Message

From: Lidgard, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CEEAAE464E754D259A772347572B7956-LIDGARD, MICHAEL]
Sent: 10/25/2018 10:26:02 PM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]
Subject: RE: WA Hydro Dams NPDES wkly update, 10/25

Great report. Thanks!

From: Wu, Jennifer
Sent: Thursday, October 25, 2018 2:24 PM
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>; Merz, Martin <merz.martin@epa.gov>; Palmer, John <Palmer.John@epa.gov>
Subject: WA Hydro Dams NPDES wkly update, 10/25

Here's the weekly update on the WA hydro dams NPDES updates.

There have been several significant conversations and actions since the last weekly update on 10/17. The most important are: 1) the Columbia River temperature TMDL 10/17 court ruling and its impacts on timing and content of the permit; 2) Our conversation with Ecology on 10/24; and 3) Dan's 10/23 conversation with Anna Wildeman on 316(b) and dams. To some extent, these all could affect the timing of going out for public comment. In the next week, Martin and I still intend to continue working on the BE. I'll also be finetuning the permit and Fact Sheet for public comment, incorporating questions/comments from Ecology and the Corps.

Lower Columbia and Lower Snake River Dams

1. Ecology Draft 401 certification communications and status – On October 19, we sent a second draft 401 certification request to Ecology with a 60-day request. The request indicated that within 60 days, Ecology may deny, request an extension, or issue a draft 401 certification. We met with them on October 24 and had a productive, honest meeting laying out the different issues in the Columbia River, 401 certification scope and timing, and discussions for moving forward.
    a. Short-term actions. I spoke with Ellie Ott, my Ecology 401 cert contact, today, and she will be sending comments on the Lower Columbia River permits by mid-next week. These will focus on the current permit scope. They relate to specificity of BMP plan requirements, monitoring frequency, and clarification.
    b. Long-term actions. There are many meetings and concurrent activities going on in the Columbia River – Columbia River temperature TMDL, FCRPS BiOp due by end of 2018, EIS, 10/22 Presidential directive to expedite Columbia River EIS, Orca Recovery Task Force, Columbia River treaty negotiations, mtgs related to scope of 401 cert. These expand the factors that could affect the content and timing of the 401 cert. There may also be more interested parties, which affect the number of people to be briefed and timing for decision-making. Understanding these uncertainties, Jenny and Ellie will continue to coordinate closely on activities within our agencies. Ecology suggested that Heather and Dan also stay in close contact on the 401 cert progress/related discussions for these permits. Ecology will likely ask for an extension on their draft 401 cert response in the next 30 days.
2. ODEQ 401(a)(2) downstream state. Dan has heard indications that ODEQ has questions on the permit. My contact says they don't have anything to share with me at this point. Ecology indicated that Riverkeeper met with ODEQ.
3. 316(b) and Dams – Dan and Anna Wildeman spoke on 10/23 on 316(b) and dams. EPA OGC sent or is sending their analysis shortly on the following legal questions: 1) Ex. 5 AC/DP 2) Ex. 5 AC/DP Ex. 5 AC/DP Ex. 5 AC/DP EPA HQ has directed the region to cease discussions

or mentions of 316(b) outside the agency until this is resolved. We do not have a timeline from EPA HQ when we will have an answer. Dan is talking with Anna about whether we will halt all discussions on the permits with outside agencies or limit it to 316(b).

Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology – See above for draft 401 cert update to Ecology. We had a call with Colville Tribe on their draft 401 certification on 10/23. They are still working on their draft 401 cert and are interested in coordinating with Ecology. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) I let him know that we sent Ecology a second letter requesting a draft 401 certification within 60 days, but that we had not sent a letter to the tribe.
2. 316b – See above for 316(b).

Overall

1. ESA consultation – Martin and I are continuing to make steady progress on the permit. I was not able to finish my part of the BE, but still plan to send John what we have by Friday, 10/26 so he can begin his review. We have completed the intro, action area, description of the facility, receiving water description, list of species, and environmental baseline description. We still need to complete some of the elements of the species, the environmental assessment of impacts from outfalls, and essential fish habitat.
2. 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 – I forwarded Mary Lou's email on the Columbia River temperature TMDL and added a statement that we were not sure how this affects the permits but are continuing to move forward on them.
    b. Services – no update
    c. Federal Caucus - no update
    d. BOR - I forwarded Mary Lou's email on the Columbia River temperature TMDL and added a statement that we were not sure how this affects the permits but are continuing to move forward on them. We have a second call on November 1 to discuss the EAL, BMP plans, and other updates.
    e. US Army Corps – I forwarded Mary Lou's email on the Columbia River temperature TMDL and added a statement that we were not sure how this affects the permits but are continuing to move forward on them. We have exchanged emails on some questions they have on the permit and some questions I have on their operations. These are related to refining the public comment draft and the BE.
    f. Columbia Riverkeeper – no communication
    g. Ecology – see above. I'll be in regular communication with Ellie Ott.
    h. ODEQ – see above

Jenny Wu
Environmental Engineer, NPDES Permits Unit
EPA Region 10
1200 6th Avenue, Suite 155 (OWW-191)
Seattle, WA 98101
206-553-6328