018 Budget. Administrator Pruitt will testify.

- ***Past week accomplishments***

  - **May 31** - Brownfields Assessment, Revolving Loan Fund and Cleanup Grants announcements
  - **May 31** - EPA held host a WOTUS consultation with the National Association State Departments of Agriculture and state agriculture secretaries and commissioners from around the country.
  - **May 31**: The EPA Administrator signed the final rule to relax the Reid vapor pressure requirement for middle Tennessee, and we provided an update to Sen. Corker's staff and the rest of the relevant congressional delegation.
  - **May 31:** We notified authorizing committee member staff and other offices that have contacted us on methane and oil and gas in both chambers about EPA's 90-day stay of the New Source Performance Standards for the oil and gas industry.
  - **June 1 -** Brownfields legislation technical assistance call with HEC bipartisan staff
  - **June 1 -** FY 18 budget update for House Transportation and Infrastructure/Water Resources and Environment Subcommittee staff (OLEM, OW)

- ***Ongoing activities***

  - Managing the confirmation process for the nominee for the Assistant Administrator, Office of Enforcement and Compliance Assurance, Susan Bodine.

Organized and attended several member meetings. Working closely with the program office to prepare briefing materials for the upcoming hearing.

- Working with ECOS on planning the upcoming ECOS Leadership meeting scheduled for July 18th.
- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests.

Office of Enforcement and Compliance Assurance – Acting Assistant Administrator Lawrence Starfield

Hot Issues

Hearing Prep for OECA AA Nominee: OECA is working closely with OCIR and others to prepare Susan Bodine, the OECA Assistant Administrator Nominee, for the confirmation process.

June 2, 2017

VW Civil Litigation: As early as June 5th, the EPA and the California Air Resources Board (ARB) will approve Volkswagen's proposed emissions modification for the approximately 330,000 "Generation 1" vehicles. This includes the Volkswagen Jetta (Model Years 2009-2014), Jetta SportWagen (2009-2014), Golf (2010-2014), Beetle (2013-2014), Beetle Convertible (2013-2014), and Audi A3 (2010-2013). Also expected any day, Volkswagen will publicly withdraw its proposed Emissions Modification for approximately 7,200 model year 2012-2013 Volkswagen Passats with a manual transmission (a subset of the "Generation 2" vehicles). The settlement already provides for this situation. The bought back vehicles will be scrapped, with no option for resale or export (except as parts). Besides these two sets of vehicles, EPA and ARB have already approved Emissions Modifications for all remaining 2.0 liter vehicles subject to the first partial settlement.

Background: Pursuant to the first partial settlement with Volkswagen (as approved October 2016), Volkswagen is required to perform a recall on its 2009 – 2015 diesel vehicles. Each owner must be offered a "buyback." Additionally, the settlement provides Volkswagen with the opportunity to demonstrate whether the company can perform an "Emissions Modification" on the vehicles. If Volkswagen can propose technical modifications to the vehicles that satisfy various criteria laid out in the settlement, then EPA and the ARB will approve the proposal. Where EPA and ARB approve a proposed Emissions Modification, each owner may choose whether to get the buyback or the Emissions Modification. Also, Volkswagen may resell or export vehicles it has already bought back, provided the company first performs the approved Emissions Modification.

Upcoming Public Events

None

Upcoming Major Decisions

*Case-specific deadlines are noted in our Daily Enforcement Report to Ryan Jackson.

Last Week's Highlights

OECA Meeting with the Corporate Environmental Enforcement Council: On May 30th, Larry Starfield, Dave Cozad, and the Directors of the Offices of Compliance and Civil Enforcement had a productive meeting with members of the Corporate Environmental Enforcement Council. They discussed the business community's ideas on improving the relationship with EPA and the states on enforcement matters. OECA has met with this group in the past, and will continue to meet periodically with them to ensure an open dialogue with the business community.

OECA Acting AA Participation in Industry Roundtables: On June 1st, in response to invitations from industry representatives, Larry Starfield spoke at two business roundtables in Houston, TX about issues and concerns regarding EPA's compliance and enforcement program. The roundtable discussions were productive and engaging, and generated constructive ideas for improving compliance.

EPA and DOE Sign Modification to TSCA Compliance Agreement: On May 30th, EPA and the Department of Energy signed an agreement modifying the multi-site February 20, 1992, TSCA Federal Facility Compliance Agreement which brings DOE's Paducah, KY and Portsmouth, OH uranium enrichment facilities into compliance with TSCA and the PCB regulations. This agreement ensures that

DOE's management and disposal of PCBs at these sites are done properly. By working with DOE to reach this agreement, EPA helped DOE come into compliance in a manner that took into account DOE's current needs at these sites and leveraged EPA's limited enforcement authority under TSCA.

Environmental Justice Interagency Working Group Webinar: On May 31st, the Office of Environmental Justice hosted an Environmental Justice Interagency Working Group (EJ IWG) webinar titled "Partnership in Progress: Community Based Collaboration for Environmental Justice in Portland, Oregon." This webinar is the latest in a series hosted by OEJ and the EJ IWG and highlights ongoing work to partner with local community members, state officials and other federal representatives to identify and address community challenges and solutions in the Portland area.

Clean Air Act Civil Settlement: On Tuesday, May 30th, the Department of Justice lodged a compliance agreement with Alon USA, LP, a refinery located in Big Spring TX. The agreement resolves violations of various Clean Air Act requirements, including permit exceedances and other NSPS, NESHAPs and NSR requirements that resulted in excess emissions of SO2, NOx, and other pollutants. The compliance agreement is estimated to reduce SO2 emissions by 2,455 tons per year and NOx by 477 tons per year once all controls are installed.

Criminal Clean Water Act Plea: On May 26th, a second production operator pled guilty in the Western District of Louisiana to violating one felony count of the Clean Water Act, 33 USC 1319 (c)(2)(A), for his role in the release of oil from a platform into the Gulf of Mexico. On May 22nd, another production operator pled guilty to the same charge. Sentencing for both is scheduled for September 19, 2017.

Office of Environmental Information – Acting Assistant Administrator Steven Fine

Hot Issues

NA

Upcoming Public Events

June 2, 2017

NA

Upcoming Major Decisions

NA

Last Week's Highlights

Comments for Agency Docket Soliciting Public Input on Regulatory Reform Exceeds 168,000 and Counting

- **Brief description:** The U.S. Environmental Protection Agency (EPA) Docket Center has processed and posted more than 168,000 comments received on the EPA's docket on the Evaluation of Existing Regulations (EPA-HQ-OA-2017-0190). This number continues to grow.
- **Who benefits or cares:** The Administration; Congress; EPA program offices and regions; state, local and tribal governments; non-governmental organizations; regulated industries; academic and research institutions; the media and the public
- **Why this is important:** This docket supports Executive Order 13777, "Enforcing the Regulatory Reform Agenda," which required the EPA to establish a Regulatory Reform Task Force and seek input on regulations that may be appropriate for repeal, replacement or modification.
- **Additional information:**
    - While the comment period ended on May 15, the EPA's Office of Policy continues on a daily basis to forward to the Docket Center thousands of emails received during the comment period.
    - The EPA Docket Center manages the docket, including processing and posting the comments to Regulations.gov.
    - After the Docket Center has processed and posted all comments, the EPA's program offices will review and analyze their content.

June 2, 2017

Office of General Counsel – Acting General Counsel Kevin Minoli

Hot Issues

- OGC expects to issue a letter resolving a Title VI complaint regarding the Maricopa County Air Quality District the week of June 5th and a second letter resolving a related Title VI complaint regarding the Arizona Department of Environmental Quality the week of June 12th. In response to the complaints, the EPA worked with Maricopa County and ADEQ to help the two entities document their process for responding to and investigating air quality complaints from citizens. In addition, OGC and Region 9 have assisted ADEQ in its effort to strengthen its non-discrimination procedural safeguards, with a goal of empowering ADEQ to be able to resolve any similar concerns from citizens without federal involvement in the future.

New Judicial Decisions

- EPA received a favorable decision from the D.C. Circuit upholding EPA's withholding of confidential business information (CBI) when responding to a Freedom of Information Act (FOIA) request. Appellants Environmental Integrity Project, Earthjustice, and Sierra Club challenged EPA's withholding of CBI, which was obtained under section 308 of the Clean Water Act to develop the effluent limitations guidelines and standards for the Steam Electric Power Generating Point Source Category (steam electric rule). Appellants argued that language in section 308 required the release of the CBI notwithstanding Exemption 4 of the FOIA, which protects CBI. The Court found that section 308 of the Clean Water Act does not expressly supersede FOIA Exemption 4, and therefore EPA permissibly invoked Exemption 4 to withhold the CBI at issue.

- The 9th Circuit Court of Appeals vacated EPA's second conditional registration of a pesticide product containing nanosilver as an ingredient. EPA granted the FIFRA section 3(c)(7)(C) conditional registration of NSPW in May 2015, finding use of the pesticide to be in the public interest because the nanosilver-based pesticide had the potential to reduce the amount of silver loading to the environment primarily as a result of the low quantity of silver used in NSPW as compared to other currently registered silver-based pesticides. Petitioners argued, among other things, that EPA's public interest finding was not supported by substantial evidence because the finding assumes, without any support, that the market for this type of silver-based product will not expand and thus result in greater environmental loading of silver rather than less. The Court agreed with Petitioners and vacated the conditional registration "in whole" and thus declined to address the other issues raised by Petitioners.

- On May 30, 2017, we received an adverse Fourth Circuit decision (2-1) denying EPA's motion for a stay pending appeal of its obligation to "approve" or "disapprove" the constructive submission of no TMDLs for 573 biologically impaired waters in West Virginia. On February 12, 2017, the district court ordered EPA to take the approval/disapproval actions after finding that West Virginia had refused to submit those TMDLs and had no "credible plan" to do so, i.e., a state of affairs the courts have labeled a "constructive submission." EPA must take the approval/disapproval actions by June

13. EPA has appealed the district court's "constructive submission" decision to the Fourth Circuit. EPA's appellate brief is due on June 12.

New Complaints Filed

- On May 30, 2017, Earthjustice filed a Complaint in DDC against EPA on behalf of a coalition of Virginia environmental groups with an interest in the Shenandoah River. Plaintiffs allege that EPA's approval of Virginia's 2014 CWA Section 303(d) list was arbitrary and capricious under the APA because it allegedly disregarded evidence of impairment submitted by members of the public. Plaintiffs ask the Court to declare EPA's approval unlawful and to direct EPA to disapprove Virginia's list and add all segments of the North Fork, South Fork, and main stem of the Shenandoah River as impaired by algae-fueling pollutants.
- Two new FOIA lawsuits were filed against the agency:
    - The Center for Biological Diversity (CBD) filed a FOIA suit alleging that EPA failed to respond to a FOIA request for records relating to the development and implementation of Executive Order 13778 (requiring review of the Waters of the United States rule). CBD requests that Court find that the Agency acted arbitrarily and capriciously by failing to comply with the FOIA, and to order EPA to make all responsive records available to CBD by a certain date.
    - Natural Resources Defense Council (NRDC) filed a FOIA suit pertaining to a December 22, 2016 FOIA request submitted to EPA requesting records of any communications between EPA staff and members of President Trump's transition team. NRDC asks the Court to find that EPA violated the FOIA by failing to produce non-exempt records and order EPA to produce the records without further delay. In the same case, NRDC also sued eleven other agencies or components, alleging those agencies or components also failed to respond to the same FOIA request.

Other Highlights from Last Week

None to report

Upcoming Public Events in the Next Two Weeks

None

Upcoming Major Deadlines in the Next Two Weeks

06/02 EPA's Brief is due in *State of Utah v. EPA*, a Petition for Review of EPA's final rule entitled "Approval, Disapproval and Promulgation of Air Quality Implementation Plans, Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan,

Utah, Revisions to Regional Haze State Implementation Plan, Federal Implementation Plan for Regional Haze"

06/02 EPA's Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment is due in *Energy & Environment Legal Institute (EELI) v. EPA*, a FOIA litigation concerning EPA's registration of Enlist Duo – an herbicide developed for use on genetically engineered corn and soybean crops

06/02 EPA's Reply to Appellant's Opposition to EPA's Motion for Summary Affirmance is due in *Hall & Assocs. V. EPA* (pending court order), a FOIA litigation concerning an EPA Clean Water Act determination to impose an effluent limitation for total nitrogen on certain New Hampshire publicly owned treatment works

06/02 Certified Index is due in *National Family Farm coalition, et al. v. EPA*, Petition for Review of EPA Order granting registration under FIFRA section 3 of Monsanto's "Xtendimax with VaporGrip Technology," containing the herbicide dicamba DGA salt, for use on genetically engineered (GE) cotton and soybean in 34 states

06/02 EPA must file its summary judgment brief in *United States v. Lipar*, an EPA enforcement action under CWA for discharging fill into waters of the US without a permit on land in north Houston. Judge Hughes granted summary judgment for Lipar on the grounds that the waters were not jurisdictional under either the Scalia or Kennedy tests

06/02 EPA must file its summary judgment brief in *NRDC v. EPA*, litigation challenging EPA's approval of the MD and DC TMDL for trash for the Anacostia River

06/05 EPA's brief is due in *Finger Lakes Zero Waste Coalition, Inc. v. EPA*, a petition for review of EPA's final action regarding the Order denying petition requesting that the Administrator reopen Title V operating permit issued to Seneca Energy for the Ontario County Landfill Gas-to-Energy Facility"

06/06 EPA's Consolidated Opposition and Cross-Motion for Summary Judgment is due in *Community In-Power and Development Association, et al v. EPA*, which alleges EPA failed to issue standards or final residual risk determinations for various major sources of hazardous air pollutants categories and failed to review and revise as necessary emission standards promulgated every 8 years

06/06 EPA's brief is due in *USA, et al. v. Luminant Generation Co., L.L.C., et al.*, which involves the government's appeal of an adverse district court decision dismissing several PSD claims in an enforcement case

06/07 The United States' brief is due in *Genuine Parts Co. v. EPA*, a challenge to EPA's listing of the West Vermont Drinking Water Contamination Site in Indianapolis, Indiana to the NPL

06/08 Oral Argument is scheduled in *In re General Electric* before the EAB

06/08 EPA's reply brief in support of motion to dismiss is due in *Southern California Alliance of POTWs v. EPA*, a challenge by POTW groups to use in NPDES permitting of statistical approach known as the Test of Significant Toxicity (TST) for assessing whole effluent toxicity (WET)

06/09 Deadline to file a Motion to Stay the Mandate in *Waterkeeper Alliance, et al. v. EPA*

06/10 Target date for filing a Motion to Dismiss/Motion to Transfer in *Clean Water Action et al. v. EPA*, a case challenging EPA's postponement of certain compliance deadlines in steam electric rule pursuant to APA section 705

06/12 The Answer is due in *Center for Biological Diversity v. EPA*, a case concerning two FOIA requests requesting: 1) all correspondence to or from Scott Pruitt, and (2) all calendars, schedules and travel itineraries for Scott Pruitt

06/12 Appellate Brief is due in *Ohio Valley Environmental Coalition v. Pruitt* (Fourth Circuit), an EPA appeal to reverse district court's decision that WV made a constructive submission of no TMDLs for waters with biological impairments in West Virginia

06/13 EPA's Motion for Summary Judgment is due in *NRDC v. Pruitt*, a mandatory duty lawsuit alleging that California water rights permit decisions are new and revised CWA WQS

06/13 Deadline to approve or disapprove West Virginia's "constructive submissions" of no TMDLs in connection with *Ohio Valley Environmental Coalition v. Pruitt*

06/14 Answer due in *Pesticide Action Network of North America v. EPA*, a FOIA action brought against the Agency by the Pesticide Action Network of North America (PANNA) alleging that EPA failed to respond to two FOIA requests regarding the pesticide chlorpyrifos

06/14 EPA must file its brief in response to NRDC's motion for summary judgment and in support of EPA's cross-motion to dismiss the complaint in *NRDC v. EPA*, a challenge to EPA's withdrawal of the Pretreatment Standards for the Dental Category from the Office of Federal Register and mandatory duty lawsuit under CWA 307(b)(1)

06/16 EPA's Reply Brief is due in *Upper Missouri Waterkeeper v. EPA*, a Challenge to EPA approval of MT variance for nutrients

Office of International and Tribal Affairs – Acting Assistant Administrator Jane Nishida

Hot Issues:

Reorganizing the Executive Branch EO: OITA is working with OP to identify tribal leaders to help inform the Agency's response to the Presidential Executive Order on Reorganizing the Executive Branch. OP has enlisted a contractor to conduct structured interviews with a few key stakeholders, including state and tribal leaders on how the Agency can be more efficient and effective in improving customer service. Two tribal leaders have been identified:

- Brian Cladoosby, President of the National Congress of American Indians and Chairman of the Swinomish Tribe in Region 10
- Ken Norton, Director of the Hoopa Valley Tribe in Region 9

International Monetary Fund (IMF) Meeting: EPA (AO, OAR, OCFO, and OITA) met with the IMF as part of their periodic information gathering and economic assessment of member countries. Typically, IMF limits their inquiry to key economic agencies such as Department of Treasury, Department of Commerce and the U.S. Trade Representative. This year the IMF expanded their outreach to EPA, DOE, HHS, DOT, and DOL. The discussion topics included:

- Importance of regulation on economic growth and job creation
- Regulatory review process and cost/benefit analysis
- Regulatory process/impacts on certain sectors (power and oil/gas)
- Role of state governments in the regulatory process
- Role of enforcement in the regulatory process
- Budget process and alignment of resources with priorities

Upcoming Engagements:

- G7 Environmental Ministerial Meeting and bilateral meetings with the Vatican and G7 Environment Ministers on June 8-12.
- U.S.-China Ten Year Framework meeting (by video conference) on environmental and energy cooperation on June 15.
- Commission for Environmental Cooperation (CEC) Council Session with Canada and Mexico on June 27-28.

Past Week Highlights:

U.S.-China Green Ports and Vessels Initiative: EPA (OITA and Region 9) participated in a technical workshop under the U.S.-China Green Ports and Vessels Initiative which was co-sponsored by the China Ministry of Environmental Protection and Ministry of Transport. EPA has been working with the ports of Los Angeles and Shanghai to create the Pacific Ports Clean Air Collaborative to advance air quality and sustainable ports.

- The workshop focused on emission reduction policies, implementation of efficient technologies, and the development of emissions inventories from the ports and vessels sector.
- Participants included representatives from the national, provincial and local governments, industries, and universities from China, U.S. and Europe.
- The sharing of best practices and technologies has helped advance

implementation of China's Domestic Emission Control Areas, which are designed to reduce air emissions in strategic ports in China.

- China has requested that the work under this initiative be highlighted at the upcoming U.S.-China Ten Year Framework meeting on environmental and energy cooperation.

June 2, 2017

Office of Land and Emergency Management – Acting Assistant Administrator Barry Breen

Hot Issues

1. **National Priorities List (NPL), Spring 2017 package of proposed sites and final sites.**

2. **CCR State Permit Program Guidance.** OMB has requested a briefing next week.

3. **Gold King Mine Reimbursement Report to Congress**. We are finalizing a report to Congress on reimbursements to states, tribes, and local governments, as required by the final FY 2017 appropriations act's report language. Thank you to OGC for working with us on this.

4. **CERCLA 108(b) Financial Assurance Rulemaking**. We are working with OGC and OA regarding next steps, including timing for a possible supplemental Federal Register notice.

Upcoming Public Events

1. **West Virginia Brownfields Event**. Tomorrow (June 2), Patrick Davis and David Lloyd will participate in a ribbon-cutting ceremony in Charles Town, West Virginia, at the former "Supertane" site, a century-old brownfield that has been transformed into a new waterside community park and nature area. Thank you to Region 3 and OPA.

2. **Meeting with American Agri-Women.** OLEM will join other Agency reps on June 5; we will highlight the Superfund and Brownfields programs.

3. **Upcoming Brownfields Program Funding Announcement**. We are working with OPA to announce the Brownfields Revolving Loan Fund supplemental funding selections next week.

4. **OLEM Open House** (not a public event, but still important**).** OLEM's Workforce Advisory Board is organizing an all-staff open house on June 8 in Potomac Yards, for office members to learn from one another about OLEM's diverse environmental missions.

5. **G7 Meeting, Sustainable Packaging Roundtable, and Food Waste Event.** OLEM is working with OITA to prepare for the Administrator's participation in this month's G7 meeting in Italy. It includes a session on resource efficiency (sustainable materials management) and the Bologna Roadmap. Also, before the G7 meeting, there will be a showcase of actions to reduce food waste and loss, and a roundtable on sustainable packaging.

Upcoming Major Decisions

1. **Clean Air Act 112r Risk Management Program Rule**. The public comment period ended on May 19, regarding the proposal to delay the effective date. We are targeting a final rule to be signed by June 9, to extend the RMP rule's effective date. The rule package is ready for OP review.

June 2, 2017

Last Week Highlights

1. **Brownfields Assessment and Cleanup Grant Announcement.** We received good press coverage of grant selections announced this week.

2. **Budget.** Today (June 1**),** OLEM reps joined OW and OCIR in meeting with House Transportation and Infrastructure Subcommittee staff, on the President's proposed FY 2018 budget for programs in T&I jurisdiction.

June 2, 2017

Office of Policy – Assistant Administrator Samantha Dravis

Documents Submitted to the OFR During the Week of May 22, 2017

9961-72-Region 1	Adequacy Status of Motor Vehicle Emissions Budgets for Transportation Conformity Purposes; CT.
9962-17-Region 8	Determination to Approve Alternative Final Cover Request for Phase 2 of the City of Wolf Point, Montana, Landfill
9962-18-Region 8	Approval of Alternative Final Cover Request for Phase 2 of the City of Wolf Point, Montana, Landfill
9962-44-Region 6	Hazardous Waste Management System; Identification and Listing of Hazardous Waste
9962-99-Region 10	Air Plan Approvals, Idaho: Logan Utah/Idaho PM2.5 Nonattainment Area
9962-51-OW	Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category
9963-33-ORD	Request for Nominations of Experts to the EPA Office of Research and Development's Board of Scientific Counselors; Correction
9961-07-OCSPP	Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 1363.25); Comment Request
9957-86-Region 3	Air Plan Approval; Virginia; Update to Materials Incorporated by Reference
9959-23-Region 3	Air Plan Approval; Pennsylvania; Update to Materials Incorporated by Reference
9959-24-Region 3	Air Plan Approval; Maryland; Update to Materials Incorporated by Reference
9961-03-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze Best Available Retrofit Technology Measure for Verso Luke Paper Mill
9961-26-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference
9958-84-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Revisions to the New Source Review State Implementation Plan; Air Permit Procedure Revisions
9962-24-Region 4	Air Plan Approval and Air Quality Designation; TN; Redesignation of the Knoxville 2006 24-hour PM2.5 Nonattainment Area to Attainment
9962-27-Region 4	Air Plan Approval and Air Quality Designation; GA; Redesignation of the Atlanta, Georgia 2008 8-Hour Ozone Nonattainment Area to Attainment
9962-29-Region 4	Air Plan Approval; South Carolina: Air Emissions Reporting

9962-30-Region 4	Air Plan Approval South Carolina: Air Emissions Reporting
9962-40-Region 1	Approval and Promulgation of State Plans (Negative Declarations) for Designated Facilities and Pollutants: Connecticut, New Hampshire, Rhode Island, and Vermont; Revisions to State Plan for Designated Facilities and Pollutants: New Hampshire
9962-41-Region 1	Approval and Promulgation of State Plans (Negative Declarations) for Designated Facilities and Pollutants: Connecticut, New Hampshire, Rhode Island, and Vermont; Revisions to State Plan for Designated Facilities and Pollutants: New Hampshire
9962-45-Region 3	Air Plan Approval; Delaware; Infrastructure Requirements for the 2012 Fine Particulate Matter Standard
9962-46-Region 5	Notification of a Public Meeting of the Great Lakes Advisory Board
9962-50-Region 10	Approval and Promulgation of Implementation Plans; Oregon: Permitting and General Rule Revisions
9962-82-Region 9	Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County, California Fine Particulate Matter Nonattainment Area; Correction
9962-69-Region 5	Air Plan Approval; Indiana; Redesignation of the Muncie Area to Attainment of the 2008 Lead Standard
9962-70-Region 5	Air Plan Approval; Indiana; Redesignation of the Muncie Area to Attainment of the 2008 Lead Standard
9962-71-Region 5	Air Plan Approval; Michigan; Redesignation of the Belding Area in Ionia County to Attainment of the 2008 Lead Standard
9962-72-Region 5	Air Plan Approval; Michigan; Redesignation of the Belding Area in Ionia County to Attainment of the 2008 Lead Standard
9962-73-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Nitrogen Oxide Emissions from Coal-Fired Electric Generating Units
9962-74-Region 3	Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regional Haze Five-Year Progress Report State Implementation Plan
9962-76-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Allegheny County Health Department Rules
9962-77-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Allegheny County Health Department Rules
9963-00-Region 5	Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2008 Lead Standard

9963-01-Region 5	Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2008 Lead Standard
9963-07-Region 9	Determination to Defer Sanctions; Arizona Department of Environmental Quality
9963-08-Region 9	Air Plan Approval; Arizona; Stationary Sources; New Source Review
9963-12-Region 10	Air Plan Approval; Washington: General Regulations for Air Pollution Sources, Energy Facility Site Evaluation Council
9963-13-Region 10	Air Plan Approval; Alaska: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards
9963-14-Region 8	Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana
9963-15-Region 8	Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana
9962-26-Region 4	Air Plan Approval and Air Quality Designation; TN; Redesignation of the Knoxville 1997 Annual PM2.5 Nonattainment Area to Attainment
9962-62-OW	Peer Review for EPA's Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water - Final List of Peer Reviewers and Notice of the Public Peer Review Meeting
9963-19-OAR	Stay of Standards of Performance for Municipal Solid Waste Landfills and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
9956-99-OCSPP	Registration Review; Draft Human Health and/or Ecological Risk Assessments; Notice of Availability
9958-19-OCSPP	Registration Review; Neonicotinoid Risk Assessments, Work Plans, and Updated Schedules; Notice of Availability
9957-98-OCSPP	Registration Review; Draft Human Health and/or Ecological Risk Assessment(s), and Final Tetrachlorvinphos Occupational and Residential Exposure Risk Assessment, and the Agency's Decision to Rely on Data from Human Health Research; Notice of Availability
9960-76-OCSPP	Isopyrazam; Pesticide Tolerances
9961-54-OCSPP	Flazasulfuron; Pesticide Tolerances
9961-99-OCSPP	Fenazaquin; Pesticide Tolerances
9961-70-OCSPP	Pyridate; Receipt of Application for Emergency Exemption, Solicitation of Public Comment
9961-76-OCSPP	Environmental Modeling Public Meeting; Notice of Public Meeting

June 2, 2017

June 2, 2017

Office of Research and Development – Acting Assistant Administrator Robert Kavlock

Hot issues

Region 4 State Commissioners Meeting

On June 1-2, Bob Kavlock and Chris Robbins will participate in a Region 4-hosted meeting with the Region 4 State Commissioners. The presentation will highlight examples of ORD research and technical assistance to Region 4 states.

Improved Tool Helps Predict Chemical Effects

Updates to a fast, online research tool enables users to download multiple datasets, providing a more thorough and rapid means to extrapolate toxicity and susceptibility information for plants and animals that have limited test data. Typically, EPA programs rely on data from commonly tested organisms to understand the potential for effects in untested species. ORD's SeqAPASS uses a method that helps estimate the likelihood that a species will be affected by chemicals, without actually conducting a toxicity study, by using publicly available protein sequence data compared with protein targets known to be affected by chemicals across thousands of species. Use of the tool conserves resources, reduces animal testing, and increases efficiency by taking advantage of globally available data.

Chinese Scientists Collaborate with ORD

Representatives from the Chinese Academy of Sciences are visiting ORD's Western Ecology Division this week to collaborate on genetic analysis of the nonnative seagrass *Zostera japonica* that has become established throughout the Pacific Northwest. While Z.japonica is native to coasts in China, it is considered a noxious weed in Washington State where the shellfish industry is concerned about potential negative impacts on clam harvest. Scientists are collecting samples from Padilla Bay, WA, to Humboldt Bay, CA to compare the genetics of the seagrass population in the U.S. with the population in Asia to determine whether the U.S. population entered at only one point and spread, or entered at various locations.

Vietnam Ministry of National Defense Meeting

On June 5th, ORD will meet with a delegation from Vietnam's Ministry of National Defense in Washington, D.C. to continue discussions regarding dioxin removal from former U.S. air bases in Vietnam. ORD will provide overviews of risk reduction technologies for dioxin and bioremediation potential. The Vietnamese Ministry of National Defense will discuss responsibilities and goals for the recently formed National Steering Committee headed by the Prime Minister.

ORD/OCSPP-OPPT Support and Partnership

ORD's Rusty Thomas and Jeff Frithsen met with OCSPP's Nancy Beck on this week to discuss

computational toxicology tools and databases and how they can be applied to chemical pre-prioritization. The meeting was extremely productive and reinforced the partnership between ORD and OCSPP for the successful implementation of TSCA.

IARC Monographs on the Evaluation of Carcinogenic risks to Humans

June 6-13: ORD's Dr. Keith Houck has been invited to participate in the IARC Monographs on the Evaluation of Carcinogenic risks to Humans in Lyon, France. The workshop is assembling international experts in the area of chemical safety to examine existing and emerging issues related to seven chemicals found in food and consumer products with respect to human carcinogenesis. The chemicals are: 1 - tert - Butoxypropan - 2 - ol (CAS No. 57018 - 52 - 7), β - Myrcene (CAS No. 123 - 35 - 3), Furfuryl alcohol (CAS No. 98 - 00 - 0), Melamine (CAS No. 108 - 78 - 1), Pyridine (CAS No. 110 - 86 - 1), Tetrahydrofuran (CAS No. 109 - 99 - 9), and Vinylidene chloride (CAS No. 75 - 35 - 4). Participants will take an active part in peer-reviewing and revising all drafts, and discussing and finalizing the evaluations. IARC will publish a summary of the meeting in The Lancet Oncology on behalf of the working group.

Upcoming public events

Biofusion Procter & Gamble Symposium

June 1: ORD Scientist Tony Williams is participating in a symposium organized by Biofusion, a cosmetics and cleaning product organization that is part of the Proctor & Gamble Company. The symposium is focused on exploring new scientific approaches for evaluating the safety of chemicals found in cosmetics and cleaning products. Dr. Williams will present how EPA research is compiling and use big scientific data sets to get a snapshot of how chemicals may effect human health and the environment.

Scientific Integrity Annual Employee Conversation

On June 6th, The EPA Scientific Integrity Program will host their Annual Employee Conversation with the Scientific Integrity Official. Employees, as well as grantees, fellows, contractors, and interns, are invited to join the Scientific Integrity Official, Francesca T. Grifo, in WJC-N 5020 from 3:30 to 4:30 to hear about scientific integrity updates and ask questions. This year, EPA's Whistleblower Ombudsman, Steve Alderton, will discuss his role and share information about the Whistleblower Protection Enhancement Act.

Last week Highlights

Superfund

ORD and Region 9 are working with the citizen science NGO, Adventure Scientists, to pilot an inexpensive and rapid approach for prioritizing a large number of mine tailings piles for impacts to the

environment. The pilot assessment is being conducted on approximately 250 mill tailings piles, covering over 200 square miles within the Carson River Mercury Superfund Site in Nevada. This approach, if successful, will help federal agencies and states prioritize the more than 500,000 mine sites in the West for impacts to water quality.

June 2, 2017

Office of Water – Acting Assistant Administrator Mike Shapiro

Hot Issues

West Virginia "OVEC" TMDL Litigation: The Fourth Circuit has denied EPA's motion to stay the district court's order that EPA approve or disapprove West Virginia's constructive submission of no biologic TMDLs, so EPA now needs to approve or disapprove the "constructive submission" of no TMDLs for 573 waters by June 13th. If EPA disapproves the constructive submission, the CWA requires that EPA establish TMDLs in 30 days.

WIFIA Fee Rule: This week I anticipate sending to OP for your signature the final WIFIA fee rule. WIFIA authorizes EPA to charge fees to recover all or a portion of the Agency's cost of providing credit assistance and the costs of retaining expert firms, including legal, engineering, and financial services, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments. EPA is finalizing an initial application fee, credit processing fee, servicing fee, and fee for extraordinary expenses. This is an important next step in the implementation of the WIFIA program. In anticipation of receiving applications following project selection in Federal Fiscal Year 2017, we are aiming for the final rule to be published in the Federal Register by June 15, 2017.

Waters of the U.S.: The agencies are continuing to make progress on both steps 1 and 2 of the rulemaking. We are in the process of working through a few key issues with OMB that were raised during interagency review for the step 1 proposal, and hope to have OMB clearance on Friday which will allow us to move forward quickly with signatures on the proposal. Due to the time lag for publishing the proposal in the Federal Register, we plan to post to our new website the pre-publication version that will be accompanied by a press release. For the step 2 rulemaking, we provided a briefing for Sarah Greenwalt and David Foutouhi this week on options for addressing streams/rivers, wetlands, and lakes/ponds. In addition, we continue to meet with tribes and state/local governments as part of our consultation process.

Drinking Water SRF Eligibility Handbook: The week of June 14th, we anticipate releasing the Drinking Water State Revolving Fund (DWSRF) Eligibility Handbook. The handbook helps state program managers and local communities understand the types of infrastructure projects and non-infrastructure activities eligible for DWSRF funding. It also provides ideas for innovative activities and can help state managers improve their program's efficiency and maximize public health protection. The handbook is the first in a series of tools that EPA is developing to support states and local communities in providing public health protection through the development and execution of vital drinking water infrastructure projects and initiatives.

Puerto Rico SRF Update: PRASA's amended fiscal plan has gone to PROMISA and they are waiting for approval. They are currently working on a counter proposal (term sheet) to EPA and USDA's proposals and anticipate providing us with the term sheet early next week. Once received, we plan to schedule a meeting with PRASA to discuss.

June 2, 2017

Upcoming Public Events

American Water Works Association's ACE Conference: June 11th through June 14th, OW will participate in the AWWA's annual conference and exposition, bringing together members of industry, government, utilities and other water sector partners, to focus on water issues. The professional program will focus on major water sector issues such as management of lead in distribution systems, financing and affordability of water infrastructure, developing robust asset management programs, addressing water loss in distribution systems, and advances in technology.

Last Week Highlights

Northwest Environmental Advocates Petition Response: This week, I signed a response to an October 28, 2013 petition for rulemaking from the Northwest Environmental Advocates (NWEA). The petition requests that EPA use its federal rulemaking authority under Clean Water Act (CWA) section 303(c)(4)(B) to update water quality criteria for toxics to protect human health and aquatic life in Washington. Specifically, the request is that EPA promulgate human health criteria for arsenic, thallium and dioxin as well as update Washington's aquatic life criteria as necessary to meet requirements of CWA section 303(c)(2)(B). Considering Washington's significant progress in developing and adopting revised human health criteria and anticipated updates to the state's aquatic life criteria in the future, we plan to deny the petition. NWEA filed a suit against the EPA on February 21, 2017, alleging that the Agency unreasonably delayed responding to its petition. The EPA is required to file an administrative record by June 27th unless a response to this petition is issued by that date.