

Message

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Sent: 2/22/2018 9:33:45 PM
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Subject: Info re: time Frames for NPDES Delegation
Attachments: R10 ORA Briefing Paper_OWW_IPDES_1-4-17.pdf

Mac,

Great to meet with you and the Governor yesterday. Below is a memo on Idaho's ongoing delegation. It is helpful because it outlines all the steps. We are 100% committed to working closely with you on all the steps to move ahead with New Hampshire pursuing delegation of CWA Section 402 (NPDES).

How about we get a call set up shortly to go over this memo and the steps, and see if we can include NHDES, and set some timeframes that will guide us to make this a reality in the next 3 years. On EPA's end, we'd like to identify a key team for you and NHDES to work closely with on this.

Additional notes:

- 1) You'll see tribal consultation was a major step for the Idaho authorization, it will not be for NH. Endangered Species Act consultation, on the other hand, was a major issue in the 2000 NDPEs Maine authorization and may be in NH.
- 2) The two most recent authorizations have been in phases, with certain permit types in each phase. There are four phases in the Idaho authorizations, there were three in Alaska. Idaho is on track to receive NPDES authorization of phase 1 in July 2018.
- 3) The steps and time frames for the state and R10 EPA are summarized as follows:

Dec 2014 Legislative mandate for Idaho DEQ for apply for NPDES authorization

Dec 2014- July 2015 – State conducts public process for Rule development, EPA reviews draft rules (R10 and HQ staff participated in monthly meeting and provided written comments on draft documents.)

July 2015 – Aug 2016 – State finalize Rules, prepares application, begin guidance development (R10 and HQ staff participated in monthly meetings and provided written comments on draft documents.)

Aug 2016 – Sept 2016 – EPA conducts completeness review (Significant regional and HQ coordination throughout the review process.)

Sept 2016 – Feb 2017 – EPA Reviews application and provided state with comments (Again, significant internal EPA coordination.)

Feb 2017 – July 2017 – State prepares and submits revised application

Aug 2017 – Dec 2017 – Public Process and Hearings, continued guidance development, tool development, and capacity building (e.g. permit writer training)

Dec 2017 – July 2018 – Legislative approval of MOA, revisions to NPDES rules, application revisions, EPA drafting Responsiveness Summary and Tribal Consultation.

July 2018 – EPA approval of Phase 1 authorization. Ongoing IPDES guidance development schedule bimonthly through 2018 in preparation for phase 2-4 transfer.

Total Time: about 3.5 years for Phase 1

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