

Message

From: Aspatore, Amanda [AAspatore@nma.org]
Sent: 10/12/2017 6:18:37 PM
To: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
Subject: RE: Selenium and Groundwater Information
Attachments: DeForest et al 2017 - Selenium Water Column ETC.pdf

Hi Sarah –

I wanted to pass along one additional selenium paper that recommends water column screening values of 6.5 and 3.0 ug/L for lotic and lentic environments, which differs from the current EPA recommended water column concentrations of 3.1 and 1.5 ug/L. Thank you so much!

Sincerely,
Amanda



Amanda E. Aspatore
Vice President, Water Law & Policy
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: **Personal Matters /**
aaspatore@nma.org

From: Aspatore, Amanda
Sent: Tuesday, September 5, 2017 5:44 PM
To: 'Greenwalt.sarah@Epa.gov' <Greenwalt.sarah@Epa.gov>
Subject: Selenium and Groundwater Information

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



Amanda E. Aspatore
Vice President, Water Law & Policy
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: **Personal**
aaspatore@nma.org