Office of the Regional Administrator

EPA Region 6 is announcing that Iris Gonzalez will be leaving EPA on April 5, 2024.

Iris joined EPA Region 6 as the Chief of Staff in April 2022 and she hit the ground running. As Chief of Staff, she served in a support role to the Regional Administrator (RA) and was a critical member of the RA's team. She performed these roles extremely well. Iris came to EPA Region 6 a seasoned expert who could immediately begin working with the Regional Administrator to tackle the problems of environmental and climate justice.

Over these past two years, Iris has been invaluable in creating a culture in which environmental justice and climate change are embedded into the Region 6 work. With her strong background working with communities as a coalition leader, Iris took the lead role in developing an Environmental Justice (EJ) team and designing the *Stronger Engagement for Results and Justice* initiative, or SERJ. This initiative included the Region's first EJ Stakeholder Summit, the return of quarterly EJ Roundtable calls, SERJ training for the EJ Team, and the first EJ Team Retreat. Iris led the planning for the RA's meet and greet with Tribal partners at the First Americans Museum before the 2022 Brownfields conference. Iris participated at the visit with the Tar Creek Trustee Council Indian Tribes and participated at the Regional Tribal Operations Committee meetings held at Fort Worth and Albuquerque respectively.

Iris will be truly missed for her brilliance and leadership, and also for her kindness. She will continue to be a strong advocate for communities as she relocates back to Milwaukee. Let's all wish her well in her next adventure.

Water Division

CWA REGULATIONS

WATERS OF THE UNITED STATES (UPDATED: March 2024)
On December 30, 2022, the agencies announced the final "Revised Definition of 'Waters of the United States'" rule. On January 18, 2023, the rule was published in the *Federal Register* and went into effect on March 20, 2023. The U.S. Environmental Protection Agency (EPA) and Department of the Army (the agencies) developed this rule with consideration of the relevant provisions of the Clean Water Act and the statute as a whole, relevant Supreme Court case law, and the agencies' technical expertise after more than 45 years of implementing the longstanding pre-2015 "waters of the United States" framework. This rule also considered the best available science and extensive public comment to establish a definition of "waters of the United States" that supports public health, environmental protection, agricultural activity, and economic growth. The agencies received and considered over 114,000 written public comments in developing the final rule.

Conforming Rule to Sackett Decision: On August 29, 2023, the agencies issued a final rule to amend the final "Revised Definition of 'Waters of the United States'" rule, published in the *Federal Register* on January 18, 2023. This final rule conforms the definition of "waters of the United States" to the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. Parts of the January 2023 Rule are invalid under the Supreme Court's interpretation of the Clean Water Act in the *Sackett* decision. Therefore, the agencies have amended key aspects of the regulatory text to conform it to the Court's decision.
The conforming rule, "Revised Definition of 'Waters of the United States'; Conforming," was published in the *Federal Register* and became effective on September 8, 2023. More information about the final conforming rule such as a factsheet, a redline version of amendments to the regulatory text, and more can be found at: https://www.epa.gov/wotus/amendments-2023-rule

The agencies are committed to taking actions to improve implementation of the definition of "waters of the United States." The agencies will continue to provide trainings to Tribes, states, and the public as appropriate to promote clarity and consistency and will continue to post materials and outreach opportunities to EPA's website. https://www.epa.gov/wotus

Lawsuits: Currently there are 3 lawsuits filed in the District Court for the Commonwealth of Kentucky, Southern District of Texas, and District Court of North Dakota that issued orders preliminarily enjoining the 2023 Rule issued by EPA and the Department of the Army defining "waters of the United States." Due to the lawsuits 27 states are not covered in the Revised Definition of 'Waters of the United States'; Conforming. These states are covered under the pre-2015 regulatory regime and modified by the recent Sackett decision. Whereas the Revised Definition of 'Waters of the United States'; Conforming is implemented in 23 states. See map below of which states the Revised Definition of 'Waters of the United States'; Conforming is implemented and which ones the pre-2015 regulatory regime as modified by the Sackett decision is implemented. ***Brianna Wadley, 214-665-2723 Randy Rush, 214-665-7107***

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION IMPROVEMENT RULE (UPDATED: MARCH 2024)

On September 14, 2023, the U.S. Environmental Protection Agency (EPA or the Agency) announced the final 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule (2023 Rule). The final rule is grounded in the fundamental authority granted by Congress to states, territories, and Tribes to protect water resources that are essential to healthy people and thriving communities over the past 50 years. On September 27, 2023, the final 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule was published in the **Federal Register**. The final 2023 Rule became effective on November 27, 2023.

More information on the final rule is available at https://www.epa.gov/cwa-401/final-2023-cwa-section-401-water-quality-certification-improvement-rule.
Overview Webinar of the Final 2023 401 Rule
Overview Fact Sheet on the Final 2023 Rule
Certifying Authority Webinar Slides
Brianna Wadley, 214-665-2723 Daniel Landeros, 214-665-8077.

BASELINE WATER QUALITY STANDARDS RULEMAKING (UPDATED: MARCH 2024)

On April 27, 2023, the EPA Administrator signed a proposed rule to promulgate federal baseline water quality standards (WQS) for waters on over 250 Indian reservations that do not 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 May 2023, EPA sent letters to all federally recognized Indian tribes to initiate a 90-day consultation period for the baseline WQS rulemaking, which concluded on August 1, 2023. During the consultation period, EPA hosted two tribal listening sessions to provide information

to tribal leaders and staff on this rulemaking effort. Additional information is 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 proposed 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 also proposed 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. ***Jasmin Diaz-Lopez, 214-665-2733; Diane Evans, 214-665-6677; and, Tina Alvarado, 214-665-2709.***

TRIBAL RESERVED RIGHTS RULEMAKING (UPDATED: MARCH 2024)

Many tribes hold reserved rights through federal treaties, laws, and executive orders to resources in waters where states establish water quality standards (WQS). On November 28, 2022, the EPA Administrator signed a proposed rule to revise the federal WQS regulation at 40 CFR part 131 to clarify and prescribe how WQS must protect tribal reserved rights in waters where those rights exist. The 90-day public comment period ended on March 6, 2023. EPA held a 90-day pre-proposal tribal consultation period from June 15-September 13, 2021. EPA invited a second round of consultation and coordination on the proposed rule between November 30, 2022, and February 28, 2023. EPA is currently reviewing the comments received. Additional information, including the presentations from national listening sessions EPA held for tribes and pre-proposal written comments EPA received from tribes and tribal organizations, is available at: https://www.epa.gov/wqs-tech/tribal-consultation-and-coordination-epas-proposal-revise-federal-water-quality-standards.

The proposed revisions would create a regulatory framework that would be applied case-specifically to help ensure protection of aquatic and aquatic-dependent resources reserved to tribes, such as fish and wild rice. The proposal lays out how tribal reserved rights must be considered when states are establishing and revising WQS and when EPA is reviewing WQS submittals for compliance with applicable laws. This rulemaking is complementary to but distinct from the tribal baseline WQS rulemaking that EPA is pursuing concurrently, which is described in the above entry. This tribal reserved rights rulemaking would protect tribal reserved rights in waters where states establish WQS, whereas the baseline effort would establish WQS

for Indian reservation waters that do not currently have WQS in effect under the Clean Water Act (CWA). The draft final rule is currently undergoing review by the Office of Management and Budget. EPA aims to finalize this rule in early 2024. ***Tina Alvarado, 214-665-2709; Diane Evans, 214-665-6677; and Jasmin Diaz-Lopez, 214-665-2733.***

GRANTS

TRIBAL CWA 106 AND 319 TREATMENT IN A MANNER SIMILAR TO A STATE (UPDATED: MARCH 2024)
Ponca Tribe of Oklahoma is in conversations with the EPA and is planning to submit a Clean Water Act (CWA) 106 TAS application.

Choctaw Nation of Oklahoma submitted a letter requesting their approved Clean Water Act (CWA) 106 TAS be updated to show their newly acquired reservation boundary. EPA R6 commented on the request letter and is waiting on the Choctaw Nation's response.

Ottawa Tribe of Oklahoma submitted a letter requesting their approved Clean Water Act (CWA) 106 TAS be updated to show their newly acquired reservation boundary. The request is under review by regional counsel and the water division.

All Clean Water Act 106/319 TAS applications are due for submission by April 3, 2024.
Samuel Reynolds, 214-665-6682.

CLEAN WATER ACT (CWA) 106, 319 GRANT APLLICATION DUE DATES (UPDATED MARCH 2024)
CWA 106 grant application due date is March 15, 2024.
CWA 319 grant application due date is April 26, 2024.
Samuel Reynolds, 214-665-6682.

SRF TRIBAL SET ASIDES GRANT FUNDING - DRINKING WATER UPDATE
Process to Apply: Communicate the following to R6Tribalfunding@epa.gov:

Send "interest email" by March 01, 2024

Submit project summary submittal or extension request by April 01, 2024, to

Submit workplan and budget during May, after the region accepts the workplan and budget the Tribes will be sent a link to apply for funding with an application in Grants.gov, if you are applying for a grant. If you would like to receive assistance with the Indian Health Service by using EPA funding, you can update the SDS Sanitation Deficiency System with your project for an interagency agreement between EPA and the Indian Health Service to have the work completed.

On February 08, 2024, the Tribal Water Infrastructure Team held a Virtual Coordination Meeting to inform tribes regarding EPA's grant programs for Drinking Water Infrastructure Grants Tribal Set-Asides, Lead Service Line Replacement (LSLR), Emerging Contaminants for both Drinking Water and Clean Water, and the Small Underserved Disadvantaged Communities

Grant (SUDC). The recorded meeting described the programs' goals, project eligibilities, funding levels and procedures for applying for the funding. As the Team's first-time solicitation directly to tribes is underway for FY24, prioritization processes for funding requests were shared as well as a project summary template. A follow-up email shared the pdfs of the presentations. A recap of the available funding is shown below. Additionally, the following shared links are provided to assist with development of project summaries.

Overview of Drinking Water Funding Available
Drinking Water Infrastructure Grants -Tribal Set-Asides (DWIG -TSA)- Drinking Water infrastructure projects
Emerging Contaminants (EC) Grants- Drinking Water or Clean Water projects to identify, control or remediate unregulated contaminants/pollutants.
Small Underserved Disadvantaged Communities (SUDC) Grant- Drinking Water projects where regulated contaminant level are exceeded. Can be found in ECHO online. Projects can also connect unconnected Tribal homes to a waterline.
Lead Service Line Replacement Grant – Drinking Water projects to identify and replace lead service lines.
Technical Assistance Requests- TA requests can be made to **R6tribalfunding@epa.gov**

Helpful Links –

Link to Drinking Water Webpage Timeline and Project Summary Template
Click here to view the Drinking Water Tribal Timeline reminder page.
https://www.epa.gov/tribal/region-6-safe-drinking-water-act-drinking-water-tribal-funding

PFAS Analytic Tool
Click here to search the PFAS map with sources of PFAS and testing results in your area.
https://awsedap.epa.gov/public/extensions/PFAS_Tools/PFAS_Tools.html

ECHO
Click here to view your Tribe's Health Based violations.
https://echo.epa.gov/?check_logged_in=
1.Click Search Options (left side blue tab)
2.Click Drinking Water System Search (SDWA)
3.Scroll to Orange tab 'Community'-Select Tribe
4.Filter Tab-Select Drinking Water (SDWA)
5.Scroll down to violations
Anisa Pjetrovic, 214-665-6646

LEAD TESTING IN SCHOOLS AND CHILDCARE FACILITIES (NEW:MARCH 2024)
If your Tribe is interested in Testing Lead in schools or daycares, please reach out to the following contacts. If you are a Tribe located in:
New Mexico, contact is ITCA Diella.packman@itcaonline.com
Louisiana or Texas, contact is USET Consortia jsaunders@useting.org

Oklahoma, contact the Oklahoma Department of Environmental Quality (ODEQ) Lisa.Stewart@deq.ok.gov and Katelynn.McLaughlin@deq.ok.gov.

Webpage information about WIIN 2107 Lead Testing in Schools and Daycares is available at: https://www.epa.gov/tribaldrinkingwater/wiin-act-section-2107-lead-testing-school-and-child-care-program-drinking-water#:~:text=Participation%20in%20the%20Tribal%20program,Reducing%20Lead%20in%20Drinking%20Water
Anisa Pjetrovic, 214-665-6646

WETLAND PROGRAM DEVELOPMENT GRANTS (UPDATED-MARCH 2024)
Wetland Program Development Grants (WPDG) are competitive grants that are part of the EPA Enhancing State and Tribal Programs (ESTP) effort. The ESTP and Core Elements Framework were designed for state and tribal wetland programs that are in the developing stages but can be useful to all states and tribes, including those that are refining more mature wetland programs. Funds from these grants can be used to develop and implement a Wetlands Program Plan (WPP). The Core Elements Framework (CEF) outlines the 4 core elements a WPP may include, which are: Monitoring and Assessment, Regulatory Activities including 401 Certification, Voluntary Restoration and Protection, and Water Quality Standards for Wetlands. The development of a WPP allows states and tribes to implement the CEF based on their individual program goals and available resources.

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

The Region 6 solicitation is on a two- year cycle. Region 6 FY 2023/2024 RFA was posted to grants.gov on September 19, 2023. The application period is now closed. For more information, please see https://www.epa.gov/wetlands/wetland-program-development-grants and https://www.epa.gov/wetlands/what-enhancing-state-and-tribal-programs-effort
Brianna Wadley, 214-665-2723; Sondra McDonald, 214-665-7187; Kyla Chandler, 214-665-2166

NPDES

NPDES PERMITS EPA PLANS TO ISSUE OR WORK ON REISSUANCE BY 9/30/2024 (UPDATED: MARCH 2024)
During FY24, EPA Region 6 plans to work on reissuance of the following permits of potential interest to Tribes: NM0020672 City of Gallup, OK0044733 Kickapoo WWTP, NM0024066, Town of Taos, NM0028436 Pojoaque Terraces MH Park, NM0031194 Cutter Lateral WTP, NM0028479 Jemez Valley Public Schools, NM0030520 Dulce WWTP, NM0031224 Tesuque Casino WWTP, NM0031135 Farmington Electric Utility System Bluffview, NM0031011 San Felipe Pueblo WWTP, NM0030848 Buckman Direct Diversion Project, NM0022250 Albuquerque Bernalillo Co., and NM0031216 Kirtland AFB. Region 6 will also be working on a

consolidated Municipal Separate Storm Sewer System (MS4) General Permit for NM that would be available to all regulated MS4s in New Mexico. ***Brent Larsen, 214-665-7523***

DRINKING WATER

LEAD SERVICE LINE INVENTORY (UPDATED: MARCH 2024)

As part of the national effort to find and replace lead service lines in Tribal water systems, EPA Region 6 has begun providing one-on-one assistance to all Community (CWS) and Non-Transient Non-Community (NTNC) water systems in completing the required lead service line inventories (LSLI) which are due October 16, 2024. The goal of these meetings is to go through the inventory process and answer any questions systems may have before the October 16, 2024, deadline. ***Contact your EPA R6 Safe Drinking Water point of contact or Owen Craven, craven.owen@epa.gov, 214- 665-6629, with questions.***

REGION 6 DEVELOPING CONTRACT TO PROVIDE LSL AND EC ASSISTANCE (UPDATED: OCTOBER 2023)

The Community Infrastructure Tribal staff is developing a contract to support tribal BIL funding in Region 6. The contract is anticipated to provide $4,000,000 in contract capacity to provide Region 6 tribes with assistance completing lead service line inventories and addressing emerging contaminants. ***Please contact Jose Alvarez, alvarez.jose@epa.gov, 214- 665-7559 with any questions.***

Air and Radiation Division

Treatment as a State (TAS) for the Clean Air Act (CAA): Region 6 currently has no Clean Air Act (CAA) TAS applications. 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. ***Aunjaneè Gautreaux, 214-665-7127.***

Funding and Grants
FY2024 Tribal Air Funding Process for CAA §103 and CAA §105 Grants: As a result of the *FY2024 Tribal Air Funding Announcement*, Region 6 received fourteen proposals from tribes and pueblos. Seven proposals are seeking funding under the CAA §103 (project) authority and eight under the CAA §105 (program) authority, several of which may be awarded under Performance Partnership Grants (PPGs).

Internal reviews have been initiated by the Region 6 administrative and technical staff, and recommendations will be submitted to senior management in early-April. Applicants are expected to be notified of final funding decisions by May 10th and applications will be due to Grants.gov in early-June. All awards will be finalized by September 30, 2024.

Currently, Region 6 has not yet received the final allocation for the FY2024 State and Tribal Air Grants (STAG) allocation. However, historically, Region 6's allocation has fallen in the range of $1,100,000 – $1,400,000. As a point of reference, the FY2023 regional allocation was approximately $1,400,000. ***Aunjaneè Gautreaux, 214-665-7127.***

Direct Air Monitoring and Air Quality Sensors Grants under Inflation Reduction Act of 2022 (IRA) §60105(a), (b), and (c): During the summer of FY2023, EPA announced a new funding opportunity for eligible tribes to be considered for non-competitive funding focused on air monitoring, intended to support agencies conducting ambient air monitoring. Eligible agencies are described as air agencies who are responsible for establishing, operating, and sustaining ambient air monitoring locations and reporting data to the EPA and the public, as well

as air agencies who regularly receive CAA §103 and §105 funds. Additional information may be found at https://www.epa.gov/grants/air-monitoring-and-air-quality-sensors-grants-under-inflation-reduction-act.

In August 2023, EPA worked with regions to conduct a needs assessment among qualifying agencies that would provide a path in determining regional allocations. Ultimately, five tribes completed the needs assessment and are currently being considered for awards. Final applications will be due by April 8th to complete awards by end of summer, 2024. ***Mark Berry, 214-665-3183.***

Climate Pollution Reduction Grants (CPRG) under IRA: On March 1, 2023, EPA announced a new funding opportunity under Section 60114 of the Inflation Reduction Act of 2022 (IRA) Climate Pollution Reduction Grant (CPRG) program for planning grants. The two-staged CPRG program provides funding of $250 million for planning grants and $4.6 billion for implementation grants.

A Tribal set aside, in the amount of $2,542,500, was allocated to the region for planning grants. This phase is supporting non-competitive, assistance agreements to update existing climate, energy, or sustainability plans, or to develop new plans that reflect meaningful climate pollution reductions. Applicants must have participated in the planning grant phase to be eligible for the implementation grant phase. Partnerships among entities were encouraged, but not required.

Grant applications were awarded in September 2023. Additional information, including guidance documents and webinar recordings, can be found at https://www.epa.gov/inflation-reduction-act/climate-pollution-reduction-grants.

Phase 1 -- Planning Grants (non-competitive): Region 6 received *Notices of Intent to Participate* from 15 pueblos and tribes throughout New Mexico and Oklahoma. After extensive coordination and negotiations, seven awards were made to two host tribes with partnership grants (one in New Mexico and one in Oklahoma) and five awards to individual tribes and pueblos (two in New Mexico and three in Oklahoma). Entities are continuing to use planning funds to develop climate action plans, or update and expand on their existing plans, in preparation for the implementation grant competition.

Phase 2 – Implementation Grants (competitive): Implementation grants will be awarded through a competitive process to implement measures contained in plans developed, or updated, with planning grants. Tribal air pollution control agencies or groups of such eligible entities that are covered by a plan developed with funding from a planning grant awarded under Phase I were eligible to apply. EPA announced the notice of funding opportunity on September 20, 2023. There are two competitive opportunities available to eligible tribes and pueblos:

***General competition*:**
Optional Notice of Intent to Apply was due to CPRG@epa.gov by February 1, 2024.
Priority Climate Action Plan (PCAP) was due to Region 6 project officer by March 1, 2024.

Complete applications must be submitted through Grants.gov no later than **April 1, 2024, at 11:59 p.m. (ET)** in order to be considered for funding.

***Tribes and territories only competition*:**
Optional Notice of Intent to Apply was due to CPRG@epa.gov by March 1, 2024.
Priority Climate Action Plan (PCAP) was due to Region 6 project officer by April 1, 2024.
Complete applications must be submitted through Grants.gov no later than **May 1, 2024, at 11:59 p.m. (ET)** to be considered for funding.

Note: *Tribes and pueblos that did not receive a planning grant directly or as part of a tribal partnership, were also permitted to participate as collaborating partners with states or nearby metropolitan areas. Again, participating in the planning grant phase is important for entities to remain eligible to compete for implementation grants in the future.*

Additional information about both phases of the CPRG Program may be found at:
https://www.epa.gov/inflation-reduction-act/climate-pollution-reduction-grants.
Aunjaneè Gautreaux, 214-665-7127.

Clean Air Act Grants under the Inflation Reduction Act for Air Pollution Control Agencies: Section 60105(f) of the Inflation Reduction Act provides $25M for "grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act." EPA has elected to issue these grants non-competitively to eligible air pollution control agencies under CAA Section 103, and they may be used for any activity authorized under CAA Section 103. No cost share is required. CAA section 103 authorizes "the coordination and acceleration of, research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution."

In February 2023, Region 6 received $172,565 to support the five eligible tribes and pueblos actively conducting grant activities under the CAA §105 authority. All were invited to apply for this grant opportunity, however only three tribes opted to submit applications. Therefore, three CAA §103 stand-alone grant awards were made to tribal nations in Oklahoma to support activities such as purchasing and installing additional air monitoring equipment, conducting emissions inventories, and performing additional outreach activities.

For more information, you may reference: https://www.epa.gov/grants/clean-air-act-grants-under-inflation-reduction-act ***Aunjaneè Gautreaux, 214-665-7127.***

Enhanced Air Quality Monitoring Funding under the ARP: On July 7, 2021, EPA announced that it made $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 called 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. EPA announced the grant award selections on November 3, 2022. Grant award selections can be found at: https://www.epa.gov/arp.

EPA R6 made awards to two tribes (one in New Mexico and one in Oklahoma) to conduct enhanced air quality monitoring projects in their communities. ***Aunjaneè Gautreaux, 214-665-7127.***

Direct Awards to Air Agencies for Continuous Monitoring of $PM_{2.5}$ and Other Common Air Pollutants: EPA awarded $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.

In the summer of FY'22, R6 completed awards for two tribes in Oklahoma for the purchase of new equipment and supplies in support of their existing ambient air monitoring programs. ***Aunjaneè Gautreaux, 214-665-7127.***

Enhanced Regional Capacity for Short-term Community Monitoring Needs: Nationally, EPA will be investing $5 million in mobile monitoring labs and air sensor loan programs. EPA Region 6 Air & Radiation Division has started the procurement process to build a new monitoring platform and is currently in the process of starting 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. ***Jeffrey Robinson, 214-665-6435.***

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 $5 billion 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 were due by August 19, 2022. In August 2022, the rebate competition received an outstanding response from school districts across the country, with nearly 2,000 applicants seeking to upgrade their school bus fleets with clean school buses. EPA announced the school districts selected in the first round of rebate applications on October 26, 2022. The enthusiastic response prompted EPA to almost double the funding level available for rebates to nearly $1 billion. More than 400 applications were selected to replace about 2,600 buses, 95% of which will be electric. EPA announced another funding opportunity through a "CSB Grant competition" in April 2023, and the application window closed on August 22, 2023.

We expect to award those grants in the spring of 2024. We also announced the second rebate program on September 28, 2023, and the application window closed February 14, 2024.: https://www.epa.gov/cleanschoolbus. ***Nina Evans, 214-665-8586.***

Diesel Emission Reduction Act (DERA) Tribal and Insular Area Grants: The 2022 DERA Tribal and Insular Area Grants request for applications competition closed on October 26, 2022. EPA awarded grants to 10 applicants. No Region 6 Tribes applied.

EPA has changed the FY 23 program name to the Tribal & Territory Program. We expect that 2023 Notice of Funding Opportunity (NOFO) for this program will be listed on the EPA website as "Coming Soon" this fall.

The total estimated funding for this competitive opportunity is approximately $8 million. Approximately $7 million will be made available to tribal governments (or intertribal consortia) and Alaska Native Villages, and approximately $1 million will be made available to insular area governments. Tribes are encouraged to apply.

EPA anticipates awarding 10-15 cooperative agreements to tribal governments (or intertribal consortia) and Alaska Native Villages, and 2-4 cooperative agreements to insular area governments. Although funding for both tribes and territories is expected to be announced under a single RFA, the applications will be reviewed separately. Additional information may be found at the following website: https://www.epa.gov/dera. ***Kathleen Aisling, 214-665-6496.***

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. EPA signed proposing revisions on February 22, 2024, to its New Source Review (NSR) preconstruction permitting regulations that would improve implementation and enforceability and address concerns raised in a petition for reconsideration of a 2020 final action. 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

New Source Review Preconstruction Permitting Requirements; Enforceability and

Use of the Actual-to-Projected-Actual (ATPA) Applicability Test in Determining Major Modification Applicability: Rescission of 2017 Memorandum: On December 9, 2022, Administrator Regan signed and issued a memorandum that rescinded in its entirety this December 7, 2017, ATPA memorandum from former Administrator E. Scott Pruitt. to regional administrators. Owners or operators of major stationary sources should follow the NSR regulations for determining the applicability of NSR requirements to proposed modifications. For assistance in locating the applicable NSR regulations, we recommend that owners or operators contact their state, local, or tribal air permitting authority.

State Plans to Address Emissions During Startup, Shutdown and Malfunction: Final Action on Response to Petition for Rulemaking, Restatement of Policy, Findings of Inadequacy and Call for Revisions: also known as 2015 SSM SIP Action, was issued to ensure states have plans in place that are fully consistent with the Clean Air Act and recent court decisions concerning startup, shutdown and malfunction (SSM) operations. Air pollution emitted during these periods may adversely affect the health of people in neighboring and downwind communities. Region 6 states submitted corrective SIPs to address deficiencies in their air rules. EPA has finalized approval of corrective SIP submittals for *Albuquerque, Bernalillo County, State of New Mexico*, *Oklahoma*, and *Arkansas* and one of the two submittals from *Louisiana*. On June 13, 2023, we proposed disapproval of SSM SIP (the second of the two submittals) for State of Louisiana. According to terms of a national consent decree, EPA is required to finalize Louisiana disapproval action by December 4, 2023.

We note that there is a pending national litigation concerning 2015 SSM SIP Action. See Walter Coke, Inc. et al. v. EPA, Case. No. 15-1166 (and consolidated cases) (D.C. Cir.). Oral arguments were held late March 2022. March 1, 2024, the D.C. Circuit Court of Appeals issued a decision in *Environ. Comm. Fl. Elec. Power v. EPA*, No. 15-1239 (per curiam, with Pillard concurring in part and dissenting part). EPA, in coordination with Department of Justice, is reviewing the court's decision and determining next steps.

State Implementation Plans: Findings of Substantial Inadequacy and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction: On February 15, 2023, EPA proposed actions relating to state implementation plans (SIPs) in 8 states for provisions applicable in 10 statewide or local jurisdictions addressing industrial emissions during periods of Startup, Shutdown, and Malfunction (SSM). These plans were evaluated consistent with the Agency's SSM Policy as outlined in the 2015 SSM SIP Action. EPA is proposing to reinstate its findings of substantial inadequacy ("SIP calls") that were withdrawn in 2020 for the states of *Texas*, North Carolina, and Iowa. In addition, EPA proposed in this document to make a finding of substantial inadequacy and issue a SIP call to *Louisiana* for the LA. Admin Code Tit. 33 section 917 provision on the basis that it contains an impermissible director's discretion exemption. Public comment for this proposal expired on April 25, 2023, and EPA is currently in process of reviewing and evaluating comments received from the states, industry and public groups. If EPA finalizes a finding of substantial inadequacy and issues a SIP call for any state and/or jurisdiction, the final action will establish a deadline to rectify the deficiency by submitting a revised SIP. Consistent with CAA section

110(k)(5), the deadline for included states and/or jurisdictions to respond to the final SIP call would be 18 months after the final finding publishes in the Federal Register. EPA wants to give impacted states and/or jurisdictions sufficient time to make appropriate SIP revisions following their own SIP development process. Eighteen months, the maximum time allowable under CAA section 110(k)(5), would allow for the necessary SIP development process to correct the deficiencies yet still achieve the necessary SIP improvements as quickly as possible. EPA will review the adequacy of that new SIP submission in accordance with CAA requirements. For additional information please refer to https://www.federalregister.gov/documents/2023/02/24/2023-03575/state-implementation-plans-findings-of-substantial-inadequacy-and-sip-calls-to-amend-provisions.

EJ in Air Permitting - Principles for Addressing Environmental Justice Concerns in Air Permitting: On December 22, 2022, EPA's Office of Air and Radiation issued 8 principles to guide consideration of environmental justice in CAA permitting decisions. The principles provide an interim operating framework for identifying, analyzing, and addressing environmental justice concerns in air permitting as EPA continues to build more tools and explore additional opportunities to advance environmental justice and equity with its co-regulatory partners, communities, and other stakeholders. For additional information, please see https://www.epa.gov/caa-permitting/ej-air-permitting-principles-addressing-environmental-justice-concerns-air.

Operating Permit Affirmative Defense Provisions - Final Rule: On July 12, 2023, the EPA Administrator signed a final rule which removes the emergency affirmative defense provisions from Clean Air Act (CAA) operating permit program (title V) regulations. These provisions are found in EPA's regulations under title V of the CAA, located at 40 CFR 70.6(g) (applicable to state/local/tribal permitting authorities) and 71.6(g) (applicable when EPA is the permitting authority). For additional information, please see https://www.epa.gov/title-v-operating-permits/current-regulations-and-regulatory-actions

Lime Manufacturing Plants National Emission Standards for Hazardous Air Pollutants (NESHAP): On January 5, 2023, this proposed rule applies to commercial and captive lime manufacturing plants that are located at a major stationary source of HAP. The rule regulates particulate matter (PM) emissions, as a surrogate for the non-volatile and semi-volatile metal HAP, from lime kilns, coolers, and certain material processing operations. For more information, please see https://www.epa.gov/stationary-sources-air-pollution/lime-manufacturing-plants-national-emission-standards-hazardous.

Surface Coating of Plastic Parts for Business Machines (Industrial Surface Coating): New Source Performance Standards (NSPS): On March 7, 2023, EPA finalized amendments to the Surface Coating of Plastic Parts for Business Machines New Source Performance Standards. EPA's determination that emissions from facilities that surface coat plastic business machine parts cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed facilities that surface coat plastic parts for business machines to control emissions of volatile organic compounds (VOC) to the level achievable by the best

demonstrated system of continuous emission reduction, considering costs, non-air quality health, and environmental and energy impacts. For additional information please refer to https://www.epa.gov/stationary-sources-air-pollution/surface-coating-plastic-parts-business-machines-industrial-surface.

National Emission Standards for Hazardous Air Pollutants (NESHAP) for Gasoline Distribution major source and area sources, and New Source Performance Standards (NSPS) for Bulk Gasoline Terminals: EPA is proposing to revise NESHAP requirements for storage tanks, loading operations, and equipment leaks to reflect cost-effective developments in practices, process, and controls. The EPA is also proposing NSPS to reflect best system of emissions reduction for loading operations and equipment leaks. This will further reduce emissions of hazardous air pollutants and volatile organic compounds.

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 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 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 CAA list of 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.

National Emissions Inventory: On May 31, EPA released its 2023 NEI Plan for comment and review through July 15. The final plan was posted on July 31. The 2023 NEI Plan includes comprehensive schedules by NEI data category and highlights new processes, methodologies, EIS changes, and provides a suggested "best business practices" for developing and submitting quality data for the 2023 NEI. For additional information please refer to https://www.epa.gov/air-

emissions-inventories/2023-national-emissions-inventory-nei-documentation

Withdrawal of Proposed Provision Removing Pyrolysis/Combustion Units from the Other Solid Waste Incineration Standards: On May 24, 2023, EPA withdrew a proposed provision that would have removed pyrolysis/units from the other solid waste incineration (OSWI) standards under the CAA. The OSWI definition of "municipal waste combustion unit" will continue to include pyrolysis/units. Taking final action to withdraw this proposed change to the definition of "municipal waste combustion unit" will prevent any regulatory gaps and ensure that public health protections are maintained. For additional information please refer to https://www.epa.gov/stationary-sources-air-pollution/other-solid-waste-incinerators-oswi-new-source-performance.

Hazardous Organic NESHAP, Polymers & Resins, and New Source Performance Standards: On April 25, 2023, EPA proposed new regulations to address HAP (air toxics) and volatile organic compound emissions from chemical plants including ethylene oxide, chloroprene, benzene, 1,3-butadiene, vinyl chloride, ethylene dichloride, and others. EPA is proposing to require chemical plants to install air pollution monitors at the fence line of their facilities. This proposal is to reduce emissions from the facilities and reduce the number of people with elevated air toxics-related cancer risks in communities surrounding these facilities. EPA extended the deadline for submitting written comments and information on the proposal to strengthen standards for Synthetic Organic Chemical Plants and Groups I & II Polymers and Resins Plants to July 7, 2023. EPA agreed to a consent decree deadline to sign final rules by March 29, 2024. For more information on this topic, please refer to https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/proposal-strengthen-standards-synthetic-organic-chemical.

Ethylene Oxide Emissions Standards for Sterilization Facilities: On April 11, 2023, EPA proposed amendments to the NESHAP for ethylene oxide commercial sterilization and fumigation operations. These standards implement section 112 of the CAA and are based on the Administrator's determination that commercial sterilization and fumigation operations emit ethylene oxide, a pollutant identified in the Act list of 189 HAP. The intent of the standards is to protect public health by requiring existing and new major sources to control emissions to the level achievable by the maximum achievable control technology (MACT) and by requiring existing and new area sources to control emissions using generally available control technology (GACT). On May 25, EPA announced a 15-day extension of the comment period for the proposed air toxics rule for Ethylene Oxide (EtO) Commercial Sterilizers, as well as the proposed interim decision and draft risk assessment addendum under the Federal Insecticide, Fungicide, and Rodenticide Act. EPA released a final NESHAP rule for EtO commercial sterilizerson on March 14, 2024. For more information on this topic, please refer to Final Amendments to Strengthen Air Toxics Standards for Ethylene Oxide Commercial Sterilizers | US EPA

NESHAP Reciprocating Internal Combustion Engines (RICE) and NSPS Internal Combustion Engines; Electronic Reporting: On June 26, EPA proposing to amend the NESHAP for RICE, the NSPS for Stationary Compression Ignition (CI) Internal Combustion Engines, and the NSPS for Stationary Spark Ignition (SI) Internal Combustion Engines, to add electronic reporting provisions. The addition of electronic reporting provisions will provide for simplified reporting by sources and enhance availability of data on sources to the EPA and the

public. In addition, a small number of clarifications and corrections to these rules are being proposed to correct inadvertent and other minor errors in the Code of Federal Regulations (CFR), particularly related to tables. Finally, information is being solicited on the provisions specifying that emergency engines can operate for up to 50 hours per year to mitigate local transmission and/or distribution limitations to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region. For more information on this topic, please refer to https://www.epa.gov/stationary-engines.

On March 14, the U.S. Environmental Protection Agency announced a rule that will reduce lifetime cancer risks for people living near commercial sterilization facilities across the country. The final amendments to the air toxics standards for ethylene oxide commercial sterilization facilities put in place the strongest measures in U.S. history to reduce emissions of EtO, one of the most potent cancer-causing chemicals. Through the installation of proven and achievable air pollution controls, commercial sterilizers will reduce emissions by more than 90%. For more information, visit EPA's Final Amendments to Strengthen Air Toxics Standards for Ethylene Oxide Commercial Sterilizers webpage.

On March 14, 2024, the U.S. Environmental Protection Agency is announcing its action to reduce toxic air pollution from gasoline distribution facilities, including storage tanks, loading operations and equipment leaks. These rules, which exclude gas stations, are expected to reduce emissions of air toxics, including benzene, hexane, toluene, and xylene, by 2,220 tons per year, and emissions of volatile organic compounds by 45,400 tons per year. To read the final action, visit EPA's Gasoline Distribution MACT and GACT: NESHAP webpage.

AirToxScreen Release Update: In December 2022, EPA released the results of its 2019 Air Toxics Screening Assessment (AirToxScreen). AirToxScreen helps assess which air toxics and emission source types may pose health risks. AirToxScreen also helps EPA and other agencies determine which places may need further study to better understand risks. For additional information please refer to https://www.epa.gov/AirToxScreen.

2021 Toxics Release Inventory (TRI) National Analysis: On March16, 2023, EPA released its 2021 Toxics Release Inventory (TRI) National Analysis, is part of EPA's commitment to transparency and enhances public understanding of the TRI data by. summarizing reported data on TRI chemical waste management activities, including releases, that occurred during calendar year 2021. 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. The 2021 Analysis includes interactive tools and enhancements to make data more useful and accessible to communities, including communities with environmental justice concerns. EPA has 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 2021 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: On September 22, 2023, EPA proposed additional requirements for sources that wish to reclassify from major source status to area source status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. These amendments would require sources that choose to reclassify from major source status to area source status to establish federally enforceable permit conditions that contain safeguards to prevent emission increases above what would be allowed under major source standards. The proposed requirements would apply to all sources that choose to reclassify, including any sources which have reclassified since January 25, 2018. 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 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), former 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 OOOO: Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review: On March 8, 2024 the EPA published revised 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 also issued 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 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. 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. Texas submitted their SIP to EPA on July 20, 2021. Arkansas and Oklahoma submitted their SIPs to EPA in August 2022. In letters sent to the states and dated August 18, 2022, the EPA made the findings that the Oklahoma and Arkansas regional haze SIP revisions for the second planning period meet the completeness criteria outlined in 40 CFR Part 51, Appendix V. The EPA continues to review the final regional haze SIP submittals received and we do not at this time have a target date for proposing action on the regional haze SIP submittals for Texas, Arkansas, and Oklahoma.

The EPA continues to work closely with remaining states in Region 6 (Louisiana and New Mexico) as they develop their SIP submittals. In a notice published in the Federal Register on August 30, 2022 (87 FR 52856), the EPA made a finding that certain states, including Louisiana and New Mexico, have failed to submit regional haze implementation plans for the second planning period. These findings of failure to submit establish a 2-year deadline for the EPA to promulgate Federal Implementation Plans (FIPs) to address these requirements for the states included in the findings unless, prior to the EPA promulgating a FIP, the state submits,

and the EPA approves, a SIP that meets these requirements. ***Michael Feldman, 214-665-9793.***

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 for the NAAQS at https://www.epa.gov/naaqs. The most recent updates follow:

Particulate Matter (PM): On February 7, 2024, EPA strengthened the NAAQS for Particulate Matter (PM). The EPA is setting the level of the primary (health based) annual PM2.5 standard at 9.0 micrograms per cubic meter to provide increased public health protection, consistent with the available health science.

EPA is not changing the current:

- primary and secondary (welfare-based) 24-hour PM2.5 standards,
- secondary annual PM2.5 standard, and
- primary and secondary PM10 standards.

EPA is also revising the Air Quality Index and making changes to the monitoring network. Fact sheets, a presentation, maps, and data tables are posted at https://www.epa.gov/pm-pollution/final-reconsideration-national-ambient-air-quality-standards-particulate-matter-pm. Please see the notice of opportunity to comment on proposed update of PM2.5 data from T640/T640X PM mass monitors: https://www.govinfo.gov/content/pkg/FR-2024-02-15/pdf/2024-02935.pdf; comments must be received by March 15, 2024.

Ozone: The EPA is no longer reconsidering the December 2020 decision to retain the Ozone NAAQS. In August 2023, the EPA announced a call for information to update the Integrated Science Assessment (ISA) for Ozone. EPA anticipates a Science Policy Workshop in the spring of 2024 and anticipates the release of draft Integrated Review Plans (IRPs) by the fall of 2024. Documents for the current review of the Ozone NAAQS are posted at https://www.epa.gov/naaqs/ozone-o3-air-quality-standards.

Nitrogen Dioxide (NO2): In December 2022, the EPA announced a call for information to update the ISA for the primary NO2 NAAQS. EPA anticipates the release of draft IRPs by the spring of 2024. Documents for the current review of the primary NO2 NAAQS are posted at https://www.epa.gov/naaqs/nitrogen-dioxide-no2-primary-air-quality-standards

Lead: The EPA released a draft ISA for Lead in March 2023. The EPA anticipates release of a draft Policy Assessment and draft Risk and Exposure Assessment by the summer of 2024. 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: The EPA posted the Final Policy Assessment for Review of the Secondary NAAQS in January 2024. EPA's proposed decision on its review of the Secondary NAAQS is undergoing inter-agency review and is expected to be released in April 2024. The proposal

will include a 60-day public comment period that begins the day the proposal is published in the Federal Register. EPA's final decision on its review of the Secondary NAAQS is expected by December 10, 2024. Documents for the current review of the Secondary NAAQS are posted at 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 in the SIPs is that they assure that sources within the state do not contribute significantly to nonattainment 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 (including 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. EPA held a tribal consultation meeting with the Oklahoma tribes for the proposed disapproval of the 2015 ozone transport on March 3, 2022. EPA requested an extension to the court ordered deadline to issue a final decision by December 2022 to January 31, 2023. On January 31, 2023, EPA signed the final Interstate Transport for the 2015 Ozone National Ambient Air Quality Standard action. The action was published on February 13, 2023. Information about the Final Disapproval of the 2015 ozone Interstate Transport may be found on EPA's dedicated webpage.

EPA's Advance Program: We invite 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.***

State Implementation Plan (SIP) Submissions and Status for New Mexico, Oklahoma and Texas (as of June 2023): The following table lists the SIP submissions EPA has received from New Mexico, Oklahoma, and Texas (El Paso area and state-wide) and the status of those submissions.

SIP Name	Description/SIP Type	State Submittal Date	Status
NM Alb 2015 8-Hour Ozone Standard Interstate Transport SIP (Prongs 1 and 2)	Infrastructure SIP	8/3/2021	Proposed disapproval published February 16, 2024. Public comments due May 16, 2024
NM NMED 2015 8-Hour Ozone Standard Interstate Transport SIP (Prongs 1 and 2)	Infrastructure SIP	7/30/2021	Proposed disapproval published February 16, 2024. Public comments due May 16, 2024.Submission received
OK NOx Revisions. Start up and Shutdown emissions	Control Measures	7/27/2010	On Hold

SIP Name	Description/SIP Type	State Submittal Date	Status
OK Minor NSR Subchapter 7, Public Notice < 100 TPY	New Source Review Related (NSR) Regulations	3/5/2002	Submission received
OK Regional Haze Planning Period 2 SIP	Regional Haze Requirements	8/9/2022	Submission received
OK 2020 Annual SIP Update to OAC 252:100:1-2, Statutory Definitions	NSR Related Regulations	2/9/2021	Submission received
OK 2021 SIP Revision - Update to Subchapter 2 and Appendix Q	NSR Related Regulations	12/17/2021	Final approval published March 1, 2024.
OK 2022 SIP Revision - Updates to Subchapter 2 and Appendix Q	NSR Related Regulations	1/30/2023	Final approval published March 1, 2024.
OK 2022 SIP Revision - Updates to Subchapter 8 for Reasonable Possibility Recordkeeping	NSR Related Regulations	1/30/2023	Submission Received
OK 2022 SIP Revision - Updates to Subchapters 37 and 39	Control Measures	1/30/2023	Final approval published 12/28/2023.
OK Air Quality Permitting Rule Changes Adopted in 2021	State-Initiated Rule Clean-Up	9/13/2022	Submission Received
OK Minor NSR, Subchapter 8, > 100 TPY < 250 TPY	NSR Related Regulations	7/27/2010	Submission Received
OK NSR Related Regulations Adopted in 2021	NSR Related Regulations	9/13/2022	Submission Received
OK NSR Related Updates 2002-2018 Revisions to Chapter 100, Subchapter 7	NSR Related Regulations	9/9/2022	Submission Received
OK SIP Updates 2002-2018 Revisions to Chapter 100, Subchapter 7	State-Initiated Rule Clean-Up	9/9/2022	Submission Received
OK Statutes Update for General SIP submitted May 2018	NSR Related Regulations	5/24/2018	Submission Received
OK 2010 SO2 NAAQS Interstate Transport	Infrastructure SIP	5/28/2021	Submission Received
OK SIP – Updates to Subchapter 2 and Appendix Q; Revisions to Subchapter 5	NSR Related Regulations	1/16/2024	Submission Received
TX El Paso County 2015 Ozone (Marginal) Emissions Inventory	Attainment Plan	12/7/2022	On Hold.
TX Revisions to Chapter 116 - Project Emissions Accounting	NSR Related Regulations	7/9/2021	Proposal Approval published 3/6/2023. Comment period closes 4/5/2023.
TX Revisions to Chapter 116 to remove obsolete provisions	State-Initiated Rule Clean-Up	7/9/2021	Submission Received
TX Quadrennial Review Update to Public Notice and Procedural Rules	State-Initiated Rule Clean-Up	1/21/2022	Submission Received
TX Revisions to Public Notice Requirements in Chapters 39 and 55	NSR Related Regulations	1/21/2022	Submission Received
TX Regional Haze 5-Year Progress Report SIP Revision	Regional Haze Requirements	3/24/2014	On Hold
TX Regional Haze SIP submitted 7/20/2021	Regional Haze Requirements	7/20/2021	Submission Received
TX Transport prongs 1 and 2 portion of the 2010 SO2 Infrastructure & Transport SIP	Infrastructure SIP	5/9/2013	On Hold

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.

For *all* current permitting activities in Region 6 at facilities located on tribal lands, including the following NSR (Part 49) and federal Title V operating permits (Part 71), please contact ***Erica LeDoux, 214-665-7265.***

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. Due to changes made to the PTE in the original renewal application on September 5th, the facility was informed that they needed to submit an NSR permit since the modification proposed was greater than 40 tpy. However, the company submitted several application revisions and on December 14, 2022, submitted a renewal without modifications to existing operations/equipment that would involve a change to the existing permit PTE. Currently, ARPE is drafting the TV Renewal permit and plans to route the Tribal Consult letter package for ARD DD signature end of April 2024 with a subsequent target for the draft permit public notice in late May 2024.

Harvest Four Corners, LLC – Los Mestenios Compressor Station: The EPA received a permit application from Harvest Four Corners LLC for the renewal of its existing Title V permit of the Los Mestenios Compressor Station facility on Jicarilla Apache Tribal Lands, Rio Arriba County, New Mexico on February 4, 2022. This permit application was declared incomplete on April 5, 2022. Harvest submitted multiple supplemental information from April 14, 2022, through August 31, 2022. In addition, Harvest submitted two revisions to the original renewal application on September 1 (Revision 1) and December 1, 2022 (Revision 2). Tribal Consultation letters with technical enclosures for this TV Renewal permit action were signed and emailed to four Tribal Nations within a 50-mile radius of the Facility. The thirty-day public comment period for the draft permit began October 26, 2023, and concluded November 27, 2023, with no request for public hearing. EPA received comments from Harvest before the comment period ended and currently is working on the response to comment document. Please find more information on regulations.gov website under Docket ID EPA-R06-OAR-2023-0250 and also on EPA's website at https://www.epa.gov/publicnotices/notices-search/location/new%20mexico.

Benson-Montin-Greer Drilling Corp (BMG) – EPCMU CDP/Battery #2 Site (Facility): submitted and application and subsequent supplemental information for an engine replacement with no other modification or changes to the Facility operations. The Facility is currently authorized to operate under the NSR True Minor Tribal Registration for Existing Sources issued in 2013. The Facility gathers crude oil from the and separates the liquids. The liquids are hauled off-site for further processing. This source is to be located on Jicarilla Apache Nation Tribal

lands in Rio Arriba County, New Mexico, Lat: 36.522132, Long: -106.855325. Given the information provided by Alliant Environmental on behalf of BMG, EPA determined the engine replacement did not trigger CAA Federal Permitting. The engine replacement (Unit 1A) is subject to 40 CFR 60 Subpart JJJJ. The old engine (Unit 1) will be dismantled and removed. EPA provided a notification email on February 21, 2024.

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 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 provided 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 reviewing the submitted supplemental information, in accordance with the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subparts A and H, as it relates to the potential emissions of radionuclides from the proposed project. On March 10, 2022, we sent a letter to all New Mexico Tribal Nations and Pueblos offering consultation regarding the updated application. We will consider the additional information supplied by LANL as well as any concerns expressed by the tribal community before making our decision on the proposed venting process. Region 6 remains in communication with DOE/LANL about project operations.
EPA remains committed to being transparent about our decisions and actions. We support LANL's commitment to continue their outreach to all impacted communities.
George Brozowski, 214-665-8541.

Land, Chemical and Redevelopment Division

BROWNFIELDS AND REVITALIZATION SECTION

FY 2023 REGION 6 BROWNFIELDS TRIBAL RESPONSE PROGRAM ACCOMPLISHMENTS

The Brownfields & Revitalization program commends Region 6 Tribes (Absentee Tribe of Oklahoma, Cherokee Nation, Choctaw Nation, Eight Northern Indian Pueblos Council, Kickapoo Tribe, Muscogee Creek Nation, and Pueblo of Santa Ana) for their dedication and great efforts to the Brownfields Tribal Response Program. During FY 2023, the Tribes conducted over 20 assessments. We are glad to see that most of our Tribes are taking advantage of the Brownfields Tribal Response Program - Infrastructure Law funding. The Tribes received an amount of $1,349,375. This serves as a supplemental funding opportunity to conduct additional assessment and small cleanup activities, technical assistance, outreach, and improve capacity building. ***Elizabeth Reyes, 214-665-3163; 3/20/2024***

2024 BROWNFIELDS REGIONAL CONFERENCE

Region 6 Brownfields is happy to announce that the in-person regional conference is finally coming back this year after a 4-year intermission. Plans are to hold the conference here at the regional office in Dallas, TX on June 23rd- June 25th. This year's conference will feature multiple trainings and information sessions on hot button topics such as Procurement, USTs, Environmental Justice, and Climate Change. In-person State and Tribal breakout rooms will also be available as a chance to talk more about the 128a Program and additional funding through Small Technical Assistance Grants. ***SeLena Cosma, 214-665-6586; 3/20/2024***

FY 2024 REGION 6 BROWNFIELDS CLIMATE CHANGE TRAINING ACCOMPLISHMENTS

Region 6 Brownfields & Revitalization program commends Choctaw Nation for their exemplary participation and presentation at the Region 6 climate change training on January 29, 2024. Their dedication and commitment to addressing such critical issues are truly commendable. By actively engaging in conversations and sharing their insights, Choctaw Nation has not only contributed to the collective understanding of climate change but have also showcased their leadership and stewardship to the environment. Their efforts serve as an inspiring example for our stakeholders in Region 6, demonstrating of community involvement, building a sustainable future, and keeping cultural worth at the forefront every action taken. ***Andrew Portalatin, 214- 665-6587; 3/20/2024***

FY 2023 CHOCTAW NATION'S BROWNFIELDS MULTIPURPOSE GRANT

The EPA selected the Choctaw Nation of Oklahoma for a Brownfields Multipurpose Grant. The grant amount is $800,000 and will be used to conduct Phase I and Phase II environmental site assessments and clean up the Old Talihina Indian Hospital Campus. The potential cleanup site is located at 13012 SE 22nd Road near the Town of Talihina in Latimer County on Choctaw Nation Tribal Trust land. The 57.5-acre site is an abandoned Indian Health Service multi-story hospital

constructed in 1937. Grant funds also will be used to conduct community engagement activities. Congratulations to Choctaw Nation and we look forward to their success story! ***Althea Foster, 214-665-2268.***

TRIBAL SOLID WASTE

EPA ANNOUNCES WINNERS OF THE NEW TRIBAL SWIFR AND REO GRANTS

On 11/15/2023, the EPA announced the tribes that were selected for the new Tribal Solid Waste Infrastructure for Recycling (SWIFR) and the Recycling, Education and Outreach (REO) grants, which are managed in our Sustainable Materials Management (SMM) Program. In Region 6, we are proud to have 10 total tribes selected. For the SWIFR grants, the winners are: Cherokee Nation, Coushatta Tribe of Louisiana, Modoc Nation, Muscogee (Creek) Nation, Otoe-Missouria Tribe of Indians, Pueblo of San Felipe, Pueblo of Zuni, Pueblo of Santo Domingo and the Wyandotte Nation. For the REO grant, the United Keetoowah Band of Cherokee Indians were selected, and are the only tribe selected for a REO grant. Congratulations to all the awardees!

For those tribes not selected, we held debriefings with HQ panel review staff to go over the applications and discuss how to strengthen the proposals for the next round of funding. There are no dates yet for when the next round of SWIFR or REO grants will be announced, but we will send it out to everyone as soon as we are notified. For more information and access to an updated Q&A document on the Tribal SWIFR grants, please go here: https://www.epa.gov/infrastructure/solid-waste-infrastructure-recycling-grants-tribes-and-intertribal-consortia ***Roger Hancock, 214-665-6688, Renee Bellew, 214-665-2793; 3/7/2024***

ACTING LCRD DIVISION DIRECTOR PRESENTS SWIFR "BIG CHECKS" TO WYANDOTTE AND MODOC NATIONS

On 2/27/2024, the acting LCRD Division Director, Helena Healy, traveled to northeast Oklahoma with Sustainable Materials Management (SMM) staff and the Tribal Solid Waste Coordinator to hold "Big Check" award presentations to the Wyandotte and Modoc Nations in northeast Oklahoma. After the presentations, a tour was taken at each of their recycling facilities. These tribes are two of nine total Region 6 tribes who were selected for the first round of the nationally competitive Tribal Solid Waste for Infrastructure (SWIFR) awards for $947K and $1.25 million, respectively. These grants are all funded with BIL funds through our SMM program. ***Roger Hancock, 214-665-6688, Renee Bellew, 214-665-2793; 3/7/2024***

CHEROKEE NATION AND REGION 6 FEATURED IN THE CURRENT EPA TRIBAL WASTE JOURNAL RELEASED IN FEBRUARY FOR PEER MATCHING

In February 2024, EPA HQ featured Cherokee Nation, along with the EPA Region 6 Tribal Solid Waste Coordinator, in the current issue of EPA's Tribal Waste Journal focusing on building partnerships due to the tribe's ongoing work with multiple municipal, non-profit and state entities to make the collection events a success. Cherokee Nation was asked, for the second time now, to be a mentor to a tribe from another Region on how to conduct successful household hazardous waste (HHW) collection events. The Nation had received an EPA Tribal Hazardous Waste grant and continued to conduct HHW events in multiple communities after the grant closeout, as they were seen as a benefit to both tribal and non-tribal communities

throughout their large territory. This Peer Match was kicked off with a Teams meeting on 2/27/23 with the Bay Mills Indian Community in Michigan with ORCR and both Regional Tribal Solid Waste Coordinators. ***Roger Hancock, 214-665-6688; 3/7/24***

REGION 6 PARTNERS WITH HQ AND IHS FOR FIELD TRAINING ON NEW OPEN DUMP APP WITH THE MUSCOGEE CREEK NATION

On 12/28-12/29/2023, the Muscogee Creek Nation (MCN) hosted a classroom and field training to test a new app being developed by the Indian Health Service (IHS) to better assess and document open dumpsites in Indian Country. Both the EPA and IHS, and tribes themselves will be able to utilize the app to jointly track dumpsites in a database managed by the IHS. The training was conducted by the HIS, along with the Region 6 and ORCR staff. The MCN took us to several of their priority dumpsites so that the attendants could practice doing a complete assessment with the app. The United Keetoowah Band of Cherokee Indians, the Comanche Nation, the Thlopthlocco Tribal Town and the Kiowa Tribe attended, as well. After the training, Region 6 and ORCR staff traveled to Lawton and conducted site verifications of seven open dumpsites for the Apache Nation with the app. Under a new national MOU, any open dumps cleaned up by IHS will first require a tribal program evaluation and approval by the EPA Regional Tribal Solid Waste Coordinator, who will then coordinate with the IHS on any cleanup projects awarded. ***Roger Hancock, 214-665-6688; 3/7/2024***

EPA NATIONAL SOLID WASTE MEETING WITH IHS

On March 20-21, 2024, the Region 6 LCRD Tribal Solid Waste Coordinator along with the other Regional Coordinators attended a national meeting hosted at the EPA Region 10 office in Seattle, WA. On the first day, discussion included national policy priorities and the ongoing implementation of EPA's MOU with the Indian Health Service (IHS). On the second day, EPA met with Directors and their staff from the IHS Area Offices and discussed how the agencies are working together to leverage resources to assist tribes with all aspects of their solid waste programs. ***Roger Hancock, 214-665-6688; 3/7/2024***

<u>RCRA PERMITTING AND SOLID WASTE SECTION</u>

EPA CONDUCTING TRIBAL COORDINATION AND OUTREACH WITH TONKAWA TRIBE FOR A PCB PERMIT RENEWAL

The EPA is conducting a PCB permit renewal review for the A-Line TDS facility located in Tonkawa, OK. We coordinated with our Tribal Affairs Program to reach out to the Tonkawa Tribe and give a briefing on the permit, provide documents, and see if the tribe has any concerns or questions. A virtual meeting was held on 12/13/2023 with follow up emails and documents. We will continue to coordinate with the Tonkawa Tribe on any updates and developments with the permit. ***Harry Shah, 214-665-6457, Roger Hancock, 214-665-6688; 3/7/2024***

EPA CONDUCTING TRIBAL COORDINATION AND OUTREACH WITH THE CHEROKEE NATION FOR A PROPOSED PCB CLEANUP

On 3/6/2024, we coordinated again with our Tribal Affairs Program to reach out to the Cherokee Nation to provide information and documents related to the proposed cleanup of PCBs on private property in a vacant lot in northeast Tulsa. We will continue to provide updates

and information on any developments with the cleanup. ***Harry Shah, 214-665-6457, Dale Thrush, 214-665- 9799, Roger Hancock, 214-665-6688; 3/7/2024***

RCRA CORRECTIVE ACTION SECTION

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 in 2022. 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 November 14, 2023. Fort Wingate is hoping to work with the Tribes on new Land Use Plans this year. It was reported that a $1.1 million plan was finalized between the US Army, the state, Zuni Pueblo, and the Navajo Nation for two projects to offset adverse effects from the former military base to the area's natural resources. ***Laurie King, 214- 665-6771; 3/12/2024***

COORDINATION/COMMUNICATION ON OKLAHOMA POLE AND LUMBER WITH CHOCTAW NATION

At the request of Oklahoma Department of Environmental Quality (ODEQ), the R6 LCRD RCRA corrective action program has coordinated with R6 Superfund to conduct a limited removal assessment on September 7, 2022, that addresses containerized fire-related residues and debris temporarily stored on-site at the Oklahoma Pole and Lumber (OPLC) site, pending disposal off-site. OPLC is an underfunded RCRA facility that has required EPA assistance to ODEQ with cleanup. In 2002, at the request of ODEQ, the EPA became involved with the site and took over the responsibility for overall project planning and coordination reducing the burden on the state and other partners. The current liable owner re-established operations in 2005 but lacked the financial means to conduct the needed investigations. In 2008, 2009, and 2010, the EPA performed soil & groundwater investigations and the results confirmed contamination is present in soil and groundwater at the site.

On February 7, 2023, ODEQ shared with R6 LCRD RCRA staff and Choctaw Nation the sampling results from their recent complaint follow up visit to the sawmill and chip pile site

located near the Choctaw community center, which is also owned by OPLC. The results identified detections of pentachlorophenol in two of the samples. The EPA conducted additional sampling at the chip pile site on Dog Pound Road in July 2023. Constituents associated with incomplete combustion (a result of the 2022-2023 fire at the site) were detected but below Oklahoma risk levels. ODEQ is preparing a memo to explain the results and their decision to take no further action.

In addition to the Superfund removal assessment at the main site, the R6 LCRD RCRA program is in the process of using contracting resources to conduct additional soil & groundwater investigations. Additional coordination calls will continue as investigations continue. ***Laurie King, 214-665-6771*** ***No New Information 3/12/2024***

LOS ALAMOS NATIONAL LABORATORY HEXAVALENT CHROMIUM GROUNDWATER PLUME, NEW MEXICO

Background: 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 Chromium 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.

Status: NMED has expressed concerns regarding the effectiveness of the IM. While LANL concluded that there is no risk to the production well from the injection well, 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.

Region 6 LCRD RCRA Corrective Action and Water Division staff have participated in monthly LANL groundwater technical workgroup meetings discussing the chromium plume. Due to concerns regarding the injection of the treated groundwater and a lack of other available disposal options, LANL discontinued the interim treatment system at the end of March 2023. San Ildefonso has expressed a desire for the system to be restarted. The week of June 12, 2023, R6 LCRD RCRA Corrective Action staff participated in a tour of the LANL facilities, remediation area, and the site of a proposed groundwater monitoring well on San Ildefonso Pueblo. The area has significant aesthetic and cultural significance and EPA, NMED and DOE

are working diligently to coordinate with the Pueblo and remain respectful of their concerns. A tentative location has been agreed on for placement of a new groundwater monitoring well on the Pueblo's property with the smallest possible footprint and disturbance of the area. The next step is for the Pueblo council to approve a resolution to allow the activity. Once that has been accomplished, DOE has contracts in place to proceed with installation of the well.

NMED and DOE have agreed to an alternative path forward through collaborative decision-making using an independent mediator to facilitate technical discussions on different approaches to address the hexavalent chromium plume and ongoing efforts to protect the drinking water surrounding LANL. A technical review team of 3rd party experts (including EPA groundwater modeling expert) has been formed and has begun work on an independent evaluation. ***Laurie King, 214-665-6771; 3/11/2024***

GRANTS

LEAD PAINT PROGRAM GRANTS

The Cherokee Nation of Oklahoma was awarded a grant in September 2023 to manage the Lead Based Paint Abatement Program. The focus of the programs is maintaining the appropriate infrastructure to successfully administer and enforce the lead-based paint abatement program, providing certifications for lead-based paint professionals, and conducting inspections of licensed contractors engaged in lead-based paint activities, taking appropriate enforcement or compliance assistance when needed. The Choctaw nation was awarded the second year of a four- year grant to study the feasibility of applying for authority to manage the lead-based paint program on Choctaw Nation land. ***Mike Adams, 214-665-6711***

INTER-TRIBAL ENVIRONMENTAL COUNCIL AND EIGHT NORTHERN INDIAN PUEBLOS COUNCIL PESTICIDE PROGRAM GRANTS

Fiscal Year 2024 Cooperative agreements were awarded to two tribal consortia, the Inter-Tribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) on September 19, 2023, 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***

CHOCTAW NATION PESTICIDE PROGRAM GRANT

On September 20, 2023, the FY24 FIFRA Cooperative Agreement Award was issued to the Choctaw Nation of Oklahoma. The tribe is implementing the program which includes training and building staff capacity, tracking applications and products being used, providing education and outreach to tribal members, and coordinating with other tribes on pollinator protection and worker protection activities. ***Sierra Moline, 214-665-2177***

UNDERGROUND STORAGE TANKS (UST) PROGRAM GRANTS

In September 2023, fiscal year 2024 Cooperative Agreement Awards were issued to two Tribal consortia supporting their Leaking Underground Storage Tank (LUST) Prevention programs. The Inter-Tribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) utilize these on-going grants to provide UST compliance assistance training to

owners/operators and personnel directly responsible for UST operations in Indian Country. Additionally, the LUST Prevention programs assist owner/ operators with compliance monitoring, compliance reporting, and input to the Tribal Compliance Assistance Management System. ***Melanie Lillard, 214-665-7588; 3/11/2024***

PROGRAM IMPLEMENTATION

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

Under the 2017 Certification of Applicators Final Rule, the 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 12 certified commercial applicators and 47 private applicators of RUPs in Indian Country in EPA Region 6. The 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

The EPA Region 6 resumed inspections of UST facilities on March 29, 2022. A total of 50 inspections were conducted in FY23 through a phased approach, with priority sites taking precedent. Three criteria were assessed to rank UST facility priority - compliance history, EJ and Climate factors, and days since the last inspection. Prior to inspections, an Annual Notification of Inspection for tribal facilities due for inspections in FY23 were sent to the owner/operator and the Tribal environmental offices, in addition to a separate 30-Day Notification for Inspection. ***Joshua Ridley, 214-665-7117 and Robert Glynn, 214-665-8350***

REGULATIONS

AGRICULTURAL WORKER PROTECTION STANDARD (WPS)

EPA's Agricultural Worker Protection Standard (WPS) aims to reduce pesticide poisonings and injuries among agricultural workers and pesticide handlers. The WPS offers occupational protections to over 2 million agricultural workers and pesticide handlers who work at over 600,000 agricultural establishments. In 2015, EPA finalized various significant revisions to the 1992 WPS. Among the 2015 revisions was a new provision requiring agricultural employers to keep workers and all other individuals out of an area called the “application exclusion zone” (AEZ). The AEZ is the area surrounding pesticide application equipment that exists outdoor pesticide applications on agricultural. On October 30, 2020, EPA published updates to the AEZ provisions under the WPS. The 2020 Rule, originally set to go into effect on December 29, 2020, intended to modify the 2015 WPS/AEZ requirements. 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 AEZ Rule (now consolidated as case number 20 Civ. 10642). As a result, the 2020 AEZ Rule has not been implemented due to a court ordered stay. In February 2023, EPA issued a notice of proposed rulemaking that reconsiders the 2020 AEZ requirements in response to the Executive Order. This proposed rule would reinstate some 2015 WPS AEZ requirements and retain certain 2020 AEZ Rule provisions if finalized. This proposed rule has been published. ***Diego Garcia, 214-665-2292***

TRIBAL OUTREACH

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 hosted the annual ITEC conference on July 25-27, 2023. Pesticides staff attended the TPPC fall meeting on October 3-5, 2023. ITEC staff also continue to join 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 attended Region 6 Pre-SFIREG meeting on November 6-7, 2023, virtually. ITEC staff submitted a Tribal Pesticide Program report to the Tribal Environmental Coalition of Oklahoma during their bi-monthly meeting, last meeting occurred November 8, 2023. 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. ***Bryan Irwin, 214-665-6408***

EIGHT NORTHERN INDIAN PUEBLOS COUNCIL (ENIPC) PESTICIDES PROGRAM

Attended various webinars on Integrated Pest Management and topics on pesticides. ENIPC conducted and coordinated pesticides safety training with New Mexico Department of Agriculture (NDMA) that was hosted by San Ildefonso Pueblo with other Pueblo's members in attendance. ENIPC staff attended Region 6 Pre-SFIREG meeting on May 16-17, 2023, virtually. ENIPC pesticide staff continue to attend OETA, TPPC, and IRAC meetings to give pesticide program updates. ***Bryan Irwin, 214-665-6408***

CHOCTAW NATION PESTICIDE PROGRAM

Choctaw Nation Environmental Protection Service partnered with the Oklahoma Department of Transportation to plant 7 acres of pollinator habitat along roadsides in Durant, Oklahoma. Choctaw Nation hosted the Fall Tribal Pesticides Program Council meeting on October 3-5, 2023, and presented about their pollinator garden initiative. Choctaw Nation developed a slideshow of best management practices about integrated vegetation management, mowing and rights-of-ways to present to beekeeping and worker protection safety trainings. ***Sierra Moline, 214-665-2177***

REGION 6 POLLINATOR PROTECTION

The EPA R6 Pesticides staff have partnered with tribal members from Cherokee Nation, Choctaw Nation, Kiowa Tribe, Muscogee Creek Nation, Santa Ana Pueblo, Tortugas Pueblo, and ENIPC from Region 6, as well as members from tribes in other regions, to collaborate on a

tribal youth coloring book. This project will showcase tribal perspectives surrounding pollinator protection, environmental stewardship, and integrated pest management. Tribal illustrators will be contracted to contribute images for the final product. Twenty-three volunteers from 21 tribes across the country are participating, directly representing over 825,000 registered tribal members! The final coloring book is anticipated to be ready for distribution in 2025.

In collaboration with Regions 3 and 10, R6 program staff hosted a national webinar for inspectors on how to respond to suspected pesticide-related bee-kill incidents. The event was held September 19-20, 2023. Recordings are available on the EPA YouTube Channel, https://www.youtube.com/watch?v=d-rWAISdADo (Day 1) and (Day 2). https://www.youtube.com/watch?v=QNmcWZBAjJY.
Chrissy Mogren, 214-665-6579, 3/7/2024

Enforcement and Compliance Assurance Division

Oil Companies to Pay $7.4 Million in Civil Penalties to Resolve U.S. Claims for Pipeline Spill into Oklahoma's Skull Creek and Sac and Fox Allotted Tribal Land

On March 26, 2024, The Justice Department and Environmental Protection Agency (EPA) Region 6 finalized a lawsuit against Holly Energy Partners-Operating L.P. and Osage Pipe Line Company LLC. The companies paid $7.4 million in Clean Water Act civil penalties and implement corrective measures to settle claims stemming from a pipeline rupture and crude oil spill from the Osage pipeline onto land owned by members of the Sac and Fox Nation in Oklahoma. In addition to payment of the civil penalties, the settlement requires that the two companies complete the cleanup and remediation of the impacted area and take additional steps to prepare for and prevent future spills.

"The Sac and Fox Nation is a strong partner in conserving and protecting the environment and natural resources. EPA worked closely with the Nation to keep its environmental staff and leadership updated during the response and cleanup of the Osage Pipeline spill," said Administrator Dr. Earthea Nance of EPA Region 6. "Today's settlement is an important step in holding the company accountable for the impacts to Skull Creek and other potential effects."

In the complaint, the United States alleges that the two related Dallas-based companies are liable under the Clean Water Act for the crude oil spill that occurred on July 8, 2022. Osage Pipe Line Company owns the 135-mile-long, 20-inch-diameter pipeline that transports crude oil from a tank farm in Cushing, Oklahoma, to the HollyFrontier refinery in El Dorado, Kansas. Holly Energy Partners-Operating is the operator of the pipeline.

The complaint alleges the spill occurred when a segment of the pipeline ruptured adjacent to Skull Creek about five miles north of Cushing. From the point of the discharge, Skull Creek flows about three more miles before entering the Cimarron River. The pipeline was operating at the time of the rupture and discharged about 300,000 gallons (7,110 barrels) of crude oil into the creek. The land where the rupture occurred, and the adjacent downstream parcel that the creek runs through, are both allotment lands owned by members of the Sac and Fox Nation.

In addition to payment of the civil penalties in the proposed consent decree, the companies will be required to complete the cleanup and remediation of the impacted area, improve their pipeline integrity management program, provide additional training for all their control room operators and expand their spill notification efforts for Tribal governments with land interests within the footprint of the pipeline. The penalties and remedial measures required by the consent decree are in addition to the costs the companies have incurred to clean up the oil spill. ***Bryant Smalley, 214-665-7368.***

Superfund and Emergency Management Division

TRIBAL CONSULTATION AND COORDINATION

Bipartisan Infrastructure Law: 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. In Oklahoma, to date, approximately $8.8 million BIL funds have been committed to Wilcox Oil Company remedial action; $1 million BIL funds committed to Oklahoma Refining Co.; and $51 million BIL funds committed to Tar Creek remedial action ($22M of which awarded to Quapaw). Additionally, approximately $14 million BIL funds have been committed to the Eagle Picher site in New Mexico.
John Meyer, 214-665-6742

2024-2028 Grants Mining District Five-Year Plan: The Region is nearing completion of the draft Five-Year Plan that was developed with tribal, state, and federal partners in assessing and addressing the legacy impacts of uranium mining and milling in the area. The plan was released for public comment period from November 1 through December 1, 2023. During that time EPA met with the Pueblo of Acoma Governor and Council and held community meetings in Milan, NM and Village of San Mateo, NM. EPA also offered to meet with the Pueblo of Laguna. EPA continues to work with federal and state partners in developing responses to comments received during the public comment period. This is the third Five-Year Plan that has been developed since 2010. ***Kevin Shade, 214-665-2708 and Susan Webster, 214-665-6784***

VARIOUS REMEDIAL /REMOVAL ISSUES

San Mateo Creek Basin Legacy Uranium Mines Site, NM: Central Study Area Groundwater Investigation: A groundwater Remedial Investigation and Feasibility Study (RI/FS) is being performed by three former uranium mine operators (Homestake Mining Company of California, United Nuclear Corporation, and Rio Algom Mining, LLC) at the Central Study Area of the San Mateo Creek Basin Groundwater Site. A draft surface geophysical seismic survey technical memorandum, which includes the results of the 2022 seismic survey and a proposed drilling program for the installation of 32 monitoring wells, was originally submitted to EPA for approval, in July 2023. A revised draft memorandum was submitted for EPA approval, in February 2024. Approval by EPA is anticipated in March 2024, and the start of the six-month drilling program is scheduled for April 2024. Once the drilling and well installation program is complete, eight consecutive quarters of groundwater data will be collected to assess the potential impacts to groundwater quality from historic mine-water discharges in the Ambrosia Lake Valley or other possible sources. EPA plans to schedule meetings with the local community and tribal stakeholders in spring/summer 2024 to provide an update on site activities. ***Mark Purcell, 214-507-8897 (mobile) and John Meyer, 214-665-6742***

Tronox Navajo Area Uranium Mines East, West and Central Geographic Sub-Areas, 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. NRC expects to finalize the review of the memo and provide responses to clarifying questions in Spring 2024. Once NRC makes their decision, agencies and Rio Algom will have a better understanding of the statutory authorities that will be used to address impacts to a large part of Ambrosia Lake. ***Kevin Shade, 214-665-2708, Craig Carroll, 214-665-2220 and Susan Webster, 214-665-6784***

Tronox Navajo Area Uranium Mines Section 10 Mine, Grants Mining District, NM: On June 16, 2023, the public comment period closed on the Engineering Evaluation/Cost Analysis (EE/CA) for the Tronox NAUM - Section 10 Mine. EPA received comments on the EE/CA from seven stakeholder parties. Responses to the consolidated comments will be included in the Administrative Record for the Site. EPA is currently working on access to the Section 10 Mine site and identification of any potentially responsible parties. ***Kevin Shade, 214-665-2708, Craig Carroll, 214-665-2220 and Susan Webster, 214-665-6784***

Homestake Mining Company Former Uranium Mill and Tailing Disposal Superfund Site, NM: EPA is currently overseeing the performance of a CERCLA Feasibility Study (FS) and Technical Impracticability (TI) evaluation by Homestake. The FS will evaluate a range of remedial alternatives for the groundwater contamination operable unit and the long-term tailing stabilization, surface reclamation, and site closure operable unit. A revised alternatives development and screening technical memorandum, which was submitted by Homestake to EPA on March 9, 2023, is currently under review. A work plan submitted by Homestake for conducting an aquifer testing program to investigate the "back diffusion" phenomenon was approved by EPA in July 2023. Back diffusion, if present, could hinder the groundwater cleanup effort and support a TI determination by EPA. Drilling and testing for back diffusion began on September 7, 2023, and nearly 90% of the Phase 1 work was complete by end of January 2024. Due to technical challenges of drilling through basalt, Homestake submitted a Work Plan Deviation request that is currently under the agency review. Once approved, Phase 1 drilling will commence and is expected to be completed by end of April 2024. EPA and New Mexico Environment Department (NMED) completed a study in May 2023 that culminated a nine-year effort to reassess background groundwater quality. Phase 2 field work of the back diffusion project will begin later this year. The results of the EPA background reassessment provide new background values for uranium, selenium, and other constituents that are significantly lower than the previous background values proposed by Homestake in 1999 and 2003 and used by the Nuclear Regulatory Commission to establish groundwater protection standards in 2006. The new background values will support EPA's development of remediation goals for groundwater in the FS and future Record of Decision for a CERCLA groundwater remedy. EPA approved an Addendum to the Final RI Report in August 2023 that was prepared by Homestake as revisions to the site human health risk assessment. EPA and NMED held an Open House and Community Meeting in Grants on October 5, 2023, to provide an update on CERCLA activities. A meeting planned with the Pueblo of Acoma for the same day was canceled but will be rescheduled for early 2024. ***Sai Appaji, 214-665-2704 and John Meyer, 214-665-6742***

Jackpile-Paguate Uranium Mine Superfund Site, NM: In late February, EPA met with Atlantic Richfield and with each respective team of subject matter experts regarding site media sampling efforts and to discuss site activities planned for 2024 -2025 as well as Phase II Remedial Investigation plans. The week-long effort was successful in coming to agreement on next steps in site investigation and identifying areas that could also require early action for remediation. Technical discussions continue to be underway while Field Sampling Plans are being finalized for EPA and Pueblo review and approval. EPA and Atlantic Richfield are also working with the Pueblo of Laguna on Earth Day and how to best support this year's Pueblo events scheduled for April. ***Petra Sanchez, 214-665-6686 and John Meyer, 214-665-6742***

Fansteel (FMRI) Site, Muskogee, OK: EPA added the Fansteel Metals site, a former tantalum and columbium refinery, to the National Priorities List (NPL) in September 2023. The site is located within the jurisdictional boundary of the Cherokee Nation, abuts the Arkansas River, is contaminated with radionuclides, and has a chlorinated solvent TCE groundwater plume. The Muscogee (Creek) Nation is adjacent to the site. Region 6 is evaluating potential actions to address short-term issues: supersacks of radioactive contaminated soils; two surface soil gamma radiation anomalies; chemical disposal from a lab and from on-site drums; and rerouting of surface water. Region 6 has identified multiple potentially responsible parties (PRPs) at the site. The largest contributing PRP was sent a general notice letter by EPA giving them the opportunity to undertake short actions and long-term investigations. In January 2024, the PRP submitted a letter to EPA stating they declined to perform the work requested by EPA. EPA is currently exploring options to address the site's short-term issues. ***Samuel Cheek, 214-665-2772, John Meyer, 214-665-6742,*** **Craig** ***Carroll, 214-665-2220 and Susan Webster, 214-665-6784***

Wilcox Oil Company Superfund Site, Bristow, OK: Construction, using Bipartisan Infrastructure Law (BIL) funding, of the Source Control Interim/Early Action at the Wilcox Oil Company Superfund site was completed in September 2023. During remediation, additional source material was found and incorporated into the overall remediation cleanup. Currently, EPA is in the process of procuring a design and engineering contractor to perform analyses prior to further Remedial Investigation activities. ***Ally Dunford, 214-665-2790 and John Meyer, 214-665-6742***

Dewey PCB Oil Spill, Dewey, OK: On July 24, 2023, EPA issued a Notification of Removal Authority (NORA) to the Potentially Responsible Party (PRP) at the Dewey PCB Oil Spill site (Site), located in Dewey, OK, as well as in the Cherokee Nation Tribal Statistical Area. The NORA directed the PRP to secure the four vandalized transformers, drain and bulk the PCB contaminated fluids from the transformers, and dispose of the fluids. After extended communications with the PRP, the PRP hired a contractor on December 18, 2023, to perform the requested actions. Several soil samples were collected adjacent to the location where the transformers were leaking originally and along the drainage pathway. Results from PRP's sampling efforts showed exceedances greater than EPA's PCB action level of 1ppm along the Site's drainage pathway. EPA evaluated the PRP's sampling efforts and results and determined that additional sampling is needed to properly delineate the extent of contamination at the Site. EPA will coordinate with the PRP to ensure a proper assessment is conducted and will provide the PRP a deadline to complete the assessment. EPA will also develop a contingency plan to take

over the assessment and potential removal action in case the PRP is unable to perform the work.
Pratistha Adams, 214-665-2214 and Craig Carroll, 214-665-2220

Oklahoma Refining Company Superfund Site, Cyril, OK: In August 2023, the construction of the remedy to address Operational Unit 2 (OU2), Northern Soil, Sediment and Light Non-Aqueous Phase Liquids (LNAPLs), was completed. The Operational and Functional (O&F) period has begun for OU 2 remedy, excluding the LNAPL source removal activities. The LNAPL recovery will continue as part of OU2. The O&F part of OU2 is expected to be transitioned into Operational and Maintenance (O&M) in August 2024 to ODEQ.
Samuel Cheek, 214-665-2772 and John Meyer, 214-665-6742

Tar Creek Superfund Site, OK: Investigation and remediation work for Tar Creek continues, including remediation work under Operable Unit (OU) 4 (Chat Piles and Other Mining Wastes) addressing approximately 9.5 million tons of chat, with a total of 2,350 acres reclaimed. Bipartisan Infrastructure Law (BIL) signs have been installed at the active Remedial Action (RA) sites by ODEQ and Quapaw Nation. Quapaw Nation has completed the field activities associated with the remedial actions for the first Interim Action Cooperative Agreement at the Howe site. In a new development, the downstream Tribes and L.E.A.D. Agency will be asked to participate in future remedial action planning sessions with EPA, Quapaw Nation and ODEQ that are associated with OU4. Under OU2 (Residential Properties), during FY 2023, 214 properties were sampled and 30% of those properties will result in possible RA activities. Since August of 2022, ODEQ has sampled close to 300 properties. In addition, 175 Tribal/HUD properties had been sampled, with 6 out of the 175 needing remedial work.
Sara Goyer, 214-665-6774, Steve Cowan, 214-665-3149, Ally Dunford, 214-665-2790 and John Meyer, 214-665-6742

Tri-State Watershed, Lower Spring River (Surface Water and Sediments), including portions of Tar Creek OU5 OK, KS and MO: In July 2022, EPA implemented a biochar pilot study within the Oklahoma portion of the Tri-State Watershed at the Tar Creek Superfund site at two locations: Elm Creek, and the Central Repository Seep; performance monitoring is ongoing. EPA continues the collection of data in support of the watershed modeling effort for the Upper and Lower Watersheds 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.
Sara Goyer, 214-665-6774, Steve Cowan, 214-665-3149 and John Meyer, 214-665-6742

Henryetta Iron and Metal Superfund Site, Henryetta, OK: On July 31, 2023, EPA completed the removal action at the Henryetta Iron and Metal site, with an estimated 19,500 tons of debris and contaminated soil were transported offsite for disposal. The contaminated soils were excavated on the facility property, city rights-of-way surrounding the facility, and Dutch Creek. The contaminants of concern associated with the facility are antimony, arsenic, cadmium, copper, lead, mercury, polychlorinated biphenyls (PCBs), benzidine, benzo(a)pyrene, and radium-226 which is known as technologically enhanced naturally occurring radioactive material (TENORM). EPA conducted a site walk on July 13, 2023, with representatives from Muscogee (Creek) Nation, and ODEQ. A Remedial Investigation and Feasibility Study (RI/FS) will begin once contracts are in place with ODEQ. The RI/FS will perform a data gap analysis and conduct

a groundwater study at the site. ***Samuel Cheek, 214-665-2772, Craig Carroll, 214-665-2220 and John Meyer, 214-665-6742***

Skull Creek Oil Spill Site Walk and Tribal Meeting, Cushing, OK: On November 27, 2023, EPA conducted a site walk of the Skull Creek Oil Spill response to observe and document progress of the response/removal efforts. On November 28, 2023, EPA, the Department of Justice (DOJ), Bureau of Indian Affairs (BIA), and Pipeline and Hazardous Materials Safety Administration (PHMSA) met with Sac and Fox Nation to brief the new Tribal Council members on the past, current, and future status of the incident. ***Craig Carroll, 214-665-2220***

Sound Resource Solutions Fire Emergency Response, Shepherd, San Jacinto County, TX: On November 8, 2023, EPA arrived on-scene at the Sound Resources Solutions facility to oversee firefighting runoff operations and conduct air monitoring downwind of the plume. EPA coordinated with Responsible Party (RP) (Sound Resource Solutions), TCEQ, and Harris County HAZMAT. The Sound Resources facility performs industrial chemical blending for oil field paint and coatings and wastewater treatment. EPA also followed up with the Alabama Coushatta Tribe, located about 20 miles northeast of the incident for situational awareness. ***Craig Carroll, 214-665-2220***

TRAINING/CONFERENCES

On April 16 – 19, 2024, the Inter-Tribal Environmental Council will be hosting a Regional Site Assessment training in Catoosa, OK. Training will cover the basics of the Superfund Site Assessment Process and the Hazard Ranking System and is open to tribes and states currently conducting Superfund site assessment activities. ***Susan Webster, 214-665-6784 and Brenda Cook, 214-665-7436***

Office of Communities, Tribes and Environmental Assessment

OCTEA REORGANIZATION

Recent changes have been made to EPA Region 6's organizational structure. These organizational changes are occurring across the country to align regional offices with EPA's National Office of Environmental Justice and External Civil Rights, which was created last year; and to accommodate the increased number of staff needed to implement the new grants and technical assistance programs made possible by the Inflation Reduction Act. On April 7, Environmental Justice Branch, Environmental Justice Community Engagement and Partnership Brach, and Environmental Review Branch was included in an "Environmental Justice, Community Engagement and Environmental Review Division", alongside EPA Region 6's other Divisions. Similar Divisions are being stood up in each of the Regions. This is a timely investment to advance environmental justice, including on Tribal lands and within Indigenous communities. I have been reassigned as Acting Director of EJCEER while hiring for the Director position is completed.

The Tribal and Borders Affairs will remain within the Office of the Regional Administrator, under Randy Gee's leadership serving as a primary link between EPA Region 6 Tribal Environmental Programs. Randy will maintain direct lines of communication to the Deputy Regional Administrator and Regional Administrator. Randy and I will continue to work closely together, recognizing how much our work intersects. Randy will continue to be a champion for the Tribal program, and for meeting our responsibilities in a government-to-government relationship with the sixty- six Pueblos and Tribal Nations in the Region. Both of our teams look forward to continued collaboration and actively participating with the Tribal Caucus as we move forward together. ***Eunice Varughese, 513-569-7628.***

STAFF UPDATE

Nia Riddick, Kaitlin Morton, Muneerah Williams, Adam Mason, Emily Fryksater, Lacey Sasseen, Marian Hanna and Aaron Greenquist have joined the staff at OCTEA. EPA Region 6 welcomes these team members!

Silvia Zavala has completed her assignment as the acting Environmental Justice Associate Director at OCTEA. OCTEA thanks Silvia for her commitment and work at OCTEA! ***Eunice Varughese, 513-569-7628.***

TRIBAL AFFAIRS

Region 6 General Assistance Program (GAP): OCTEA is currently processing FY 2024 GAP stand-alone grant applications. FY 2024 Performance Partnership Grant applications are due on April 26, 2024. The Region is awaiting its GAP allocation amount from the EPA American Indian Environmental Office. Twenty-three Tribal partners are expected to be in Performance Partnership Grants (PPG) this year. ***Randy Gee, 214-665-8355 and Jay Harris, 214-665-2260.***

TRIBAL CONSULTATION AND COORDINATION

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

- *Consultation on Proposed State of Oklahoma 2020-2021 Interim Water Quality Standards Revisions*
- *New Mexico 2024 Clean Water Act Section 303(d) List of Impaired Waters*
- *Designating Areas for the 2024 Revised Primary Annual Fine Particulate Matter NAAQS-EPA Region 6*

Randy Gee, 214-665-8355

EPA-TRIBAL ENVIRONMENTAL PLAN UPDATES

OCTEA GAP project officers are working with tribal partners to update their EPA-Tribal Environmental Plans (ETEPs) to conform with the September 2022 GAP guidance. If you have questions, please contact your GAP project officer. ***Ira Hight, 214-665-8137***

ENVIRONMENTAL JUSTICE UPDATE

Check out our new EJ Grants News and Updates Webpage!

EPA's Office of Environmental Justice and External Civil Rights (OEJECR) is excited to announce the new OEJECR Grants News and Updates Webpage. Please visit the website to find grantee success stories, program deadline reminders and updates, and information about upcoming and past engagement opportunities.

If you are interested in staying apprised of the impacts from OEJECR's current and upcoming grant programs, subscribe here to receive notifications about updates to the page.

For any questions, please contact Hannah Joyce (joyce.hannah@epa.gov)

Mission Support Division

BUDGET UPDATE

On March 9th, Congress passed, and President Biden signed, a full-year FY 2024 appropriation for the EPA, which will fund the agency through September 30, 2024. This bill provides $9.16 billion for EPA, H.R. 4366, *Consolidated Appropriations Act, 2024*. The Fiscal Responsibility Act, enacted last June, put in place discretionary spending limits for FY 2024 and FY 2025. As a result, EPA's funding level is lower than it was in fiscal year 2023. The overall topline level for EPA is about $977 million below the 2023 enacted level, or a 9.6% decrease. Consistent with the proposal in the FY 2024 President's Budget, most of the reduction was to the Superfund program, where new tax collections are intended to help us offset the reductions and maintain our progress. The non-Superfund reduction is about 2.6% in total.

Agencywide Highlights of the Full-year Appropriation:

- $3.94 billion for EPA's core science and environmental program work, a decrease of $152 million below the 2023 enacted level. Within these amounts, the bill includes:
    - $682 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 equal to the 2023 enacted level.
    - $548 million for environmental compliance monitoring and enforcement activities and grants, a $201 million decrease below the 2023 enacted level. Note that $177 M of this reduction is in Superfund Enforcement, which should be offset by taxes.
    - $299 million for Clean Air within the Environmental Programs and Management account, a $12.8 million decrease below the 2023 enacted level.
    - $139 million for Clean Air within the Science and Technology account, which will support additional equipment and maintenance needs for the National Vehicle and Fuel Emissions Laboratory. This is a decrease of $5.9 million below the 2023 enacted level.
    - $113 million for toxics risk review and prevention, a $4.8 million decrease below the 2023 enacted level.
    - $20 million for Alaska Contaminated Lands, a continuation of the program funded by Congress last year. This is equal to the 2023 enacted level.
- $538 million for Hazardous Substance Superfund, a $182 million increase above the President's Budget and a $745 million decrease below the 2023 enacted level. This decrease is in recognition of the taxes that EPA will have available this year, which Treasury estimates to be $1.2 billion.
    - $281 million for Superfund cleanup, a $567 million decrease below the 2023 enacted level.
- $100 million for Environmental Justice activities, an $8 million decrease below the 2023 enacted level.
- $4.4 billion for State and Tribal Assistance Grants, a $73.3 million decrease below the 2023 enacted level. Within this amount, the bill includes:
    - $2.76 billion for Clean Water and Drinking Water State Revolving Funds, equal to the 2023 enacted level, including:

        - $1.42 billion in Community Project Funding for 1022 drinking water, wastewater, and storm water management projects across the country. $788 million is for Clean Water CPF and $632 million is for Drinking Water CPF.
        - Significant bill and report language withholding funding pending a briefing and a report.
    - $1.11 billion for Categorical grants, a $54.3 million decrease below the 2023 enacted level.
    - $98 million for Brownfields cleanups, a $2 million decrease below the 2023 enacted level.
    - $90 million for Diesel Emissions Reduction grants, a $10 million decrease below the 2023 enacted level.
    - $7 million for wildfire smoke preparedness, equal the 2023 enacted level.

    Heather Chandler, 214-665-8032

Laboratory Services and Applied Science Division

UPDATED STANDARDS: The R6 QA staff would like to remind our Tribal Partners of our Agencywide QA Standard updates. The Quality Management Plan (QMP) Standard can be accessed by clicking this link: https://www.epa.gov/irmpoli8/environmental-information-policy-procedures-and-standards

The Standard defines the minimum requirements for QMPs for all EPA and non-EPA organizations performing environmental information operations. ***Please be advised that the updated QMP requirements will apply to all new and supplemental grant awards issued on or after February 17, 2023. Previously awarded grants will continue to use the existing requirements***, unless they are amended to add new activities requiring a QMP, in which case the requirements of the new QMP Standard must be followed.

The Quality Assurance Project Plan (QAPP) Standard can be accessed by clicking this link: https://www.epa.gov/irmpoli8/environmental-information-policy-procedures-and-standards

This directive was signed on July 18, 2023, by the Chief Information Officer and Deputy Assistant Administrator for Environmental Information. The directive defines the minimum requirements for QAPPs for all EPA organizations performing environmental information operations and non-EPA organizations performing environmental information operations on behalf of EPA. Environmental information operations is a collective term that encompasses the collection, production, evaluation or use of environmental information by or for EPA and the design, construction, operation or application of environmental technology.
Christy Warren, 281-983-2137