UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

July 13, 2012

The Honorable Bill Anoatubby
Governor
Chickasaw Nation
P.O. Box 1548
Ada, OK 74820

Dear Governor Anoatubby,

The U.S. Environmental Protection Agency (EPA) Region 6 is engaging your tribe in consultation and coordination regarding the partial program authorization for the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF). ODAFF intends to assume responsibility for the National Pollutant Discharge Elimination System (NPDES) permitting program, including compliance and enforcement, for Oklahoma dischargers within its jurisdiction. Upon program authorization, ODAFF would implement the federal NPDES program for wastewater discharges from concentrated animal feeding operations (CAFOs), silviculture, pesticides application, and storm water discharges from these activities as well as other agriculture related activities in the state of Oklahoma. EPA remains the authority for all permitting, compliance oversight, and enforcement for wastewater discharges to Tribal waters within Indian Country.

We are establishing opportunities for formal as well as informal discussion to further facilitate consultation and coordination. EPA anticipates the ODAFF formal request for authorization will be submitted on or about August 1, 2012. We will make these documents available to you upon our receipt of them.

We want to kick off our government to government consultation with any interested tribes by holding a conference call on Tuesday, July 24, 2012, at 1:00 PM CST. The conference call phone number is 866-299-3188 and the access code is 2146657396#. On the call, we will describe the program authorization process that is required by federal law for us to follow when any state or tribe requests NPDES program authority. We will explain the scope of this action and the anticipated schedule for EPA's program authorization review and decision making. We also will describe the opportunity for public comment. We can provide brief explanations of the current permit requirements for CAFO, pesticides application, and storm water discharges.

Tribal consultation will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (www.epa.gov/tribal/consultation/consult-policy.htm). EPA Region 6 invites you and your designated consultation representative(s) to participate in this process. Enclosed are EPA's planned consultation and coordination timeline and a fact sheet that describes the action under consultation.

If you have any questions, suggestions, or wish to discuss this action or the NPDES program in Oklahoma, please contact me at (214) 665-7101 or have your staff contact Denise Hamilton of my staff at (214) 665-2775 with any questions. Any questions about the consultation and coordination policy should be directed to Jeannine Hale, Region 6 Tribal Consultation Advisor, at 214-665-2136.

Sincerely,

William K. Honker, P.E.
Acting Director
Water Quality Protection Division

Enclosures

Government to Government Consultation and Coordination Timeline
Fact Sheet on ODAFF Program Authorization

cc: Linda Robins, Environmental Director