Water Division

CWA REGULATIONS

WATERS OF THE UNITED STATES (UPDATED-JULY 2019)

On February 28, 2017, President Trump issued an Executive Order (E.O.) 13778 on "Restoring the Rule of Law, Federalism, and Economic Growth by reviewing the 'Waters of the United States' Rule", directing the Administrator of the EPA and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule published in 2015, and publish for notice and comment a proposed rule rescinding or revising the rule. To meet the objectives of the E.O. in a clear and expeditious approach, the agencies have decided on a two-step approach:

1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that has been in place for decades, and thus maintains the status quo; and
2) a rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O.

The agencies have taken several actions consistent with the E.O. and our two-step approach:

Step 1: The Step One proposed rule: Definition of "Waters of the United States" – Recodification of Pre-existing Rules, was published for public comment in the Federal Register on July 27, 2017, and the comment period closed on September 27, 2017. Over 800,000 comments were received by the agencies, and comments have been posted to the docket, which can be accessed at http://www.regulations.gov, docket number EPA-HQ-OW-2017-0203-0001. Currently, agencies are completing responses to public comments and have submitted to the Office of Management and Budget (OMB) its proposed action.

Step 2: Per EPA policy, we initiated consultation with tribal governments on April 20, 2017 regarding the new definition to be developed under Step 2. The agencies held a series of meetings with various groups as part of the consultation processes and have posted for public review each of the letters received as part of the consultation processes. Letters received from tribes and states are posted on the EPA WOTUS Rule website under "Rulemaking Process".

The EPA participated with individual requests from tribes for Government-to-Government consultation for the WOTUS rulemaking. The EPA held an in-person meeting in Washington D.C. the week of March 5th, 2018, to engage in open dialogue about the proposed rulemaking with approximately 25 participants representing tribes from across the country. Region 6 RTOC representatives Pueblo of San Felipe, Kickapoo Tribe of Oklahoma and Seneca-Cayuga Nation planned to participate.

Meanwhile, the U.S. Supreme Court ruled unanimously that challenges to the Clean Water Rule should begin in federal district courts rather than directly in appeals courts. This decision directed the 6th Circuit U.S. Court of Appeals to dismiss the petitions for review filed in that court for lack of jurisdiction and will revive pending district court challenges to the Rule, a process which is already underway in several district courts.

We previously reported, on February 6, 2018, the agencies finalized a rule adding an applicability date to the 2015 Clean Water Rule, so that it is not applicable until February 6, 2020. However, August 16, 2018, the U.S. District Court of the District of South Carolina issued a decision to vacate and nationally enjoin the EPA and the Army Corps' final rule that added an applicability date to the 2015 Clean Water Rule. Due to additional District Court rulings in North Dakota and South Texas the 2015 Rule is now in effect in 23 states since Colorado withdrew from its previous court challenge. New Mexico withdrew as well but EPA is awaiting whether the court will allow New Mexico's withdraw from its challenge to be in effect. Oklahoma remains under the 2015 rule. EPA challenged the ruling on applicable date, but as of March 10, 2019, EPA will not continue pursuing the challenge and will rely on finalization of new rule under Step 2. Until a new rule is finalized, the agencies will continue to implement the longstanding regulatory definition, consistent with the 2003 and 2008 agency guidance interpreting that definition in light of the *SWANCC* and *Rapanos* Supreme Court decisions.

On June 15, 2018, the agencies sent a proposed Step 2 rule to redefine waters of the United States to OMB for interagency review. On December 11, 2018, EPA and the Army signed a proposed rule providing a clear, understandable, and implementable definition of "waters of the United States" that clarifies federal authority under the Clean Water Act while respecting the role of states and tribes in managing their own land and water resources. The proposed rule was published in the federal register February 14, 2019 with a 60 day comment period [Docket ID No. EPA-HQ-OW-2018-0149]. Therefore, April 15 was the due date to provide comments. EPA received 620,000 comments.

EPA and the Army hosted public meetings February 27-28, 2019, in Kansas City. Approximately 125 individuals were present each hearing. In addition, The Agencies are hosting three meetings to get input from State and Tribal agencies. The Atlanta meeting was held March 12, 2019, Albuquerque, New Mexico, March 26 for States and March 27 for Tribes. A third one was in Seattle on April 3.

Over the coming months EPA will be responding to comments received with plans to finalize the new definition by late fall.

More information about the Waters of the U.S. Rulemaking can be found at
https://www.epa.gov/wotus-rule
Randy Rush, 214-665-7107

MODERNIZING PUBLIC HEARINGS FOR WATER QUALITY STANDARDS (NEW-JULY 2019)

Under CWA section 303(c) and the federal regulation at 40 CFR 131.20, Indian tribes and states hold public hearings when adopting initial (Tribal) water quality standards (WQS), or when conducting triennial revisions of WQS. Public hearings are held in accordance with provisions of tribal or state law, as well as EPA's public participation regulation at 40 CFR 25.5 (published in 1979). EPA's Office of Science and Technology has developed guidance which identifies options for using modern technology in the public participation process for adoption of new or revised WQS (available at: https://www.epa.gov/wqs-tech/options-modernizing-public-hearings-water-quality-standard-decisions-consistent-40-cfr-255). Examples include, but are not limited to: posting proposed WQS on websites (rather than mailing paper copies); providing

notification of proposed WQS revisions by email (rather than mailing letters); and, holding a public hearing via a web conferencing platform. Appendix B of the guidance includes a checklist that may be useful in planning informational webinars. The guidance document does not impose any new requirements on Indian tribes or states, which have flexibility to use selected elements that are useful in their programs. ***Diane Evans, 214-665-6677.***

TRIBAL FUNDING

REGION 6 TRIBES SUBMIT RECORD NUMBER OF APPLICATIONS FOR CLEAN WATER ACT (CWA) SECTION 106 FUNDING (NEW-JULY 2019)

EPA Headquarters has allocated about $3,800,000 in CWA Section 106 Water Quality Monitoring Program grants for forty-four tribes in EPA Region 6. The funding opportunity announcement was released in mid-November 2018, and applications were due in Grants.gov by March 8, 2019. These new projects will be managed by the Assistance Programs Branch of the Water Division. ***Barbara Schrodt, 214-665-7138***

CWA SECTION 319(h) COMPETITIVE FUNDS (UPDATED-JULY 2019)

Staff from Watershed Management (6WQ-EW) began the reviewing process of 55 tribal competitive §319 proposals for fiscal year 2019. EPA solicited proposals pursuant to Section 319 of the Clean Water Act (CWA) from eligible tribes and intertribal consortia to develop and/or implement watershed-based plans and on-the-ground projects that will result in significant steps towards solving Nonpoint Source (NPS) impairments on a watershed-wide basis. Of the 55 proposals, 7 were from Region 6 tribes. This is a tremendous increase from the previous years. Tribes have increased their proposal submissions by 2.5 times since 2016, bringing Region 6 to represent 13% of the national proposals.

The review deadline for this solicitation ended on April 10th, 2019. Following the review process, proposals from Pueblo of Santa Ana, Pueblo of Tesuque, and Pueblo of Santa Clara were selected for potential funding***. Nikole Witte, 214-665-2781; Kara Alexander 214-665-7312; Sam Reynolds, 214-665-6682***

STATE REVOLVING FUNDS TRIBAL SET-ASIDES (UPDATED-JULY 2019)

The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) Grant Programs have begun the FY 2019 award process. CWISA will award a total of $2,618,000 while DWTSA will award $2,337,000.

The Region's 2019 CWISA program has selected a total of ten projects. Six projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Osage Tribes – Grey Horse Sewer Rehab ($425,000), Cherokee Nation – Collection System Rehabilitation ($425,000), Choctaw Tribe – Wilburton Sewer Rehab ($100,000), Chickasaw Tribe – Tishomingo Wastewater Collection System Improvements ($80,000), C&A Tribe – Concho Sewer Manhole Replacement & Smoke Test ($16,000), and Cherokee Nation- Inola Wastewater System Rehabilitation ($125,000). Four projects were selected in coordination with the Albuquerque IHS office; Ohkay Owingeh – Lift Station Protection ($150,000), Pueblo of Cochiti – Main Village Lagoon Liner Repair ($331,000), Pueblo of Zia – Chamisa Lagoon Expansion Phase 1 of 2 ($302,500) and Mescalero Tribe – Goat Summit Lagoons ($663,500).

The Region's 2019 DWTSA program has selected a total of twelve projects. Six projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Cherokee Nation – TPWA – Blue Bird Dr WLX ($30,000), Choctaw Tribe – Leflore RWD #14 Tower Rehabilitation TTHM Reduction ($82,000), Cherokee Nation – Ironside Water District – Transmission and System Rehabilitation ($223,000), Choctaw Tribe – Boswell Tower Aeration Rehabilitation ($23,000), Choctaw Tribe – McCurtain Distribution and Chlorination Improvements ($42,000) and Eastern Shawnee Tribe – PWS Water Tower Lightning Protection ($47,000). Six projects were selected in coordination with the Albuquerque IHS office; Pueblo of Zuni – Well Disconnection & Abandonment ($229,000), Pueblo of Zuni – Water Source Emergency Power ($389,000), Pueblo of Taos – Pressure Reducing Valve Replacement ($407,000), Pueblo of Isleta – Westside WL Replacement 2 ($599,000), Ohkay Owingeh – SCADA Connections ($99,675) and Pueblo of Laguna – Encinal Backup Water Source ($166,325).

The CWISA and DWTSA programs are expected to have all associated and selected projects funded by September 30, 2019. ***Dena Hurst, 214-665-7283, Anisa Pjetrovic, 214-665-6446, Sal Gandara, 214-665-3194***

WETLAND PROGRAM DEVELOPMENT GRANTS (UPDATED-JULY 2019)

The 104(b)(3) Wetland Program Development Grants are competitive grants that are part of the EPA Enhancing State and Tribal Programs effort. Funds from these grants can be used to develop and implement a Wetlands Program Plan (WPP). The Core Elements Framework (CEF) outlines the 4 core elements a WPP may include, which are: Monitoring and Assessment, Regulatory Activities including 401 Certification, Voluntary Restoration and Protection, and Water Quality Standards for Wetlands. However, the development of a WPP allows tribes to implement the CEF based on their individual program goals and available resources.

Ten percent of the total national WPDG funds is set aside for a national and regional tribal-only competition (about $1.3 million per year). Tribes may apply to both RFAs with the same or different proposals. We anticipate the RFAs to be very similar in regard to requirements and selection criteria. The 2019/2020 tribal-only RFA closed on May 3, 2019. The applications are currently under review. We anticipate final selections will be made early July 2019 with awards being made by September 30, 2019.

The Region 6 2019/2020 Request for Applications closed on May 24, 2019 and the applications are currently under review. Our regional solicitations are on a two-year cycle. For more information, please see https://www.epa.gov/wetlands/wetland-program-development-grants and https://www.epa.gov/wetlands/what-enhancing-state-and-tribal-programs-effort

Wanda Boyd, 214-665-6696; Sondra McDonald, 214-665-7187

TREATMENT AS A STATE (TAS) FOR CWA 319(h) (UPDATED-JULY 2019)
Pueblo of Nambe New Mexico submitted a CWA 319(h) application for "Treatment in The Same Manner as A State" on November 09, 2018. The Tribe's 319(h) TAS application is under review with a projected date of approval before September 30, 2019.

Pueblo of Laguna's Nonpoint Source Management Plan and Assessment Report were approved and the entire application is in the final stages of review.
Sam Reynolds 214-665-6682

TRIBAL TRAINING

EPA / TRIBAL WATER QUALITY DATA ASSESSMENT TOOL PILOT PROJECT (UPDATED-JULY 2019)
EPA / Tribal Water Quality Data Assessment Tool Pilot Project (UPDATED-JULY 2019)
The Tribal ATTAINS pilot has completed the 2nd and final year! In 2016, the pilot started with 15 tribal participants representing Regions 5, 6, & 9. At the end of the 2nd year, we retained 11 tribes. Most of the remaining tribes have completed their final submission but some are still working on their report and/or addressing EPA comments.
Mentoring Development:
The pilot tribes will be trained to teach others about assessments and the ATTAINS system.

- The pilot tribes, EPA, & ITEC are starting a new phase of the pilot by initiating and developing the training of mentor tribes.
- This is a joint effort utilizing EPA, ITEC, and pilot tribes resources and direct observational input.
- In addition, the pilot tribes and EPA are identifying ATTAINS prerequisites for those tribes who want to participate in ATTAINS nationally.

Planning:

- The current goal is to introduce tribes in a phased approach, bringing individuals on slowly starting in January of 2020, to report in 2021.
- EPA is planning a training in the spring of 2020 for interested tribes. The pilot team is in the process of developing tribal assessment training modules that will be used to help tribes establish program capacity. In addition, the electronic reporting mechanism will be introduced.

As described by the tribes in the pilot, ATTAINS is not an easy button but this process has greatly expanded their water quality programs. Similarly, we can now describe the water quality on tribal lands and we never could before.

For those interested in participating in ATTAINS, there will be a memo sent to the EPA regions describing the next phase in the pilot and outlining perquisites. Then, we will start identifying the new phase of tribal participants.
Laura Shumway 202-566-2514; Laura Hunt, 214-665-9729; Tami Sundquist 214-665-8360;

NPDES PERMITS

STATUS OF NPDES PERMITS (UPDATED-JULY 2019)

During fiscal year 2019, EPA Region 6 will or may be working on several NPDES permits in New Mexico, Oklahoma, and Louisiana located on or in proximity upstream to potentially affected Tribes: New Mexico: Roca Honda Resources Uranium Mine; Albuquerque-Bernalillo Co. WUA WWTP, Grants WWTP, Kirtland AFB, Ramah Water & Sanitation, Chama WWTP, Tesuque Pueblo Casino WWTP, San Felipe WWTP, Tesuque Casino WWTP, and Bloomfield WWTP; Louisiana: Chitimacha WWTP and Choctaw Pines Casino WWTP. General Permits already proposed or in the works include: Hydrostatic Test Temporary Discharge General Permit (NM, OK & TX) and a general permit for Municipal Separate Storm Sewer Systems (MS4) in New Mexico (primarily for those in the Santa Fe, Las Cruces, El Paso, Los Lunas, and Farmington areas). Affected tribes will receive copies of the draft permits at the time of proposal for review during the public comment period or CWA Section 401 certification as appropriate. Tribal consultation will be available to the affected tribes. ***Brent Larsen, 214-665-7523***

LOS ALAMOS COUNTY MUNICIPAL SEPARATE STORM SEWER (MS4) DESIGNATION PETITION (UPDATED-JULY 2019)

EPA proposed to designate portions of Los Alamos County as a municipal separate storm sewer system (MS4), which establishes requirements to reduce pollution carried by storm water run-off and will help restore waters in the area that are too polluted. The proposed designation is in response to a petition filed by Amigos Bravos for a determination that storm water discharges in Los Alamos County are contributing to violations of water quality standards in certain impaired waters and therefore, require a discharge permit and designation as an MS4. After review of the petition, information provided by LANL and Los Alamos County, and the state's water quality assessment, EPA made a preliminary determination that stormwater discharges on Los Alamos National Lab (LANL) property and urban portions of Los Alamos County result in exceedances of state water quality standards. The Proposal was published in the Federal Register on March 17, 2015. A final decision is expected in 2019, concurrent with development of a permit(s) with input from stakeholders ***Nasim Jahan 214-665-7522***

LOS ALAMOS NATIONAL LABORATORY (LANL) NPDES PERMIT (UPDATED-JULY 2019)

EPA Region 6 proposed reissuance of the NPDES permit for stormwater discharges from Los Alamos National Laboratory in Los Alamos, New Mexico in March 2015 and the extended public comment period ended June 25, 2015. EPA held a public meeting prior on the proposal in Los Alamos on May 6, 2015. The individual storm water permit regulates storm water runoff from about 400 Solid Waste Management Units (SWMUs) and Areas of Concern. LANL has installed over 1000 BMPs to eliminate or mitigate runoff from those sites. The current permit has been administratively continued. While EPA has been working with NMED to resolve a few controversial issues, new information becomes available. LANL has requested EPA to re-propose the permit based on new information. EPA has been working with stakeholders including permittees, environmental/citizens groups and New Mexico Environment Department (NMED) since September 2018 in discussions of new permit conditions. LANL plans to submit the official Application Modification by July 2019 and a revised permit proposal is expected in 2019. ***Isaac Chen 214-665-7364***

UNDERGROUND INJECTION CONTROL

INDUCED SEISMICITY (UPDATED-JULY 2019)

Seismicity levels in Oklahoma have continued to drop following the September 3, 2016 Magnitude 5.8 earthquake near Pawnee; the November 2, 2016 M4.3 event near Pawnee; and the November 6, 2016 M5.0 event near Cushing, due to strong measures taken by the Oklahoma Corporation Commission. The Region has commended the OCC for its robust actions since the seismic events of late 2016. In 2018, Region 6 approved disposal well operations into a shallower zone on a lease that had shut down Arbuckle disposal operations following the 2016 M5.8 Pawnee event. Prior to this approval, the Region required static reservoir pressure measurements in the Arbuckle Formation and new disposal zone (Mississippi Formation) that confirmed the two zones were hydraulically isolated. This action allowed the lease to resume production operations. ***Philip Dellinger, 214-665-8324***

DRINKING WATER

VOLUNTARY LEAD SAMPLING AT TRIBAL SCHOOLS AND CHILDCARE FACILITIES (UPDATED-JULY 2019)

Starting in the summer of 2018, Region 6 initiated a voluntary Lead sampling program at tribal schools and childcare facilities served by public water systems regulated by EPA Region 6, which involves partnering with Tribal Nations whose drinking water is regulated by EPA Region 6. Tribal officials, water operators, school administrators, and EPA staff work together to identify sampling locations and conduct lead sampling at Tribal schools and childcare facilities within Region 6. The Region 6 Safe Drinking Water Branch is notifying the tribes as results are received from the Region 6 Houston Lab, and providing recommended follow up options to the tribes for their consideration and implementation. EPA recognizes that effective protection of Tribal drinking water is a shared concern involving Tribal governments, public water systems, consumers, and stakeholders, and encourages the facility and/or tribe to take action if any lead is found. Region 6 appreciates the collaboration and cooperation of Tribes on the implementation of this voluntary Lead sampling project. ***Loribeth Tanner, 214-665-8153, Meaghan Bresnahan, 214-665-8354***.

SANITARY SURVEY IMPLEMENTATION AND OVERSIGHT (UPDATED-JULY 2019)

Region 6 and its technical assistance providers continue to conduct Sanitary Surveys for all public water systems every three years under the Groundwater Rule (GWR) and Surface Water Treatment Rule (SWTR). Region 6 would like to emphasize to Tribes the need to correct significant deficiencies within the specified time frame (120 days for groundwater systems and 45 days for surface water systems) or submit a schedule to correct them within that timeframe. Uncorrected significant deficiencies result in a violation and are subject to Public Notification requirements and possible enforcement action. Region 6 appreciates the documentation from Tribal operators who have communicated with EPA to show deficiency corrections. ***Meaghan Bresnahan, 214-665-8354***

REVIEW OF WATER INFRASTRUCTURE PLANS (UPDATED-JULY 2019)

If a tribe is having new infrastructure built or adding to current infrastructure, such as a well or a treatment system, EPA strongly encourages the tribe to send their engineering design plans to EPA Region 6 in advance for compliance reviews. We review these plans to make sure the new infrastructure will be in line with the regulations so that the system does not receive significant deficiencies during subsequent sanitary surveys, saving the tribes money and time. The point of contact for plan reviews is Jose Lugo-Figueroa, who can be reached at lugo-figueroa.jose@epa.gov or 214-665-6476. Region 6 appreciates that Tribes are submitting water projects for EPA to review. These compliance reviews allow EPA, the Tribe, and IHS to proactively prevent compliance issues before project construction begins. ***Jose Lugo-Figueroa, 214-665-6462***

Air and Radiation Division

Air Programs Branch

Treatment as a State (TAS) for the Clean Air Act (CAA)

Pueblo of Santa Ana – On April 30, 2019, Region 6 approved a TAS application from the Pueblo of Santa Ana requesting CAA authority under §105, §505(a)(2), §107(d)(3), and §126. The EPA's decision allows the Pueblo of Santa Ana to apply for reduced match grants under §105 of the CAA. Additionally, the decision entitles the Pueblo to receive notices in the manner as affected states under CAA §§107(d)(3), 126, and 505(a)(2).

Pueblo of Laguna – On April 1, 2019, the Pueblo of Laguna submitted a TAS application requesting CAA authority under §107(d)(3) and §126. The application is currently being reviewed and a *'Notification of Completion'* will be mailed to the Pueblo within 30 days of its determination. Notification letters will also be sent to Affected and Non-Affected Governmental Entities acknowledging the Pueblo's submission as well as requesting comments on the information asserted in the documentation. In conjunction with these letters, Region 6 will also initiate a 30-day *Public Comment* period by posting a statement in the appropriate newspaper(s) and on websites to include EPA's webpage at www.epa.gov/publicnotices. The Pueblo was previously approved for CAA authority under §105 and §505(a)(2) in October, 2011. ***Frances Verhalen, 214-665-2172.***

Funding and Grants

For FY2019, EPA Region 6 received $1,051,000 in federal funds to support assistance agreements under statutory provisions of the CAA §103 and §105. Fifteen tribal proposals totaling over $1.7 million in funding requests were received, and 10 projects were chosen for award assistance. All awards will be finalized by September 30, 2019. The next funding announcement for Tribal air projects is expected to be sent to all Tribal environmental offices, via email notification, in December 2019. ***Aunjaneè Gautreaux, 214-665-7127.***

Regulations

Affordable Clean Energy Rule: On June 19, 2019, EPA issued the Affordable Clean Energy Rule (ACE), an effort to provide existing coal-fired electric utility generating units (EGUs) with achievable and realistic standards for reducing greenhouse gas (GHG) emissions. This action was finalized in conjunction with two related, but separate and distinct rulemakings:

- The repeal of the Clean Power Plan (CPP)
- Revised implementing regulations for ACE, ongoing emission guidelines, and all future emission guidelines for existing sources issued under the authority of the CAA §111(d).

ACE provides states with new emission guidelines that will inform the state's development of standards of performance to reduce carbon dioxide (CO_2) emissions from existing coal-fired EGUs – consistent with EPA's role as defined in the CAA.

More information can be found at:
https://www.epa.gov/stationary-sources-air-pollution/affordable-clean-energy-rule

Guidebook for Energy Efficiency Evaluation, Measurement, and Verification: EPA released a new Guidebook for Energy Efficiency Evaluation, Measurement, and Verification that draws from and builds on decades of state, local, and private-sector experience quantifying and verifying savings from energy efficiency projects and measures. The EM&V Guidebook is designed to help state, local, and tribal air and energy officials—as well as key stakeholders such as utility energy efficiency implementers—learn about, establish, or refine their EM&V approaches. The EM&V Guidebook can also help air officials understand the basics of EM&V and work with their energy counterparts to capture the air quality and public health benefits of these existing investments. The guidebook is also designed to:

- Describe key EM&V topics, methods, and approaches
- Ensure that customer-funded EE policies and programs are achieving intended results in a cost-effective manner
- Ensure that EM&V is carried out in a well-documented, rigorous, and consistent manner

The EM&V Guidebook may also help jurisdictions who want to collaborate on air and energy goals, evaluate the resulting air and energy impacts, and plan new policies and programs.

Draft Guidance: Interpreting "Adjacent" for New Source Review and Title V Source Determinations in All Industries Other Than Oil and Gas: On September 3, 2018, EPA issued guidance for interpreting adjacency for source determinations for all sources except for oil and gas sources. For oil and gas sources the interpretation of adjacent was finalized in the June 3, 2016, (81 FR 35622) to include those shared facilities within a quarter mile distance from the regulated source. EPA provided an opportunity for interested stakeholders to review and comment on draft guidance by October 5, 2018. The final guidance is expected to come out late Spring 2019/early summer 2019.

New Source Review and Title V operating permit programs apply to “stationary sources” where emissions exceed established thresholds. To determine what comprises a source, three factors must be satisfied: the operations must be under common control; they must be located on contiguous or adjacent properties; and, they must fall under the same major standard industrial classification (SIC) code. In this guidance being developed for all industries, other than oil and natural gas production and processing, the EPA provides an interpretation of adjacency that only considers physical proximity. The draft guidance can be found at:
https://www.epa.gov/sites/production/files/2018-9/documents/draft_adjacent_policy_memo_9_04_2018.pdf. ***Bonnie Braganza, 214-665-7340.***

SIP approvals for State Air Permit Programs

No adverse comments were received on the proposed approval of the Albuquerque minor NSR program in April and June of 2019. It is expected that the final approval will take place in

August 2019. This SIP approval is for the city of Albuquerque to issue all minor NSR permits for sources within their jurisdiction

EPA is currently reviewing the Oklahoma public notice and minor NSR submittals and hopes to act on these submittals in the Fall 2019 and Spring of 2020.

Review of the National Ambient Air Quality Standards (NAAQS): The Clean Air Act requires EPA to periodically review the NAAQS to ensure that they provide adequate health and environmental protection, and to update those standards as necessary. EPA is currently reviewing the 2015 Ozone NAAQS and we expect to release a draft Integrated Science Assessment (ISA) for ground-level ozone this summer. The ISA is a comprehensive review, synthesis, and evaluation of the most policy-relevant science, including key science judgments that are important to inform the development of the risk and exposure assessments, as well as other aspects of the NAAQS review. The draft will provide the public with at least a 30-day review and comment period. A Risk/Exposure Assessment (REA) typically follows the ISA, drawing upon information and conclusions presented in the ISA to develop quantitative characterizations of exposures and associated risks to human health or the environment associated with recent air quality conditions and with air quality estimated to just meet the current or alternative standard(s) under consideration. The REA includes a characterization of the uncertainties associated with such estimates. To view the current review documents for ground-level ozone, please visit https://www.epa.gov/naaqs/ozone-o3-air-quality-standards.

EPA is also reviewing the NAAQS for Particulate Matter (PM). A draft ISA for PM was released in October 2018 and we expect to release the draft REA for PM later this summer, including a public review period of at least 30 days. To view the current review documents for PM, please visit https://www.epa.gov/naaqs/particulate-matter-pm-standards-federal-register-notices-current-review.

EPA expects to complete its review of both the ozone and PM NAAQS in 2020. Taking into consideration the information in the ISA, REA(s), and Policy Assessment, and the advice of the Clean Air Scientific Advisory Committee (CASAC), EPA will develop and publish a notice of proposed rulemaking that communicates the Administrator's proposed decisions regarding the review of the NAAQS. A public comment period, during which public hearings are generally held, follows publication of the proposed rulemaking. Taking into account comments received on the proposed rule, EPA will issue a final rule. ***Carrie Paige, 214-665-6521.***

Residential Wood Smoke

OAQPS has developed an overview of the Wood Heater Emissions Reduction Act (WHERA) legislation that was introduced in the last congress by Senator Carper (DE) and Senator Murkowski (AK). To read the legislation click here. ***Randy Pitre, 214-665-7299***

Permitting

DJR Operating LLC Resources has started operations of the compressor station that is located

at the current well sites (Bonanza and Chacon Amigos) on Jicarilla Apache reservation. The source remains a true minor source per 40 CFR 49.153. A new FIP was posted at EPA website on April 18, 2019, for a new compressor at the Ojito compressor station on Jicarilla Apache reservation. Harvest Four Corners LLC are the new owner/operators of the Ojito compressor station. All FIP actions are at: https://www.epa.gov/caa-permitting/fip-oil-and-gas-epas-south-central-region

EPA has approved the ESA/NHPA analyses of the Choctaw nation's proposed gasoline dispensing facility. This facility will be authorized by the permit by rule PBR and will be constructed and operated as in 40 CFR § 49.164. The notification of coverage will be posted on the EPA website at:

The Choctaw Nation provided an incomplete permit application for modification to the Choctaw Defense facility in January 2019. When additional information is provided for a complete permit application, EPA will co-ordinate consultation with the neighboring tribes.

Monarch Waste Technologies has completed the testing as required by the Hospital and Infectious Medical Waste incinerators (NSPS Ec) regulation. The report will be reviewed by our regional compliance and enforcement division. Monarch will then provide EPA with a new Title V permit application process of obtaining an approved test plan as required by the NSPS for EPA will provide early notification and a consultation opportunity to the adjacent tribal nations upon receipt of a complete Part 71 operating permit application. ***Bonnie Braganza, 214-665-7340.***

Tribal Registrations: EPA Region 6 continues to accept registrations of facilities that have operated prior to September 2, 2014, and changes to the ownership of existing registered facilities. ***Bonnie Braganza, 214-665-7340.***

Mission Support Division

EPA REGION 6 NEW OFFICE ADDRESS

During the month of June EPA Region 6 moved into new offices at the Renaissance Tower in downtown Dallas. The new EPA Region 6 address is:

US EPA Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Please see the link below on more information when visiting the EPA Region 6 office:

https://www.epa.gov/aboutepa/visiting-epas-region-6-office-dallas

If you have questions on visiting the EPA Region 6 office, you may contact your GAP project officer or myself. ***Randy Gee, 214-665-8355***

BUDGET UPDATE

On February 15, 2019, President Trump signed the Consolidated Appropriations Act, 2019 (Public Law 116-6). The Agency's overall funding for FY2019 is $8.8 billion, which is $25 million above the 2018 Enacted Budget. Our approved Operating Plan contained a $210.5 million rescission that was written into the Consolidated Appropriations Act, of which $139 million was from the State and Tribal Assistance Grants. At this time, we do not have any information regarding the FY2020 budget process. ***Budget Officer - John Spelman, 214-665-7425***

Laboratory Services and Applied Science Division

EPA Region 6 recently informed affected employees of its plan to significantly enhance its scientific capabilities in support of EPA's mission by co-locating campuses of the Regional Environmental Laboratory in Houston with the Robert S. Kerr Environmental Research Center in Ada, Oklahoma. This co-location effort complies with a 2016 federal law directing federal agencies to reduce the federal government footprint and decrease the amount of leased space used by federal agencies. EPA laboratories provide cutting-edge scientific support in the most efficient and effective manner to meet the scientific demands associated with achieving our agency's critical mission.

This effort should be completed within 3 years and will not reduce the number of employees dedicated to scientific support within the region. The EPA expects to save roughly $1.8M annually in lease and facility expenses; and reduce the agency lab space by approximately 41,000 gsf. Region 6 will not reduce the number of employees dedicated to scientific support within the region.

Federal employees affected by this co-location will be given the option to relocate from Houston to Ada, Oklahoma. The agency will pay for relocation costs. EPA will retain a smaller presence in Houston to continue to support emergency response personnel, inspectors, public affairs and criminal enforcement officers.

Regional Environmental Laboratory in Houston is a full-service analytical laboratory providing routine and specialty environmental analytical services for EPA programs in the five-state region of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Region 6 is also home to 66 federally recognized tribes. The Office of Research and Development (ORD) is the scientific research arm of EPA, whose leading-edge research helps provide the solid underpinning of science and technology for the Agency.

In December 2012, EPA began a study of its laboratory enterprise to identify opportunities to increase efficiency and effectiveness while ensuring the agency's ability to continue to provide the preeminent research, science, and technical support critical to advance our mission. By co-locating both laboratory and research enterprises at a single campus, the EPA anticipates many additional benefits to be realized over time; including benefits under the Memorandum of Understanding with the Chickasaw Nation to sustain and improve community health, meet environmental protection goals, and provide sustainable resources for future generations. In addition, co-locating enterprises saves the federal government money by reducing private lease space.

QA UPDATE

EPA Region 6 will provide Quality Assurance Training in New Mexico (Aug 27-29) and Arkansas (Sept 3-5). Announcements of this training will be distributed soon. Quality Assurance staff has coordinated with tribal partners on the training. ***Sala Senkayi, 214-665-6477***

Land, Chemical and Redevelopment Division

RCRA, Brownfields, and Solid Waste Branch

Grants

The Office of Land and Emergency Management at EPA Headquarters annually awards a limited number of grants to Tribes under the statutory provisions of the Resource Conservation and Recovery Act, Subtitle C, Hazardous Waste Management Grant Program for Tribes. These grants are for the development and implementation of hazardous waste programs and for building capacity to address hazardous waste management in Indian country. The FY19 solicitation for proposals has been posted on OLEM's Grants and Funding web page (https://www.epa.gov/grants/fy-2019-hazardous-waste-management-grant-program-tribes). The closing date is August 1, 2019. ***Maurice Hill, 214-665-8523***

Regulations

e-Manifest: An e-Manifest Fee Increase is anticipated to be published in July on EPA's website (https://www.epa.gov/e-manifest) and through the e-Manifest listservs. The new user fees will be in effect from October 1, 2019, through September 30, 2021. ***Sontina Powell, 214-665-7350***

RCRA Facility Updates

Fort Wingate Depot Activity, New Mexico: Fort Wingate Depot Activity (FWDA) closed under Base Realignment and Closure (BRAC) in 1993. Closure and post-closure are managed under a New Mexico Environment Department 2005 state Resource Conservation and Recovery Act (RCRA) permit for closure and post-closure. Most of the facility is scheduled to be returned to the Navajo Nation and the Pueblo of Zuni. Twelve of the facility's 25 land parcels, totaling 8,350 acres, were transferred to Department of Interior (DOI) and removed from the RCRA permit. Major remediation work at the former Open Detonation/Open Burn (OB/OD) Area resumed in July 2017, with completion expected 2021-2022. Site-wide investigation and remediation continues; Army is working to complete non-OB/OD remediation by the end of 2020. However, the Army requested an extension from NMED for 3 – 5 years due to stated funding and contracting issues. NMED, after some discussions with Army, issued in June 2019 a Notice of Violation With Proposed Penalties to Army, based upon failure to meet Permit schedules. Tribal, BIA and EPA participation continues under the base closure process. The regularly-scheduled Base Closure Team meeting in Gallup for May 2019 has been postponed. ***Laurie King, 214-665-6771***

Los Alamos National Laboratory Hexavalent Chromium Groundwater Plume, New Mexico: Potassium dichromate was used in the cooling tower at the Los Alamos National Laboratory (LANL) Technical Area 3 backup power plant from 1956 to 1972. It is estimated that up to 72,000 kg of hexavalent chromium cooling water from the power-plant was discharged into Sandia Canyon. The discharged water traveled perennially downstream approximately two miles to an infiltration point in Sandia Canyon. The chromium-tainted water migrated downward and contaminated the regional aquifer at a depth of approximately 1000 feet below ground

surface. To date, the maximum concentration of Cr detected in the regional aquifer is about 1,200 ppb. The size of the chromium plume has expanded to about one mile in length and one-half mile in width. Plume characterization data suggest that the chromium is present within the upper 100 feet of saturation. Three Los Alamos County drinking-water production wells are located just outside the plume boundary and are closely monitored by the New Mexico Environment Department and LANL. Monitoring well SIMR-2, located on Pueblo de San Ildefonso and slightly off-gradient of the main-plume front along the southern facility boundary contains chromium at 4.30 ppb as represented from the most recent monitoring event. The New Mexico Environment Department standard is 50 ppb. The average background concentration of hexavalent chromium in the regional drinking-water aquifer is 4.60 ppb, with an upper tolerance limit at 7.48 ppb. An Interim Measures (IM) plume control project was implemented by LANL in 2015, consisting of five extraction wells and five injection wells. CrEX-4, the fourth extraction well, was installed in late 2017. CrEX-4 is located closer to the plume centroid and should be operational by early 2019. The fifth and most recent extraction well, CrEX-5, is located near the downgradient northeastern edge of the plume. CrEX-5 will be in operation in mid-2019. Currently, the Cr IM system is partially operational with pumping at extraction wells CrEX-1 and 2 (CrEX-3 is currently shutdown), followed by treatment and injection at injection wells CrIN-3, 4, and 5 with the objective of achieving and maintaining a 50-ppb downgradient plume edge within the facility boundary. The IM system should be fully operational by mid-2019. In addition, pilot-scale insitu remediation testing using amendments is being conducted within the plume area at several wells. A Corrective Measures Evaluation for the chromium plume is due in September 2021. ***Laurie King, 214-665-6771***

SOLID WASTE

MOU Between IHS and EPA: This has been a major effort for the last several of years and needed to further clarify how EPA and IHS will work together, especially with open dumps. Region 6 was on the original workgroup for this. There are six focus areas in the MOU mainly dealing with IHS committing to data cleanup in WSTARS database, how they will involve EPA Regions, and will field visits be needed for the high priority dumpsites to be verified. We will be reaching out to tribes and IHS to identify improvements to the WSTARS database. ***Kishor Fruitwala, 214-665-6669***

Tribes With Integrated Waste Management Plans: The Region will be reaching out to all of the tribes to update our inventory of who has an IWMP approved by the tribe and who needs technical assistance. ***Kishor Fruitwala, 214-665-6669***

Solid Waste Activities in Revised GAP Guidance: The revised GAP Guidance is anticipated to be distributed for tribal consultation later this summer/early fall. The guidance will affect some of the solid waste elements of tribal programs. The Solid Waste program will be working closely with the GAP program to provide technical assistance on changes in allowable activities and procedures for cleaning up open dumpsites. ***Kishor Fruitwala, 214-665-6669***

BROWNFIELDS

128a Tribal Response Program Updates:

- Region 6 has received 14 State and Tribal grant proposals for the FY19 128(a) grants, including seven tribes with the Pueblo of Santa Ana applying for the first time. EPA expects to complete the funding of the grants by the end of August 2019. ***Althea Foster, 214-665-2268***
- The Eight Northern Indian Pueblos Council and the Muscogee (Creek) Nation also applied for the new additional Small Technical Assistance Grant for outreach to small or disadvantaged communities. ***Althea Foster, 214-665-2268***
- EPA will present at the ITEC Conference on July 24th with a session covering Tribal Brownfields/Solid Waste/and Hazardous Waste. ***Althea Foster, 214-665-2268***
- There is a Brownfields Workshop hosted by ODEQ in Guymon, OK from August 28-29 and co-hosted by EPA Region 6,7 and 8. This workshop is free and all tribes are welcome to attend. ***Althea Foster, 214-665-2268***

TARGETED BROWNFIELDS ASSESSMENT ACTIVITIES

Kickapoo Tribe of Oklahoma: The Phase II ESA to survey for lead-based paint inside and outside of the Kickapoo Heritage Gym was completed and sent to the Kickapoo Tribe in March 2019. In March 2019, final selection of cleanup contractor was completed in March 2019, under the Brownfields Cleanup grant awarded to the Kickapoo Tribe of Oklahoma to abate asbestos and lead-based paint. EPA project officer is scheduled to meet with Kickapoo Tribe regarding the Heritage Gym - Brownfields Cleanup in July 2019. ***Althea Foster, 214-665-2268***

Santa Clara Pueblo: Due to Fort Worth/Tulsa District USACE contracting process challenges, Region 6 reassigned Bridge Radiator Shop Phase II ESA to New Orleans District USACE in April 2019. New Orleans District USACE contractor will undertake field activities for Phase II ESA in July/August 2019 and will complete Phase II ESA by October 2019. Santa Clara Bosque, Illegal Dumping and Illegal Drug Use -Santa Clara Pueblo requested Brownfields assessment assistance on the Bosque, (definition - a type of gallery forest habitat found along the riparian flood plains of stream and river banks in southwest US) behind the Santa Clara Casino in Espanola because of impacts from illegal dumping activities and illegal drug uses in December 2018. Santa Clara Pueblo wants to reclaim the Bosque into open greenspace with hiking trails similar to the Urban Water project in Albuquerque. EPA Region 6 agreed to undertake Phase I, II and III ESA on the Bosque site. A kick-off conference call with Santa Clara Pueblo to discuss TBA process and assistance with "bosque site" in March 2019. ***Althea Foster, 214-665-2268***

Cochiti Pueblo: Cochiti Gravel Mine cleanup/stabilization plan was finalized in March 2019. EPA Region 6 and NMED met with Cochiti Pueblo about Cochiti Gravel Mine cleanup/stabilization plan in March 2019. TBA contractor conducted briefing for the Cochiti Pueblo to explain the Cochiti Gravel Mine cleanup/stabilization plan in May 2019. The University of New Mexico Architecture School, Indigenous People Program worked with Cochiti Pueblo as a 2019 Spring Class Project to refine proposed reuse of Cochiti Gravel Mine site. The University presented reuse plan to Cochiti Pueblo in May 2019. ***Althea Foster, 214-665-2268***

Acoma Pueblo: The Phase II ESA to survey for asbestos, lead-based paint, site visit to complete hazardous substances survey of the closed U.S. Department of Commerce Economic Development Administration building (EDA building) in Acomita Village was finalized and sent to Pueblo in March 2019. Acoma Pueblo hired abatement contractor to abate asbestos containing material in former EDA building in June 2019, using tribal general funds. Acomita Village - Closed Routzen Gas Station - Acoma Pueblo requested Brownfields assessment assistance on closed Routzen Gas Station in December 2018. Acoma Pueblo wants to redevelop property into a tribal visitor center/convenience-gas station for visitors and tribal members. EPA Region 6 agreed to undertake Phase I, II and III ESA on closed Routzen Gas Station. ***Althea Foster, 214-665-2268***

Pesticides, Toxics, Underground Tanks Branch

Grants

Pesticide Program Grants: Cooperative agreements were awarded to two tribal consortia, the Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) on September 13, 2018, to assist member tribes in building capacity to establish and maintain pesticides programs. The goal of the tribal pesticides program is to make tribes aware of the benefits and risks of pesticides and the requirements for their safe use, thereby safeguarding human health and the environment. These grants have been fully funded for FY2019. ***Elizabeth Reyes, 214-665-3163/Eric Nystrom, 214-665-6752***

Lead Paint Program Grants: The Cherokee Nation of Oklahoma was awarded a grant on September 11, 2018, to conduct a Lead Based Paint Program. The focus of the program is maintaining the appropriate infrastructure to successfully administer and enforce the lead based paint program; providing training for lead inspectors; and, conducting inspections of licensed contractors engaged in lead-based activities and taking appropriate enforcement when needed. These grants have been fully funded for FY2019. ***Mike Adams, 214-665-6711***

Underground Storage Tanks (UST): The ITEC and ENIPC on-going grants provide compliance assistance to tribal UST owners and operators. The work of these two organizations has been instrumental in maintaining a compliance rate of over 85% at Region 6 Tribal facilities for the last three years. These grants have been fully funded for FY2019. ***Audray Lincoln, 214-665-2239***

Program Implementation

Federal Certification of Applicators of Restricted Use Pesticides (RUP) in Indian country: On February 6, 2014, EPA issued a federal certification plan that allows the use of RUPs in Indian country by trained, tested, and certified applicators. The plan also allows EPA to regulate the sale and distribution of RUPs in Indian country. The certification requirements for RUPs help assure that RUP applicators are competent to use these hazardous pesticides as safely as possible. Currently, there are 19 certified commercial applicators in EPA Region 6: Arkansas (1), New Mexico (6), and Oklahoma (12). ***Greg Weiler, 214-665-7564***

UST Inspections: During FY2019, EPA Region 6 plans to conduct 44 inspections of UST facilities operated on Tribal lands and provide onsite compliance assistance. Inspections of 34 facilities have been completed through June 30. Individual notifications for these inspections are sent to the owner/operator and the Tribal environmental offices 30 days before the inspection. Compliance at EPA Region 6 tribal facilities remains high, at over 85% for the last three years. ***Larry Thomas, 214-665-8344 and Robert Glynn 214-665-8350***

UST State Program Re-approval: By October 13, 2018, all Region 6 states had to reapply for state approval for the 2015 UST regulation and the 2015 state program approval regulation. Four Region 6 states (Texas, Arkansas, Louisiana, and New Mexico) have requested re-approval of their UST programs. The Oklahoma UST program was re-approved in February 2018. ***Robert Snowbarger, 214 665-7131***

Regulations

Agricultural Worker Protection Standard (WPS): Compliance with most of the revised WPS requirements was required beginning January 2, 2017. Compliance was required with two additional requirements starting January 2, 2018; specifically, the pesticide safety information display (poster) which will have to include the revised content, and pesticide handlers (applicators) will have to temporarily suspend applications if workers or other persons enter into the application exclusion zone during pesticide applications. The draft proposed rule to reconsider the Minimum Age, Designated Representative, and Application Exclusion Zone (AEZ) provisions has been changed. The only proposed rule now under consideration is the Application Exclusion Zone (AEZ). The requirements regarding the Minimum Age and Designated Representative are no longer under consideration. As required by the FIFRA, after review by the Office of Management and Budget (OMB), the proposed rule will go through 60-day review by USDA, the FIFRA Science Advisory Panel (SAP) and two Congressional committees. The Agency's plan to publish the proposed rule has not been determined yet. ***Greg Weiler, 214-665-7564***

Underground Storage Tanks: The new EPA UST regulations provide additional protections for UST facilities on Indian land. Deadlines for requirements taking effect were October 13, 2015, April 11, 2016, and finally October 13, 2018. The October 13 deadline included operator training. The new regulations require training for three classes of operators at all UST facilities: Class A, B and C. The Office of Underground Storage Tanks (OUST) has prepared compliance assistance publications and has a certification test that is available on the web that will provide a certificate of completion for both Class A and B operators. The Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) are providing training to the tribes in support of the required certifications. For more information, visit EPA's webpage at https://www.epa.gov/ust/class-a-and-class-b-ust-operator. ***Larry Thomas, 214-665-8344***

Lead Based Paint Program: On June 28, 2019 EPA announced the lowering of the Dust Lead Hazard Standard from 40 micrograms / ft^2 for floors, and 250 micrograms / ft^2 for window sills, to the new DLHS of 10 micrograms / ft^2 for floors, and 100 micrograms / ft^2 for window sills. There is a distinction between Dust Lead Hazard Standard and Clearance Standard, they are similar but different. At this time the agency has not lowered the Lead Clearance Standard.

The DLHS has no effect on the Renovate, Repair and Painting (RRP) Rule, it only applies to the lead abatement rule. ***Mike Adams, 214-665-6711***

Tribal Outreach

Lead Based Paint Program: The EPA Region 6 Lead-based Paint Program will partner with the Children's Environmental Health Program will partner with Eight Northern to have Children's Health & Lead Poison Prevention Symposium. Specific dates and locations have not been determined. ***Mike Adams, 214-665-6711***

Eight Northern Indian Pueblos Council (ENIPC) Pesticides Program: Eight Northern Indian Pueblos Council (ENIPC-OETA) Pesticide Program attended the Region 6 State and Tribal meeting in Dallas, Texas on October 10-11, 2018, and gave an update on the program. Updates included an overview of trainings OETA provided in FY 2018, and brief discussion on the need for the program to develop partnerships in the new fiscal year. Based on the discussion, New Mexico Department of Agriculture Certification & Training staff reached out to the program and offered to participate in any pesticide related trainings that the tribes may need. The program will continue to seek out partnerships on a local, state, and federal level throughout FY19. At the Tribal Children's Health Symposium which was held October 16-18, 2018, in Catoosa, OK, the OETA staff co-presented with staff from the EPA Center for Integrated Pest Management (IPM). The presentation covered the roles, responsibilities, and services that the program offers to New Mexico pueblos and tribes. It also included two examples of tribes that benefited from the program's work. The first example was how training on prairie dog control helped reduce children's exposure to harmful rodenticides and increased awareness of restricted use pesticide regulations in the Pueblo of Acoma. The second example was how the program assisted the Head Start program for the Pueblo of Zuni with bed bug awareness and IPM.
In October, the ENIPC-OETA Pesticide Program provided a 2-hour training to child care providers on bed bugs. The training took place on October 29, 2018, and included a presentation on identifying bed bugs, their biology and behaviors, management strategies, and IPM.
ENIPC-OETA Pesticide Program was contacted by the Pueblo de Cochiti Department of Natural Resources and Conservation and asked to follow up with the administrator for the Keres Children's Learning Center to complete an Integrated Pest Management (IPM) walk-through of their new building before move in. The purpose of the walk-through is to identify issues within the facility that would make it vulnerable to pests. The walk-throughs took place on December 13, 2018 with the Administrator present. ***Elizabeth Reyes, 214-665-3163***

Inter-Tribal Environmental Council (ITEC) Pesticides Program: ITEC staff attended the inaugural "Tribal Children's Environmental Health Symposium " hosted by the Cherokee Nation in Catoosa, OK, at the Hard Rock Hotel and Casino, October 16-18, 2018. The symposium was a great success with approximately 100 participants attending this initial event. Topics included: *Lead-Based Paint-Enforcement as a Tool*, *Teaching Children to Become Environmental Advocates*, *Lead in Public Health, Stop Pests in Housing*, *From Home to School: a Childhood Asthma Study*, *Choose Safe Places for Early Child Care*, and *Mosquito-Borne Illnesses and Prevention*. Region 6 staff and Eight Northern Indian Pueblos Council (ENIPC) staff gave presentations on Integrated Pest Management (IPM) and a representative from Stop Pest presented on bed bug treatment. As a follow up to that presentation, Region 6 staff began

planning with ITEC staff for a future Community IPM project hosted by a smaller tribe. ITEC staff have reached out to several small tribes to see if they would be willing to participate in the project. ***Eric Nystrom, 214-665-6752***

Community Integrated Pest Management Plan Development in Indian Country: EPA Region 6 has committed to partner with two or more tribes to develop and implement community integrated pest management programs that address tribal needs, focus on public health pests, reduce unnecessary use of pesticides, and improve the environment and public health. We are currently consulting with Environmental Department representatives of the Wyandotte Nation, Pueblo of Isleta, Peoria Tribe of Indians of Oklahoma, and the Eastern Shawnee Tribe of Oklahoma. ***Kenneth R. McPherson, 214-665-6754***

Enforcement and Compliance Assurance Division

GROWING TREND OF CONCERN RELATIVE TO DRINKING WATER

There is a growing trend for non-compliant public water supply systems on Tribal or Pueblo Lands in Region 6. A couple years ago there were no new facilities on the list of systems warranting priority enforcement action. Since that time the number of priority systems is slowly growing. It appears the most common factor contributing to this growing trend is the failure to adequately fund proper operation and maintenance and provide qualified operators. EPA encourages the Tribal Nations and Pueblos to continue to fund proper operations and maintenance to protect human health. Failure to do so may result in enforcement action by EPA. ***Jerry Saunders 214-665-6***

Superfund and Emergency Management Division

TRIBAL CONSULTATION AND COORDINATION

VARIOUS REMOVAL/REMEDIAL ISSUES

Jackpile-Paguate Uranium Mine Site: EPA continues work with Atlantic Richfield and the Pueblo of Laguna, Environmental & Natural Resources Department to finalize outstanding items associated with approving the Remedial Investigation/Feasibility Study Workplan and initial Field Sampling Plans so that phase 1 of sampling activities can begin in 2019. Should workplans be approved in early summer, a gamma survey may begin this summer or early Fall, depending on monsoon season. ***John Meyer 214-665-6742***

Quapaw Nation, Tar Creek: EPA continues to work closely with the Quapaw Nation Environmental Office (QNEO) and the Oklahoma Department of Environmental Quality (ODEQ) in implementing the remedial actions for the Tar Creek Superfund Site (Site) for Operable Units 2 (OU 2, Residential Areas) and 4 (Chat Piles and Other Mining Wastes). Since the awarding of first-ever Tribal Remedial Action Cooperative Agreement (CA) in FY2012, the EPA has continued to award the QNEO CAs for remedial actions at Beaver Creek North (CP060), Distal 7 North (Drainage Feature), Distal 10/12, Distal 13, CB199, and Marketable Chat. CAs with the QNEO for OU 4 remedial actions for Distal 10b and the Bird Dog chat base, including other areas of the Site, are nearly complete and tentatively to be awarded later in the fiscal year. In addition, EPA, QNEO, and the ODEQ worked together to draft and release to the public the Tar Creek Strategic Plan. This document outlines the cleanup progress and the plans for the future. ***John Meyer 214-665-6742***

Tar Creek OU5 (Surface Water and Sediments): EPA is working with tribes, states, community and other federal agencies to plan, report and review the risk assessment and investigation reports, as well as the feasibility study. The draft OU5 Characterization Report is tentatively scheduled for release in mid-2019. Work on the human health risk assessment, specifically the tribal lifeway scenarios continues. Most recently the 7 Tar Creek Trustee Council Indian Tribes (TCTCIT) hosted a webinar for EPA to discuss and present information related to tribal lifeway scenarios. Following this meeting, the TCTCIT provided risk tables for EPA review. EPA is reviewing the shared information. In addition to this work, Region 7 began the Feasibility Study in November 2018 with a Feasibility Study Kick-off webinar followed by draft planning and design documents for sediment traps. The EPA will continue to coordinate with the tribes interested in the Tar Creek Site through periodic meetings, conference calls, and document sharing, including planning and discussion meetings in support of watershed technology identification and evaluation. The next target milestone for OU5 is the release of the draft Characterization Report coupled with a stakeholder meeting. ***John Meyer 214-665-6742***

Wilcox Oil Company: On September 11, 2018, EPA provided the Sac and Fox Nation, Muscogee (Creek) Nation, and Cherokee Nation final electronic copies of the Source Control Record of Decision. Since then, updates on progress related to the remedial design, the field treatability study, and the final field investigation event were provided along with invitations to

observe. Sac and Fox representatives were onsite for one day of field activities during the treatability study. Currently, work on the draft source control design, remedial investigation and feasibility study reports, along with risk assessment documents, is underway. These draft documents are targeted for the end of 2019 and will be shared for review and comment. ***John Meyer 214-665-6742***

Oklahoma Refining Company: In April 2019, the EPA and ODEQ met with several Oklahoma tribes discuss on-going activities and plans concerning remedial activities at the Oklahoma Refining Company Superfund Site located in Cyril, Oklahoma. EPA completed a comprehensive property ownership evaluation to facilitate obtaining access agreements for future OU2 remedial activities. Issues identified in the OU2 Remedial Design (RD) concerning landfill capacity have caused a delay in completion of the OU2 RD. EPA and ODEQ are scheduled to complete the Remedial Design for OU2 in early 2020, which encompasses the remedial actions described in the 2013 OU2 Record of Decision. ***John Meyer 214-665-6742***

Fansteel, Muskogee, OK, Expanded Site Inspection: In February 2019, EPA provided the Inter-Tribal Environmental Council on behalf of the Cherokee Nation and the Muscogee Creek Nation the draft Quality Assurance Sampling Plan for conducting an Expanded Site Inspection (ESI) for review. The ESI field sampling effort was completed the week of April 8, 2019. Data from the ESI will be used to determine if the site is potentially eligible for the National Priorities List. ***Susan Webster 214-665-6784***

New Mexico Abandoned Uranium Mines – Five Year Plan: The Ambrosia Lake non-time critical removal assessments continue for the mines identified in the Tronox Settlement. Field work is nearing completion and the data is being utilized to prepare Removal Site Evaluations (RSEs) and Engineering Evaluation/Cost Analysis (EE/CA) Reports for these areas. The RSEs will be completed by August 2019. This work is being funded by proceeds from the Tronox Settlement.

Coordination meetings are held on a regular basis with Region 6, Region 9, Navajo Nation, New Mexico Environmental Department, and the New Mexico Energy, Minerals and Natural Resources Department to discuss priorities for current and future removal work in the legacy uranium mines under the Tronox settlement. The next meeting is scheduled for August 2019. ***Susan Webster 214-665-6784, John Meyer 214-665-6742, Craig Carroll 214-665-2220***

San Mateo Creek Basin National Priorities List Proposal – Tribal Consultation: EPA is evaluating the San Mateo Creek Basin Uranium Legacy Site for potential National Priorities List proposal while also currently negotiating with responsible parties to address site contamination. EPA is in the process of scheduling consultation meetings with the Navajo Nation and the Pueblos of Acoma and Laguna for late summer or early fall. ***Susan Webster 214-665-6784***

Office of External Affairs

NEW DIRECTOR

EPA Region 6 welcomes Jeffrey McAtee as our director for the Office of External Affairs. Jeff will join EPA Region 6 later this summer.

Jeff comes to us after serving nearly 9 years as the communications director for EPA's Office of Criminal Enforcement in Washington DC. Jeff is a veteran, retiring as a Commander after 26 years in the U.S. Navy and Navy Reserve. Prior to joining EPA in 2010, he served a two-year recall to active duty in Italy. There he managed the public affairs aspects of the Naples Public Health Evaluation, the Navy's comprehensive environmental assessment of the Campania region.

For more than 30 years, Jeff worked as a reporter, weekday news anchor and news director for top-rated newscasts at television stations in Washington, Tennessee and Louisiana. Jeff is the recipient of five EMMY Awards and the highly prized Thompson-Ravitz Award for Excellence in Navy Public Affairs. Jeff holds a Bachelor's degree in Communication from the University of Missouri as well as certificates from the U.S. Naval War College and Boston University. He also holds a master's degree from in management from the University of San Diego.

Office of Communities, Tribes and Environmental Assessment

REGIONAL ADMINISTRATOR TRIBAL VISITS

Acting EPA Region 6 Administrator (RA) David Gray visited the Pueblo of Cochiti and Pueblo of San Felipe on May 1, 2019. The visits included attendance at the Pueblo of San Felipe feast day. On June 12, 2019, RA Gray attended the Eight Northern Indian Pueblos Council (ENIPC) environmental youth camp. On June 26, 2019, RA Gray met with Quapaw Nation during a Tar Creek site visit. The Regional Administrator looks forward to future visits to tribal partners. ***Arturo Blanco, 214-665-3182.***

TRIBAL FUNDING

Region 6 General Assistance Program (GAP): OCTEA is currently processing FY 2019 GAP awards. The Region expects to process sixty GAP awards totaling $7.5 million in GAP funding, including five multi-year awards. The Region is expected to make eighteen Performance Partnership Grant (PPG) awards this year, the most tribal PPGs awarded by Region 6. ***Randy Gee, 214-665-8355 and Jay Harris, 214-665-2260.***

TRIBAL CONSULTATION AND COORDINATION

EPA Policy on Consultation and Coordination with Indian Tribes: Opportunities for Consultation: The following tribal consultation opportunities are ongoing:

- *Pueblo of San Felipe WWTP NPDES Permit*

Tribal consultation opportunities can be viewed at www.epa.gov/tribal. ***Randy Gee, 214-665-8355***

EJ/BORDER OFFICE HIGHLIGHT

EPA Region 6 is hosting an emergency preparedness workshop for colonias and tribal partners surrounding the El Paso area on June 24, 2019 in San Elizario, Texas. The goal of the workshop is to improve access to emergency preparedness and communication assistance for environmental justice communities, civic, faith-based and small organizations; and strengthen community-based resilience networks.

EPA Region 6 has been striving to improve the environment and health of El Paso communities, via a community-driven approach, by collaboratively identifying resources available inside and outside of EPA that can be leveraged to prioritize and support local environmental initiatives. Over the past several months, EPA's has been convening partners who can work together, purposely aligning activities and resources that best meet the needs of communities, collaboratively solving common environmental problems. EPA's goal is focusing and supporting efforts to develop/share tools, implement best practices, conduct training, and influence capacity building.