EPA Region 6 Updates Regarding Los Alamos National Laboratory

LOS ALAMOS NATIONAL LABORATORY (LANL) NPDES PERMIT (UPDATED: JUNE 2020)
EPA Region 6 proposed reissuance of the NPDES permit for stormwater discharges from Los Alamos National Laboratory (LANL) in Los Alamos, New Mexico on November 28, 2019. EPA scheduled a public meeting and a public hearing for January 16, 2020 on the proposal in Santa Fe. But, due to a snowstorm, both public meeting and public hearing were cancelled. Due to coronavirus outbreak and travel restriction, EPA is planning to schedule a virtual public meeting and hearing for July 2020. EPA has further extended the public comment period to July 31, 2020. The individual storm water permit regulates storm water runoff from about 400 Solid Waste Management Units (SWMUs) and Areas of Concern. LANL has installed over 1000 BMPs to eliminate or mitigate runoff from those sites. The current permit has been administratively continued. ***Isaac Chen, 214-665-7364***

Radionuclide NESHAPs Update – The EPA Region 6 Air and Radiation Division (ARD) has received a response to ARD Director David Garcia's April 7, 2020 letter from the Los Alamos National Laboratory regarding the Flanged Tritium Waste Container venting operations. ARD is working on the approval letter with the Office of Regional Counsel for Director Garcia's signature. ***George Brozowski, 214-665-8541***

Los Alamos National Laboratory Hexavalent Chromium Groundwater Plume, New Mexico: Potassium dichromate was used in the cooling tower at the Los Alamos National Laboratory (LANL) Technical Area 3 backup power plant from 1956 to 1972. It is estimated that up to 72,000 kg of hexavalent chromium cooling water from the power-plant was discharged into Sandia Canyon. The discharged water traveled perennially downstream approximately two miles to an infiltration point in Sandia Canyon. The chromium-tainted water migrated downward and contaminated the regional aquifer at a depth of approximately 1000 feet below ground surface. The plume size is approximately 1.2 miles long and 0.5 miles wide with a maximum concentration of about 1,200 ppb. Three Los Alamos County drinking-water production wells are just outside the eastern plume boundary and are closely monitored by the New Mexico Environment Department and LANL. 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 Environment Department standard is 50 ppb. An Interim Measures (IM) plume control project was implemented by LANL in 2015 consisting of five extraction wells and five injection wells. In addition, pilot-scale in-situ remediation testing using amendments is being conducted within the plume area at several wells. A Corrective Measures Evaluation for the chromium plume is due in September 2021. ***Laurie King, 214-665-6771***

Water Division

STAFF UPDATE

In June 2020, Phil Dellinger retired from EPA after over thirty-two years of government service. Phil served as the Chief for the Groundwater/Underground Injection Control (UIC) Section in the EPA Region 6 Water Division and worked with several tribal partners. Enjoy your retirement Phil!

CWA REGULATIONS

FINAL RULE: CLEAN WATER ACT SECTION 401 CERTIFICATION RULE (NEW: JUNE 2020)

On April 10, 2019, President Trump issued Executive Order 13868, "Promoting Energy Infrastructure and Economic Growth," which directed the EPA to review Clean Water Act (CWA) Section 401 and EPA's related regulations and guidance to determine whether the Agency's policies should be updated or clarified. On June 1, 2020, the EPA finalized the "Clean Water Act Section 401 Certification Rule" to implement the water quality certification process consistent with the text and structure of the CWA. The final rule establishes procedures that promote consistent implementation of CWA Section 401 and regulatory certainty in the federal licensing and permitting process. The final rule will become effective 60 days after the date of publication in the Federal Register. The final rule addresses key areas of the CWA Section 401 Certification Process, including: Timelines for Review and Action; Initiating Certification; Scope of Certification Review; Technical Assistance; and Early Engagement. The final rule and other materials can be found at: https://www.epa.gov/cwa-401/final-rule-clean-water-act-section-401-certification-rule. ***Daniel Landeros, 214-665-8077***

WATER QUALITY CRITERIA SEARCH TOOL (NEW: JUNE 2020)

EPA recently added a criteria search feature to its website for *State-Specific Water Quality Standards Effective under the Clean Water Act*. This website compiles state, territorial, and authorized tribal water quality standards (WQS) that EPA has either approved or are otherwise in effect for Clean Water Act purposes. This compilation is continuously updated as EPA approves new or revised state and tribal WQS. The new criteria search feature provides an easier way to search numeric state criteria for various parameters without having to manually search through thousands of pages of state WQS regulations. It's important to keep in mind that some criteria in any state's water quality standards, may have been adopted many years ago. Search results include a link to the source document to aid in further evaluation of specific criteria. The criteria search tool currently includes state WQS and can be searched for an individual state, or for specific parameters in all states' WQS. EPA is planning to begin expanding the search tool to include tribal and territorial WQS in the near future. The criteria search tool is available at https://www.epa.gov/wqs-tech/state-specific-water-quality-standards-effective-under-clean-water-act-cwa. ***Diane Evans, 214-665-6677; Jasmin Diaz-Lopez, 214-665-9543***

TRIBAL FUNDING

WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION (WIIN) ACT (UPDATED: JUNE 2020)

There are new grant opportunities under the Water Infrastructure Improvements for the Nation (WIIN) Act available to tribes in Fiscal Year 2020. Under the Assistance for Small and Disadvantaged Communities Tribal Drinking Water Grant Program, Region 6 Water Division office received an allocation of $87,000 based on Drinking Water Infrastructure Grants – Tribal Set-Aside formula. There is no cost-share requirement for the tribal grant program. Eligible projects for assistance include investments necessary for a public water system to return to compliance with the Safe Drinking Water Act; efforts that benefit a disadvantaged community on a per household basis; programs to provide household water quality testing, and activities necessary and appropriate for a primacy agency to respond to a contaminant. The projects and activities must serve a small or disadvantaged community to qualify for grant assistance. Priority will be given to projects and activities benefiting underserved communities such as a political subdivision that has been determined to have an inadequate system for obtaining drinking water, including a community that does not have household drinking water or wastewater services or that is served by a public water system that violates or exceeds a requirement of a national primary drinking water regulation. EPA Region 6 will be awarding the funding through a contract with the Southwest Environmental Finance Center (SW EFC) to provide technical assistance during FY2020. ***Salvador Gandara, 214-665-3194***

Under Section 2105 of the Water Infrastructure Improvements for the Nation (WIIN) Act funding is available to tribes in Fiscal Year 2020 to reduce lead in drinking water systems. Under this assistance program, the Region 6 Water Division office received a list of potential projects with lead issues identified in the Indian Health Services (IHS) Sanitation Deficiency System (SDS) list. The three projects identified to receive funding are: Quapaw/Ottawa (2) projects, and Chickasaw (phase II of the Francis Water System.) Region 6 is working with EPA Headquarters and the Oklahoma City IHS office to address the needs for these three projects. The Region will award the WIIN 2105 funds before the end of FY2020. ***Salvador Gandara, 214-665-3194***

TREATMENT AS A STATE (TAS) FOR CWA 319(h) (NEW: JUNE 2020)

CWA 106 and 319(h) Treatment In A Manner Similar To A State (TAS) applications were due by April 30 2020. The TAS 106 and 319(h) approved applications allow tribes to receive funding and implement water quality and nonpoint source pollution programs. No TAS applications have been submitted to date. ***Sam Reynolds 214-665-6682***

STATE REVOLVING FUNDS TRIBAL SET-ASIDES (UPDATED: JUNE 2020)

The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) Grant Programs have completed the final phase of the FY 2020 award process. CWISA will be awarding a total of $2,062,000 while the DWTSA award is expected to total $2,194,000.

The Region's 2020 CWISA program is in the process of finalizing its projects selection with the Oklahoma City Indian Health Service (IHS) office and the Albuquerque HIS office. The Region 6 CWISA program will be able to fund projects for the Wichita and Affiliated Tribes, Cherokee Nation, Pueblo of Santa Ana and the Mescalero Apache Tribe.

The Region's 2020 DWTSA program is in the process of finalizing its projects selection with the Oklahoma City Indian Health Service (IHS) office and the Albuquerque HIS office. The Region 6 DWTSA program will be able to fund projects for the Choctaw Nation, Ottoe-Missouria Tribe, Cherokee Nation, Seminole Nation, Pueblo of Jemez, Zuni Tribe of the Zuni Reservation, Pueblo of Santo Domingo and Pueblo of Isleta. ***Gilbert Tellez, 915-533-7273; Salvador Gandara, 214-665-3194***

NPDES PERMITS

STATUS OF NPDES PERMITS (UPDATED: JUNE 2020)

During fiscal year 2020, EPA Region 6 will or may be working on several NPDES permits in New Mexico located on or in proximity upstream to potentially affected Tribes: New Mexico: Roca Honda Resources Uranium Mine; Ramah Water & Sanitation, Bloomfield WWTP; San Juan Coal Company-La Plata Mine, Navajo Dam DWC & NSW, Aztec WWTP, Cuba WWTP, and Los Alamos National Laboratory (Wastewater and Stormwater permits). General Permits already proposed or in the works include: Multisector Industrial Storm Water General Permit (MSGP) (NM, oil and gas facilities in OK & TX, and all Tribal Lands), Hydrostatic Test Temporary Discharge General Permit (NM, OK & TX) and a general permit for Municipal Separate Storm Sewer Systems (MS4) in New Mexico (primarily for those in the Santa Fe, Las Cruces, El Paso, Los Lunas, and Farmington areas). Affected tribes will receive copies of the draft permits at the time of proposal for review during the public comment period or CWA Section 401 certification as appropriate. Tribal consultation will be available to the affected tribes. ***Brent Larsen, 214-665-7523***

DRINKING WATER

VOLUNTARY LEAD SAMPLING IN TRIBAL SCHOOLS (UPDATED: JUNE 2020)

The Region 6 Lead Sampling in Schools 3Ts program is a voluntary, one-time sampling effort to assess concentrations of lead in tribal school drinking water at tribal schools and childcare facilities that get their water from EPA Region 6-regulated drinking water systems. We are in the final year of conducting this EPA-sponsored voluntary program, and we anticipate that we will not collect samples after December 2020. Seventy percent of the tribal Head Starts and education facilities that were initially identified for this project have been sampled. The EPA Region 6 Drinking Water Team has conducted individualized outreach with water systems, environmental offices, and tribal administration regarding this effort since May 2018. Tribes who would like to participate before this program ends should reach out to Brian Dye to discuss initiating the sampling project. ***Brian Dye, 214-665-6441***

Air and Radiation Division

Air Programs Branch

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

Region 6 has no CAA TAS applications currently. However, in previous years, 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 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.

Funding and Grants

For FY2020, EPA Region 6 received $1,156,690 in federal funding to support assistance agreements under statutory provisions of the CAA §103 and §105. On February 7, 2020, EPA received 15 proposals, eleven of which were seeking funding support for CAA §103 projects and four for CAA §105 program support. Region 6 notified all applicants of their funding status on May 1, 2020 and final awards will be made by September 30, 2020.

Regulations

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

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

ACE provides states with new emission guidelines that will inform the state's development of standards of performance to reduce carbon dioxide (CO2) emissions from existing coal-fired EGUs – consistent with EPA's role as defined in the CAA.

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

Guidebook for Energy Efficiency (EE) Evaluation, Measurement, and Verification: In June, 2019, EPA released a new Guidebook for Energy Efficiency Evaluation, Measurement, and Verification that draws from and builds on decades of state, local, and private-sector experience quantifying and verifying savings from energy efficiency projects and measures. The EM&V Guidebook is designed to help state, local, and tribal air and energy officials—as well as key stakeholders such as utility energy efficiency implementers—learn about, establish, or refine their EM&V approaches. The EM&V Guidebook can also help air officials understand the basics of EM&V and work with their energy counterparts to capture the air quality and public health benefits of these existing investments. The guidebook is also designed to:

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

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

Amendment to the Oil and Gas FIP regulations in Indian Country was finalized on March 6, 2020. Specifically, the rule would allow 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 EPA Docket ID No. EPA-HQ-OAR-2014-0606 at http://www.regulations.gov for additional information.

Proposed Project Emissions Accounting Rule for NSR applicability: On August 9, 2019, 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. Specifically, this rule would revise 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. The public comment period ended on October 8, 2019. EPA expects to finalize this rule in late summer or early fall 2020. For additional information please refer to: https://www.epa.gov/nsr/project-emissions-accounting-1

Proposed Revisions to the Once-in-Always In Regulation for MACT sources: On June 25, 2019, 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. EPA hopes to finalize late summer/early fall 2020. For additional information please refer to https://www.epa.gov/stationary-sources-air-pollution/documentation-reclassification-major-sources-area-sources-under

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.

On May 15, 2020, the U.S. Environmental Protection Agency (EPA) proposed amendments to the 2015 NSPS for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces. Due to the nationwide spread of the COVID-19 virus, EPA is proposing to allow more time for retailers to continue selling Step 1-certified residential wood heating devices. If finalized, EPA's proposed action would extend the date for commercial sales of Step 1-certified devices until November 30, 2020 in order to deplete the businesses' inventories.

EPA accepted comments on the proposed amendments for 45 days after publication in the Federal Register. On June 8, 2020, 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. Additional information on registration is at: https://www.epa.gov/residential-wood-heaters/proposed-amendments-new-source-performance-standards-residential-wood-0

NSR Guidance/Interpretation Concerning "Begin Actual Construction"
This guidance memorandum addresses how EPA interprets "begin actual construction" as that term is defined under EPA regulations implementing the major New Source Review (NSR) permitting program and the tribal minor NSR program (40 CFR 49.152).

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/production/files/2020-3/documents/begin_actual_construction_032520_2.pdf

EPA Proposed Rules to Formalize Guidance documents:
On May 19, 2020, in an effort to curtail the growth in guidance documents, U.S. EPA proposed new rules to formalize the guidance process that has been used to interpret EPA's rules and EPA's petition and court orders. This proposal resulted from an October 15, 2019 Executive Order that acknowledged the growth in agency use of non-binding guidance to regulate without following formal rulemaking procedures. In the proposal, U.S. EPA affirmed that guidance documents are not legally binding and are intended only to provide clarification and information to the regulated community on existing statutory and regulatory requirements. Guidance is not intended to create new or additional requirements or limit interpretations of the applicable statutes or rules.

- U.S. EPA, in conformance with the Executive Order, will place current guidance on a searchable website. Guidance not on the website by June 27, 2020 is considered "rescinded" and may not be relied upon.
- U.S. EPA will make a distinction between "guidance documents" and "significant guidance documents," with significant guidance documents required to go through notice and comment.
- Modification or withdrawal of active guidance can be sought by regulated entities, which may lead to litigation over the decision to accept or deny the modification/withdrawal request.

EPA believes that rather than rely on the shifting sands of guidance, businesses can create certainty by aggressively using the applicability determination process to create binding written decisions that can be relied upon and, even in the air context, be incorporated into Title V permits. This process can help create the certainty sought by regulated entities by avoiding the legal uncertainties and now a layer of potential procedural confusion that may be associated with the new "guidance."

40 CFR 60 Subpart OOOOa: Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review: On September 24, 2019, the Environmental Protection Agency (EPA) published a proposed rule regarding the Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review and opened a public comment period which ended on November 25, 2019. The notice also included a provision for a public hearing which was held on October 17, 2019

in Dallas, TX.

This action proposes reconsideration amendments to the new source performance standards (NSPS). These amendments, if finalized, would remove sources in the transmission and storage segment from the source category, rescind the NSPS (including both the volatile organic compounds (VOC) and methane requirements) applicable to those sources, and rescind the methane-specific requirements (the ''methane requirements'') of the NSPS applicable to sources in the production and processing segments. The U.S. Environmental Protection Agency (EPA) is also proposing, as an alternative, to rescind the methane requirements of the NSPS applicable to all oil and natural gas sources, without removing any sources from the source category. Furthermore, the EPA is taking comment on alternative interpretations of its statutory authority to regulate pollutants under the Clean Air Act (CAA), and associated record and policy questions.

The federal register notice can be found at: https://www.govinfo.gov/content/pkg/FR-2019-09-24/pdf/2019-19876.pdf.

SIP approvals for Oklahoma State Air Permit Programs: EPA proposed approval of the Oklahoma public notice and general updates to the SIP in December 2019. EPA finalized the SIP action in March 2020 and it became effective in May 2020.

Review of the National Ambient Air Quality Standards (NAAQS): The Clean Air Act requires EPA to periodically review the NAAQS to ensure that they provide adequate health and environmental protection, and to update those standards as necessary. EPA is currently reviewing the 2015 Ozone NAAQS. The final Integrated Science Assessment (ISA) and final Policy Assessment (PA) for ground level ozone are both available for review here: https://www.epa.gov/naaqs/ozone-o3-air-quality-standards. The ISA is a comprehensive review, synthesis, and evaluation of the most policy-relevant science, including key science judgments that are important to inform the development of the risk and exposure assessments, as well as other aspects of the NAAQS review. The PA provides a staff analysis of the scientific basis for alternative policy options for consideration by senior EPA management prior to rulemaking and is intended to help bridge the gap between the Agency's scientific assessments and the judgments required of the EPA Administrator in determining whether it is appropriate to retain or revise the NAAQS.

EPA is also reviewing the NAAQS for Particulate Matter (PM). On April 30, 2020, EPA's proposed decision on its review of the PM standard was published in the Federal Register (https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-08143.pdf). The comment period closes June 29, 2020. All of the review documents for PM are posted here: https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards.

EPA expects to complete its review of the PM and ozone NAAQS by the end of 2020. Taking into consideration the information in the ISA, any related Risk and Exposure Assessment (s), the PA(s), public comments received, and the advice of the CASAC,

EPA will develop and publish a notice of proposed rulemaking that communicates the Administrator's proposed decisions regarding the review of these NAAQS. A public comment period, during which public hearings are typically held, follows publication of the proposed rulemaking. Taking into account comments received on the proposed rule, EPA will issue a final rule.

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.

Permitting

Title V Operating Permit for Monarch Waste Technologies: On May 20, 2020, EPA issued the final CAA Title V (Part 71) permit for Monarch Waste Technologies, LLC (Monarch), the owner/operator of a facility located on the Nambe Pueblo near Santa Fe, New Mexico. The facility's Pyromed 550 System is a Hospital Medical Infectious Waste Incinerator (HMIWI), subject to the New Source Performance Standards (NSPS) for HMIWI, Subpart Ec. The administrative record as required by 40 CFR § 71.11, is available at the Regulations.gov website, under Docket #EPA-R06-OAR-2019-0561.

The final permit has minor administrative changes that are not substantially different from the draft permit proposed for public comment, except for regulatory reporting requirement changes that were made in response to public comments – such as the community would like more frequent reporting for the first two years of operation and would like monitoring reports to be sent to the Nambe Pueblo (in addition to EPA). Within 30 days of the final permit issuance, any person who filed public comments on the draft permit or who participated in the public hearing can petition the Environmental Appeals Board to review any conditions of the permit. Please see 40 CFR § 71.11(l) for the specific requirements for the petition.

Tribal Consultation for the Monarch Permit: EPA Region 6 Office of Communities, Tribes and Environmental Justice (OCTEJ) provided 8 tribes surrounding the facility consultation opportunities to learn about the facility operations and permitting process prior to the public comment period of the draft permit. The consultation period lasted through the end of end of the public comment period (January 3, 2020). The Region 6 OCTEJ reached out to some interested tribal nations informally, to update the status of the operations of the facility and to communicate EPA's permitting program schedule prior to the consultation letters being sent. Conference calls were then held with different tribes the week of September 16, 2019, to update tribal leaderships on the project status and to plan the community meeting to be held at the Wellness Center at the Nambe Pueblo for all tribes. Prior to issuance of the final permit, EPA again reached out to the tribes via conference calls to hear their concerns and discuss the Response to Comments document and the overall process for issuance of the final permit. As indicated above, the final permit has some additional regulatory reporting as recommended by the tribes and Monarch is preparing to open a website which will be available to the tribes regarding the ongoing operations of the incinerator.

Title V Operating Permit Renewal for the El Paso Natural Gas Laguna Compressor Station: The draft proposed title V permit renewal was public noticed on May 21, 2020,

for the Laguna Compressor Station, owned and operated by the El Paso Natural Gas Company, L.L.C. (EPNG), a Kinder Morgan company. Previously, on March 11, 2020, tribal consultation letters were sent out to several tribes regarding the proposed the draft permit renewal. The consultations will end at the end of the public comment period on June 19, 2020.

New Permitting Activities in Region 6:

- Choctaw Durant Casino - The application for the expansion of the Choctaw Durant Casino was determined to be complete on March 3, 2020. The draft permit is expected to be proposed for public comment in the late summer of 2020.

- Enterprise Field Services LLC. has applied for the renewal of their existing Part 71-Title V operating permit for the Lindrith Compressor Station on Jicarilla Apache tribal land. This renewal permit will incorporate the 2018 synthetic NSR permit limits. It is expected that the draft permit will be public noticed in the last quarter of 2020.

- Choctaw Defense Manufacturing LLC. has applied for a minor NSR permit for the operations of their current plant located in McAlester, OK. The permit application is currently being reviewed for application completeness.

Tribal Registrations: EPA Region 6 continues to accept registrations of facilities and changes to the ownership of existing registered facilities that have operated prior to September 2, 2014.

Land, Chemical and Redevelopment Division

RCRA, Brownfields, and Solid Waste Branch

Regulatory Updates

Coal Combustion Residuals (CCR) Rule: On June 2, 2020, the Texas Commission on Environmental Quality (TCEQ) submitted a draft Coal Combustion Residuals (CCR) Registration Program package to EPA for review and approval. EPA staff is currently reviewing the Texas application package and will be starting informal and formal tribal consultations soon with the federally recognized tribes in Texas. Upon EPA's approval of Texas CCR registration program, the state program will operate in lieu of federal regulation of CCR facilities. ***Harry Shah, 214-665-6457***

RCRA Facility Updates

Fort Wingate Depot Activity, 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 last year. Major remediation work at the former Open Detonation/Open Burn (OB/OD) Area continues, with just over half of the soil excavated and sifted. However, the Army requested from NMED deliverables extensions of 3 – 5 years due to stated funding and contracting issues. NMED, after some discussions with Army, issued NOVs with stipulated penalties based upon Army's failure to meet Permit schedules; this issue is still in flux, with another meeting was to be held in March. 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. The next Base Closure Team meeting in Gallup was scheduled for April 2020, but will need to be rescheduled. ***Laurie King, 214-665-6771***

EPA/NREL/Kickapoo Tribe Partnership Project: During May and June of 2020. EPA Region 6 has been in discussions with the Kickapoo Tribe to refine the scope of a partnership project. Staff from EPA Region 6 RCRA Program, and Tribal and Border Programs participated in a conference call with the Kickapoo Traditional Tribe of Texas (KTTT) regarding their request to discuss potential renewable energy/energy efficiency (RE/EE) opportunities on tribal property near Eagle Pass, TX. Representatives from Department of Energy's National Renewable Energy Lab (NREL) attended a conference call to discuss their Interagency Agreement with Region 6 for promoting RE/EE feasibility studies, along with strategic planning assistance available from Department of Energy's Tribal Program. NREL and Region 6 subsequently shared examples of RE/EE feasibility studies and strategic plans with the Tribe. Additional discussions are being scheduled. ***Jeanne Schulze, 214-665-7254;***

BROWNFIELDS

128a Tribal Response Program Updates:

- The in-person EPA Region 6 Regional Brownfields Conference planned for August 11-13, 2020, has been cancelled. Region 6 Brownfields staff are currently evaluating other opportunities available to host our 2020 Regional Brownfields Conference. ***Althea Foster, 214-665-2268***
- Planing is underway for the 2021 National Brownfields Conference in Oklahoma City, Oklahoma. The Conference will be held April 27-30, 2021, at the new OMNI Hotel and OKC Convention Center. ***Althea Foster, 214-665-2268***

SOLID WASTE

EPA Provides a Recycling with COVID-19 Resources Site and Videos: EPA HQ released several videos on YouTube to address recycling with COVID-19, as well as a website with information, resources and links for additional information. These have been sent out to all Region 6 tribes and discussed on RTOC calls. Any new information or fact sheets will be forwarded as soon as we receive them. Here are the links:

- EPA Administrator Wheeler's video message: https://youtu.be/BcGonQ3rx3Y
- Don't recycle Personal Protective Equipment video: https://youtu.be/S1cERI3IbeY
- Recycling during health crisis video: https://youtu.be/_ADZ8vH-r4M

Press release: https://www.epa.gov/newsreleases/epa-stresses-importance-recycling-and-proper-disposal-personal-protective-equipment

This is the Recycling During COVID-19 web page: https://www.epa.gov/coronavirus/recycling-and-sustainable-management-food-during-coronavirus-covid-19-public-health

This last link is also available at www.epa.gov/coronavirus.

FY20 EPA Tribal Hazardous Waste Grants Coming: EPA HQ published the FY20 RFP for the grant program which were due May 28, 2020. EPA R6 was requested to be the Regional Representative on the national review panel. For FY19 the Cherokee Nation was the number one proposal in the nation, so we're hoping for more successful candidates, which should be announced in July. ***Melissa Smith, 214-665-7357***

EPA and ENIPC Hosting a Tribal Recycling Workshop: *Please note that this Workshop has been postponed until Spring 2021 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. ***Melissa Smith, 214-665-7357***

ITEP Selected Again for National Tribal Solid Waste Training: The Institute for Tribal Environmental Professionals (ITEP) was selected again to be EPA's national training and Peer Matching provider. They have done many national solid waste trainings and will continue to offer them in the next year. Due to COVID-19, upcoming trainings are planned to be virtual. We will be notifying everyone as soon as we hear of upcoming events and trainings and you can also access more information, presentations and documents at: https://www7.nau.edu/itep/main/Waste/ ***Melissa Smith, 214-665-7357***

Underground Storage Tanks, Pollution Prevention, Pesticides and Toxics Branch

Grants

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 17, 2019, to assist member tribes in building capacity to establish and maintain pesticides programs. The goal of the tribal pesticides program is to make tribes aware of the benefits and risks of pesticides and the requirements for their safe use, thereby safeguarding human health and the environment. These grants have been fully funded for FY 20 ***Clarisa Romero, 214-655-6597***

Lead Paint Program Grants: The Cherokee Nation of Oklahoma was awarded a grant on September 11, 2018, to conduct a Lead Based Paint Program. Cherokee Nation was issued a no cost extension in September of 2019 to run through September 30, 2020. The focus of the program is maintaining the appropriate infrastructure to successfully administer and enforce the lead-based paint program, providing training for lead inspectors, and, conducting inspections of licensed contractors engaged in lead-based activities and taking appropriate enforcement when needed. These grants have been fully funded for FY20. ***Mike Adams, 214-665-6711***

Underground Storage Tanks (UST): The ITEC and ENIPC on-going grants provide compliance assistance to tribal UST owners and operators. The work of these two organizations has been instrumental in maintaining a compliance rate of over 85% at Region 6 Tribal facilities for the last three years. These grants have been fully funded for FY20. ***Audray Lincoln, 214-665-2239***

Program Implementation

Federal Certification of Applicators of Restricted Use Pesticides (RUP) in Indian country: On February 6, 2014, EPA issued a federal certification plan that allows the use of RUPs in Indian country by trained, tested, and certified applicators. The plan also allows EPA to regulate the sale and distribution of RUPs in Indian country. The certification requirements for RUPs help ensure that RUP applicators are competent to use these hazardous pesticides as safely

as possible. Currently, there are 19 certified commercial applicators of RUP in Indian Country in EPA Region 6. ***Greg Weiler, 214-665-7564***

UST Inspections *Please note that Inspections are currently being postponed due to COVID-19*: During FY20, EPA Region 6 plans to conduct 42 inspections of UST facilities operated on Tribal lands and provide onsite compliance assistance. Inspections of 46 UST facilities were completed during FY19. Individual notifications for inspections are sent to the owner/operator and the Tribal environmental offices 30 days before the inspection. Compliance at EPA Region 6 tribal facilities has dropped due to new regulatory requirements that went into effect on October 13, 2018. The overall rate has dropped from around 87% to approximately 70%. ***Larry Thomas, 214-665-8344 and Robert Glynn 214-665-8350***

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

Regulations

Agricultural Worker Protection Standard (WPS): Compliance with most of the revised WPS requirements began on January 2, 2017. Compliance for two additional requirements started January 2, 2018; specifically, the pesticide safety information display including revised content (poster), and pesticide handlers (applicators) will have to temporarily suspend applications if workers or other persons enter into the Application Exclusion Zone during pesticide applications. The EPA proposed updates to the AEZ on November 1, 2019. The comment period for the proposed changes has now closed and comments are being reviewed. Proposed changes would modify the AEZ so it is applicable and enforceable only on a farm owner's property, exempt immediate family members of farm owners from all aspects of the AEZ requirement, add clarifying language that pesticide applications that are suspended due to individuals entering the AEZ may be resumed after those individuals have left the AEZ, and simplifying the criteria for deciding whether pesticide applications are subject to the 25- or 100-foot AEZ. ***Greg Weiler, 214-665-7564***

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

Tribal Outreach

Lead Based Paint Program Symposium: The EPA Region 6 Lead-based Paint Program will partner with the Region 6 Children's Environmental Health Program and the Eight Northern Indian Pueblos Council to have the Children's Health & Lead Poison Prevention Symposium October 27th & 28th, 2020 in Albuquerque NM. ***Mike Adams, 214-665-6711***
The Lead Based Paint Program Symposium has been delayed until January 2021 because of the uncertainty surrounding the Covid-19 pandemic.

Lead Based Paint Program Certification Training: The EPA Region 6 Lead-based Paint Program is providing RRP Renovator Certification Training for 20 tribal members from the Eight Northern Indian Pueblos Council on October 29th & 30th, 2020 in Albuquerque NM. This training is being provided by the Pediatric Environmental Health Specialty Unit for region 6. ***Mike Adams, 214-665-6711***
The RRP Renovator Certification Training has been postponed due to the COVID-19 pandemic. All state and local guidelines will be followed before convening the two classes of 10 students each.

Eight Northern Indian Pueblos Council (ENIPC) Pesticides Program: ENIPC attended and participated in one EPA Community IPM Workshop as well as presented on Integrated Pest Management (IPM) techniques at a San Felipe Housing Seminar. Two upcoming and notable pollinator protection projects include plans to provide outreach and education on pollinator protection and to build two raised bed pollinator gardens at two tribal locations, of which the first meeting to discuss logistics and scheduling has already taken place. ENIPC has also committed to a new effort to reach out to Tribal Agricultural Programs regarding pests, pest management (including IPM methods), and training needs. This will be the first time that ENIPC has reached out to agricultural programs and future meetings will be based on the level of interest and usefulness of the initial meetings. **Clarisa Romero, 214-655-6597**

Inter-Tribal Environmental Council (ITEC) Pesticides Program: ITEC staff attended the Tribal Pesticides Program Council Fall face-to-face meeting, hosted by the Yakama Nation in Toppenish, WA from October 8-11, 2019. During this meeting, ITEC staff also attended a one-day training on risk assessment and risk communications. ITEC staff attended the NRCS Oklahoma Tribal Conservation Advisory Council and Oklahoma Gas & Electric Pollinator Workshop, hosted by the Citizens Potawatomi Nation in Shawnee Oklahoma on December 4th, 2019.

ITEC staff have also been joining the Tribal Pesticides Program Council (TPPC) monthly executive conference calls, and also the conference calls concerning the TPPC working groups (Direct Implementation WG, Risk Assessment WG). ITEC staff have also joined in on Tick IPM working group conference calls and the EPA Integrated Pest Management Series Webinars.

ITEC staff submitted a Tribal Pesticides report to the Tribal Environmental Coalition in Oklahoma (TECO) at the November 2019 meeting. TECO is a partnership of several tribes in the State that brings educational and informational resources together for multiple tribes to attend and learn from other professionals. ITEC staff sent out brochures and other printed pesticide

information in response to an inquiry from the Director of the Kiowa Tribe Environmental program regarding current and local pesticide issues. ITEC staff continue to maintain the pesticide application notification database. **Clarisa Romero, 214-655-6597**

Community Integrated Pest Management and Pesticide Safety Program Development Outreach: EPA Region 6 Pesticides Program conducted two Community Integrated Pest Management (IPM) and Pesticide Safety Program Development workshops to Tribal environmental departments, schools, and health clinics. On October 8, 2019, Region 6 staff presented on the fundamentals of a comprehensive community IPM and pesticide safety program and supporting facility/division IPM plans to Pueblo of Isleta environmental, grounds, schools, and health clinic leadership. On February 11, 2020, Region 6 staff provided an introduction to community IPM and pesticide safety in Indian Country and the components of an effective facility/division IPM plan to environmental, grounds, and health clinic leadership representing the Muscogee Creek Nation, Cherokee Nation, Iowa Tribe of Oklahoma, Kiowa Tribe of Oklahoma, Delaware Nation, and the Comanche Nation. ***Kenneth R. McPherson, 214-665-6754***

Enforcement and Compliance Assurance Division

COVID-19 Update: On March 26, 2020, OECA developed a temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," regarding EPA enforcement of environmental legal obligations during the COVID-19 public health emergency. In the Temporary Policy, it was stated that EPA will assess the continued need for and scope of the temporary policy on a regular basis and will update it if EPA determines modifications are necessary. On June 29, 2020, EPA added a Termination section to the Temporary Policy, and setting a termination date of August 31, 2020. In addition, after a 7 day notice the EPA may terminate this temporary policy on a state or national basis, at any earlier time, taking into account changing conditions in a state or region of the country. After August 31, 2020, enforcement discretion will remain available on a case by case basis. Both the March 26, 2020 Temporary Policy and the Termination Addendum are available on the COVID-19 Enforcement and Compliance Resources webpage.

Growing Trend of Concern Relative to Drinking Water: There is a growing trend for non-compliant public water supply systems on Tribal or Pueblo Lands in Region 6. We have a total of 5 systems that are not in compliance with varying components of the Safe Drinking Water Act. Some of these systems already have active administrative orders. Based on site visits and inspections, we have determined that the two most common factors contributing to this growing trend are: 1) failure to adequately fund proper operation and maintenance, and 2) failure to acquire and retain qualified operators. There are some misconceptions about funding for operations and maintenance (O&M). Federal grant allocations cannot fund O&M expenses because they are the tribe's/owner's responsibility. Grant funds can be used to support infrastructure improvements necessary to meet Safe Drinking Water Act standards. EPA encourages the tribes/pueblos to continue to seek both internal and external resources necessary to maintain proper operations and maintenance, as well as hire staff necessary to provide safe drinking water to tribal communities. Failure to address ongoing problems may result in an enforcement action by EPA. ***Jerry Saunders 214-665-6470***

Mescalero Apache Drinking Water: Due to long term ongoing drinking water issues and consistent with the Tribal Consultation Policy the EPA issued a Unilateral Administrative Order, a first of its kind Public Notice order on December 18, 2018, covering 10 systems belonging to the Mescalero Apache Tribe, for failure to address 153 significant deficiencies in their drinking water systems. 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 and it has proven to be a very effective tool to reach the citizens consuming the water. EPA continues to work with the 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 84 of the 153 deficiencies and an additional 21 deficiencies are pending resolution waiting on documentation. The travel restrictions have delayed this confirmation. This partnership and these meaningful steps will ensure that Mescalero Apache Tribe will be able to provide clean and safe water to tribal members. ***Jerry Saunders 214-665-6470***

Clean Water Act referral to EPA due to Impact to Toltec Mounds (Arkansas)

In September 2019, the Little Rock District Corps of Engineers referred Clean Water Act Section 404 violations to Region 6 involving the construction of a water control structure and alteration of a levee in Mound Lake, Arkansas. These violations may have caused secondary impacts to the Toltec Mounds, an archeological site and designated National Historic Landmark located in an Arkansas State Park. There is also a Keepsafe Cemetery located on the Toltec Mounds Archaeological State Park property that may be impacted by the 404 violations. The EPA has contacted 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 site. Contact: ***Curry Jones, 214-665-6793 / Tom Nystrom, 214-665-8331***

Superfund and Emergency Management Division

TRIBAL CONSULTATION AND COORDINATION

VARIOUS REMOVAL/REMEDIAL ISSUES

Tulsa Fuel and Manufacturing, Collinsville, OK (NPL Deletion): EPA is currently working to complete the final stages of the Tulsa Fuel and Manufacturing site deletion process. Cherokee Nation Secretary Harsha requested formal consultation to discuss the decision to delete the site from the National Priorities List, and this request was conducted via conference call on June 3, 2020 and memorialized in a June 15, 2020 close out letter. The Notice of Intent to Delete (NOID) is expected to be published in the Federal Register in July 2020 to solicit public review and comment for thirty days. Pending review of public comments, a final Notice of Deletion would be published in September 2020. ***John Meyer 214-665-6742***

Quapaw Nation, Tar Creek: EPA continues to work closely with the Quapaw Nation Environmental Office (QNEO) and the Oklahoma Department of Environmental Quality (ODEQ) in implementing the remedial actions for the Tar Creek Superfund Site for Operable Units 2 (OU 2, Residential Areas) and 4 (Chat Piles and Other Mining Wastes). Since awarding the first-ever Tribal Remedial Action Cooperative Agreement (CA) in FY2012, the EPA awarded 7 CAs to QNEO and 3 CAs to ODEQ for remedial action totaling an estimated $76 million. In addition, EPA, QNEO, and the ODEQ continue to review and identify opportunities to reduce costs and optimize cleanup activities. ***John Meyer 214-665-6742***

Tar Creek OU5 (Surface Water and Sediments): EPA is working with tribes, states, community and other federal agencies to plan, report and review the risk assessment and investigation reports, as well as the feasibility study. The draft OU5 Characterization Report was released for review on July 1, 2019, with comments requested by October 18, 2019. The revised Final was release on April 8, 2020. Work on the human health risk assessment included EPA review of the risk information provided by the 7 Tar Creek Trustee Council Indian Tribes (TCTCIT) in May, June, and July 2019, as well as that provided by the Quapaw Nation. EPA prepared and participated in an internal review with the U.S. EPA Technical Review Workgroup for Metals and Asbestos: Lead Committee on the planned use of the lead model in assessing potential risks (September through December 2019). In preparation for the release of the draft human health risk assessment, EPA had two webinars and a follow-up conference call to present and discuss the risk assessment process and findings. The draft human health risk assessment was released for review on May 14, 2020, with comments originally requested by July 17, 2020. EPA received requests to extend the comment period; comments are now requested by August 17, 2020. Since the Feasibility Study Kick-off webinar in November 2018, Region 7 released the draft work plans for a pilot sediment trap on Tar Creek and a combination dredging /sediment trap pilot study on Short Creek. As additional pilot projects are identified, these will be shared with the group for review and comment. The EPA will continue to coordinate with the tribes interested in the Tar Creek Site through periodic meetings, conference calls, and document sharing, including planning and discussion meetings in support of watershed technology identification and evaluation. The next target milestone for OU5 is to work through the

comments provided on the human health risk assessment and begin to work with the group to identify remedial action objectives and preliminary remediation goals throughout the summer/fall of 2020. ***John Meyer 214-665-6742***

Wilcox Oil Company: The final Source Control Remedial Design supporting the September 2018 Source Control Record of Decision was finalized on September 30, 2019. Currently, work on the draft Remedial Investigation and Feasibility Study reports continues. The draft Human Health Risk Assessment and Screening Level Ecological Risk Assessments were released to ODEQ, Sac and Fox Nation, Muscogee (Creek) Nation, Cherokee Nation and U.S. Forest Service, with comments requested by October 31, 2019. The revised Human Health and Ecological risk assessments were provided with a request for comments by February 14 and February 28, 2020, respectively. The draft remedial investigation report was released on February 24, 2020, with a request for comments by March 27, 2020. The next milestones for the project will be the release of the revised draft Remedial Investigation Report, the draft Preliminary Remediation Goal Technical Memorandum, and the draft Feasibility Study scheduled for release throughout the summer and fall of 2020. ***John Meyer 214-665-6742***

Oklahoma Refining Company: The EPA and ODEQ completed the Remedial Design associated with Operable Unit 2 (North Side) on April 20, 2020. Currently, the EPA and ODEQ are developing the contractual documents necessary to acquire a remedial action contractor to implement the Operable Unit 2 remedy as described in the above Remedial Design. A virtual meeting with several of the Oklahoma tribes has been scheduled for July 1, 2020. During this meeting, the EPA and ODEQ will discuss aspects of the Remedial Design as well as various anticipated schedule milestones concerning initiation of the cleanup for Operable Unit 2. ***John Meyer 214-665-6742***

Fansteel, Muskogee, OK: EPA continues to monitor site conditions and assess potential additional removal actions that could be conducted at the site. Additional removal work, if approved, will focus on repairing/completing existing capped soil stockpile and improving the efficiency of the water treatment system. Field work at the site has been delayed due to the COVID-19 Pandemic. ***Craig Carroll 214-665-2220***

Jackpile-Paguate Uranium Mine Site: EPA continues to schedule conference calls and coordinate review comments on draft Remedial Investigation/Feasibility Study (RI/FS) documents with the Pueblo of Laguna, Environmental and Natural Resources Department (ENRD) and assist them with their review and understanding of the technical documents associated with the RI/FS. Despite COVID-19, field work continues as a result of Atlantic Richfield Inc. (AR) working with EPA, and coordinating with the Pueblo of Laguna ENRD office, and Pueblo Public Safety Office officials and maintaining an on-going communication strategy to protect on-site workers and the Pueblo community. ***John Meyer 214-665-6742***

New Mexico Abandoned Uranium Mines – Five Year Plan: EPA has begun working on developing the 2021-2025 Five-Year Plan. Prior to drafting the document, EPA is meeting with the Five-Year Plan partners to get their ideas and input for the next plan. EPA held community meetings in Grants, NM and the Ambrosia Lake area at the end of January. EPA met with New Mexico Environment Department and New Mexico Mining and Minerals Division on March 11.

EPA and the Pueblo of Laguna and Pueblo of Acoma agreed to postpone the March 12 meeting due to concerns with the pandemic. EPA and the Pueblo of Acoma held a webinar on April 30 and EPA and the Pueblo of Laguna held a webinar on May 1. Once a plan is drafted incorporating ideas and input from stakeholders, it will be shared with plan partners and released for public comment. EPA plans to finalize the document by January 2021. ***Susan Webster 214-665-6784***

New Mexico Abandoned Uranium Mines – Tronox Mines: The Ambrosia Lake non-time critical removals continue for the mines identified in the Tronox Settlement. Removal Site Evaluations (RSEs) were completed in August 2019, meeting the commitment made to the EPA Inspector General. EPA will now begin working on Engineering Evaluation/Cost Analysis (EE/CA) Reports for these areas once EE/CA Approval Memos are signed. EPA expects to have draft EE/CA Reports completed by the end of 2020. This work is being funded by proceeds from the Tronox Settlement.

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

San Mateo Creek Basin Legacy Uranium Mines Site: The EPA reached an agreement in November 2019 with three former mine operators to conduct a Remedial Investigation and Feasibility Study of the Lower San Mateo Creek Area. The settlement will require the mine companies to investigate the nature and extent of the groundwater contamination and develop potential cleanup alternatives to be evaluated by EPA. Field work is expected to begin in Fall 2020. The EPA discussed the settlement with the Pueblo of Acoma and the Pueblo of Laguna on April 30 and March 1, 2020, respectively. EPA intends to defer proposing the site to the National Priorities List as a result of the settlement but will continuously evaluate the progress being made to determine if a future proposal is warranted. EPA is now engaging with multiple former mine operators to negotiation a settlement for the Ambrosia Lake Study Area within the San Mateo Creek Basin. ***Susan Webster 214-665-6784 and John Meyer 214-665-6742***

Johnny M Uranium Mine, Grants, NM: The EPA case team members are currently finalizing an Agreed Order on Consent (AOC) for the removal action in order to initiate negotiations with HECLA Mining Company for the Johnny M. Mine site. The team will also draft a Statement of Work (SOW) for this project. The next step will then be to begin negotiations with the HECLA to complete the cleanup selected by EPA. ***Craig Carroll, 214-665-2220***

North Railroad Avenue Plume Site, Española, NM: On January 9, 2020, the Governor of Santa Clara Pueblo requested Government-to-Government Consultation regarding the transfer by EPA to the New Mexico Environment Department (NMED) of the long-term response action (LTRA) for groundwater at the North Railroad Avenue Plume Site. The Fund-lead LTRA had been transferred to NMED for continued operation and maintenance on June 30, 2019, ten years after the remedy was determined to be operational and functional. The Governor was concerned about the state's ability to fund the cleanup activities in the future and the discovery of a new

contaminant plume that had migrated onto Pueblo land. The new plume was not associated with the site but sourced from another dry cleaner facility. The EPA Regional Administrator and NMED met with the Santa Clara Pueblo on March 3, 2020, to discuss these matters and clarify the approach for both the site and the new plume. The Governor was informed that NMED would pursue a voluntary cleanup with the responsible party for the new plume or require such cleanup under its enforcement authority. At the request of the Governor, the Regional Administrator committed to future meetings with the Pueblo and NMED on a routine basis, as needed, to discuss site activities and progress. The first meeting was proposed for September 2020. The EPA and NMED also committed to providing informational fact sheets on the site and the new plume as well as a glossary of terms used by EPA in the CERCLA process and documentation of completion of remedy construction and the operational and functional determination. These documents have been provided to the Pueblo and are available for public review on the site profile page on EPA's website. ***John Meyer 214-665-6742***

Office of Communities, Tribes and Environmental Assessment

THANK YOU

The Office of Communities, Tribes and Environmental Assessment (OCTEA) thanks all of our tribal partners for providing office status updates and other information during this difficult time of the pandemic. We hope you and your families are safe and healthy.

TRIBAL FUNDING

Region 6 General Assistance Program (GAP): OCTEA is currently processing FY 2020 GAP grant applications. The Region was allocated $7,391,000 in FY 2020 GAP funding. As of July 2 the Region will have awarded twenty GAP grants. The Region is expected to make eighteen Performance Partnership Grant (PPG) awards this year. ***Randy Gee, 214-665-8355 and Jay Harris, 214-665-2260.***

EPA-TRIBAL ENVIRONMENTAL PLANS

Seven years ago, Region 6 tribal partners joined our office to implement the 2013 GAP Guidance requirement of an EPA-Tribal Environmental Plan (ETEP) for every GAP grantee in the Region. Our office is starting the ETEP renewal process with ETEPs submitted in 2015, which is twenty-two in total.

The primary goal of our office in the first phase of developing ETEPs was to make sure every GAP grantee had an ETEP so GAP funding could continue to be awarded to the Pueblo/Tribal Nation. Our office goal for the renewal is an ETEP that is a better document for your use. Your feedback is welcome and encouraged. ***Randy Gee, 214-665-8355 and Ira Hight, 214-665-8137.***

GAP ONLINE 2.3.5 ARCHIVE

EPA will archive the GAP Online 2.3.5 (GO2) system at the end of Fiscal Year 2020; recipients will lose access to all GO2 records when the system is archived after September 30, 2020. OCTEA will have to certify that it doesn't need access after Friday, August 7. OCTEA requests tribal partners export all GO2 records they wish to save by Friday, July 24, 2020. Please contact your GAP project officer if you have questions or need assistance. ***Jay Harris, 214-665-2260***

BORDER OFFICE HIGHLIGHT

US-MEXICO BORDER ENVIRONMENTAL PROGRAM (BORDER 2025)

The EPA are offering federally recognized Tribes along the US-Mexico Border the opportunity to consult on the development of a new five-year US-Mexico Border Environmental Program or Border 2025. This consultation and coordination process will be conducted in two phases in accordance with EPA's Policy on Consultation and Coordination with Indian Tribes. EPA's consultation and coordination period for phase 1 closed on March 13, 2020.

From June 1 to July 24, 2020, EPA will conduct consultation and coordination for phase 2. Consultation invitations were sent to Ysleta del Sur Pueblo and Kickapoo Traditional Tribe of Texas. Two webinars are taking place for border tribal partners on June 29th and July 1st. Border 2025 is scheduled to be launched on September 29, 2020. ***Arturo Blanco, 214-665-3182.***

NEPA UPDATE

Executive Order 13927-Accelerating the Nation's Economic Recovery From the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities: The EO requires agencies to report planned or potential actions to facilitate the Nation's economic recovery that may be subject to emergency treatment as alternative arrangements pursuant to NEPA regulations. ***Robert Houston, 214-665-8565.***

EJ UPDATE

EJ Small Grants Summary: On November 5, 2019, EPA announced that $1.5 million in competitive grants will be awarded to 50 organizations working to address environmental justice (EJ) issues in their communities. On March 16, 2020, EPA announced that additional EJ grant funding received in the 2020-21 budget year will be used to fund 13 additional EJ Small Grants. 5 EJ Small Grants have been funded in Region 6, with 2 additional grants to be funded by early August 2020. EJ Small Grants provide critical support to organizations that otherwise lack the funding and resources to address environmental challenges in their community. The EPA Region 6, Office of Communities, Tribes, and Environmental Assessment (OCTEA) coordinates EJ Small Grants activities for Region 6. For more information about the EJ Small Grants Program, go to www.epa.gov/environmentaljustice/environmental-justice-small-grants-program. ***Gerardo Acosta, 214-665-8042.***

National Environmental Justice Advisory Council (NEJAC): On February 25-27, 2020, the RA attended the National Environmental Justice Advisory Council (NEJAC) meeting in Jacksonville, Florida. The next NEJAC meeting is tentatively scheduled in Houston in late September or October. ***Gerardo Acosta, 214-665-8042.***

Environmental Justice (EJ) calls with EJ Stakeholders: On December 18, 2019, and June 17, 2020, the RA hosted EJ calls with EJ regional Stakeholders. In December, RA held his 2nd call with EJ stakeholders and advocates. Discussions centered around EPA's oversight role under the Clean Water Act to protect wetlands, flooding resilience, EPA's proposed nutrient trading policy, and EPA's SEP policy. An update was given on the status of the Dona Canal and North Railroad Avenue Superfund sites. The RA has committed to having periodic calls with advocates and stakeholders to hear issues of concerns/interests directly from them. During the June call, the RA joined senior managers in responding to questions and concerns in several media programs from the EJ regional community. Most of the questions were concerning EJ communities in Texas and Louisiana in the areas of EJ, Air, Enforcement, Employment opportunities, and Superfund. The Region invited all EJ regional communities to attend the call. The call also included an open dialogue with the audience. Following the call, staff sent the responses to the attendees via email correspondence. ***Gerardo Acosta, 214-665-8042.***

ENVIRONMENTAL EDUCATION GRANTS UPDATE

Under the Environmental Education (EE) Grants Program, EPA supports environmental education projects that promote environmental awareness and stewardship and help provide people with the skills to take responsible actions to protect the environment. Since 1992, EPA has distributed between $2 and $3.5 million in grant funding per year, supporting more than 3,700 grants. Some of the past winners have provided training to thousands of educators and students; initiated community-based resiliency projects; increased awareness about water, air and land pollutants; introduced environmental stewardship to new farmers; and has connected STEM to school environmental initiatives in Texas, Oklahoma, Louisiana, Arkansas and New Mexico. For additional information and to sign up for notices, go to; https://www.epa.gov/education/grants, ***Gerardo Acosta, 214-665-8042.***

EE GRANTS THAT WILL BE FUNDED IN 2020

GRANT 1
The project involves four underserved schools in Houston and their surrounding communities in climate resiliency efforts and environmental stewardship pertaining to flooding and improved water quality. Hurricane Harvey brought unprecedented flooding to Houston, but with just 2"to 3" of rainfall in Houston, some of the drainage systems begin to be overwhelmed. This project will empower students, teachers and community members with the knowledge and skills needed to be a part of the solution as they learn how to make their communities more resilient. Each participating school will be equipped with training and funds needed to plan and implement a nature-based solution and the student teams formed in each campus, will help lead community engagement and action. Towards the end, the grantee will convene a resilience in schools symposium to train up to 200 additional teachers, build awareness among city and school district officials of the resilience work taking place in underserved communities and provide a venue for students to showcase their community work.

GRANT 2
The Mississippi River drains two-thirds of the continental United States, bringing its water—and pollution—through the city of New Orleans *en route* to the Gulf of Mexico. The citizens of New Orleans are actively seeking ways to understand and reduce the amount of plastic traveling downstream. This project will leverage student and educator activities to engage the general public on the issue of marine microplastic pollution. Working in local public schools that serve majority minority and low-income students, grantee and partners will create and pilot a curriculum to educate students on microplastics through a series of outdoor experiential learning activities and hands-on projects. During the program, students will create artwork using plastics collected from the Mississippi River that will be displayed alongside student-designed educational materials to ignite community interest and encourage viewers to manage the health of the river that is the lifeblood of the city.

GRANT 3
The project consists of a collaborative team of faculty from a university and teacher-student groups from five different schools in the Ouachita School District focusing on how to prevent agricultural and surface runoff water from polluting wetlands - while creating environmental

stewards and generating career interests in the environmental fields through immersive cross-disciplinary interventions. The team will establish a demonstration and monitoring site for agricultural and surface runoff and the use of phytoremediation in a wetland as a working model for area schools and local communities. They will be utilizing a place-based approach to develop cross-disciplinary interventions (projects) utilizing environmental literacy, critical thinking and problem-solving that translates into teacher proficiency and environmental stewardship among students. Throughout the project the team will generate awareness about employment and career opportunities in the environmental sector, both regionally and nationally.

STAFF UPDATE

Erin McDuffie and Nick Scott have joined OCTEA as summer interns. Erin's focus area is the Border program and Nick's focus area is the NEPA program. ***Robert Houston, 214-665-8565.***

Mission Support Division

BUDGET UPDATE

The Agency is currently operating under Title II of the Consolidated Appropriations Act of 2020 (H.R. 1865), providing $9.057 billion which equals the FY 2020 Enacted budget, an increase of $208 million above the FY 2019 Enacted post-rescission budget level. ***John Spelman, 214-665-7425.***

Highlights include:

- Environmental Programs and Management Account, Geographic Programs are funded at $510 Million. This is an increase of $53 million above the 2019 Enacted level.

- Superfund is funded at $1.85 Billion an increase of $25 million above the 2019 Enacted level.

- State and Tribal Assistance Grants are funded at $4.246 billion an increase of $115 million above the 2019 Enacted level. Within this amount, the bill includes: $2.77 billion for Clean Water and Drinking Water State Revolving Funds; $87 million for diesel emission reduction grants; and $89 million for Brownfields cleanups.

Laboratories Service and Applied Science Division

QA Program

- EPA Region 6 provided Quality Assurance Training in Oklahoma City, OK (Feb 25-27) and in Addison/Dallas, TX (March 10-12). Over 100 QA Representatives were in attendance including 11 Tribal members. Due to the current COVID situation, no further trainings are scheduled, however those announcements will be distributed once these trainings become available. Quality Assurance program coordinated with tribal partners on these trainings and will continue to provide training notices to tribal community in future as well.
- Region 6 is continuing to work with HQ on a QAPP Lean project. Benefits from this Agency Lean project include reducing the review/approval time of QAPPs submitted by States and Tribes, improved consistency within regional processes, and increased transparency to the review/approval process. In addition, a message went out asking of the training/resource needs to States and Tribes. The Agency has received responses and will continue to work with our stakeholders as this Lean project continues.
- During the "Shelter in Place" Order, Region 6 QA staff worked with Regional Counsel on guidance for grantees who wanted to electronically submit their QA documents as they work from home or request extensions till all staff are back in the Office. Region 6 has approved 20 QMPs and 60 QAPPs during this time period. We have also provided extension to 37 QA documents. Once the Region reopens, QA staff will reach out to those tribal partners who were given extensions and work with these stakeholders to help them update their currently approved pre 2020 QMP/QAPP(s). The Region would like to thank our tribal Grantees for working with us during these unique times.
  Sala Senkayi, 214-665-6477