Office of the Regional Administrator

Cecil Rodrigues's detail as Region 6's Acting Deputy Regional Administrator will be ending on May 1, 2022, when he will be returning to his position as Region 3's Regional Counsel. Region 6 is forever grateful to Cecil for his invaluable expertise and guidance during the last four months. We wish him all the best as he returns to Region 3.

Region 6 is happy to announce that Helena Wooden-Aguilar will serve as the Acting Deputy Regional Administrator after May 1 while we continue the process to advertise for and select a permanent Deputy Regional Administrator. Helena Wooden-Aguilar is currently the Deputy Associate Administrator (DAA) in the Office of Policy and has been a Senior Executive since September 2019. The Office of Policy provides multi-disciplinary analytic skills, management support, and special expertise in the following areas: regulatory policy and management, environmental economics, community revitalization, climate adaptation, environmental justice, environmental permitting, National Environmental Policy Act, and stakeholder engagement via Smart Sectors. Prior to her current assignment, Helena served as the Acting Deputy Chief of Staff in the Administrator's Office for two years. Earlier in her EPA career, she held various management and leadership positions in the Office of Enforcement and Compliance Assurance, and in the Office of Civil Rights, where she was a supervisor and served as an advisor on external civil rights ("Title VI of the Civil Rights Act of 1964") and equity issues. She also led their financial and human resources initiatives. Her professional career began in 2002 at the Pennsylvania Coalition against Domestic Violence in Harrisburg, PA as a staff attorney. Helena is originally from Pennsylvania and earned her J.D. degree from Vermont Law School and awarded B.A. degrees in sociology and in anthropology with honors, from Howard University in Washington, DC.

Region 6 is also pleased to announce that Delia Iris Gonzalez has joined Region 6 as Chief of Staff. Iris comes to us with a wealth of experience in working with overburdened communities and building coalitions. She will be instrumental in helping the Region implement our climate change and environmental justice priorities. Iris was the founding Coalition Director of the Coalition for Environment, Equity and Resilience (CEER), an advocacy collaborative working on environmental justice policy solutions in the greater Houston region. CEER comprises 27 non-profit organizations from the environmental justice, nature conservation, and community organizing sectors. Iris has over a decade of experience in nonprofit program management, coalition building, community engagement, grant-making, and fundraising. She is a skilled facilitator who has led advocacy campaigns around water justice and environmental health. Though she grew up in Texas, Iris has deep ties to the Midwest, where she led environmental organizing efforts in predominantly Latinx neighborhoods on Milwaukee's southside. Previously, Iris worked in the Houston area where she managed a $3 million community development program for underinvested Houston communities.

Iris holds a B.A from Marquette University and is a graduate of the Leadership in Action certificate program from Rice University's Glasscock School of Continuing Studies. In 2020, Iris received a "Women Who Mean Business" award from the Houston Business Journal, and in 2021 she received the Hal Suter Award for environmental collaboration from the Sierra Club.

Water Division

CWA REGULATIONS

WATERS OF THE UNITED STATES (UPDATED: MARCH 2022)
On June 9, 2021, EPA and the Department of the Army announced their intention to initiate a new rulemaking process to revise the definition of "waters of the United States" to better protect our nation's vital water resources that support public health, environmental protection, agricultural activity, and economic growth. In revising the definition of WOTUS, the agencies intend to undertake two rulemakings. First, the agencies intend to propose to restore the regulations defining WOTUS that were in place for decades until 2015, with updates to be consistent with relevant Supreme Court decisions. The agencies then intend to propose a second rule that builds upon that regulatory foundation with the benefit of additional stakeholder engagement.

Since then, on August 30th, 2021, the U.S. District Court for the District of Arizona issued an order vacating and remanding the Navigable Waters Protection Rule in the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency*.

In light of this court order, the EPA and the US Army Corps of Engineers have halted implementation of the NWPR and are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime until further notice. The agencies continue to review the order and consider next steps. This includes moving forward with the rulemakings announced on June 9, 2021. The agencies remain committed to crafting a durable definition of "waters of the United States" that is informed by diverse perspectives and based on an inclusive foundation.

On December 7, 2021, the proposed rule was published in the *Federal Register*. The public comment period for this proposed rule closed on February 7, 2022.

On February 24, 2022, the agencies announced the selection of ten roundtables that highlight geographic differences and a range of perspectives—including agriculture, conservation groups, developers, drinking water and wastewater managers, environmental organizations, communities with environmental justice concerns, industry, Tribal nations, and state and local governments. The agencies anticipate hosting these regional roundtables virtually over the spring and summer.

Current Status on new Rule:
The agencies are committed to meaningful stakeholder engagement to ensure that a revised definition of WOTUS considers essential clean water protections, as well as how the use of water supports key economic sectors.

A. EPA and the Army continue to work expeditiously to move forward with the rulemakings. The agencies remain committed to this rulemaking process despite the recent Arizona district court order vacating the NWPR.

B. Outreach Events to Date: The agencies held 6 public meetings and 2 Tribal consultation kick-off meetings from August through early September; Tribal

consultation was initiated on July 30 and closed October 4. In those public meetings, the agencies have heard from interested stakeholders on their perspectives on defining "waters of the United States" and how to implement that definition as the agencies pursue this new rulemaking process. Through October, EPA hosted listening sessions with state and tribal departments of environment. In addition, EPA and Army jointly hosted a roundtable with representatives from tribes and tribal organizations on the proposed rule on January 20, 2022 (Link for roundtable video recording below).Video Recording of Tuesday, January 20, 2022, Tribal Roundtable

C. Timeframe: EPA and the Army are working expeditiously to propose a new rule for public comment.

Rationale:

Executive Order 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (Jan. 20, 2021) directed the EPA and Army "to immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations [including the Navigable Waters Protection Rule]. Upon review of the NWPR, the agencies have determined that the rule is significantly reducing clean water protections. The lack of protections is particularly significant in arid states, like New Mexico and Arizona, where nearly every one of over 1,500 streams assessed has been found to be non-jurisdictional. The agencies are also aware of 333 projects that would have required Section 404 permitting prior to the Navigable Waters Protection Rule, but no longer do.

The agencies' new regulatory effort will be guided by the following considerations:

- Protecting water resources and our communities consistent with the Clean Water Act
- The latest science and the effects of climate change on our waters.
- Emphasizing a rule with a practical implementation approach for state and Tribal partners.
- Reflecting the experience of and input received from landowners, the agricultural community that fuels and feeds the world, states, Tribes, local governments, community organizations, environmental groups, and disadvantaged communities with environmental justice concerns.

To learn more about the definition of waters of the United States, visit: https://www.epa.gov/wotus. Link to specific / current definition Current Implementation of Waters of the United States | US EPA Proposed rule https://www.epa.gov/system/files/documents/2021-12/revised-definition-of-wotus_nprm_december2021.pdf

Brianna Wadley, 214-665-2723, wadley.brianna@epa.gov

BASELINE WATER QUALITY STANDARDS RULEMAKING (UPDATED: MARCH 2022)

At the National Tribal Water Council (NTWC) meeting in May 2021, the EPA Office of Water announced that the agency intends to pursue rulemaking to establish federal "baseline" water quality standards (WQS) for Indian reservation waters that do not currently have WQS in effect

under the Clean Water Act (CWA). This proposed rulemaking recognizes the importance of tribal waters and the need to better protect the water resources that tribes rely on. In June 2021, EPA sent letters to all federally recognized Indian tribes to initiate a 90-day consultation period for the baseline WQS rulemaking. During the consultation period, EPA hosted two tribal webinars to provide information to tribal leaders and staff on this rulemaking effort. Additional information and the presentations from the listening sessions are available at: https://www.epa.gov/wqs-tech/promulgation-tribal-baseline-water-quality-standards-under-clean-water-act.

Establishing federal baseline WQS and implementing them in consultation with tribal governments would ensure human health and environmental protection for these waters and would help support the tribes' own interests in protecting their water quality and use of reservation waters. EPA plans to build on elements of prior efforts for baseline WQS, in close coordination and consultation with tribes, to ensure protection exists for reservation waters. Consistent with EPA's long-standing approach, waters of Indian reservations would include waters located within the boundaries of Pueblos as well as lands held in trust by the United States for an Indian tribe even if the land has not been formally designated as a reservation. EPA does not intend to include off-reservation allotments in a baseline WQS promulgation.

EPA is considering for inclusion in the baseline WQS a combination of CWA section 101(a)(2) designated uses, including a cultural and traditional designated use, as well as water quality criteria to fully protect those uses, an antidegradation policy to ensure protection of high quality waters, and general WQS provisions. EPA is also considering an "opt-out" provision whereby a tribe could elect to "opt-out" of coverage by the baseline WQS promulgation at this time. EPA strongly supports and will continue to encourage eligible tribes to obtain TAS under the CWA in order for tribes to establish their own WQS for approval by EPA and to administer their own WQS program. EPA is currently reviewing tribal input and developing the proposed regulation. EPA plans to provide additional opportunities to solicit comments from tribes once the rule is proposed. EPA's goal is to propose and finalize this rulemaking within two years.
Diane Evans, 214-665-6677; Jasmin Diaz-Lopez, 214-665-2733; and, Tina Alvarado, 214-665-2709.

TRIBAL RESERVED RIGHTS RULEMAKING (UPDATED: MARCH 2022)
At the National Tribal Water Council (NTWC) meeting in May 2021, the EPA Office of Water announced that the agency intends to pursue rulemaking to ensure protection of tribal reserved rights in the water quality standards (WQS) context. Many tribes hold reserved rights to resources on lands and waters outside the boundaries of federal Indian reservations, or in areas otherwise subject to state jurisdiction through federal treaties, laws, or executive orders. EPA conducted a 90-day tribal consultation on revising the federal WQS regulation to explicitly and sustainably protect tribal reserved rights (such as treaty rights) in waters where states have jurisdiction to establish WQS. During the consultation period, EPA hosted two listening sessions on this potential regulatory revision. Additional information and the presentations from the listening sessions are available at: https://www.epa.gov/wqs-tech/revising-federal-water-quality-standards-regulations-protect-tribal-reserved-rights.

The changes to the federal water quality standards regulation that EPA is considering are intended to help states and EPA protect aquatic and aquatic-dependent resources reserved to tribes under federal law when establishing, revising, and reviewing WQS. The rule would lay out how tribal reserved rights must be considered when states are establishing and revising WQS, and when EPA is reviewing standards submittals for compliance with applicable laws. This rulemaking is complementary to but distinct from the tribal baseline WQS rulemaking that EPA announced at the same time. This tribal reserved rights rulemaking would protect tribal reserved rights in waters where states are responsible for establishing and revising WQS, whereas the baseline effort would establish WQS for tribal reservation waters where tribes have WQS jurisdiction but have not yet exercised that jurisdiction. EPA is currently reviewing tribal input and developing the proposed regulation. EPA plans to provide additional opportunities to solicit comments from tribes once the rule is proposed. EPA aims to propose and finalize this rule within two years. ***Tina Alvarado, 214-665-2709 and Diane Evans, 214-665-6677.***

DRINKING WATER

LEAD AND COPPER RULE IMPROVEMENTS (UPDATED: MARCH 2021)

U.S. EPA's first major update to the Lead and Copper Rule was finalized on December 22, 2020. The revised Rule aims to strengthen the LCR through updates including a new lower trigger level of 10 ppb of lead for requiring corrosion control study, increased requirements to identify and replace lead service lines, new sampling protocols which include follow-up sampling and find-and-fix protocols for lead action level exceedances at individual home sites, and additional sampling for schools and child care facilities to better protect children in these facilities from lead exposure.

On December 16, 2021, EPA announced that the agency will begin developing a new regulation to better protect communities from exposure to lead in drinking water. Following the agency's review of the Lead and Copper Rule Revisions (LCRR) under Executive Order 13990, EPA has concluded that there are significant opportunities to improve the rule to support the overarching goal of proactively removing lead service lines and more equitably protecting public health. EPA is announcing a two-prong approach to strengthen this regulatory framework. Beginning December 16, 2021, the Lead and Copper Rule Revisions will go into effect to advance critical lead service line inventories that are necessary to achieve 100% removal of lead service lines. The agency plans to issue guidance—including best practices, case studies, and templates to help develop lead service line inventories—to assist its partners in implementation of the rule.

EPA will also develop a new proposed rule, the Lead and Copper Rule Improvements (LCRI), that will strengthen the regulatory framework. EPA intends to propose requirements that, along with other actions, would result in the replacement of all lead service lines as quickly as is feasible. EPA also intends to consider opportunities to strengthen tap sampling requirements and explore options to reduce the complexity and confusion associated with the action level and trigger level, with a focus on reducing health risks in more communities. Additionally, EPA will allocate $2.9 billion in Bipartisan Infrastructure Law funding to states, Tribes, and territories to remove lead service lines. This 2022 allocation is the first of five allotments that will provide $15 billion in dedicated funding for lead serve lines replacements.

For more information about the LCRR and LCRI, visit https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule.
Alison Fontenot, 214-665-7482; ***José Rodriguez, 214-665-8087***

CONSUMER CONFIDENCE REPORTS DUE JULY 1, 2022 (NEW: MARCH 2022)
The Consumer Confidence Report (CCR) Rule requires all community water systems (CWS) to prepare and distribute to its customers a brief annual water quality report summarizing information regarding source water, detected contaminants, compliance, and educational information. The 2021 CCR is due to customers by July 1, 2022, and a copy of the CCR with certification of delivery to customers is due to EPA Region 6 by October 1, 2022. To help CWS prepare the CCR, in early April, Region 6 will send a 2021 CCR Datasheet to each tribal CWS for which Region 6 is the drinking water primacy agency, along with any other information that is required to be included in the CCR. Technical support will be available from Region 6 and the Southwest Environmental Finance Center throughout the CCR preparation process. For more information about the CCR Rule Requirements, please visit https://www.epa.gov/ccr/how-water-systems-comply-ccr-requirements, or contact Region 6 Drinking Water staff with any questions.
Alison Fontenot, 214-665-7482; ***Lia Bobay, 214-665-6624***

TRIBAL FUNDING

PUEBLO OF SAN FELIPE - TAS APPLICATION FOR CWA SECTIONS 303(C) AND 401 (NEW: MARCH 2022)
The Pueblo of San Felipe submitted its application for treatment in a similar manner as a state (TAS) for the water quality standards and water quality certification programs under CWA sections 303(c) and 401, respectively, on March 8, 2022. The Water Division sent a letter acknowledging receipt of the TAS application to the Pueblo of San Felipe on March 10, 2022. Staff in the Water Division are working on materials for the upcoming public participation process on the TAS application. ***Diane Evans, 214-665-6677.***

TRIBAL CLEAN WATER ACT (CWA) 106, 319 AND PERFORMANCE PARTNERSHIP GRANT APPLICATIONS ARE UNDER REVIEW (NEW: MARCH 2022)
EPA is reviewing all tribal CWA 106, 319 and Performance Partnership Grant applications for FY22 and will begin processing them in the very near future. ***Sam Reynolds 214-665-6682***

TREATMENT AS A STATE (TAS) FOR CWA 319 APPLICATIONS (NEW: MARCH 2022)
EPA reviewed and approved the CWA 319(h) assessment report and management plan for Choctaw Nation of Oklahoma. We are now awaiting the submission of the remaining parts of the tribe's TAS application.

EPA is requesting new tribal TAS CWA 106 and 319(h) applications be submitted by April 30, 2022. ***Sam Reynolds 214-665-6682***

TRIBAL CONSULTATION AND COORDINATION WITH FEDERALLY RECOGNIZED TRIBES (NEW: MARCH 2022)

The U.S. Environmental Protection Agency (EPA) is initiating consultation and coordination with federally recognized Indian tribes to inform potential EPA actions the Clean Water Act section (§) 319 national Nonpoint Source (NPS) program could take to better support §319-eligible tribes in their efforts to manage NPS pollution. EPA will hold two identical informational webinar and listening sessions for tribal leaders and staff on Tuesday, April 19, 2022, from 2 – 3pm Eastern Daylight Time (EDT) and on Wednesday, April 27, 2022, from 2 – 3pm EDT. In addition, tribes are invited to share their experiences, including successes and challenges, building, and sustaining Tribal NPS program capacity. Tribal comments are welcome by May 27, 2022. ***Sam Reynolds 214-665-6682***

INCREASE TO FISCAL YEAR 2022 CLEAN WATER ACT SECTION 319(h) TRIBAL BASE GRANTS (NEW: MARCH 2022)

Over the last 6 months the EPA has held listening sessions with tribes who have been approved for Clean Water Act 319(h) Treatment In A Manner As State (TAS). During the tribal listening sessions, the tribes identified inadequate base CWA 319(h) funding levels as the greatest barrier to building and sustaining an effective nonpoint source program. Based on these tribal listening sessions the EPA has allotted a modest increase of $6,000 to tribes applying for CWA 319(h) base funding in FY2022. The increase will now bring the CWA 319(h) new base total to $3,600 for each tribe applying for CWA 319(h) base funds in FY2022. ***Sam Reynolds 214-665-6682***

WETLAND PROGRAM DEVELOPMENT GRANTS (UPDATED: MARCH 2022)

Wetland Program Development Grants (WPDG) are competitive grants that are part of the EPA Enhancing State and Tribal Programs (ESTP) effort. The ESTP and Core Elements Framework were designed for state and tribal wetland programs that are in the developing stages but can be useful to all states and tribes, including those that are refining more mature wetland programs. 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. The development of a WPP allows states and tribes to implement the CEF based on their individual program goals and available resources.

Ten percent of the total national WPDG funds are set aside for a national tribal-only competition (about $1.3 million per year). Tribes may apply to both Requests for Applications (RFA) with the same or different proposals. The RFAs are very similar in requirements and selection criteria. The tribal-only RFA is a two-year cycle starting in FY2020. For additional information on the solicitation please contact Myra Price at price.myra@epa.gov.

The Region 6 FY21/FY22 solicitation was posted to grants.gov on May 12, 2021. Applications were due June 21, 2021. Choctaw Nation of Oklahoma was selected to receive $200,000 federal funds from the FY21 allocations. The funds will be used by the tribe to develop a tribal wetland management program plan. For more information on the Wetland Program Development Grants, please see https://www.epa.gov/wetlands/wetland-program-development-grants and

https://www.epa.gov/wetlands/what-enhancing-state-and-tribal-programs-effort. ***Sondra McDonald, 214-665-7187***

WIIN 2107 ITCA (UPDATED- MARCH 2022)
The link to the Inter-Tribal Council of Arizona's recent award for WIIN 2107 Lead Testing in Schools a Childcare programs is below.
EPA Awards Inter Tribal Council of Arizona $1,581,000 to Protect Children from Lead in Drinking Water | US EPA
In Region 6 Tribes in New Mexico can have their schools and daycares tested with the ITCA funding. Please contact ITCA for more information.

Operation and Maintenance (O&M), and Management Training for Water and Wastewater Utility Operators and Leaders Serving Tribes and Small Communities (NEW-MARCH 2022)
EPA is sponsoring three 2-hour online webinars to provide insight into effective strategies for asset management, utility rate setting, staff retention and to provide information on maintaining wastewater lagoons and onsite septic systems. See the attached flyer.

- April 20, 2022, Asset Management – Planning for the Future
  https://us02web.zoom.us/meeting/register/tZUof-ivqjkvEtWtKkJY5t_hzfAGQGh9XpO5
- April 27, 2022, Finding and Retaining Good Leaders and Staff
  https://us02web.zoom.us/meeting/register/tZUsdOyoqD4pHNTVM4QE5oEoaas5-jVdj9mC
- May 4, 2022, Wastewater Lagoons and Onsite Septic Systems
  https://us02web.zoom.us/meeting/register/tZIlfu2qrzgiE9OnNr1nKapX-8-fkum2jsXA

Each session runs from 12:00-2:00 PM Pacific Daylight Time (3:00-5:00 PM Eastern Daylight Time). Up to 200 people can attend each session and breakout groups will be used for more in-depth conversations. A certificate of attendance will be available and Continuing Education Credits are pending for Arizona, New Mexico, and Nevada. Register for each session at the URL provided. Questions about registration can be directed to Natasha Rae at nrae@horsleywitten.com.

Air and Radiation Division

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

Region 6 has no CAA TAS applications currently. Cherokee Nation, Kaw Nation, Peoria Tribe of Indians of Oklahoma, Pueblo of Laguna, Pueblo of Santa Ana, Pueblo of Zia, and Quapaw Nation have received approval for two or more of the following CAA authorities:

- **CAA §105** allows the Tribal applicant to apply for a reduced match of 5%, when managing a programmatic grant.
- **CAA §107(d)(3)** to receive notices from the EPA of the need for redesignation of an area or portion of an area within the Tribe's trust parcels for which it receives TAS authorization;
- **CAA §126** (a) and (b) to receive written notices of the construction of new or modified major stationary sources and of existing major stationary sources which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the State in which such source intends to locate (or make such modification); and petition the EPA for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the applicable state implementation plan; and
- **CAA §505(a)(2)** for the purpose of giving the Tribe an opportunity to make comments and recommendations on operating permit applications for sources located within 50 miles of the Tribe's trust lands and parcels for which it receives TAS authorization. ***Frances Verhalen, 214-665-2172.***

Funding and Grants

For FY2022, the EPA Region 6 anticipates receiving approximately $1,200,000 in federal funding to support assistance agreements under statutory provisions of the CAA §103 and §105. In February 2022, the Region received twelve proposals from tribes and pueblos. Seven proposals are requesting funding under the CAA §103 (projects), three under CAA §105 (program grants), and two under Performance Partnership Grants (PPG).

Internal reviews were conducted by the Region 6 project officer and technical staff in March, and recommendations were submitted to senior management in April. Applicants will be notified of final decisions by May 9th, and applications for those approved will be requested for submittal to Grants.gov by June 10th. All awards will be finalized by September 30, 2022. ***Aunjaneè Gautreaux, 214-665-7127.***

Enhanced Air Quality Monitoring Funding under the ARP: On July 7, 2021, EPA announced that it will make $50 million in American Rescue Plan (ARP) funding available to improve ambient air quality monitoring for communities across the United States. This funding for enhanced air quality monitoring builds on the Agency's June 25, 2021, announcement of $50 million for environmental justice projects under the ARP, bringing the total to $100 million in EPA funding designated by Congress to address health outcome

disparities from pollution and the COVID–19 pandemic. Additional information may be found at https://www.epa.gov/arp/enhanced-air-quality-monitoring-funding-under-arp.

- **Grant Competition for Community Monitoring**: EPA launched a $20 million grant competition that calling for proposals from nonprofit community-based organizations, state, Tribal and local air agencies -- individually or in partnerships -- to conduct monitoring of pollutants of greatest concern in communities with health outcome disparities.

  The Request for Applications ended on March 25, 2022. Those applications will be evaluated for funding. We expect to fund 50-70 grants through the program. EPA expects to announce the awardees in the summer, 2022.

- **Direct Awards to Air Agencies for Continuous Monitoring of $PM_{2.5}$ and Other Common Air Pollutants**: EPA will award $22.5 million to state, Tribal or local air agencies for enhanced monitoring of $PM_{2.5}$ and five other air pollutants regulated by the National Ambient Air Quality Standards under the Clean Air Act during 2022. EPA R6 received proposals from 2 Tribes and expects to provide funding for each of those tribes. Both Tribes were notified in March 2022 regarding their funding amount. Additional information may be found at https://www.epa.gov/naaqs.

- **Enhanced Regional Capacity for Short-term Community Monitoring Needs**: EPA will be investing $5 million in agency in a mobile monitoring labs and air sensor loan programs. EPA Region 6 Air & Radiation Division will be building a new monitoring platform and is currently in the process of purchasing some sensors for an air sensor loan program. These investments will improve EPA's ability to support communities in need of short-term monitoring and air quality information. ***Frances Verhalen, 214-665-2172.***

Bipartisan Infrastructure Legislation: Clean School Bus Program: EPA will make significant investments in the health, equity, and resilience of American communities. EPA's new Clean School Bus Program provides five billion dollars over five years (FY 2022-2026) to replace existing school buses with clean and zero-emission models. Eligible recipients include state and local government entities, eligible contractors, non-profit school bus organizations, and tribes/tribal governments/tribal school agencies who provide school bus services to publicly-owned or Bureau of Indian Affairs–funded school systems. In April 2022, EPA is expected to announce a $500 million rebate program for Clean School buses. Additional funding opportunities will be announced by EPA on the following website: https://www.epa.gov/cleanschoolbus. ***Frances Verhalen, 214-665-2172.***

Guidebook for Energy Efficiency (EE) Evaluation, Measurement, and Verification (EM&V): In June 2019, the EPA released the 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.

Amendment to the Oil and Gas Federal Implementation Plan (FIP) regulations in Indian Country: EPA issued the final rule titled "Amendments to Federal Implementation Plan for Managing Air Emissions From True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector," 85 **Federal Register** 15,729 on March 19, 2020, effective date was on May 18, 2020. Specifically, the rule allows for concurrent, rather than sequential, submission of two sets of documents:

(1) the Part 1 Form to register applicability under the FIP, and
(2) the screening procedures documentation for ESA and NHPA.

This final rule could reduce, by up to 30 days, the time between a source owner/operator's required submission of Endangered Species Act (ESA)/National Historic Preservation Act (NHPA) screening documents and beginning construction.

In addition, the final rule includes email as an optional form of written notification by the EPA Regional Office to the source owner/operator and corrects several incorrect citations and cross references. Please refer to https://www.epa.gov/tribal-air/final-amendments-federal-implementation-plan-managing-air-emissions-true-minor-sources for additional information.

Project Emissions Accounting Rule for NSR applicability: On August 9, 2019, the EPA proposed a revision to certain New Source Review (NSR) applicability regulations to clarify the requirements that apply to sources proposing to undertake a physical or operational change (i.e., a project) under the NSR preconstruction permitting program. EPA issued the final rule titled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting," 85 Fed. Reg. 74890 on November 24, 2020. Specifically, this rule revises the NSR applicability regulations that apply to projects that include a combination of new and existing units clarifying that project emissions accounting is allowed as part of Step 1 of the two-step NSR major applicability test. On January 19, 2021, and January 21, 2021, States of New Jersey, Maryland, Minnesota, Oregon, Washington, Commonwealth of Massachusetts and

Pennsylvania and District of Columbia, Sierra Club, Environmental Defense Fund, Natural Resources Defense Council, Adirondack Council and Environmental Integrity Project petitioned EPA for reconsideration of the rule. Petitioners requested a stay of the rule during the reconsideration for 90 days and a withdrawal within the 90 days stay period. Also, the petitioners requested that EPA immediately withdraw the memorandum issued by former Administrator Scott Pruitt on March 13, 2018, titled "Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program" ("Pruitt Memo").

On October 12, 2021, Administrator Regan signed a notice and letters denying a petition for reconsideration and request for administrative stay of its November 24, 2020, Project Emissions Accounting final rule. Although EPA is taking no action at this time on the request to withdraw the March 2018 Project Emissions Accounting guidance memorandum, EPA will voluntarily convene a rulemaking process to review and potentially revise its NSR applicability provisions. It should be noted that there are no major NSR permitted sources operating on tribal lands in Region 6 at this time. For additional information please refer to: https://www.epa.gov/nsr/notice-action-denying-petition-reconsideration-and-administrative-stay-project-emissions

Guidance Memorandum: Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy: On September 30, 2021, Deputy Administrator McCabe signed the withdrawal of the October 9, 2020, guidance memorandum titled, "Inclusion of Provisions Governing Periods of Startup Shutdown, and Malfunctions in State Implementation Plans". EPA is returning to its 2015 policy explaining that State Implementation Plan provisions that provide exemptions from air emissions limits during periods of startup, shutdown, and malfunction (SSM) or that provide affirmative defense provisions are not consistent with the CAA and would not generally be approvable. The reinstated 2015 Policy will ensure that all modes of source operation, including periods of SSM, have emissions limitations in place that can be appropriately enforced in all communities and populations across the affected states, including minority, low-income and indigenous populations overburdened by pollution. EPA is in the process of developing proposed actions to address SIP submittals from New Mexico, Albuquerque-Bernalillo County, Oklahoma, and Louisiana that were submitted in response to the 2015 SSM SIP call. EPA also proposed on April 1, 2022, to remove affirmative defense provisions from State operating permit programs and the Federal operating permit program regulations.

In addition, EPA plans to revisit the three related state-specific SIP actions that were finalized in 2020 that withdrew the SIP calls previously issued to Texas, North Carolina, and Iowa. Through notice-and-comment rulemaking actions EPA plans to reconsider whether any of the findings underlying those actions should be retained in light of the Agency's change in policy.

Mercury and Air Toxics Standards (MATs): MATs Appropriate and Necessary Finding Proposal: EPA is proposing to reaffirm the scientific, economic, and legal underpinnings of the 2012 Mercury and Air Toxics Standards (MATS) for power plants, which require significant

reductions of mercury, acid gases, and other harmful pollutants. The proposal, which responds to President Biden's January 20, 2021, Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," would reverse a rule issued in May 2020 that found it is not appropriate and necessary to regulate coal- and oil-fired power plants under Clean Air Act (CAA) section 112. This proposal would ensure that fossil-fuel fired power plants continue to control emissions of toxic air pollution, including mercury. EPA is accepting comments on or before April 11, 2022. The agency also held a virtual public hearing on February 24. For additional information on how to comment please refer to https://www.epa.gov/stationary-sources-air-pollution/proposed-revocation-2020-reconsideration-and-affirmation .

Formaldehydes Standards in Stationary Combustion Turbine NESHAP: On February 28, EPA removed a stay of formaldehyde standards in the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines. This action was published in 87 FR 13183. This stay applied to certain subcategories of gas-fired turbines at major sources of HAP emissions and has been in place since 2004. For additional information please refer to https://www.epa.gov/stationary-sources-air-pollution/stationary-combustion-turbines-national-emission-standards.

Addition of 1-BP (nPB) to the Clean Air Act List of Hazardous Air Pollutants: On December 22, 2021, U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan signed the final rule to add 1-bromopropane (1-BP) to the Clean Air Act (CAA) list of hazardous air pollutants (HAP). This action was published in the Federal Register on January 5, 2022 [87 FR 393]. For additional information please refer to https://www.epa.gov/haps/addition-1-bp-npb-clean-air-act-list-hazardous-air-pollutants.

AirToxScreen Release: EPA released AirToxScreen, its new and improved air toxics risk screening tool. AirToxScreen is a screening assessment designed to provide broad estimates of cancer risk related to air toxics. It is part of the Agency's new approach to air toxics that provides updated data and risk analyses on an annual basis to help EPA more readily identify existing and emerging air toxics issues. This assessment, based on 2017 air toxics data, will help EPA, states, tribes, and local communities evaluate where more detailed analyses are needed to get a more focused idea of actual risks. It will also provide communities – especially those with environmental justice considerations – with more current and complete information about the impacts of air toxics on their air quality. For additional information please refer to https://www.epa.gov/AirToxScreen.

2020 Toxics Release Inventory (TRI) National Analysis: EPA released its 2020 Toxics Release Inventory (TRI) National Analysis, which shows that environmental releases of TRI chemicals by facilities covered by the program declined by 10% between 2019 and 2020. The 2020 TRI National Analysis summarizes TRI chemical waste management activities, including releases, that occurred during calendar year 2020. More than 21,000 facilities report annually on over 800 chemicals they release into the environment or otherwise manage as waste. EPA, states, and tribes receive TRI data from facilities in industry sectors such as manufacturing, mining, electric utilities, and commercial hazardous waste management. This 2020 Analysis includes enhancements to make data more useful and accessible to communities, including communities

with environmental justice concerns. EPA has added demographic information to the "Where You Live" mapping tool, making it easy to overlay maps of facility locations with maps of overburdened and vulnerable communities. Community groups, policymakers, and other stakeholders can use this information to identify potential exposures to air and water pollution, better understand which communities are experiencing a disproportionate pollution burden and take action at the local level. To view the 2020 TRI National Analysis, visit www.epa.gov/trinationalanalysis.

ECHO Notify: New EPA Tool Provides the Public with Customized Updates on Local Enforcement and Compliance Activities. ECHO Notify provides information on all EPA enforcement and compliance activities as well as activities of state and local governments under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and the Safe Drinking Water Act. For additional information, please refer to https://echo.epa.gov/tools/echo-notify.

Revisions to the Once-In-Always-In Regulation for MACT sources: This rule was signed on October 1, 2020, and was effective 60 days after publication in the **Federal Register.** On June 25, 2019, the EPA proposed regulatory text stating that a major source of hazardous air pollutants (HAP) may reclassify as an area source at any time after taking steps to limit emissions. A major source of HAP emits 10 tons per year or more of a single HAP or 25 tons per year or more of a combination of HAPs. Sources that are above major source thresholds and reduce emissions or currently operate to levels below major source thresholds can put in place enforceable emissions limits in a permit and thereby become an area source. However, in accordance with Executive Order: "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis" issued on January 21, 2021, this rule is now under review. Under this review, EPA, as appropriate and consistent with CAA Section 112, will publish for comment a notice of proposed rulemaking either suspending, revising, or rescinding the MM2A final rule. For additional information please refer to https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean. ***Erica LeDoux, 214-665-7265.***

March 11, 2020 – Final New Source Performance Standards (NSPS) for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces. (Step 1): This rule amends the 2015 NSPS by removing certain minimum requirements for pellet fuels and clarifying a requirement regarding the use of unseasoned wood in pellet fuel production. However, on May 15, 2020, the EPA proposed amendments to the 2015 NSPS for *New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces* to allow more time for retailers to continue selling Step 1-certified residential wood heating devices, due to the nationwide spread of the COVID-19 virus.

The EPA accepted comments on the proposed amendments for 45 days after publication in the **Federal Register**. On June 8, 2020, the EPA held a virtual public hearing via teleconference on the proposed amendments to the 2015 New Source Performance Standards (NSPS) for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces. Response to comments and the finalization of the

amendments have not yet been published. Additional information on this NSPS can be found here: https://www.epa.gov/residential-wood-heaters. ***Randy Pitre, 214-665-7299.***

NSR Guidance/Interpretation Concerning "Begin Actual Construction"
This guidance memorandum addresses how the EPA interprets "begin actual construction" as that term is defined under the EPA regulations implementing the major New Source Review (NSR) permitting program and the tribal minor NSR program (40 CFR 49.152). The EPA recognizes that the interpretation at issue was a long-standing one, and is clarifying and revising its interpretation that a source owner or operator may, prior to obtaining an NSR permit, undertake physical on-site activities - including activities that may be costly, that may significantly alter the site, and/or are permanent in nature - provided that those activities do not constitute physical construction on an emissions unit, as the term is defined in 40 CFR § 52.21(b)(7). Further, under this revised interpretation, an "installation necessary to accommodate" the emissions unit at issue is not considered part of that emissions unit, and those construction activities that may involve such "accommodating installations" may be undertaken in advance of the source owner or operator obtaining a major NSR permit. EPA accepted comments on this draft guidance through Monday, May 11, 2020. EPA is currently considering those comments. The complete document is available at: https://www.epa.gov/sites/default/files/2020-03/documents/begin_actual_construction_032520_2.pdf.

40 CFR 60 Subpart OOOOa: Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review: On November 1, 2021, Administrator Regan signed the proposed rule regarding the Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review. The proposal responds to the President's January 20, 2021, Executive Order (EO) 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," which directed EPA to consider taking the actions proposed here.

The EPA is proposing to revise the new source performance standards (NSPS) for GHGs and volatile organic compounds (VOCs) for the Crude Oil and Natural Gas source category under the CAA to reflect the Agency's most recent review of the feasibility and cost of reducing emissions from these sources. Second, the EPA proposes emissions guidelines (EG) under the CAA, for states to follow in developing, submitting, and implementing state plans to establish performance standards to limit GHGs from existing sources (designated facilities) in the Crude Oil and Natural Gas source category. Third, the EPA is taking several related actions stemming from the joint resolution of Congress, adopted on June 30, 2021, under the Congressional Review Act (CRA), disapproving EPA's final rule titled, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," 85 FR 57018 (Sept. 14, 2020) ("2020 Policy Rule").

The proposed rule language can be found at: https://www.epa.gov/system/files/documents/2021-11/san-8510-ong-climate-review-proposal-frn-2021-11_1.pdf. ***Taimur Shaikh, 214-665-6541.***

Regional Haze SIPs for the Second Planning Period: States are required to submit periodic SIP revisions to address visibility impairment in certain national parks and wilderness areas

(Class I areas) with the national visibility goal of restoring natural visibility conditions to these Class I areas by 2064. The SIP revisions for the second planning period, which establishes visibility goals for 2028 for Class I areas based on identification of reasonable controls through weighing of the four statutory factors, are due in July of 2021. The EPA Region 6 is working closely with the States as they develop these SIP submittals. Texas submitted their SIP to EPA on July 20, 2021. Remaining states in Region 6 continue to work on their SIP submittals. ***Michael Feldman, 214-665-9793.***

Oklahoma Visibility Transport SIPs for 2015 Ozone, 2010 SO2, and 2012 PM2.5 NAAQS: On July 22, 2021, the EPA published in the Federal Register a proposed rule that proposed action on portions of three separate Oklahoma state implementation plan (SIP) submittals that address the visibility transport requirements of Clean Air Act section 110(a)(2)(D)(i)(II) for three national ambient air quality standards (NAAQS): (1) 2015 Ozone NAAQS; (2) 2010 sulfur dioxide (SO_2) NAAQS; and (3) 2012 fine particulate matter ($PM_{2.5}$) NAAQS. The EPA proposed to approve the visibility transport portion of the SIP submittal for the 2015 Ozone NAAQS, and we proposed to disapprove the visibility transport portions of the SIP submittals for the 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS. We proposed to find that an existing federal implementation plan (FIP) we adopted in 2011 to address regional haze in Oklahoma also addresses the deficiencies in the visibility transport portions of the SIP submittals for the 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS. On July 16, 2021, the EPA sent letters to all 38 tribal governments whose lands are located within the exterior boundaries of the State of Oklahoma offering to engage in tribal consultation on this proposed rule. We did not receive any comments or requests for consultation on this proposed rule from tribal governments. The 30-day public comment period on this proposed rule ended on August 31, 2021. We received one comment letter on our proposed rule. The EPA is currently working on a final rule that will be published in the Federal Register after signature. After publication in the Federal Register, a copy of the notice for the final rule will also be added to the docket (Docket No. EPA–R06–OAR–2021–0032) associated with this rulemaking at *www.regulations.gov*. ***Dayana Medina, 214-665-7241.***

Oklahoma Volatile Organic Compound Emission in Nonattainment and Former Nonattainment Areas: On July 22, 2021, the EPA published in the Federal Register a proposed action on the Oklahoma state implementation plan (SIP) submittal that addressed changes identified in Oklahoma's annual SIP review of Subchapter 39 of the Oklahoma Administrative Code Title 252 Chapter 100. This action proposed updating the ozone season for nonattainment and former nonattainment areas based on revisions to the 2015 Ozone National Ambient Air Quality Standard (NAAQS) under Clean Air Act (CAA), allowed for the use of alternative testing methods for leak inspections as outlined in the most recent EPA regulations and removed an incorrect citation to a revoked rule. On July 15, 2021, the EPA sent letters to tribal governments whose lands are located in Oklahoma County and Tulsa County offering to engage in tribal consultation on this proposed rule. We did not receive any comments or requests for consultation on this proposed rule from tribal governments. The 30-day public comment period on this proposed rule ended on August 23, 2021. We received one comment letter on our proposed rule. The EPA is currently working on a final rule that will be published in the next couple of months in the Federal Register after signature. Proposed rule and docket. ***Sherry Fuerst, 214-665-6454.***

Re-evaluation of designations under the 2015 Ozone National Ambient Air Quality Standards (NAAQS): On November 30, 2021, the Federal Register (FR) published EPA's revised air quality designations for El Paso County for the 2015 primary and secondary NAAQS for ozone. In a July 10, 2020, decision, the District of Columbia Circuit Court remanded to the EPA, but did not vacate, the April 30, 2018, designations for El Paso County, Texas and 15 other counties associated with nonattainment areas located in Colorado, Illinois, Indiana, Michigan, Missouri, and Wisconsin. In response, the EPA re-evaluated the designations for the remanded counties by applying a uniform, nationwide analytical approach, and interpretation of the designation provisions of the Clean Air Act in considering the specific facts and circumstances of the areas using only data and information available at the time of the original designations. In the November 2021 final FR action, the EPA expanded the initially designated Doña Ana County (Sunland Park Area), New Mexico nonattainment area to include El Paso County, Texas, and for clarity renamed the area as the El Paso-Las Cruces, Texas-New Mexico nonattainment area. The docket ID for these actions is EPA–HQ–OAR–2017–0548 and the docket is found at www.regulations.gov. For more information on EPA's designation actions for the 2015 ozone NAAQS, please visit https://www.epa.gov/ozone-designations. ***Carrie Paige, 214-665-6521.***

Review of the National Ambient Air Quality Standards (NAAQS): The Clean Air Act requires the EPA to periodically review the NAAQS to ensure that they provide adequate health and environmental protection, and to update those standards as necessary. The EPA is currently reviewing several NAAQS:

The EPA is reconsidering the previous administration's decision to retain the particulate matter (PM) National Ambient Air Quality Standards (NAAQS), which were last strengthened in 2012. EPA is reconsidering the December 2020 PM NAAQS decision because available scientific evidence and technical information indicate that the current standards may not be adequate to protect public health and welfare, as required by the Clean Air Act.

The Clean Air Scientific Advisory Committee's (CASAC's) Review of EPA's Policy Assessment (PA) for the Reconsideration of the NAAQS for PM (External Review Draft – October 2021), and the CASAC's Review of EPA's Supplement to the 2019 Integrated Science Assessment (ISA) for PM (External Review Draft – October 2021) are posted on the CASAC website: https://casac.epa.gov. EPA will release the final ISA and PA documents later this Spring and propose its decision regarding review of the PM NAAQS this Summer. To follow EPA's review of the PM NAAQS, please visit https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards.

The EPA will also reconsider the December 2020 decision to retain the Ozone NAAQS. The CASAC Ozone Review Panel is in place and members are listed on the CASAC web page at https://casac.epa.gov. To follow EPA's review of the ozone NAAQS, please visit https://www.epa.gov/naaqs/ozone-o3-air-quality-standards.

The EPA posted Volumes 1 and 2 of the Integrated Review Plan (IRP) for the Lead NAAQS for review by the public. The NAAQS for lead (Pb) are set to protect the public health and the public welfare from Pb in ambient air. Volume 1 of the IRP contains contextual

background material and the anticipated schedule for the current review of the air quality criteria and NAAQS for Pb. Volume 2 identifies policy-relevant issues in the review and describes key considerations in EPA's development of the Integrated Science Assessment (ISA). The ISA provides the scientific basis for the EPA's decisions, in conjunction with additional technical and policy assessments, for the review of the NAAQS, as described in the Clean Air Act, section 108(a). Comments must be received by April 4, 2022. See the Federal Register notice of availability for more details: https://www.govinfo.gov/content/pkg/FR-2022-03-10/pdf/2022-05085.pdf. Volumes 1 and 2 of the IRP are posted here: https://www.epa.gov/naaqs/lead-pb-standards-planning-documents-current-review.

In addition, there will be a virtual public meeting of the CASAC Lead Review Panel to provide consultation on Volume 2 of the EPA's IRP for the Lead NAAQS. The virtual public meeting will be held April 8, 2022, from 11:00 a.m. to 3:00 p.m. Eastern Time. Please refer to the CASAC website (https://casac.epa.gov) for details on how to access the meeting. More information on the meeting is available in the Federal Register announcement for this meeting: https://www.govinfo.gov/content/pkg/FR-2022-03-21/pdf/2022-05872.pdf.

The EPA is also reviewing the secondary (welfare-based) NAAQS for oxides of nitrogen, oxides of sulfur, and PM. We expect to release the draft Policy Assessment this Spring. The review documents for these secondary NAAQS are posted here: https://www.epa.gov/naaqs/nitrogen-dioxide-no2-and-sulfur-dioxide-so2-secondary-air-quality-standards. ***Carrie Paige, 214-665-6521.***

Interstate Transport for the 2015 Ozone National Ambient Air Quality Standard (NAAQS): Under the CAA, each state is required to submit a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of each primary or secondary NAAQS. A key CAA requirement for these SIPs is that they assure that sources within the state do not contribute significantly to air quality attainment or maintenance problems with of any NAAQS in other states (known as the "interstate transport" or "good neighbor" provision). On February 22, 2022, EPA proposed disapproval of 19 state SIP submittals (includes Arkansas, Louisiana, Oklahoma, and Texas) and on February 28, 2022, EPA proposed a Federal Implementation Plan (FIP) to help states fully resolve their CAA "good neighbor" obligations for the 2015 ozone NAAQS. A state with a disapproved SIP may choose to submit a revised plan at any time for EPA's review and approval, even after EPA has issued a FIP for that state. The proposals provide for a 60-day public notice and comment period and a public hearing for the proposed FIP is planned. Three information webinars are planned for March 29, 2022 - March 31, 2022, to engage stakeholders and respond to questions. Details on the webinars and EPA's proposed actions are posted on EPA's website (https://www.epa.gov/csapr/good-neighbor-plan-2015-ozone-naaqs).

EPA's Advance Program: We remind the tribes to visit https://www.epa.gov/advance to view resources that promote local actions to reduce ozone and fine particulate matter. ***Randy Pitre, 214-665-7299.***

Permitting on Tribal Lands

In Region 6, facilities may still qualify to *register minor source facilities* using the **existing source registration program** if the facility existed prior to 2013. This eligibility is a case-by-case site-specific determination that permittee should contact EPA to discuss. Also, Region 6 continues to accept changes in operations or changes in ownership of facilities that registered with the EPA prior to September 2, 2014. However, if the changes exceed the minor source thresholds limits in **Table 1 of 40 CFR § 49.153**, the facility must apply for a minor New Source Review (NSR) permit.

During 2021, EPA issued the following NSR (Part 49) and federal title V operating permits (Part 71) to facilities located on tribal lands. Erica LeDoux, 214-665-7265

Enterprise Field Services LLC: The Title V operating permit renewal was issued on March 11, 2021, and is effective for five years until renewed (until April 9, 2026). This renewal incorporated the 2018 synthetic minor NSR permit limits. The Lindrith Compressor Station located on Jicarilla Apache tribal land, NM is an existing natural gas compression and transmission facility. All documents related to this action are available at www.regulations.gov, docket # EPA-R06-OAR-2020-0330.

Choctaw Defense Manufacturing LLC: The synthetic minor NSR permit for the metal fabrication plant located in McAlester, OK was public noticed on April 1, 2021, and no public comments were received during the 30 day public comment period. The final permit was issued on May 14, 2021. All documents related to this action are available at www.regulations.gov, docket # EPA-R06-OAR-2020-0609.

Transwestern Pipeline Company LLC – Laguna Compressor Station No. 6: The Title V renewal permit for this existing facility was public noticed April 13, 2021, to May 13, 2021. No public comments were received, and the final permit was issued on May 25, 2021, and is effective for five years until renewed (until May 25, 2026). All documents related to this action are available at www.regulations.gov, docket # EPA-R6-OAR-2021-0195**.**

The Choctaw Pocola Casino and Resort, the minor NSR permit for the gaming facility located at Choctaw Casino & Resort, Pocola was public notice February 11, 2021, to March 12, 2021. No public comments were received, and the final permit was issued March 25, 2021. All documents related to this action are available at www.regulations.gov, docket # EPA-R6-OAR-2020-0708.

New Permitting Activities in Region 6 in 2022, currently include:

The Pueblo of Sandia Resort and Casino – the application to modify the Federal Synthetic (syn) Minor New Source review (NSR) permit in Indian Country permit #R6NSR-NM-001 was received on 5/13/21 from the Pueblo of Sandia and deemed complete on June 25, 2021. The final permit modification will continue to have federally enforceable limits that allow the facility to operate and emit below the major NSR and TV threshold limit. The Tribal Consultation letters for the Tribal Nations within a 50-mile radius will be sent by the end of March or early April 2022.

The Choctaw Nation of Oklahoma Pocola Casino and Resort, application to revise the existing Federal Minor NSR permit R6NSR-OK-003 was received on October 11, 2021, and deemed completed on November 9, 2021. This revision to the permit will be accomplished by an administrative amendment. The target date for the permit re-issuance is tentatively set for April 2022.

Harvest Four Corners, LLC – E&H Receiver, EPA received a permit application from Harvest Four Corners LLC for the renewal of its existing Title V permit of the E&H Receiver facility on Jicarilla Apache Tribal Lands, Rio Arriba County, New Mexico on December 13, 2021. This permit application was declared incomplete on February 15, 2022. EPA is working with facility to obtain additional information needed to draft permit.

Harvest Four Corners, LLC – Los Mestenios Compressor Station, The EPA received a permit application from Harvest Four Corners LLC for the renewal of its existing Title V permit of the Los Mestenios Compressor Station facility on Jicarilla Apache Tribal Lands, Rio Arriba County, New Mexico on February 4, 2022. This application is currently under review for completeness.

Activities with Federal Facilities

Flanged Tritium Waste Container (FTWC) Operations at Los Alamos National Lab - On October 18, 2021, A letter from the Acting Regional Administrator to DOE regarding Flanged Tritium Waste Container (FTWC) Operations (signed on October 18, 2021) was emailed to the manager of the National Nuclear Security Administration, Los Alamos Field Office, Department of Energy. In response, DOE submitted supplemental information regarding the Application for Remediation of the Flanged Tritium Waste Containers at Los Alamos National Laboratory on January 28, 2022. This supplemental information provides updates to information previously submitted in the May 2019 Application for Pre-Construction Approval and the Notification of Scope Change, submitted in March 2020. The preconstruction application was approved on May 22, 2019. EPA is now reviewing the submitted supplemental information, in accordance with the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subparts A and H, as it relates to the potential emissions of radionuclides from the proposed project. On March 10, 2022, we sent a letter to all New Mexico Tribal Nations and Pueblos offering consultation regarding the updated application. We will expeditiously consider the additional information supplied by LANL in its updated application as well as any concerns expressed by the tribal community before making our decision on the proposed venting process. ***George Brozowski, 214-665-8541***

Pre-Construction Application for the Radiological Liquid Waste Treatment Facility (RLWTF) at LANL

On November 2, 2021, the U.S. Department of Energy (DOE) - National Nuclear Security Administration, Los Alamos Site Office submitted an application to construct a new Radiological Liquid Waste Treatment Facility (RLWTF) for low-level waste streams, which will be located at the Los Alamos National Laboratory (LANL). The application states that the reason for a new construction is because the existing RLWTF is more than 50 years old and is nearing the end of its functional and operational life. A letter offering tribal consultation was sent on November 11, 2021, to all New Mexico Tribal Nations and Pueblos. The Pueblos of Santa

Clara and Tesuque responded. Santa Clara's consultation was held on November 23, 2021, and Tesuque's consultation was held on December 14, 2021. Closeout letters will be sent to both pueblos when EPA makes its final determination on the application. The application is being reviewed in accordance with the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subparts A and H. ***George Brozowski, 214-665-8541***

Land, Chemical and Redevelopment Division

RCRA, BROWNFIELDS, AND SOLID WASTE BRANCH

BROWNFIELDS

FY 2022 BROWNFIELDS STATE AND TRIBAL RESPONSE PROGRAM GRANT FUNDING

For FY 2022, EPA Region 6 Tribes (Absentee Tribe of Oklahoma, Cherokee Nation for Inter-Tribal Environmental Council, Eight Northern Indian Pueblos Council, Choctaw Nation, Muscogee Creek Nation, Kickapoo Tribe of Oklahoma, and Pueblo of Santa Ana) will receive funding for their Brownfields 128(a) State and Tribal Response programs. The funding can be used for limited site assessments or cleanups at brownfield sites; for other activities that increase the number of response actions conducted or overseen by a tribal response program; to purchase environmental insurance; or to develop other insurance mechanisms for brownfields cleanup activities. In addition to this funding the 128a Tribal stakeholders are eligible for additional funding under the just released Infrastructure Law 128a Funding Guidance. Funding requests are due to the Region Office by May 27,2022. ***Elizabeth Reyes, 214-665-3163***

BROWNFIELDS FUNDING, INFRASTRUCTURE LAW

As a result of the historic Bipartisan Infrastructure Law (BIL) the EPA Brownfields program will receive significant funding to assist communities and tribes to address Brownfields in their communities. Tribal partners are encouraged to take advantage of upcoming funding opportunities under the Infrastructure Law to compete for funding to carry out assessment, and cleanup activities as well as for job training programs. Additional resources are also available for Targeted Brownfields Assessment as well as for Technical Assistance to communities. EPA Brownfields personnel continue to work with communities and tribes to inform them of the opportunities available. An EPA representative will participate in the upcoming Tribal Environmental Summit to further promote BIL opportunities and inform Tribal stakeholders about this historic opportunity. ***Althea Foster, 214-665-2268***

CHEYENNE AND ARAPAHO TRIBES, RECIPIENT OF BROWNFIELDS JOB TRAINING GRANT

Congratulations to the Cheyenne and Arapaho Tribes who will receive $200,000 in Brownfield's funding to implement their Job Training Program. Cheyenne and Arapaho Tribes successfully competed in the most recent Job Training Grant announcement. Plans are underway to award the funds to the Tribe. The purpose of the Brownfield Job Training program is to provide environmental training for residents impacted by brownfield sites in their communities. ***Althea Foster, 214-665-2268***

NATIONAL BROWNFIELDS CONFERENCE IN OKLAHOMA CITY, OKLAHOMA

After several delays the National Brownfields Conference has been rescheduled for August 16-18, 2022. The Conference location will be at the new OMNI Hotel and Oklahoma City Convention Center. Registration for the conference begins on Monday April 4, 2022. For more information about the Conference please access the following link https://brownfields2022.org/. ***Althea Foster, 214-665-2268***

TRIBAL SOLID WASTE

OPEN BURNING/ OPEN DEMOLITION (OB/OD) OF WASTE EXPLOSIVES TRIBAL CONSULTATION WITH CHOCTAW NATION

On March 28, 2022, the EPA HQ and Regional office held a tribal consultation call with the Choctaw Nation who provided comments on the Proposed Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives Proposed Rulemaking. ***Roger Hancock, 214-665-6688***

CHEROKEE NATION SELECTED TO MENTOR REGION 9 TRIBE IN HHW COLLECTION EVENTS

Jason White and Chelsea Jones of Cherokee Nation, who have done a number of household hazardous waste (HHW) collection events in partnership with other tribes and municipalities, were identified by EPA HQ as mentor candidates for the Coyote Band of Pomo Indians in California, who are seeking a tribe to advise them with setting up and running their own events. Cherokee Nation agreed and we had a very beneficial first call to discuss many aspects of a successful solid waste program. We look forward to continuing to work with Region 9 and both tribes to help with this technical assistance effort. ***Roger Hancock, 214-665-6688***

TRIBAL LAND AND ENVIRONMENTAL FORUM (TLEF) SET FOR AUGUST 8-11, 2022

The Forum is scheduled to be a hybrid this year with both in-person and virtual sessions. It will be held in Milwaukee, WI at the Hilton Milwaukee City Center, and the Wisconsin Center. The deadline for submission of proposals is May 16, 2022. For more information: https://www7.nau.edu/itep/main/Conferences/confr_tlef. ***Roger Hancock, 214-665-6688***

EPA AND ENIPC TRIBAL RECYCLING WORKSHOP: *PLEASE NOTE THAT THIS WORKSHOP HAS BEEN POSTPONED UNTIL FURTHER NOTICE DUE TO COVID-19*

As part of EPA celebrating America Recycles Day, the Region has committed to hold a tribal recycling workshop in New Mexico. We will co-host the event with the Eight Northern Indian Pueblos Council (ENIPC) and hold it at the Santa Ana Pueblo Wellness Center. We are encouraging tribal solid waste staff, as well as Environmental Directors to come as this will be a hands-on workshop with field training. The first day will feature several Pueblo speakers discussing their solid waste and recycling programs, as well as federal, state, and nonprofit officials discussing resources available to tribes. On the second day we will provide transportation to the attendees to visit three Pueblo transfer stations. Rooms are provided for all attendees. ***Roger Hancock, 214-665-6688***

EPA HQ RELAUNCHES TRIBAL SOLID WASTE PEER MATCHING PROGRAM

On September 9, 2021, EPA announced that we have relaunched the national Tribal Peer Matching Program with an offer for interested tribes to fill out an online form to be a mentor, mentee, or both. The program can help tribes assist one another in addressing waste management issues by providing direct technical assistance through a peer-to-peer mechanism. Travel expenses can also be provided for free for participants. ***Roger Hancock, 214-665-6688***

IHS HQ WILL WORK DIRECTLY WITH TRIBES TO VERIFY OPEN DUMPSITES
IHS informed EPA they are planning to reach out to tribes through their Area Offices to verify priority dumpsites over .5 acres that are documented in their WSTARS database. They are also continuing to work on a virtual open dump assessment training. This might lead to some sites receiving funding from IHS for cleanup. ***Roger Hancock, 214-665-6688***

EPA TO CONTINUE OFFERING TRIBAL SOLID WASTE ONLINE WEBINARS
Over the past year, EPA HQ has offered several online webinars and trainings covering topics such as waste characterization, sustainable materials management and managing small-scale transfer stations. Due to the excellent participation rate and interest, we are planning to continue to offer more trainings and will keep everyone updated as soon as they are announced. ***Roger Hancock, 214-665-6688***

RCRA GRANTS

TRIBAL HAZARDOUS WASTE GRANT FUNDING OPPORTUNITY
The Request for Applications (RFA) for the FY 2022 Hazardous Waste Management Grant Program for Tribes (EPA-OLEM-ORCR-22-01) has been posted on Grants.gov. Please use the following link to access the funding opportunity: https://www.grants.gov/web/grants/view-opportunity.html?oppId=338970. This grant program provides financial assistance to tribal governments and tribal intertribal consortia for developing and implementing hazardous waste programs, building capacity to improve and maintain regulatory compliance, and developing solutions to address the improper management of hazardous waste on tribal lands. The closing date for submittal of applications is May 12, 2022, by 11:59 PM (ET). ***Roger Hancock, 214-665-6688***

RCRA CORRECTIVE ACTION

FORT WINGATE DEPOT ACTIVITY (FWDA), NEW MEXICO
Remediation continues under NMED's RCRA closure/post-closure permit. Removal of explosives-contaminated soils (70,000 cu yd) at the TNT Leaching Beds was completed in 2021. Major remediation work at the former Open Detonation/Open Burn (OB/OD) Area continues, with over half of the soil excavated and sifted. However, the Army requested from NMED deliverables extensions of 3 – 5 years due to funding and contracting issues. NMED, after some discussions with Army, issued Notice of Violations (NOV) with stipulated penalties based upon Army's failure to meet Permit schedules; this issue is still in flux. 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 those tribes last year. Tribal, BIA, NMED and EPA participation continues under the base closure process. Army announced the recent signatures by all parties including Pueblo of Zuni, Navajo Nation, NM, Army, and the Advisory Council on Historic Preservation on the FWDA Programmatic Agreement regarding BRAC Closure and Disposal/Corrective Action Activities. The normal semi-annual Base Closure Team meetings in Gallup were cancelled in 2020 due to the pandemic. However, fieldwork has been ongoing at Parcel 3, as well as Interim Groundwater Monitoring with appropriate health protections in place. The Army has been conducting excavation and processing operations associated with the HWMU, Parcel 3, since August 2017. The USACE and the US Army BRAC

Office are initiating PFAs investigations at FWDA. A Preliminary Assessment will begin at FWDA in late 2021. A Fort Wingate Depot Activity Base Closure Team Virtual meeting took place November 3, 2021. ***Laurie King, 214-665-6771***

EPA/NREL/KICKAPOO TRIBE PARTNERSHIP PROJECT

In the Spring of 2020 EPA Region 6, the Kickapoo Traditional Tribe of Texas (KTTT) and the Department of Energy's National Renewable Energy Lab (NREL) formed a partnership to promote renewable energy/energy efficiency (RE/EE) opportunities on Tribal property near Eagle Pass, TX. The project was funded via an Interagency Agreement (IA) between the Region 6 RCRA Program and NREL. KTTT identified several facilities/locations on their property for a RE/EE feasibility study. The effort was also supported by the Region 6 Tribal and Border Offices. The NREL modeling results for the renewable energy feasibility study indicated that renewable energy was likely not a cost-effective option at this time due to the low cost of electricity; however, it might be a consideration based on other Tribal goals. NREL/Region 6 offered to further assist the Tribe by developing an energy strategic plan for the Tribe, funded via the IA. Typically this entails an on-site visit by NREL staff; however, NREL has been preparing them remotely since the pandemic. The Tribe accepted the offer, and the workgroup began meeting (generally biweekly) in August 2021 to develop the strategic energy plan. The final workgroup meeting took place on February 9, 2022, resulting in a versatile and flexible strategic plan that identifies the Tribe's key energy goals and objectives, tailored to their unique, specific needs. With the strategic plan in place, the Tribe is now well-positioned to identify and pursue other assistance opportunities available through DOE's Tribal Office to achieve their energy goals and objectives. ***Jeanne Schulze, 214-665-7254***

RCRA FACILITY UPDATES

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 72,500 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 1,000 feet below ground surface. The plume size is approximately 1.2 miles long and 0.5 miles wide with a maximum concentration of about 1,200 ppb. One Los Alamos County drinking-water production well PM-3 is located just outside the eastern plume boundary and is closely monitored by the New Mexico Environment Department and LANL. Three other production wells are located southwest of the chromium plume and are also closely monitored. Chromium has been detected in a nearby monitoring well on Pueblo de San Ildefonso (4.30 ppb) at concentrations near the regional Cr background concentration (4.60 to 7.48 ppb). The New Mexico Water Quality Control Commission standard for chromium is 50 ppb. An Interim Measures (IM) plume control project was implemented by LANL in 2018 consisting of five extraction wells and five injection wells. Annual status reports are submitted to NMED for the IM. NMED's review of the past three IM status reports resulted in technical comments that question the efficacy of the IM. NMED is working with LANL to develop an improved IM work plan that more thoroughly evaluates the

effectiveness of and provides adjustments to the IM. In addition, pilot-scale in-situ remediation testing using chemical amendments was conducted within the plume area at two wells in 2017 to study if addition of the amendments to the regional groundwater is a viable remediation option. The preliminary results of the pilot-scale chemical amendment indicate that this approach may not be an effective alternative for remediation. Both NMED and LANL recognize that LANL must replace at least one of the test wells damaged from the pilot study. Two additional chromium monitoring wells were completed late 2021 at the southwest and northwest corners of the plume, respectively. Both wells will be integrated into the facility-wide groundwater monitoring plan to further characterize the extent of chromium plume, perchlorate, and other contaminants in the regional aquifer. LANL completed an aquifer assessment at the northeast corner of the chromium plume mid-2021 to further characterize the northeast portion of the chromium plume in the vicinity of the nearby County production well. While LANL concluded that there is no risk to the production well from this contamination source, NMED does not concur with this conclusion based on its own assessment. NMED is requiring installation of another well in this area to further investigate the vertical and lateral extent of chromium toward the County production well. NMED is requiring additional monitoring wells to delineate the vertical extent of the plume in the center of the chromium plume and to replace the one well permanently altered by the 2017 chemical amendment injection pilot study. The replacement well and one vertical delineation monitoring well are scheduled for completion early 2023. A Corrective Measures Evaluation for the chromium plume that was due in September 2021 has been postponed until characterization of the chromium plume is complete. ***Laurie King, 214-665-6771***

UST, POLLUTION PREVENTION, AND LEAD BRANCH

GRANTS

LEAD PAINT PROGRAM GRANTS

The Cherokee Nation of Oklahoma was awarded a grant in September 2021 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, provide training for lead inspectors, conduct inspections of licensed contractors engaged in lead-based activities and take appropriate enforcement when needed. ***Mike Adams, 214-665-6711***

PESTICIDE PROGRAM GRANTS

Cooperative agreements were awarded to two tribal consortia, the Inter-Tribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) on September 24, 2021, and September 28, 2021, respectively, 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. ***Bryan Irwin, 214-665-6408***

UNDERGROUND STORAGE TANKS (UST)

Cooperative agreements were awarded to two tribal consortia, the Inter-Tribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) on September 1, 2021, and September 27, 2021, respectively. The ITEC and ENIPC on-going grants provide

compliance assistance to tribal UST owners and operators. In October both ITEC and ENIPC were approved a 6-month no cost time extension to allow more time to finish out the two-year grant project period. This extension will end on March 31, 2022. ***Tameka McCaskill, 214-665-8578***

TRIBAL SUMMIT

The Sustainable Materials Management (SMM) and Tribal Solid Waste Programs will present an educational outreach webinar at this year's Tribal Summit on May 10, 2022. EPA will present a 1.5-hour webinar on the new SMM Infrastructure funding. During the session we will provide a brief overview of EPA's new National Recycling Strategy and movement toward a circular economy. We will also share information on new grant programs to improve recycling infrastructure, recycling education and outreach. EPA will solicit feedback from the tribal community regarding the community's recycling infrastructure needs. In addition to the tribal summit webinar, EPA will conduct an outreach call with the tribes on April 12, 2022. EPA will solicit feedback from our tribal communities as a precursor to the Tribal Summit in May. EPA's contractor will be on hand to assist in facilitating the call. ***Deanna DeBose, 214-665-6461***

P2 GRANTS:

On 2/9/22, EPA announced two grant funding opportunities for states and tribes to provide Pollution Prevention (P2) technical assistance (e.g., information, training, and tools) to businesses to help them develop and adopt P2 practices in their operations. Approximately $23 million in grants are being made available, including almost $14 million provided by the Bipartisan Infrastructure Law (BIL) with no cost share/match requirement.
Eligible applicants for both P2 grant programs include states, state entities such as universities, U.S. territories and possessions, and federally recognized tribes and intertribal consortia. For both grant funding opportunities, EPA is strongly encouraging applicants to address environmental justice and/or climate pollution in their project(s). EPA launched a new P2-EJ Facility Mapping Tool which allows users to identify industrial facilities located in or adjacent to communities with EJ concerns. Applications for the grants are due by Monday, April 11, 2022. https://www.epa.gov/p2 - ***Stephanie Cheaney, 214-665-8057***

PROGRAM IMPLEMENTATION

FEDERAL CERTIFICATION OF APPLICATORS OF RESTRICTED USE PESTICIDES (RUP) IN INDIAN COUNTRY

Under the 2017 Certification of Applicators Final Rule, EPA provides three options for tribes to establish valid EPA-recognized/approvable certification programs in Indian country, along with a fourth "opt-out" option (Restricted Use Pesticides (RUP) cannot be applied in Indian country). The three options for establishing a certification mechanism are as follows: Tribal Reliance on Certifications Issued by Specified Jurisdictions (Tribal-EPA Agreement), Certifications Issued by a Tribe (Tribal Certifications), EPA-administered Certification Plan (EPA Plan). Region 6 tribes will fall under the 1st option, The Tribal-EPA Agreement option. This option allows applicators to obtain certification from adjacent states and then apply for an EPA license to apply RUPs in Indian Country. Currently, there are 22 certified commercial applicators and 45 private applicators of RUPs in Indian Country in EPA Region 6. EPA posts the list of federally certified

applicators at the following link: https://www.epa.gov/pesticide-applicator-certification-indian-country/applicators-certified-under-epa-plan. ***Eric Nystrom, 214-665-6752***

UST INSPECTIONS

EPA Region 6 has resumed inspections of UST facilities as of March 29, 2022. FY22 inspections are taking place in a phased approach, with priority sites taking precedent. Three criteria were assessed to rank UST facility priority - compliance history, distance to a ground water site, and days since the last inspection. EPA staff have already identified the top 15 priority tribal UST facilities to start with and will continue to evaluate the ranking, adding more sites as facilities are inspected. Annual Notification of Inspection for tribal facilities due for inspections in FY22 have already been mailed out. Individual notifications for inspections will be sent to the owner/operator and the Tribal environmental offices 30 days before the inspection.
Joshua Ridley, 214-665-7117 and Robert Glynn, 214-665-8350

REGULATIONS

AGRICULTURAL WORKER PROTECTION STANDARD (WPS)
The EPA finalized updates to the 2015 WPS Rule on October 30, 2020. Changes modified the AEZ, so it is applicable and enforceable only on a farm owner's property, exempted immediate family members of farm owners from all aspects of the AEZ requirement, added clarifying language for resuming pesticide applications that are suspended due to individuals entering the AEZ and simplified the criteria for deciding whether pesticide applications are subject to the 25- or 100-foot AEZ. In December 2020, two petitions were filed in the U.S. District Court for the Southern District of New York and in the U.S. Second Circuit Court of Appeals challenging the 2020 Rule (now consolidated as case number 20 Civ. 10642). A preliminary injunction has halted the implementation of the Final Rule until August 22, 2022, but could be extended as the litigation is ongoing. At this time the 2015 WPS remains in effect with no changes to the AEZ provisions due to the preliminary injunction. The 2020 Rule is concurrently undergoing review per the Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. ***Diego Garcia, 214-665-2292***

TRIBAL OUTREACH

LEAD PAINT PROGRAM OUTREACH
Region 6 is working with the Choctaw Nation of Oklahoma to fund efforts on their part to study the feasibility of applying for adoption of the Lead Based Paint Program. The Region 6 program is coordinating with the Office of Pollution Prevention and Toxics, as well as the Region 6 Grants Office and Regional Counsel, to confirm that availability of funding, eligibility, and the process to be followed. The Choctaw Nation may be able to receive financial assistance for up to four years to be able to handle the large administrative burden of program adoption. ***Mike Adams, 214-665-6711***

INTER-TRIBAL ENVIRONMENTAL COUNCIL (ITEC) PESTICIDES PROGRAM
Inter-Tribal Environmental Council (ITEC) staff have continued to join the Tribal Pesticide Program Council (TPPC) monthly executive council calls. ITEC staff also joined monthly EPA

Tick Integrated Pest Management (IPM) Working Group conference calls and the EPA IPM Webinar Series that covers a different topic each month. ITEC staff submitted a Tribal Pesticide Program report to the Tribal Environmental Coalition of Oklahoma during their bi-monthly meeting. ITEC pesticide staff have joined the Oklahoma Invasive Species Counsel monthly webinars. ITEC staff continue to record the pesticide application notifications they receive into the Pesticide Application Notification database and has received 240 notifications in the first quarter of FY2022. ITEC is hosting the annual ITEC Tribal Summit that will take place throughout April and May. ***Bryan Irwin, 214-665-6408***

EIGHT NORTHERN INDIAN PUEBLOS COUNCIL (ENIPC) PESTICIDES PROGRAM
ENIPC staff attended the three day Pre-SFIREG meeting with EPA Region 6, attended webinars about Integrated Vegetation Management, How to Avoid Bed Bugs, and Managing Troublesome Vines. ENIPC staff continue to have monthly OETA staff meetings providing updates on attended webinars and pollinator garden progress. In November, ENIPC staff met with Region 6 Pesticide Staff to discuss organizing a series of webinars about Integrated Pest Management and Pesticides in Water. The primary audience will be tribes in and around the Rio Grande River in New Mexico. Pueblos and Tribes rely heavily on the Rio Grande River for irrigation and cultural uses. The secondary audience will be all Tribes in the United States. Staff continues to provide any pesticide related information and assistance to pueblos and tribes when requested. ENIPC staff picked up the remainder pollinator garden supplies to be provided to the Pueblos of San Felipe and Zuni. ***Bryan Irwin, 214-665-6408***

REGION 6 TRIBAL SUSTAINABLE MANAGEMENT OF FOOD INITIATIVE
As part of R6 EPA's continuing work in support of America Recycles Week efforts, R6 has developed videos that highlight important environmental work being conducted by tribes across the region and planned an EPA Tribal Recycling Workshop for Summer of 2022 (delayed due to COVID-19). In summer 2020, Region 6 awarded two Direct Implementation Tribal Cooperative Agreements for $30,000 each, one to ENPIC and one to ITEC. This project builds on the video efforts with a focus on the sustainable management of food at tribal schools and colleges, as well as other tribal facilities and cultural events that produce high volumes of food waste. Sustainable management of food is a systematic approach that seeks to reduce wasted food and its associated impacts over the entire life cycle, starting with the use of natural resources, manufacturing, sales, consumption and ending with decisions on recovery or final disposal. Region 6 will promote innovation and highlight the value and efficient management of food as a resource through our partners ENIPC and ITEC. Through the sustainable management of food, we can help businesses and consumers save money, provide a bridge in our communities for those who do not have enough to eat and conserve resources for future generations. Building on the familiar concept of "Reduce, Reuse, Recycle," this approach shifts the view on environmental protection and more fully recognizes the impacts of the food we waste. ***Stephen Sturdivant, 214-665-6673***

CHOCTAW NATION PESTICIDE PROGRAM
In December, Region 6 Pesticide staff had a call with Choctaw Nation to discuss establishing a pesticide program for the tribe. The proposed program includes both programmatic and enforcement activities. If established, it would be the only tribal FIFRA enforcement program within Region 6. During the meeting Pesticide staff answered questions Choctaw had about the Tribal Cooperative Agreement Guidance, the document "Options for Tribes to Establish EPA-

Recognized Certification Programs in Indian Country" and the Guidance for Issuing Federal EPA Inspector Credentials. These documents were provided to Choctaw Nation through previous meetings and emails. Until Choctaw Nation and EPA have a cooperative agreement in place, Choctaw Nation can only have inspectors work through the online training, but not be officially federally credentialed. Choctaw Nation has previously expressed wanting some of their members to become federally credentialed inspectors so they could conduct inspections on Choctaw Land. Since the last meeting Choctaw staff have shared a document that provides more information on the potential universe of inspection targets, pesticide usage and types of agriculture happening on Choctaw land. EPA pesticide staff plan to have another meeting with Choctaw Nation in April to continue the discussion about establishing the pesticide program. ***Sierra Moline, 214-665-2177***

REGION 6 BEE-KILL MAILER CAMPAIGN

During the FIFRA Cooperative Agreement End-of-Year meetings with Eight Northern Indian Pueblo Council and Inter-Tribal Environmental Council, EPA Pesticide Program staff discussed a new mailers project. Information on the symptoms of pesticide exposure in bees will be distributed to the respective Pesticide Program contact within the Councils. These post-card sized mailers can then be distributed to tribal members who maintain colonies of honey bees, nests of native bees or pollinator gardens. In the event of a bee-kill event suspected to be caused by pesticide exposure, members will have the contact information necessary to report the event to their respective Environmental Departments. The mailers were modified with tribal Pesticide Program feedback and are currently undergoing final approval with EPA headquarters staff. They are anticipated to be distributed to the tribes in summer of 2022. ***Chrissy Mogren, 214-665-6579***

TRIBAL SUMMIT

The Underground Storage Tank (UST) program will present two webinars at this year's Tribal Summit on May 15, 2022. During the 1.5 hr session, EPA will present an overview of the inspection process including relevant programmatic updates and a presentation on the EPA UST tribal compliance pilot program. ***Rachel Snavely, 214-665-6736***

OUST-OBLR DISCUSSION PAPER

Staff and management from the R6 Underground Storage Tank (UST) and Brownfields sections with OUST continue to make progress on a whitepaper that will serve as a programmatic guide to outline the opportunities for partnership between UST and Brownfields programs at the Regional, State, and local level in wake of the new Infrastructure Investments and Jobs Act (IIAJ) funding. The paper was distributed to the UST Program RPMs and Brownfields program on March 23, 2022 and is open for review and comments until April 5, 2022. ***Rachel Snavely, 214-665-6736***

Enforcement and Compliance Assurance Division

Drinking Water Enforcement and Compliance End of FY2021 Review: Enforcement and compliance trends of public water systems on Tribal or Pueblo Lands in Region 6 during Quarters 3 and 4 of FY2021 have been identified using data from the Safe Drinking Water Act Enforcement Review Tool (SDWA ERT) and Enforcement Targeting Tool (ETT). Of the 83 total Tribal public water systems, 59 systems were in compliance during both Q3 and Q4, while 24 systems had open SDWA violations. Systems with open health-based violations increased from 11 to 12 in Q3 and Q4, respectively. Currently, no systems have acute health-based violations. Of the 24 systems with open violations, four (4) systems were identified as an enforcement priority with an ETT score of 11 or higher. However, two of the systems have returned to compliance and this number will soon decrease to two systems, per recent Safe Drinking Water Information System (SDWIS) compliance data. Of the two remaining priority systems, informal enforcement actions were issued to both in Q3. These tools, along with continued collaboration between R6 Tribal and Pueblo Partners, R6 Water Division, and R6 Enforcement and Compliance Assurance Division have proven effective in targeting enforcement priority systems and systems needing compliance assistance while working toward SDWA compliance. ***Curry Jones 214-665-6793 / Sami Doupnik 214-665-7495***

Mescalero Apache Drinking Water: Protection of drinking water is a key pillar in building strong communities. Mescalero Apache Tribe has 10 public water systems serving about 6,000 people across 50 square miles. These Public Water Supply (PWS) systems have historically had numerous operations, maintenance and management issues that were not addressed for over two decades which negatively impact drinking water. The EPA has provided millions of dollars to Mescalero for infrastructure projects ($2,539,400 in 2008; $212,100 in 2015; $787,750 in 2017). The EPA issued a Unilateral Administrative Order, a first of its kind public notice order on December 18, 2018, to the Mescalero Apache Tribe for failure to address 181 significant deficiencies in their drinking water system. This order requires that the Tribe post public notice of their failure to address these deficiencies and continue to repost every three months until all significant deficiencies are corrected. The public notice order concept originated in Region 6 and has proven to be an effective tool to reach the citizens consuming the water. The EPA continues to work with Mescalero Apache Tribe to promote the need for obtaining necessary personnel and financial resources to address the remaining deficiencies. As a result of the EPA partnership with Mescalero Apache Tribal leadership, the Tribe has resolved 169 of the 181 deficiencies within the first 30 months of the unilateral order. This represents a completion of 93% of the significant deficiencies. Some of the remaining deficiencies require construction projects that, once complete should address the issues. This partnership and these meaningful steps will ensure that Mescalero Apache Tribe will be able to provide clean and safe water to tribal members.
Curry Jones 214-665-6793 / Sami Doupnik 214-665-7495

OECA Compliance Assistance Program (CAP) -formerly known as the Circuit Rider Initiative

The EPA is assisting tribes through direct technical assistance. EPA's Office and Enforcement and Compliance Assurance (OECA) has contract support available to assist tribal drinking water facilities to develop asset management plans and standard operating procedures necessary to ensure infrastructure continues to provide clean and safe drinking water. The EPA encourages

the tribes/pueblos to continue to seek both internal and external resources necessary to maintain proper operations and maintenance and hire staff necessary to provide safe drinking water to tribal communities. ***Roberto Bernier 214-665-6793 / David Esparza 214-665-7495***

Clean Water Act Section 404 referral to EPA due to Impact to Toltec Mounds (Arkansas)
EPA is in the process of settling a Clean Water Act, Section 404 enforcement case at Mound Lake, Arkansas that has been causing offsite impacts at Toltec Mounds Archeological State Park, located a mile upstream from the site of the unauthorized discharges. The unauthorized activity raised the water level of Mound Lake, causing accelerated erosion of the Toltec Mounds, a designated National Historic Landmark. There is also the Keepsafe Cemetery located on the property that is adversely impacted. EPA has coordinated with the Quapaw Tribe of Oklahoma, the Osage Nation, Caddo Nation, and Tunica-Biloxi Indian Tribe of Louisiana regarding our goal of addressing the violations in a manner that removes the threat of impact to the archeological sites. The first of several Administrative Orders needed to resolve the matter was issued January 20, 2022, with second Administrative Order (on Consent) issued March 29, 2022, requiring a restoration plan within 30 days. ***Curry Jones, 214-665-6793 / Tom Nystrom, 214-665-8331***

What is ECHO Notify?
On March 22, 2022, EPA's Office of Compliance released "ECHO Notify" to advance the Agency's commitment to transparency and environmental justice. ECHO Notify is a **public notification system** that helps people stay informed about important compliance and enforcement activity taking place in their community. ECHO Notify provides information on all EPA enforcement and compliance activities as well as activities of state and local governments under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and the Safe Drinking Water Act. ECHO Notify also provides information on the Environmental Justice status of regulated entities. https://echo.epa.gov/tools/echo-notify,
Courtney Kudla, 214-665-8008

Superfund and Emergency Management Division

TRIBAL CONSULTATION AND COORDINATION

On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (BIL), which invests $3.5 billion in environmental remediation at Superfund National Priorities List sites and reinstates the Superfund chemical taxes. BIL funds will be used to initiate cleanup and clear the backlog of 49 previously unfunded Superfund sites—including four in EPA Region 6—and accelerate cleanup at dozens of other sites across the country. EPA will need to finalize and implement remedial designs, as needed, and prepare contracts and interagency and cooperative agreements to get construction work started at these sites as soon as possible. ***John Meyer 214-665-6742***

VARIOUS REMEDIAL /REMOVAL ISSUES

New Mexico Abandoned Uranium Mines – Five Year Plan: EPA is developing the 2022-2026 Five-Year Plan for the Grants Mining District. Input has been garnered from communities, New Mexico agencies, and the Pueblos of Acoma and Laguna. A draft plan will be shared with plan partners and then released for public comment. EPA plans to finalize the document in 2022. ***Susan Webster 214-665-6784***

San Mateo Creek Basin Legacy Uranium Mines Site, NM – Central Study Area Groundwater Investigation: The Remedial Investigation and Feasibility Study work plan, field sampling plan and a conceptual site model developed by the three former mine operators (Working Group) were approved by EPA in June 2021. The Working Group is currently obtaining access agreements for private lands, state land, and federally managed lands where a geophysical seismic survey will be conducted as the first phase of the field investigation. Applications for right-of-entry (ROE) and right-of-way were submitted to the New Mexico State Land Office (SLO) and Bureau of Land Management (BLM) in October 2021 as part of this effort. Cultural surveys and a public and tribal notification process will be performed as part of the SLO and BLM requirements for the ROE and ROW applications. The geophysical seismic survey is scheduled to begin in June 2022 and last about a month. EPA and the New Mexico Environment Department will perform oversight of the field activities. ***John Meyer 214-665-6742***

Tronox Navajo Area Uranium Mines East, West and Central Geographic Sub-Areas and Section 10 Mine, Grants Mining District, NM: On December 20, 2021, EPA Region 6 and Region 9, with support of the Office of Mountains Deserts, and Plains workgroup, completed the Tronox Funding Allocation Strategy. The strategy developed an allocation of the over $900 million received for the 54 Tronox Navajo Area Uranium Mines from the Tronox settlement. Region 6 will continue to work through technical and administrative reviews of the draft EE\CAs that cover the 18 mines Region 6 is the lead for prior to releasing them for public comment in the future. EPA Region 6 is investigating the potential comingling of waste from abandoned uranium mines and material regulated by Nuclear Regulatory Commission (NRC) under the Uranium Mill Tailings Radiation Control Act (UMTRCA) in the area adjacent to the Rio Algom Mill Site. EPA

has worked with NRC and Rio Algom to develop a pragmatic approach to determine the comingled areas using existing data and recognizing CERCLA's ability to adapt to conditions in the field when cleanup work begins. Rio Algom is developing a report that will summarize existing data to help identify the extent of the commingled areas that will aid the federal agencies in identifying next steps. ***Craig Carroll, 214-665-2220 and Susan Webster 214-665-6784***

Jackpile Paguate Uranium Mine Site: The project successfully completed installation and development of 39 monitoring wells across the site during Phase I of the groundwater investigation to aid in the understanding of groundwater movement in and around the site. Collection of meteorological data continues and will be used to understand the influences of weather on the generation and airborne transport and deposition of dust, as well as generation, transport, and dissipation of radon gas. These data will support the evaluation of potential risk to human health and the environment posed by potential site-related radiological contamination, and as applicable, support decision-making on potential future remedial actions. The site is still scheduled to begin sampling surface water, groundwater, and sediment this year to support Phase I planned activities once the final Sediment Field Sampling Plan is approved. ***John Meyer 214-665-6742***

Oak Canyon Residential Site, Pueblo of Laguna, NM: In April 2022, the EPA met with a homeowner to discuss the planned removal action and schedule for the radon mitigation at their residence. Removal activities will include roof replacement, due to health and safety concerns with the structural integrity of the current roof; installation of a radon mitigation system; and excavation of radiologically contaminated soil. Site work is expected to be complete by early May 2022. ***Craig Carroll, 214-665-2220***

Tar Creek, OK: Investigation and remediation work for Tar Creek continues, including remediation work under Operable Unit (OU) 4 (Chat Piles and Other Mining Wastes) addressing a total of 6.8 million tons of chat, and under OU2 (Residential Properties), remediating a total of nearly 3000 residential properties, with remedial designs having recently been completed for 35 residential properties. Through March 2022, remediation has been completed at 36 properties. An additional 17 properties are scheduled for remediation in 2022 as well as investigation and remediation as needed for all Housing and Urban Development identified properties. ***John Meyer 214-665-6742***

Tri-State Watershed, Lower Spring River (Surface Water and Sediments), including portions of Tar Creek OU5 OK, KS and MO: EPA continues to work with the seven Tar Creek Trustee Council Indian Tribes, the Quapaw Nation, states, communities, and other federal agencies to plan, report and review the risk assessment and investigation reports. The Feasibility Study (FS) Phase of work is underway, with Region 7 as the lead. Regions 6 and 7 are conducting field pilot study activities to provide information on available technologies and to support evaluation and development of remedial options while providing monthly conference call updates. The next target milestone for the Tri-State Watershed is to implement 2 pilot studies (Biochar pilot on Elm Creek, and biochar/wetlands pilot on Wilson Lake) in 2022, collect data in support of the watershed modeling effort, collect data gaps in support of the investigation and risk assessment for the Upper Spring River, continue coordination on Lost Creek data sampling, and continue efforts to develop better communication strategy for site information. ***John Meyer 214-665-6742***

Oklahoma Refining Company, Cyril, OK: ODEQ contracted with IKON Environmental Solutions, LP (IKON), to perform the Operable Unit 2 (North Side) Remedial Action (RA) at the Oklahoma Refining Company Superfund Site. The RA consists of excavation of contaminated soils and sediments, on-site disposal of the excavated materials in the hazardous waste landfill, and recovery and monitoring of light non-aqueous phase liquids. IKON began RA activities in May 2021 and is currently scheduled to complete remedial activities by the end of April 2022. EPA and ODEQ will continue to coordinate with and inform Oklahoma tribes on site milestones. ***John Meyer 214-665-6742***

Henryetta Iron and Metal, Henryetta, Okmulgee County, OK: In February 2022, EPA conducted a call with representatives from the Muscogee (Creek) Nation and ITEC to determine what activities the Muscogee (Creek) Nation would desire to perform concerning the Henryetta Iron and Metal Superfund Site. EPA, the Muscogee (Creek) Nation, and ODEQ plan to participate in the upcoming EPA site walk where removal activities will be discussed and evaluated. This removal site walk is anticipated to be conducted in April 2022. ***John Meyer, 214-665-6742***

Removal Assessment: Broken Arrow Radiation Site, Broken Arrow, OK: In December 2021, EPA started removal assessment activities at the Broken Arrow Radiation site to determine the extent of and any imminent threat from radioactive waste contamination. The site is a former landfill facility and is situated in a mixed commercial-residential area. A removal action is projected to begin in May 2022. ***Craig Carroll, 214-665-2220***

Enable Midstream Crude Oil Pipeline Spill, Tuttle, OK: On February 20, 2022, the EPA received a notification from the National Response Center (NRC) of a discharge of an estimated 500 bbls of oil from a pipeline south of Tuttle, Grady County, OK (NRC# 1329326). An EPA On-Scene Coordinator (OSC) and technical assistance (START) contractors were dispatched on the morning of February 21, 2022, to provide federal oversite and documentation of cleanup activities of the responsible party (RP). The RP subsequently revised the estimated amount spilled to 1,700 bbls. The RP had recovered approximately 1,500 of the 1,700 bbls discharged and secured the release by shutting in and blocking the pipeline upstream and downstream of the release point and installing a clamp on the portion of the pipeline with the leak. There were no impacts to endangered species, threatened species, or migratory birds. EPA conducted air monitoring on-site and downwind of the response operations at the nearest residence approximately 0.5 miles downwind and two schools approximately 4 miles downwind. On-site near the recovery operations at the stock pond, EPA observed three volatile organic compound (VOC) measurements at 5 ppm, 3.05 ppm, and 1.6 ppm. No other detections for any parameters were observed on-site or at the downwind residential home or schools off-site. EPA monitored for VOCs, H2S, CO and LEL. EPA also contacted the Department of Interior (DOI), Bureau of Indian Affairs (BIA) and Chickasaw Nation. EPA was informed the incident location is within the Chickasaw Nation Reservation, however it is not located on trust, fee, or restricted property. The EPA OSC and contractor personnel remained on-site to provide federal oversite and documentation of cleanup activities until February 22, 2022. As of early March 2022, approximately 1600 bbl of the released 1900 bbl had been recovered. EPA plans to conduct a

final site walk with the responsible party once the remediation efforts are complete. ***Craig Carroll, 214-665-2220***

Mitzi Tank Farm Oil Spill, Lamar, OK: On December 19, 2021, Trinity Operating (Trinity) discovered an oil discharge from their MITZI Tank Farm located just east of Lamar, Oklahoma. Trinity notified the Oklahoma Corporation Commission (OCC) and mobilized responders to address the discharge. On December 20, 2021, at the recommendation of OCC, Trinity notified the National Response Center (NRC #1324943) of the estimated 100 barrels (bbls) of oil and salt water discharged from the tank farm that impacted Gobbler Creek, which drains after approximately 2.2 miles into the Canadian River which is habitat for the endangered Arkansas River Shiner. Trinity reported using vacuum trucks and absorbent booms and pads along the creek and at a county road bridge over the creek to recover the discharge. Trinity also reported to EPA that up to 200 bbls of oil and salt water may have been discharged and could not estimate the portion that was oil or salt water. The EPA Phone Duty Officer (PDO) deployed a team of technical assistance (START) contractors to the scene on December 20, 2021, to monitor and document the removal work by Trinity Operating. Over the course of the response, Trinity reported recovering approximately 90 bbls of oil from oily water, spent absorbent booms and pads, and oily vegetation and debris. An EPA On-Scene Coordinator (OSC) conducted a site walk on March 24, 2022, with representatives from Trinity, US Fish and Wildlife Service (USFWS), OCC, and Muscogee Creek Nation Environmental Services. Only a minor area of with sheen was observed during the site walk near the lease pad along the drainage path. Trinity will address the puddle of sheen and collect a sample for Total Petroleum Hydrocarbon (TPH) analysis. USFWS confirmed no apparent impact to Arkansas River Shiner habitat downstream in the Canadian River as a result of the discharge and removal work. OCC and Muscogee Creek Nation Environmental Services confirmed satisfaction with the results of the response action. The EPA OSC concurred but noted a final determination of completion is on hold pending Trinity's sample results. The estimated date of completion is April 11, 2022. ***Craig Carroll, 214-665-2220***

Spill Prevention Control and Countermeasure (SPCC) Inspections Conducted in Osage County, OK: On December 7, 2021, an Emergency Management Branch Inspector conducted a Spill Prevention Control and Countermeasure (SPCC) inspections at the Hominy, OK Municipal Airport, Fuel Services Terminal and the Wilcoxson Oil Company, Fuel & Oil Sale Distribution Station, bulk oil storage facilities, located in Hominy, Osage County, Oklahoma. The inspections were scheduled due to referral by the Osage Tribe and subsequent reconnaissance regarding SPCC deficiencies. ***Craig Carroll, 214-665-2220***

Spill Prevention Control and Countermeasure (SPCC) Inspections Scheduled in Osage County, OK: On December 9, 2021, an Emergency Management Branch Inspector conducted Spill Prevention Control and Countermeasure (SPCC) inspections at the E.W. Carter Oil Company, Hunt and Wildcat Tank Batteries, production facilities, located in Osage County, Oklahoma. The inspections were scheduled due to citizen complaints and subsequent referral by the Osage Tribe regarding SPCC deficiencies. ***Craig Carroll, 214-665-2220***

Spill Prevention Control and Countermeasure (SPCC) Inspections Conducted in Osage County, OK: On February 8, 2022, an Emergency Management Branch Inspector conducted

Spill Prevention Control and Countermeasure (SPCC) inspections at the Shamrock Operating Oil Company, Hewett Lease Tank Battery; the Toby Clemishire Oil Company, Logan Tank Battery; and the H.R. Collier Oil Company, Wampumbush Tank Battery, production facilities, located in Osage County, Oklahoma. The inspections were conducted due to referrals from the Osage nation regarding SPCC deficiencies. ***Craig Carroll, 214-665-2220***

Spill Prevention Control and Countermeasure (SPCC) Inspections Conducted in Osage County, OK: On February 9, 2022, an Emergency Management Branch Inspector conducted Spill Prevention Control and Countermeasure (SPCC) inspections at the H.R. Collier Oil Company, Hunt Ranch Tank Battery; the R&C Hudson Oil Company, Carol-Kelred-Hunt Tank Battery, and the Kirk Lease Tank Battery, production facilities, located in Osage County, Oklahoma. The inspections were conducted due to referrals from the Osage nation regarding SPCC deficiencies. ***Craig Carroll, 214-665-2220***

Spill Prevention Control and Countermeasure (SPCC) Inspections Conducted in Osage County, OK: On February 10, 2022, an Emergency Management Branch Inspector conducted Spill Prevention Control and Countermeasure (SPCC) inspections at the KLO Oil Company, the Zink Tank Battery; the Banks Lease Tank Battery, and the O.D. McGee Tank Battery, production facilities, located in Osage County, Oklahoma. The inspections were conducted due to referrals from the Osage nation regarding SPCC deficiencies. ***Craig Carroll, 214-665-2220***

Spill Prevention Control and Countermeasure (SPCC) Inspections Conducted in Creek County, OK: On March 9, 2022, an Emergency Management Branch Inspector conducted Spill Prevention Control and Countermeasure (SPCC) inspections at the PETCO Energy Oil Company, Jennetta Richard Water Plant; the Jemima Richard Facility, and the Jennetta Richard Facility, and the DEXXON Oil Company, Reynolds Tank Battery, production facilities, located in Creek County, OK. The inspections were scheduled due to referrals from the EPA Region 6 Water Enforcement Branch and follow-up reconnaissance documenting SPCC deficiencies. ***Craig Carroll, 214-665-2220***

Office of Communities, Tribes and Environmental Assessment

REGIONAL ADMINISTRATOR VISITS TO TRIBAL PARTNERS

On March 23-24, Regional Administrator (RA) Earthea Nance and Region 6 staff visited the Pueblo of Santa Clara and the Pueblo of Isleta as part of her visit to the state of New Mexico. RA Nance also highlighted the Bipartisan Infrastructure Law during her visit and toured two Superfund sites with New Mexico Environmental Department Secretary James Kenney and Congressional representatives. The RA also visited with various environmental groups and communities to hear their concerns and find ways where Region 6 can meet their needs. EPA Region 6 thanks the Pueblo of Santa Clara and Pueblo of Isleta leadership and staff for their warm welcome and the discussions on environmental challenges, priorities, and successes at each Pueblo. ***Olivia Balandran, 214-665-7257.***

SAFETEA UPDATE

On December 22, 2021, EPA proposed to withdraw and reconsider the October 1, 2020, decision granting the Governor of Oklahoma's request to extend the State's EPA-approved environmental programs into certain areas of Indian country within the State. Concurrent with the public comment process outlined within that proposed withdrawal and reconsideration notice, EPA offered consultation and coordination to Tribal Nations in Oklahoma on potential paths forward to improve EPA's decision-making under the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA). A state-wide consultation meeting was held on January 13, 2022, with eighteen Tribal Nations participating. Individual consultation meetings were held with the Osage Nation (January 20), Quapaw Nation (January 24), Pawnee Nation of Oklahoma (January 27), Muscogee Nation (January 31) and the Choctaw Nation (February 7). EPA is reviewing the information received during the consultations and public comment period. ***Randy Gee, 214-665-8355.***

EPA EQUITY ACTION PLAN

On April 14, the Environmental Protection Agency published its Equity Action Plan to fulfill President Biden's Executive Order (EO) 13985 directing EPA, along with other federal agencies, to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities through the federal government. This Equity Action Plan is a critical part of EPA's efforts to break through those barriers and advance equity and justice across our efforts to ensure clean water, air, and land for all communities.

"This Equity Action Plan is a strong example of how EPA works with our federal partners to deliver on the commitments set forth by the Biden-Harris Administration," said EPA Administrator Michael S. Regan. "EPA is working to live up to its promise to protect human health and the environment made to all people in our country more than 50 years ago. We can only do this by acknowledging the adverse effects of policies and regulations that have historically kept too many communities out of the room and leading the way in breaking down the barriers that have stood for far too long."

The Equity Action Plan aligns with the Agency's Fiscal Year (FY) 2022-2026 EPA Strategic Plan, announced March 28, 2022. EPA's final Strategic Plan includes, for the first time, an unprecedented strategic goal to advance environmental justice and civil rights.

The Equity Action Plan outlines six priority actions:

- Develop a comprehensive framework for considering cumulative impacts in relevant EPA decisions and operationalize that framework in EPA's programs and activities.
- Build the capacity of underserved communities to provide their experience to EPA and implement community-led projects.
- Develop EPA's internal capacity to engage underserved communities and implement clear and accountable processes to act based on communities' input.
- Strengthen EPA's external civil rights compliance program and ensure that civil rights compliance is an agency-wide responsibility.
- Integrate participatory (community) science into EPA's research and program implementation.
- Make EPA's procurement and contracting more equitable.

These priority actions form a critical foundation on which to build meaningful engagement with underserved communities; achieve more equitable and just outcomes, including pollution reductions in communities with environmental justice concerns; and deliver other tangible benefits to underserved communities. ***Olivia Balandran, 214-665-7257.***

STAFF UPDATE

Environmental Justice Team: Chad Larsen has joined the Environmental Justice Team of the Office of Communities, Tribes and Environmental Assessment (OCTEA). OCTEA welcomes Chad to his position on the EJ Team!

TRIBAL AFFAIRS

Region 6 General Assistance Program (GAP): OCTEA is currently processing FY 2022 GAP grant and Performance Partnership Grant applications. The Region is awaiting the GAP allocation amount from the EPA American Indian Environmental Office. Nineteen Tribal partners are expected to be in Performance Partnership Grants (PPG) this year. ***Randy Gee, 214-665-8355 and Jay Harris, 214-665-2260.***

BORDER UPDATE

Border 2025 Tribal Listening Session: On April 7, 2022, EPA hosted a Border 2025 Tribal Listening Session for twenty-seven Tribal Nations from EPA Regions 6 and 9. The session is in advance of the May 13, 2022, National Coordinators Meeting. The session provided a platform for Tribal Nations to voice concerns, priorities, and questions. Within the EPA Region 6 Border Affairs region, there are three Tribal Nations in Region 6 (Fort Sill Apache Tribe of Oklahoma, Kickapoo Traditional Tribe of Texas, and Ysleta Del Sur Pueblo). Participation from EPA included Jane Nishida, Assistant Administrator, Office of International and Tribal Affairs

(OITA), Dr. Earthea Nance, Region 6 Administrator, Martha Guzman, Region 9 Administrator, as well as staff from OITA, Region 6, and Region 9. ***Robert Houston, 214-665-8565.***

ENVIRONMENTAL JUSTICE UPDATE

Environmental Justice Grants for Tribal Public Participation Project: The U.S. Environmental Protection Agency (EPA) has announced the availability of up to $1.6 million in American Rescue Plan funding to support Tribal government efforts to establish or modify programs on environmental justice water and air quality issues. Earlier this year, EPA announced spending plans for the $100 million in American Rescue Plan funding appropriated by Congress in response to the COVID-19 pandemic and health outcome disparities, with $50 million being designated to improve ambient air quality monitoring, and $50 million designated to address disproportionate environmental or public health harms and risks in underserved communities. Congress made up to $1.6 million in American Rescue Plan funding available to Tribes, recognizing the importance of supporting Tribal public engagement programs and related priorities that have been impacted by the COVID-19 pandemic. EPA anticipates awarding 16 to 20 grants nationwide in amounts of up to $100,000 per award. Closing date for applications is May 20, 2022. ***Gloria Vaughn, 214-665-7535.***

TRIBAL CONSULTATION AND COORDINATION

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

- *Consultation Regarding Los Alamos National Laboratory Flanged Tritium Waste Container Operations*
- *2015 Oklahoma Ozone Transport State Implementation Plan*
- *Synthetic Minor New Source Review Permit Modification for the Sandia Resort and Casino*

Randy Gee, 214-665-8355

Mission Support Division

BUDGET UPDATE

The President signed the FY2022 Consolidated Appropriations Act (Public Law 117-103) on 15 March and it was enacted into law. The U.S. Environmental Protection Agency continues to review and implement the FY22 Operating Plan.

The bill provides a total of $9.56 billion for EPA – $322 million above the 2021 Enacted level. Of this amount, the bill includes:

- $100 million for Environmental Justice activities, an $83 million increase above the 2021 Enacted level.
- $3.566 billion for EPA's core science and environmental program work, an increase of $224 million above the 2021 Enacted level. Within these amounts, the bill includes:
    - $587 million for Geographic Programs, which help with restoration of nationally significant bodies of water like the Great Lakes, Chesapeake Bay, and Long Island Sound. This is an increase of $45 million above the 2021 Enacted level.
    - $539 million for environmental compliance monitoring and enforcement activities and grants, a $13 million increase above the 2021 Enacted level.
- $4.352 billion for State and Tribal Assistance Grants, a $38 million increase above the 2021 Enacted level. Within this amount, the bill includes:
    - $2.77 billion for Clean Water and Drinking Water State Revolving Funds, equal to the 2021 Enacted level.
    - $43 million for Combined Sewer Overflow grants, a $3 million increase above the Enacted level.
    - $92 million for Brownfield's cleanups, a $1 million increase above the 2021 Enacted level.
    - $92 million for Diesel Emissions Reductions grants, a $2 million increase above the Enacted level.
    - $443.6 million from the Clean Water SRF and $397.7 from the Drinking Water SRF for Community Project Funding/Congressionally Directed Spending grants for the construction of drinking water, wastewater, and storm-water infrastructure and for water quality protection.
- $1.233 billion for Superfund, a $27 million increase above the 2021 Enacted level.

Region 6 has received the Operating Plan from the agency, providing an initial total of $436.3M of EPA's $9.56B budget (excludes reimbursable, special accounts, and carryover funds). Spending is divided into four specific categories.

- The most significant category is assistance agreements (grants and cooperative agreements), which accounted for $289.6M or 66.4 percent of Region 6's funds. Grants are used to: (1) financially support continuing environmental programs administered by state, tribal, and local governments, and (2) fund other environmental projects with various partners.

- The second largest category at nearly $114.5M or 26.2 percent, is Payroll, Compensation and Benefits (PC&B). This account covers salaries, benefits, overtime, and awards for employees.
- The third largest category is contracts and interagency agreements, which accounted for approximately $14.5M or 3.3 percent of all Region 6 FY 2021 funds. Examples of contracts include IT Support, Records Center, and remedial/removal contracts in Superfund projects.
- The fourth category is Other (e.g., administrative support), with 4.1 percent of all funds. This covers all travel, training, as well as remaining expenses in support of the workforce and ongoing operations and maintenance of the regional office including the Houston Laboratory.

At any point in the fiscal year, our grants office and staff are working grants packages for states and tribes across several fiscal years as depicted below.

Although the FY22 operating plan includes $289.6M for grants, the region manages over $1B in grant packages over several fiscal years for all states and tribes. ***Corey Bonnell, 214-665-7432***

EPA STRATEGIC PLAN

On March 28, the Environmental Protection Agency published its final Fiscal Year (FY) 2022-2026 EPA Strategic Plan to accompany EPA's FY 2023 President's Budget. The Strategic Plan provides a roadmap to achieve EPA's and the Biden-Harris Administration's environmental priorities over the next four years.

This Strategic Plan furthers the agency's commitment to protecting human health and the environment for all people, with an emphasis on historically overburdened and underserved communities. For the first time, EPA's final Plan includes a strategic goal focused exclusively on addressing climate change, as well as an unprecedented strategic goal to advance environmental justice and civil rights. At the foundation of the Plan is a renewed commitment to the three principles articulated by EPA's first Administrator, William Ruckelshaus — follow the science, follow the law, and be transparent – while adding an additional fourth principle: advance justice and equity.

"This final strategic plan is the result of tireless work across EPA to develop a comprehensive strategy that delivers on our mission to protect all people from pollution," said EPA Administrator Michael S. Regan. "I'm confident that our plan meets the moment. Our solutions are designed to confront the challenges in front of us, where achieving justice and equity are central to addressing climate change and environmental protection."

The Strategic Plan outlines seven goals and four cross-agency strategies. The strategies articulate essential ways of working to accomplish EPA's goals and mission outcomes. The Plan also includes a suite of measures that will help the Agency monitor progress and ensure accountability for achieving its priorities to protect human health and the environment for all Americans.

SMALL BUSINESS ENGAGEMENT

The Small Business Administration (SBA) is responsible for ensuring that the government-wide goal for participation of small businesses is established annually and EPA's achievements are relative to the goals.

Each year Region 6 contracting is responsible for and measured on the percentage of small business contracts. This effort presents opportunities for small businesses to provide needed environmental services to the agency and specifically, Region 6.

In FY2021 Region 6 reached all five of the Agency's small business goal categories/metrics. This is a unique accomplishment as only a handful of the Agency's organizational will meet this goal. As part of the larger Agency, Region 6 is on track to sustain its small business goal performance for FY22 and actively manages small business contracts to achieve our small business goals. ***Tongee Flemming, 214-665-3186.***

Laboratory Services and Applied Science Division

EPA REGION 6 QUALITY ASSURANCE (QA) ONLINE TRAINING AND GRANTEE QA DOCUMENTS: Region 6 (R6) Laboratory Services and Applied Science Division has provided a 2022 Computer-Generated Quality Assurance (QA) Training for Grantees and non-EPA R6 QA employees! The Regional QA program has transferred to online sessions to accommodate schedules during the current shelter-in-place order. The free online training discusses the EPA Quality Program. It details the requirements for conducting quality management activities for environmental data collection and environmental technology programs performed by or for the Agency. The training will take several days to complete, and attendees will have a year (until January 31, 2023) to complete the training. Please review all the provided material before moving forward to take the quiz and obtaining your automated e-certificate. Note, R6 QA staff are also electronically notified once someone completes the training! Nonetheless, please obtain a screenshot of your certificate for your records. The revamped training is in lieu of the previously offered four-day classroom training, and thus will be considered as equivalent. You can access the training by clicking on the following link: https://www.epa.gov/quality/r6-qa-training-grantees-and-other-qa-personnel. The QA staff would like to thank all who've taken the training and our R6 Tribal Partners/Grantees for providing all the necessary electronically signed/approved QA documents to the R6 QA staff. ***Sala Senkayi, 214-665-6477***

UPDATED STANDARDS: The R6 QA staff would like to remind our Tribal Partners of our ongoing Agencywide QA Standard updates. Please contact Linda Himmelbauer (Himmelbauer.Linda@epa.gov) via HQs, to learn more about these efforts and all the work being done to update other Requirement and Guidance documents found on the Agency-wide Quality Program Documents webpage. ***Sala Senkayi, 214-665-6477***