Message

From: Matsumoto, Kimi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38D95BE36605427B8C0CC1A79B24209F-MATSUMO, KIMI]
Sent: 11/18/2019 11:34:40 PM
To: Peter Capossela [Ex. 6 Personal Privacy (PP)
Subject: RE: EPA and Tribal Attorneys meeting tomorrow

Hi Peter,
So glad to hear that, thank you for joining!
Take care,
Kimi

From: Peter Capossela <Ex. 6 Personal Privacy (PP)>
Sent: Monday, November 18, 2019 3:43 PM
To: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>
Subject: Re: EPA and Tribal Attorneys meeting tomorrow

Hi Kimi -- thank you for your email and voice mail, I will get on the call tomorrow. I hope you are well.

Peter

----- Original Message -----
From: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>
To: pcapossela@nu-world.com
Sent: Mon, 18 Nov 2019 12:58:49 -0800 (PST)
Subject: EPA and Tribal Attorneys meeting tomorrow

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Hi Peter,

I apologize for the very late notice, but for some reason, we only had Dean on our contact list for the Standing Rock Sioux Tribe. We are having a meeting tomorrow among
EPA, Corps of Engineers and Tribal attorneys tomorrow at 10:00 MST to discuss a number of Clean Water Act and Safe Drinking Water Act legal issues.

The Standing Rock Sioux Tribe has been in communication with EPA Region 8 about the Dewey Burdock project and the Clean Water Act 401 certification proposed rule which are
both on the agenda for tomorrow's meeting/call, so I'm hoping you might be able to join us. Apologies again for the late notice.

Thank you, Kimi

Kimi Matsumoto
Senior Assistant Regional Counsel
Legal Counseling & FOIA Branch
U.S. EPA Region 8 Office of Regional Counsel
1595 Wynkoop Street
Denver, CO 80202
303.312.6875

From: Matsumoto, Kimi

Sent: Thursday, November 14, 2019 11:47 AM
To:sazure@fortpecktribes.net; 'dgray@blackfeetnation.com'; kurt.spilker@crst-nsn.gov; jwhiteing@whiteinglaw.com; kurt.spilker@crst-nsn.gov;

Ex. 6 Personal Privacy (PP)

heatherw@narf.org

Cc: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>;
Swanson, Amy <Swanson.Amy@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>;
Logan, Paul <Logan.Paul@epa.gov>; Piggott, Amelia <Piggott.Amelia@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Agee, Erin <Agee.Erin@epa.gov>;
Castelli, Matthew <castelli.matthew@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Muller, Sheldon <Muller.Sheldon@epa.gov>;
Eads, Andrew <eads.andrew@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Clay, Lisa H CIV USARMY CESPK (US <Lisa.H.Clay@usace.army.mil>;
Kuehl, Kallie D SPA <Kallie.D.Kuehl@usace.army.mil>; Summer, M L (LeeAnn) CIV USARMY CESPA (US <LeeAnn.Summer@usace.army.mil>
Subject: Reminder - EPA Region 8/Corps/Tribal Attorneys Meeting on Tuesday, Nov. 19
Importance: High

Good afternoon,

We are looking forward to talking with you next week!

As you can see below, we have a full agenda for the 90-minute discussion.

I've added an attendees list for the EPA Region 8 and Corps attorneys.

Please RSVP to me so we have a sense of which Tribes will be represented by their attorney(s) for the call.

I'm also attaching a flier for an EPA drinking water utilities webinar that is being offered next week.

Thank you,

Kimi

Kimi Matsumoto
Senior Assistant Regional Counsel
Legal Counseling & FOIA Branch
U.S. EPA Region 8 Office of Regional Counsel
1595 Wynkoop Street
Denver, CO 80202
303.312.6875

EPA Region 8, Army Corps of Engineers and Tribal Attorneys Meeting

November 19, 2019

AGENDA

Logistics

Date: Tuesday, Nov. 19, 2019

Time: 10:00 am – 11:30 am, Mountain Time

Call in number: +1 Ex. 6 Personal Privacy (PP)

Attendees

EPA Region 8 Office of Regional Counsel Attorneys

- KC Schefski, Regional Counsel
- Elyana Sutin, Deputy Regional Counsel
- Brian Joffe, Associate Regional Counsel
- Amy Swanson, Section Chief, Regulatory Enforcement
- Staff Attorneys: Erin Agee, Matt Castelli, Lucita Chin, Abigail Dean, Mai Denawa, Peggy Livingston, Paul Logan, Kimi Matsumoto, Sheldon Muller, Erin Perkins, Amelia Piggott, Everett Volk

Army Corps of Engineer Attorneys

- Kallie Kuehl – Albuquerque District (CO, UT)
- Lisa Clay – Sacramento District (CO, UT, WY)
- TBD – Omaha District (CO, MT, ND, SD, WY)

(Others may join as schedules permit)

Tribal Attorneys

Discussion

- Welcome and Introductions (EPA) - 10 min

- EPA Region 8 ORC Reorganization (EPA) - 10 min

- Legal Matters/Topics of General Interest from Tribal attorneys (Tribal attorneys) – 20 min

- Clean Water Act/Water Resources – Recent Developments (EPA CWA attorneys and Corps attorneys) – 40 min

  - CWA Waters of the United States

    - Link to EPA WOTUS website: https://www.epa.gov/wotus-rule
    - Oct. 22, 2019 Final Rule – Recodification of Pre-Existing Rules (Repeal of 2015 Rule)
    - Link to Repeal of 2015 Rule website: https://www.epa.gov/wotus-rule/step-one-repeal

- Link to Oct. 22, 2019 Final Rule: https://www.govinfo.gov/content/pkg/FR-2019-10-22/pdf/2019-20550.pdf
  - Feb. 14, 2019 Proposed Rule – Revised Definition of "Waters of the United States"
- Link to Revised Definition of WOTUS website: https://www.epa.gov/wotus-rule/step-two-revise
- Link to Feb. 14, 2019 Proposed Rule:

https://www.federalregister.gov/documents/2019/02/14/2019-00791/revised-definition-of-waters-of-the-united-states

- CWA 401 certifications

  - August 22, 2019 Proposed Rule – Updating Regulations on Water Quality Certification: **Comments due Oct. 21, 2019**

https://www.epa.gov/cwa-401/proposed-rule-updating-regulations-water-quality-certification-0

  - June 7, 2019 CWA Section 401 Guidance for Federal Agencies, States and Authorized Tribes

https://www.epa.gov/sites/production/files/2019-06/documents/cwa_section_401_guidance.pdf

- EPA Interpretative Statement on Application of the Clean Water Act National Pollutant Discharge Elimination System Program to Releases of Pollutants From a Point Source to Groundwater, April 23, 2019

https://www.govinfo.gov/content/pkg/FR-2019-04-23/pdf/2019-08063.pdf

- CWA TAS – update

- CWA June 3, 2019 Policy for EPA Review and Action on CWA Program Submittals
  - Link to Policy:

https://www.epa.gov/sites/production/files/2019-06/documents/policy_for_the_epas_review_and_action_on_cwa_program_submittals_0.pdf

- CWA EPA May 2019 Draft Study of Oil and Gas Extraction Wastewater Management Under the Clean Water Act

https://www.epa.gov/sites/production/files/2019-05/documents/oil-and-gas-study_draft_05-2019.pdf

- Water Reuse Action Plan

  - Link to Federal Register Notice - Draft National Water Reuse Action Plan**: Comments due Dec. 16, 2019**

https://www.federalregister.gov/documents/2019/09/16/2019-19984/draft-national-water-reuse-action-plan

- Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) Program – Draft UIC permits for the Dewey Burdock uranium in-situ recovery project:
Comments due Dec. 9. 2019

https://www.epa.gov/uic/epa-dewey-burdock-class-iii-and-class-v-injection-well-draft-area-permits-2019

- Next EPA/Region 8 Tribal Attorneys In-Person Meeting in Conjunction with Spring RTOC and Tribal Leaders meeting at EPA Region 8 (EPA) –
10 min.

- Interest and potential agenda topics

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Peter Capossela
Attorney at Law
Post Office Box 10643
Eugene, Oregon 97440
(541) 505-4883