Message

**From**: Opalski, Dan [Opalski.Dan@epa.gov]
**Sent**: 12/14/2018 1:02:47 AM
**To**: Wu, Jennifer [Wu.Jennifer@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]; Merz, Martin [merz.martin@epa.gov]
**CC**: Stoddard, Jamey [Stoddard.Jamey@epa.gov]
**Subject**: RE: WA Hydro Dams NPDES wkly update, 12/13

Thanks, Jenny.

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**From:** Wu, Jennifer
**Sent:** Thursday, December 13, 2018 3:41 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>; Palmer, John <Palmer.John@epa.gov>; Merz, Martin <merz.martin@epa.gov>
**Cc:** Stoddard, Jamey <Stoddard.Jamey@epa.gov>
**Subject:** RE: WA Hydro Dams NPDES wkly update, 12/13

Hi Dan, one of my counterparts at the Corps mentioned that his attorney had said she was going to be at a meeting today with different federal agencies to talk about 316(b). It's kind of hearsay at this point, but he passed that on to me. Ex. 5 Deliberative Process (DP)
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I'd take all of this with a grain of salt since this is second hand. At the same time, it's interesting for me to get questions/information about 316(b) when I haven't been asking about it. Crossing my fingers that we'll get an answer on this by the end of the year.

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**From:** Opalski, Dan
**Sent:** Thursday, December 13, 2018 3:35 PM
**To:** Wu, Jennifer <Wu.Jennifer@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>; Merz, Martin <merz.martin@epa.gov>
**Subject:** RE: WA Hydro Dams NPDES wkly update, 12/13

Thanks. I would like to hear a little more about what you heard about on 316b….

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**From:** Wu, Jennifer
**Sent:** Thursday, December 13, 2018 3:12 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>; Palmer, John <Palmer.John@epa.gov>; Merz, Martin <merz.martin@epa.gov>
**Subject:** WA Hydro Dams NPDES wkly update, 12/13

Here's the weekly update on the WA hydro dam permits since 12/3. Significant issues are: 401 cert extension requests, tribal consultation, the Columbia River temperature TMDL appeal, and Columbia Riverkeeper's public disclosure request to Ecology on the pre-draft permits and fact sheets. Upcoming work continues to be preparing the permits for public comment pending 316(b) decisions by EPA HQ.

**Lower Columbia and Lower Snake River Dams**

1. 401 cert extensions – Ecology sent us a letter on December 7 requesting an extension until February 1, 2019 to complete their 401 certification. This is based on several ongoing processes. Since ODEQ also requested an extension on 11/30/18 that aligned with Ecology's timeline, we will be sending Ecology and DEQ similar letters agreeing to an extension.
2. Tribal Consultation - I spoke with Yakama Nation on Monday, 12/10. They indicated based on the TMDL stay, DEQ's request for 401(a)(2) extension, and other factors, they would like to have a tentative hold on Chris Hladick's and Dan Opalski's calendars to present to the Tribal Council on February 5. I put in a request to hold those dates in Chris's calendar and cc:ed Dan as well.
3. Columbia River Temperature TMDL – The Solicitor General decided today to appeal the Columbia River temperature TMDL decision. Therefore, the TMDL will not be issued by the end of the year. I will remove temperature limits from the permits and have the original permit conditions, which is continuous temperature monitoring. If the TMDL is issued before the permits are issued, we will have an approach to include temperature limits.
4. Public disclosure request to Ecology on pre-draft permits – Columbia Riverkeeper sent a public disclosure request to Ecology on our pre-draft permits and fact sheet. The Corps' legal counsel is interested in getting pre-draft permits and will be contacting Courtney. These pre-drafts have 316(b) language as well as other conditions that are being modified with the public draft permit.
5. 316(b) – Our Corps contact let us know that the various legal counsel with the federal agencies are meeting today, 12/13, to discuss 316(b). We have not heard a definitive answer yet on how to proceed on 316(b) from EPA HQ.
6. Meeting with the Corps and permit development – Susan, Martin, and I met with the Corps on December 11. We discussed their PCB monitoring and characterization efforts, regulation of turbine oil, and other general updates. It was a productive meeting that will help move us forward on a plan to tighten up permit conditions in the public drafts.
7. ESA Consultation – No new updates

**Grand Coulee**

1. Draft 401 certification request to Colville Tribes and Ecology – We sent a letter to Colville Tribes last week in response to their Draft 401 certification. I also spoke with Todd Thorn at Colville Tribes last week. We let the Tribe know that we hope to go out for public comment in January.
2. Columbia River Temperature TMDL – See below for update on TMDLs..
3. 316(b) and Dams – See above.
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. Internal communications – I will be contacting Rick Cool and Richard Franklin on oil spill plans and ways to align the permit with the regulation of turbine oil under the oil spill programs.
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 – See above for communications with Yakama Nation.
    b. Services – no update
    c. Federal Caucus - no update
    d. BOR – I will be talking with BOR on 12/20 and received more outfall information on 12/3.
    e. US Army Corps – See above for conversation with Corps.
    f. Columbia Riverkeeper – Columbia Riverkeeper asked for our expected public notice date. I told them it would be in mid-December or early January.
    g. Ecology – I'm in regular contact with Ecology on 401 certification and their comments on the permit.
    ODEQ – no update
    h. BPA – no update

Jenny Wu

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