Message

Sent: 12/3/2018 7:18:18 PM
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CC: Merz, Martin [merz.martin@epa.gov]
Subject: RE: WA Hydro Dams NPDES wkly update, 12/3

Here's a short weekly update on the WA hydro dams NPDES permits. I've spent most of this week continuing to have a permit for internal review by December 5, and organized comments, developed a general schedule and plan, and focused on evaluating temperature limit options in permits. Have a good Thanksgiving!

Lower Columbia and Lower Snake River Dams

1. Tribal Consultation – We are meeting with Yakama Nation on Friday, November 30 in Toppenish. They provided comments to us today, 11/20. Questions are: background, status and scope of permit; enforcement of Lower Columbia River dams that have NPDES permits split between EPA and ODEQ; stormwater coverage in existing NPDES permits/PCBs; Columbia River temperature TMDL – incorporating findings.
2. Ecology Draft 401 certification communications and status – I received comments from Ecology on all the Lower Columbia River and Lower Snake River permits and Fact Sheets. They are similar. Categories of comments are temperature limits, PCBs, BMP effectiveness monitoring, monitoring frequency, COD and TSS monitoring. I have a call with Ecology next Wednesday, 11/27.
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. No updates
5. 316(b) and Dams – There were briefings this week at EPA HQ, but we're waiting to hear from EPA HQ on the final decision. Dan provided sample 316(b) language in the Grand Coulee Dam and other permits.
6. ESA Consultation – No update - 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 – We will need to send a response letter to Colville Tribes' November 14, 2018 letter in response to our request for draft 401 certification. We planned to hold off until hearing word from EPA HQ on 316(b), but should respond to them by next week if we don't hear from EPA HQ. 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 – I worked with Susan, Martin, and others. The likely approach will be that we will set temperature increase limits for each dam, by using a portion of the 0.1oC temperature increase WLA. The portion is determined by calculating the proportional heat load from each facility compared to the total load and multiplying that by 0.1oC. I wrote a memo analyzing different options, corresponding permit limits, selecting

an option, and also describing the compliance equation, and evaluating whether the point sources can meet these loads. Based on the very limited temperature available, some dams can meet the limit, and some can't, but more data need to be collected to have a definitive conclusion.

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. I sent an update to my tribal contacts last Friday.
    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 – no update
    f. Columbia Riverkeeper – no update
    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 – no update
    i. BPA – no update

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