Message

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Sent: 11/19/2018 4:38:48 PM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]
Subject: RE: WA Hydro Dams NPDES wkly update, 11/12

Great update. Thanks!

From: Wu, Jennifer
Sent: Friday, November 16, 2018 11:30 AM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Palmer, John <Palmer.John@epa.gov>
Cc: Merz, Martin <merz.martin@epa.gov>
Subject: WA Hydro Dams NPDES wkly update, 11/12

Here's the weekly update on the WA hydro dams NPDES permits. There was a lot of communication with many interested parties this week (states, tribes, permittees, Columbia Riverkeeper) – see below for more information. There are 4 major areas to address before going out for public comment on the permits: 1) Comments from Ecology/draft 401 cert; 2) Integration of TMDL WLAs into permits; 3) Tribal consultation; 4) 316(b) applicability to dams. There's good progress on all fronts, so my latest thinking is to push for a release of the public drafts for the Lower Columbia and Lower Snake River dam permits on December 17, the same day the Columbia River Temperature TMDL will be issued. It's unclear if I'll also be able to complete the Grand Coulee Dam, but will try to push for that. ESA consultation, final 401 certification, and public comments must also be completed before permits issuance, but I'm focusing first on getting the permits out for public comment.

I'm aiming to have a permit for internal review by December 5. The Corps also let me know that they will be submitting a new application for the Dworshak likely in January 2019 and Chief Joseph Dam in spring or summer 2019.

Lower Columbia and Lower Snake River Dams

1. Tribal Consultation – We received a letter from Yakama Nation on their interest on tribal consultation for these permits. Mike, Martin, and I will be meeting with the tribe on November 30 in Yakima, and then the tribal staff will decide whether to advise their Tribal Council on whether to formally consult on the permit. The Umatilla Tribes are also interested in tribal consultation, but we have not received a letter yet. I am waiting to hear from them about what their process involves. Kalispel Tribe, Warm Springs Tribe, and Grand Ronde Tribe staff notified me that they would not be seeking formal tribal consultation. I have not heard responses from Cowlitz Tribe, Spokane Tribe, and Nez Perce Tribe.
2. Ecology Draft 401 certification communications and status – I received informal comments on the Lower Columbia River dam permits this week from Ecology. I will be working with Ecology to incorporate these comments into the permit before going out for public comment. This is not a draft 401 certification, but the comments may allow us to go forward with public notice. We will expect Ecology to request an extension on our request for them to respond within 60 days re: the 401 certification. Comments relate to PCB monitoring, increased monitoring frequencies for oil and grease and pH, BMP plan suggestions, and other clarifications.
3. Columbia River Temperature TMDL – See below for update on TMDL WLAs being incorporated into permits and communications with Corps on the TMDL WLAs.
4. ODEQ 401(a)(2) downstream state. I talked with ODEQ this week and asked about their position on the 401(a)(2) request. They said they didn't have any updates but would get back to me.
5. 316(b) and Dams – We're waiting to hear from EPA HQ.
6. ESA Consultation – John has the internal draft BE to review and will talk to NOAA on their BiOp deadline, which had been previously scheduled for the end of 2018. The 316(b) decision affects ESA consultation discussions, so

we are waiting to hear from EPA HQ before talking with NOAA. John is also working on other projects with urgent deadlines, so I told him ESA consultation is not holding back public notice of the permits and that working on this consultation later is okay.

Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology – Colville Tribes sent us a letter on November 14, 2018 in response to our request for draft 401 certification. They requested information on our expected public notice date to help for their planning efforts to provide us with a draft 401 certification. Ecology and Colville Tribes also spoke on November 14 re: the draft 401 certifications.
2. Columbia River Temperature TMDL – See below for update on TMDL WLAs being incorporated into permits and communications with Corps on the TMDL WLAs.
3. 316(b) and Dams – We're waiting to hear from EPA HQ.
4. ESA Consultation – We have not drafted the BE for ESA consultation for the Grand Coulee Dam. We are waiting to hear from the Services on our approach on the Lower Columbia River and Lower Snake River dams and will apply the same approach.

Overall

1. Columbia River Temperature TMDL – The Columbia River temperature TMDL team has been very helpful in coordinating potential WLAs for the WA federal hydro dams that address the cooling water discharges in our permits. The expected WLAs will be based on the current temperature discharges from the dams. Therefore, I will be adding temperature limits to the permits consistent with the WLAs. The permit will not include the dam load allocations which address the spill and reservoir temperatures (unless a 401 certifying authority includes these as 401 cert conditions). The temperature permit limits will likely be a temperature increase corresponding to their current discharges. Based on effluent discharge analysis, temperature increases are small with existing temperatures. I want to do a CORMIX analysis to analyze near-field effects. We will also need the TMDL to include and/or describe the 100% mixing zone. I will review and/or provide language to the TMDL team on this.
2. Internal communications – no updates
3. External communications – I've been talking externally on these permits with many entities to make sure everyone is informed. Here's a description of outreach with different groups:
    a. Tribes – See above for communications with Yakama Nation and from Colville Tribes. I will send an update to my tribal contacts this afternoon or early next week.
    b. Services – no update – see above for ESA consultation and plans to update
    c. Federal Caucus - no update
    d. BOR – no update
    e. US Army Corps – I talked with Corps this week on the potential WLAs that may affect permit limits. It was a good call where I explained how TMDLs worked, regulatory requirements for permits to be consistent with TMDLs, the potential TMDL approach, and the potential temperature limits in permits. I also spoke with Brian Wilson of the Seattle Office who heads up the Chief Joseph Dam environmental compliance and gave him links to new permit application materials. As indicated above, the Corps will also be sending a permit application on the Dworshak Reservoir in January 2019.
    f. Columbia Riverkeeper – Columbia Riverkeeper asked for a status update and expected public notice. I let them know that we have various processes going on affecting the timing of our public notice, but that we would not expect to go out for public notice before mid-December.
    g. Ecology – see above. I'm in regular communication with Ellie and will be talking with her the week after Thanksgiving on how I plan to incorporate her comments into the permit.
    h. ODEQ – I spoke with ODEQ on the permits status and offered to keep them informed.
    i. BPA – no update

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