Region 1

Hot Issues:

Town of Eliot, ME Withdraws CAA Section 126 Petition

- On Nov 9th, the Eliot, Maine Board of Selectmen voted to withdraw the town's Clean Air Act section 126 petition. The Board found that the town's substantive concerns in its August 2013 petition were sufficiently addressed.
- The town's petition alleged Schiller Station of Portsmouth, NH was causing SO_2 NAAQS violations within the town's boundary.
- The Board rationale for withdrawal included the results of a recent monitoring study, new SO_2 permit restrictions at Schiller Station, and EPA's attainment/unclassifiable proposal for the 2010 SO_2 NAAQS in the ME/NH seacoast area.

Upcoming Public Events:

Region 1 to Host State-EPA Quarterly Environmental Enforcement and Compliance Committee

- On December 6th Region 1 will host a quarterly meeting with New England states' enforcement and compliance assistance managers at the Region's laboratory facility in Chelmsford, MA.
- The committee will discuss, plan, and coordinate enforcement and compliance assistance activities.
- Agenda topics include early notice of violations to facilities, applicability of EPCRA and CAA 112r to storage of hazardous chemicals in rail cars, and a state presentation on criminal enforcement.

Upcoming Major Decisions

None

Highlights from Last Week

Regional Science Council Holds Forum on Contaminants of Emerging Concern

- On Nov 28th, several Region 1 staff led, coordinated and spoke during breakout sessions at a Regional Science Council Forum on Contaminants of Emerging Concern.
- Approximately 100 people attended. The Forum included speakers from Region 1 as well HQ OSRTI and TSCA offices, and the New Hampshire Department of Environmental Services.

Region 1 Conducts Chemical Warfare Agent (CWA) Multi-state Exercise

- On Nov. 28-29, Region 1 and National Guard Weapons of Mass Destruction Civil Support Teams from five New England states conducted an exercise to test communication, coordination and information sharing among local, state and federal response agencies during a simulated intentional release of a chemical warfare agent.
- A variety of state and local agencies and the FBI also participated.
- The goal of the exercise is to work toward a more efficient and coordinated response to an intentional attack.

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EPA Celebrates Completion of a 3.5-Megawatt Solar Plant at the Charles George Superfund Site

- On November 30th, EPA, Mass DEP, Citizen's Energy, and the Towns of Tyngsborough and Dunstable, MA participated in a press event to celebrate a public-private partnership that transformed a closed 70- acre landfill at the Charles George Superfund Site into a 3.5-megawatt solar plant.
- At the event, elected officials from both towns were highly appreciative of the project and EPA's role.

Region 2

Hot Issues:

Delaware River Basin Commission (DRBC) proposed regulations to ban hydraulic fracturing: On 11/30 DRBC plans to post on its website draft rules and notice on its website and open a public comment period. EPA can provide comments during the public notice period. Region 2 is in communication with Region 3 and HQ to determine the best course of action. Currently Jim Kenney, the Senior Advisor for Oil and Gas, is consulting with officials at HQ to make a determination as to whether EPA should provide comments. Background: In February 2017 DRBC issued draft regulations to the Delaware Basin Federal Interagency Team (DBFIT) for comment and review. The rules (1) prohibit high-volume hydraulic fracturing for the exploration and/or production of natural gas in the Delaware River Basin, (2) require commission approval for water exports from the Basin to serve natural gas development activities outside the Basin, and (3) require that wastewater from natural gas development activities receive special provisions to manage them and not allow their treatment at domestic wastewater treatment plants in the Basin. Changes were also proposed to existing thresholds for the Commission's review of pipelines and other linear infrastructure, landfills, and wetlands. On 9/13 DRBC Commissioners voted on a resolution to ban fracking, with the Federal Partners voting no. On 11/20 we received a table from DRBC setting background pollutant levels for the proposed wastewater discharge regulations. The Commissioners requested comment by 11/22 and met on 11/27 to resolve any remaining issues. EPA and the Federal Partners informed DRBC that we did not have adequate time to comment on the proposed rules in November.

Hudson River PCBs Superfund Site Five Year Review and Certificate of Completion: During December, 2017 Region 2 expects to issue the final Second Five Year Review (FYR) report for this site. The region also expects to respond to the request from the General Electric Company that we issue it a Certificate of Completion, as provided in the judicial Consent Decree pursuant to which the company did the dredging project. Both actions are likely to generate press attention and criticism. The proposed FYR was published in June, followed by a 90-day public comment period during which we held three public meetings. We received over a thousand comments. Most commenters, including the State of New York, urged us not to determine that the remedial action "will be protective of human health and the environment," as stated in the proposed FYR. However, after careful review of the all data available at this time, and after thorough review of all the comments, Region 2 staff continues to believe that this finding is appropriate and will brief the RA accordingly. In addition, we have recently received comments from New York State Department of Environmental Conservation, New York State Attorney General and NOAA (as well as other stakeholders) urging us not to issue the Certificate of Completion to GE. Although the comments were carefully considered, the staff may require that GE make some relatively minor changes to its detailed report supporting its request for the Certificate, do not believe there will be a basis to refuse issuance of the Certificate. Pursuant to the Consent Decree, we are obliged to respond to GE's request for the Certificate by the end of December. Note that these two actions – the FYR and the Certificate of Completion – are separate and distinct, although some stakeholders and press reports conflate them. The purpose of the FYR is to determine whether the remedy is or will be protective. The purpose of the Certificate is to confirm that GE has properly carried out the specific actions required of it in the Consent Decree. (The Decree includes "reopener" provisions that allow EPA to call for additional work if we subsequently determine that, based on new information, the remedy is not protective.) The RA will be reviewing the relevant materials with staff this week.

Limetree Bay Terminal, St. Croix, U.S. Virgin Islands: On 11/9 Limetree Bay Terminals, LLC (LBT) met OAR to discuss LBT's proposal to restart parts of the old HOVENSA refinery operations and to construct 2 new projects. Incoming Air AA Bill Wehrum will be briefed on 12/7. LBT requests that by mid-December, EPA amend the Consent Decree to allow LBT to proceed with: (1) a single-point mooring (SPM) project; (2) a refinery restart project; and (3) a renewable biodiesel production project. EPA must determine whether the Reactivation policy applies to the refinery restart project (LBT believes it does not); whether the project can use "project netting" for a project that only involves existing emissions units (LBT believes it can); and whether the refinery restart and renewable diesel projects are separate (LBT believes they are). LBT also seeks confirmation that SPM is part of the existing docks emissions unit and not separately a new emissions unit.

In a related matter, the Corps of Engineers published a public notice for the construction/installation of a SPM and underwater fuel transfer system at LBT. The purpose is to allow very large fuel carriers (requiring depths of -76 feet) to enter the existing channel and discharge fuel without the need to transfer the fuel to smaller vessels (fuel lightering). The 4.33-acre project area includes 1.65 acres that support corals listed as endangered under the Endangered Species Act (ESA). Concerns include the potential dragging impacts from the large mooring chain, the removal of hard limestone and possibly bedrock as part of the required dredging, safety requirements, and lack of a NEPA document to assess alternatives. Region 2 will be requesting a 15-day time extension from the 12/8 comment deadline. During this time, the RA will also be reviewing the Limetree Bay proposed actions.

Past Week:

Threatened litigation challenging proposed mass incineration of vegetative hurricane debris in the US Virgin Islands. On 11/22 attorneys for the Island Green Living Association, the Virgin Islands Conservation Society, and the Sierra Club, sent a written notification of their intent to file a citizen's suit against FEMA and the Army Corps of Engineers under Section 7002(a)(1)(B) of RCRA if those agencies commence burning hurricane-related wood debris in the USVI. Based on the large volume of vegetative debris, the Corps believes burning is necessary and the Governor agrees. The notice letter asserts that the "air curtain incineration" (ACI) devices that would be used have no emission controls; and that burning the debris would result in emissions of contaminants that could cause adverse health effects, such as particulates, carbon monoxide, polycyclic aromatic hydrocarbons, and heavy metals; and that the Corps plans to burn the debris at locations near several public school campuses. Under RCRA, suit can be filed 90 days after the date of the notice letter.

Upcoming:

Long Island Sound Futures Fund Event: On December 4, Region 2 RA Pete Lopez will join Rep. Zeldin (NY-1), and Carrie Meek Gallagher, Region 1 Director of the New York State Department of Environmental Conservation, at an event in Old Field, NY to announce the 2017 Long Island Sound Futures Fund awardees. The event will announce 31 grants, 15 of them in New York, totaling $2 million to local government and community groups to improve the health and ecosystem of Long Island Sound. The projects, which are funded through the Long Island Sound Futures Fund, administered by the National Fish and Wildlife Foundation under an EPA cooperative agreement, are projected to restore 39 acres of habitat, including coastal forest, grassland, river, and tidal marshes. This grant program combines funds from the EPA and the National Fish and Wildlife Foundation.

Region 3

Hot Issues:

BoRit Superfund Site Community Meeting Held, Montgomery County, Pennsylvania
Whitpain Township hosted a community meeting on November 20, 2017, at the Daniel W Dowling Legion Post to discuss their West Ambler Revitalization Initiative. The Township presented their areas of focus which included redevelopment of the BoRit Site. The meeting focused on different reuse scenarios and solicited the community's feedback. There will be one more public session before the Township moves forward with finalizing the Site reuse plan. The Township will then submit grant funding requests to Pennsylvania Department of Conservation and Natural Resources (DCNR) and Department of Community and Economic Development (DCED) for the projected $10M in master plan development and capital costs. After the session concluded, Whitpain and the EPA representative discussed exploring hosting a meeting with all of the State elected officials in advance of the grant submittals.

Maryland Department of Natural Resources Managers EJ Training
Region 3's EJ Coordinator Reggie Harris conducted Environmental Justice Training for managers of the Maryland Department of Natural Resources at the request of the Department. Managers were present both in person and on-line for the training that took place in their office in Annapolis, Maryland. The managers were also joined by the EJ Coordinator from the National Fish and Wildlife Service and an Instructor at Morgan State university. Topics covered in the training included the History of Environmental Justice in the US, EPA's definition of Environmental justice, and case studies exemplifying the wide array of issue of Environmental Justice concern, and instances exemplifying the collaborations among citizens, state and local government, business and industry, and federal partners to address Environmental Justice concerns. Topics discussed among the participants included, identifying stakeholders, engaging communities, building capacity, communication strategies, where EJ fits into the programs at DNR and ideas that may help DNR to enhance its program development. Reactions to the training were positive, and a desire to hold further dialogues was expressed.

Upcoming Public Events:

RA Servidio is meeting with the PA Delegates on Friday, December 1, 2017 to listen to their concerns on the Pennsylvania General Permit for stormwater construction. Additional topics regarding environmental policies will also be discussed. Five local representatives and two Senators will be in attendance at this meeting. This is a closed meeting.

Brownfields National Conference Is Next Week, Pittsburgh, Pennsylvania
After over a year of planning, Region 3 is honored to host the Brownfields National Conference, in Pittsburgh next week (December 5-7, 2017). The conference currently has nearly 1,900 registrants from community groups, academia, state and local governments, private sector, and other interested parties. Registrants are representative of every U.S. state and eight countries. The conference has a full agenda of educational sessions covering 7 tracks, mobile workshops, networking events, and opportunities for communities to engage with potential developers. Regional Administrator Cosmo Servidio is attending and will be providing opening remarks for the Mayors' Roundtable and the Environmental Justice Caucus.

Past Events:

November 30 Meet-and-Greet Call with Jeff Sands and Cecil Rodrigues
The EPA Administrator's new Senior Advisor on Agricultural Policy, Jeff Sands, asked for Region 3 to set up a "Meet and Greet" call with PA ag leaders. Although his scope is national, Jeff Sands' roots are in PA. Since he often comes up to PA to visit his parents and in-laws in Tunkhannock, PA, he would like to explore opportunities to get out on PA farms with the Regional Administrator to promote "good news stories." Cecil Rodrigues and Kelly Shenk will participate. PA participants will be PA Farm Bureau, PA Department of Agriculture, PA State Conservation Commission, PA Association of Conservation Districts, PA No Till Alliance, Penn State, and NFWF Chesapeake Bay grants coordinator.

November 17 PA Farm Tours & Ag Roundtable in Franklin County
Penn Ag Industries invited EPA to the northern tip of Franklin County, Pennsylvania, to visit Country View Family Farms sow operations. Cecil Rodrigues was joined by Kate McManus, Acting Director of the Water Protection Division, and Kelly Shenk, Ag Advisor for Region 3. PA Agriculture Secretary Russell Redding joined along with colleagues from the PA Farm Bureau, PA State Conservation Commission, and PA Department of Environmental Protection. The two farm tours and Ag Roundtable discussion focused on topics such as protecting animal health through strong biosecurity measures, managing manure storage and application on cropland, meeting consumer needs in a way that is good for the animals, environment, and business sustainability, and farming in a way that supports local communities and the local economy.

Region 4

Hot Issues:

B.F. Goodrich (Calvert City, Kentucky)
Key Message: Public comment period officially started on November 30, 2017, and the Region plans to hold a public meeting on December 7th in Calvert City, KY.

Tennessee's 303(d) List
Key Message: Region 4's Water Protection Division plans to approve Tennessee's 303(d) list next week. This is a full approval of the state's submittal.

Oakridge Reservation Formal Dispute
Key Message: During the week of December 4, 2017, Region 4 plans to circulate the draft Decision Memo on the formal dispute to headquarters for review and comment.

Highlights from Last Week:

None

Upcoming Travel for the RA:

- December 4-6: Brownfields Conference. Pittsburgh, PA
- December 7: Meeting with the Tennessee Department of Environment and Conservation (TDEC) and the Department of Energy regarding the Oakridge Reservation dispute. Nashville, TN
- December 7: Meet and greet with TDEC staff. Nashville, TN
- December 7: Business Roundtable. Nashville, TN. Closed Press.

Region 5

Hot Issues:

Long-Term Water Source for Flint Has Been Finalized
Key Message: On November 30, 2017, the city of Flint signed a 30-year agreement with the Great Lakes Water Authority.

On November 30, 2017, the city of Flint signed a 30-year Master Agreement to purchase its drinking water from Great Lakes Water Authority (GLWA), thus ensuring a long-term source of drinking water for the city that is protective of public health. The timing of the Master Agreement is critical since the city's short-term contract with GLWA is set to expire on November 30, 2017. EPA has been informed that all parties have approved the Master Agreement and signatures are being gathered today. Both the Receivership Transition Advisory Board, which reviews the city's major financial and policy decisions, and the GLWA board unanimously approved the contract on November 29th, following the Flint City Council's approval on November 21. Other parties to the Master Agreement include the Genesee County Drain Commissioner (GCDC), Karegnondi Water Authority (KWA), and Michigan Department of Environmental Quality (MDEQ).

Wolverine PFAS Site in Rockford, Michigan
Key Message: Wolverine World Wide (WWW) Tannery continues to work under Michigan's Voluntary Cleanup Program to address releases from their Rockford facility and EPA is coordinating with the state to evaluate the contamination.

EPA is continuing to review preliminary well water data shared by Michigan Department of Environmental Quality and has requested additional information from the state. While MDEQ is in the lead, EPA has offered its assistance and is in discussions with the state about potential approaches to working together. This message will be reinforced on a December 1 call between EPA and the MDEQ, which was requested by the state. EPA anticipates receiving an update from MDEQ and sharing our perspective on the ongoing investigation. In close coordination with MDEQ, EPA intends to send out a request for information to Wolverine on December 1.

On November 29, the Kent County Health Department and Michigan Department of Environmental Quality hosted a public meeting for residents. Roughly 800 concerned citizens attended the meeting, which lasted several hours. Tensions were high as state, local, and Wolverine officials fielded questions. On November 17, the Kent County Health Department sent a letter to MDEQ expressing concerns regarding site communications and urging the state to request EPA and Agency for Toxic Substances and Disease Registry assistance at the site.

WWW used PFAS compounds, including Scotchgard, to waterproof shoe products at the former Rockford tannery. Wastes were disposed of at its licensed 76-acre House Street landfill in Belmont throughout the 1960-70s. In 2017, a plume from the House Street landfill was discovered to have contaminated residential wells at levels above the USEPA drinking water health advisory (HA) of 70 parts per trillion. Recent results also have shown concentrations of PFAS in the Rogue River downstream from the demolished Rockford tannery. The State's investigation continues to evolve as the list of potential disposal locations has grown beyond House Street landfill to 75 total sites. WWW has voluntarily conducted response activities at the request of MDEQ. However, some citizens are concerned about WWW's lack of commitment to remediating the groundwater and question WWW's

long-term assurance of helping future residential areas yet to be identified. As such, they have filed two RCRA Section 7002 lawsuits.

State of Michigan and Enbridge Energy LP Enter Agreement Regarding Line 5 in the Straits of Mackinac

Key Message: On November 27, 2017, the State of Michigan entered into an agreement with Enbridge to establish additional measures and undertake further studies concerning Enbridge's stewardship of Line 5 within Michigan and the transparency of its operation.

The November 27, 2017, agreement with Enbridge requires the following: (1) increased coordination between Michigan and Enbridge; (2) the replacement of the Line 5 St. Clair River Crossing; (3) discontinuation of Line 5 operations during sustained adverse weather conditions in the Straits of Mackinac; (4) an evaluation of technologies to detect leaks and damage to the coating on the Dual Pipelines in the Straits of Mackinac; (5) an evaluation and implementation of measures to mitigate anchor strikes in the Straits; (6) an evaluation of alternatives to replace the Dual Pipelines that cross the Straits (including the use of a tunnel); and (7) an evaluation of Line 5 water crossings other than the Straits to minimize risks of a release. After the completion of the required evaluations, the agreement provides that the parties will initiate discussions regarding further agreement on Enbridge's operations in the Straits of Mackinac. The agreement has received national press coverage.

In May 2017, a Consent Decree was entered between EPA and Enbridge to resolve violations from the 2010 Kalamazoo River oil spill in Marshall, Michigan. The CD includes substantial injunctive relief concerning Line 5 in the Straits of Mackinac. Based on an initial analysis, it does not appear that the state agreement will immediately impact Enbridge's commitments under the federal CD. If, however, the state agreement ultimately leads to another agreement that provides for the replacement of the Dual Pipelines, several requirements of the federal CD would likely be impacted.

Upcoming Events:

Acting Regional Administrator to Participate in McCook Reservoir Ribbon Cutting

Key Message: On December 4, 2017, Acting RA Bob Kaplan will give remarks at the Metropolitan Water Reclamation District of Greater Chicago's (MWRD) celebration of the completion of Phase I of the McCook Reservoir.

The McCook Reservoir is part of MWRD's Tunnel and Reservoir Plan (TARP). TARP was started by MWRD more than 40 years ago to help control the hundreds of combined sewer overflows (CSOs) running into Lake Michigan and Chicago area waterways every year. In 2011, a Consent Decree between MWRD, the state of Illinois, and the United States was reached to accelerate the pace of TARP. As required by the Consent Decree, the completion of Phase I of the McCook Reservoir will provide storage capacity for 3.5 billion gallons of wastewater that would be otherwise discharged as CSOs. By the completion of Phase II in 2029, the storage capacity of the reservoir will increase to 10 billion gallons. This project will significantly decrease the amount of pollutants entering the nearby waters.

This event will be open press.

Upcoming Major Decisions:

None

Past Week Accomplishments/Highlights:

Acting RA Bob Kaplan and Congressman Rick Nolan Discussed UTAC Mine Permit On November 29
Key Message: The call was held at the request of Rep. Nolan to discuss concerns regarding EPA's comments on the Army Corps of Engineers' issuance of a 404 permit.

Region 5 acknowledged his concerns and agreed to coordinate closely with MPCA and the Corps.

Region 6

Hot Issues:

EPA Meets with Consulate General of the Republic of Korea, Houston, Texas
EPA will meet with representatives of the Consulate General of the Republic of Korea in Houston on Thursday, December 7, 2017. The meeting was requested by the Consulate to discuss the region's experience with disaster response and recovery, and how EPA and collaborating agencies are dealing with the aftermath of Hurricane Harvey. EPA attendees will include staff representing Regional contingency planning, Local Emergency Planning Committee outreach, inter-agency coordination and disaster response recovery. The Regional Director for the Office of Environmental Justice, Tribal, and International Affairs will also participate.

Anadarko Petroleum
The Region anticipates receiving Anadarko's signed Consent Agreement and Final Order (CAFO) by December 1, and anticipates filing during the week of December 4, 2017. Anadarko is a large off shore exploration and production oil and gas company conducting operations in the Gulf of Mexico. Additionally, Anadarko has on shore facilities, respectively in Louisiana and Texas. The CAFO addresses violations at seven offshore locations in Federal waters and two onshore locations located in Port Fourchon LA and Galveston TX. The CAFO was issued in response to violations of RCRA, including, among other things, failure to notify as to current generator status, failing to meet the requirement of a generator of hazardous waste, and failure to make adequate hazardous waste determinations. The CAFO requires Anadarko Petroleum to: 1. Pay a civil penalty of $1,383,164.00, within 30 days of the effective date of the CAFO; 2. Certify that it has assessed all its solid waste streams at each Facility listed in the CAFO to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") for each Facility to ensure that Anadarko is operating in compliance with RCRA and the regulations promulgated thereunder; 3. Certify that it has accurately and adequately complied with its RCRA Section 3010 Notification, where applicable, for each Facility; and 4. Provide, with its certification, a copy of SOPs as described in #2 above to EPA Region 6.

Lindon Manufacturing and Laboratory, in Houston, Texas
EPA has identified numerous incompatible materials being stored at the Lindon Manufacturing location that may present a substantial risk of fire, explosion, and danger to human health. Region 6 will issue a letter by December 1, 2017 requesting that Lindon Manufacturing arrange for the removal and disposal of the hazardous material within 5 days of receipt of this letter. The letter will also request the facility to provide a report detailing the steps they have taken to address areas of concern detailed in inspection reports previously provided to the company. If the company fails to respond to the letter, Region 6 is considering the issuance of a Unilateral Order (UAO) either under RCRA §3008(a) (enforcement) or a RCRA §7003 (Imminent and Substantial Endangerment (ISE)) to Lindon Manufacturing and Laboratory, LLC, in Houston, Texas. The facility was referred to Region 6 by the Texas Commission on Environmental Quality (TCEQ) for investigation and appropriate action. EPA's investigation, beginning with the initial site visit (May 2015) and subsequent information request (February 2016) and sampling inspection analytical results (January 2017), confirmed regulatory violations including storing hazardous waste without a permit and storage of incompatible wastes together. The UAO action, if undertaken, will require Lindon to address regulatory violations and the potential ISE issues. The Region has notified the Office of Site Remediation and Enforcement of the potential ISE UAO and has kept the State apprised of the case status.

San Jacinto River Waste Pits, Highlands, TX- Community Meeting
On December 4, 2017, EPA, in cooperation with the Texas Commission on Environmental Quality (TCEQ) and state and local agencies, plans to conduct a community meeting from 6:30 p.m. to 8:00 p.m. at the Highlands Community Center in Highlands, Texas. This meeting will provide the community with the opportunity to ask questions about and to get involved in the remediation process for the site. Discussion topics include the Record of Decision selected remedy, site activities, river channel stabilization work and timetables.
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Bird Creek, Osage County, Oklahoma
EPA continues to work on the response to comments from the public comment period and the hearing held on October 11, 2017 related to Proposed Administrative Orders (SDWA) sent to Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc. All three respondents believe the contamination is a one-time occurrence and dispute EPA's contention that the Mississippi Chat is over-pressurized. A tentative date for pumping out North Bird Creek at Monitoring Station No. 6 between the landowner and two respondents is set for the week of December 4th. EPA will be on site to observe the action, if it occurs. EPA will be collecting additional in-stream monitoring data the week of December 4th. On November 27, 2017, EPA mailed out an Administrative Order (AO) to Warren American Oil Company, LLC under the Clean Water Act (CWA) for an unauthorized discharge of produced waters of the U.S observed during an EPA inspection on October 30-31, 2017. After receipt, the Respondent (Warren) has 30 days to comply with the AO.

Grace Sierra, Hope, AR
EPA intends to conduct indoor air sampling at the former Grace Sierra facility. Although most indoor dust samples collected in July of 2017 showed non-detect for asbestos, one sample detected an elevated level of chrysotile asbestos. To help assure the plant manager and his employees that there are no exceedances of the OSHA air standard, EPA offered to conduct 8-hour sampling in the warehouse.

Oklahoma Corporation Commission – Final End of Year Report for UIC Program Oversight
During the first week of December, EPA intends to send the Underground Injection Control End-of-Year review to the Oklahoma Corporation Commission (OCC) for state fiscal years of 2016 and 2017. The review covers basic program activities and the OCC's actions with respect to induced seismicity. The OCC staff have already reviewed the draft and had no problems or comments on it. Additionally, the transmittal letter will praise OCC for their efforts to address natural gas seeps affecting the Pawhuska High School this fall.

Texas Small MS4 General Permit, State Permit Review
EPA may issue an Interim Objection letter requesting information on how the permit is consistent with the requirements of the Clean Water Act and implementing regulations will be submitted by its regulatory deadline of Monday, December 4, 2017. Issues that could be included in the interim objection, if not resolved, include: 1) controls for discharges to impaired waters or discharges to waters with Total Maximum Daily Loads, 2) whether compliance schedules improperly extend deadlines for activities that should have already been completed, and 3) procedures for meeting requirements of the MS4 Remand Rule in the proposed two-step process.

Spill Prevention Control and Countermeasure (SPCC) Class I Consent Agreement and Final Order (CAFO), Lincoln County, OK
EPA intends to issue a Class I CAFO to Palm Operating, LLC, for the following violations of 40 CFR part 112: failure to develop a SPCC Plan; implement discharge prevention measures, drainage controls, and countermeasures for discharge discovery, response and cleanup; and maintain appropriate containment and/or diversionary structures or equipment at the facility to prevent a discharge. The violations were documented during an inspection of the SFPSU Tank Battery in Lincoln County, OK, on June 26, 2017. The proposed penalty is $28,847.

NEPA:

Texas-Oklahoma Passenger Rail Development Program Combined Service
The Department of Transportation, Federal Railway Administration (FRA) prepared a Final Environmental Impact Statement (FEIS) to consider the development of an intercity passenger rail system that enhances existing passenger rail service and provides new passenger rail service between Oklahoma City and South Texas (Laredo, Corpus Christi, Brownsville), with potential extension to Monterrey, Mexico. The development could provide new and upgraded passenger rail service along an 850-mile corridor extending approximately from Oklahoma to south Texas. Region 6 will support the FRA by meeting our basic statutory requirements for participating in the environmental review process.

Upcoming Public Events:

- December 4 – San Jacinto Waste Pits Superfund Site Community Meeting, Highland Community Center, Highland, Texas.
- December 5 -- EPA will participate in the General Session at the 2017 Clean Gulf Conference to present and update on regional oil spill prevention and response activities. Over 500 people are expected to attend.
- December 11 – TCEQ meeting with environmental organizations on Hurricane Harvey response, Austin, Texas. EPA invited to participate.
- December 14 – Georgia Pacific Public meeting hosted by Arkansas DEQ, Crossett, Arkansas.

Upcoming Decisions:

Action to Concur with the TCEQ El Paso Exceptional Events Demonstration
EPA intends to concur on the document for the El Paso Exceptional Event demonstration presented by the Texas Commission on Environmental Quality (TCEQ). TCEQ has asked to except the air quality 8-hour ozone concentration value of 77 parts per billion and flag the hours of 1100-1800 local standard time (LST) on June 21, 2015, at the University of Texas at El Paso (UTEP) monitor. TCEQ submitted the demonstration package on September 27, 2016, after completing a 30-day public review period. Additional information was submitted for review on January 19, 2017, January 20, 2017, and May 20, 2017. After careful consideration of the information provided, the EPA concurs, based on the weight of evidence, that the TCEQ has made such demonstration.

Request for Title V Permit for Monarch Waste Technologies
EPA intends to request a complete Part 71 permit application by June 1, 2018 in order to permit operation of the Pyromed 550 system incinerator on Pueblo of Nambe tribal lands. An operating permit is required pursuant to the New Source Performance Standards for Hospital/Medical/Infectious

Waste Incineration (HMIWI) regulations. EPA's federal operating permit rules require operating permits to be submitted within 12 months after the source becomes subject to the permit program, or on or before such earlier dates as the permitting authority may require. EPA may request permit applications earlier than 12 months provided the source is notified of an earlier submittal date at least 6 months in advance of that date. Because of expected interest in this operation, we are requesting the Title V permit application by June 1, 2018.

Past Week Accomplishments:

Revisions to Emissions Banking and Trading Programs, Texas
EPA approved Texas revisions to Emissions Banking and Trading Programs for Area and Mobile Sources. This final action addressed the revisions to the Texas Emissions Credit (EC) and Discrete Emission Credit (DEC) that clarify and expand the existing SIP approved programs for area and mobile source credit generation. The regulated community and the public have been active participants in the TCEQ stakeholder process for the development of these regulations.

Pending Actions (Pending Federal Register Publication):

Oklahoma: Final Approval of State Underground Storage Tank Program Revision
FRL 9968-28-Region 6 and 9968-29-Region 6

Region 7

Hot Issues:

Westlake Landfill (Bridgeton, MO)
Key Message: Work continues on the Final Feasibility Study.

- On November 28, 2017, EPA sent a letter to the Responsible Parties requesting that the revised Final Feasibility Study include evaluation of on-site disposal of the excavated radiological materials.
- Discussions were held this week with the Responsible Parties, OLEM/OSRTI, the state of Missouri, and the US Army Corps of Engineers regarding finalization of the Remedial Investigation Addendum, the Final Feasibility Study, and the Proposed Plan on an expedited schedule. Region 7 is lining up resources to assist with writing of the RIA and FFS documents in the event that is necessary in order to meet deadlines.

Santee Sioux Tribal LEAN Project with Region 7
Key Message: Working collaboratively with our tribal partner to improve the grant work plan process.

- Region 7 representatives from the planning, tribal, water, air and emergency planning/Brownfields programs met with members of the Santee Sioux Tribal environmental program to develop a value stream mapping overview of the work plan negotiation process.
- Members from both offices saw the need to engage in a mapping exercise to outline the process as the starting point for finding ways to LEAN the process. The meeting was very productive and useful in developing a common understanding of the steps involved in negotiating program work plans in a timely manner. The group also spent time crafting solutions to problems areas that were identified.
- The map is being refined and will be shared with the other regional tribes at the RTOC meeting in January. The intent is to use the new process to guide our LEAN processes and be the framework used for future work plan negotiations.
- In addition, the regional staff will be training our tribal partners in a Lean 101 White Belt session at the January meeting.

Upcoming:

Integrated Error Correction Process Meeting
Key Message: Region 7 is participating in the national effort to ensure efficiency and effectiveness in enforcement reporting is a priority.

- IECP LEAN Event: December 6-8, Washington DC - A LEAN event to improve the Integrated Error Correction Process (IECP) in the Enforcement Compliance History Online (ECHO) that is shared by both OEI and OECA is planned.
- Region 7's Neal Gilbert has been asked to participate, providing perspective as a regional data steward, to help identify places in which the IECP could be improved. Only Regions 7 and 8 participating with HQ.

Region 8

Hot Issues:

Federally-led Bilateral Effort for Lake K Requested by Montana Governor Bullock and Senator Tester

Key Message: The Governor and Senator signed a letter on November 27 to Secretary of State Tillerson requesting the State Department coordinate with Montana, Tribes, EPA, DOI and other stakeholders to identify and support long-term bilateral watershed protection needs for the Kootenai Watershed including Lake Koocanusa.

- This is the strongest statement that the state of Montana has made in recent years regarding the need for a bilateral approach in the Kootenai watershed that straddles British Columbia, Montana and Idaho.
- Previously the State Department and EPA have received written requests and visits from the Joint Councils of the Ktunaxa Nations, which includes the Confederated Salish and Kootenai Tribe in Montana and the Kootenai Tribe of Idaho, for a federally-led bilateral approach to contamination and other concerns in the watershed. The Tribes have fishing treaty rights in the watershed, including Lake Koocanusa.
- Regions 8 and 10 are working with the State Department and OITA to develop a paper following up on recent bilateral discussions of transboundary mining impacts from BC to US waters. The paper will identify gaps in the current processes in place to address these concerns that prompt the calls for US and Canadian federal involvement.

Region 8 finalizes CERCLA administrative order on consent with Stratus Redtail Ranch LLC for time-critical removal action at the Neuhauser Landfill Site in Erie, Colorado.

Key Message: On November 28, 2017, EPA and Stratus Redtail Ranch LLC entered a CERCLA administrative order on consent for a time critical removal action at the Neuhauser Landfill Site in Erie, Colorado.

- The Site is adjacent to old landfills, and was purchased for residential and recreational development by Stratus.
- Drums containing hazardous substances were discovered during development work at the Site. Stratus agreed to remove and dispose of approximately 150 drums from the Site.
- The EPA and the State are working to coordinate this removal action in concert with the longer term state-lead remedial efforts at the Site.
- IBM is a PRP at the Site, and has so far declined to participate in any removal efforts.
- The EPA has received media requests regarding this removal.

Visits with South Dakota Officials - Nov. 28-29

Key Message: Region 8 Regional Administrator Doug Benevento visited with SD Governor Dennis Daugaard, SD Attorney General Marty Jackley, SD Department of Environment and Natural Resources Director Steve Pirner, and Agriculture Secretary Mike Jaspers earlier this week. While in SD, the RA also met with representatives from the SD Public Utilities Commission, Senator Mike Rounds' office, and representatives from several SD Ag associations.

Upcoming Public Events:

Region 8 Staff Attending Fountain, Colorado Town Hall Meeting to Discuss Local Groundwater Contamination

Key Message: El Paso County Commissioner Lojino Gonzales and State Representative Lois Landgraf are hosting a town hall meeting on Monday, December 4 in Fountain, Colorado to discuss perfluoroalkyl substances (PFAS) groundwater contamination with local residents.

- We expect attendees to raise the concern that the financial burden for the installation and operation of facilities needed to remove PFAS contamination by community water systems and private wells has largely been placed on the public water utilities and homeowners.
- Staff from the Region 8 communications, drinking water and site assessment programs plan to attend to answer questions about EPA's role and the drinking water health advisories for PFOS and PFOA.
- Region 8 will coordinate with OPA regarding talking points for this meeting.

Upcoming Major Decisions

None

Last Week Highlights:

Region 8 multi-media site visit to Ute Mountain Ute Reservation in Colorado

Key Message: In response to a request from the Ute Mountain Ute (UMU) Tribe's Environmental Program, EPA staff from RCRA, emergency response, water and oil programs travelled to the UMU reservation to evaluate chronic crude oil leaks and spills, and soil disposal areas in an aging oilfield on the reservation.

- Follow-up actions include: 1) assessing whether RCRA authorities may be used to compel appropriate management of contaminated soils at a land farm; 2) identifying areas for improving an operator's SPCC plan and implementation of the plan; 3) evaluating ongoing remediation activities and the locations of spills relative to arid waters; and 4) working with the US Army Corps of Engineers to address the tribe's request for a jurisdictional determination of the arroyos. This designation is key to identifying EPA's authorities.
- Members of the UMU Environmental and Minerals/Energy Programs, representatives from the Bureau of Indian Affairs, and the oilfield operators participated in the visit.

Region 9

Hot Issues:

Anaconda NPL deferral: We reached agreement with NV DEP on language describing our proposed NPL Listing Deferral of this complex mine site. Next week, BP/Atlantic Richfield will join us and NDEP at our Regional Office to discuss the proposed agreement, and any remaining issues to be addressed among us. Much other work remains for us in resolving past costs with BP/ARC, and in finalizing MOUs with the two tribes, who may not consent to the proposed EPA language despite extensive in-person consultation.

No. California wildfire response: As our household hazardous waste collection is 99% complete, FEMA has asked us to shift our emphasis to asbestos removal in four counties, to aid the Army Corps' pace of debris removal. We have 190 employees and contractors engaged at present. At FEMA and EPA's urging, the Corps has co-located its command post with us in Rohnert Park, is joining our daily coordination meetings, and has agreed to use and update our publicly accessible data. This past week, the Napa County Board of Supervisors recognized EPA with a formally adopted proclamation (see attached). Next week, we'll convene emergency response partners, USGS, researchers and water utilities to discuss post-fire water quality monitoring, mitigation, and possible future guidance.

CA Water Quality Standards: We've forwarded for the Administrator's signature the proposed withdrawal of federal water quality criteria for lead, chlorodibromethane, and dichlorobromomethane. We had promulgated these many years ago as part of the California Toxics Rule, and they are now superseded by new EPA-approved site-specific State criteria.

External Engagements:

Guam Gov. Calvo: on Monday, Dec. 4 I'll meet with Guam Gov. Eddie Calvo to discuss various infrastructure issues, primarily related to the DOD expansion on Guam.

Chem Waste Mgt. Kettleman Hills: we held a joint State/EPA open house and public meeting in this central California community on Nov. 16 to present (in English and Spanish) the proposed PCB and RCRA permit renewals for this major commercial disposal facility. Although our EPA PCB permitting role is several months into the future, it will continue to present a high level of concern for various community groups.

Drinking Water outreach: we held the first of five California workshops on the Lead-and-Copper rule, aiming to provide more technical assistance and help systems return to compliance.

Superfund site remedy: following the Administrator's support of our proposed Casmalia landfill remedy, we are now convening a December 6 public meeting in Santa Barbara county. This landfill had operated as a large commercial disposal site from 1973 to 1989.

Past Week's Highlights:

UIC Permit: Last year we issued a UIC permit for an in-situ copper mining operation in Florence, AZ. The town and a local developer, having unsuccessfully petitioned the EAB for review, have now

petitioned the 9th Circuit for review of our permit and our related l997 aquifer exemption, and have asked us to stay effectiveness of the already-issued permit.

NV Pretreatment: we've finalized a consent decree with the City of No. Las Vegas to address CWA violations regarding their pretreatment program. We'll split a $385K penalty with NDEP. The City will establish pretreatment requirements for industrial users to protect its downstream sewage treatment plant, which discharges to the receiving waters of Lake Mead, a multi-state source of drinking water.

DOE RCRA Variance: we approved DOE's petition for a one-time, site-specific variance from RCRA Land Disposal requirements to allow 21 cubic yard of mixed low-level radioactive waste to be disposed of at the Nevada National Security Site (formerly NV Test Site). The soil met all universal waste thresholds except for PCBs. TSCA's PCB regs allow for higher levels of PCB to be disposed of in a RCRA landfill. We worked closely with Region 4 and NV DEP. This action saves the federal government $1.3 million in disposal costs.

CWA decision: the Northern District of California granted EPA's Motion for Summary Judgment in the NRDC v. Pruitt case. The plaintiffs claimed that certain "Temporary Urgency Change Orders" (TUCPs) issued by the State Water Resources Control Board during the drought years constituted revisions to the State's water quality standards, and therefore required EPA's review under CWA Section 303. The judge found that the claims were moot, noting that the TUCPs had all expired, that the Governor's drought proclamation had been revoked, and that EPA had made a formal determination that these state actions were not water quality standards changes

Region 10

Hot Issues:

Alaska Small Remote Incinerators: On November 20, Region 10 and HQ staff met with representatives of ConocoPhillips and the Alaska Oil and Gas Association to discuss their concerns regarding their ability to meet the numeric air standards for small remote incinerators. The groups believe that EPA has the discretion under Sections 111 and 129 of the Clean Air Act to adopt work practice standards for small remote incinerators instead of numeric standards. This issue was argued before the courts in 2015 and EPA prevailed, i.e. the judge ruled that the agency does not have discretion to set standards in lieu of numeric standards. Without statutory changes, the only route is to reopen the rule-making process with the opportunity for public input to establish less stringent numerical standards that the remote incinerators can meet or perhaps justify an exemption like that for remote institutional incinerators. The industry representatives may seek to elevate this issue and to have the rule-making identified as a priority.

Upcoming Decisions:

Washington PM2.5 Interstate Transport SIP Finding of Failure to Submit: On November 30th, the acting Regional Administrator signed a Finding of Failure to Submit (FFS) Federal Register Notice. In a court order issued September 18, 2017, the United States District Court found that Washington was one of five states to miss the December 14, 2015, deadline for submitting an interstate transport Clean Air Act State Implementation Plan for the fine particulate matter annual standard. This order requires that EPA issue a FFS no later than December 17, 2017. While Washington is actively working on this SIP revision, they do not expect to submit the SIP until February 2018. The FFS would start a two-year clock for the EPA to either fully approve a Washington SIP revision or issue a Federal Implementation Plan (FIP) to remedy any deficiencies.

Washington State Review Framework report for OECA review: Region 10 will be sending to OECA for concurrence the final Washington State Review Framework report, which assesses the compliance enforcement programs for CAA, NPDES, and RCRA at the Washington Department of Ecology and local air agencies. The report assesses data and files for activities occurring in Fiscal Year 2015. The state has provided comments on the draft report, which have been incorporated into the final. After OECA concurrence, we will transmit the report to the state and local air agencies and load our recommendations into the national SRF tracking database. We are planning for a transmittal to the state in mid-December, ahead of the December 31, 2017 Annual Commitment System deadline.

Upcoming Public Events:

Briefing for the Idaho Oil and Gas Commission on Underground Injection Control Program Transfer: On December 7, as requested, EPA Region 10 management and staff will provide a briefing at the Idaho Oil and Gas Commission meeting in Boise on the process, timeline, and issues associated with Idaho's request to transfer UIC Class II wells to EPA. The Commission meeting is open to the public. EPA Region 10 and Headquarters have been coordinating closely with the Idaho agencies in preparation for the briefing. The meeting follows the November 27 Federal Register Notice of a proposed rule announcing the voluntary transfer. The FRN opened a 45-day public comment period. Notice of the voluntary transfer action has been placed in local newspapers, and reported in the media, including local radio.

EPA R10 Attendance at West Coast Regional Planning Body Meeting: Region 10 staff will attend the West Coast Regional Planning Body and West Coast Ocean Partnership Annual Meeting in Long Beach, CA from December 5-7, 2017. There will be federal, state, and tribal caucus updates, a recap of activities since the last meeting in October 2016, updates from planning teams, discussion of the Regional Ocean Assessment and West Coast Ocean Data Portal, and identification of next steps. One day of the meeting is open to the public and two days are for discussions amongst the representatives from tribal governments, states, and federal agencies.

Washington Department of Health to Propose Transfer of 91 Tribal Drinking Water Systems to EPA: On November 30, 2017, the Washington Department of Health and EPA Region 10 hosted a government-to-government consultation with tribal chairs and the American Indian Health Commission in Washington to propose a process to transfer regulatory oversight for all Group A public water systems located entirely within tribal reservation land boundaries from WADOH to EPA. There are 91 such systems in Washington. EPA and WADOH will work together to transfer a few systems at a time, matching EPA's capacity to absorb these new systems within our regulatory structure.

Last Week Highlights:

Issuance of Leavenworth, Washington National Fish Hatchery NPDES Permit: On November 22, Region 10 issued a final NPDES permit to the Leavenworth National Fish Hatchery. The hatchery, operated by the U.S. Fish and Wildlife Service, discharges wastewater into Icicle Creek in Leavenworth, Washington. Regulatory agencies, including EPA Region 10, involved with authorizing its operations have been subject to lawsuits and public disclosure requests by Wild Fish Conservancy and the Center for Environmental Law Policy since the late 1990s. EPA needed to issue this permit in November in order for it to be in effect by January 1, 2018. Failure by EPA to meet these dates would trigger court-ordered monitoring and other requirements. We expect the permit to be challenged by WFC and CELP after issuance. EPA had been waiting for Ecology to complete its final Clean Water Act Section 401 certification that the federal permit meets the state's water quality standards. The final state certification was delivered to EPA on November 22.

Region 10 Delists Two Superfund Sites in Vancouver, Washington: Region 10 will remove the Vancouver Water Stations 1 and 4, from the National Priorities/Superfund List. NPL sites are proposed for deletion once all response actions are complete and all cleanup goals have been achieved. These sites had significant groundwater contamination from tetrachloroethylene (PCE). Cleanup actions have successfully treated the groundwater such that it now meets drinking water standards. Delisting will make the properties available for economic re-development and productive re-use. EPA added the sites stations to the NPL in the mid-1990s.

Office of Administration and Resources Management

Hot Issues:

Arthur S. Flemming Awards
OARM is coordinating the agency's nominations for the Arthur S. Flemming Awards which recognize outstanding and meritorious achievement in working for the federal government; encourage the highest standards of performance in the federal service; enhance appreciation of our form of government and the opportunities and responsibilities that it presents, and attract outstanding individuals to a career in federal service. There are twelve awards annually in five categories: leadership and/or management; legal achievement; social science, clinical trials and translational research; applied science and engineering, and basic science. EPA can submit no more than two nominations per each category and eligibility is restricted to individuals currently engaged in federal government service and who have served 3-15 years. During the last two years, EPA has had three winners. Nominations, signed by the Administrator, are due to the George Washington University by the January 31, 2018.

The Human Capital Operating Plan
The Human Capital Operating Plan is the agency's human capital implementation document. The HCOP describes the agency's human capital activities and demonstrates their linkage to our Strategic Plan and Annual Performance Plan. Developed in collaboration with the agency's senior management team, it provides ongoing opportunities to influence the agency's strategic human capital direction. The agency submitted its HCOP to the Office of Personnel Management today.

Contingency Planning
OARM is leading the contingency planning for the agency. Although the federal government is currently funded thru Friday, December 8, 2017, the agency must be prepared to implement its contingency plan for a shutdown should there be a lapse in funding. Consistent with prior past practices, OARM reached out to the Senior Resource Officials agency wide to have them identify those contracts and interagency agreements that are required to remain active to support shutdown or excepted activities in the event of a funding hiatus.

OARM has already received updated shutdown and excepted personnel lists from each office. Excepted personnel are those individuals who are required to perform excepted activities by ensuring the safety of human life and the protection of property (including government property) where the threat to life or property is imminent. OARM will continue to work closely with OGC and OCFO on preparation activities.

Federal Advisory Committees
The Government Accountability Office is initiating a new engagement with the agency, "EPA Advisory Committees." The GAO will be examining the legal requirements and policies for ensuring the balance and independence of EPA advisory committee members, the extent to which EPA is following requirements, and how the composition of EPA's committees have changed over time. The GAO Natural Resources and Environment Team will be performing the work. The entrance conference is scheduled for December 12, 2017.

Suspension and Debarment
On November 28, 2017, the EPA Suspension and Debarment Official (SDO) issued notices of suspension for causes based on state criminal charges filed against two individual defendants (Nicolas

Leonard Lyon and Eden Victoria Wells) allegedly involved in the matter under criminal investigation referred to as the "Flint, MI water crisis." These suspension actions are in addition to the 13 suspensions previously issued to other criminal defendants in the ongoing investigation.

Mr. Lyon served as the Director of Michigan Department of Health and Human Services and Ms. Wells was the Chief Medical Executive of the State of Michigan. The SDO found an immediate necessity to suspend these respondents from participating in future procurement and non-procurement programs with the federal government. A suspension is a preliminary exclusion from receiving federal contracts and covered transactions to protect the public interest pending completion of legal proceedings

Upcoming Public Events:

None

Upcoming Major Decisions:

None

Last Week's Highlights:

Visit to the Hill
On Wednesday, November 29th, OARM's PDAA accompanied members of the Administrator's office and OCFO to Capitol Hill to discuss some potential EPA reorganizations with key congressional staff members.

Office of Air and Radiation

Hot Issues and Important Deadlines:

Tracking SIP Actions:

- Total Number of SIPs submitted to Regions in FY 2018: 26
- Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 16
- Total Number of Backlogged and Non-backlogged SIPs: 689
    - Backlogged: 521
    - Non-backlogged: 168

OAR actions under review at OMB:

- Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
- Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
- Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Advance Notice of Proposed Rulemaking)

State Implementation Plan (SIP)-Related Actions:

The Regions report that the following SIP-related action was signed this week:

- **Region 3: Final Rule -** RACT for 2008 Ozone NAAQS - DE

Upcoming Meetings, Public Events, or Other Public Releases:

Glider Public Hearing: EPA will hold a public hearing on the proposed repeal of emission requirements for glider vehicles, glider engines, and glider kits in Washington, DC on Monday, December 4, 2017.

Light Duty Trends Report: As early as Wednesday, December 6, 2017, EPA will release the annual "Trends" report is the authoritative reference for tailpipe carbon dioxide (CO2) emissions, fuel economy, and technology trends for new personal vehicles sold in the U.S. every year since 1975. The report does not address compliance or policy but mainstream media use the report to document short-term and long-term trends, especially for fuel economy, and researchers use it to calibrate their models to real world performance.

Greenhouse Gas Performance Report: As early as Wednesday, December 6, 2017, EPA will release the annual "GHG Performance" report details compliance data, both for individual automakers and fleet wide, with the National Program greenhouse gas (GHG) emissions standards as part of the agency's continuing commitment to provide the public with transparent and timely information. This year's report addresses compliance through Model Year (MY) 2016, the last year for which we have final compliance data.

Clean Air Act Advisory Committee (CAAAC) Annual Fall Meeting: On Tuesday, December 12, 2017, EPA staff will attend the CAAAC Fall meeting being held in Washington, D.C.

Upcoming Decisions:

For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources: In this rule we are proposing editorial and technical corrections to regulations that require source testing of emissions. (This is a routine "clean-up" action that we have done several times in the past – most recently in August 2016). The package is with OP for review.

For Administrator's Signature – Renewable Fuel Standard Program: Grain Sorghum Oil Pathway: This proposed rulemaking responds to an industry request to assess whether biofuel made from non-food grade grain sorghum oil should be qualified as a pathway under the Renewable Fuel Standard (RFS) program. The NPRM presents EPA's analysis and proposes to find that certain fuels produced with this feedstock qualify for advanced biofuel and biomass-based diesel designation. This action will move to OP this week.

For Administrator's Signature – Notice of Proposed Withdrawal of the Control Techniques Guidelines for the Oil and Natural Gas Industry: This proposed notice of availability will solicit comment on the withdrawal of the Control Techniques Guidelines (CTG) for the oil and natural gas industry.

Past Week's Highlights:

Clean Power Plan (CPP) Public Hearing: EPA held a public hearing on the proposed repeal of the CPP in Charleston, WV on November 28-29, 2017.

Actions signed this week:

- Renewable Fuel Volume Standards for 2018 and Biomass-Based Diesel Volume (BBD) for 2019

Office of Chemical Safety and Pollution Prevention

Important Deadlines:

TSCA New Chemicals Determinations				
Row	**Determination Type**	**Pending on 11/28/2017**	**Determinations Completed[1] as of 11/28/2017**	**Determinations Posted on the Website as of 11/28/2017**
1	# of "not likely" determinations	**1**	**105[4]**	**105[4]**
2	# of §5(e) Orders signed by both EPA and the submitter	-	**292**	**292**
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	**69**	-	-
4	# of non-Order SNURs/"not likely" determinations	**0**	**0**	**0**
5	# of cases in post-FOCUS final determination development[5]	**304[3, 5]**	-	-
6	# of cases flagged for in-depth review	**54**	-	-
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**27**	-	-
8	# of LVE/LOREX exemption grants	-	**482**	**484**
9	# of LVE/LOREX exemption denials	-	**101**	**94**
10	**Total number of cases**	**455**	**980**	-
11	Normal active workload for the New Chemicals Program	300	-	-
12	Number of cases undergoing testing or data development by submitter	79[3]	-	-
13	**Backlog[2]**	76	-	-

[1] "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).

[2] (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

[3] Of these cases, approximately 73 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

[4] "Not Likely" determinations are not posted until the final signed determination document is prepared and has been shared with submitter.

[5] These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter or signature; Row 4 when the SNUR is published; and Row 1 when the determination document is sent to the OPPT OD for signature.

Hot Issues:

Glyphosate Draft Risk Assessments - In mid-December, OPP will post the draft human health and ecological risk assessments for glyphosate on the Web and later on www.regulations.gov (docket EPA-HQ-OPP-2009-0361). In early 2018, OPP will open a 60-day public comment period. The ecological risk assessment includes an evaluation of the potential for effects on non-target organisms from exposure to glyphosate, incorporating available exposure and effects data, and using the most current risk assessment methods. EPA's analysis indicates that there is a potential for effects on birds, mammals, and terrestrial and aquatic plants. The human health risk assessment includes an evaluation of dietary, residential/non-occupational, aggregate, and occupational exposures. Additionally, an in-depth review of the glyphosate cancer database was performed. An OPP Update will announce a new web page to host the draft risk assessments and several supporting documents.

Upcoming Meetings and Public Events:

SFIREG Full Committee Meeting, December 4-5. OPP's Office Director, Richard Keigwin, and other staff will present at the State FIFRA Issues Research and Evaluation Group (SFIREG) Full Committee Meeting on various pesticide topics. SFIREG working committees provide a platform for the states and EPA to resolve challenges to successful implementation of pesticide programs and policies in the USA and territories. The SFIREG consists of state representatives from the 10 EPA regions who come together biannually to meet with EPA staff. SFIREG's activities are supported by EPA through a grant, which acknowledges the strong co-regulatory relationship required by the states' primacy role in pesticide enforcement and/or certification programs. The SFIREG meeting agenda is available here. (https://aapco.files.wordpress.com/2017/11/full-sfireg-agenda-december-2017_11-3-171.pdf)

Consumer Specialty Products Association Annual Meeting, December 4-6. Deputy Assistant Administrator Nancy Beck will be virtually presenting on TSCA and PRIA Implementation at the Consumer Specialty Products Association Annual Meeting being held in Ft. Lauderdale, Florida. Additionally, senior management from OPP will be presenting in-person at the meeting. Topics presented will include: updates on projects and priorities; the Antimicrobial Testing Program; PRIA and Registration Review; Data Call-ins; the efficacy questions mailbox; the industry feedback reporting form; and the status of draft documents. An ingredient disclosure session will also be held on December 6th. Meetings with individual companies will also take place during this time.

Washington State Tree Fruit Association Meeting, December 6. A staff representative from OPP's Field and External Affairs Division will attend the Washington State Tree Fruit Association meeting to discuss the Worker Protection Standard and what is expected from the grower community in implementing the new standard.

Public Meeting on New Chemicals, December 6. OCSPP is hosting a public meeting to update and engage with the public on the Agency's progress in implementing changes to the New Chemicals Review Program as a result of the 2016 amendments to TSCA, including discussion of EPA's New Chemicals Decision-Making Framework. OCSPP will describe its review process for new chemicals under the amended statute, and interested parties will have the opportunity to provide input on their experiences with the New Chemicals Review Program since the statute was amended and to ask questions. The meeting will be held December 6, 2017, 9:00 a.m. to 5:00 p.m. at the Ronald Reagan Building and International Trade Center, Horizon Ballroom.

Public Meeting on Approaches for Identifying Potential Candidates for Prioritization for Risk Evaluation, December 11. OCSPP is hosting a public meeting to focus on possible approaches for identifying potential candidate chemicals for EPA's prioritization process under TSCA. As amended, TSCA requires that EPA establish processes for prioritizing and evaluating risks from existing chemicals. EPA will describe and take comment on a number of possible approaches that could guide the Agency in the identification of potential candidate chemicals for prioritization. The meeting will be held December 11, 2017, 8:30 a.m. to 5:00 p.m. at the Ronald Reagan Building and International Trade Center, Horizon Ballroom.

American Wood Preservative Association Technical Meeting, December 14-16. A staff representative from the Antimicrobials Division (AD) will travel to Key West, FL to participate in an American Wood Preservative Association (AWPA) technical meeting. In August 2017, AD provided written comments on an AWPA proposal on raising retention rates for treating wood that will be discussed during the meeting. The AD representative will present verbal comments on the proposal as well as convey the need for registrants to amend their EPA registered product labels with wood preservative uses to appropriately reference AWPA standards.

Last Week Highlights:

FIFRA Scientific Advisory Panel (SAP) Meeting, November 28-29. The topic of the FIFRA SAP meeting was "the Continuing Development of Alternative High-Throughput Screens to Determine Endocrine Disruption, Focusing on Androgen Receptor, Steroidogenesis, and Thyroid Pathways." The FIFRA SAP is a FACA committee. The SAP commended the scientific rigor and transparency of EPA's presentations and background materials.

Inventory Reporting Webinar, November 29. Beginning in September, EPA held a series of three webinars to assist the regulated community with reporting under the TSCA Inventory Notification (Active-Inactive) Rule, published in the Federal Register on August 11, 2017. This rule requires industry to report chemicals manufactured or imported into the U.S. over the past 10 years. Each identical webinar included an overview of reporting requirements, a demo of the electronic reporting application (Central Data Exchange (CDX)), and time for questions and answers. The last of these three webinars occurred on November 29, 2017.

Small Business Determination. On November 30, OCSPP published a final determination, as required under the amended TSCA, that an update is warranted to the size standards for small manufacturers and processors currently used to determine which small businesses are exempt from reporting regulations under TSCA Section 8(a). OCSPP reviewed the adequacy of the existing standards that define what constitute small manufacturers and processors used in connection with reporting regulations under TSCA section 8(a). After reviewing public comments and consulting with the Small Business Administration (SBA), OCSPP has determined that a revision to the existing standards is warranted. The future revisions to the standards will occur by subsequent rulemaking, which allows for further opportunities for consultation with the SBA and public notice and comment.

Office of the Chief Financial Officer

Hot Issues:

- With the current Continuing Resolution, which provides funding to federal agencies, set to expire on December 8, there are reports that Congress is considering a second CR for another two weeks with the possibility of a third CR that will go in to January. The additional time will allow Congress to complete action on the FY 2018 appropriations bills. There also is the possibility of a shutdown should Congress not be able to agree on another short term CR and steps are being taken in OCFO, in coordination with OARM, to prepare for this outcome.
- OMB issued the FY 2019 Passback this past Tuesday. OCFO prepared options and materials for senior leader consideration to respond to the OMB's FY 2019 Passback. The agency's response is due to OMB on December 1 and we are on schedule to meet this deadline.

Upcoming Public Events:

N/A

Upcoming Major Decisions:

- OCFO is compiling results of senior leader review of public comments on draft *FY 2018-2022 EPA Strategic Plan* for Policy Team review on December 4-8. OCFO also is working with the agency Performance Improvement Officer to summarize results to date of the Chief Operation Officer's ambitious target-setting meetings with the NPMs on strategic measures and Agency Priority Goals. Target date for all decisions is December 8 to provide OMB an initial review during the week of December 11-15 and incorporate into the final draft *FY 2018-2022 EPA Strategic Plan* due to OMB no later than December 22.
- Next week, OCFO will initiate Policy Team Review of the draft *FY 2017 Annual Performance Report* and two-page performance highlights, which reflects results in meeting 2017 budget measure targets and will be part of the *FY 2019 Congressional Justification* submitted to Congress and made available to the public in early February 2019.
- OCFO has commenced pre-planning for the FY 2018 Interim Operating Plan budget and met with the Acting Deputy Administrator, COO, and Chief of Staff to discuss. Once Congress passes a final appropriation bill, EPA has 30 days to create and submit the Operating Plan to Congress, after getting Policy Team and then OMB approval.

Last Week Highlights:

- After last week's briefing for the COO and Acting DA, the top three agency enterprise risks as result of senior leader risk assessments of 11 strategic objectives in draft *FY 2018-2022 EPA Strategic Plan* have been finalized. OCFO will be engaging with senior leaders on next steps to identify actions to mitigate the enterprise risks in FY 2018. Agency Priority Goal action plans will be due to OCFO by mid-December to support the *FY 2019 Congressional Justification* submission to OMB.
- The E-Enterprise Permitting Working Group comprised of EPA, states, and tribes met earlier this week to discuss refinements to the measures and metrics options. The options are intended to support assessment of the effectiveness of permitting programs where EPA has a shared intergovernmental program implementation responsibility with states and tribes. Discussion

focused on two primary areas of measurement: 1) timeliness of permitting decisions, and 2) quality of permitting.

Other:

N/A

Office of Congressional and Intergovernmental Relations

Upcoming Hot Issues and Important Deadlines:

- **Dec 6** – Public meeting on TSCA New Chemicals program w/OCSPP
- **Dec 7** - the House Energy & Commerce Committee will hold a hearing on "The Mission of the U.S. Environmental Protection Agency." The Administrator is scheduled to testify.

Upcoming Events:

- **Week of Dec 4** – Transmittal of 2017 National Water Quality Indicators Report to Congress
- **December 5** – HSST briefing to discuss IRIS RFC
- **December 5** – Meet and Greet with Lee Forsgren and Mayor Dan Horrigan of Akron, OH. The meeting will give Mayor Horrigan an opportunity to get acquainted with the new Office of Water leadership, and to share highlights about the city's continuing efforts to address Combined Sewer Overflow (CSO) issues, and advance its Integrated Plan for Stormwater Management.
- **December 5** –EPA's National Brownfields Training Conference is the Agency's largest gathering of communities, non-profits and private sector stakeholders. The conference draws over 3,000 attendees who are leaders in promoting community revitalization.
- **December 8** – Environmental Justice briefing request from Senator Kamala Harris on EJ Screen

Past Week Accomplishments:

- **Week of November 27** - Follow up call with Senators Schatz/Cardin/EPW staff on Clean Water Rule
- **November 27** – The Priority Area Kaizen State Oversight Lean team met to finalize the survey template, the survey will be sent out to the Regions for final review.
- **November 28** – EPA met with Southern Sandoval County local government official, Chuck Thomas to discussed continuing efforts to promote technical information exchange and guidance relating to funding for a new Water Infrastructure Project.
- **November 28th and 29th** – EPA held a public hearing in Charleston, WV on the proposed repeal of the Clean Power Plan. Approximately 300 people spoke at the hearing, including staff from the offices of Sen. Capito and Reps. Jenkins and Mooney.
- **November 28th** – Ken Wagner, Senior Advisor to the Administrator traveled to Lansing, MI to meet with MDEQ, some of the topics of discussion were SO2 and PFOA.
- **November 28th and 29th** – PDAA, Robin Richardson along with Mike Flynn facilitated the two-day Executive Management Council Meeting, which topics consisted of Mission Measures, Cooperative Federalism, and Workforce Planning.
- **November 29** - HOGR Hearing on Regulatory Reform Chairman Farenthold (R-TX) (Sub-IEE) and Chairman Palmer (R-AL) (Sub IGA) hosted the hearing along with Ranking Members Plaskett (D-VI) and Deming's (D-FL) to receive an update from EPA, DOE, and DOI on agency progress on reducing unnecessary and duplicative regulations affecting States, Local Government and the business community. DAA Brittany Bolen (OP) was the EPA Witness.
- **November 29** – Office of Sustainable Communities and Region IV joined OIR for a meeting with the City of Frankfort and Franklin County, County local officials to discuss efforts to revitalize the Second Street and Holmes Street Corridors.

- **November 29** - Senate Environment and Public Works Committee held a business meeting to vote on EPA Deputy Administrator Nominee for Andrew Wheeler. He favorably reported, 11-10 out of committee for consideration by the full Senate.
- **November 30** – OBLR and Region IX staff met with Mayor of Tolleson, Arizona Anna Tovar to discuss potential support for the city's efforts to redevelop a small-developed area.
- **November 30** – EPA finalized the volume requirements that apply under the Renewable Fuel Standard (RFS) program in calendar year 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel. EPA also finalized the volume requirement for biomass-**based diesel for 2019.**
- **December** 1 – CERCLA 108(b) financial assurance requirements

Ongoing activities:

- **FY18 Appropriations**: A short-term continuing resolution to keep the government running past a Dec. 8 deadline is being discussed as negotiations on fiscal 2018 spending levels have yet to conclude. There may be a chance that other legislative riders will be tacked on to a year-end spending bill.

Office of Enforcement and Compliance Assurance

Hot Issues:

VW Case – Significant Milestone: Thanks to the efforts of OECA's Air Enforcement Division, OAR's Office of Transportation and Air Quality, OCIR, and the State of New York AG's Office, every state, Puerto Rico and the District of Columbia have filed their certifications for beneficiary status under the mitigation trust established pursuant to the consent decrees resolving the VW case. Failure to have timely filed would have precluded a potential beneficiary from using its allocated share of the $3 billion trust. This is the culmination of a nearly year-long effort to select an appropriate trustee, develop a trust agreement that would meet the needs of the states, and help states timely submit the required paperwork. Hurricane Maria added its own challenge by crippling Puerto Rico's communications system and disrupting normal governmental operations; the team responded to Puerto Rico's need and provided critical support to help ensure a timely filing. The team also worked closely with multiple states to help correct filing errors.

Twin Cities Army Ammunition Plant Superfund Site: On November 28th, EPA participants from OECA, OLEM and Region 5 met at the Pentagon with representatives from the Department of Defense (DOD) and the Office of Management and Budget to discuss next steps regarding EPA's cost recovery efforts at the Twin Cities Army Ammunition Plant (TCAAP) Superfund site. The meeting produced an excellent resolution of a long standing dispute at TCAAP regarding DOD's ability to pay past and future oversight costs at the facility, currently amounting to over $500,000. EPA received a favorable opinion from the DOJ's Office of Legal Counsel in August 2016 supporting EPA's position that there was no legal impediment to DOD paying oversight costs. As a result of the meeting, DOD agreed to the following: (1) the Army will begin regularly paying Region 5's bills for oversight activities starting with the January 2018 bill for FY17 response costs with Defense Environmental Restoration Account funds; (2) DOD agreed to pay $546,200.05 for past costs incurred from October 1, 2010 through September 30, 2016, seeking funds through a Late Submission of Legislative Proposal (Budgetary) for Fiscal Year 2019 National Defense Authorization Act; (3) DOD agreed to let EPA set up a Twin Cities Army Ammunition Plant Special Account so EPA can use those funds to cover its oversight costs; and (4) EPA and DOD agreed to hold a site-level discussion before August 1st of each calendar year to discuss the scope of work at the site and EPA's cost estimate for oversight work.

Upcoming Events/Public Meetings

On December 4th, Patrick Traylor will speak at the American Law Institute CLE "Clean Water Act: Law and Regulation." Patrick will speak about EPA trends in water enforcement. Open press.

On December 8th, Patrick Traylor will meet with representatives from the Natural Resources Defense Council to discuss enforcement and compliance issues.

Upcoming Major Decisions:

None.

Last Week's Highlights

TSCA Civil Complaint Filed: On November 29th, EPA filed an administrative complaint against Magnolia Waco Properties, LLC alleging 187 violations of the EPA's Lead Renovation, Repair and Painting (RRP) Rule. Many of the alleged violations were depicted in the television show "Fixer Upper," including failing to contain lead paint dust and debris during in-home renovations on numerous occasions. EPA had made numerous efforts to settle the case short of filing the complaint, including reaching out again to the company this past week, but ultimately those attempts were not successful.

Criminal Safe Drinking Water Act Sentencing: On November 27th, two saltwater disposal well operators were sentenced in the District of North Dakota to three years of supervised release and a fine for violations of the Safe Drinking Water Act. They injected saltwater (potentially including a wide array of drilling waste fluids and radioactive substances) into a well without first allowing the State of North Dakota to witness a test of the well's integrity, despite an order from the state to stop. The two operators also continued to inject the substance even after the well eventually failed a pressure test, which showed that the well did not have integrity, posing a risk of contaminating drinking water. This case was investigated by the North Dakota Attorney General's Office and EPA's Criminal Investigation Division. Restitution for harm caused will be addressed at a future hearing.

Office of Environmental Information

Hot Issues: None

Upcoming Public Events: None

Upcoming Major Decisions: None

Last Week's Highlight:

OEI Publishes FY 2018 Exchange Network Grant Solicitation Notice

- Brief description:
  - Office of Information Management (OIM) published the solicitation notice for the National Environmental Information Exchange Network Grant Program on Wednesday, November 15.
  - EPA expects to award about $6 million (20-25 assistance agreements) to states, federally recognized tribes and territories for Exchange Network (EN) projects.
  - Applications are due to EPA by January 26, 2018.
- Who benefits or cares: States, tribes, and territories.
- Why this is important: The primary outcome expected from EN assistance agreements is improved access to and exchange of, high-quality environmental data from and between public and private sector sources.
- Additional information:
  - The grant program funds projects in line with EN priorities:
    - Integrate foundational EN services into environmental business processes.
    - Increase the number of co-regulator data flows involved in e-reporting.
    - Expand data access and availability.
    - Improve environmental management business processes through advanced data monitoring and transmittal processes.
    - Augment the data and technology management capacity of potential EN partners.
  - The EN consists of all 50 States, 6 territories and 75 federal recognized tribes, all of which use the EN to flow data.
  - All major programs flow data through the EN – this encompasses 15 program systems.
    - OAR – 3 systems
    - OCSPP – 1 system
    - OECA – 2 systems
    - OEI – 2 systems
    - OLEM – 2 systems
    - OW – 5 systems
  - Between FY 2002 and FY 2017, EPA provided approximately $219 million for state, tribal and territorial awards and associated program support through the Exchange Network grant program.

EPA Celebrated Geographic Information Systems (GIS) Day

- Brief description: On November 15, multiple regions held activities across the agency in recognition of GIS Day. Some of the activities were:
  - Region 1 held a mobile app demo and training sessions on EPA's GeoPlatform.

  - Region 2 showed how staff are using the GeoPlatform and story map templates.
  - Region 3 hosted talks by staff about geospatial analysis using tools like Python and ArcGIS.
  - Chesapeake Bay Program participated in a Smart and Spatial Bay: A Conservation GIS Showcase.
  - Region 5 gave demos on story maps, web app templates and Qlik, a data visualization tool.
  - Region 6 invited the GIS Manager from The Nature Conservancy's Louisiana Operations to speak about their Freshwater Assessment Tool.
- Who benefits or cares: All EPA Government and Contractor Employees, General public, International community.
- Why this is important: GIS Day "provides an international forum for users of geographic information systems technology to demonstrate real-world applications that are making a difference in our society."
- Additional information: NA

Office of General Counsel

New Judicial Decisions:

- The District Court for the Northern District of Texas issued a decision in *Valero Energy Corporation v. EPA* granting EPA's motion to dismiss for lack of subject matter jurisdiction Valero's lawsuit alleging EPA's failure to perform mandatory duties under the Renewable Fuel Standard (RFS) program. District Judge Reed O'Connor held that the court lacked jurisdiction over the suit because the statutory provisions relied upon by Valero did not impose mandatory duties on the agency. The decision also ended an ongoing discovery, freeing EPA from providing discovery responses and producing documents to Valero as early as next week. (*Valero Energy Corporation v. EPA*, No. 7:17-CV-00004)
- EPA received a favorable decision granting EPA's motion for summary judgment and dismissing NRDC's mandatory suit against the agency, for lack of jurisdiction. NRDC argued that EPA had a duty to conduct a CWA review of a series of Temporary Urgency Change Petition (TUCP) Orders that California had issued while operating under a state emergency declared by the Governor. The district court held that NRDC's claims were moot, given that: (1) The orders have all since expired; (2) The Governor's declaration of drought emergency has since expired; and (3) EPA has since completed an administrative review detailing why these TUCP Orders were not water quality standards changes requiring a review. (*NRDC v. Pruitt*, No. 16-CV-2184)
- The D.C. District Court granted our cross-motion for summary judgement and ordered us to respond to Sierra Club's Title V petition for the Gallatin (Tennessee) power plant by January 31, 2018, which was the date we requested. The Court denied Sierra Club's motion for summary judgment, which would have required us to respond to the petition within 60 days of the Court order. (*Sierra Club v. Pruitt*, No. 17-906)
- The DC Circuit Court of Appeals granted EPA's motion to further stay the mandate to enforce CERCLA/EPCRA reporting requirements for farms until January 22, 2018. Farms with continuous releases do not have to submit their initial continuous release notification until the DC Circuit issues its mandate, enforcing the Court's opinion of April 11, 2017. No reporting is necessary until the mandate is issued, which will not occur before January 22, 2018. (*Waterkeeper v. EPA*, No. 09-1017)
- The District Court for the Western District of Missouri issued an order denying EPA's motion for extension of a December 15, 2017 consent decree deadline for EPA to sign a notice of proposed rulemaking proposing new or revised water quality standards for nutrients for Missouri lakes. The court found that EPA failed to demonstrate a basis warranting a modification of the consent decree. The consent decree deadline for EPA action remains December 15, 2017. (*Missouri Coalition for the Environment Foundation v. Pruitt*, No. 2:16-CV-04069)
- The U.S. Court of Appeals for the Ninth Circuit issued a decision affirming criminal convictions for violating the Clean Water Act (CWA) by knowingly discharging dredged or fill material from a point source into a water of the United States without a permit; willfully injuring and committing depredation of property of the United States, causing more than $1,000 worth of damage to the property; and knowingly discharging dredged or fill material from a point source into a water of the United States. The Ninth Circuit rejected the defendant's contention that the Government did not establish that there was jurisdiction under the CWA. (*U.S. v. Joseph David Robertson*, No. 16-30178)

New Complaints Filed:

- A lawsuit was filed in the District of Massachusetts by Stephanie Rauseo and a neighborhood organization. The complaint is against the Army Corps, Mass DEP, EPA, and a developer and alleges a failure to take action to address the filing of wetlands in the development of a housing parcel. While the complaint names EPA as a defendant, the counts and relief sought do not appear to mention EPA specifically. (*Stephanie Rauseo, et al. v. US Army COE*, No. 1:17-CV-12026)
- The Town of Florence, Arizona and SWVP-GTIS MR, LLC filed two petitions for review in the U.S. Court of Appeals for the Ninth Circuit. One petition seeks review of EPA's issuance of an Underground Injection Control (UIC) permit to Florence Copper, Inc. and one petition challenges EPA's 1997 approval of an aquifer exemption based on grounds arising after the expiration of the otherwise applicable filing period. Earlier this year, the Environmental Appeals Board (EAB) issued a favorable decision in its review of the UIC permit. The EAB did not resolve the Town/SWVP's direct challenge of the 1997 exemption on the grounds that aquifer exemption decisions are discrete final agency actions that are not part of UIC permitting decisions, are separately operable from any UIC permit, and are subject to challenge in the Court of Appeals under section 1448 of SDWA. (*Town of Florence, et al. v. EPA*, No. 17-73168; *Town of Florence, et al. v. EPA*, No. 17-73170)
- Oklahoma Keepers and a number of individuals filed a complaint making numerous allegations related to an alleged injury based on alleged exposure to drinking water above regulatory levels and alleged exposure to fugitive natural gas emissions. There is no cause of action against EPA although EPA, along with other federal agencies, is a named defendant in the complaint. (*Oklahoma Keepers, et al. v. State Farm Insurance Co., et al.*, No. 5:17-cv-01221)
- three New FOIA Cases
    - Waterkeeper Alliance, Sierra Club, Clean Water Action, and Environmental Integrity Project filed litigation in the U.S. District Court Southern District of New York alleging the EPA failed to respond to one FOIA request, EPA-HQ-2017-010217, for records related to EPA's reconsideration, and postponement of compliance deadlines, of the "Effluent Limitation Guidelines Rule" submitted in August 2017. (*Waterkeeper Alliance, Inc. et al v. EPA*, No. 1:17-CV-9184)
    - Cause of Action filed litigation today in the U.S. District Court in the District of Columbia alleging the EPA failed to respond to two FOIA requests, EPA-HQ-2017-010970 (submitted August 30, 2017) and EPA-HQ-2017-011341 (submitted September 11, 2017). Both requests sought specific records generated during EPA's efforts to investigate the use of the Signal mobile application by EPA employees. (*Cause of Action Institute v. EPA*, 1:17-CV-02549)
    - Environmental Integrity Protect initiated FOIA litigation concerning three unrelated September 2017 FOIA requests submitted by Environmental Integrity Project. The first FOIA request (HQ-2017-010628) sought records concerning the Torrance Refinery Company, LLC. OCEFT provided a no records response. The Plaintiff alleges that it also sought records from OECA and Region 9 and did not receive a response from those offices. Plaintiff did not file an administrative appeal. The second FOIA request (HQ-2017-011630) sought various records for the last three years concerning Shell Oil Puget Sound Refinery in Anacotes, WA. Plaintiff alleges that EPA failed to respond to the request. This request is assigned to Region 10. The third FOIA request (HQ-2017-011836) sought various records for the last three years concerning all refineries located in Region 9, except Torrance Refinery LLC. Plaintiff alleges that EPA closed the request notwithstanding that EPA failed to respond to request. (*Environmental Integrity Project v. EPA*, No. 1:17-CV-2490)

Hot Issues:

- EPA received notice from the Government Accountability Office (GAO) of a bid protest filed by Project Performance Company, LLC (PPC). The GAO docket number is B-415728. The Agency Report is due on December 22, 2017. GAO's decision is due on March 02, 2018. PPC is protesting the award of a $30M task order to IBM under a multiple award Indefinite Delivery, Indefinite Quantity contract. The task order would support a variety of information security-related activities such as reviewing, drafting and updating information security documents, assisting with information security planning, assisting with information security website development and maintenance, assisting with data calls, audits and reporting, etc. Work on the task order has been suspended in accordance with the Competition in Contracting Act, pending the resolution of the protest.

New Petitions that OGC is Aware Of:

- Petition submitted on behalf of The Puget Sound NDZ Marine Alliance seeking reversal of Region 10's CWA Section 312 determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Puget Sound; the Alliance also requests that EPA enhance the data requirements for applications for future such determinations via policy or regulation. There is no mandatory duty to act on this petition.
- Request by Massachusetts Water Works Association and Massachusetts Coalition for Water Resources Stewardship to the Administrator requesting him to direct Region 1 to rescind the Potable Water Treatment Facility General Permit. There is no mandatory duty to act on this petition.

Upcoming Public Events & Important Meetings in the Next Two Weeks:

- Acting General Counsel Kevin Minoli spoke at Vermont Law School on Monday November 27th and at an annual environmental law symposium hosted by Hunton and Williams on Thursday November 30th.
- On December 14th, Wendy Blake, Associate General Counsel for our General Law Office, will join Donna Vizian and Patrick Sullivan in speaking to a Partnership for Public Service event explaining how the agency has become a model for how and OIG and an agency can work together to effectively respond to employee conduct matters.

Upcoming Major Deadlines in the Next Two Weeks:

12/01 Motion to Govern Further Proceedings due in *Association of Battery Recyclers, Inc., et al. v. EPA*, an Issue 21 - Petition for review of secondary lead RTR (CAA sections 112 (d)(6) and (f)(2)).

12/01 Cross motion for summary judgment and opposition to plaintiff's motion for summary Judgment due in *Environmental Integrity Project, et al. v. Pruitt* (and consolidated cases), a CAA § 304 action alleging failure to respond to a petition to object to a Title V permit issued by the Texas Commission on Environmental Quality for various facilities.

12/01 Response due in *Murray Energy Corp., et al. v. EPA*, a Petition for a writ of certiorari of in *Murray Energy Corp. v. EPA*, 861 F.3d 529 (4th Cir. 2017).

12/01 Court ordered deadline to sign, for publication, a notice of final action on rulemaking for financial assurance requirements under CERCLA 108(b) for the hard rock mining industry in *In re: Idaho Conservation League, et al.*

12/04 EPA's opposition and cross motion for summary judgment due in *Center for Biological Diversity, et al. v. EPA*, litigation alleging the EPA failed to make findings of failure to submit for 2008 ozone NAAQS nonattainment areas state implementation plans.

12/04 Reply Brief due in *Wild Fish Conservancy v. EPA*, an ESA claim that re-initiation of consultation required related to EPA approval of WA sediment standards.

12/05 Reply Brief in support of EPA's motion to transfer due in *Clean Water Action v. Pruitt*, a protective petition of steam electric postponement rule.

12/05 Oral Argument in *CLF v. EPA*, litigation centering on whether EPA approvals of state TMDLs constitute residual designation of unregulated stormwater discharges for NPDES permitting.

12/06 Response Brief is due in *State of Connecticut v. EPA*, litigation where plaintiff alleges that the EPA failed to grant or deny a section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.

12/06 Response due in *Murray Energy Corporation, et al. v. EPA*, a petition for a writ of certiorari of in *Murray Energy Corp. v. EPA*, 861 F.3d 529 (4th Cir. 2017).

12/06 Call with a mediator is scheduled in *Ellis v. Keigwin*, a FIFRA and ESA challenge to clothianidin and thiamethoxam registrations.

12/06 Response to Petitions due in *American Petroleum Institute v. EPA*, where all parties petitioned for clarification on the issued opinion of the court.

12/06 The Index to the Administrative Record due in *Massachusetts Rivers Alliance, et al. v. EPA*, a protective petition for review of EPA's APA section 705 postponement of effective date of MA small MS4 general permit from July 1, 2017 to July 1, 2018.

12/06 EPA's mediation statement submission due in *City of Bolivar v. EPA*, a challenge to EPA TMDL for nutrients and suspended solids in Piper Creek, Mo. Parties are participating in court-ordered mediation.

12/07 Oral Argument in *Ergon-West Virginia, Inc. v. EPA*, petitions for review of EPA's final action: Denial of Request for Extension of Small Refinery Temporary Exemption Under the Renewable Fuel Standards Program for Ergon-West Virginia, Inc.'s Newell, WV Refinery.

12/07 Oral Argument in *U.S., et al. v. Volkswagen AG, et al.*, litigation on the denial of intervention.

12/07 Motion on Scope of Hearing due in *Food and Water Watch v. EPA*, a challenge to denial of TSCA fluoride petition.

12/08 EPA's Brief due in *Air Alliance Houston, et al. v. EPA*, a petition for review of EPA's final action titled "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Further Delay of Effective Date."

12/08 *Certiorari* Recommendation Letter due in *Wyoming v. EPA*, litigation challenging EPA's determination regarding the boundaries of the Wind River Indian Reservation in Wyoming, made in the context of approving the Northern Arapaho and Eastern Shoshone Tribes' Clean Air Act application for treatment-in-the-same-manner-as-a-state for purposes of administering certain non-regulatory provisions of the statute.

12/08 Response to Summary Judgment Motion and Cross-motion due in *Sierra Club, et al. v Pruitt*, a challenge to extension of compliance date for TSCA formaldehyde rule.

12/08 Oral Argument in *Pineros v. Pruitt*, a challenge to extensions of effective date of the FIFRA Certification of Pesticide Applicators final rule, originally published Jan. 4, 2017.

12/08 Report to court on reconsideration decisions due in *State of Maine v. Pruitt*, a challenge to EPA's approvals of sustenance fishing designated uses and disapproval of human health criteria for waters in Indian country.

12/11 Motion to Govern Further Proceedings due in *Natural Resources Defense Council, et al. v. EPA*, a petition for review of EPA's final action titled "Air Quality Designations for the 2010 Sulfur Dioxide (S02) Primary National Ambient Air Quality Standard."

12/11 Oral Argument in *U.S. v. U.S. District Court of Oregon and Juliana*, et al., a petition for writ of mandamus over denial of motion to dismiss in Juliana v. United States, a case alleging multi-agency constitutional and public trust violations arising from actions and inactions on climate change.

12/11 The Reply to the Opposition Motion to EPA's Renewed Motion for Summary Judgment is due in *Hunton & Williams v. EPA*, a FOIA lawsuit pertaining to a Region 9 and OW response to a request that sought certain records relating to an AJD for the DMB Redwood City Saltworks site.

12/12 Opposition to Motion for Summary Judgment/Answer due in *Massachusetts Rivers Alliance, et al. v. EPA*, a protective petition for review of EPA's APA section 705 postponement of effective date of MA small MS4 general permit from July 1, 2017 to July 1, 2018.

12/13 EPA's Reply on Pattern and Practice claim is due in *NRDC v. EPA*, a FOIA litigation concerning a request that sought policy or guidance for removing information or web pages from an EPA website.

12/13 EPA's Appellee Brief is due in *Hall & Assoc. v. EPA*, a FOIA litigation regarding the District Court's denial of Hall's fee request and motion for reconsideration.

12/13 EPA response to petition for writ of certiorari due in *Center for Regulatory Reasonableness v. EPA*, a challenge to D.C. Circuit decision.

12/14 EPA's Reply due in *Sierra Club v. EPA*, litigation concerning Clean Air Act deadlines related to Commercial and Industrial Solid Waste Incinerators and other categories of Solid Waste Incinerators.

12/14 Consent Decree deadline to issue a final Integrated Science Assessment addressing health effects of SOx in *Center for Biological Diversity, et al. v. EPA*.

12/15 Parties to file stipulation of dismissal or proposed briefing schedule in *Sierra Club v. EPA*, litigation where plaintiff alleges the EPA failed to promulgate a good neighbor FIP for Texas.

12/15 EPA's Answer or Motion to Dismiss due in *Small Retailers Coalition v. EPA*, litigation alleging the EPA is noncompliant with sections 603 and 604 of the RFA in issuing the 2017 RFS standards, and for failing to annually review the point of obligation of the RFS.

12/15 Consent Decree deadline for final RTR for the Wool Fiberglass NESHAP in *Sierra Club v. EPA*.

12/15 Consent Decree deadline to take final action on Louisiana's regional haze SIP in *Sierra Club v. Pruitt*, a complaint alleging EPA's failure to perform a non-discretionary duty to promulgate a FIP within two years of EPA's partial disapproval of Louisiana's Regional Haze SIP.

12/15 Response to Application for Attorneys' Fee in *CBD, et al. v. EPA*, a challenge to registration of cyantraniliprole.

12/15 Motion for Summary Judgment due in *Exxon Mobil Corp. v. U.S.*, where plaintiff alleges RCRA work constitutes "necessary costs of response...consistent with the national contingency plan" for which the U.S. is liable under CERCLA.

12/15 Answer due in *James River Dischargers Coalition v. EPA*, a challenge to the plaintiff's wasteload allocations under the Chesapeake Bay TMDL.

12/15 Consent Decree deadline to to either propose nutrient water quality criteria for Missouri lakes or approve criteria adopted by Missouri in *Missouri Coalition for the Environment Foundation v. Pruitt*.

12/15 Reply Brief due in *Riverkeeper v. Pruitt*, a mandatory duty challenge to EPA's inaction on NYS recreational water quality criteria submission.

Office of International and Tribal Affairs

Hot Issues:

Canada Transboundary Pollution - Montana Senator Jon Tester and Governor Steve Bullock sent a joint letter to the Department of State (DOS) requesting the agency's involvement to address bilateral water quality concerns in the Kootenai River watershed.

- Contamination from British Columbia's coal extraction facilities is threatening the water quality in the binational Lake Koocanusa and downstream drinking water sources in the Kootenai River, which traverses Montana and Idaho before flowing back into B.C. Tribes and other citizens on both sides of the U.S.-Canada border are impacted by the increasing degradation of these waters.
- The letter notes the importance of a joint bilateral site-specific selenium standard for Lake Koocanusa as critical to preserving the water quality in the watershed and requests that DOS identify federal resources, including EPA, to support long-term fish tissue and water quality monitoring in the Kootenai River watershed in Montana and Idaho.
- EPA (OITA, Region 8 and 10) raised this issue with our counterparts in Environment Climate Change Canada (ECCC) and Global Affairs Canada (GAC) in the last U.S.-Canada bilateral meeting in October, requested assistance from the federal government of Canada.

Upcoming Engagements:

December 4-6: United Nations Environmental Assembly High Level Dialogue in Nairobi
December 7-13: U.S.-Morocco Environmental Cooperation Agreement Workshop and Meetings

Past Week Highlights:

Disney Food Waste Event – The Administrator met with senior executives of Disney World to discuss Disney's goal of reducing waste by 60% and to see firsthand their innovative practices to prevent food waste and recover energy from food waste. This visit highlighted the economic and environmental benefits associated with reducing food waste.

- At this year's G7 Environment Ministers Meeting in Italy, food waste was identified as an important component of international resource efficiency efforts.
- EPA's Food Recovery Challenge works with organizations in the U.S. who pledge to improve sustainable management of food practices and report their results.
- OITA/OLEM will work to identify potential opportunities to expand government and private sector cooperation to reduce food waste both domestically and internationally.

Commission for Environmental Cooperation (CEC) - The U.S. (EPA Administrator) is chair of the CEC this year and CEC Council Session 2018 is scheduled for June 26-27 in Oklahoma City. This year's theme is "Innovation and Partnerships for Green Growth" and in lead up to the Council Session, several activities are being planned.

- The CEC approved the North American Partnership for Environmental Community Action (NAPECA) grants which will engage local communities in U.S., Canada and Mexico in innovation and partnerships for green growth.
- The CEC approved the Youth Innovation Challenge to seek proposals from youth on innovation and partnerships for green growth which will be reviewed by a trilateral panel of private sector and academic experts.

- EPA (OITA/OLEM) also held a meeting to discuss how to engage tribal youth in the CEC project on "Measuring and Mitigating Food Loss and Food Waste." A key component of this project is to engage youth, including tribal and indigenous youth, to create awareness and promote action to mitigate food loss and waste in households.

ECOS- NTC Partnership - OITA met with outgoing ECOS Executive Director, Alex Dunn, and staff to plan implementation of a new project under an EPA-ECOS cooperative agreement. The project is focused on identifying and developing best practices for state and tribal coordination to address and improve management of solid waste in rural and tribal areas.

- The team is developing a state and tribal outreach plan that focuses on state commissioners and National Tribal Caucus (NTC) representatives in an advisory role.
- The group also discussed actions for responding to ECOS commitments made during the National Tribal Operations Committee (NTOC) meeting in October.
- ECOS will share resources that states have developed with respect to LEAN processes in a database, as examples for tribes, and will identify opportunities to discuss and share EPA's tribal consultation practices with state commissioners as part of implementing the ECOS Cooperative Federalism 2.0 principles.

Office of Land and Emergency Management

Hot Issues:

Emergency response to hurricanes and wildfires. Large-scale responses continue in both Region 2 (Puerto Rico and the US Virgin Islands) and Region 9 (California).

Coal Combustion Residuals.

CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing. Tomorrow is the judicial deadline. We are on track to meet it.

Clean Air Act 112(r) Risk Management Program (RMP).

Ongoing major Superfund NPL sites (for example, B.F. Goodrich, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates).

CERCLA-EPCRA AFO-CAFO Rule. The DC Circuit Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018. No reporting is necessary until the mandate is issued.

Upcoming Public Events:

Brownfields Conference. The national Brownfields Conference will take place next week in Pittsburgh. To date, approximately 2,000 attendees are registered.

National Association of Remedial Project Managers Training Program (NARPM). The national meeting is taking place next week in Denver.

Upcoming Major Decisions:

E-Manifest User Fee Final Rule. The rule package is with OMB.

CCR Q's and A's. We are working with the AO and OGC on answers to questions posed.

Last Week Highlights:

RMP Rule Reconsideration. OLEM joined in briefing the Administrator to determine next steps.

Superfund Division Directors (SF DD) Meeting. The SF DD in-person meeting took place November 28 – 30, at EPA/Potomac Yards.

Wasted Food. OLEM joined in the Administrator's travel to Orlando regarding food waste approaches and opportunities. In addition, on November 21, EPA HQ and Regions 1, 5, 6, 8 and 9 issued press releases announcing the 2017 Food Recovery Challenge (FRC) Award winners. The national press release highlighted the accomplishments of the 16 national award winners, and included 2016 results of wasted food prevention and diversion activities by the over 950 businesses, governments and organizations participating in the FRC.

Office of Policy

Documents Submitted to OFR from November 21 - 29, 2017

FRL	Title	Date Submitted to OFR
9968-23-OAR	Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-based Standards	11/29/2017
9969-94-OCSPP	Pseudomonas fluorescens 4-hydroxyphenylpyruvate dioxygenase (HPPD-4); Exemption from the Requirement of a Tolerance	11/29/2017
9970-01-OCSPP	Prometryn; Pesticide Tolerances	11/29/2017
9970-05-OCSPP	Quinclorac; Pesticide Tolerances	11/29/2017
9970-27-Region 10	Air Plan Approval; AK: Updates to Materials Incorporated by Reference	11/29/2017
9970-43-OCSPP	Bacillus thuringiensis Cry14Ab-1 Protein in or on Soybean; Temporary Exemption from the Requirement of a Tolerance	11/29/2017
9970-33-OCSPP	Certain New Chemicals; Receipt and Status Information for September 2017	11/29/2017
9970-76-OCSPP	Receipt of a Pesticide Petition Filed for á-Methyl Mannoside for Residues of Pesticide Chemicals in or on Various Commodities	11/29/2017
9971-25-Region 2	Approval of Air Quality Implementation Plans; New York; Cross-State Air Pollution Rule; NOx Annual and SO2 Group 1 Trading Programs	11/29/2017
9971-40-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2015 Ozone National Ambient Air Quality Standards; Withdrawal of Direct Final Rule	11/29/2017
9968-24-OAR	DRAFT - Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition Certain Industry, Consensus-based Standards	11/29/2017
9971-28-Region 2	Approval and Revision of Air Quality Implementation Plans; State of New York; Regional Haze State and Federal Implementation Plans	11/28/2017
9971-29-OW	Information Session; Implementation of the Water Infrastructure Finance and Innovation Act of 2014; Correction	11/28/2017

9971-31-Region 1	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Hatheway & Patterson Superfund Site	11/28/2017
9971-32-Region 1	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Hatheway & Patterson Superfund Site	11/28/2017
9971-33-Region 10	Air Plan Approval; ID; 2012 PM2.5 Standard Infrastructure Requirements	11/28/2017
9960-05-Region 5	Air Plan Approval; Minnesota and Michigan; Regional Haze SIP; FIP for Regional Haze; Final Action on Petitions for Reconsideration	11/28/2017
9970-68-Region 9	Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Emission Reduction Credit Banking	11/28/2017
9970-92-Region 9	Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District	11/28/2017
9970-93-Region 9	Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District	11/28/2017
9971-07-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Logan Nonattainment Area Fine Particulate Matter State Implementation Plan for Attainment of 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards	11/28/2017
9968-41-OCSPP	TSCA Reporting and Recordkeeping Requirements; Standards for Small Manufacturers and Processors; Final Determination	11/27/2017
9966-69-OCSPP	Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations	11/27/2017
9967-73-OCSPP	Nitrapyrin; Pesticide Tolerances	11/27/2017
9968-95-OCSPP	Boscalid; Pesticide Tolerance	11/27/2017
9969-13-OCSPP	Ethofumesate; Pesticide Tolerances	11/27/2017
9969-16-OCSPP	Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)	11/27/2017
9968-30-OCSPP	1,3-dibromo-5,5-dimethylhydantoin; Exemption from the Requirement of a Tolerance	11/27/2017
9970-06-OCSPP	Polyethyleneimine; Exemption from the Requirement of a Tolerance	11/22/2017
9971-30-OW	Proposed Withdrawal of Certain Federal Water Quality Criteria Applicable to California: Lead, Chlorodibromomethane, and Dichlorobromomethane	11/22/2017

9970-38-OCSPP	Ziram; Pesticide Tolerances	11/22/2017
9971-18-OW	Peer Review to Inform the Safe Drinking Water Act Decision Making on Perchlorate in Drinking Water	11/22/2017
9971-09-Region 1	PROPOSED CERCLA ADMINISTRATIVE COST RECOVERY SETTLEMENT; ROWAYTON TRADING COMPANY, INC., BRIDGEPORT FIRE SITE, BRIDGEPORT, CONNECTICUT	11/22/2017
9971-21-Region 7	State of Missouri; Withdrawal of Direct Final Rule; Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard	11/21/2017
9971-22-Region 7	State of Missouri; Withdrawal of Direct Final Rule; Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard	11/21/2017
9971-20-Region 9	Approval of Arizona Air Plan Revisions, Arizona Department of Environmental Quality	11/21/2017
9970-26-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Tennessee	11/21/2017
9970-09-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, Commonwealth of Kentucky	11/21/2017
9971-15-Region 7	State of Nebraska; Withdrawal of Direct Final Rule; Approval of Nebraska's Air Quality Implementation Plan, Operating Permits Program, and 112(l) Program; Revision to Nebraska Administrative Code	11/21/2017

Office of Research and Development

I'm looking forward to meeting with OCSPP senior leadership next week to discuss methods for promoting transparency in chemical assessments, and participating in a meeting with the ECOS Environmental Research Institute of States on December 8th. This week Richard Yamada travelled to our lab in Corvallis, Oregon to meet with scientists and learn more about the great work being done in our Western Ecology Division.

Hot Issues:

PFAS: Technical Support Request from Region 5 for Wolverine, MI Tannery Site
ORD has been contacted by Region 5 for technical support at the Wolverine tannery site in Rockford, MI. ORD has been sharing information about typical tannery effluents and analytical techniques to help in the environmental assessment (type and extent of metals, solvents and PFAS contamination). Currently, the Region is developing a broader scope request for ORD help. The Region 5 Superfund Division will be briefing their RA on the status of the Wolverine site this Friday.

Upcoming Public Events:

National EPA-Tribal Science Council Meeting
On December 4-8, the National EPA-Tribal Science Council's (TSC) meeting will be hosted by the Salt River Pima-Maricopa Indian Community in Phoenix, AZ. Research discussions will focus on EPA's new lead education curriculum, Region 1's RARE project on a fisheries study risk assessment, and trainings on tribal water quality. On December 7, ORD's Fred Hauchman will facilitate a TSC-hosted listening session on tribal science priorities.

Meeting with Congressional Staff
On December 5th, ORD leadership will meet with staff from the House Committee on Science, Space, and Technology to discuss IRIS approaches to respond to Requests for Corrections.

TSCA Chemical Pre-Prioritization Meeting
EPA has scheduled a public meeting to discuss options for the chemical pre-prioritization process. The public meeting with be held December 11 in Washington, DC. ORD has been actively involved in the development of the discussion document for pre-prioritization and has drafted a key chapter in that document describing the systematic integration of traditional and new approach methods for chemical evaluation. ORD scientists and leadership including Dr. Rusty Thomas will be participating and presenting materials at this meeting. View the agenda and meeting materials: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/possible-approaches-identifying-potential-candidates

Last Week Highlights:

Prescribed Burn Video Footage Supports Smoke Emissions Study
Video footage of the Kansas Field Study conducted Nov. 13 at the Tallgrass Prairie National Preserve in the Flint Hills of Kansas is providing compelling visuals of the emissions research and smoke plumes from a prescribed burn. The footage shows the use of a novel air sampling system developed in the lab and sent aloft in a tethered balloon (aerostat) to take measurements in the smoke plumes. The

purpose of this effort is to partner with Region 7 to create a proposed educational video supporting best smoke management practices that protect public health and an endangered ecosystem, while promoting sustainable agriculture. Additionally, the effort is advancing wildland fire science with unique footage of smoke plumes for more accurate modeling while also providing ORD scientists with new resources to engage stakeholders.

ORD report well-received by Environmental Council of the States (ECOS) partners, November 17

The EPA report, "The State of the Practice of Construction and Demolition Material Recovery," was shared with ECOS partners by OLEM's Office of Resource Conservation and Recovery. The ECOS Executive Director and General Counsel, Alexandra Dapolito Dunn, Esq., called the report "amazing." This report summarizes the current state of the practice regarding construction and demolition material recovery in the continental United States, and the economic, community and material specific factors that influence the rate of recovery. Thabet Tolaymat, a co-author of the report, has been invited to present to ECOS in late January 2018.

ORD delivers Modeling Results to State of California

On November 17, ORD delivered the results from Stochastic Human Exposure and Dose Simulation-High Throughput (SHEDS-HT) model runs for over 9,000 chemical-product combinations to California's Department of Toxic Substance Control. This is part of a collaboration with the State of California to help inform the selection of consumer product categories for priority evaluation under California's Consumer Safer Products program. The SHEDS model is used to estimate the exposures people have to chemicals from the use of consumer products such as personal care products, cleaning products, and home improvement products. The model is able to generate predictions of the range of chemical exposures within a population via different exposure routes (e.g., inhalation, ingestion, dermal absorption). SHEDS can also help identify critical exposure factors and uncertainties.

Camp Minden Superfund Site

Superfund. On November 20-22, ORD provided technical support for the Camp Minden Superfund Site in Doyline, LA, a former U.S. Army ammunition depot where explosive-laden wastewater has contaminated the groundwater. ORD helped Region 6 Superfund staff calculate the projected rate of decay for the contaminated material and evaluate the site's remediation timeline. This will help determine if a new, more effective remedy should be used at the site.

Wildland Fire Sensors Challenge

On November 22, the Wildland Fire Sensors Challenge closed. ORD received 27 proposals describing prototypes for wildland fire air quality sensor systems. The written submissions will be evaluated by a group of experts from EPA and federal agency partners to determine which prototypes will be accepted for testing. Prototypes will be sent to EPA in early January for first round testing, which will be followed by second round testing by US Forest Service in their Montana fire lab. A judging panel is being organized to review the final results of the two-tiered testing.

Society of Environmental Toxicology and Chemistry (SETAC)

Last week, ORD scientists participated in the Society of Environmental Toxicology and Chemistry (SETAC) North America Annual Meeting. Our scientists presented their work to over 1,700 of their peers from academia, industry, tribes, state and local governments, and other federal agencies. ORD scientists also participated in a unique networking event with researchers from the Minnesota Pollution Control Agency (MPCA) and other state agencies. The goal of this networking event was to share

current and ongoing research to facilitate federal and state partnerships. MPCA Commissioner John Linc Stine opened the session with remarks about cooperative federalism and working together to advance environmental protection in the U.S. ORD was also honored to see two of our researchers, Dr. Kay Ho and Dr. Diane Nacci, receive the prestigious SETAC Eugene Kenaga Membership Award and the Herb Ward Exceptional Service Award, respectively.

Natural Gas Leak in Porto Ranch, California
On November 27 ORD participated in a meeting with Region 9 to discuss plans for a study in response to a natural gas leak in Porto Ranch, California. Local residents expressed concerns regarding the health effects of being exposed to natural gas, and a local physician found elevated levels of uranium, styrene, and lithium in collected samples, prompting the study. The California South Coast Air Quality Management District has reached out to EPA to identify existing data for two common natural gas odorants, and has expressed interest in working with EPA to identity and/or develop data for their upcoming study. The purpose of the meeting was for ORD scientists to provide Region 9 an overview of existing toxicity data on the two chemicals and to have a discussion about additional actions that could be taken to fill knowledge gaps.

Meeting with Water Research Foundation (WRF) to discuss PFAS
On November 28, ORD met with the WRF to discuss their formation of a Technical Advisory Committee (TAC) for planning future PFAS research that will likely focus on treatment for PFAS in drinking water. Future collaborations could potentially include advancement of the drinking water Treatability Database for PFAS and Treatment technology development.

Small systems webinar to help schools and the public reduce drinking water lead levels attracts 1,200 attendees
On November 28, OW and ORD combined efforts to provide information and tools on reducing lead levels in schools and households, which included recommended steps for ensuring effective school sampling, remediation and communication measures, and an ORD developed tool designed to help consumers identify lead free plumbing products.

State Support: Second workshop with State of Louisiana, Franklinton, LA, November 29
As a follow-up to the meeting with state and federal agencies held on September 21 and a workshop conducted on October 24 staff from ORD, Region 6 and Neptune are conducting the second in a series of three workshops with dairy farmers, communities, and interested state and federal agency staff in Region 6 and Louisiana. This workshop will use the Decision Analysis for a Sustainable Environment, Economy, and Society (DASEES) process and tool to develop alternative approaches for addressing the environmental, social, and economic challenges faced by the small dairy industry in Louisiana. The goal of these workshops is to help farmers identify innovative and economically-viable solutions for nutrient and sediment runoff control. In addition to community members and dairy farmers, workshop participants will include staff from the Louisiana Department of Agriculture and Forestry, Louisiana Department of Environmental Quality, Louisiana Department of Health and Hospitals, Louisiana State University, and U.S. Department of Agriculture's Natural Resources Conservation Service.

Publication: Inactivation of Bacillus anthracis spores to decontaminate subway railcar and related materials via the fogging of peracetic acid and hydrogen peroxide sporicidal liquids
In the event of a wide-area release of *Bacillus anthracis* spores within a subway system, rapid remediation will be a challenge due to the vast and complex system of tunnels and platforms. There are several factors that should be considered if cleanup and remediation of a subway system is needed

following the intentional release of a biological agent. These include surface area and volume of the contaminated space, composition and porosity of contaminated surfaces, environmental conditions (temperature and relative humidity), type of decontaminant(s), and method of delivery (e.g., fumigant). This study focused on the decontamination of eleven types of subway railcar materials and a common subway tunnel structural material, such as concrete. In addition, provides data to assist in selection of an a virulent surrogate for *B.a.* Ames, for use in future field studies and additional lab-based investigations utilizing peracetic acid/hydrogen peroxide (PAA) and hydrogen peroxide (H2O2).

Office of Water

Hot Issues:

Missouri Nutrient Criteria Rulemaking: This week, the court denied EPA's request for an extension to the existing consent decree. As a result, EPA must propose a rule by December 15, 2017 to address EPA's 2011 disapproval under the CWA of Missouri's Water Quality Standards for nitrogen, phosphorus, and chlorophyll a for Missouri lakes/reservoirs. The rule will be ready for Administrator signature by December 14, 2017.

Steam Electric FOIA Litigation: Next week, OW and OGC anticipates initiating senior management review of responsive documents for the Steam Electric FOIA that was submitted to the Agency by the Waterkeeper Alliance on April 3, 2017. Earlier this month, in response to a lawsuit filed by the Waterkeeper Alliance for failure to respond, the Court issued an order for EPA to (1) inform the Plaintiffs and the Court, by November 9, 2017, of the date on which the responsive paper documents will be produced to Plaintiffs and (2) produce electronic documents in response to Plaintiffs' request by December 31, 2017. In addition, last week the Waterkeeper Alliance filed a second lawsuit in the U.S. District Court Southern District of New York for failure to response to their August 2017 FOIA request seeking additional records related to EPA's reconsideration, and postponement of compliance deadlines, of the Steam Electric ELG rule.

Maine Human Health Criteria: On December 8, EPA will report to the court, which, if any, of the challenged decisions on Maine's water quality standards (WQS) EPA intends to change. In 2015, EPA approved and disapproved a number of Maine WQS under Clean Water Act section 303(c). Maine sued EPA over the disapprovals and one of the approvals, and the litigation is pending. EPA subsequently finalized a federal promulgation to remedy the disapprovals when Maine did not do so. Maine is challenging EPA's approvals of a designated use for tribal waters, and disapprovals of the associated human health criteria.

Waters of the U.S.: The agencies continue to work expeditiously on the three rulemakings underway. The proposal to add an applicability date to the 2015 Rule (step 0 rule) published in the FR on November 22 for a 21-day comment period. The comment period will close on December 13. The interagency team continues to review the 685,000 comments on the step 1 rule. On November 28, the administrative docket for pre-proposal recommendations for a new definition of WOTUS closed. The agencies received over 2,600 unique letters. Finally, the agencies will hold a webinar for states, local gov't, tribes and federal agencies on December 12 to provide an update for our partners on the status of the three rulemakings, the feedback we received through the federalism and tribal consultations and general outreach webinars, and next steps. Further engagement with co-regulators is planned for the February, March 2018 timeframe.

Water System Partnership Story Map Launch: Next week, EPA anticipates launching a new interactive website to increase awareness about the importance of drinking water partnerships. EPA's new website highlights ways partnerships can address these challenges, leading to increased public health by working together and sharing information. EPA's Water System Partnership website provides states, communities, utilities and others with a user-friendly format to explore the different types of partnerships, success stories across the nation, and national and state resources.

Upcoming Public Events:

Meeting with Region 7 State Directors: Next week, Lee will travel to Region 7 to join the Region 7 leadership in meeting with the state environmental directors. He will speak to OW's priorities. While there he will meet individually with the Directors of the Iowa and Missouri programs.

NAFSMA Leadership Meeting: Next week, I will speak at the National Association of Flood and Stormwater Management Agencies' Leadership Meeting. This will be an opportunity to update the directors and committee chairs on our work around stormwater management, integrated permitting, and other activities of interest.

Last Week Highlights:

PFAS: This week, OW released a one-page fact sheet on the agency's website on our efforts to protect public health and address PFAS. OW worked through the agency's formal PFAS coordinating committee, which included representatives from across the headquarters offices and the regions. The document provides the agency and our partners at the state, Tribal and local levels consistent messages on this issue.