

U.S. Environmental Protection Agency, Region 6  
Notice of Application from the Citizen Potawatomi Nation for  
Treatment in a Manner Similar to a State under Clean Water Act Sections 303(c) and 401

The U.S. Environmental Protection Agency (EPA) Region 6 announces the extension of the comment period on the Citizen Potawatomi Nation's (the "Nation") application for eligibility under section 518(e) of the Clean Water Act (CWA) for treatment in a manner similar to a state (TAS) for the water quality standards and water quality certification regulatory programs (CWA sections 303(c) and 401). Notice for the comment period was previously published on December 1, 2016, in the *Shawnee News-Star* and on December 8, 2016, in the *Countywide News*. With the extension, the comment period concludes on February 28, 2017.

As a preliminary matter and as required by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (SAFETEA) (Public Law 109-59, 119 Stat. 1144 (August 10, 2005)), on January 13, 2011, EPA approved an environmental Cooperative Agreement between the Nation and the State of Oklahoma for the joint administration of water programs within the Nation. Following that approval, the Citizen Potawatomi Nation submitted the above mentioned application for EPA's determination that the tribe is eligible for TAS. At this time, EPA is reviewing the Citizen Potawatomi Nation's TAS application in accordance with the federal water quality standards regulation at 40 CFR 131.8 and requests comments on the Nation's assertion of authority to regulate surface water quality under CWA sections 303(c) and 401 within the lands identified in the Nation's TAS application.

Approval of the TAS application would allow the Citizen Potawatomi Nation to submit water quality standards identical to those of the State of Oklahoma to EPA for review and action under CWA section 303(c) for all surface waters within the lands identified in the Nation's application. These surface waters include portions of the North Canadian River, Squirrel Creek, North Deer Creek, Brier Creek, and several unnamed tributaries. Approval would also provide the Citizen Potawatomi Nation with the authority to issue or deny section 401 certification for federal permits or licenses for activities on these lands that may result in a discharge to surface waters.

The Citizen Potawatomi Nation's lands are located in Cleveland and Pottawatomie counties in the state of Oklahoma. The Nation's TAS application only includes lands held in trust by the federal government for the Citizen Potawatomi Nation. A copy of the Citizen Potawatomi Nation's complete application, which includes a table and maps identifying the tribal trust lands, is available at the following EPA website: <https://www.epa.gov/wqs-tech/water-quality-standards-regulations-citizen-potawatomi-nation>. The Nation's application may also be reviewed, or copied at requestor's expense, on weekdays from 8:00 am to 4:30 pm, at the Citizen Potawatomi Nation's Department of Environmental Protection. The Department is located at 41707 Hardesty Road, Shawnee, OK 74801 (contact Art Muller, Citizen Potawatomi Nation Environmental Director, at 405-878-4672).

Comments on the Citizen Potawatomi Nation's assertion of authority to regulate surface water quality under CWA sections 303(c) and 401 within the lands identified in the Nation's application may be submitted in writing, to EPA Region 6, at the address listed below, or by email, through February 28, 2017.

Ms. Evelyn Rosborough  
Water Division (6WQ-PO)  
EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202  
Email: [R6TASComments@epa.gov](mailto:R6TASComments@epa.gov)

If you have any questions, please contact Diane Evans in the EPA Region 6 office by email at [evans.diane@epa.gov](mailto:evans.diane@epa.gov) or by phone at 214-665-6677 or 1-800-887-6063 (toll-free).