

**U.S. Environmental Protection Agency, Region 8**  
**Notice of Additional Comment Period for the Southern Ute Indian Tribe's**  
**Application 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 published a public notice and held a 30-day comment period on the Tribe's application, specifically seeking comments on the substance and basis of the Tribe's assertion of authority to regulate the quality of waters on Reservation trust lands. The EPA is providing an additional comment period affording the opportunity to provide comments for an additional 30 days, and will review all additional comments pertaining to the Tribe's assertion of authority provided from June 1 – June 30, 2017.

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. The EPA is reviewing the Tribe's application in accordance with the federal water quality standards regulation at 40 C.F.R. 131.8. Consistent with EPA's regulation, the EPA held a 30-day comment period on the Tribe's assertion of authority set forth in its application from January 5 through February 3, 2017. On April 19, 2017, the Tribe further supplemented its application, providing higher resolution, more detailed maps which are now available for review. At this time, the EPA is providing an additional comment period extending the opportunity to provide comments for an additional 30 days and requests comments on the assertion of authority to regulate surface water quality under CWA Sections 303(c) and 401 on the Reservation trust lands identified in the Tribe's application. The EPA will review all additional comments pertaining to the Tribe's assertion of authority. The assertion of authority is presented in the *Application For A Determination Of Eligibility To Be Treated In The Same Manner As A State Under Section 518(e) Of The Clean Water Act And 40 C.F.R. 131.8 For Purposes Of The Water Quality Standards And Certification Programs*, March 2, 2015, with separate attachments containing supporting documentation.<sup>1</sup> 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 (i.e., all surface waters on Reservation trust lands). 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 Indian 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->

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<sup>1</sup> See Application, Section VII, pp. 10-13, and Chairman Frost letter dated November 28, 2016 (received by EPA on December 9, 2016).

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 June 30, 2017.

George Parrish  
EPA Region 8, OWP-WQU  
1595 Wynkoop Street  
Denver, CO 80202-1129

or via email to: [parrish.george@epa.gov](mailto: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](mailto:parrish.george@epa.gov) or by phone at 303-312-7027 or 1-800-227-8917 (toll-free).