OWP HOT TOPICS
2017-02-13

This Week:

STATUS OF FINAL PRIMACY REVISIONS FOR THE REVISED TOTAL COLIFORM RULE

The deadline for states to submit their final primacy revision for the Revised Total Coliform Rule (RTCR) was February 13, 2017. North Dakota submitted their final package on February 16, 2016. As this was the first package to be approved by the region, we were required to send it to OGWDW for their review and concurrence. We expect to get an approval letter from OGWDW soon for North Dakota's primacy package. Upon receipt of this concurrence letter, publication in the Federal Register and public notice will proceed. Utah's complete final primacy package was received January 9, 2017, and is currently under regional review. Montana's final primacy package is expected to be submitted to the region by the end of March following publication of its state law on February 17, 2017. Colorado's final package will be delayed; the Drinking Water Program will meet with Colorado staff and management on March 6th to negotiate a schedule. South Dakota's final package is also delayed due to the lack of resources and new rule making restrictions imposed during the state legislative session. South Dakota has provided EPA with a schedule and anticipates submitting a final package in the summer of 2017. **Contact: Bob Clement, (303) 312-6653.**

OWP CONTINUES TRIBAL CONSULTATION ON WYOMING RECREATIONAL USE ATTAINAILITY ANALYSIS

OWP is continuing consultation with Tribes potentially affected by the Wyoming Statewide Recreational Use Attainability Analysis (UAA) submitted to EPA in November 2016 for review and action. On February 9, OWP, TAP, the Tribal Advisor and ORC met via teleconference with the Natural Resources Division of the Northern Arapaho Tribe to brief them on Wyoming's action and to seek their input on Reservation waters downstream of waters that Wyoming is downgrading from primary to secondary contact use. Tribal staff will discuss the issue with the Tribal business council and let us know whether they want to pursue formal consultation. On February 14, OWP, TAP and ORC held a teleconference consultation with the Eastern Shoshone Tribal business council and attorney general. They asked for time to consider the informational materials we provided, and suggested a follow-up discussion on Feb. 28. OWP is preparing to invite consultation with the Crow Tribe and initiate informal discussion with the Crow environmental director. Conversations are ongoing with Office of Water staff about how we

Ex. 5 Deliberative Process (DP)

s in our upcoming action on Wyoming's UAA. **Contacts: Ayn Schmit, 312-6220 or Sandie Spence, 312-6947**

WEBINAR ON THE 2017 CLEAN WATER ACT (CWA) SECTION 404 NATIONWIDE PERMITS (NWP) PLANNED FOR FIVE REGION 8 TRIBES
Experts from Region 8's CWA 404, watershed, and water quality standards programs will provide information on the 2017 NWPs to Region 8 tribes with Treatment in a Manner Similar to a State (TAS) authority for CWA water quality standards and CWA Section 401 water quality certification (certification) on February 22, 2017. With their TAS authority, the Assiniboine and Sioux Tribes, Northern Cheyenne Tribe, Ute Mountain Ute Tribe, Confederated Salish Kootenai Tribes, and the Blackfeet Tribe are responsible for providing certification or denials for permits that allow discharge into their waters. The proposed Corps of Engineers 2017 NWPs recently published in the Federal Register will be summarized during the webinar. We've confirmed that a Corps staff from either Sacramento or Albuquerque Districts will help present the information and answer questions. We have not yet heard from the Omaha District. This webinar is for technical assistance and will not be a consultation because these tribes have independent authority to provide certification for the NWPs. Because Region 8 is responsible for providing certification for 2017 NWPs on behalf of the other tribes in Region 8, the Office of Water Protection has sent an offer of consultation to the other 22 Tribes in Region 8. **Contacts: Toney Ott at 303-312-6909; Brent Truskowski at 303-312-6235; Peter Brumm at 406-457-5029.**

APPROVING NORTH DAKOTA'S 2016 CLEAN WATER ACT (CWA) §303(d) LIST
Under the CWA, states submit Integrated Reports (IRs) including their list of impaired waters (CWA Section 303(d) lists) to the EPA on even numbered years. The Agency must review and approve the 303(d) lists within 30 days. North Dakota's final 2016 303(d) list was submitted to EPA Region 8 for action on January 23, 2017, starting the 30-day approval clock (ending Tuesday, February 21). In R8, approval/disapproval of 303(d) lists is delegated to the ARA. The Office of Water Protection is planning to approve North Dakota's final 2016 303(d) list.
Contact: Kris Jensen 312-6237; Sandie Spence 312-6947

EPA PUBLIC NOTIFICATION TO TRIBES, SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (SDDENR) AND POWERTECH (USA) INC. STARTING THE WEEK OF FEBRUARY 20, 2017 FOR THE PROPOSED UNDERGROUND INJECTION CONTROL (UIC) PERMITS AND ASSOCIATED AQUIFER EXEMPTION FOR THE URANIUM IN-SITU RECOVERY PROJECT NEAR THE BLACK HILLS IN SOUTH DAKOTA. **UPDATE**Region 8 will publish the public notice and hearing information for the proposed UIC actions for the Dewey Burdock uranium in-situ recovery project the week of March 6, 2017. The information will be published in the Sheridan County Journal Star, Custer County Chronicle, Lakota Country Times, and Rapid City Journal papers, and the Indianz.com and EPA Region 8 websites. Region 8 plans to provide advanced notification to those tribes that originally requested formal consultation on the UIC permits, and to SDDENR and the company. Region 8 is developing public service announcements for local radio stations in the area directing listeners to where they can find more information on the project and how to provide comments. These spots will be aired after public notice publication. Four hearings are tentatively scheduled near the project area from April 27 through May 11, 2017. Region 8 will also offer public information sessions prior to these hearings to help explain the permits and requirements. The comment period is scheduled to last through May 19, 2017. **Contact: Douglas Minter, 303-312-6079**

OWP WEEKLY ACTIVITY REPORT

Update

MISSOURI RIVER BASIN INTERAGENCY ROUNDTABLE (MRBIR) MEETING IN THE EPA CONFERENCE CENTER

Region 8 will host the bi-annual MRBIR ([HYPERLINK "http://projects.ecr.gov/mrbir/" \h]) meeting in the conference center February 22-23, 2017. MRBIR is a group composed of Missouri River federal agency senior executives who gather for purposes of discussing Missouri River issues and sharing and exchanging information. MRBIR also has a planning committee that performs the detailed work of MRBIR in support of the executives. The EPA is currently the chair of MRBIR (Jeff Robichaud-Region 7). Jim Berkley is the MRBIR planning committee chair. General Spellmon (US Army Corps of Engineers-Northwest Division) typically attends these meetings and is expected, along with other executives. The chair responsibilities rotate among the member's agencies every year. This is the last meeting for which the EPA will be chair and the responsibility will move to the Western Area Power Administration for the next year.

Contacts: Jim Berkley, 312-7102.