

Message

From: Aspatore, Amanda [AAspatore@nma.org]
Sent: 9/5/2017 9:43:48 PM
To: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
Subject: Selenium and Groundwater Information
Attachments: Oct 2015 NMA Comments on EPA Proposed Selenium Water Quality Criterion.pdf; NMA 2017 Selenium Implementation Comments.pdf; Industry Coalition County of Maui Amicus Brief.pdf; Municipal Amicus Brief 9th Circuit County of Maui.pdf; EPA Amicus Brief 9th Circuit County of Maui.pdf

Sarah –

Attached please find the National Mining Association's (NMA) technical comments on EPA's now final selenium water quality criterion, which include, among other things, suggestions for minor changes to the fish tissue calculations, concerns regarding the national water column calculations, and suggested edits to Footnote 3 of the criterion regarding when use of the fish tissue numbers (as opposed to the water column numbers) is permissible. NMA's comments on the current proposed draft implementation guidance documents are also attached, which outline several issues concerning the limits to state flexibility posed by the current proposed guidance language.

Additionally, attached are several amicus briefs filed to the U.S. Court of Appeals for the 9th Circuit in the case of *Hawaii Wildlife Fund v. County of Maui*, which relates to whether discharges that reach navigable waters through groundwater (among other means) require a CWA NPDES permit. The briefs include: (1) AAR, AFBA, AISI, API, NAM, NMA, TFI, and UWAG's brief asking the 9th Circuit to overturn the lower court's decision; (2) ACWA, CASA, CSAC, IMLA, the League, NACWA, NACo, NLC, and NWRA's brief asking the 9th Circuit to overturn the lower court's decision; and (3) the Obama Administration's brief asking the 9th Circuit to uphold the lower court's decision. The 9th Circuit has scheduled oral argument in the case for Oct. 12, 2017.

Please do not hesitate to contact me with any questions, or if you would like any additional information. Thank you so much – I hope that you are having a good evening!

Sincerely,
Amanda



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