Region 1

Hot Issues

Tribal Summit/Conference:

- The New England 2017 EPA-Tribal Leaders Summit and Environmental Conference will take place on November 1-3 and will be hosted by the Wampanoag Tribe of Gay Head (Aquinnah) on the tribe's reservation on Martha's Vineyard
- The Summit and Conference agenda will include opportunities for robust discussions on federal Indian law, water quality issues, the Northeast Ocean Plan, ticks and other vectors of concern, and other topics of mutual interest.
- The Summit will culminate in a signing of EPA-Tribal Environmental Plans for the Aroostook Band of Micmacs and the Mashpee Wampanoag Tribe.

Upcoming Public Events

On November 2nd Region 1, the Massachusetts Office of Technical Assistance and Technology and the Franklin Regional Council of Governments are conducting a workshop in Greenfield for emergency responders, municipal facility managers and those who use hazardous chemicals. Entitled "Chemical Safety and Community Resilience" the workshop will emphasize pollution prevention and toxics use reduction as a common sense approach to emergency planning.

Upcoming Major Decisions

EPA preparing to issue a notice of its intention to delete the Hatheway & Patterson Superfund Site from the NPL

- The 40-acre Hatheway & Patterson site was a former wood preserving facility located in a mixed residential and industrial area of Mansfield and Foxborough, Massachusetts.
- The proposed deletion is based on EPA's determinations that all required remedial actions have been successfully completed and that all cleanup goals have been achieved.
- MassDEP will continue routine monitoring of the site and EPA will conduct Five-Year Reviews to ensure that the remedial actions remain protective.
- EPA Headquarters and the state (MassDEP) have provided concurrence on this action.
- The notice announcing the intent to delete and a 30-day public comment period will be published in the Federal Register within the next 30 days.
- Deletion of the site is expected to become effective in early 2018.

Highlights from previous weeks

None

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Region 2

Hot Issues

Hurricane Irma/Maria: EPA now has about 180 personnel on the ground in Puerto Rico and the US Virgin Islands; that number is expected to increase to 400 by early December. Securing lodging in the islands remains a significant challenge. Conditions in the islands remain very challenging, with well over 80% of the population still without electric service. Nearly a third of residents in PR remain without drinking water service. Telecommunications remain very difficult. Extensive additional rainfall during much of October has exacerbated conditions with more flooding, mudslides, etc. We are continuing our mission assignments, including assessment of smaller drinking water systems; coordinating with the Coast Guard on the management of wrecked boats; and planning for the debris management missions that will be ready to commence very shortly. We have received a number of *force majeure* claims by utilities that have obligations under enforcement instruments that they assert cannot be met at this time, and also from the U.S. Navy with respect to the Vieques Superfund site. We have also received requests for "No Acting Assurances" from a number of entities, including one from a Florida-based company that claims to have 1,000 generators that could be used if some Clean Air Act requirements were relaxed. (EPA has initiated discussions with the PR government to seek the Commonwealth's views on this proposal.)

Passaic River Lower 8.3 Miles: We have retained the services of an Allocator to assist the PRPs at this site allocate relative responsibilities. The kick-off meeting among the PRPs and the Allocator was held on 10/13; we understand that attendees came to consensus that they are interested in participating in the allocation process, but they identified two challenges the suggest need to be resolved: 1) they are concerned that additional funding needs to be provided to allow the Allocator to review a larger than projected volume of documents and have more interaction with the PRPs than projected; and 2) they urge that the Passaic Valley Sewerage Commission (PVSC) be encouraged to participate in the allocation process. Occidental Chemical, a leading PRP currently performing the $140 million design for the project, identified additional concerns which were the subject of a productive face-to-face meeting on 10/19. In a related matter, the Commissioner of the NJ Department of Environmental Protection wrote to Regional Administrator Lopez regarding the **Diamond Alkali (Lister Avenue)** Superfund site, requesting that EPA begin the steps needed to select a final remedy for Operable Unit 1 (OU1) of that site to replace the interim remedy completed in 2001. A meeting to discuss NJDEP's request has been scheduled for November 1.

Upcoming

Long Island Sound Conference: On October 20 Region 2 will attend a conference on the restoration of Long Island Sound sponsored by the Congressional Long Island Sound Caucus. The conference will be held at the U.S. Merchant Marine Academy in Kings Point, NY. New York chairs Rep. Suozzi and Rep. Zeldin and Connecticut chair Rep. DeLauro will participate on a panel to discuss successes and highlight upcoming challenges. CT Governor Malloy is listed as confirmed, while NY Governor Cuomo is listed as invited.

Past Week

RA traveled to PR and USVI: R2 Regional Administrator Peter Lopez traveled to PR and USVI during the week of October 16, accompanied by DRA Catherine McCabe. He met with senior local government officials in both jurisdictions. His focus has been on identifying barriers to recovery and strategic problem solving through grass-roots engagement at the local government as well as the community level. The RA will be working with regional staff to determine specific tasks necessary to follow-up on identified areas of need in both PR and the USVI.

Draft Delaware Estuary PCB TMDL: On 10/16, NJDEP provided its comments on the Draft Delaware Estuary PCB Total Maximum Daily Load (TMDL). On 10/17, EPA Regions 2 and 3 met with the Delaware Estuary states (NJ, DE and PA) and the Delaware River Basin Commission (DRBC) to follow up on the comments submitted and discuss how to proceed with the process. NJDEP still has doubts about whether to support establishment of the TMDL at this time; we will continue to work with NJDEP to resolve this issue, but it may require elevation.

Region 3

Hot Issues

Region 3 and EPA Headquarters Create Action Plan for Pittsburgh Water and Sewer Authority
Regional Administrator Cosmo Servidio, DRA Cecil Rodrigues and his staff spoke with Peter Grevatt, Lee Forsgren and Ryan Jackson today regarding the continuing concerns associated with the aged and failing infrastructure of the Pittsburgh Water and Sewer Authority. PADEP is currently negotiating a consent order on agreement with PWSA regarding lead and copper rule violations. We are evaluating our options in coordination with OW and OECA on the drinking water infrastructure concerns. RA Servidio spoke with Secretary McDonnell regarding this and we will continue coordination with both HQ and the State moving forward.

Former Used Oil Supervisor Sentenced to a Year and a Day Jail in Delaware for CWA and RCRA Offenses
A former second-level supervisor of a used oil refinery in Wilmington, Delaware, was sentenced October 12, 2017, to a year and a day in jail for his role in a 20-year conspiracy to violate the CWA by manipulating compliance samples and treatment processes and for causing 500,000 pounds of hazardous waste to be labeled as non-hazardous waste and transported in in 27 separate shipments to South Carolina without RCRA manifests. Lance A. Charen, 52, was the branch manager of the facility owned by International Petroleum Corporation (IPC) located at the edge of downtown Wilmington from September 2010, to January 2013. This case was investigated by EPA's Criminal Investigation Division (CID). The City of Wilmington Department of Public Works and the DNREC Solid & Hazardous Waste Management Section assisted in the investigation. The CWA portion of the case was brought to CID by the City of Wilmington (the state does not have delegated pretreatment authority). DNREC notified CID that the hazardous waste shipments had taken place after the search warrant. The state inspector responsible for the facility attended the sentencing.

Two Region 3 Sites Scheduled for Superfund National Priority Listing
The EPA Office of Land and Emergency Management (OLEM) has given approval to proceed with the next National Priority Listing (NPL) proposed and final rules. The sites scheduled for that rule have been sent to the Office of Management and Budget (OMB) for their review. OLEM is tentatively aiming for a Federal Register publication date of December 7, 2017, but may have to adjust the schedule depending on OMB's availability for review. Region 3 has two sites in Delaware that will be included in these NPL rules. Newark South Groundwater Plume, which was proposed in August 2017 and will be listed in the NPL Final Rule. Hockessin Groundwater will be in the proposed rule and will be subject to a 60-day comment period following proposal. OLEM has also confirmed that EPA will continue to have two NPL rules per year, as has been the standard practice.

National Fish and Wildlife Foundation (NFWF) Agriculture Event
The EPA portion of the NFWF grants for this year directed 10 million of the 12 million dollars throughout the Chesapeake Bay watershed. DRA Cecil Rodrigues is participating in an event on October 20, 2017 to acknowledge and recognize the Pennsylvania grantees, totaling 5.8 million dollars directed towards 16 projects in PA. Those projects include stormwater management and agriculture management practices. It is being held a farm with Secretary McDonnell and Secretary Redding. The media has been invited.

Upcoming Public Events

26th Annual State Pesticide Inspector Regional Workshop
DRA Cecil Rodrigues will be attending the 26th annual Region 3 State Inspectors' workshop. Secretary Redding will be in attendance, in addition to pesticide inspectors from each of our states. The states look forward to this ceremony as the most notable inspection and most notable inspector are recognized during this meeting. The DRA will present the 2017 Inspector of the Year and 2017 Investigation of the Year awards to the Region 3

State Inspector or Inspectors who were nominated by their peers and selected by an EPA Region 3 panel based on a set of evaluation criteria. Plaques are awarded to the recipients for both awards.

Ports Workshop Brings Together Mid-Atlantic Port Stakeholders
EPA is sponsoring a one-day Ports Workshop, "Vibrant Ports – Healthy Ports", to be held October 24th in partnership with the Delaware Valley Regional Planning Commission at their offices. Regional Administrator Servidio will be welcoming the audience to this event. This event brings together ports stakeholders from across the Mid-Atlantic and beyond, to discuss issues of important related to the economic success and environmental sustainability of port facilities. Topics to be covered will include funding opportunities, emissions inventories and other environmental planning tools, success stories, and the EPA's Ports Initiative. Management and staff from Region 3 and EPA's Office of Transportation and Air Quality will also be in attendance.

Past Events

None

Region 4

Hot Issues

Air Monitoring Network Plans
Key Message: The Region approved the air monitoring network plans for Florida, Kentucky and Mississippi within the 120-day regulatory limit.

Ensystex Stop, Sale, Use or Removal Order (SSURO)
Key Message: On October 16th, Region 4 vacated the Ensystex SSURO issued on September 28, 2017, based on proper relabeling of products.

Mislabeled Hazardous Chemicals
Key Message: Region 4 recommended a denial of entry of five misbranded, potentially leaking shipments of a hazardous chemical imported by Isago through the Port of Tampa. The company was notified and Region 4 will be working with Customs/Border Patrol to have the shipments exported or destroyed.

Florida Electric Cooperatives Meeting
Key Message: On October 17th, the Regional Administrator spoke at the Florida Electric Cooperatives Annual Meeting to discuss regional focus areas and next steps. Several attendees inquired about the possibility and process of Florida assuming the Clean Water Act §404 program. Region 4 continues to work closely with the Florida Department of Environmental Protection on this process.

B.F Goodrich Superfund Site, Calvert City, Kentucky
Key Message: On October 18th, the Regional Administrator met with the Potentially Responsible Parties for the B.F Goodrich Superfund Site and the Kentucky Department of Environmental Protection. The Region anticipates working closely with OLEM and the Administrator's Office on the proposed plan for the Site over the next several weeks.

Upcoming Travel for the RA

- October 25-26 – Participation in State Commissioners Meeting in Charleston, South Carolina
- October 26th – Participation on a roundtable focused on Cooperative Federalism with the American College of Environmental Lawyers

Region 5

Hot Issues:

Judge Orders Flint Council to Select Water Source by October 23
Key Message: On October 17, U.S. District Judge David Lawson instructed the Flint City Council to approve a long-term drinking water source that satisfies EPA's Emergency Administrative Order, as amended, and sign all the requisite agreements to implement that choice on or before October 23, 2017.

The City Council met on October 18 and is scheduled to meet with attorneys on October 20 to address the judge's order.

Background: In June 2017, the Michigan Department of Environmental Quality sued the City, arguing that the City Council had endangered the public health by failing to approve a long-term drinking water source. MDEQ asked the court to compel the Council to act on Mayor Karen Weaver's recommendation for Flint to enter into a 30-year contract to purchase water from the Great Lakes Water Authority. Flint has been getting its drinking water from the Great Lakes Water Authority since the fall of 2015.

EPA Awards $2.7M in Great Lakes Restoration Initiative Grants to Tackle Invasive Species in Wisconsin
Key Message: On October 17, EPA announced that it has awarded five GLRI grants totaling more than $2.7 million for projects to control invasive species in Wisconsin.

For decades, invasive species have significantly changed the Great Lakes ecosystem and other fresh water lakes in Wisconsin. These changes have greatly affected the economy, health, and well-being of the people that rely on the system for food, water, and recreation. Once established, it is extremely difficult to control the spread of invasive species. While the projects receiving the awards differ, in addition to controlling invasive species, listed benefits include protecting high quality habitat, increasing access to the coastline and nearshore areas, enhancing tourism, and improving property values.

Upcoming Events:

Region 5 Hosts IDEM and Indiana Industry Representatives on October 25
Key Message: On October 25, EPA's Chicago office will host its annual meeting with the Indiana Department of Environmental Management leadership and several dozen representatives from Indiana industry.

As in past years, EPA and IDEM leadership will kick off the meeting by discussing EPA priorities and core programs. After these opening remarks, EPA and IDEM will open the floor for questions and discussion with the industry representatives.

October 26 Community Meeting on Status of Plating, Inc. Superfund Removal Action
Key Message: On October 26, EPA staff will attend the second community meeting to discuss the St. Paul, Minnesota Plating, Inc. removal action.

Rep. Betty McCollum's office is helping to organize the event, though EPA does not currently know whether the Congresswoman will attend. The City of St. Paul and the Hamline-Midway Coalition will also participate in the neighborhood meeting.

Background: EPA has made significant progress in reducing threats to public health and the environment at the time-critical removal action at the Plating, Inc. Site. Since late August, EPA and its contractors have recovered spilled caustic wastes inside the building, abated vapors inside the building, secured over 20,000 gallons of hazardous acids and caustic liquids from open vats, containerized approximately 80 drums of caustic and acidic solids and other industrial sludge from vats and containers, cleared the building and the basement laboratory of

numerous small containers of chemicals, containerized damaged asbestos, and pumped 9,700 gallons of waste liquids from open vats into tanker trucks for disposal off-site.

Upcoming Major Decisions:

None

Past Week Accomplishments/Highlights:

City of Peoria Met with EPA and DOJ on October 18 Regarding Combined Sewer Overflow Case
Key Message: EPA and the Department of Justice (DOJ) senior management met with representatives from Peoria, Illinois, on October 18, 2017, to discuss issues raised by the city. The parties agreed to continue to work on the terms of a Consent Decree.

Representatives from EPA OECA, EPA Region 5, EPA Office of Water, DOJ, Illinois Environmental Protection Agency (IEPA) and the Illinois Attorney General's Office met with representatives from Peoria in Washington, D.C. Issues discussed at the meeting include: Green Infrastructure implementation, level of combined sewer overflow (CSO) control, EPA and IEPA's sensitive area determination, and EPA and IEPA's civil penalty demand.

The enforcement team has made a significant effort to accommodate the concerns that have been raised by Peoria thus far, within the confines of the requirements of the CWA and the CWA CSO Policy. Many of Peoria's concerns have already been discussed at length by the parties, with terms memorialized in exchanges of a draft Consent Decree. Given the ongoing harmful CSO discharges to the Illinois River; the duration of these negotiations; their slowed pace; and concerns about the certainty and commitment from Peoria to previously agreed upon terms, DOJ, EPA, and the state have also been working on a draft civil complaint which the case team intends to circulate for management approval. The state of Illinois has joined EPA in every settlement position, and intends to be a co-Plaintiff in the case if this proceeds to litigation.

Allegan, Michigan Groundwater Investigation Public Meeting on October 17
Key Message: EPA, along with Michigan Department of Environmental Quality, Michigan Department of Health and Human Services, and the Allegan County Health Department, held an open house and town hall meeting to provide information on groundwater contamination and its effect on some private drinking water wells in Allegan.

Officials from these agencies gave presentations and were available to meet with the public one-on-one to answer questions. Based on the results of sampling, EPA will determine actions necessary to ensure affected residents have access to clean drinking water.

Background: The contaminant of concern is chromium. EPA's RCRA program will investigate the source of the contamination, which may be a nearby factory. Groundwater contamination affected only a small number of private wells. EPA has notified the affected well owners. MDEQ currently provides bottled water to all locations where chromium was found above safe drinking water criteria. Municipal drinking water is not affected by this issue.

Tour of Velsicol Superfund Site for Rep. Moolenaar on October 19 (Photos below)
Key Message: At Michigan Rep. John Moolenaar's request, EPA provided a tour of Velsicol cleanup activities on October 19. EPA provided the Congressman with an update, as there is good work going on right now. Rep. Moolenaar has been very supportive of the cleanup.

EPA began cleanup at the Velsicol Chemical Corp. Superfund site in St. Louis, Michigan this summer. The site received $9.7 million in funding. EPA plans to begin thermal treatment at the site. During this process, special

equipment will heat the soil, capture contaminants and treat them on-site. This phase of work is expected to take 18 months. Additional environmental actions at the plant site will follow in the future.

Background: Velsicol produced fire retardant polybrominated biphenyl, or PBB, and the pesticide DDT from 1936 until 1978 when the plant shut down. The chemicals polluted the groundwater, soil and Pine River that bordered the plant. In the 1980s, the factory was demolished, but elevated levels of benzene and 1,2 dichloroethane remain in the groundwater beneath the site.

Above: Rep. John Moolenaar, EPA Remedial Project Manager Tom Alcamo, and a CH2M contractor at the Velsicol site tour.

Region 6

Hot Issues:

Arkema Inc., Crosby, Texas
EPA received the additional information requested from Arkema by the October 17th deadline and we are reviewing the information to determine the completeness of the response.

Takata, Eagle Pass, Texas
The Texas Commission on Environmental Quality (TCEQ) confirmed that staff from their Laredo, TX Regional Office visited the Takata Air Bag Storage facility in Eagle Pass, TX the week of October 16 to evaluate storage practices and ensure that local emergency planning authorities are aware of the inflator storage location. The Class 2 permit modification for Clean Harbors, Deer Park, was approved by TCEQ on October 17, 2017. This modification adds a shredder to the facility which will be used as pre-treatment before the inflators are fed to the permitted incinerators, preventing damage to the ceramic lining. Additionally, Takata has proposed some amendments to the Department of Transportation (DOT) Preservation Order which are being reviewed by DOT at this time. Region 6 will continue to work with TCEQ on the storage facility as well as the potential disposal of Takata inflators at the Deer Park facility.

Aransas County, Texas
The request for a No Action Assurance from TCEQ was deemed not necessary after additional discussions with the State. The existing rules have an exception that allows for the burning of woody debris after an emergency.

Direct Final Oklahoma Corporation Commission (OCC) Re-State Program Approval (Re-SPA)
EPA published the 2015 underground storage tank regulation and the 2015 state program approval regulation in July, 2015. The 2015 UST regulation changes certain portions of the 1988 underground storage tank technical regulation in 40 CFR part 280. The 2015 state program approval regulation updates requirements in 40 CFR part 281 and incorporates the changes in the UST technical regulation. Since these regulation updates, Oklahoma has enacted statutes and developed regulations in accordance with EPA requirements and put other necessary components of the program in place and has applied for formal approval of its UST program. EPA is now making a final decision, subject to receipt of written comments that oppose this action, to support this request stating Oklahoma's UST program revision satisfies all of the requirements necessary to qualify for final approval. Direct Final approval via two Federal Register notices will be issued to approve the OCC application to operate the Oklahoma State UST regulations to meet the requirements of the 2015 EPA UST regulation changes. A Concurrent Proposed Rule will make it easier to withdraw the Direct Final Rule, if we receive comments. In the event we receive comments, EPA would need to publish a notice withdrawing the Direct Final and then publish a Final Rule containing responses to comments. Codification will be included in this action.

Evangeline Training Center, Carencro, Lafayette Parish, Louisiana
The Department of Justice filed a complaint on October 19, 2017, in the Western District of Louisiana, alleging violations of the Clean Water Act (CWA) resulting from unauthorized discharges of pollutants into water of the United States. Evangeline Training Center is a large concentrated animal feeding operation (CAFO) located in Carencro, Louisiana that stables or confines about 500 horses for at least 45 days in any 12-month period. This facility has been discharging process waste water, including horse wash water and contaminated storm water runoff, to waters of the U.S. without a permit in violation of Section 301 of the CWA. The discharge flows through ditches and drainage ways that exit the facility at three different outfalls into the Francois Coulee or one of two unnamed tributaries, and then into the Vermillion River, a traditionally navigable water. Pollutants associated with CAFO discharges include nutrients, bacteria, and organic enrichment, which can contribute to water quality impairment in U.S. waters. In January 2016, EPA referred this civil action against Evangeline to DOJ, seeking injunctive relief and a penalty. LDEQ is a co-plaintiff. The facility has a history of recalcitrance. Region 6 had difficulty getting into contact with Evangeline when the case was handled administratively in 2015. Region 6 referred the case in 2016 due to Evangeline's refusal to perform the

injunctive relief. Since that time, DOJ has encountered similar issues with the facility. The parties had a settlement meeting on June 21, 2017, but since then, Evangeline has been unresponsive to DOJ attempts to continue settlement negotiations. Given the ongoing lack of communication from Evangeline, despite frequent and numerous attempts to set up another settlement meeting, filing a complaint is the appropriate next step to cease Evangeline's unauthorized discharges and bring the facility into compliance with the CWA.

Texas Regional Haze BART

On September 29, 2017, the Administrator signed a *Federal Register* notice finalizing a plan to address best available retrofit technology (BART) for Texas regional haze and interstate visibility transport. The notice was published on October 17, 2017. This action was taken to meet a consent decree deadline, and on October 13, 2017, upon direction from the court overseeing the consent decree, the environmental plaintiffs filed a notice stating their position that the EPA's final rule does not comply with the consent decree. EPA's response is due on October 25, 2017.

Animas River, New Mexico

EPA and the Animas/San Juan Rivers State and Tribal Jurisdictions convened a face-to-face meeting, 18 – 19, October 2017, in Albuquerque, New Mexico, to discuss both immediate and long term monitoring needs and goals for the Animas and San Juan Rivers watersheds. The overarching goals of the San Juan and Animas Rivers Watershed Long-Term Water Quality Monitoring Program are to facilitate cooperative water quality monitoring efforts among EPA, State and Tribal jurisdictions in the Animas and San Juan River Watershed, including portions of Lake Powell in order to guide management actions and to inform the public with the results of these monitoring efforts. EPA Region 6 representatives includes Bill Honker, Curry Jones, and Robert Cook.

Section 5004(d) of the Water Infrastructure Improvements for the Nation Act (WIIN Act), enacted in December 2016, authorizes the development and implementation of a long-term water quality monitoring program for the San Juan River Watershed encompassing rivers potentially impacted by the Gold King Mine (GKM) release. Specifically, the Administrator (in conjunction with states, tribes and local governments) shall develop a program that includes: (1) the collection of water quality samples and sediment data (Section 5004(d)(2)(A)); (2) providing data results to the public (Section 5004(d)(2)(B)); and (3) assistance to entities with long term water monitoring (as deemed necessary by the Administrator). (Section 5004(d)(2)(C-D))

Texas Water Quality Standards, Triennial Review

EPA intends to meet with representatives of the Texas Commission on Environmental Quality on October 31, 2017 to discuss an action on specific items in the Texas 2014 triennial submittal of standards for surface waters. EPA's action is pending consultation with EPA HQ and TCEQ. Previously, EPA has approved approximately 70% of the 2014 Texas Surface Water Quality Standards. This proposed action includes revised standards for Resley Creek, South Leon River, Indian Creek and the primary contact recreation 2 use (PCR2).

Arkansas Regional Haze State Implementation

The Arkansas Department of Environmental Quality (ADEQ) shared their DRAFT State Implementation Plan (SIP) regarding Arkansas Regional Haze with EPA on October 10, 2017. EPA and ADEQ staff met on October 16 – 17 to discuss the draft and recommend revisions. Any remaining issues should be resolved within the next 30 days.

Bird Creek, Osage County, Oklahoma

EPA is scheduled to collect data from 10 in-stream monitor stations on October 23-27, 2017. The Osage Nation Environmental Department has been contacted and invited to participate in a data collection demonstration during this data download event to assist in better understanding the in-stream monitoring equipment.

Macy's Retail Holdings, Inc.

A press release has been prepared to announce EPA's settlement with Macy's Retail Holdings, Inc., (Macy's) over violations of hazardous waste regulations. In addition to correcting violations, Macy's will also develop a program with the capacity to train 400 retailers in Oklahoma and Texas, and conduct third-party audits at 11 of its largest facilities within Texas, Oklahoma, Louisiana and New Mexico, among other required actions. The company will also pay a $375,000 civil penalty within 30 days of the effective date of the settlement, and must comply with all other requirements within one year. Oklahoma Department of Environmental Quality (ODEQ) Executive Director Scott Thompson said "The Macy's settlement highlights the importance of states and EPA working together on common-sense approaches that respect the needs of businesses, while still protecting public health." EPA and ODEQ will issue the press release within the next few days.

City of West, University Place, Texas

A draft permit is currently under review. It is expected that a No Objection letter will be approved; however, if that were to occur, this draft permit will be submitted as an Interim Objection, by its regulatory deadline of Friday, October 27, 2017.

Shintech Chemical Company, Plaquemine, Louisiana; Chevron Phillips Chemical, LP – Sweeny located in Sweeny, Texas; Valero Refining Co – East Plant, Corpus Christi, Texas

EPA will conduct Risk Management Plan (RMP) inspections at Shintech Chemical Plant, Plaquemine, Louisiana, the Chevron Phillips Chemical facility in Sweeny, Texas and the Valero Refining Co – East Plant, Corpus Christi, Texas the week of October 23 – 27, 2017, to determine compliance with the Clean Air Act 112(r) and 40 CFR Part 68 Chemical Accident Prevention requirements. The inspections will focus on compliance with the RMP requirements. The Louisiana Department on Environmental Quality (LDEQ) and the Texas Commission on Environmental Quality (TCEQ) have not requested delegation of the Chemical Accident Prevention Provisions under 40 CFR Part 68, therefore EPA conducts the inspections for facilities regulated under this program in Louisiana and Texas. LDEQ and TCEQ have been invited to attend. These inspections fall under the National Enforcement Initiative under 112r for Chemical Plants and Refineries.

Water Technology Associates, Las Cruces, New Mexico

EPA is scheduled to conduct a National Environmental Laboratory Accreditation Program (NELAP) Inspection in Las Cruces, New Mexico, at the Water Technology Associates facility the week of October 23-27, 2017. The inspection will consist of reviews of the facility's quality system, and EPA, state, and NELAP methods, including but not limited to organic, inorganic, and metal testing methods. Invitations have been extended to the regional offices of the New Mexico Environment Department (NMED) to shadow the EPA employee on these audits for training and experience purposes. EPA is invested in continuing the development of the laboratory audits under the NPDES program and to share information with states.

Camp Minden Removal Closure Plan Update, Minden, LA

EPA continues to await input from the Louisiana Military Department to finalize the Camp Minden Removal Closure Plan.

Wilcox Oil Company Superfund Site, Bristow, Oklahoma

During the week of October 22–28, 2017, EPA and Oklahoma Department of Environmental Quality (ODEQ) plan to continue remedial investigation activities at the site. During this field event, the team will collect site surface water, sediment and subsurface data to delineate contamination. Work under this field event is expected to complete in early November 2017. In addition, ODEQ and EPA, along with contractor, will meet with property owners and local officials to discuss future use planning, future use expectations, and potential reuse opportunities.

NEPA:

None

Upcoming Public Events:

- October 26 - Superfund Task Force Recommendations (SFTF) presentation at the Dallas Bar Association
- October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting Regional Administrator will keynote.
- November 7 or 14 – The House Energy and Commerce Committee Hearing will hold a follow-up hearing on Hurricane Response activities.
- November 29 – 30 - Regional Tribal Operations Committee (RTOC) meeting, Tulsa, Oklahoma

Upcoming Decisions:

Citizen Potawatomi Nation of Oklahoma
Region 6 sent the final concurrence package to Headquarters, on October 18, 2017, for the approval of treatment in a similar manner as a state (TAS) for Citizen Potawatomi of Oklahoma to administer water quality standards and certification program under the federal Clean Water Act. Materials were provided to the Office of Water, General Counsel and American Indian Environmental Office.

Oklahoma Coal Combustion Residual Permit Program
EPA is engaging the tribes in consultation and coordination regarding the Coal Combustion Residuals (CCR) Permit Program Application from the State of Oklahoma. On August 3, 2017, EPA Region 6 received the Application. The Oklahoma Department of Environmental Quality has requested review and approval of the program consistent with the 40 CFR 257, Subpart D pertaining to coal combustion residual units. EPA began the government-to-government consultation by holding a conference call on October 19, 2017. The consultation is not anticipated to impact the timeline for approval by the Administrator.

Past Week Accomplishments:

None.

Pending Actions (Pending Federal Register Publication):

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Rule
FRL 9969-73-Region 6

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

Region 7

Hot Issues:

R7 Hurricane Response Support Update
Key Message: To assist R2 with the response to Hurricanes Irma and Maria, R7 is partnering with R6 to staff multiple positions in the South Branch in Ponce, Puerto Rico. To date, R7 has deployed two bilingual CICs to Puerto Rico and has six R7 OSCs scheduled to deploy on Sunday, October 15.

R7 support for the Hurricane Harvey response in Texas has ramped down. As the primary backup Region for R6, R7 deployed a total of 62 employees to various locations in Texas to assist with the response. All R7 employees supporting Harvey response efforts returned last week.

Last Week's Highlights:

Superfund Remedial Action Completions
Key Message: R7 has completed Remedial Actions (RAs) at the Garvey Elevator (OU1) site in Hastings, NE and 10th Street (OU2) site in Columbus, NE.

- *The Garvey Elevator site*
  - The Remedial Action consisted of the implementation of the groundwater component including the upgrade and operation of the existing pump and treatment system.
  - The final inspection was conducted with Nebraska Department of Environmental Quality and the system was determined to be operating and functioning as designed.
  - The system will now enter Long Term Remedial Action for a period of ten years before being transferred to the state for operation and maintenance, if cleanup levels are not met by then.
- *The 10th Street site*
  - The Remedial Action consisted of the acquisition and transfer of four parcels of property and tenant relocations.
  - The EPA acquired all four parcels in 2015, relocated the tenants and businesses, and subsequently performed a remedial action involving demolition of facilities, excavation of contaminated soil, and backfill.
  - The RA was completed in the summer of 2017 and the properties are in the process of being transferred to the City of Columbus.
  - NDEQ, EPA R7, EPA HQ, and City of Columbus are all in agreement for the Deeds and Environmental Covenants which will be routed for signature and recording in October 2017.

West Lake Landfill Update
Key Message: On October 8, 2017, EPA R7 issued the comment letter to the PRP group on the second draft Final Feasibility Study.

- The comment letter reflects input from multiple state and federal partner agencies.
- A revised Final Feasibility Study is due to EPA on December 8, 2017.
- On October 11, 2017, the Missouri Department of Natural Resources held a public hearing on its proposed stormwater permit. EPA staff from the Water and Superfund Divisions attended the meeting.

Region 8

Hot Issues:

Region 8 Staff Attending Fountain, Colorado City Council Meeting to Discuss Local Groundwater Contamination

Key Message: The City of Fountain, Colorado, requested that Peterson Air Force Base representatives attend a city council meeting on October 24, 2017, to discuss perfluoroalkyl substances (PFAS) groundwater contamination with local officials. In turn, DOD asked staff from Region 8 as well as CDPHE to attend the city council meeting so each agency can answer questions about their respective role.

- In January 2016, the aquifer that supplies drinking water for approximately 70,000 people in Security, Widefield, Fountain (CO) and the surrounding area was found to be contaminated with PFOS, PFOA, and other PFAS at levels above the EPA health advisories.
- All impacted customers and homeowners were provided treated water below the health advisories from water systems in the area, or received bottled water from the Air Force by the spring of 2017.
- Peterson Air Force Base is the only known source of the PFAS contamination.
- We expect the city council to raise concerns that the financial burden for the installation and operation of facilities needed to remove PFAS contamination has largely been placed on the public water utilities and homeowners.
- The public utilities have expended over $10 million to assure PFAS concentrations of treated water meet the EPA health advisory levels. The Air Force has installed point of use treatment units to homes using private wells. Homeowners will be responsible for maintaining these systems after two years.
- Participation and talking points have been reviewed and approved by OPA.

Upcoming Public Events:

Region 8 will participate in the EPA Office of Water's Animal Agriculture Discussion Group Meeting in Denver, CO on October 23, 2017

Key Message: This informal group of representative stakeholders from the major animal agriculture sectors (pork, poultry, beef and dairy), USDA, academia and state environmental and agriculture departments will discuss current and future partnership projects that can enhance agricultural practices while maintaining clean water.

- Over 40 participants are anticipated to be in attendance, including Jeffrey Sands, EPA Senior Advisor to the Administrator for Agriculture Policy, staff from EPA's new Smart Sectors Program, and staff from all 10 Regional Offices.
- Regional Administrator, Doug Benevento and Colorado Commissioner of Agriculture, Don Brown will give opening remarks.

Upcoming Major Decisions:

None

Last Week Highlights:

Region 8 Water Quality Standards Tribal Training in Helena, MT Held Sep 19-21, 2017

Key Message: Region 8 Clean Water Program and Tribal Assistance Program staff provided a 3-day hands-on workshop in the Helena office for tribes interested in developing water quality standards.

- Developing water quality standards and identifying appropriate designated uses for surface waters can be challenging to states and tribes – only four tribes in R8 have EPA approved water quality standards.

- EPA staff gave presentations and one-on-one assistance to tribal environmental program staff and managers, helping them to categorize their surface water resources and identify appropriate designated uses to protect those waters.
- Six R8 tribes participated in the workshop bringing reservation-specific knowledge, data and water quality issue to the discussion. (Standing Rock, Three Affiliated, Ft Belknap, Northern Cheyenne, Uintah & Ouray, Chippewa Cree)
- Participating tribes provided positive feedback indicating their increased understanding of water quality standards and significant progress in designating uses for their reservation waters.

Region 9

Hot Issues:

American Samoa: on EPA's behalf, DOJ recently lodged a Consent Decree resolving numerous violations under multiple statutes, including Clean Water Act, EPCRA and CAA, at the Starkist Tuna Processing facility in American Samoa. The settlement included significant injunctive relief to upgrade wastewater treatment and improve facility safety, and a $6.3 million civil penalty. During the public comment period, American Samoa Gov. Moliga, AS Congresswoman Radewagen, and AS Paramount Chief Mauga Tasi each raised concerns, asking that the $6.3 million penalty be used to directly benefit the American Samoa populace, and asking for an expanded public comment period (plus documents translated into Samoan). We are consulting with DOJ and OECA, after which I'll reach out to these three key individuals; I'm hopeful we can address some of their concerns.

No. Calif. Fires: FEMA has given us an ESF 10 mission assignment for hazardous household waste removal for all of Napa and Sonoma counties (while the Corps of Engineers tackles solid waste). I've spoken with the CalEPA Secretary, and compared this with our role in earlier urban/wildland fires – it will be very difficult to manage and meet expectations at this scale of response in the coming year(s). As we have a dozen staff in Puerto Rico, we're grateful for support from Regions 8 and 10. We continue to support the debris taskforce with CalRecycle, CalOES, Cal EPA, FEMA, and the Army Corps of Engineers. We're working with FEMA and state partners to track and provide aid to water systems. We're meeting with about a dozen tribes, who have expressed interest in cleanup efforts; fortunately, through our outreach, we've confirmed all tribal drinking water systems are functional though some components are damaged (see larger summary below). One NPL site, Sulphur Bank Mercury Mine, emerged with most vegetation, ore piles, waste rock and several equipment containers burned; we continue to assess the site condition. Lastly, we're tracking air quality and the proximity of the fires to our employees' residences (having made good use of our emergency contacts database). **Of the 156 drinking water systems in the fire zones**:

- 10 systems are destroyed,
- 15 systems have damage or need power for full operations,
- 18 systems are evacuated and their status is unknown,
- 81 systems are fully operational, and the remaining systems have not been reached, their status is unknown.

Wetlands permitting: we advised the Corps of Engineers we'll not seek elevation of their draft permit decision for the Lone Star Mine expansion in Arizona. Proposed loss of waters of the U.S. at 77 acres, and the proximity of the Gila River in this arid landscape, leave us concerned about impacts to water resources. We served as a NEPA cooperating agency, and gave the project an EO-2 adverse rating. Our action closes out EPA's foreseeable involvement in this project.

External Engagements:

San Juan and Animas Rivers: joined by Regions 6 and 8, OW and ORD, we met with Colorado, New Mexico, Utah, Navajo Nation, and the So Ute and Ute Mountain Tribes to discuss watershed-scale, long-term water monitoring (funded under the WIIN Act). This is the outgrowth of another local workshop we held post-Animas to better characterize these river systems.
Landfill transformed: an earlier EPA administrative order and technical assistance led to the closure of a major Saipan (No. Marianas) landfill at the coastline. Last week, the Construction Management Association recognized the transformation of the landfill into an urban park with a national award. This park draws recreational visitors daily, in complete contrast to the eyesore and threat it had posed. This was one of the last municipal dumps in the U.S. to close.
Brownfields, people and land renewed: we participated in the 25th Los Angeles Conservation Corps graduation of trained Corps-members (LACC), and in the Bay-Area groundbreaking of 86 new affordable

housing units. The LACC has a 90% placement rate of its graduates (often with gang and prison records) into the construction trades, and has been a very reliable EPA partner for 20 years.
Navajo Uranium: next week we'll meet in Albuquerque with Region 6, New Mexico and the Navajo Nation (President's Office and others) to discuss current and future remediation projects, and Tronox-funded removals and groundwater remediation.

Past Week's Highlights:

Mexican Border wastewater: with CalEPA Secretary Rodriquez, I convened a well-attended meeting of the IBWC, No. American Development Bank, Customs and Border Protection (CBP), and a host of federal, state and local partners, to put in place new binational spill-notification protocols, update one another on infrastructure renewal nearing completion and projects needing funding, and options for managing renegade flows (sewage, sediment, trash, stormwater), especially for the coming winter. We are assisting CBP in developing tools for their workforce to assess unknown chemical dumping in remote canyons.

EPA/State training: we hosted inspector training and certification for our Pacific Island territorial partners, sending expert staff to Guam and Saipan for weeklong training. We partnered with the CA Dept. of Pesticide Regulation to provide agricultural workers training on pesticide use enforcement, reporting and worker safety, and how we interact with and support the State and local County agricultural commissioners.

Region 10

Hot Issues:

None

Upcoming Public Events:

Tribes meet with Idaho DEQ to discuss IPDES Program Authorization: On October 25th, EPA will facilitate a conversation between Idaho DEQ and staff from seven Tribes, including two Washington-based Tribes (Kalispell and Spokane) to discuss Idaho's anticipated implementation of the IPDES Program. Idaho has applied for authorization of NPDES from EPA, and after approval the State will initiate the first phase of NPDES permits starting in July 2018. Tribes have concerns about how they will be engaged and informed on NPDES permits that are issued by Idaho upstream or adjacent to reservation waters.

National School Integrated Pest Management Steering Committee Presentation: On October 20, Region 10 will present on Tribal School IPM efforts to the National School IPM Steering Committee. Topics include work completed under Interagency and Cooperative Agreements with the Yakama Nation, Coeur d'Alene Tribes Circuit Rider Program, Indian Health Service and the Portland Area Tribal Child Care RARE project. https://ipminstitute.org/projects/school-ipm-2020/steering-committee/

Brownfields Presentation at Infrastructure Conference (WA): Region 10 Brownfields staff will attend the Infrastructure Assistance Coordinating Council in Wenatchee, WA to deliver a joint Brownfields session with the Washington Departments of Commerce and Ecology. EPA will discuss EPA Brownfields resources available to address contaminated sites in communities throughout Washington, highlighting several successful projects, and will also participate in a Tech Team Workshop to discuss assistance which may be available in the form of funding or technical assistance from the EPA Brownfields program.

Upcoming Major Decisions:

Alaska Administrative SIP Action: This week the Region 10 acting RA signed a Federal Register Notice for an action to update materials that are incorporated by reference into the Alaska State Air Plan. The regulations affected by this format change have all been previously submitted by Alaska and approved by the EPA. This is a routine administrative action that makes no new agency findings.

Last Week Highlights:

Baker City Emergency Response Completed (OR): On October 13th, EPA completed the Baker City Mercury Explosion Emergency Response. This response was initiated at the end of August when a grass fire resulted in a large release of mercury. EPA worked with local responders to isolate the impacts to the property where the explosion occurred. Approximately 80 cubic yards of hazardous waste debris was sent to US Ecology for disposal and approximately 134 tons of non-hazardous soil was sent to Baker Sanitary Landfill for disposal.

Release of Environmental Justice and Air Toxics Workshop Report (OR): The final report from the March 15th Environmental Justice and Air Toxics Workshop in Portland, Oregon is now available online at https://www.epa.gov/or/environmental-justice-and-air-toxics-blueprint-best-practices-andresources-healthier-oregon. The report, "Environmental Justice and Air Toxics: A Blueprint of Best Practices and Resources for A Healthier Oregon," contains a summary, resources and video links, and presentations from the workshop that are intended to help guide and inform community engagement throughout the Cleaner Air Oregon rulemaking process. This workshop was a collaboration between EPA, Neighbors for Clean Air, Portland State University, Multnomah County, Oregon Department of Environmental Quality, and the Oregon Health Authority.

Office of Administration and Resources Management

Hot Issues:

Emergency Response Volunteers

To date, the volunteer response is as follows:

FEMA

Applications Submitted	Deployed	Deployed Pending Check-in	Eligible for Deployment *(difference)*
147	49	16	81

* 1 has been removed from the system

SBA

Application deadline for SBA has passed and the numbers remain the same; 12 applications submitted, 0 deployed. However, SBA requested two resumes.

Volunteer Medical Clearance Forms

OARM collaborated with Federal Occupational Health and EPA program and regional offices to streamline medical exam clearance forms. This expedited the process for employees being deployed in support of FEMA and regional sites. In addition, pre/post deployment forms were modified in coordination with the Safety and Sustainability Division's Medical Review Officer. Modifications include updates to immunizations, verification of employee education on Zika virus risks (if being deployed to Puerto Rico), among others. This ensures that EPA employees are properly immunized and are medically cleared to deploy.

GSA Tenant Satisfaction Results

The agency's 2017 tenant satisfaction survey data has been posted on the Max website. The EPA's overall satisfaction was 66.5% based on 4,606 responses, which surpasses the 2017 government-wide satisfaction rate of 58.1%. The three drivers of satisfaction include: condition of common area, condition of workspace, and workspace air quality.

Upcoming Public Events

HQ Drug Take-Back Day

OARM is coordinating the EPA's collection of unwanted or expired prescription drugs in conjunction with the Drug Enforcement Administration's National Prescription Drug Take-Back Initiative on Wednesday, October 25, 2017, from 10:00 a.m. to 2:00 p.m. At headquarters, EPA employees can bring unwanted or expired prescription drugs to the Ronald Reagan Building Health Unit, room G1-20, or the Potomac Yard Health Unit, room S-1400, for safe, free, and anonymous disposal.

Upcoming Major Decisions

None

Last Week's Highlights

None

Office of Air and Radiation

Hot Issues and Important Deadlines:

Tracking SIP Actions:

- Total Number of SIPs submitted to Regions in FY 2018: 7
- Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 2
- Total Number of Backlogged and Non-backlogged SIPs: 651
    - Backlogged: 497
    - Non-backlogged: 154

Response to December 9, 2013, Clean Air Act Section 176A Petition from CT, DE, MD, MA, NH, NY, PA, RI, and VT: We have an October 26, 2017, consent decree deadline to respond to a petition under Clean Air Act Section 176A regarding expansion of the ozone transport region.

Title V Order for Big River Steel (Arkansas): We have a court-promised deadline of October 31, 2017, for the Administrator to sign this order.

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
- Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month and Two Year Stay of Certain Requirements - Notices of Data Availability (NODAs)
- Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Advance Notice of Proposed Rulemaking)

Waste Isolation Pilot Plant in Carlsbad, New Mexico Update: The Office of Radiation and Indoor Air has received information from the DOE Carlsbad Field Office that there is a room within the underground portion of the Waste Isolation Pilot Plant that is showing indications that its roof will collapse sometime in the next few weeks. DOE takes careful measurements to identify these "convergence" risks. This room contains no stored waste drums, but it does contain contaminated equipment that was abandoned after the February 2014 incident. This collapse does not affect WIPP's compliance with our long-term radioactive waste disposal regulations, and given that there is no waste in the immediate area, it should not present any air quality problems. There may be press coverage so OAR is preparing talking points that will be shared with OPA.

State Implementation Plan (SIP)-Related Actions:

The Regions report that the following 5 SIP-related actions were signed this week:

- **Region 3:** Withdrawal Notice - Virginia Revisions to Implement the Revocation of the 1997 Ozone NAAQS
- **Region 3:** Notice and Direct Final Rule - Philadelphia Negative Declaration for SSI Units
- **Region 3:** Final Rule - Pennsylvania - Determination of Attainment by the Attainment Date for the 2008 Ozone Standard; Philadelphia, Wilmington, Atlantic City, PA-NJ-MD-DE Nonattainment Area
- **Region 5:** Final Rule - Minnesota State Board Requirements
- **Region 5:** Proposed and Direct Final Rule - Illinois VOM Definition Update, R17-2

Upcoming Meetings, Public Events, or Other Public Releases:

- **Green Power Leadership Awards:** On October 23, the recipients of the Green Power Leadership awards will be recognized at the Renewable Energy Markets Conference in New York City, New York.
- **SmartWay Excellence Awards:** On October 23, the recipients of the SmartWay Excellence awards will be recognized at the American Truckers' Association Conference in Orlando, Florida.
- **ENERGY STAR Partner Meetings Products, Homes, & Commercial Buildings:** On October 23-25, ENERGY STAR will host the ENERGY STAR Partner Meetings for Products, Homes, & Commercial Buildings in Chicago, Illinois.
- **Natural Gas STAR Annual Implementation Workshop:** On October 24-26, Natural Gas STAR will host their annual implementation workshop in Houston, Texas.
- **CALSTART 25th Anniversary Symposium, 2030: Connecting Transportation, Jobs and the Environment (Pasadena, CA):** On October 25, the Director of the Office of Transportation and Air Quality, will speak at a session titled, "The National Outlook for More Efficient Light-Duty Vehicles."
- **Issuing Updated Draft ENERGY STAR Specifications for Televisions:** As early as October 24, EPA will be releasing for public comment an updated draft of a version 8.0 specification for televisions. EPA has revised the previous Final Draft specification (which was released on July 18, 2017) in response to continued discussions with major television manufacturers. The ENERGY STAR program has been working with the television industry for over a year to address an issue with the ENERGY STAR requirements that has previously allowed TVs to certify with features that save energy during testing but don't deliver savings in use.

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.

Recap of Past Week:

Actions signed recently:

- Final Approval of Rescission of Nevada Visibility Protection Federal Implementation Plan (FIP) for the Mohave Generating Station (MGS):
- Title V Petition Response for PacifiCorp Hunter (Emery County, Utah)
- National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Residual Risk and Technology Review ("POTW RTR")
- National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines: Direct Final Rule Withdrawal.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	**Pending on 10/17/2017**	**Determinations Completed[1] as of 10/17/2017**	**Determinations Posted on the Website as of 10/17/2017**
# of "not likely" determinations	**2**	**103[4]**	**102[4]**
# of §5(e) Orders signed by both EPA and the submitter	-	**279**	**260**
# of §5(e) Orders signed by EPA and awaiting submitter signature	**79**	-	-
# of cases in post-FOCUS final determination development[6]	**229[3]**	-	-
# of cases flagged for in-depth review	**54**	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	**78**	-	-
# of LVE/LOREX exemption grants	-	**462**	**455[5]**
# of LVE/LOREX exemption denials	-	**100**	**90[5]**
Total number of cases	**442**	**944**	-
Normal active workload for the New Chemicals Program	300	-	-
Number of cases undergoing testing or data development by submitter	79	-	-
Backlog[2]	63	-	-

[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 determination document is prepared and has been shared with submitter.
[5] Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.
[6] These cases are those for which interim section 5(a)(3) determinations were made at the FOCUS Meeting. 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.

Hot Issues:

Formaldehyde Voluntary Consensus Standards. OCSPP will soon publish a direct final rule to update several voluntary consensus standards listed at 40 CFR § 770.99 and incorporated by reference in the Formaldehyde Emission Standards for Composite Wood Products rule. These updates apply to emission testing methods and regulated composite wood product construction characteristics. Several of those voluntary consensus standards (technical specifications for products or processes developed by standards-setting bodies) were updated, withdrawn, and/or superseded through the normal course of business by these various bodies to take into account new information, technology, and methodology. The Administrator signed the direct final rule on October 12.

Dicamba. As early as October 13, OCSPP plans to announce an agreement with manufacturers on measures to further minimize the potential for off-target drift to damage neighboring crops from the use of dicamba formulations that are used to control weeds in genetically modified cotton and soybeans. The registrants voluntarily agreed to registration and labeling changes including making these products restricted-use, record keeping requirements, and certain additional spray drift mitigation measures. These new requirements will allow farmers to make informed choices for seed purchases for the 2018 growing season.

Upcoming Meetings and Public Events:

National Lead Poisoning Prevention Week, October 22-28. Each year National Lead Poisoning Prevention Week brings together individuals, organizations, industry, and state and local governments to help increase lead awareness by using their efforts and collaborations to reduce childhood exposure to lead. The theme for National Lead Poisoning Prevention Week is "Lead-Free Kids for a Healthy Future," and this year features a focus on testing children for elevated blood lead levels. OCSPP, in support of activities led by the U.S. Department of Housing and Urban Development and the Centers for Disease Control and Prevention, will provide information to the public to protect against lead poisoning.

Inventory Reporting Webinars, October 25 and November 29. EPA has scheduled 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 in the U.S. over the past 10 years. Each identical webinar will include an overview of reporting requirements, a demo of the electronic reporting application (Central Data Exchange (CDX)), and will provide time for questions and answers. The first webinar occurred on September 27, 2017. The remaining webinars are scheduled for 1-3 PM EDT on October 25, 2017 and November 29, 2017.

Chemical Review Committee of the Rotterdam Convention, October 22-27. OPP scientist, Monique Perron, will attend the Chemical Review Committee (CRC) meeting, a subsidiary body of the Rotterdam Convention. The CRC meetings are held every year to consider notifications from countries who have banned or severely restricted chemicals and determine if the chemicals should be included on a Prior Informed Consent (PIC) list, which is intended to promote shared responsibility and cooperative efforts in the international trade of chemicals. During the meeting, the committee will consider notifications for 13 chemicals and two pesticide formulations. Monique also serves as the OPP point of contact for the Persistent Organic Pollutants Review Committee (POPRC) of the Stockholm Convention, which met October 17-20. The POPRC evaluates proposed chemicals for listing, which would require parties to take measures to eliminate or reduce the release of persistent organic pollutants.

Office of the Chief Financial Officer

Hot Issues:

- The Senate Appropriations Subcommittee has again delayed mark-up of its version of the FY 2018 appropriations bill. The latest news is that Subcommittee and Full Committee action would happen next week.
- OCFO is working with affected offices to review estimates for hurricane-related resource needs due to OMB for consideration by 2 pm on October 25. The estimates include updated Hurricane Harvey and Irma needs and initial Puerto Rico and Virgin Island needs but not California fire needs. OCFO plans to provide the package to the Policy Team for review on October 20 and 23. To date, EPA has received 39 mission assignments from other federal agencies for a total of $75.1 million to support disaster responses, including the first to support the California wildfires, all of which is in addition to EPA's base appropriated funding.

Upcoming Public Events:

- ECOS briefing for Chief of Operations and OCFO and OCIR leadership on October 23, prior to launch of new state website ECOSResults.org on October 24.
- Second outreach call with tribes on draft *FY 2018-2022 Strategic Plan* scheduled on October 24.
- Public comment underway through October 31 on draft *Strategic Plan* through the Federal Register Notice and Regulations.gov website. Received 211 unique comments to date, with 77 percent on climate change/clean power plan/sound science.
- Request for proposals for E-Enterprise Tribal Cooperative Agreement funding availability was published on Grants.gov on October 18. Applications are due November 24.

Upcoming Major Decisions:

- Meeting with Chief of Operations on October 20 on proposed approach/timeline for: 1) setting ambitious targets for strategic measures, including FY 2018-2019 Agency Priority Goals, in EPA's draft *Strategic Plan*, 2) updating FY 2019 budget measures and targets in initial FY 2019 Annual Performance Plan provided to OMB on September 11, and 3) briefing the Administrator on content/approach to quarterly performance reports and quarterly reviews.
- Input on office allocation methodology for the FY 2018 Interim FTE target due from agency on October 23. Following feedback from agency, OCFO will take options to senior leadership for final decision on allocation.

Last Week Highlights:

- Held first of two national conference calls for tribes to discuss the draft *Strategic Plan*. Tribes raised several detailed operational/programmatic issues and requested an extension to the end of November.
- ECOS sponsored a conference call for its membership with Henry Darwin, David Bloom, and Holly Greaves to discuss the draft *Strategic Plan*. ECOS is generally very supportive of direction of the draft *Plan*, especially cooperative federalism and joint governance/shared accountability, and provided other input.
- OCFO submitted the agency's FY 2017 consolidated financial statement for audit to the OIG on time on October 16. The FY 2017 Agency Financial Report, which will include the financial statement and a statement of assurance signed by the Administrator and other documents, is due to the President, Congress, and GAO on November 15. As required, the AFR also will be made available to the public at the same time on the agency's internet.
- OCFO continues to operate a PeoplePlus Command Center to provide additional assistance to the agency to support the upgrade of the agency's time and attendance system, PeoplePlus, launched on October 5. OCFO

also has activated a Payroll Cost Allocation Command Center to support the launch of this new functionality in Compass, the agency's core financial system.

Other:

- OCFO's annual awards ceremony is scheduled for October 25. The ceremony will recognize agency employees both inside and outside OCFO who made significant contributions to our work.

Office of Congressional and Intergovernmental Relations

Upcoming Hot Issues and Important Deadlines:

Week of Oct 23 – Release of Michigan drinking water program review report with R5, OW, OECA

Upcoming Events:

- **October 23** - representatives of the Monterey Peninsula Water Management District (MPWMD), and the Monterey Regional Water Pollution Control Agency (MRWPCA), will meet with EPA headquarters and Region IX staff to discuss partnerships with EPA
- **Week of Oct 23/TBD** – Call/meeting with OMB and USCG on DHS S168 views letter w/ OW
- **October 24** – Technical Assistance for Senate EPW minority on new VIDA bill w/OW
- **October 26** - the Senate Subcommittee on Regulatory Affairs and Federal Management will hold a hearing entitled, "Improving Oversight of the Regulatory Process: Lessons Learned from State Legislatures
- **October 26** - the Office of Groundwater and Drinking Water, and the Office of Sustainable Communities will join OIR and Region IX in a meeting with Rick Herrick, Board Chairman and Mayor Pro Tem, City of Big Bear Lake, CA, to discuss the Big Bear Groundwater Sustainability Project.
- **October 30** - City Manager Anthony Lyons will meet with EPA to discuss the Cabot-Koppers Superfund Site that is located in Gainesville. Staff from the Office of Superfund Remediation and Technology Innovation will join OIR and Region IV staff for the meeting.

Past week accomplishments:

- **October 16** – Announcement of the CERCLA/EPCRA Reporting Requirements Guidance. The guidance is for farmers on complying with reporting requirements for air emissions from animal waste.
- **October 17** - EPA leadership briefed ECOS members on the draft FY18-22 Strategic Plan. ECOS President Todd Parfitt of Wyoming and EPA Assistant Deputy Administrator & Chief of Operations Henry Darwin opened the call. Holly Greaves, Senior Advisor to the Administrator for Budgets and Audits, gave an overview of the document.
- **October 18** – Sen. Coons (DE) staff briefing on green chemistry w/OCSPP
- **October 18**- SEPW Business meeting to consider EPA nominees for OW, OCSPP, OAR, OGC (Postponed)
- **Week of October 16**– Ken Wagner, Senior Advisor to the Administrator, met with Regions 8 and 3 and participated in the welcoming ceremony for the new Regional Administrators. He met with New Hampshire DEQ Commissioner and spoke at the Kentucky Governor's Conference.
- **October 19** - EPA met with representatives of the North Bay Waster Reuse Authority (NBWRA) to receive updates on work the NBWRA has done in Northern California's Marin, Sonoma and Napa Counties to generate a sustainable, drought proof water supply for agriculture, environmental restoration and municipal purposes.

Ongoing activities:

- Participating in responses to hurricanes Harvey, Irma and Maria. Coordinating with state and local elected officials to ensure seamless communications.
    - HURRICANE AID PACKAGE RELEASED - The House Appropriations Committee released a $36.5 billion disaster relief package late last night (Oct 10) that includes nearly $5 billion to help shore up Puerto Rico's cash-strapped government. The package also includes an additional $14 billion for FEMA's disaster fund, $16 billion for the National Flood Insurance Program and $576 million to fight wildfires, Sarah Ferris reports. The legislation will be considered later this week under a fast-track method reserved for noncontroversial bills.

- The LGAC and SCAS nomination process for membership has entered the next stage. Regions are currently reviewing the initial rankings from the nomination review process. Within the next week or two OCIR management will be briefed on options to fill vacancies for the LGAC and SCAS. Senior management was briefed on the ranking process, Regional input, as well as the comprehensive balance review for optimal representation of local, state, and tribal government interests as well as diversity.
- The draft FY 2018-2022 Strategic Plan was released for public comment on October 4. OCIR has two longer-term Strategic Measures which are reflected in the new Strategic Plan and will be working on reporting annual results on these Measures to the Agency's Senior Leadership. EPA will collect comments through October 31 on the draft Plan and the agency anticipates the final Strategic Plan will be submitted to Congress in February 2018.

Office of Enforcement and Compliance Assurance

Hot Issues:

Volkswagen recall:

- As early as Friday (10/20), the EPA (along with co-plaintiff California Air Resources Board (CARB)) will formally approve VW's proposed emissions modification (or "fix") for a subset of the vehicles in the recall, namely the recent model year 3.0-liter sport utility vehicles. Unlike the rest of the vehicles covered by the settlement agreement, these vehicles can be fixed such that they satisfy the emission standards to which the automakers certified them to the EPA. As such, unlike the rest of the vehicles, VW will not be required to offer to buy back their vehicles. OECA staff are working hand-in-hand with OAR and OPA on the rollout. We intend to update https://www.epa.gov/vw/learn-about-volkswagen-violations#affected, and be prepared to answer anticipated questions.
- As early as the week of October 23rd, the EPA and co-plaintiff CARB will withdraw approval of the Emissions Modification for a subset of the 2.0-liter vehicles, namely a few thousand model year 2009 vehicles. Based on information recently disclosed by VW, the EPA and CARB have determined that certain required information was incomplete and inaccurate. Specifically, VW disclosed to EPA and CARB that the Transmission Control Unit (TCU) and associated software on certain 2009 vehicles must be replaced before the AEM may be installed. The replacement of the TCU and associated software was not included in VW's proposal. As a result, the proposal was deficient, as was the related notice to consumers about the nature and extent of the work to be performed if they choose to have the Emissions Modification applied to their vehicles. We anticipate that Volkswagen will respond by resubmitting a modified proposal for an Emissions Modification that describes the changes to the TCU, and we anticipate that EPA and CARB will, after review, approve that. If that is the case, then the owners of the affected vehicles will receive a corrected disclosure so they can make an informed choice about whether and how to participate in the recall.

Administrative Hearing in the Matter of Taotao, et al.: Beginning on October 17th, OECA's Air Enforcement Division is representing EPA in a hearing before EPA's Chief Administrative Law Judge, Susan L. Biro. This is a major step in an administrative enforcement case against a foreign manufacturer and domestic affiliate who, together, imported and sold over 100,000 scooters and ATVs with illegal catalytic converters. The case was initiated in November 2015, and the docket now includes over 150 filings, representing substantial work concerning discovery and other varied motion practice. Most importantly, the EPA succeeded in getting an accelerated decision in our favor on all matters of liability. Accordingly, this hearing concerns only penalty. The EPA seeks $1.6 million, and the respondent contests that amount on the basis of ability to pay and other issues. The hearing is expected take approximately 4 days, and includes numerous fact and expert witnesses.

Upcoming Events/Public Meetings

On October 20th, Susan Bodine will meet with University of Michigan Law Professor David Uhlmann to discuss his research regarding federal environmental criminal prosecutions.

On October 24th, Administrator Pruitt, Susan Bodine, Ken Wagner, Larry Starfield, Patrick Traylor, Cathy Stepp, and Headquarters and Regional enforcement managers will meet in DC with members of the National Association of Home Builders to discuss water enforcement issues.

On October 25th, in furtherance of the Superfund Task Force reforms, OECA's Office of Site Remediation Enforcement will host an "Enforcement 201 Series" webinar titled "Leveraging Land Revitalization and Reuse." Region 3's Land Revitalization Action Team and Region 4's Superfund Redevelopment Workgroup will discuss the use of enforcement tools to leverage third parties for revitalization and reuse at Superfund sites. They will detail success stories and lessons learned for specific sites in their respective regions. OSRE will close out the presentation by discussing how this work correlates with recommendations from the Superfund Task Force Report. The webinar is available to EPA employees only, and will be recorded and posted along with materials

following the event. To register for the live webinar, go to the following link: https://clu-in.org/conf/tio/Enforcement201-4/.

On October 26th-27th, representatives from OECA's cleanup enforcement and federal facilities enforcement programs will attend the Annual Meeting of the Association of State and Tribal Solid Waste Managers (ASTSWMO). OECA will participate in a number of sessions (open only to State and Federal attendees) on the Superfund Task Force Report recommendations involving Federal Facilities, Hazardous Waste, CERCLA, and Brownfields. During the sessions, OECA will seek state feedback on the recommendations, as well as suggestions on how to better engage with stakeholders.

On October 28th, Larry Starfield will speak on a panel at the American College of Environmental Lawyers Annual Meeting in Charleston, South Carolina. Other panelists include Mary D. Nichols, Chair of the California Air Resources Board; Martha Rudolph, Director of Environmental Programs, Colorado Department of Public Health and Environment; David Flannery, Steptoe & Johnson PLLC; and James T. B. Tripp, Senior Counsel, Environmental Defense Fund. The panel will be moderated by James Morriss, Thompson & Knight LLP. Closed press.

Upcoming Major Decisions:

None.

Last Week's Highlights

Meeting with Department of Defense on the Superfund Task Force: On October 19th, OECA's federal facilities office met with representatives from the Department of Energy (DOE) to discuss the Superfund Task Force recommendations impacting federal facilities, particularly the recommendations regarding adhering to dispute timelines. The meeting was part of a quarterly OLEM-DOE meeting held to discuss cleanup issues at existing DOE sites.

Clean Air Act Enforcement Proceeding: On October 19th, OECA's Air Enforcement Division initiated an administrative penalty assessment proceeding. The respondent, Spartan Diesel Technologies, located in North Carolina, manufactured and sold over 5,000 aftermarket defeat devices, specifically a "tuning" product designed to remove filters and catalysts from, and re-calibrate the engines of, Ford diesel pickup trucks (F150 - F550). OECA issued Spartan a Notice of Violation in August 2015. Numerous attempts to settle the matter have been unsuccessful. In particular, Spartan claims it cannot afford to pay a civil penalty, but will not provide any documentation to substantiate its claim. To resolve this matter, OECA will initiate litigation with the hope of finding a resolution during the mandatory alternative dispute resolution or in the course of litigation.

Settlement of RCRA Violations at Louisiana Chemical Manufacturing Facility is Finalized: The U.S. District Court for the Middle District of Louisiana entered a consent decree on October 4, 2017, resolving RCRA violations at the Innophos chemical facility in Geismer, Louisiana. The settlement requires significant injunctive relief and includes a civil penalty in the amount of $1,398,000, which is to be split evenly between the federal government and the State of Louisiana, who was co-plaintiff in this action. The violations related primarily to two corrosive waste streams, contaminated with arsenic, cadmium and chromium (RCRA toxic chemicals) that Innophos was illegally sending to an unpermitted facility for disposal and which may have contributed to releases of hazardous waste to the Mississippi River. Along with other injunctive relief, the settlement will ensure that approximately 160,000 tons of waste per year will be properly and safely managed, protecting the surrounding community for which there are environmental justice concerns.

Office of Environmental Information

Hot Issues: NA

Upcoming Public Events: NA

Upcoming Major Decisions: NA

Last Week's Highlight:

EPA Mobile Device Refresh Phase I Complete

- **Brief description:** Phase I of the Mobile Device Refresh is complete; it included replacing all remaining Windows phones and iPhone models 4, 5 and 6 (approximately 2,900 devices) with the iPhone 6s and some iPhone 7 models.
    - Phase I included all locations, e.g. HQ, Regions 1-10, and Labs.
    - Planning is already under way for Phase II (approximately 1400 devices), which is scheduled to start at the end of October or early November, and will include iPads not supported by Apple Care for Enterprise (ACE).
- **Who benefits or cares:** All users of EPA-issued mobile devices.
- **Why this is important:** This refresh replaces all Windows mobile devices and older Apple mobile devices with the newer models, which can be supported under Apple's enterprise hardware and software program called ACE.
    - The devices will also be enrolled into Apple's Device Enrollment Program (DEP) which allows for:
        - Simplified provisioning and improved device management capabilities such as:
            - Enforcement of iOS updates.
            - Prevention of accidental deletion of the MaaS360 app.
            - Compatibility with Apple's Volume Purchase Program (VPP), which eliminates the need for an Apple ID.
- **Additional information:**
    - All device data (e.g. IMEI #, property decal, device type, etc.) has been uploaded into eBusiness and the Mobile Device Administrators were informed last week to upload the Mobile Device Acknowledgement forms for their Program Office and/or Region into eBusiness by November 15, 2017.

Office of General Counsel

New Judicial Decisions:

None to report.

New Complaints Filed:

- FOIA litigation in the U.S. District Court for D.C. concerning two FOIA requests submitted by Environmental Integrity Project (EIP). The first FOIA request (HQ-2017-010504) sought Administrator Pruitt's schedule of meetings with outside parties from May 19, 2017, to August 14, 2017, and Administrator Pruitt's travel vouchers from June 13, 2017, to August 14, 2017. This request is assigned to the Office of the Administrator, Office of Executive Secretariat. The second FOIA request (HQ-2017-010603) sought travel vouchers for employees accompanying Administrator Pruitt on travel between February 21, 2017, through June 4, 2017, and June 13, 2017, through August 17, 2017. This request is assigned to the Office of Comptroller, Office of Chief Financial Officer. The complaint alleges that EPA failed to respond to both FOIA requests. (*Environmental Integrity Project v. EPA*, 1:17-cv-2140)
- A landfill biogas facility filed a petition for review of the EPA's decision to deny the petitioner's registration application as a renewable fuel producer under the Renewable Fuel Standard Program was filed in the Sixth Circuit. Under our regulations, biogas must be used for transportation fuel to be eligible to generate RINS, and EPA concluded that biogas from this facility was being used to generate electricity. (*Energy Dev, Inc., et al. v. EPA, et al.*, 17-4074)
- The law firm Will Ferguson and Associates filed a complaint in the U.S. District Court for the District of New Mexico under the Federal Tort Claims Act on behalf of 14 individuals for alleged property damage and personal injury related to the Gold King Mine incident. Plaintiff alleges negligence, negligence *per se*, gross negligence, trespass, and private nuisance. (*McDaniel v. United States*, 1:17-cv-00710)
- Deadline suit in the U.S. District Court for D.C. alleging EPA has failed to: (1) perform mandatory duties to complete the triennial "Section 204 report" to Congress on the impacts the RFS has on environmental issues, resources conservation issues, and invasive species; and (2) complete the "anti-backsliding study" required under CAA 211(v) to consider whether the RFS will adversely affect air quality. (*Sierra Club v. Pruitt*, 1:17-cv-2174)

Hot Issues:

- Notices of Citizen Suits (NOI):
  - Filed on behalf of the Southeast Environmental Task Force for failure to grant or deny the Title V permit for the Indiana Harbor Coke Company.
  - Filed on behalf of the State of Nevada, Division of Environmental Protection, for failure to designate areas under the 2015 Ozone NAAQS.
  - Filed on behalf of the American Lung Association, American Public Health Association, American Thoracic Society, Appalachian Mountain Club, National Parks Conservation Association, Natural Resources Defense Council, Sierra Club, and West Harlem Environmental Action and the Environmental Defense Fund for failure to designate areas under the 2015 Ozone NAAQS.
  - Filed on behalf of the State of Maryland for failure to designate areas under the 2015 Ozone NAAQS.

New Petitions that OGC is Aware Of:

None that OGC is aware of.

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

None to report.

Upcoming Major Deadlines in the Next Two Weeks:

10/20 Answer due in *EIP, et al. v. Pruitt*, five consolidated CAA § 304(a)(2) actions alleging failure to respond to petitions to object to Title V permits issued by the Texas Commission on Environmental Quality for the following facilities: "Baytown Olefins," Baytown Refinery," "Pasadena Refinery," "Port Arthur Refinery," and "Welsh Power Plant."

10/20 Final production of documents due in *U.S. Right to Know v. EPA*, a lawsuit brought after a failure to respond to a FOIA request seeking records referring or relating to glyphosate.

10/20 Petition for Rehearing is due in *API v. EPA*. On July 17, 2017, the D.C. Circuit issued its decision on challenges to the 2015 definition of solid waste rule. The court upheld most of the rule, but vacated two aspects of the rule: (1) Factor 4 of the legitimacy test and (2) most of the verified recycler exclusion. EPA is considering a request for rehearing regarding the former.

10/20 Answer due in *Environmental Law & Policy Center, et al. v. EPA, et al.*, a challenge to EPA's approval of Ohio's CWA section 303(d) list for failure to include the open waters of Lake Erie.

10/20 EPA's Answer is due in *Rosado v. Pruitt*, a challenge to MPRSA dredged material ocean dump site in Eastern Long Island Sound.

10/20 Position on whether court should wait for decision in Supreme Court about CWA jurisdiction over Clean Water Rule under section 509(b) before deciding EPA's Motion To Dismiss based on 509(b) in *LA Waterkeeper v. EPA* is due.

10/21 Motion to Govern Further Proceedings due in *Coffeyville Resources v. EPA*, a challenge to the 2017 RFS annual standards rule.

10/22 The final production of documents is due in *PANNA v. EPA*, a FOIA matter related to the chemical chlorpyrifos.

10/22 Answer is due in *Sierra Club v. EPA*, a FOIA litigation related to a request seeking external communications, calendars, communication logs, and deleted, yet recoverable, records for Administrator Pruitt and five other individuals.

10/22 The United States' Response is due in *Guam v. United States*, where Guam seeks to hold the United States liable for response costs under CERCLA 107(a) for cleanup of the Ordot Superfund Site in Guam. EPA is not a party to the case, but has a strong interest in the arguments made on behalf of the United States.

10/23 Joint Motion To Govern Further Proceedings due in several cases against EPA by CBD, each involving a different pesticide/substance: Flupyradifurone, Bicylcopyrone, Benzovindiflupyr, Cuprous Iodide, and Halauxifen-methyl.

10/25 EPA's Response as to whether a Consent Decree has been satisfied is due in *NPCA v. EPA*, a complaint alleging EPA's failure to perform a non-discretionary duty to issue regional haze FIPs for 39 states for which it made a finding of failure to submit, and to take action on 10 regional haze SIPs.

10/26 Objections due to court's Draft Protective Order in *National Family Farm Coalition, et al. v. EPA*, Petitions for Review of an EPA Order granting registration under FIFRA section 3 of Dow AgroScience's "Enlist Duo" herbicide, containing the active ingredients 2,4-D and glyphosate, for use on genetically engineered (GE) corn, cotton and soybean in 34 states. Petition for Review generally alleges violations of FIFRA and the ESA.

10/27 Motion To Govern Further Proceedings due in *Sierra Club, et al. v. EPA*, a challenge to the 2013 Round 1 designations under the 2010 SO2 NAAQS.

10/27 Pursuant to a Consent Decree, EPA must take final action approving or disapproving a 176A petition in *State of New York, et al. v. EPA*.

10/27 Pursuant to a Consent Decree, EPA must take final action approving or disapproving a 176A petition in *North Carolina, et al. v. EPA*.

10/27 The Answer to the Complaint is due in *Figley v. EPA*, a FOIA matter regarding a multi-part request that sought records relating to payments from the BP settlement.

10/27 Objections due on Draft Protection Order in *National Family Farm Coalition, et al. v. EPA*, a Petition for Review of EPA Order granting registration under FIFRA section 3 of Monsanto's "Xtendimax with VaporGrip Technology," containing the herbicide Dicamba DGA salt, for use on genetically engineered (GE) cotton and soybean in 34 states. Petition for Review generally alleges violations of FIFRA and the ESA.

10/27 The United States' Reply Brief is due in *Center for Biological Diversity v. U.S. Forest Service*. This is a RCRA § 7002 citizen suit alleging imminent and substantial endangerment to California condors in Kaibab National Forest from the use of lead shot for game hunting. On this second trip to the Ninth Circuit, CBD argues the district court erred in finding *sua sponte* that plaintiff seeks an advisory opinion from the court. CBD also argues the merits of its allegation that USFS is "contributing to" disposal of solid waste by its failure to control use of lead shot or the abandonment of carcasses and gut piles containing lead shot. EPA is not a party to the case, but EPA has equities because EPA's imminent and substantial endangerment authority under RCRA is identical to the citizen suit provision.

10/27 EPA's Reply Brief is due in *OVEC v. Pruitt*, an EPA appeal of a district court order that EPA act on "constructive submission" of no TMDLs for biologically impaired waters in West Virginia.

10/27 Reply to plaintiffs' response to EPA's/NOAA's Motion for Reconsideration is due in *NWEA v. Commerce, et al.*, litigation challenging EPA and NOAA actions and inactions regarding Washington CZARA and CWA 319 nonpoint source programs; EPA intends to file motion for reconsideration of the district court's recent order denying EPA's motion to dismiss of two claims related to CWA section 319 on mootness and standing grounds.

10/30 EPA's Brief is due in *National Environmental Development Association's Clean Air Project v. EPA*, a petition for review of the Regional Consistency Regulations.

10/30 Motion to Govern Further Proceedings due in *API v. EPA*, a challenge to the Federal Implication Plan that allows existing minor oil and natural gas sources in Indian country to satisfy construction permitting requirements by complying with applicable emissions standards.

10/30 EPA's Brief is due in *Ergon-West Virginia, Inc. v. EPA*, a petition 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.

10/30 EPA's Brief is due in *Hall & Associates v. EPA*, a FOIA matter appealed from the U.S. District Court regarding the denial of appellant's motion for attorney's fees and reconsideration of the Court's reasonable search and improper request decision.

10/30 Production of documents is due in *NRDC v. EPA*, a FOIA litigation arising from Plaintiff's request for communications between EPA staff and the Trump Presidential Transition Team(s).

10/30 EPA's Answer is due in *Waterkeeper All. v. EPA*, a FOIA litigation regarding a FOIA request that sought records related to a possible change in course regarding EPA's Steam Electric Effluent Limitations Guidelines Rule.

10/30 Deadline for seeking an extension of stay of the mandate in *Waterkeeper Alliance, et al. v. EPA*. The D.C. Circuit vacated the "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms" rule. On August 16, 2017, the court granted EPA's motion to stay the mandate until November 14, 2017. The court order noted that, if necessary, EPA may request an extension of the stay no later than 75 days from the date of the order, and any request should include a status update on EPA's efforts to develop guidance.

10/31 Consent Decree deadline to take action to respond to petition on title V permit in *Nucor Steel-Arkansas v. EPA*, a failure to grant or deny Nucor petition for objection to Title V Operating Permit issued to Big River Steel by Arkansas DEQ for a steel manufacturing facility in Osceola, Arkansas.

10/31 Production of documents is due in *NRDC v. EPA*, a FOIA matter related to the "ascension" of the EPA Administrator.

10/31 Reply to Motion to Opposition to Motion to Dismiss due in *LULAC v. Pruitt*, a challenge to the chlorpyrifos denial.

10/31 Response to Plaintiffs' Motion for Summary Judgment due in *Pineros v. Pruitt*, an action challenging 4 rules deferring the effective date of the pesticide certification and training rule.

11/01 EPA's Response to Petition for Certiorari due in *DTE, et al. v. United States*, a petition for a writ of certiorari to the Sixth Circuit in PSD enforcement case.

11/01 Response due in *Murray Energy Corporation, et al. v. EPA*, a petition for writ of certiorari of a Fourth Circuit decision.

11/01 Consent Decree deadline to take action on the San Francisco Bar Area SIP regarding NSR permits in *CBD, et al. v. EPA*, litigation alleging the EPA failed to take final action and failure to make findings of failure to submit for 2006 PM2.5 NAAQS nonattainment areas state implementation plans.

11/02 Optional Response to Objection due in *National Family Farm Coalition, et al. v. EPA*, consolidated with *NRDC v. EPA*, Petitions for Review of EPA Order granting registration under FIFRA section 3 of Dow AgroScience's "Enlist Duo" herbicide, containing the active ingredients 2,4-D and glyphosate, for use on genetically engineered (GE) corn, cotton and soybean in 34 states. Petition for Review generally alleges violations of FIFRA and the ESA.

11/02 Optional Response to Objections due in *National Family Farm Coalition, et al. v. EPA*, a Petition for Review of EPA Order granting registration under FIFRA section 3 of Monsanto's "Xtendimax with VaporGrip Technology," containing the herbicide dicamba DGA salt, for use on genetically engineered (GE) cotton and soybean in 34 states. Petition for Review generally alleges violations of FIFRA and the ESA.

Office of International and Tribal Affairs

Hot Issues:

NAFTA Negotiations - The fourth round of the NAFTA negotiations was held in D.C. on October 11-17 and the Parties have now put forward all initial text proposals. However the Parties have identified significant conceptual gaps on some issues, so additional negotiating rounds will be scheduled through the first quarter of 2018. The next round of negotiations will be in Mexico City from November 17-21.

Upcoming Engagements:

- October 23 – Call with U.S., Canada, and Mexico to discuss the NAFTA environmental institutional and public participation provisions.
- October 25-26 - Acting OITA AA will attend the semi-annual bilateral environmental meeting with U.S. and Canada in Ottawa.

Past Week Highlights:

National Congress of American Indians Conference - EPA (OITA) attended the annual meeting of the National Congress of American Indians (NCAI) in Milwaukee.

- Congresswoman Gwen Moore (WI) and Congresswoman Betty McCollum (MN) spoke about tribal sovereignty and their commitment to addressing tribal concerns.
- The White House was scheduled to speak and provide a tribal update, but was not able to attend the meeting. DOI's Acting Assistant Secretary for Indian Affairs provided the update and identified the following priority issues – tribal governance, economic development, infrastructure, energy development (and NEPA categorical exclusion), and human capital development.
- The National Chief of the Canadian Assembly of First Nations also spoke to the NCAI about NAFTA and the need to include a chapter protecting the rights of indigenous peoples. After his remarks, representatives from several of the Alaska Native Villages raised concerns with actions taken in Canada that have negatively impacted tribal communities and resources in the U.S.

UN Environment Assembly Meeting - EPA (OITA) convened partners from UN Environment and State Department to discuss the UN Environment Sustainability Expo, taking place on the margins of the third UN Environment Assembly (UNEA3) in December.

- The Expo will focus on showcasing innovation and solutions to environmental challenges, including technology to help us move "towards a pollution free planet" – the theme of UNEA3.
- In addition to booths, there will be an open networking space organized to encourage informal conversations among government officials, private sector representatives and academics attending the conference. The Expo provides a venue where U.S. private sector and experts can share information on U.S. environmental technologies and best practices to reduce pollution.
- The U.S. (EPA and State) is also proposing two resolutions to be introduced at UNEA3 – a resolution on reducing lead in paint and another on water quality monitoring.

Meeting with Vietnam on Dioxin Remediation - EPA (ORD and OITA) and USAID met with the Vietnam Ministry of National Defense (MND) to discuss war legacy issues, with a focus on the dioxin cleanup project in Bien Hoa Airbase.

- This meeting followed on two recent U.S.-Vietnam engagements: (1) May 31st meeting between the Vietnamese Prime Minister and POTUS, in which they issued a joint statement committing to working together to address war legacy issues, including completing dioxin remediation at Da Nang Airport and to discuss continued collaboration at Bien Hoa Airport; and (2) June 4th meeting between EPA and MND regarding dioxin remediation at Da Nang and Bien Hoa.
- Vietnam made several requests of the USG: 1) work together to showcase and celebrate the successes of dioxin remediation Da Nang airport; 2) move forward with U.S.-Vietnam collaboration for dioxin

remediation at Bien Hoa airbase; 3) provide support to build the capacity of MND's National Center for Remediation; 4) develop a 3-year plan on addressing unexploded ordinances (UXOs); and 5) increase international outreach on showcasing the U.S.-Vietnam partnership.

Office of Land and Emergency Management

Hot Issues:

- Emergency Response to hurricanes and wildfires. We are in support of the Region 2 and 4 responses to Hurricane Irma, the Region 2 response to Hurricane Maria and the region 9 response to the California wildfires. The Region 6 response to Hurricane Harvey has largely moved in to the recovery phase.
- CCR State Permit Program Guidance.
- CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing. We are working with OGC, OP, and OA as we work toward a Dec 1, 2017 signature.
- Clean Air Act 112(r) Risk Management Program Rule.
- Ongoing major Superfund NPL sites (for example, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates).
- CERCLA-EPCRA AFO-CAFO Rule.

Upcoming Public Events:

- **Association of State and Territorial Solid Waste Management Officials (ASTSWMO)**. OLEM will participate in next week's ASTSWMO annual meeting in Arlington, Virginia.

Upcoming Major Decisions:

- **CERCLA-EPCRA AFO-CAFO Rule.** We are working with the AO, OGC, and OMB, expeditiously to have guidance available, to assist farmers in meeting CERCLA and EPCRA reporting requirements.
- **E-Manifest User Fee Final Rule.** The rule package is with OMB.
- **RMP Modernization Rule Reconsideration.** OLEM, OGC, and the AO are conferring on next steps and schedule.

Last Week Highlights:

- **Casmalia Site.** We joined Region 9 and the AO in the Administrator's briefing on the proposed plan.
- **Kaleidoscope Day**. We joined OCSPP and ORD in the Kaleidoscope event the support diversity and inclusion.
- **Portland Harbor.** We joined Region 10, OECA, and the AO in meeting with PRPs, and are scheduled to do so again tomorrow.

Office of Policy

Documents Submitted to OFR from October 11- October 17, 2017

FRL	Title	Date Submitted to OFR
9969-77-Region 4	Air Plan Approval; North Carolina; Open Burning and Miscellaneous Revisions	10/17/2017
9969-78-Region 4	Air Plan Approval; North Carolina; Open Burning and Miscellaneous Revisions	10/17/2017
9969-79-OAR	Acid Rain Program: Notice of Annual Adjustment Factors for Excess Emissions Penalty	10/17/2017
9969-81-Region 9	Contingency Measures for the 1997 PM2.5 Standards; California; San Joaquin Valley; Correction of Deficiency	10/17/2017
9969-17-OCSPP	Certain New Chemicals; Receipt and Status Information for August 2017	10/17/2017
9967-37-OCSPP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	10/17/2017
9968-58-OCSPP	Receipt of Information under the Toxic Substances Control Act	10/16/2017
9969-74-OAR	Extension of Comment Period on Draft Documents Related to the Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides	10/16/2017
9969-85-Region 9	Approval and Promulgation of Air Quality Implementation Plans; Nevada; Rescission of Visibility Protection Federal Implementation Plan for the Mohave Generating Station	10/16/2017
9969-86-Region 5	Air Plan Approval; Wisconsin; Regional Haze Progress Report	10/16/2017
9969-87-Region 5	Air Plan Approval; Wisconsin; Regional Haze Progress Report	10/16/2017
9969-68-Region 5	Air Plan Approval; Illinois; Redesignation of the Chicago and Granite City Areas to Attainment of the 2008 Lead Standard	10/12/2017
9969-69-Region 5	Air Plan Approval; Illinois Granite City and Chicago 2008 Lead (Pb) Redesignation and Maintenance Plan	10/12/2017
9969-52-OA	Notice of Meeting of the EPA Children's Health Protection Advisory Committee (CHPAC)	10/12/2017
9969-63-Region 5	Air Plan Approval; Illinois Regional Haze 5-year Progress Report	10/12/2017
9969-64-Region 5	Air Plan Approval; Illinois Regional Haze 5-year Progress Report	10/12/2017
9969-58-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report	10/12/2017
9969-59-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report	10/12/2017

9969-60-Region 5	Air Plan Approval; Michigan Regional Haze 5-year Progress Report	10/12/2017
9969-61-Region 5	Air Plan Approval; Michigan Regional Haze 5-year Progress Report	10/12/2017
9969-66-Region 5	Air Plan Approval; Ohio 2008 Lead (Pb) Redesignation and Maintenance Plan for the Partial Fulton County Area	10/12/2017
9969-67-Region 5	Air Plan Approval; Ohio 2008 Lead (Pb) Redesignation and Maintenance Plan for the Partial Fulton County Area	10/12/2017
9969-71-OA	Notification of a Public Teleconference of the Science Advisory Board Risk and Technology Review (RTR) Methods Review Panel	10/12/2017
9966-13-OCSPP	Triflumezopyrim; Pesticide Tolerances	10/11/2017
9966-73-OCSPP	Fenpicoxamid; Pesticide Tolerances	10/11/2017
9967-58-OCSPP	Access to Confidential Business Information by [Patriot L.L.C. and its identified subcontractor, Vision Technologies, Inc.]	10/11/2017
9969-53-OW	Proposed Information Collection Request; Comment Request; Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium Under the Safe Drinking Water Act (Renewal)	10/11/2017
9969-55-OAR	Proposed Information Collection Request; Comment Request; Aircraft Engines - Supplemental Information Related to Exhaust Emissions (Renewal)	10/11/2017
9969-57-Region 1	Notice of Partial Delegation of Authority; Vermont; New Source Performance Standards for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces	10/11/2017
9968-57-OCSPP	Receipt of Information Under the Toxic Substances Control Act	10/11/2017
9969-75-OAR	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	10/11/2017
9968-83-OAR	Proposed Information Collection Request; Comment Request; National Volatile Organic Compound Emission Standards for Architectural Coatings (Renewal)	10/11/2017
9969-72-Region 2	Approval and Revision of Air Quality Implementation Plans; State of New York; Regional Haze State and Federal Implementation Plans	10/11/2017

Office of Research and Development

Hot issues:

Flint Corrosion Control Study Plan
At the request of Region 5, ORD is reviewing and commenting on the proposed corrosion control study plan for Flint, MI. Comments are due today to Region 5, who will then compile the comments and send to Arcadis. As a consultant to the City of Flint, Arcadis is identifying short and long-term operational strategies, operating procedures, and capital improvements for the city's drinking water system.

Flint Enforcement Team Meeting
On October 18, ORD participated in the Flint National Enforcement Team meeting led by Region 5. The purpose of this meeting is to evaluate progress towards compliance with the January 21, 2016, Safe Drinking Water Act Section 1431 Emergency Order and November 17, 2016, First Amendment. The meeting covered enforcement order requirements, current public water system status, and future source water plans.

"Developing Sediment Remediation Goals at Superfund Sites Based on Pore Water for the Protection of Benthic Organisms from Direct Toxicity to Non-ionic Organic Contaminants"
At the request of OLEM, ORD researchers recently published guidance that will help EPA set risk-based remedial goals that could potentially lower the extent (i.e., few acres) and costs of remedial actions while speeding successful outcomes at contaminated sediment sites. The guidance, "Developing Sediment Remediation Goals at Superfund Sites Based on Pore Water for the Protection of Benthic Organisms from Direct Toxicity to Non-ionic Organic Contaminants", supports the Great Lakes National Program Offices, Regions, States, Tribes, and potentially responsible parties who sought the guidance for speedy use at Superfund sites and other contaminated sediment areas.

Upcoming public events:

EPA-Athens renovation kick-off meeting
ORD will be in Athens, Georgia October 23 – 24 for a kick-off meeting with the architectural contractor that is developing the design for the renovated building that will house ORD and Region 4 laboratories. Region 4 and OARM will also be participating in the meeting.

Ohio River Basin Water Quality Trading Project
Next week ORD will attend the Ohio River Basin Water Quality Trading Project amendment signing event and farm tour in Columbus, OH on October 26. The amendment signing will increase the amount of private money into local watersheds and symbolize a continuing commitment by the states to work together to support farmers and protect critical water resources. Notable attendees are expected to include: Rob Johansson, Acting Undersecretary of USDA; David Daniels, Director of the Ohio Department of Agriculture; Craig Butler, Director of Ohio EPA; Bruno Pigott, Commissioner of the Indiana Department of Environmental Management; and John Piotti, President of the American Farmland Trust. The Ohio River Basin WQT Project, which began in 2012, is an innovative market-based approach to reducing water pollution through a credit trading program. The project is led by the Electric Power Research Institute (EPRI) with active participation from farmers, electric utilities, EPA, U.S. Department of Agriculture (USDA), and environmental groups. This invitation-only event will be held at a farm near Columbus, OH, that was funded by the WQT Project to plant 30 acres of forest.

Technical support to Region 2, Newark, NJ
On October 13 ORD met with Regional Project Managers (RPMs) in Region 2, Newark City Managers, and community stakeholders on brownfield re-development planning and discussed the application of the Decision Analysis for a Sustainable Environment, Economy, and Society (DASEES) tool for structured decision-making. DASEES is an open-source, web-based decision analysis framework that can be used to assist in site re-

development decision-making. This was an exploratory meeting to demonstrate the capabilities of DASEES. Region 2 will then identify specific locations to apply the DASEES tool to assist in planning efforts.

Green Infrastructure projects, Buffalo, NY
October 15-20. ORD is meeting with representatives from the Buffalo Sewer Authority (BSA), University at Buffalo-The State University of New York, U.S. Geological Survey, and National Resource Conservation Service to follow-up on implementation of local and Great Lakes Restoration Initiative-sponsored green infrastructure projects and their monitoring. ORD is also conducting vacant lot soil hydrologic assessments. BSA is working to increase pervious surface area towards fulfillment of negotiated consent orders. ORD will also obtain insight into how vacant lots in Buffalo can function as passive green infrastructures.

Compass Plaza Well TCE Superfund Site
On October 17, ORD provided technical support to Region 7 for the Compass Plaza Well TCE Superfund Site in Rogersville, MO. The site consists of groundwater contaminated with the chlorinated solvent, trichloroethene, located in complicated karst topography. The team is planning to use isotopes as another line-of-evidence to determine the source of trichloroethene near the site.

Bunker Hill Superfund Site Coeur d'Alene, ID
October 16-20, ORD is visiting the Bunker Hill Superfund Site where elevated levels of metal contaminants are responsible for acute lead toxicity of migratory birds. The team is working to determine the speciation and ecologically accessible concentration of lead, cadmium, zinc, and mercury in the sediments on site. These data will be used for selecting sediment amendments to effectively sequester the contaminants of concern and reduce the ecologically accessible concertation of metals. Sediment is also being shipped back to EPA in Cincinnati for sediment avoidance testing to determine the effectiveness of the sediment amendments. This work is being conducted as part of a larger effort to develop and implement soil and amendment technologies as effective remedies for reducing bioaccessible concentrations of metals in soils and sediments.

Scientific Integrity Employee Conversation
On October 24, an encore presentation of the 2017 Employee Conversation on Scientific Integrity webinar will be held. Dr. Vincent Cogliano will summarize the 2016 Scientific Integrity Annual Report and findings from the 2016 employee survey and will be joined by Steve Alderton, EPA's Whistleblower Ombudsman.

Last week Highlights:

Helping States and Cities Recover from Radiological Disasters
States and municipalities may not have the funds to acquire specialized cleanup capabilities for low probability, high impact incidents such as a dirty bomb detonation or a nuclear accident. However, common municipal equipment may be capable of efficiently implementing decontamination technologies, including those developed by ORD. For instance, de-icing trucks could be used to promptly spread radiological containment materials over the optimized paths the trucks already take. Likewise, street sweepers could be adapted to apply (and sweep up) decontamination solutions, again traversing cities' streets over their already known routes. On October 3rd, ORD met with the City of Chicago regarding a collaborative project conducted by ORD, Department of Homeland Security, and Argonne National Laboratory, designed to enhance local and state abilities to use their municipal equipment to recover from radiological incidents. The collaborative project has identified dozens of potential equipment types. The goal of the meeting with Chicago was to gain their perspectives on the application of such equipment to their local needs which are expected to be representative of similar cities. The meeting was arranged by the City of Chicago Mayor's office.

Meeting with ERIS and ECOS on State Innovation
Last week ORD met with ERIS President David Paylor and ECOS Deputy Executive Director Carolyn Hanson to discuss a joint EPA/State project on using innovative tools to address state environmental priorities. This cooperative effort with ERIS will focus on challenges and prizes, citizen science and crowdsourcing, low cost

sensors and social science – and will likely result in some joint State/ORD projects that use these innovation approaches.

Cooperation Continues between EPA and NC Central University
A new Memorandum of Understanding between North Carolina Central University (NCCU) and the USEPA was signed on Oct 12, 2017, by Acting Assistant Administrator Donna J. Vizian and Chancellor Dr. Johnson O. Akinleye. The agreement seeks to increase cooperation during the next five years in areas of mutual interest, such as Internships and Career Services, Research Opportunities, Faculty/Staff exchanges, and Community Outreach and Engagement. NCCU was founded in 1910 and is the first state-supported liberal arts college for African-Americans. The original Memorandum was signed in 1994.

Wildland Fires in Alaska
On October 17, ORD led an EPA-NOAA National Weather Service meeting focused on wildland fires in Alaska. The purpose of the meeting was to explore potential partnership opportunities involving NOAA assets (e.g., satellites, enhanced weather forecast models) and EPA efforts (e.g., support for Alaska Native Tribal Health Consortium's Local Environmental Observer [LEO] Network in Alaska and NW Canada, multi-agency Wildland Fire Sensors Challenge, Smoke Sense app). Participants from EPA included ORD, OAR, OITA and Region 10. A follow-up call is planned for October 31.

EnviroAtlas Webinar
An EnviroAtlas Webinar was held on October 17, 2017 as part of EPA's Tools & Resources Webinar series. Close to a hundred individuals participated from a number of states and local communities as they learned about recent enhancements to the Atlas. EnviroAtlas contains two primary tools: An Interactive Map, which provides access to 300+ ecosystem-related maps developed by EPA researchers and an Eco-Health Relationship Browser, which displays evidence from hundreds of scientific publications on the linkages between ecosystems, the services they provide, and human health.

Office of Water

Hot Issues:

Waters of the U.S. Update: With the comment period having closed on the Step 1 proposal on September 27, EPA has received nearly 700,000 comments and the docket is nearly finished with processing. In support of the Step 2 rulemaking, EPA and the Army held the 5th in the 10-part webinar listening sessions with stakeholders. On October 17, the webinar for the agriculture sector drew in approximately 270 participants with 31 speakers providing 3-minutes remarks. On October 23, the agencies will hold an in-person listening session with small entities and on the 24th, will hold a webinar with industry groups including the energy, chemicals and manufacturing sectors. At this time, the Agency has received 108 written recommendations on the Step 2 rulemaking.

Bristol Bay: This week, the public comment period closed for EPA's Proposal to Withdraw the 2014 CWA Section 404(c) Proposed Determination (PD) regarding Pebble/Bristol Bay. At this time, over 650,000 comments have been received while the docket continues to process the remaining comments. The close of the comment period follows a series of tribal consultation meetings and public hearings held in Alaska last week, attended by Lee, along with EPA personnel from OW and Region 10. Consultation meetings were held with tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations in Anchorage. Additional consultation meetings with tribes and ANCSA Corporations as well as public hearings were conducted in the Bristol Bay watershed, in the villages of Dillingham and Iliamna. Approximately 150 participants attended the hearing held in Dillingham and approximately 50 participants attended the hearing in Iliamna.

Upcoming:

Overcoming Institutional Barriers to Potable Water Reuse: Next week OW will participate in a workshop sponsored by the Johnson Foundation at Wingspread, U.S. EPA Region 9, and ReNUWIt (Renewing the Nation's Urban Water Infrastructure). The workshop will engage a focused group of national, regional and local leaders interested in advancing potable water reuse.

Last Week Highlights:

WIFIA OIG Audit: This week, the WIFIA program participated in a Kick-off meeting for an Office of the Inspector General internal controls audit. During the call the OIG to discussed objectives, the purpose of the preliminary research phase of the project, and answered questions. The OIG's preliminary research objective is to determine whether the EPA has established effective internal controls for the WIFIA program. They intend to review the WIFIA program for compliance with the stated objectives of the WIFIA Act, review the program's internal controls using establish GAO standards, and review projects to determine whether the agency followed its selection process. They are planning to complete their preliminary research in January 2018.

GAO Water Report: This week, the GAO has released its report titled *Water Pollution: Some States Have Trading Programs to Help Address Nutrient Pollution, but Use Has Been Limited*. The report was in response to Senator Whitehouse's request to examine nutrient credit trading programs. The report 1) examines the extent to which nutrient credit trading programs have been used and what the outcomes of the programs have been; 2) describes how states and EPA oversee nutrient credit programs; and 3) describes what key factors stakeholders view as affecting participation in nutrient credit trading. The report found that in 2014, 11 states had 19 nutrient credit trading programs which provided flexibility for some point sources to meet nutrient discharge limits. The majority of nutrient credit trading occurred in Connecticut, Pennsylvania and Virginia. State officials and other stakeholders cited the importance of discharge limits for nutrients as a driver to create demand for trading. EPA staff reviewed this report and provided comments for GAO to consider. The report is available at: http://www.gao.gov/products/GAO-18-84

Campus RainWorks: Registration for the 2017 Campus RainWorks Challenge is complete. 173 teams from nearly 40 states are registered to compete in a design competition that will seek to foster a dialogue about responsible stormwater management, and showcase the environmental, social, and economic benefits of green infrastructure. The Campus RainWorks Challenge invites the current generation of scholars to apply their creativity, knowledge, and energy to solving the challenges of stormwater management today and in future. Entries are due December 15, 2017, and winners will be selected in the Spring of 2018.