

Water Division

CWA REGULATIONS

WATERS OF THE UNITED STATES (UPDATED: JUNE 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. For more information on those anticipated to participate in the roundtables, see [Waters of the United States Roundtables \(pdf\)](#). These roundtables will be livestreamed, and a recording of the roundtable will be made available shortly thereafter. Please visit <https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities> to access each roundtable.

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

THE EPA OFFERS OPPORTUNITY FOR FORMAL CONSULTATION TO TRIBES ON OKLAHOMA'S 2022 303(D) LIST OF IMPAIRED WATERS (NEW: JUNE 2022)

Every even-numbered year, states are required by the Clean Water Act (CWA) sections 303(d) and 305(b) to submit reports to the U.S. Environmental Protection Agency (EPA) regarding the health and quality of waters in their state. Section 303(d) requires preparation of a list of impaired waters that do not meet their designated water quality standards, while Section 305(b) requires a comprehensive quality assessment of all waterbodies. The 303(d) and 305(b) lists are submitted together in what is called the Integrated Report (IR). Before submitting an IR to the EPA for action, the state is required to offer a 30-day period allowing the public to provide comments on the draft version of the IR. The Oklahoma Department of Environmental Quality (ODEQ) notified the public that they were beginning this 30-day public comment period on Monday, May 2, 2022 and posted a public draft of their IR online, which can be accessed at the following URL: <https://www.deq.ok.gov/water-quality-division/watershed-planning/integrated-report/>. The public comment period officially ended on Friday, June 3, 2022. Before ODEQ can submit the final version of their IR to the EPA, they must incorporate and respond to all formal public comments that were received during the 30-day period. When the EPA receives ODEQ's final submittal of the IR, the agency will have thirty (30) days to approve or disapprove the lists, according to 40 CFR 130.7(d)(2). The EPA has not received the final submittal yet, as of June 15, 2022. When the final submission is received, the EPA will offer tribes in Oklahoma the opportunity to engage in formal government-to-government consultation regarding the lists. The opportunity to initiate consultation will remain open for fourteen (14) days after the final submission of the IR to the EPA. Due to the tight regulatory deadline, the EPA has sent out advance notice of this consultation opportunity to tribal partners via email on May 24, 2022.

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TRIBAL RESERVED RIGHTS RULEMAKING (UPDATED: JUNE 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 WQS 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 has drafted a proposed rule and the proposal is currently under review by the White House Office of Management and Budget. 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*

BASELINE WATER QUALITY STANDARDS RULEMAKING (UPDATED: JUNE 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.

NPDES**2020 CLEAN WATER ACT SECTION 401 CERTIFICATION RULE (UPDATED: JUNE 2022)**

On June 1, 2022, the EPA Administrator signed a proposed rule to improve the CWA section 401 certification process. The proposed rule would replace and update the existing regulations at 40 CFR 121, to be more consistent with the statutory text of the 1972 CWA and clarify elements of section 401 certification practice that has evolved over the 50 years since the 1971 regulation was promulgated. On June 9, 2022, the proposed rule was published in the Federal Register. The public comment period is open until August 8, 2022. More information on the proposed rule is available at <https://www.epa.gov/cwa-401/proposed-clean-water-act-section-401-water-quality-certification-improvement-rule>. **Brent Larsen, 214-665-7523 and Daniel Landeros, 214-665-8077.**

NPDES PERMITS EPA PLANS TO ISSUED BY 10/1/2022 (NEW: JUNE 2022)

During FY22, EPA Region 6 plans to reissue the following permits of potential interest to Tribes: OK0046087 Choctaw Nation of Oklahoma WWTP – Hochatown; Los Alamos Nat'l Lab Storm Water; NM0020141 Los Alamos County - Bayo WWTP. Region 6 will also be working on several general permits: Municipal Separate Storm Sewer System (MS4) General Permit for the following urbanized or designated areas: Los Alamos, Albuquerque, Santa Fe, Farmington, Las Cruces, El Paso (part in NM), and Los Lunas) and a new Hydrostatic Test Discharge General Permit proposed 4/28/22 (temporary -usually one time- discharges from hydrostatic pressure testing of pipelines and storage tanks before putting them into service) for Indian Country, Federal Jurisdiction in Oklahoma, and New Mexico.

Brent Larsen, 214-665-7523

TRIBAL FUNDING**TRIBAL CLEAN WATER ACT (CWA) 106, 319 AND PERFORMANCE PARTNERSHIP GRANT APPLICATIONS WILL BE PROCESSED FOR AWARDS SOON. (NEW: JUNE 2022)**

EPA is reviewing all tribal CWA 106, 319 and Performance Partnership Grant applications for FY22 and will begin processing them for awards over the next several weeks.

Sam Reynolds 214-665-6682

TREATMENT IN A MANNER SIMILAR TO A STATE (TAS) FOR CWA 319 APPLICATIONS (NEW: JUNE 2022)

EPA reviewed and approved the CWA 319(h) assessment report and management plan for Choctaw Nation and the Ottawa Tribe of Oklahoma. We are now awaiting the submission of the remaining parts of these tribe's CWA 319(h) TAS application. **Sam Reynolds 214-665-6682**

WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION (WIIN) ACT 2107: LEAD TESTING IN SCHOOL AND CHILD CARE PROGRAM (NEW: JUNE 2022) EPA Region 6 continues to work closely with the Inter Tribal Council of Arizona (ITCA) as the grantee responsible for lead testing in schools and child care facilities for the Pueblos in New Mexico. EPA Region 6 awarded a WIIN 2107 grant to ITCA in 2021 and since then has been coordinating with facilities in the state of New Mexico to initiate its sampling efforts in late

calendar year 2022 and early 2023. ITCA initiated its outreach efforts and laboratory contract support to be able to initiate its sampling activities in the Fall 2022 school year. EPA Region 6 is awaiting additional guidance on revisions to WIIN 2107 under the Infrastructure Investment and Jobs Act (IIJA) also known as the Bipartisan Infrastructure Law (BIL) and funding allocations.
Salvador Gandara 214-665-3194

State Revolving Funds Tribal Set-Asides (UPDATED: June 2022)

- **Fiscal Year 2022:**
- Base Tribal Set Asides Funding
 - The Clean Water Indian Set Aside (CWISA) allotments affecting Region 6 tribes are:
 - Albuquerque IHS - \$1,366,000
 - Nashville IHS - \$63,000
 - Oklahoma IHS - \$951,000
 - The Drinking Water Indian Set Aside (DWTSA) allotments are currently unknown but estimated for Region 6 at \$1,352,000
- **NEW!** Bipartisan Infrastructure Law Funding
 - The Bipartisan Infrastructure Law (BIL) or The Infrastructure Investment and Jobs Act (IIJA) or was signed into law by President Biden on November 15, 2021
 - The BIL represents the single largest investment in water the federal government has made
 - Albuquerque and Oklahoma BIL Tribal Set-Asides will target resources to disadvantaged communities
 - BIL Funding Allotments
 - BIL FY22 Region 6 Clean Water Indian Set-Aside; \$2,373,000
 - BIL FY22 National Clean Water Indian Set-Aside for Emerging Contaminants; \$2,000,000
 - BIL FY22 Region 6 Drinking Water Tribal Set-Aside; \$3,531,000
 - BIL FY22 Region 6 Drinking Water Tribal Set-Aside for Emerging Contaminants; \$1,485,000
 - BIL FY22 Region 6 Drinking Water Tribal Set-Aside for Lead Service Line; \$5,569,000
- **Fiscal Year 2021:** The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) Grant Programs awarded a total of \$1,888,000 and \$2,086,355, respectively. Award breakout is detailed below:
 - The Region's 2021 CWISA program selected a total of four projects. Two projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Creek – Sewer Lagoon Rehabilitation (\$989,000), Osage – Sewer Main Replacement (\$46,000). Two projects were selected in coordination with the Albuquerque IHS office; Pueblo of Nambe - Sewer Main Rehabilitation and Lagoon (\$207,000), Pueblo of Zia – Lagoon Expansion (\$646,000).
 - The Region's 2021 DWTSA program selected a total of seven projects. Four projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Osage – Ground Storage Tank Rehabilitation (\$115,000), Kickapoo –

Associated Water Improvements (\$68,655), Sac & Fox – Water System and SCADA Improvements (\$440,450), Cheyenne & Arapaho – Water Storage Rehabilitation (\$270,250). Three projects were selected in coordination with the Albuquerque IHS office; Pueblo of Isleta – Sunset Hill Well (\$919,000), Pueblo of Laguna – SCADA System Upgrades (\$200,000), Pueblo of Taos - SCADA Replacement (\$73,000).

- **Fiscal Year 2020:** The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) Grant Programs awarded a total of \$2,062,000 and \$2,193,050, respectively. Award breakout is detailed below:
 - The Region's 2020 CWISA program selected a total of four projects. Two projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Wichita – Sewer Lift Station Replacement (\$460,000), Cherokee – Sewer and Lagoon Rehabilitation (\$395,000). Two projects were selected in coordination with the Albuquerque IHS office; Pueblo of Santa Ana - Replacement of Sewer Main (\$123,000), Mescalero Apache Indian Tribe - Infiltration/Inflow Study (\$1,084,000).
 - The Region's 2020 DWTSA program selected a total of eight projects. Four projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Choctaw Nation – Water Treatment Plant Rehabilitation (\$365,050), Otoe-Missouria - Water System Connection (\$50,000), Cherokee – Standpipe Rehabilitation (\$161,000), Seminole Nation – Source Water Development (\$83,900). Four projects were selected in coordination with the Albuquerque IHS office; Jemez Pueblo – Arsenic Treatment System (\$652,500), Zuni Tribe – New Water Main and Rehabilitation (\$343,000), Pueblo of Santo Domingo - SCADA System Install (\$98,600), Pueblo of Isleta – Storage Tank Rehabilitation (\$439,000).
- **Fiscal Year 2019:** The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) Grant Programs awarded a total of \$2,618,000 and \$2,337,000, respectively. Award breakout is detailed below:
 - The Region's 2019 CWISA program selected a total of ten projects. Six projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Osage Nation – Grey Horse Sewer Rehab (\$425,000), Cherokee Nation – Collection System Rehabilitation (\$425,000), Choctaw Tribe – Wilburton Sewer Rehab (\$100,000), Chickasaw Nation – Tishomingo Wastewater Collection System Improvements (\$80,000), Cheyenne and Arapaho Tribes – Concho Sewer Manhole Replacement & Smoke Test (\$16,000), and Cherokee Nation- Inola Wastewater System Rehabilitation (\$125,000). Four projects were selected in coordination with the Albuquerque IHS office; Ohkay Owingeh – Lift Station Protection (\$150,000), Pueblo of Cochiti – Main Village Lagoon Liner Repair (\$331,000), Pueblo of Zia – Chamisa Lagoon Expansion Phase 1 of 2 (\$302,500) and Mescalero Tribe – Goat Summit Lagoons (\$663,500).
 - The Region's 2019 DWTSA program selected a total of twelve projects. Six projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Cherokee Nation – TPWA – Blue Bird Dr WLX (\$30,000), Choctaw Nation – Leflore RWD #14 Tower Rehabilitation TTHM Reduction (\$82,000), Cherokee Nation – Ironside Water District – Transmission and System Rehabilitation (\$223,000), Choctaw Nation – Boswell Tower Aeration Rehabilitation (\$23,000),

Choctaw Nation – McCurtain Distribution and Chlorination Improvements (\$42,000) and Eastern Shawnee Tribe – PWS Water Tower Lightning Protection (\$47,000). Six projects were selected in coordination with the Albuquerque IHS office; Pueblo of Zuni – Well Disconnection & Abandonment (\$229,000), Pueblo of Zuni – Water Source Emergency Power (\$389,000), Pueblo of Taos – Pressure Reducing Valve Replacement (\$407,000), Pueblo of Isleta – Westside WL Replacement 2 (\$599,000), Ohkay Owingeh – SCADA Connections (\$99,675) and Pueblo of Laguna – Encinal Backup Water Source (\$166,325).

Build America, Buy America Act (BABA)

The Build America, Buy America Act (BABA) was a provision included as part of the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL). The Act requires that by May 14, 2022 federal agencies must ensure all applicable programs comply with the Act, including incorporation of a Buy America preference in terms and conditions of each award with an infrastructure project.

The Act requires that all federal assistance programs, whether or not funded by the IIJA, include Buy America preferences for the following:

- All iron and steel products
- All manufactured products
- All construction materials

Definitions for manufactured products and construction materials are provided in the BABA Implementation Guidance provided by the White House Office of Management and Budget. EPA is currently working on national adjustment period waivers to provide relief for projects where budgets and designs may have already been developed.

EPA is working on providing BABA implementation guidance that is anticipated in summer 2022. **Tom Cooney 214-665-6509**

DRINKING WATER

LEAD AND COPPER RULE IMPROVEMENTS (NEW: JUNE 2022)

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 service line 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: JUNE 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. Please note that the CCR distribution requirements for community water systems have changed to require direct delivery, via mail or email, to all customers possible. 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

EMERGING CONTAMINANTS: VOLUNTARY MANGANESE SAMPLING QUARTER 2 RESULTS DUE JULY 1, 2022 (NEW: JUNE 2022)

EPA Region 6 has invited all Tribal water systems in the Region to participate in voluntary manganese sampling at all wells and entry points during Quarters 1 and 2 of 2022. Participating in this sampling program will be at no additional cost to the water systems and EPA Region 6 will provide sampling supplies through private laboratories, pay for sample transport/shipping fees and lab analytical fees, and provide technical support for water system operators.

Manganese was identified as an emerging contaminant under the Unregulated Contaminant Monitoring Rule (UCMR 4), and while it is not a regulated primary contaminant, EPA recognizes the health effects of elevated manganese exposure. This sampling will help EPA Region 6 better understand the prevalence of manganese in the region. Participating water systems have until July 1, 2022, to submit Quarter 2 samples. For more information about the

Emerging Contaminants Manganese Sampling, contact Region 6 Drinking Water staff. ***Lia Bobay, 214-665-6624; Danielle O'Neil, 214-665-6625.***

OTHER INFORMATION

TREATMENT AS A STATE (TAS) FOR THE CLEAN WATER ACT (CWA)

PUEBLO OF SAN FELIPE - TAS APPLICATION FOR CWA SECTIONS 303(C) AND 401 (UPDATED: JUNE 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 Clean Water Act sections 303(c) and 401, respectively, in March 2022. On June 1, 2022, Region 6 initiated the public comment process on the TAS application, which is scheduled to close on July 8, 2022. The Pueblo of San Felipe's TAS application and additional documents are posted on EPA's Tribal WQS website (<https://www.epa.gov/wqs-tech/epa-actions-tribal-water-quality-standards-and-contacts>). Region 6 has notified neighboring Indian tribes, state agencies and other federal agencies in New Mexico, and neighboring Indian tribes of the opportunity to comment on the Pueblo of San Felipe's assertion of authority to regulate surface water quality under Clean Water Act sections 303(c) and 401. EPA also published a public notice in the Albuquerque Journal on June 5, 2022. ***Diane Evans, 214-665-6677; Jonathan Jimenez, 214-665-2715; and Brianna Wadley, 214-665-2723.***

THE EPA'S NATIONAL LAKES ASSESSMENT UNDERWAY (NEW: JUNE 2022) In 2000, the General Accounting Office reported that EPA, states, and tribes cannot make statistically valid inferences about water quality (via 305[b] reporting) and lack data to support key management decisions. In 2003, the EPA reported that there was insufficient information to provide a national answer, with confidence and scientific credibility, to the question, 'What is the condition of U.S. waters and watersheds?'. In response to this need, the EPA Office of Water, in partnership with states and tribes, has implemented the National Aquatic Resource Surveys (NARS) since the mid 2000's. The NARS are collaborative programs between EPA, states, and tribes designed to assess the quality of the nation's coastal waters, lakes and reservoirs, rivers and streams, and wetlands using a statistical survey design. The NARS provide critical, groundbreaking, and nationally consistent data on the nation's waters.

The focus of the 2022 NARS is the assessment of lakes and reservoirs, termed the National Lakes Assessment (NLA). Sampling is currently underway on approximately 1000 randomly chosen lakes and reservoirs of various sizes, both private and public, across the nation. Sampling began in June and will run through September. Produced from these efforts will be a national report that describes the status of the ecological and physical condition of the nation's lakes/reservoirs and evaluates changes in status of the nation's waters since the previous NLA's in 2007, 2012 and 2017. Unlike previous iterations of the NLA, fish tissue is being collected at a subset of sites this year and evaluated for a suite of contaminants. To learn more about the EPA's NARS program in general or about individual surveys, such as the NLA, past and present, please visit: <https://www.epa.gov/national-aquatic-resource-surveys>. ***Robert Cook, 214-665-7141***

PFOA AND PFOS DRAFT AQUATIC LIFE CRITERIA (NEW: JUNE 2022)

The EPA published draft perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) aquatic life criteria for public review in April 2022. These draft criteria reflect the latest scientific knowledge regarding the effects of PFOA and PFOS on aquatic organisms. The draft PFOA and PFOS criteria documents contain acute and chronic criteria for freshwaters. The draft criteria documents also contain chronic criteria expressed as tissue-based concentrations to protect aquatic life from PFOA and PFOS bioaccumulation. The chronic freshwater and chronic tissue criteria are intended to be independently applicable and no one criterion takes primacy. The EPA has extended the comment period for the PFOA and PFOS draft criteria documents to July 2, 2022. Information on the draft PFOA and PFAS criteria can be found at:

<https://www.epa.gov/wqc/aquatic-life-criteria-perfluorooctanoic-acid-pfoa> and

<https://www.epa.gov/wqc/aquatic-life-criteria-perfluorooctane-sulfonate-pfos>.

Andrew Pressly, 214-665-2758

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 received approximately \$1,242,000 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 requested funding under the CAA §103 (projects), two under CAA §105 (program grants), and three 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 were notified of final decisions by May 1st, and applications were due in 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 are being evaluated for funding. EPA expects to fund 50-70 grants through the program. EPA expects to announce the awardees in the fall 2022.
- **Direct Awards to Air Agencies for Continuous Monitoring of PM_{2.5} and Other Common Air Pollutants:** EPA is awarding \$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 is funding each of those tribes to purchase new equipment and supplies for their ambient air monitoring programs.
- **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 Bipartisan Infrastructure Law 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. On May 20, 2022, EPA announced a Request for Application funding opportunity for \$500 million for the Clean School Bus program; applications are due by August 19, 2022. EPA expects to announce another funding opportunity under this program in the Fall 2022 on the following website: <https://www.epa.gov/cleanschoolbus>. *Nina Evans, 214-665-8586.*

Diesel Emission Reduction Act (DERA) Tribal and Insular Area Grants: EPA anticipates opening the 2022 DERA Tribal and Insular Area Grants request for application process this summer. Please check at the following website for instructions for application: <https://www.epa.gov/dera>. *Aunjaneè Gautreaux, 214-665-7127.*

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, Oklahoma, and Louisiana that were submitted in response to the 2015 SSM SIP call. On June 13, 2022, EPA published a proposal to approve a SIP submittal from Albuquerque-Bernalillo County 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”

EPA has dropped plans to finalize its draft guidance allowing new source review (NSR) air permit applicants to start construction on aspects of their projects before obtaining the permit. Prior to this decision, the draft version of the 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 guidance would have limited EPA’s interpretation of the term “begin actual construction” in NSR regulations to construction of an “emissions unit,” meaning a piece of equipment that actually emits pollution or has the potential to do so. This narrow definition would allow permit applicants to begin work on activities such as the building of foundations or other ancillary structures, so long as construction of the actual “emissions unit” that will emit pollution is not started without the permit in hand. During a Dec. 8, 2020, virtual meeting of EPA’s Clean Air Act Advisory Committee (CAAAC), acting EPA air chief Anne Austin said the agency will not finalize the guidance, and will instead explore “whether this issue is going to be better addressed during a future notice-and-comment rulemaking. Under EPA’s current interpretation of this regulatory definition, the Agency, as a practical matter, considers almost every physical on-site construction activity that is of a permanent nature to constitute the beginning of ‘actual construction, even where that activity does not involve construction on an emissions unit.

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, were 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. On April 7, 2022, EPA announced its intent to make findings that certain states have failed to submit regional haze implementation plans for the second planning period. The EPA intends to issue these findings by August 31, 2022. States wishing to avoid inclusion in the Findings of Failure to Submit should submit their second planning period SIPs by August 15, 2022. *Michael Feldman, 214-665-9793.*

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.*

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. You can follow the EPA's review process of the NAAQS at <https://www.epa.gov/naaqs>. The following are recent updates:

Particulate Matter (PM): The EPA is reconsidering the previous administration's decision to retain the PM NAAQS, which were last strengthened in 2012. The Final Policy Assessment (PA) for the Reconsideration of the PM NAAQS was posted to the EPA's website on May 31, 2022. The PA presents a staff analysis of the scientific evidence and technical information, along with conclusions regarding the 24-hour and annual primary PM_{2.5} standards, the primary 24-hour PM₁₀ standard, and the secondary 24-hour and annual PM_{2.5} and 24-hour PM₁₀ standard for consideration by the Administrator prior to rulemaking. The final PA reflects consideration of the advice and comments from the chartered Clean Air Scientific Advisory Committee (CASAC), as well as public comments, on the draft PA released in October 2021. The final PA document is available at <https://www.epa.gov/naaqs/particulate-matter-pm-standards-policy-assessments-current-review-0>.

The final PA concluded that: the scientific evidence and information support revising the level of the annual standard for the PM_{2.5} NAAQS to below the current level of 12 ug/m³ (and down as low as 8 ug/m³) while retaining the 24-hour standard; and the scientific evidence and information does not call into question the adequacy of the current Primary PM₁₀ Standard or PM Secondary Standards. The EPA expects to propose its decision regarding review of the PM NAAQS this summer, with a final decision in the Spring of 2023.

Ozone: The EPA is also reconsidering the December 2020 decision to retain the Ozone NAAQS. The Draft Policy Assessment for the Reconsideration of the Ozone NAAQS was released in April 2022 and is posted at <https://www.epa.gov/naaqs/ozone-o3-standards-policy-assessments-current-review>. The preliminary conclusion for the reconsideration is to retain the current standard without revision. The CASAC Ozone Review Panel may recommend "pausing" review of the current ozone standard and is considering whether a fuller discussion of ozone science is needed before the review can move forward.

Lead: The EPA anticipates release of the Draft Integrated Science Assessment (ISA) for Lead early in 2023. The draft ISA will provide a public comment period and provides the scientific basis for the EPA's decisions, in conjunction with additional technical and policy assessments. Documents for the current review of the Lead NAAQS are posted at <https://www.epa.gov/naaqs/lead-pb-air-quality-standards>.

The Secondary (welfare-based) NAAQS for oxides of nitrogen, oxides of sulfur, and PM: We expect to release the Draft Policy Assessment for Review of the Secondary NAAQS early in 2023. 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. EPA held tribal consultation meeting with the Oklahoma tribes for the proposed disapproval of the 2015 ozone transport on March 3, 2022. 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.

Current Permitting Activities in Region 6 for the following NSR (Part 49) and federal Title V operating permits (Part 71) to facilities located on tribal lands. Erica LeDoux, 214-665-7265.

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 was sent April 4, 2022. Nine (9) letters were sent to the Tribal Nations. In addition to notifying the Tribal Nations of the proposed permit action, the letters included an invitation for government-to-government consultation on the proposed action. The consultations would have extended through the public comment period, but no requests for Tribal consultations were made. The public comment period for the draft permit began May 4, 2022, and concluded June 3, 2022. Also, during the public comment period, there were no requests for a public hearing and no comments were received. The final permit was issued on June 10, 2022. All documents related to this permit action are available at www.regulations.gov, under docket #EPA-R06-OAR-2022-0316.

The Choctaw Nation of Oklahoma Pocola Casino and Resort, submitted an application to revise the existing Federal Minor NSR permit R6NSR-OK-003 on October 11, 2021, and the

application was deemed completed on November 9, 2021. The permit administrative amendment for this facility was issued on June 7, 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 Mestenos 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 Mestenos Compressor Station facility on Jicarilla Apache Tribal Lands, Rio Arriba County, New Mexico on February 4, 2022. This permit application was declared incomplete on April 5, 2022. EPA is working with facility to obtain additional information needed to draft permit.

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 are continuing discussions with LANL in preparation for a future meeting between the Region 6 Regional Administrator and the Manager of NNSA's Los Alamos Field Office. 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 Radioactive Liquid Waste Treatment Facility -Transuranic Liquid Waste (RLWTF-TLW) facility for transuranic 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-TLW 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. The application was reviewed in accordance with the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subparts A and H and approved on April 19, 2022. Closeout documents were sent to both pueblos when EPA made its final determination on the application. On April 28, 2022, LANL sent notification of construction stating that the RLWTF-TLW construction is planned to begin on or shortly after May 31, 2022. ***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 small 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. *Elizabeth Reyes, 214-665-3163*

BROWNFIELDS INFRASTRUCTURE LAW - FUNDING AND RESOURCES

As a result of the historic Infrastructure Law, the EPA Brownfields program will receive significant funding to assist communities and tribes to address Brownfields in their communities. Tribal partners were encouraged to take advantage of upcoming supplemental funding opportunities under the Infrastructure Law to carry out assessment, and cleanup activities as well as for job training programs. Infrastructure Law funding requests were due to the Region Office by June 3, 2022. 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 Regional Tribal Operations Committee meeting in July 2022 to further promote BIL opportunities and inform Tribal stakeholders about this historic opportunity. *Althea Foster, 214-665-2268*

FY 2023 BROWNFIELDS JOB TRAINING SOLICITATION OPEN

FY 2023 Brownfields job training solicitation is now open. EPA anticipates awarding approximately 25 grants nationwide at amounts up to \$500,000 per award. Applications are due by August 2, 2022, via grants.gov. The Request for Application (RFA) notice is also posted on www.grants.gov. This program will train individuals and help them access jobs created through brownfields revitalization activities within their communities. R6 States, Tribes and other stakeholders have been informed about the RFA. Furthermore, both EPA HQs and Region 6 are planning virtual outreach events to promote this unique JT grant opportunity and increase pool of applicants in the Region. *Elizabeth Reyes, 214-665-3163*

CHEYENNE AND ARAPAHO TRIBES, RECIPIENT OF BROWNFIELDS JOB TRAINING GRANT

Congratulations to the Cheyenne and Arapaho Tribes who will receive \$200,000 in Brownfields 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 16-19, 2022. The Conference location will be at the new OMNI Hotel and Oklahoma City Convention Center. Registration for the conference began 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

NEW TRIBAL SOLID WASTE GRANT COMPETITION

EPA is announcing a ***new*** Tribal Solid Waste Grant competition. A Notice of Intent was sent out on 6/9/22 with the official Request for Applications following and a due date of July 29th. This grant is not funded from the Bipartisan Infrastructure Law (BIL) but is a separate and smaller grant competition for tribes only with \$700,000 available. HQ is not planning to do a webinar or listening session due to the short turnaround, so we plan to put together a training webinar for us to go over the proposal guidelines for those interested. ***Roger Hancock, 214-665-6688***

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. The Nation invited Carolyn Hoskinson, Director of the Office of Resource Conservation and Recovery, to visit and she will be there on June 29-30th, 2022. ***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, and Cherokee Nation has continued to provide additional information and assistance. 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. 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 TRIBAL SOLID WASTE PEER MATCHING PROGRAM

This is a reminder that last year, EPA 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. You can find the form here: <https://www.epa.gov/tribal-lands/forms/request-participants-form-national-tribal-waste-management-peer-matching-program>. 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 may also be provided for free for participants. **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**

The closing date for the submittal of applications for the FY2022 Hazardous Waste Management Grant Program for Tribes was May 12, 2022. 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. HQ should be announcing the results soon. **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 Fort Wingate Depot Activity Base Closure Team Virtual meeting took place May 10, 2022. Fort Wingate is hoping to work with the Tribes on new Land Use Plans this year. *Laurie King, 214-665-6771*

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 and LANL agreed that another regional aquifer monitoring well is required in this area to further investigate the vertical and lateral extent of chromium toward the County production well. Construction of this new monitoring well, R-73, is underway and will have two screens to monitor the deeper portion of the regional aquifer from which PM-3 obtains water. Completion of R-73 is anticipated in August 2022. In addition, NMED is requiring two more regional aquifer monitoring wells to delineate the vertical extent of 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 by mid-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, providing training for lead inspectors, and conducting inspections of licensed contractors engaged in lead-based activities, taking 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. *Tameka McCaskill, 214-665-8578*

TRIBAL SUMMIT

The Sustainable Materials Management (SMM) and Tribal Solid Waste Programs presented an educational outreach webinar at this year's Tribal Summit on May 10, 2022. EPA presented a 1.5-hour webinar on the new SMM Infrastructure funding. During the session we provided a brief overview of EPA's new National Recycling Strategy and movement toward a circular economy. We also shared 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 conducted an outreach call with the tribes on April 12, 2022. **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 were 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), and EPA-administered Certification Plan (EPA Plan). Within Region 6, all tribes are currently on and would continue operating under the EPA Plan option that allows applicators to obtain certification from adjacent states and then apply for an EPA license to apply RUPs in Indian Country. Currently, there are 43 certified commercial applicators and 51 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>. **Sierra Moline, 214-665-2177**

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 Agricultural Export Zone (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, Region 6 Grants Office, and Regional Counsel to confirm availability of funding, eligibility, and the process to be followed. We anticipate funding the Choctaw Nation for up to four years to allow for the financial assistance needed 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. ITEC hosted the annual ITEC Tribal Summit that took place in May. ***Bryan Irwin, 214-665-6408***

EIGHT NORTHERN INDIAN PUEBLOS COUNCIL (ENIPC) PESTICIDES PROGRAM

ENIPC staff attended a webinar on the topics of identifying woodpecker damage, managing bed bugs with limited resources, and PFAS and why it is a forever chemical. ENIPC staff continue to have monthly OETA staff meetings providing updates on attended webinars and pollinator garden progress. In February, ENIPC staff met with Region 6 Pesticide Staff to discuss organizing a series of webinars over the course of about five months focused on Integrated Pest Management and Pesticides in Water. The first of the series occurred on June 14, 2022. The date for the remaining webinars will be announced soon. 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 continue to work with Pueblos and Tribes pollinator garden and provided the Tesuque Pueblo with pollinator garden supplies. *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 (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 June, Region 6 Pesticide staff assisted Choctaw Nation by providing information on the requirements for submitting a cooperative agreement grant application into Grants.gov. Pesticide Staff provided Choctaw Nation with an example budget narrative and explained the key parts of a project narrative. Pesticide Staff also shared the instructions for creating an account in the FIFRA Grant Database and made Choctaw Nation aware that they must have Quality Assurance documents in place for their grant to be awarded. Choctaw Nation is currently working on submitting a grant application to receive funding in Fiscal Year 2023. The proposed pesticide program will only include programmatic activities in FY23 with the possibility of expanding to enforcement activities in the future. *Sierra Moline, 214-665-2177*

REGION 6 BEE-KILL MAILER CAMPAIGN

EPA Pesticide Program staff have obtained approval from EPA headquarters to start distributing the bee-kill mailers. These post-card sized mailers provide examples of the symptoms associated with a pesticide-related bee kill, as well as the appropriate authorities at Eight Northern Indian Pueblo Council or Inter-Tribal Environmental Council to contact in the event that a pollinator related pesticide event occurs. Both ENIPC and ITEC will be provided with Council specific mailers, as well as state specific mailers for tribal members living off of the reservations, to be distributed by tribal pesticide program staff. These are expected to be printed and mailed to the Councils in July 2022. ***Chrissy Mogren, 214-665-6579***

TRIBAL SUMMIT

The Underground Storage Tank (UST) program presented two webinars at this year's Tribal Summit on May 15, 2022. During the 1.5 hr session, EPA presented 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

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). In December 2018, EPA issued a Unilateral Administrative Order, requiring public notice, 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 172 of the 181 deficiencies since issuing the unilateral order. This represents a completion of 95% 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

Clean Water Act Section 404 Enforcement due to Impact to Toltec Mounds (Arkansas)

EPA is preparing to finalize the last portion a Clean Water Act, Section 404 enforcement case at Mound Lake, Arkansas that caused 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 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. EPA is in the process of reviewing a restoration plan for the unauthorized fill material which will lower the flood risk for the sites at the state park back to the pre-unauthorized activity level.

Curry Jones, 214-665-6793 / Tom Nystrom, 214-665-8331

Clean Water Act NPDES Concerns at Alabama-Coushatta Tribe of Texas: In June 2022, EPA issued a CWA Notice of Potential Violation and Opportunity to Confer (NOPVOC) to the Alabama-Coushatta Tribe of Texas in Livingston, TX, to address unresolved issues found during two inspection of their wastewater treatment plants (WWTPs). The observed areas of concern are associated with NPDES permit parameter monitoring procedures, lab equipment management, and exceedance non-reporting. The NOPVOC formalizes continued discussion and coordination with the Tribe to reach compliance. As part of the inspection process, the EPA

inspector has been providing relevant compliance assistance to the Tribe's WWTP operators to bring the facility into compliance as soon as possible.

Roberto Bernier 214-665-8476 / Mike Williams 281-983-2150

Clean Water Act NPDES Concerns at the Village of Jemez Springs, NM: During the recent NM wildfires, the U.S. Fire Service approached the Village to accept gray water for treatment from nearby Cerro Pelado Forest fire firefighter camps. An unanticipated bypass at the wastewater treatment plant allowed untreated gray water to discharge into the Jemez River when inactive sand filters were used as holding tanks and the units were not fully sealed. A discharge of this type had the potential to affect the Zia and Santa Ana Pueblos, then the Rio Grande within the Sandia Pueblo downstream. EPA coordinated with NMED and the Village to identify the cause of the bypass allowing for adjustments to prevent any additional releases. The Village no longer receives gray water from the firefighting camps and is working with EPA through a voluntary Compliance Advisor Program to address treatment plant operational issues.

Roberto Bernier 214-665-8476 / Mike Tillman 214-665-7531

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***

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

EPA continues to award contracts and cooperative and interagency agreements with funding from the Bipartisan Infrastructure Law (BIL) for the construction of remedies at fund-lead Superfund sites, such as the Tar Creek Superfund site in Oklahoma. ***Darrin Larson, 214-665-7115***

VARIOUS REMEDIAL /REMOVAL ISSUES

New Mexico Fires Response, NM: On May 11, 2022, FEMA issued a Federal Operational Support (FOS) Mission Assignment (MA) to EPA Region 6 to staff the FEMA Regional Response Coordination Center (RRCC) and the State EOC. Accordingly, the EPA Region 6 Regional Emergency Operations Center (REOC) elevated to Level 2, Partial Activation, and mobilized a Subject Matter Expert (SME) to staff the State EOC and assist FEMA and NMED with field assessments. On June 14, 2022, FEMA issued a Direct Federal Assistance (DFA) MA to address the collection and disposal of household hazardous waste from the Calf Canyon-Hermits Peak fire-affected properties. The New Mexico EOC also established a Tribal Task Force to coordinate with the Santo Domingo Tribe, Pueblo of Cochiti, and Jemez Pueblo affected or have the potential to be affected by the Cerro Pelado Fire in Sandoval County. ***Craig Carroll, 214-665-2220***

Oak Canyon Residential Site, Pueblo of Laguna, NM: In May 2022, EPA completed a removal action to address unacceptable levels of radon at a residence in Oak Canyon. A radon mitigation system was installed and is effectively reducing the indoor-air radon concentrations. ***Craig Carroll, 214-665-2220***

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 geophysical seismic survey, which is part of the Remedial Investigation and Feasibility Study (RI/FS) for the San Mateo Creek Basin, is scheduled to begin in August 2022 and will take approximately a month to complete. A community fact sheet announcing the start of seismic survey field activities will be mailed out in July 2022. This work is being conducted by the three former mine operators (Homestake Mining Company of California, United Nuclear Corporation, and Rio Algom Mining, Inc.) Cultural surveys and a public and tribal notification process have been performed as part of the New Mexico State Land Office and Bureau of Land Management requirements for the right-of-entry and right-of-way applications. EPA and the New Mexico Environment Department will perform oversight of the field activities. ***Darrin Larson, 214-665-7115***

Tronox Navajo Area Uranium Mines East, West and Central Geographic Sub-Areas and Section 10 Mine, Grants Mining District, NM: EPA 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 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 submitted a technical memorandum to NRC in March 2022 to support development of the approach. This technical memorandum is being reviewed by NRC and EPA. *Craig Carroll, 214-665-2220 and Susan Webster, 214-665-6784*

Homestake Mining Company Former Uranium Mill and Tailing Disposal Site, NM: EPA is currently overseeing the performance of a CERCLA Feasibility Study (FS) and Technical Impracticability (TI) evaluation by Homestake under a 2020 EPA Administrative Settlement Agreement and Order on Consent. The FS will evaluate a range of remedial alternatives for the groundwater operable unit and the long-term tailing stabilization, surface reclamation, and site closure operable unit. The EPA National Remedy Review Board (NRRB) selected this site for review in 2020. Initial meetings were held by the NRRB with Region 6, the State of New Mexico and the Pueblos of Acoma and Laguna, and Homestake, the Bluewater Valley Downstream Alliance (BVDA), and the Multicultural Alliance for a Safe Environment (MASE) in March 2021 to discuss the site and the expectations of key stakeholders regarding a CERCLA cleanup. The NRRB submitted a number of recommendations to Region 6 in June 2021 related to the FS, the TI evaluation, and other aspects of the CERCLA activities. Region 6 agreed with the recommendations in a response letter dated October 2021 and is currently in the process of having the recommendations implemented. A follow-up meeting was held on June 8, 2022, between the NRRB and Region 6 to discuss a draft FS memorandum on the development and screening of remedial alternatives, which was submitted by Homestake in February 2022. EPA is also nearing completion of a background reassessment that will support the development of preliminary remediation goals in the FS for groundwater. EPA continues to meet monthly with BVDA and MASE to provide updates on all site related CERCLA activities. *Darrin Larson, 214-665-7115*

Jackpile-Paguate Uranium Mine Site: On June 10, 2022, EPA briefed the Pueblo of Laguna Tribal Council on site activities completed to date at the Jackpile-Paguate Mine. Additionally, during the month of June, phase 1 of multi-media sampling was conducted. Media sampled included groundwater, surface water, pore-water, and sediment. Fine air particulate and associated mining related constituents continue to be collected via the five-station monitoring program, coupled by the on-site meteorological network. *Darrin Larson, 214-665-7115*

Wilcox Oil Company, Bristow, OK: In June 2022, EPA began construction, using Bipartisan Infrastructure Law (BIL) funding, of the Source Control Interim/Early Action at the Wilcox Oil Company Superfund site. Construction will address approximately 25,000 cubic yards of source material located at eight former tank locations and approximately 5,800 cubic yards of lead source material in the lead additive area. *Darrin Larson, 214-665-7115*

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 7 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 8 residential properties. At the end of May 2022, reconnaissance had been completed at 88 properties, including 43 HUD properties. Sampling plans were developed for these properties, and 31 properties have been sampled to date. Based on sampling results, properties requiring remediation will be identified late summer 2022. *Darrin Larson, 214-665-7115*

Tri-State Watershed, Lower Spring River (Surface Water and Sediments), including portions of Tar Creek OU5 OK, KS and MO: In July 2022, EPA will implement 2 pilot studies in the Tri-State Watershed (Biochar pilot on Elm Creek, and biochar/wetlands pilot on Wilson Lake) of the Tar Creek Superfund site. EPA continues the collection of data in support of the watershed modeling effort, continues to collect data to fill gaps in support of the investigation and risk assessment for the Upper and Lower Watersheds, continues coordination on Lost Creek data sampling, and 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. *Darrin Larson, 214-665-7115*

Oklahoma Refining Company, Cyril, OK: Late July 2022, remedial activities are expected to be completed at Operable Unit 2 (North side) of the Oklahoma Refining Company Superfund Site. The remedial activities consist of the 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. EPA and ODEQ will continue to coordinate with and inform Oklahoma tribes on site milestones. *Darrin Larson, 214-665-7115*

Broken Arrow Radiation Site, Broken Arrow, OK: Late July 2022, EPA will begin removal activities at the former Broken Arrow landfill. The removal will address radioactive waste contamination. The site is a former landfill facility and is situated in a mixed commercial-residential area. *Craig Carroll, 214-665-2220*

Lake Oologah-Winganon Area Oil Removal, Rogers County, OK: Late July 2022, EPA will begin restoring property damaged in 2018-2019 during well plugging activities in the Lake Oologah-Winganon area. In addition, a well in Rogers County which was erroneously identified as "plugged" will require mobilization and plugging. EPA plans to schedule that well plugging concurrently with the required property restoration work for June 2022. *Craig Carroll, 214-665-2220*

Henryetta Iron and Metal, Henryetta, Okmulgee County, OK: Late July/early August 2022, EPA will begin removal activities at the Henryetta Iron and Metal Superfund site. The removal will address contaminated soil and sediment. EPA continues to coordinate with Muscogee (Creek) Nation, Cherokee Nation, ITEC, ODEQ and the City of Henryetta. *Craig Carroll, 214-665-2220 and Darrin Larson, 214-665-7115*

Office of Communities, Tribes and Environmental Assessment

STAFF UPDATE

Joyce Thurman has joined the OCTEA as Administrative Assistant to the Director. OCTEA staff welcomes Joyce back!

Tribal Affairs Team: Terris J. Walker, PhD, has been selected to join the Tribal Affairs Team and is expected to report to the office on July 18, 2022. OCTEA welcomes Dr. Walker to his position on the Team.

TRIBAL AFFAIRS

Region 6 General Assistance Program (GAP): OCTEA is currently processing FY 2022 GAP grant applications and expected to award \$7,674,681 to Tribal partners. Twenty Tribal partners will receive EPA funding in Performance Partnership Grants this year. *Salina Gomez, 214-665-6650, Mark Allen, 214-665-2719, Jay Harris, 214-665-2260, Curtis Hicks, 580-436-8561 and Ira Hight, 214-665-8137.*

ENVIRONMENTAL JUSTICE UPDATE

Environmental Justice Grants in 2021 under the STATE ENVIRONMENTAL JUSTICE COOPERATIVE AGREEMENT (SEJCA) PROGRAM. The following tribal governments received American Rescue Plan (ARP) funding last year:

Coushatta Tribe of Louisiana – This ARP funded a cooperative agreement of \$200,000.00, to support a public education project addressing the effects of air pollution to citizens of The Coushatta Tribe of Louisiana. With the establishment of an Environmental Program in 2014, the Tribe has conducted data collection, testing of air and water, and other environmental protection activities benefiting the community at large. The Coushatta Tribe, and the communities of Oberlin, Kinder, and Elton, Louisiana, will partner with Southern University's Law Center and Nursing School, the Imperial 8 Calcasieu Regional Planning & Development Commission (IMCAL), and the Louisiana Environmental Action Network (LEAN) to provide environmental law education and COVID-19 specific public health training. Through distance learning education, the training will focus on guiding communities on advocating for their rights to clean air and improving the public health procedures relating to mitigating the effects of air pollution on their community. Expected outcomes include the development of coursework on general environmental law education, health training materials on the COVID-19 virus, and a public awareness campaign focused on bringing more awareness to the environmental concerns of the target areas. Direct beneficiaries of this program include The Coushatta Tribe, and the communities of Oberlin, Kinder, and Elton, Louisiana.

Kaw Nation, OK – This ARP funded a cooperative agreement of \$135,236.00, to support public outreach and educational activities related to the outbreak and spread of COVID-19 virus

outbreaks at the Kaw Nation of Oklahoma. Kaw Nation will develop a public education and community outreach program and a Healthy Homes Campaign within the Nation's Tribal Jurisdiction and target areas. The outreach program and campaign will focus on promoting and sharing information about in-home environmental and health hazards, and best practices for combating COVID-19 virus outbreaks. Expected outcomes include providing public outreach and educational activities related to the outbreak and spread of COVID-19, hosting two (virtual) public education events per year, and producing a “Speak Now & Production” video focused on healthy indoor air quality. Direct beneficiaries of this program include the following Oklahoma cities: Newkirk, Kaw City, Braman, Shidler, and Kildare.

TRIBAL CONSULTATION AND COORDINATION

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

- Albuquerque-Bernalillo County State Implementation Plan Revision (Informational Call Held)
- Tribal Consultation on the Pueblo of San Felipe’s CWA TAS Application (Informational Call Held)

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:
 - o \$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.
 - o \$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:
 - o \$2.77 billion for Clean Water and Drinking Water State Revolving Funds, equal to the 2021 Enacted level.
 - o \$43 million for Combined Sewer Overflow grants, a \$3 million increase above the Enacted level.
 - o \$92 million for Brownfield's cleanups, a \$1 million increase above the 2021 Enacted level.
 - o \$92 million for Diesel Emissions Reductions grants, a \$2 million increase above the Enacted level.
 - o \$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.

(UPDATE-JUNE 2022)

Region 6 initially 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). Under the Bipartisan Infrastructure Law and other reprogramming Region 6 received an additional \$1,014,379,197, for a total of \$1.451B. All spending is divided into four specific categories (includes all earmarks).

- The most significant category is assistance agreements (grants and cooperative agreements), which accounted for \$1.3B or 89.6 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 \$122M or 8.4 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 \$15.9M or 1.1 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., special account increases, administrative support, etc), with \$13.1M or 0.9 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.

The FY22 operating plan now includes over \$1.3B in grants, added to the \$1B the Region manages in grant packages over several fiscal years for all states and tribes. ***Corey Bonnell, 214-665-7432***

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*