

U.S. Environmental Protection Agency, Region 8
Notice of Application from the Southern Ute Indian Tribe for
Program Authority under Clean Water Act Sections 303(c) and 401

The Southern Ute Indian Tribe (Tribe) of the Southern Ute Indian Reservation in Colorado submitted to the U.S. Environmental Protection Agency (EPA) Region 8 an application for program authority to administer the Clean Water Act (CWA) Section 303(c) Water Quality Standards (WQS) and Section 401 Certification programs. This authority is also referred to as Treatment in a Similar Manner as a State, or TAS, status.

The EPA received the Tribe's application for WQS program authority on March 4, 2015. The Tribe supplemented its application on June 16, 2016; July 26, 2016; and December 9, 2016. At this time, EPA is reviewing the Tribe's application in accordance with the federal water quality standards regulation at 40 C.F.R. 131.8 and requests comments on the assertion of authority to regulate surface water quality under CWA Sections 303(c) and 401 within the lands identified in the Tribe's application. Approval of the program authority application would allow the Tribe to submit WQS to EPA for review and action under CWA Section 303(c) for all surface waters within the lands identified in the Tribe's application. Approval would also provide the Tribe with the authority to issue or deny CWA Section 401 certification for federal permits or licenses for activities on these lands that may result in a discharge to surface waters.

The Southern Ute Indian Reservation lands are located in the state of Colorado, and border the state of New Mexico and the Ute Mountain Ute Reservation. The Tribe's application only includes lands held in trust by the federal government for the Tribe. A copy of the Tribe's complete application, which includes a legal description and maps identifying the tribal trust lands, is available at the following EPA website: <https://epa.gov/wqs-tech/water-quality-standards-regulations-southern-ute-indian-tribe>. The Tribe's application may also be reviewed on weekdays from 8:00 am - 5:00 pm, at the Tribe's Environmental Programs Division, located at 71 Mike Frost Way, Ignacio, CO 81137 (contact Curtis Hartenstine, at 970-563-0135). A copy of the application materials is also available at: Durango Public Library, 1900 E. 3rd Avenue, Durango, CO 81301 (contact Circulation Desk at 970-375-3380).

Comments on the Tribe's assertion of authority to regulate surface water quality under CWA Sections 303(c) and 401 within the lands identified in the application may be submitted in writing to EPA Region 8, at the address listed below. Comments must be submitted no later than the close of business on February 3, 2017.

George Parrish
EPA Region 8, OWP-WQU
1595 Wynkoop Street
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Email: parrish.george@epa.gov

If you have any questions, please contact George Parrish in the EPA Region 8 office by email at parrish.george@epa.gov or by phone at 303-312-7027 or 1-800-227-8917 (toll-free).