

---

U.S. EPA REGION 8  
**YEAR IN REVIEW**

---

**2019**



# U.S. EPA REGION 8

## TABLE OF CONTENTS

### INTRODUCTION

Message from The Region 8 Administrator	4
Region 8 Highlights	5

### IMPROVING AIR QUALITY

Salt Lake City and Provo	6
Missoula and Helena	6

### SUPPORTING INFRASTRUCTURE

Exceptional Project Award Recipient	7
-------------------------------------	---

### ACCELERATING SUPERFUND CLEANUPS / EMERGENCY RESPONSE

Silver Bow Creek Butte Area	8
Ogden Swift Building Removal Action	9
Anaconda Smelter	10
Bonita Peak Mining District	10
East Helena Superfund Redevelopment	10
Colorado Smelter	11

### REVITALIZE LAND

Brownfields Highlights	12
------------------------	----

### PROVIDE FOR CLEAN AND SAFE WATER

Addressing Harmful Algal Blooms	13
Addressing Emerging Contaminants in Water	13
Protecting Transboundary Waters	14

### FOOD RECOVERY

Montana DEQ Food Recovery Challenge	16
Focus on Food Waste Reduction	16
Materials Diversion Initiative	16

### USING ELMS TO IMPROVE EFFICIENCY AND EFFECTIVENESS

New Source Review Permit Backlog	17
Streamlining Administrative Enforcement at Tribal Facilities	17
NEPA	17
Quality Assurance	17
Water Quality Standards	18

NPDES/UIC New Permit Application Backlog	18
Laboratory Co-location	18

### ENFORCEMENT

U.S. Magnesium Site	19
Chevron U.S.A. Settlement	19
Highpoint Operating Corporation Settlement	19
Sinclair Oil Settlement	19
Taking Action to Reduce Lead Exposure	19

### PUBLIC COMMUNICATION

Collaborative Efforts	20
Enhancing Community Involvement	20

### FOSTERING STATE AND EPA PARTNERSHIPS

State Director's Meeting	21
North Dakota Self-Audit MOA	21
Interstate Oil and Gas Compact Commission Meeting	21
Tribal Relations	21
Pediatric Environmental Health Specialty Unit	22
South Dakota Agriculture Tour	22

---

**U.S. EPA REGION 8**  
**MESSAGE FROM**  
**THE REGIONAL ADMINISTRATOR**

*Gregory Sopkin*

---



I am pleased to present EPA Region 8's 2019 End-of-Year Report highlighting our work to protect human health and the environment across some of the nation's most vibrant landscapes and communities. Over the past year, EPA's programs have focused on becoming more efficient and strengthening our partnerships with our six states and 27 tribal nations. We have done so in many ways—some high-profile and well-publicized, and some below-the-radar but no less meaningful. The following pages provide examples of our progress and the investments we are making with our many federal, state, tribal and local partners. They are representative of a much longer list of results-oriented successes and reflect the power of collaboration and the dedication of EPA's regional staff. I want to thank you for taking the time to review our 2019 achievements and look toward the progress we will realize in 2020 with great anticipation.

**GREGORY SOPKIN**  
*Regional Administrator*

# HIGHLIGHTS

Missoula and Helena areas of Montana attain Air Quality Standard for 24hr PM10, SO2 and Lead.

Signed MOA with NDDEQ regarding self-audits to encourage greater compliance.

Butte to start delisting process for portions of the site by 2024.

Toured Ethanol Plant and held Ag Round Table.

Provo and Salt Lake City areas of Utah attain National Ambient Air Quality Standard for PM2.5.

Full deletion of Mystery Bridge Superfund Site.

Utah awarded \$10M in grants for projects to reduce NOx, VOC and PM.

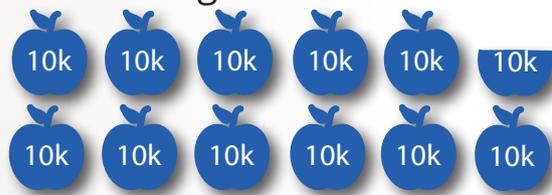
Bonita Peak Mining District adopts Adaptive Mangement Model.

\$12 million to Colorado Smelter to accelerate cleanup process.

120 Brownfield Properties in Region 8 made ready for use. A 100% year over year increase.



116,000 tons of food and organics diverted from landfills within Region 8.



---

## IMPROVING AIR QUALITY

---

### **SALT LAKE CITY AND PROVO ACHIEVE ATTAINMENT**

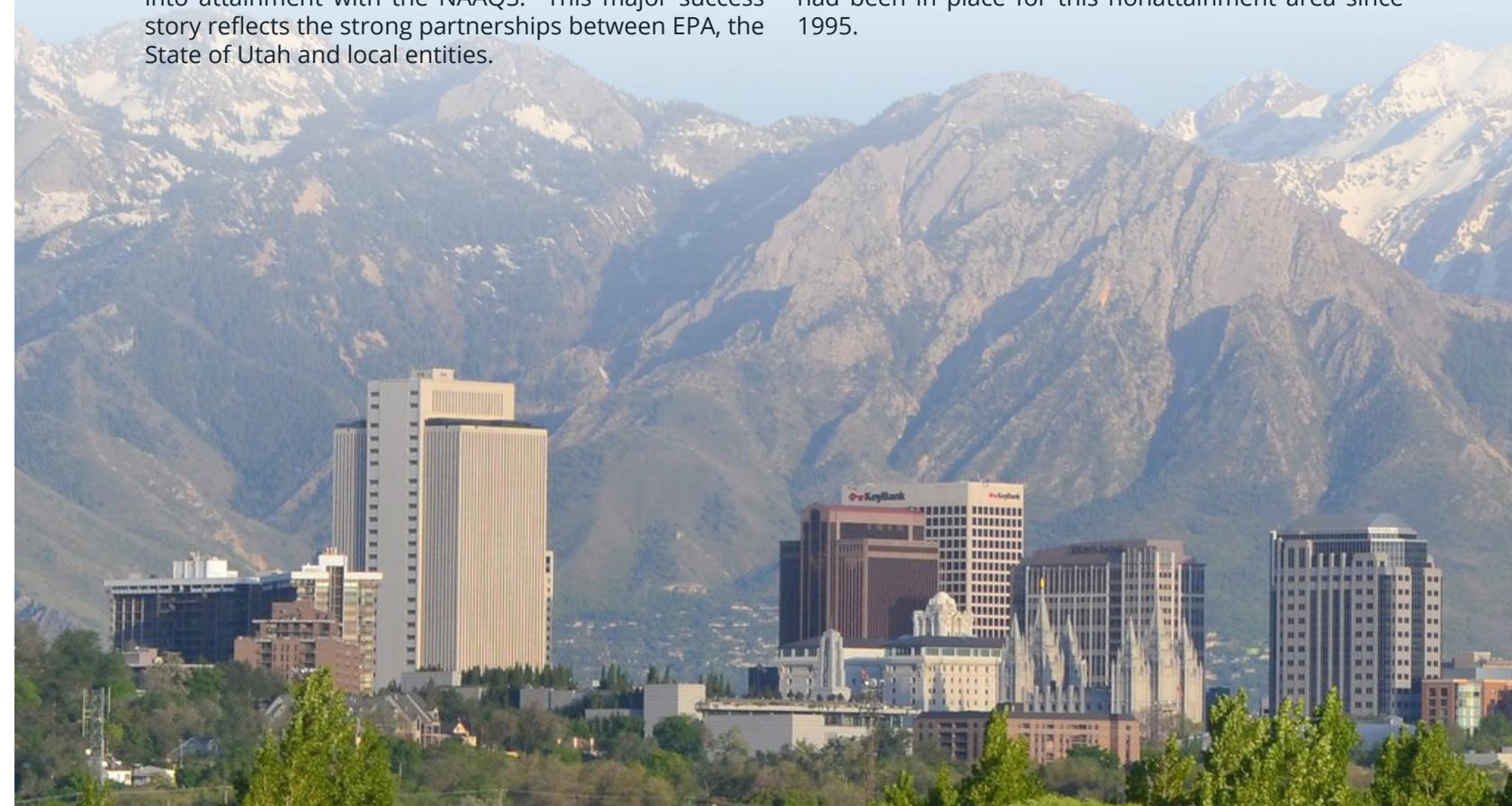
On April 10, 2019, and September 27, 2019, EPA finalized approval of Clean Data Determinations for the Provo and Salt Lake City fine particulate (PM2.5) nonattainment areas. These approvals mean the Wasatch Front in Utah has attained the 24-hour PM2.5 National Ambient Air Quality Standard (NAAQS) after exceeding the standard for the prior 13 years. The determinations were based on certified air monitoring data from 2015-2017 (Provo) and 2016-2018 (Salt Lake City).

Prior to 2019, Region 8 worked with Utah to develop the Salt Lake City Serious PM2.5 State Implementation Plan, which included: an attainment demonstration, contingency measures, reasonable further progress, motor vehicle emission budgets, best available control measures (BACM), and best available control technologies (BACT) for sources within the nonattainment area. Additionally, Utah submitted BACM/BACT for the Provo Serious PM2.5 nonattainment area. These measures, in addition to enhanced vehicle emissions testing programs and budgets, and the state's wood-burning bans, contributed to the areas coming into attainment with the NAAQS. This major success story reflects the strong partnerships between EPA, the State of Utah and local entities.

### **MISSOULA AND HELENA RE-DESIGNATIONS TO ATTAINMENT**

In 2019, EPA re-designated and approved the maintenance plans for three Nonattainment Areas (NAAs) in the State of Montana. These NAAs were: the Missoula 1987 24-hour PM10 NAA; the East Helena 1971 SO2 NAA; and the East Helena 1978 lead NAA. The re-designation of these three areas highlights the success of local, state, and federal partnerships to improve air quality and emphasizes the importance of early engagement on draft State Implementation Plans. The two East Helena re-designation requests, final approval of the redesignation request, and accompanying maintenance plans occurred within 11 months from the date of submission. The Missoula PM10 redesignation reflects the collaboration between Montana and the Region's Air and Radiation Division (ARD) in making necessary revisions so the ARD could approve the redesignation and maintenance plan within eight months.

The East Helena SO2 NAA redesignation was a unique rulemaking as this re-designation terminated emissions offset and highway funding sanctions that had been in place for this nonattainment area since 1995.



---

## SUPPORTING INFRASTRUCTURE

---

### EXCEPTIONAL PROJECT AWARD RECIPIENT

The South Dakota Department of Environment and Natural Resources is a 2019 EPA Clean Water State Revolving Fund PISCES Exceptional Project award recipient for wastewater treatment facility improvements completed in the City of Dell Rapids. The City's treatment facility was failing to meet effluent limits for discharges to the Big Sioux River, which provides source water to neighboring communities and is commonly used for recreation. After evaluating several alternatives, the City settled on installing a sequencing batch reactor (SBR) to ensure the treatment system was easily expandable and adaptable to future needs. The SBR, an inlet works building, and ultraviolet disinfection system were completed in August of 2018 and are now providing more effective treatment and improving water quality in the Big Sioux River. These improvements create a cleaner, safer, healthier and more sustainable environment for the City of Dell Rapids, downstream communities, and fish and wildlife.





---

## ACCELERATING **SUPERFUND CLEANUPS / EMERGENCY RESPONSE**

---

### **SILVER BOW CREEK/BUTTE AREA**

EPA, the State of Montana, Butte-Silver Bow County, and the Atlantic Richfield Company continued developing the documents necessary for a consent decree for the Butte Priority Soils Operable Unit at the Silver Bow Creek/Butte Area Superfund site, an Administrator's Emphasis List site. EPA published a Proposed Plan for amending the Butte Priority Soils Record of Decision in April 2019 and held two public meetings on April 23 and May 23 to discuss the proposed changes and accept verbal comments. EPA accepted written public comments throughout the public comment period, which was extended by request to 90 days, through July 11. EPA is currently reviewing comments and

developing a draft amendment to the 2006 Record of Decision. Regional Administrator Sopkin also toured the Silver Bow Creek/Butte Area site and met with local elected officials and key stakeholders. The Regional Administrator was instrumental in helping the community's Technical Advisory Group secure a grant to evaluate the feasibility of the community's desire to have a meandering upper portion of Silver Bow Creek compatible with the final remedial action.

*EPA OSCs carefully documented every step of the removal and shared the results in a well-crafted web-based Story Map. This improved community knowledge of the response and allowed EPA to share up-to-date data with local officials in an easy-to-understand format.*



## OGDEN SWIFT BUILDING REMOVAL ACTION

The Ogden Swift Building is a former meat packing plant that was subsequently used by a chemical manufacturer and as a warehouse to store surplus military equipment and chemicals. The facility sits along the banks of the Weber River in Ogden, Utah, and consisted of four stories and a basement, totaling approximately 260,000 square feet. In 2018, the City of Ogden requested an EPA Targeted Brownfields Assessment to determine the feasibility of transforming the site into a recreational and commercial resource. The assessment documented more than 40,000 abandoned containers of hazardous materials and initiated a comprehensive time-critical removal action at the Ogden Swift Building. EPA On-Scene Coordinators (OSCs) led the team effort in coordination with the City of Ogden, the Ogden Fire Chief, the Utah Department of Environmental Quality and other Public Safety Officials. EPA's response team collected, analyzed, treated, and bulked the material in almost 98,000 abandoned

*EPA's response team collected, analyzed, treated, and bulked the material in almost 98,000 abandoned containers.*

containers. Inherently dangerous actions such as the removal of hydrofluoric acid and the on-site treatment of highly volatile chemicals (including burning of rocket fuel, deactivation of water-reactive chemicals, and cyanide destruction) required careful and rapid planning as well as highly technical expertise.

In addition to these extensive removal actions, EPA OSCs carefully documented every step of the removal and shared the results in a well-crafted web-based Story Map. This improved community knowledge of the response and allowed EPA to share up-to-date data with local officials in an easy-to-understand format. The Story Map also includes informative videos which explain the complicated chemical treatment and removal processes conducted at the site. To check out the latest updates on the Ogden Swift Site, as well as explore the Story Map, visit [response.epa.gov/ogdenswiftbuilding](https://response.epa.gov/ogdenswiftbuilding).

## ANACONDA SMELTER

The EPA Region 8 site team is working to develop the documents needed for a final consent decree at the Anaconda Smelter Superfund site in Montana, part of the EPA Administrator's Emphasis List, by early 2020. EPA released a Proposed Plan to amend the Regional Water, Waste and Soils Operable Unit Record of Decision on September 4, 2019. On September 17, the Regional Administrator attended a public meeting as part of the 30-day comment period and also met with elected officials. The Atlantic Richfield Company also reached a tentative agreement with Anaconda Deer Lodge County on final funding and an operations and maintenance plan for the Old Works Golf Course in September. EPA is pursuing the partial deletion of two Operable Units (OUs 11 and 15) by early 2020, and the full deletion of the site by 2025. Region 8 also provided funds and assisted with the release of an Agency for Toxic Substances and Disease Registry exposure study to assess blood and urine samples collected from more than 300 volunteers. We also conducted a study of vegetables grown locally in Anaconda residential gardens in response to concerns from the community.

*EPA is pursuing the partial deletion of two Operable Units (OUs 11 and 15) by early 2020, and the full deletion of the site by 2025.*

## BONITA PEAK MINING DISTRICT

On May 20, 2019, EPA Region 8 signed an interim record of decision (IROD) documenting remedial actions to be taken at 23 source areas over the next 3-5 years at the Bonita Peak Mining District (BPMD), an Administrator's Emphasis List site. The region also developed sitewide cleanup goals which will drive future investigation and remedial actions. These goals are as follows: improve water quality in four priority stream segments, minimize unplanned releases, and stabilize source areas.

In the summer, Regional Administrator Sopkin visited the site, accompanied by the Colorado Department of Public Health and Environment's director of environmental programs. During that visit, the RA met with senior leaders from the U.S. Forest Service and Bureau of Land Management and secured leadership commitments to coordination, communication and collaboration on the site cleanup. The RA also witnessed EPA's successful effort to drill a directional well over 600 feet into the American Tunnel under very challenging site conditions. The data from the well will be analyzed to gain a better understanding of groundwater movement in the mine workings as well as the quality of the water within the tunnel.

The BPMD is also a pilot site for the national adaptive management study program under the Superfund Task Force. EPA's site has developed specific strategies that will be incorporated into the Site Management Plan. The development of this plan will lead to the removal of the BPMD site from the Administrator's Emphasis List, which is planned in 2020.

## EAST HELENA SUPERFUND REDEVELOPMENT

The East Helena Smelter Site (ASARCO Lead Smelter) was listed on the National Priorities List in 1984 due to lead and arsenic contamination in the community's soils and arsenic in groundwater. In 2005, ASARCO filed for bankruptcy and in 2009 the Montana Environmental Trust Group was appointed as the Custodial Trustee to complete cleanup at the site. Over 2,000 acres of property and \$96 million were transferred to the Trust.

As a result of EPA's assistance with East Helena's planning and redevelopment efforts, the site now hosts the state-of-the art Lewis & Clark County Search and Rescue facility, the new Prickly Pear Elementary School, the future site of the new East Helena High School and a 300-home subdivision. In addition, over 180 acres of the Prickly Pear Creek floodplain have been restored, the Prickly Pear Land Trust Greenway trail project will soon be a reality,



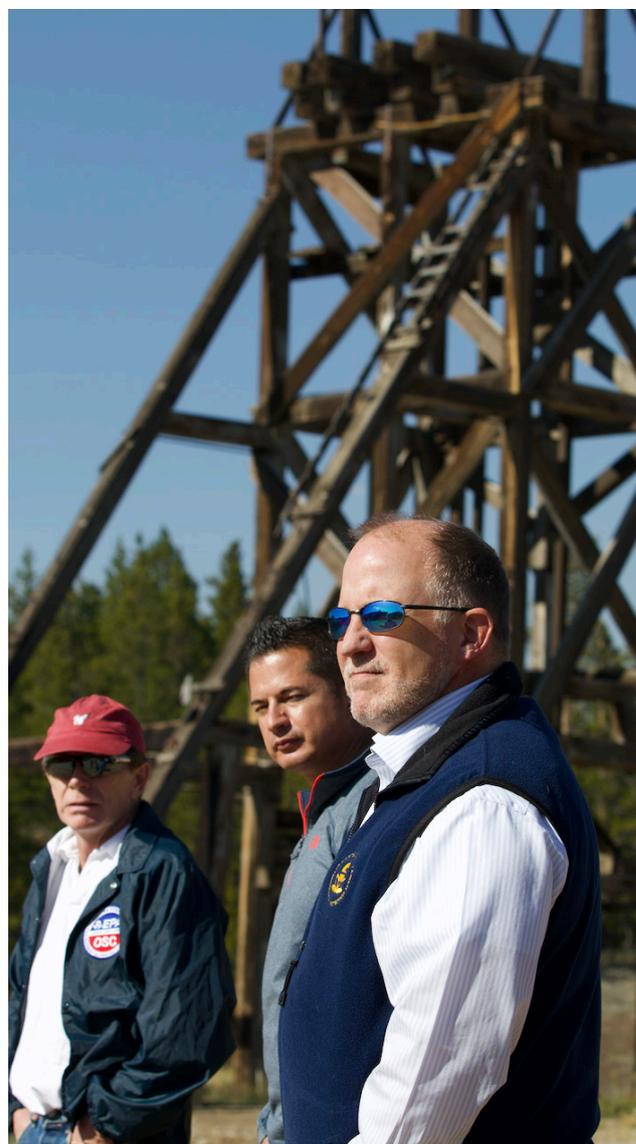
and the U.S. Fish and Wildlife Service is working on a restoration plan for 80 acres of migratory bird habitat and native upland grasses. 240 acres of the site were recently sold for commercial/mixed use redevelopment. Collectively, these projects represent 700 acres redeveloped or transitioned for redevelopment. On August 22, 2019, EPA Region 8 presented the Environmental Achievement Award for Excellence in Site Reuse to the Montana Environmental Trust Group. Certificates of Appreciation were also awarded to the U.S. Fish and Wildlife Service, the Montana Department of Environmental Quality, the Montana Department of Justice Natural Resource Damage Program, the Lewis & Clark County Environmental Health Services Division, the City of East Helena, East Helena Public Schools and the Prickly Pear Land Trust.



### **COLORADO SMELTER**

The National Gold Medal Award-winning site team continued the accelerated pace of work on both the Remedial Investigation (RI) and Remedial Action at the Colorado Smelter site in Pueblo, Colorado. This includes extensive work for Operable Unit 1, Community Properties, where lead and arsenic in outdoor soils and indoor dust are at levels of concern for public health. To date, RI sampling indicates that approximately 49% of properties require a soil cleanup and 34% require an indoor dust cleanup. EPA's aggressive schedule targets completion of approximately 850 soil and 520 indoor dust cleanups by 2022. In partnership with the U.S. Army Corps of Engineers and their contractors, EPA also successfully provided training for local job candidates through the Superfund Jobs Training Initiative leading to the hiring of six graduates for site-related jobs, in addition to approximately 50 other local hires and subcontractors working on cleanup and restoration activities.

The RI for Operable Unit 2, the Former Smelter Area, is progressing and will be coordinated with future site reuse plans. The site team has been coordinating with the Colorado Smelter Revitalization Project, a group of community stakeholders on implementing their Revitalization Plan, which includes specific goals, strategies, and resources. Given the significant congressional and local government interest in the site, Regional Administrator Greg Sopkin met with local elected officials, the Community Advisory Group, and other stakeholders this summer.



---

# REVITALIZE LAND

---

## BROWNFIELDS HIGHLIGHTS

In 2019, 120 Brownfields properties in Region 8 were made Ready for Anticipated Use (RAU), a 100% year-over-year increase compared to 2018. These projects leveraged \$122 million in redevelopment investments and 906 local jobs. In one example in Lakewood, Colorado, a \$200,000 EPA grant to address a chlorinated solvent plume leveraged \$3.48 million in tax credits and low-income housing financing and paved the way for the development of 52 affordable housing units at the Fifty Eight Hundred complex.

The Region 8 Brownfields team worked closely with tribal partners to remediate 14 contaminated sites in Indian country. In July 2019, the Turtle Mountain Band of Chippewa Indians used a \$200,000 grant to clean up asbestos-containing materials in three badly dilapidated buildings at the L'BelCour housing complex in Belcourt, N.D. The neighborhood consists of 18 structures, with many of the housing units occupied despite being in extremely poor condition and the widespread presence of asbestos. In partnership with EPA and HUD, the Tribe is moving forward with plans to systematically clean up, demolish and replace all 18 structures while they also look to take advantage of the area's new status as a Qualified Opportunity Zone.

EPA Region 8 also awarded \$3.1 million in grants to help communities assess, clean up and reuse Brownfields in future years in 2019. On June 5, Regional Administrator Sopkin joined Utah DEQ and local leaders in Orem, Utah to announce the 2019 grants, including a \$300,000 Brownfields Assessment grant to further the City of Orem's efforts to redevelop vacant and underused industrial properties along Geneva Road.



---

## PROVIDE FOR CLEAN AND SAFE WATER

---

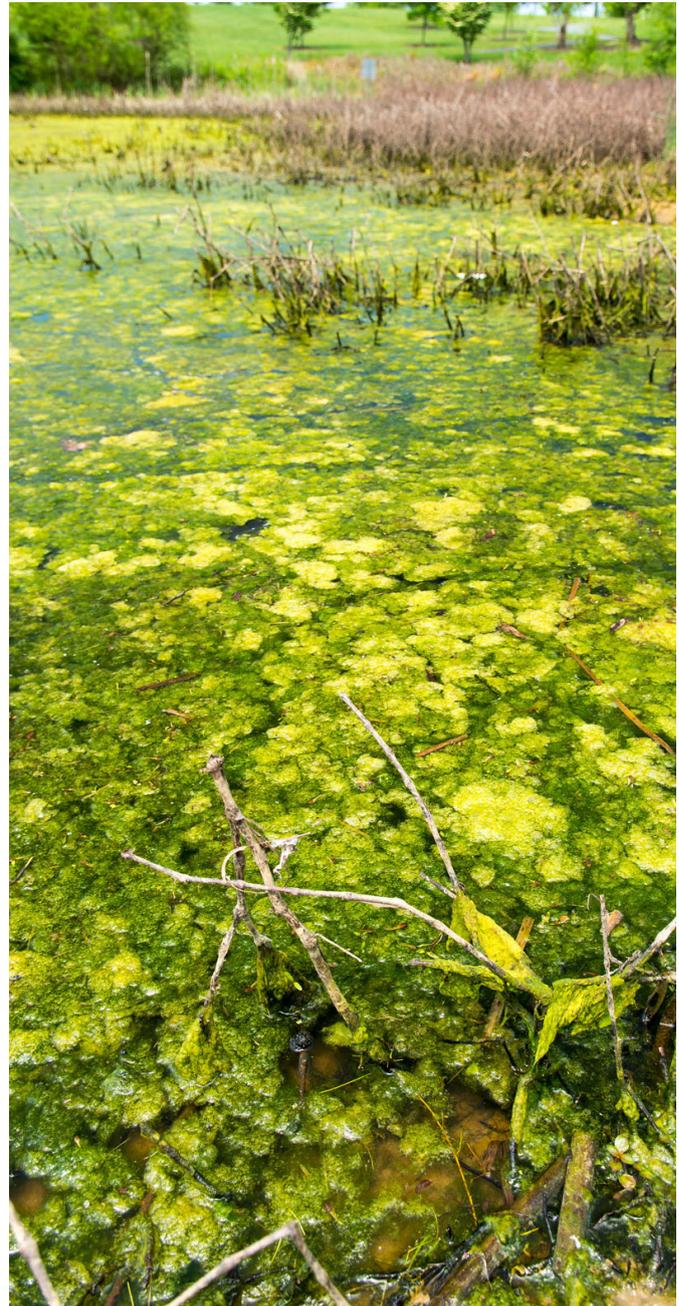
### **ADDRESSING HARMFUL ALGAL BLOOMS**

EPA Region 8 collaborated with the Turtle Mountain Tribe to monitor and identify elevated algal toxin concentrations in Belcourt Lake, a popular recreational water for the Tribe. As a result, the Tribe developed and will implement a robust sampling plan in 2020 to evaluate sources of nutrient loading to the lake. The goal of this project is to reduce nutrient loads, reduce the occurrence of harmful algal blooms (HABs) and better inform the public of recreation risks.

Region 8's Laboratory continues to provide critical support to states and tribes to address HABs and advance the capability to protect residents from their effects. The Region 8 Water Division and the Laboratory have provided critical assistance in assessing, responding to and communicating with the public about HABs. Region 8's analytical support for algal toxins (for both routine and emergency sampling) is targeted to assist states and tribes who are unable to analyze samples in local or private laboratories. This assistance has included helping collect and rapidly analyze samples for algal toxins and developing communication tools to inform the public. The Water Division also facilitated peer-to-peer learning that has helped five of our six states collaborate with other state agencies to develop state-wide HABs response plans. We have helped states advance their own analytical capabilities so that several of our states no longer rely on the Region for analytical support. Region 8 has also assisted Tribes in assessing HABs in Indian Country. We held seven technical webinars during FY19 for state and tribal staff to share the latest information and research on HABs assessment and research.

### **ADDRESSING EMERGING CONTAMINANTS IN DRINKING WATER**

Region 8 focused on new efforts to address emerging contaminants in drinking water. Public water suppliers required to sample for unregulated contaminants may find their finished water has levels of contaminants



that exceed health advisories but are unregulated under the Safe Drinking Water Act. To rectify this regulatory gap, our Drinking Water Program advised states on how to address these situations. Our advisory document proved critical when 12 water systems in our region identified levels of manganese in their water above health advisories. Using the information provided by Region 8, our state partners worked with the water systems to notify these communities, and in some cases determine that “Do Not Drink” orders were appropriate. Our guidance resulted in more than 17,000 people quickly receiving information that their water had manganese above health advisories.

Additionally, Region 8 also updated our states on new health effects information for manganese in drinking water. Recent studies show that manganese has significant adverse health effects on the developing fetus and young infants at exposure levels below the health advisory level for adults. This new information served as the basis of recommended language that water systems could use in public notices to notify customers of high levels of manganese in water supplies and actions consumers could take to reduce exposure.

Working with our federal, state, and local agencies is critical as we address per- and polyfluoroalkyl substances (PFAS) in drinking water supplies. PFAS are a group of unregulated contaminants that potentially cause health effects at very low levels. Region 8 assisted the State of Colorado with communications and technical support at two rural fire districts where PFAS had contaminated private wells, as well as several communities near Colorado Springs and an urban water district near Denver. The Region 8 Water Division also assisted the Region 8 Superfund program in its review and approval of a remedial investigation for PFAS by the Air Force at Ellsworth AFB in South Dakota, where EPA is working to secure drinking water sampling in the project work plan, as well as sampling in fish, cattle, produce and residential soils. Approximately 250 people were provided bottled water by the Air Force due to PFAS contaminated drinking water at the site, and more permanent alternate water supplies are being installed under a Time Critical Removal Action.

*Our guidance resulted in more than 17,000 people quickly receiving information that their water had manganese above health advisories.*

## **WATER DIVISION PROTECTS TRANSBOUNDARY WATERS**

The Region 8 Water Division is a leader in transboundary water quality issues, especially related to pollution in Montana’s Kootenai watershed and Lake Koocanusa attributed to mining in British Columbia. In 2019, the Water Division accomplished a significant milestone by successfully facilitating collaborative transboundary water quality monitoring. Coal mine pollutants entering the U.S. waters are causing water and fish tissue concentrations of selenium to exceed the mining permit limits and EPA’s recommended national criterion for lakes. Sampling indicated that selenium in water and fish tissue and nitrates in Lake Koocanusa were increasing, prompting the need for increased monitoring. This responsibility fell to the Montana Department of Environmental Quality (MDEQ), where limited monitoring resources meant other important statewide monitoring priorities would be unmet. Given that the source of these pollutants is in British Columbia, EPA recognized the need to engage Canada in discussions on sharing the cost of monitoring impacts in the U.S. portion of the lake.

The Water Division facilitated discussion with British Columbia, MDEQ, the U.S. Army Corps of Engineers and the mining operator, Teck Resources, to explore how to collaborate to ensure high-priority monitoring needs would be met. In January 2019, an agreement was reached on a monitoring plan for 2019-2020 which allowed the U.S. Army Corps of Engineers to collect data in the U.S. part of the lake, with Teck Resources assuming the cost of sample shipping and analysis. The successful 2019 sampling field season sets a precedent for Canadian entities to support future monitoring and provides a template for long-term cooperation for the watershed. On July 22, 2019, the Region 8 and 10 Regional Administrators also sent a letter to the Deputy Minister of the British Columbia Ministry of Environment regarding continued impacts to U.S. waters in Montana from British Columbia coal mines. The letter asks that the Ministry open up the process for revising Teck Resources’ Implementation Plan, which is the blueprint for how the company will reduce pollutants from mines, to allow input from EPA and other U.S. entities.



---

## FOOD RECOVERY

---

### **MONTANA DEQ FOOD RECOVERY CHALLENGE AWARD**

As part of the Food Recovery Challenge, Region 8 awarded the Montana Department of Environmental Quality (MDEQ) for outstanding efforts and leadership in preventing and diverting food waste and promoting the sustainable management of food. MDEQ and its partners have created food waste recovery opportunities across the state by granting money to schools to purchase food waste bins, providing technical assistance and training for composters, and drafting updated regulatory rules that support food recovery activities. MDEQ enables projects such as the “Gardens from Garbage” program in Great Falls – a nonprofit organization that keeps food waste from going to landfills, using it instead to benefit the community. The project has been collecting food waste from local grocers and food banks and anaerobically composting/recycling the tonnage. Each ton of discard produces one cubic yard of compost soil in 8-10 weeks with no turning or watering required.

### **FOCUS ON FOOD WASTE REDUCTIONS AT RESORTS**

In 2019, EPA Region 8 and the Office of Research and Development initiated some unique research focused on improving waste diversion in rural resort communities. Communities in resort areas often see a 140% peak in population during high tourist seasons, and managing materials during the ebbs and flows of these seasons is a challenge. This project sorted 8,000 pounds of materials generated in two short-term condominium rental properties during two peak tourist season weeks and sorted the materials into 22 categories. Results demonstrated that up to 24% of the materials were items already accepted for recycling and 41% were compostable, including 31% food waste, for a total estimate of 75% of all materials being potentially divertible from landfills. Phase two of the project includes technical support to the community to develop audience-specific messaging for behavior change. The community hopes this project will better support local recycling efforts

and reduce materials going to landfill.

### **MATERIALS DIVERSION INITIATIVES**

As part of Regional America Recycles Day activities 2019, EPA Region 8 Administrator Gregory Sopkin toured the Wasatch Resource Recovery facility in North Salt Lake on November 20, 2019. The Wasatch Resource Recovery is Utah’s first and only anaerobic digester dedicated to food waste diversion. Food is the largest single material found in municipal solid waste landfills at 22% more than plastics, paper, metal, glass or electronics. Reducing food waste with projects such as this is big step forward in reducing the multiple environmental impacts of wasted resources, transportation emissions, and methane produced in sending food to landfills. A media story was published as a result of this tour.

Also part of Region 8 America Recycles Day activities 2019, the Region 8 Administrator co-presented at the Utah Recycling Alliance’s Zero Waste Awards event on November 20, 2019. The Utah Recycling Alliance empowers people, organizations and communities statewide to create a Zero Waste culture by

building successful models and encouraging practices that promote reuse, recycling and resource conservation. EPA Region 8’s Food Management Lead also co-presented on a panel discussion following the state premiere of the movie “Salvage.”

These locally-focused efforts demonstrate there are many ways to customize and innovate on a community level towards reducing waste, and EPA will continue to collaborate with state and local partners to address this important issue.

*For the 2019 reporting season (2018 data), R8 Participants of EPA’s Food Recovery Challenge kept over 116,000 tons of food and other organics out of landfills through food donation to people, animal feed for agriculture, and composting – saving money, labor, and natural resources. For the 841 tons food waste composted, this is the equivalent of the greenhouse gas emissions of 1,500,000 miles driven by an average passenger vehicle or the carbon sequestered by 711 acres of U.S. forests in one year.*

---

## USING ELMS TO IMPROVE **EFFICIENCY AND EFFECTIVENESS**

---

Region 8 continues to focus on improving business process efficiencies to increase the environmental impact we have in the region. We used Visual Management tools to analyze and evaluate processes or Agency operations in every program. The EPA Lean Management System (ELMS) helped teams identify ways to reduce wait time, increase productivity, implement consistency, and increase timeliness. Below are a few examples of the processes Region 8 is working on.

### **NEW SOURCE REVIEW PERMIT BACKLOG**

In 2019, EPA Region 8 eliminated our NSR construction permit backlog for direct implementation in Indian country. The Region began FY19 with 16 backlogged applications. The Region issued 19 NSR permit actions, and all but two of these were backlogged applications. Several challenges arose which delayed the backlogged NSR permit actions. One challenge involved a recent policy change that withdrew the EPA's "once-in-always-in" requirement for hazardous air pollutant major source designations. Significant coordination with EPA's Office of Air Quality Planning and Standards, the Office of General Counsel, and the Office of Air and Radiation was needed to ensure regional permit actions were consistent with this national policy change. Another challenge involved appealed permits for six existing sources on the Uintah and Ouray Indian Reservation, which necessitated a pause for similar permits pending a decision from the Environmental Appeals Board (EAB). EPA ultimately prevailed with the EAB and was able to proceed with issuing ten similar permits.

### **STREAMLINING ADMINISTRATIVE ENFORCEMENT AT TRIBAL FACILITIES**

Through a focused ELMS process involving technical and legal enforcement managers, Region 8 partnered with EPA's Office of Enforcement and Compliance Assurance to reduce by 31% the average number of days to issue unilateral administrative enforcement orders against tribal facilities. EPA's ability to quickly return tribal facilities to compliance reduces the potential for adverse impacts to tribal communities from noncompliance. OECA has encouraged other Regions to adopt Region 8's streamlined process as they work to assure compliance in Indian country.

### **NEPA**

The Region 8 National Environmental Policy Act (NEPA) Branch was one of 12 programs to go through ELMS training in the first week with EPA HQ. The NEPA flow and performance boards have resulted in new efficiencies in Region 8's NEPA letter review process. These efficiencies allow program staff more time to complete thorough reviews of complex documents and shape the program's comment strategy. This results in clearly written letters that assist federal agencies in making better environmental and human health decisions.

### **QUALITY ASSURANCE**

The Region 8 Quality Assurance Branch participated in the State and Tribal Quality Assurance Project Plan (QAPP) national Lean Kaizen event initiated by Henry Darwin and the Executive Enterprise Leadership Council. This program co-developed the QA State and Tribal National Bowling Chart measure for FY20. The QA Branch was one of the first Region 8 programs to receive ELMS training. The flow board and performance board support the national State and Tribal QAPP Lean Kaizen event and have resulted in improved review and approval times for State and Tribal QA documents. This team also submitted a video for the EPA's Lean Management System Huddle Contest.



## **WATER QUALITY STANDARDS**

Prompt EPA action on water quality standards allows standards to be used by states and tribes to set protective limits in National Pollutant Discharge Elimination System (NPDES) permits and to identify and address waterbody impairments. Between 2014-2018, Region 8 completed water quality standards approvals within the statutory time frame on only 9% of submissions. In 2019, we implemented new approaches to streamline the development and finalization of action documents, and 100% of water quality submissions were approved on time.

## **NPDES/UIC NEW PERMIT APPLICATION BACK-LOG**

Permitting teams in the Region 8 Water Division focused on permit timeliness in 2019, working to reduce the backlog of new permits and issue new permits within 180 days. To expedite permitting, the NPDES team developed and implemented a general permit for Indian country for wastewater discharges from public

water systems. This general permit, which became effective in August 2019, controls discharges from 19 facilities while decreasing the administrative burden for both the regulated community and EPA. Through this change, and other permit review process improvements, the NPDES team eliminated the backlog of four new NPDES permits. In the Underground Injection Control (UIC) program, process changes to address incomplete permits and mapping all permit activities to allow for better planning resulted in four permits issued within 180-days and reduced the backlog by 69%.

## **R8 LABORATORY CO-LOCATION**

Region 8 completed the first laboratory co-location project this year by combining Region 8's Golden Lab with the NEIC lab at the Denver Federal Center. The move will save the agency \$2.4 million a year and allows the two laboratories to share space, costs, and expertise.



---

## ENFORCEMENT

---

### **U.S. MAGNESIUM SITE, ROWLEY, UTAH**

Region 8's Office of Regional Counsel recovered over \$22M in a bankruptcy settlement agreement with the Magnesium Corporation to fund Superfund response work at the U.S. Magnesium Superfund site in Rowley, Utah. The site was added to the National Priorities List in 2009 due to uncontrolled releases of hazardous substances from the debtor's magnesium production facility adjacent to the Great Salt Lake. After extensive negotiations with the trustee and other creditors, a multi-party settlement was reached in which settlement funds will be placed into special accounts and used to pay for cleanup at the site.

### **CHEVRON U.S.A. SETTLEMENT**

Region 8 participated in a national settlement with Chevron USA to resolve claims under the CAA section 112r and EPCRA/CERCLA at Chevron petroleum refineries nationwide including the Salt Lake City, Utah, refinery. Chevron will spend \$150 million in injunctive relief for refinery process, infrastructure, and safety improvements at all of its domestic refineries. The company will also pay a \$2.95 million civil penalty and provide \$10 million in equipment to the emergency response jurisdictions near its refineries, including providing the Salt Lake City Fire Department and the South Davis County Metro Fire Department with a total of \$500,000 worth of equipment, including instruments to identify gas and chemical leaks. The settlement is the largest in the history of the EPA's enforcement of the Risk Management Plan Rule and falls under the National Compliance Initiative: Reducing Accidental Releases at Industrial and Chemical Facilities.

### **HIGHPOINT OPERATING CORP. SETTLEMENT**

Region 8 partnered with the State of Colorado to resolve HighPoint Operating Corporation's Clean Air Act violations in the Denver-Julesburg Basin ozone non-attainment area. The settlement requires the company to identify and address emissions from vapor control systems at condensate storage tank batteries.

As a result of the consent decree's injunctive relief and mitigation project, emissions of volatile organic compounds will be reduced by approximately 400 tons per year. HighPoint also agreed to pay the United States a \$275,000 civil penalty and agreed to pay a civil penalty to Colorado and perform a State supplemental environmental project with a combined value of \$275,000.

### **SINCLAIR OIL SETTLEMENT**

Region 8 partnered with the U.S. Department of Justice and the Wyoming Department of Environmental Quality to secure a Clean Air Act settlement with Sinclair Wyoming Refining Company. Sinclair agreed to pay \$1.6 million in penalties and install additional pollution controls to resolve federal and state violations of air emissions limits and monitoring requirements at its refinery in Sinclair, Wyoming. The alleged violations at the Sinclair Wyoming refinery include exceeding hydrogen sulfide and sulfur dioxide emissions limits at the flares and the sulfur recovery plant's tail gas units, respectively, and failing to operate, maintain and certify continuous emissions

*...provide \$10M in equipment to the emergency response jurisdictions near its refineries, including providing the Salt Lake City Fire Department and the South Davis County Metro Fire Department with a total of \$500K worth of equipment, including instruments to identify gas and chemical leaks.*

monitors as required.

### **TAKING ACTION TO REDUCE LEAD EXPOSURE**

During 2019, the Region conducted 56 lead paint inspections and investigations that resulted in nine enforcement actions, including five penalty orders totaling \$17,670 in fines. Many of these inspections are still under review and may result in additional enforcement actions. Region 8 also continued to focus on a compliance assistance initiative in an environmental justice area in West Denver that focuses on ensuring owners and operators of child care centers are aware of the potential lead hazards and understand relevant lead regulations. We focused our resources on communicating lead-based paint health hazards and providing regulatory clarity through compliance assistance letters, telephone calls, and in-person visits in these targeted areas.

---

## PUBLIC COMMUNICATION

---

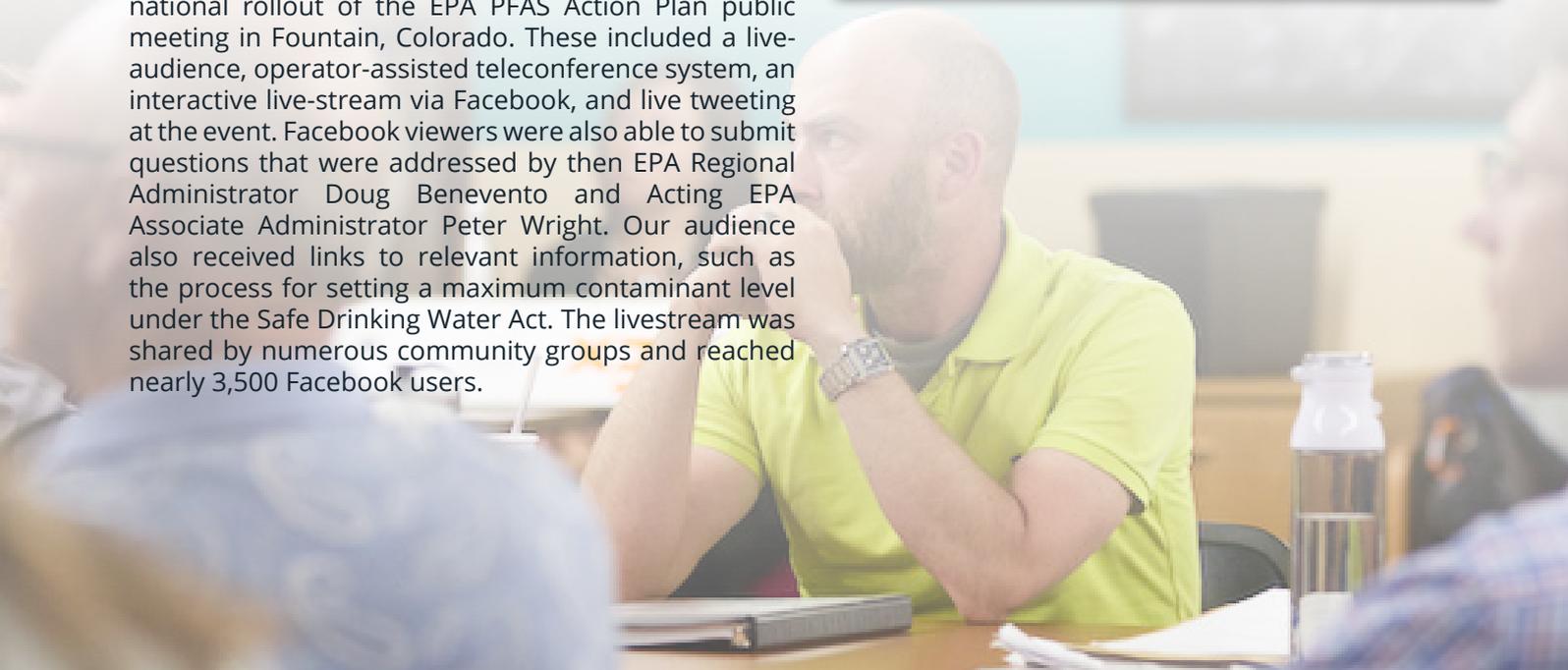
### **COLLABORATIVE EFFORTS**

Region 8 delivered a robust, collaborative approach to address how we communicate with our communities and stakeholders, the goal is to have an interactive process of credible and accurate information exchange to inform decisions about a given risk or risks. The Region organized a team of highly successful employees from every division to design, plan and implement actions to help achieve this goal. The effort resulted in a multifaceted approach, including development of a guiding document led by the Technical Assistance Branch titled, "Principles and Best Practices of Risk Communication."

This document broadly outlines best practices to empower EPA employees to communicate effectively with our stakeholders and a regional training program focusing on communication techniques. The document also ensures that our local and state partners are included in this effort. The Region 8 Risk Communication Advisory Team briefed Administrator Wheeler on our progress and plans.

### **ENHANCING COMMUNITY INVOLVEMENT**

In 2019, the Region 8 Public Affairs Branch implemented a new approach to communicate across traditional and digital media. This included a variety of innovative methods to extend the reach of digital messaging platforms and increase engagement with key audiences. In February, the Public Affairs Branch used multiple tools to maximize participation in the national rollout of the EPA PFAS Action Plan public meeting in Fountain, Colorado. These included a live-audience, operator-assisted teleconference system, an interactive live-stream via Facebook, and live tweeting at the event. Facebook viewers were also able to submit questions that were addressed by then EPA Regional Administrator Doug Benevento and Acting EPA Associate Administrator Peter Wright. Our audience also received links to relevant information, such as the process for setting a maximum contaminant level under the Safe Drinking Water Act. The livestream was shared by numerous community groups and reached nearly 3,500 Facebook users.



---

## FOSTERING PARTNERSHIPS

---

### STATE DIRECTOR'S MEETING

Region 8 hosted a meeting of the state environmental directors and oil and gas directors in 2019. At that meeting, Regional Administrator Sopkin engaged in conversations on opportunities to leverage EPA-State partnerships to solve public health and environmental challenges. North Dakota's Department of Environmental Quality (NDDEQ) Director Dave Glatt also explained how EPA and his agency worked cooperatively to assist NDDEQ in its reorganization to ensure that proper delegations and authorizations were in place for the new organization to implement its mission. Todd Parfitt, Director of the Wyoming Department of Environmental Quality, also led a discussion on cooperative federalism at the meeting.

### NORTH DAKOTA SELF-AUDIT MOA

EPA Region 8 and the NDDEQ signed a Memorandum of Agreement (MOA) regarding self-audits conducted pursuant to state law. The MOA establishes procedures and policies for administration of the North Dakota Environmental Audits Law (Self-Audit Law) and reflects our agreement to encourage greater compliance with laws and rules protecting public health and the environment by promoting greater self-policing in the

regulated community. The MOA also reinforces EPA's important partnership with North Dakota to ensure the health and safety of the people and environment and EPA's commitment to providing the state with the support and flexibility needed to effectively implement its Self-Audit Law.

### REGION 8 HOSTS INTERSTATE OIL AND GAS COMPACT COMMISSION (IOGCC) MEETING

In late August, Region 8 and North Dakota hosted the IOGCC annual conference in Medora, North Dakota. <http://iogcc.ok.gov/2019-annual-conference>

### TRIBAL RELATIONS

In 2019, Region 8 completed 98% of its strategic planning efforts with Tribes as part of the EPA-Tribal Environmental Plans and began a preliminary issue review to identify issue commonalities for Tribes across Region 8.

Region 8 leadership also initiated a multi-agency effort with the Crow Tribe to address drinking water, waste water, and solid waste concerns on the Crow Reservation. EPA worked with BIA, IHS, and other agencies to understand the issues facing the Tribe and



discuss and implement solutions.

On June 18-20, 2019, Regions 8 and 10 participated in a jointly held Regional Tribal Operations Committee (RTOC) meeting in Fort Hall, Idaho, hosted by the Shoshone-Bannock Tribe. Regional Administrator Sopkin and staff supported the joint RTOC meeting and discussed mutual areas of environmental interest, EPA-Tribal interactions, and provided and shared information on tribal efforts addressing various environmental challenges. R8 RA Sopkin supported the effort and engaged in discussion on several environmental topics of tribal interest, including water quality impacts. The Region 8 RA and staff also enjoyed a presentation demonstrating the use of drone technology in tribal environmental programs.

On September 23 - 24, 2019, Regional Administrator Greg Sopkin traveled to Montana to visit both the Blackfeet Reservation and Flathead Reservation to meet with Tribal Nation officials and their respective Environmental Directors and Natural Resource program staff. He met with Blackfeet Chairman Tim Davis, Blackfeet Nation leaders and Blackfeet Environmental Director Gerald Wagner, to discuss Blackfeet drinking water/wastewater system compliance and solid waste issues. Mr. Sopkin also traveled to Pablo, Montana to meet with the Confederated Salish and Kootenai (CSKT) Tribes to discuss transboundary water quality concerns related to impacts from coal mining in Canada as well as other tribal areas of concern. Mr. Sopkin proposed a communications plan with the CSKT leaders and the CSKT Natural Resources and Environmental Division

Directors. RA Sopkin also participated in the Polson Middle School Drum and Harvest Feast in Polson, Mont., on the Flathead Reservation, and recognized Polson Middle School Teacher Amy Williams for receiving the Presidential Innovation Award for Environmental Educators.

## **PEDIATRIC ENVIRONMENTAL HEALTH SPECIALTY UNIT**

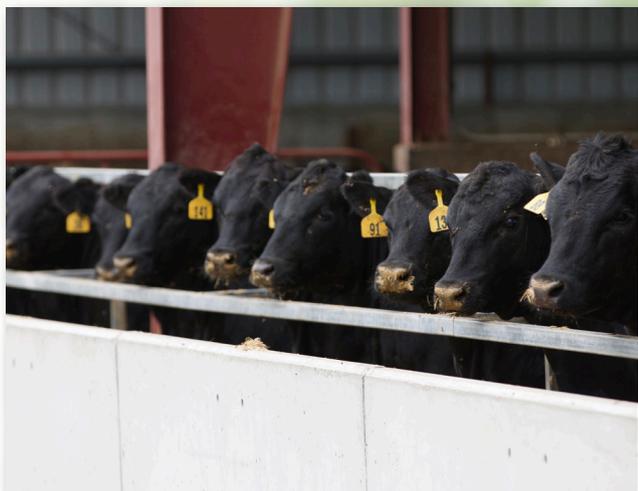
EPA Region 8 provided funding to the R8 Pediatric Environmental Health Specialty Unit (PEHSU) to conduct outreach and education on reducing and preventing childhood lead exposure. The PEHSU disseminated materials to various partners such as state and local health departments and clinicians. The PEHSU also collaborated with Denver Health to develop a geo-mapping tool using 17,000 lead test results collected over the last three years. The maps concentrate on the Denver area, but will likely expand to cover other parts of Colorado. The PEHSU will present on this information at the Frontiers of Medicine Conference in Casper, Wyoming, and the Wyoming Medical Society's annual meeting in 2020. Additionally, the PEHSU participated in three public health meetings and the National Association of School Nurses Conference to share important information on children's health, reaching approximately 2,400 people.

## **SOUTH DAKOTA AG TOUR**

In Summer 2019, Regional Administrator Sopkin toured an ethanol plant, animal feeding operations and a corn farm to see water quality conservation practices in grazing, animal feeding and crop land systems at



work in South Dakota. Mr. Sopkin also facilitated an Agriculture Round Table for South Dakota agriculture associations, farmers and ranchers and visited the Sisseton Wahpeton Oyate and Flandreau Santee Sioux tribes to learn about challenges and opportunities associated with agricultural production and water quality.





**U.S. EPA - REGION 8**

1595 Wynkoop Street  
Denver, CO 80202

**Phone**  
(800) 227-8917

**Phone**  
(303) 312-6312

**Email**  
[r8eisc@epa.gov](mailto:r8eisc@epa.gov)

**Website**  
[www.epa.gov](http://www.epa.gov)

**2019**