OWP HOT TOPICS
2017-03-03

This Week--

Clean Water Act § 401 Certifications for the 2017 Corps of Engineers §404 Nationwide Permits: The Aquifer and Aquatic Resource Protection Unit is developing § 401Water Quality Certifications (certifications) for the Corps of Engineers (Corps) 2017 Nationwide Permits (NWPs) that would be used for activities on Tribal Lands in Region 8. The NWPs administered by the Corps are reauthorized every five years. EPA provides certifications for activities on Tribal lands where the Tribe does not have Treatment in a Similar Manner as a State for water quality standards under the Clean Water Act. The certifications provide conditions on the NWPs to protect water quality from the effects of the individual NWPs. The certifications are due to the Corps on **March 6, 2017;** certifications not received by March 6, 2017 are considered waived by the Corps. The certifications made by the Office of Water Protection will certify water quality for 11 of the 52 NWPs with general conditions, including a preconstruction notification requirement, and deny certification for 41 of the NWPs. Waivers will be granted for the length or acreage limits of all NWPs, all "After-the-Fact" NWPs, and all provisional NWPs. Projects that qualify for the use of a NWP for which certification has been granted must notify the appropriate Tribal Environmental Program and the EPA, but may proceed without further written verification from the EPA. Projects that qualify for the use of a NWP for which certification has been denied must request an individual project certification from the EPA. Individual certification allows the EPA and the Tribes to review projects to ensure water quality is protected. The AARPU is drafting the letter for signature by the OWP ARA, and consulting with two tribes who requested consultation following R8's offer to consult regarding conditions for the certification; the Tribes are Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community and the Oglala Sioux. **Contacts: Brent Truskowski 312-6235, Toney Ott 312-6909, Peter Brumm 406-457-5029.**

We still need to add:

- Widefield THM exceedance (Sarah B.)
- MT brief? Check with Ayn or Sandie whether they're doing one on this.

Next Week--

DRAFT UIC PERMITS ISSUED FOR DEWEY BURDOCK ISR SITE: We expect to issue draft UIC permits and a proposed aquifer exemption decision on March 6th to Powertech USA, Inc. for a proposed uranium in-situ recovery (ISR) project northwest of Edgemont, South Dakota. These UIC permits will be the first EPA has directly issued for uranium recovery nationwide, and include some requirements that will be new to the uranium ISR industry to ensure adequate protection of underground sources of drinking water (USDWs). The proposed project site is near the Black Hills, where at least 38 tribal nations have historic claims or consider this area to be sacred. Through consultation over the past several months, several tribes have raised concerns about potential impacts on historic properties of cultural importance. There will be a 75-

day public comment period (vs. the 30-day regulatory requirement), and four public outreach events (including hearings) in late April and early May near the site to allow ample opportunity for tribes and other stakeholders to comment. We will continue to encourage interested tribes to consult with us through the permitting process. Because of the tribal concerns raised and the proximity of this project to the Dakota Access Pipeline where some of the same Tribes are engaged (e.g., Standing Rock Sioux), we expect to receive many adverse comments and that a final decision to issue UIC permits would likely be appealed. Region 8's UIC program in the Office of Water Protection and the Public Affairs program are coordinating closely at various levels with OW, OGWDW, OITA, OAR, OPA and OGC. **Contacts: Sarah Bahrman, 312-6243; Douglas Minter, 312-6079; and Valois Shea, 312-6276.**

OWP WEEKLY ACTIVITY REPORT

This Week

WATER QUALITY WORSHOP: IMPACTING YOUR FARM'S BOTTOM LINE EPA, CDPHE, NRCS, and others sponsored a workshop held in La Junta, Colorado focused on agriculture in the Lower Arkansas basin. The more than 80 attendees included local agriculture producers, water districts, conservation districts, environmental groups, academia, and state and federal agencies. Participants heard about local case studies, the economic impact of of water quality on farm production, and real solutions. Surface and ground water in this part of Colorado is impacted by selenium, uranium, and salinity which may be detrimental to public health, fish, and ag production. Some local ag practices contribute to the pollution, and so voluntary BMPs are being sought to reduce their impact. ***For more information, contact Judy Bloom, 312-6395.***

REGION 8 HOSTING DRINKING WATER LEAD CORROSION CONTROL TREATMENT TRAINING: Next week on March 8th and March 9th, staff from the Office of Ground Water and Drinking Water and an EPA contractor will be conducting two 8-hour corrosion control trainings here in the Region 8 conference center. Over the course of the two days, we are expecting approximately 50 attendees from Region 8 states and Indian country. The list of attendees includes public officials from state drinking water programs, Indian Health Services, and the Bureau of Reclamation; representatives from water districts and water operators from public water systems; and engineering consultants and technical service providers that work with Region 8 drinking water systems in the field. Continuing education credits will be offered to those who complete the training. **Contacts: Natalie Cannon, 312-6625, Gwen Campbell, 312-6463, or Sarah Bahrman, 312-6243.**