Message

From: Steiner-Riley, Cara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BEF7D04F2E64E4B8B90235A30CC7109-STEINER-RILEY, CARA]
Sent: 10/18/2018 12:05:52 AM
To: Byrne, Jennifer [Byrne.Jennifer@epa.gov]
Subject: FW: WA Hydro Dams NPDES wkly update
Attachments: R10 2-19 (07-11-16).pdf; Delegation 2-19.PDF

From: Weber, Courtney
Sent: Wednesday, October 17, 2018 3:30 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Cc: Poulsom, Susan <Poulsom.Susan@epa.gov>; Merz, Martin <merz.martin@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: RE: WA Hydro Dams NPDES wkly update

To provide everyone with a quick update on this end of things:

1. As some of you may have heard, there was a discussion with HQ today regarding the draft briefing paper that Richard Witt put together re 316(b). Mary Ellen will be re-structuring that paper for another round of review (hopefully at the end of this week). Once the briefing paper is finalized, OGC will start briefing. I'm not sure if that will start happening next week given that the briefing paper won't be finalized until maybe early next week.
2. 401 cert issues – There are different scenarios that could happen with the WA certs given Ecology's letter. We might want to meet to discuss those in the next couple days given the meeting with Ecology next week?
3. 401(a)(2) – I checked the delegations and all the authorities under 401(a) and (b) have been delegated down to NPU manager. I'm attaching the delegations.

Let me know if you have questions/want to discuss.

--Courtney

From: Opalski, Dan
Sent: Wednesday, October 17, 2018 1:06 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Cc: 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: RE: WA Hydro Dams NPDES wkly update

Thank you, Jenny.

Your message gives me the opportunity to share some additional detail on my call from Jennifer Wigal regarding ODEQ's work under 401(a)(2).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Maybe this is part of what you have followed up with them on already. If not, you may see if there is a chance for productive dialogue on this topic.

Thanks.

From: Wu, Jennifer
Sent: Wednesday, October 17, 2018 12:33 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Cc: 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: RE: WA Hydro Dams NPDES wkly update

Here's the weekly update on the WA hydro dams NPDES updates. Note that I copy these notes to the permit tracker status sheet which EPA HQ also reviews, so I'm including some background info that you may already know.

This week the most important item is that Ecology's draft 401 cert may be greatly delayed. We are meeting with Ecology on 10/24/18 to discuss further. In the meanwhile, we're continuing to work on the permit to ensure everything is in place when we get the draft 401 certs. My focus this week is to work with Martin to incorporate initial comments from John Palmer on the BE and give him a draft to review by Monday, 10/22/18. I will also be preparing for the meeting with Ecology next week.

Lower Columbia and Lower Snake River Dams

1. Draft 401 certification communications and status – We received a letter on October 12 from Ecology that they had received our requests for draft 401 certification for the Lower Columbia, Lower Snake, and Grand Coulee Dams, but would not be able to meet our 30-day timeline. They requested a meeting to discuss how our NPDES permit action fits in with other significant, impending actions on the Columbia River. Though not specified in the letter, other impending actions related to our permits, particularly re: temperature concerns, include:
    a. The Federal Columbia River Power System (FCRPS) BiOp by NOAA on the dam operations by the end of 2018. This is a series of BiOps starting from a Biological Assessment (BA) from the FCRPS on their operations from 1999. There have been ongoing litigation and court rulings on the sufficiency of the BiOps since 1999, focusing on fish passage issues, Lower Snake River dam removal, and climate change.
    b. EIS by USACE, BOR, and BPA on operations and configuration of dams including those we are writing permits for.
    c. Columbia River TMDL under development by EPA
2. Orcas and Lower Snake dams. Over the last several months, there has been significant media coverage on the plight of Puget Sound orcas and the need for more spill over Lower Columbia River dams and the removal of Lower Snake River dams. Attached are links to recent articles and news coverage. Click here and here.
3. Tribal Consultation Letters. We resent a tribal consultation request letter to Nez Perce on October 11, since the original letter sent on October 1 had the incorrect Tribal Chair.

Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology – See above for draft 401 cert update to Ecology. I am talking with Colville Tribe on Tuesday, 10/23, on the permit and their timing for a draft 401 certification.
2. 316b and BOR – I spoke with BOR and Grand Coulee on 10/17. See below for more detail. Re: 316(b), I talked with BOR about the proposed 316(b) language for Grand Coulee. My impression from BOR is that they are very doable. I have a call with EPA HQ staff on 10/23 to discuss permit and FS language further. Re: the broad question from BOR on applicability of 316(b) to dams, we are still waiting to hear from EPA HQ. Courtney heard from OGC that there will be a briefing for Steve Neugeborn the week of 10/22.
3. Tribal Consultation Letters. We sent tribal consultation letters to the Spokane Tribe and Kalispel Tribe on October 11, 2018.

Overall

1. ESA consultation – We met with John to go over our progress on the BE. Martin and I have been pulling together information on facility operations and species and will be completing our analysis of discharge effects on the

receiving water and species. We received helpful feedback so are incorporating John's ideas. We will have a final internal draft for his review by Monday, 10/22.

2. Internal communication – I sent an update to the oil spill team on 10/17.
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 – I emailed my contacts on 10/17 with a status update
    b. Services – see above
    c. Federal Caucus - Presented on September 18. Mary Lou has also talked extensively with above.
    d. BOR – I had a call with BOR of on 10/17 17 and reviewed with them effluent limits, monitoring, and proposed 316(b) language. We have a second call on November 1 to discuss the EAL, BMP plans, and other updates.
    e. US Army Corps – I have a call with the Corps on Thursday as part of our biweekly check-ins. I have a call on Thursday, 10/18 to go over some specific questions
    f. Columbia Riverkeeper – no communication
    g. Ecology – see above
    h. ODEQ – I emailed them on Wednesday, 10/17 to follow up on the 401(a)(2) request.

Jenny Wu
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