



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

**Clean Water Act (CWA) Section 401 Certification for
Discharger Located within Tribal Boundaries**

Facility: Dworshak Dam
Permit Number: ID0028586
Location: Nez Perce Tribe
Receiving Water: North Fork Clearwater River
Facility Location: Ahsahka, ID 83520

EPA hereby certifies that the conditions in the National Pollutant Discharge Elimination System (NPDES) permit for Dworshak Dam, are necessary to assure compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA. See CWA Section 401(a)(1), 33 U.S.C. 1341(a)(1); 40 CFR 124.53(e).

The State in which the discharge originates is responsible for issuing the CWA Section 401 certification pursuant to CWA Section 401(a)(1). When a NPDES permit is issued on Tribal Land, the Tribe is the certifying authority where the Tribe has been approved by EPA for Treatment as a State (TAS) pursuant to CWA Section 518(e) and 40 CFR § 131.8. Where a Tribe does not have TAS, EPA is the certifying authority. The Nez Perce Tribe does not have TAS for this facility discharging into the North Fork Clearwater River. Therefore, EPA is responsible for issuing the CWA Section 401 Certification for this permit.

EPA certifies that the NPDES permit for Dworshak Dam complies with the applicable provisions of the CWA and Nez Perce Tribal law if the following conditions are met:

1. Mercury and Methylmercury Monitoring (Nez Perce Tribal Code § 4-3-50(a)(4)(E))
 - a) The permittee must conduct mercury and methylmercury sampling twice a year during March and August from each of the outfalls. The timing of monitoring may be modified if agreed upon by EPA, the Nez Perce Tribe, and the Permittee.
 - b) The permittee must notify the Nez Perce Tribe Director of Water Resources of planned sampling dates at least 30 days prior to the planned sampling dates.
2. TDG Notification
 - a) The permittee must notify the Nez Perce Tribe Director of Water Resources in the case of planned operations that are expected to exceed 110% TDG over a 12-hour period downstream of Dworshak Dam.
 - b) The permittee must notify the Nez Perce Tribe Director of Water Resources within 24 hours when TDG downstream of the dam exceeds 110% over a 12-hour period. The notification must be made once per exceedance event. When communication cannot be restored within 24 hours, notification should be made as soon as communications are restored.

3. Notifications must be made to the Nez Perce Tribe Director of Water Resources at the following:

Director of Water Resources
Nez Perce Tribe
kenc@nezperce.org
208-843-7368

Mathew J. Martinson
CAPT, USPHS
Branch Chief
Permits, Drinking Water, and Infrastructure