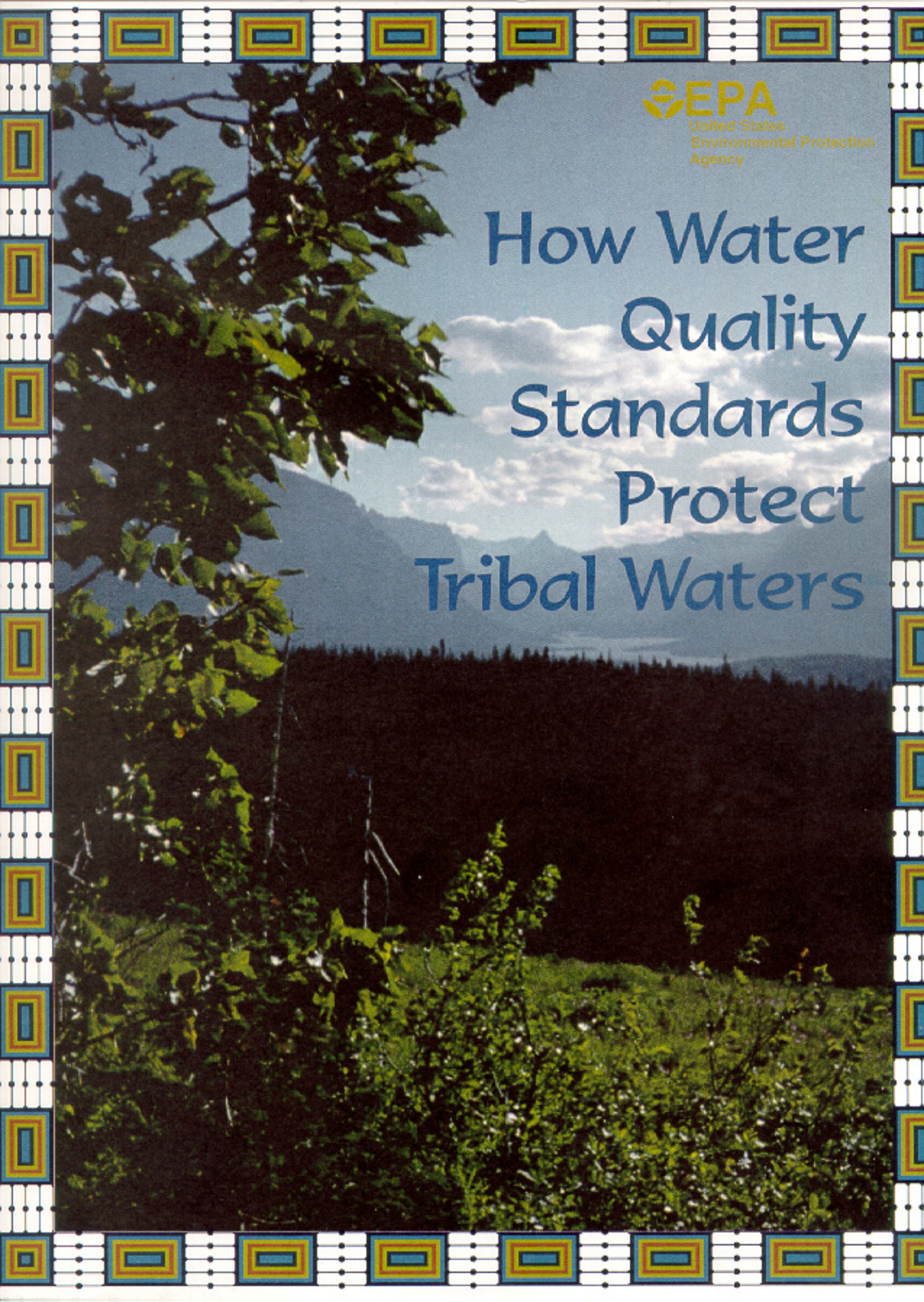


How Water Quality Standards Protect Tribal Waters



What are Water Quality Standards?

Water quality standards (WQS) are the foundation of the nation's surface water quality protection program. WQS are a tool for protecting and improving water quality. WQS define the use of the waterbody as well as the amount of pollutants that may be discharged into waters from sources such as industrial facilities, wastewater treatment plants, and storm sewers. WQS help reduce pollution from rural and urban areas. WQS comprise three components:

- ✦ The designated use (description of the goal for the waterbody, such as fishing, swimming, cultural, or traditional)
- ✦ Water quality criteria (limits on pollutants and conditions that will protect the designated use)
- ✦ An antidegradation policy governing changes in water quality.



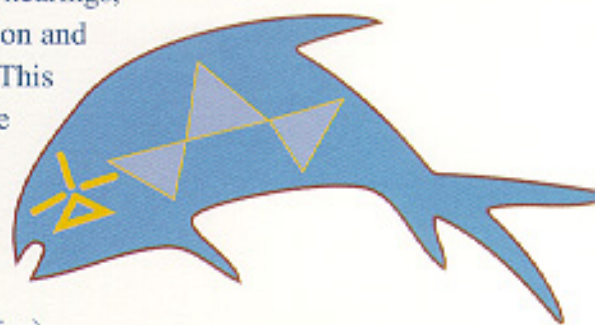
Water quality standards are adopted for all surface waters of the United States, including rivers, streams, intermittent streams, lakes, natural ponds, wetlands, and marine waters such as estuaries and near-shore coastal waters.

Indian Tribes Can Administer the Water Quality Standards Program on Tribal Land

With the water quality standards program, an approved Indian tribe can set the water quality goals for all surface waters (e.g., streams, rivers, lakes and wetlands) on the reservation. The tribe will also determine whether activities which require a federal license or permit are consistent with the tribe's water quality standards.

Setting Water Quality Standards — An Example

During the development of its WQS, a tribe decides, after holding public hearings, that it wants a waterbody on the reservation to be suitable for the protection and propagation of warmwater aquatic life (e.g., sunfish, bass, and crayfish). This becomes the *designated use*. The tribe adopts numeric criteria or narrative descriptions (*water quality criteria*) of various pollutants like toxic chemicals, and limits for water quality parameters, such as dissolved oxygen. Keeping pollutant concentrations below the criteria levels will ensure that the designated use is protected. The tribe must also protect water quality that is better than the minimum levels (*antidegradation policy*).



How Authorization Under the Clean Water Act Benefits Indian Tribes

- ✦ Under Section 401, if a requested license or permit within the reservation results in a discharge adversely affecting water quality, an eligible tribe may certify whether the requested license or permit satisfies the tribe's water quality standards.
- ✦ Tribes establish water quality goals for reservation waters to protect water resources.
- ✦ Tribes designate uses of waterbodies which may include cultural or traditional purposes.

Terms in this folder are defined in the enclosed glossary.

Graphics were taken from Clip Art © 1990-97, RT Computer Graphics, Inc., NM.

Front and back photos are of Blackfoot Indian Reservation Lands near Browning, Montana.

QUESTIONS ABOUT PROGRAM

AUTHORIZATION:

What does a tribe need to start the Water Quality Standards (WQS) process for our reservation lands?

Before a tribe may adopt standards consistent with the Clean Water Act, it must receive authorization to administer the WQS Program.

What is program authorization?

EPA uses four criteria to determine the eligibility of a tribe to administer the WQS program. These are:

- ◆ The tribe must be federally recognized;
- ◆ The tribe must have a governing body that carries out substantial governmental duties and powers;
- ◆ The tribe must have authority to administer the program for reservation waters; and
- ◆ The tribe must be capable of administering an effective WQS program.

Upon receiving authorization, the tribe can submit its WQS for approval to EPA. You can submit both applications for program authorization and tribal adopted WQS at the same time.

How does a tribe apply for the WQS program?

There is not a standard application to apply for program authorization. An Indian tribe submits documentation to show that it meets the four criteria above. Documentation should include copies of tribal laws or regulations and other supporting information. The appropriate EPA Regional Administrator (addresses are listed in this folder) reviews the information.



How will EPA evaluate a tribe's application for program authorization?

EPA will notify other governmental entities (states, tribes, and other federal agencies located contiguous to the reservation) that the tribe's application is under review and provide them with an opportunity to comment within 30 days, on the tribe's regulatory authority to administer the program.

How long can EPA take to review the application?

There is no specific timeframe for review because a decision is not made until a complete application is submitted and EPA has had an opportunity to review comments submitted by relevant governmental entities. EPA's processing of an application must be timely. The applicant tribe will be promptly notified when the EPA Regional Administrator makes a decision on the tribe's application.

QUESTIONS ABOUT WATER QUALITY STANDARDS:

Must an Indian tribe administer the WQS program?

No. It's up to the tribe. And the tribe can make that decision at any time.

When can a tribe start developing its WQS?

An Indian tribe may begin developing its WQS at any time, taking into account the unique characteristics of the waterbodies within the reservation. A tribe may submit its WQS to EPA at the same time it applies to administer the WQS program, or it can wait until EPA has approved its application for program authorization. EPA cannot approve a tribe's WQS submission until it has authorized the tribe's program.

Who does a tribe contact to get started?

Applications to administer the WQS program may be sent to the appropriate EPA Regional Contact listed in this folder (either the WQS Coordinator or the Indian Coordinator). EPA will work with the tribe throughout the application process. During the development of its WQS, we hope the tribe will frequently consult with the appropriate EPA WQS Coordinator (names and phone numbers are contained in this folder). Dialogue between the tribe and EPA is an essential part of the WQS development process. After the tribal WQS are adopted by the Tribal Council (or its equivalent), the tribe submits those WQS to EPA for review and approval or disapproval. EPA's Standards and Health Protection Division, Water Quality Standards Branch can also provide more information (see the contact page for the address and phone number).

Water Quality Standards offer solutions to real environmental problems on reservations – some examples:

The Problem: High levels of nutrients from agricultural activities caused undesirable plant growth and limited fish production.

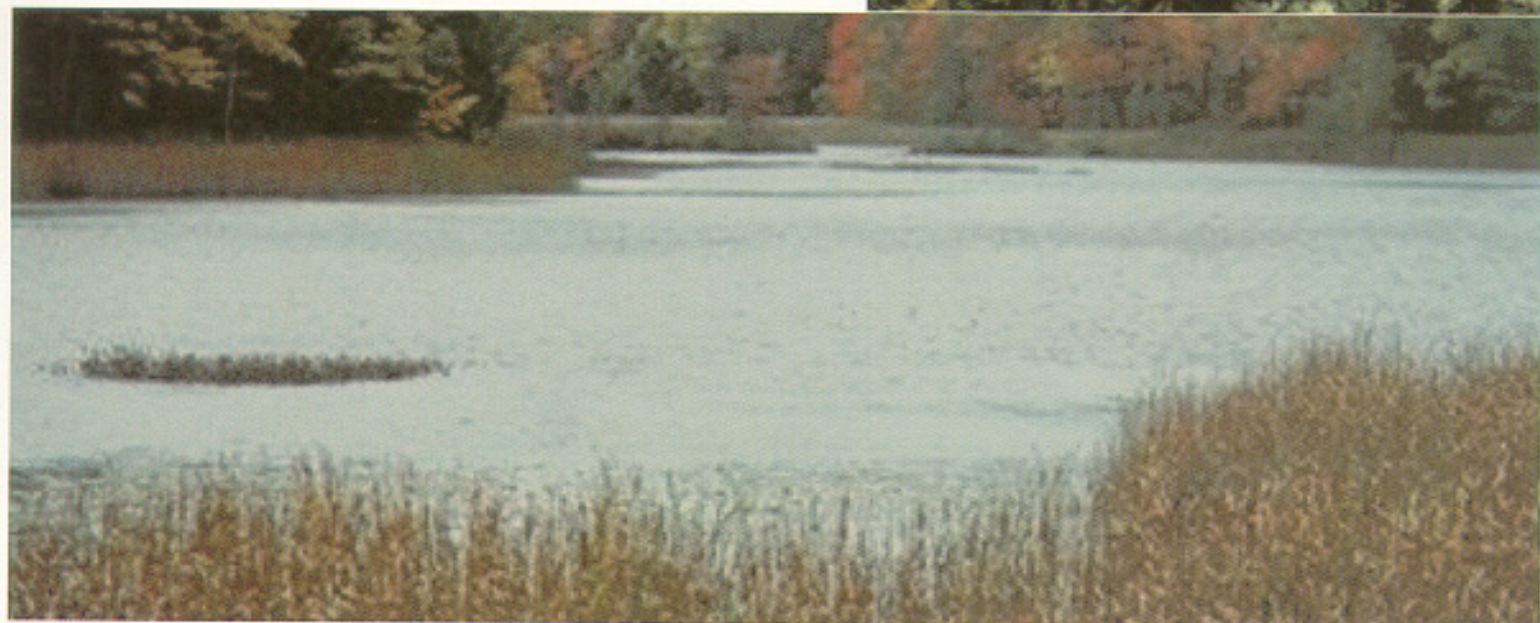
The WQS Solution: The tribe adopted a numeric limit for phosphorus. This resulted in reduced discharges from agricultural activities.

The Problem: High levels of ammonia being discharged by a sewage treatment plant that caused elevated ammonia concentrations in reservation waters which reduced fish populations.

The WQS Solution: The tribe adopted numeric limits for ammonia. This resulted in the sewage treatment plant altering its treatment processes to reduce the amount of ammonia being discharged.

The Problem: Fish populations were reduced even though numeric limits on pollutants were being met.

The WQS Solution: The tribe adopted biological criteria to describe the desired conditions of the fish community and other aquatic life. This gave them the regulatory basis for improving the fish populations.



U.S. Environmental Protection Agency Contacts

EPA Region 1

1 Congress Street
Boston, MA 02114-2023
www.epa.gov/region01

William Beckwith, WQS
Coordinator (617-918-1544)
James Sappier, Indian
Coordinator (617-918-1672)

EPA Region 2

290 Broadway
New York, NY 10007-1866
www.epa.gov/region02

Wayne Jackson, WQS
Coordinator (212-637-3807)
Christine Yost, Indian
Coordinator (212-637-3564)

EPA Region 3

1650 Arch Street
Philadelphia, PA 19103-2029
www.epa.gov/region03

Denise Hakowski, WQS
Coordinator (215-814-5726)
There are no federally recognized
tribes located in Region 3.

EPA Region 4

61 Forsyth Street SW
Atlanta, GA 30303-3104
www.epa.gov/region04

Fritz Wagener, WQS
Coordinator (404-562-9267)
Mark Robertson, Indian
Coordinator (404-562-9639)

EPA Region 5

77 West Jackson Boulevard
Chicago, IL 60604-3507
www.epa.gov/region05

David Pfeifer, WQS Coordinator
(312-353-9024)
Casey Ambutas, Indian
Coordinator (312-353-1394)

EPA Region 6

1445 Ross Avenue
Dallas, TX 75202-2733
www.epa.gov/region06

Russell Nelson, WQS
Coordinator (214-665-6646)
Eve Boss, Indian Coordinator
(214-665-2118)

EPA Region 7

901 N. 5th Street
Kansas City, KS 66101-2907
www.epa.gov/region07

Pat Costello, WQS Coordinator
(913-551-7939)
Wolfgang Brandner, Indian
Coordinator (913-551-7381)

EPA Region 8

999 18th Street, Suite 500
Denver, CO 80202-2466
www.epa.gov/region08

William Wuerthele, WQS
Coordinator (303-312-6943)
Sadie Hoskie, Indian
Coordinator (303-312-6343)

EPA Region 9

75 Hawthorne Street
San Francisco, CA 94105-3901
www.epa.gov/region09

Gary Wolinsky, WQS
Coordinator (415-744-1978)
Clancy Tenley, Indian
Coordinator (415-972-3785)

EPA Region 10

1200 Sixth Avenue
Seattle, WA 98101-1128
www.epa.gov/region10

Marcia Lagerloef, WQS
Coordinator (206-553-0176)
Sandra Johnson, Indian
Coordinator (206-553-6220)

U.S. Environmental Protection Agency

Office of Water
Standards and Health Protection
Division (4305)
Water Quality Standards Branch
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460
202-566-0400
www.epa.gov/ost

EPA Regional Offices and States in EPA's Regions

Region 1 Connecticut Maine Massachusetts New Hampshire Rhode Island Vermont	Region 3 Delaware District of Columbia Maryland Pennsylvania Virginia West Virginia	Region 5 Illinois Indiana Michigan Minnesota Ohio Wisconsin	Region 7 Iowa Kansas Missouri Nebraska	Region 9 Arizona California Hawaii Nevada American Samoa Guam Commonwealth of the Northern Mariana Islands
Region 2 New Jersey New York Puerto Rico Virgin Islands	Region 4 Alabama Florida Georgia Kentucky Mississippi North Carolina South Carolina Tennessee	Region 6 Arkansas Louisiana New Mexico Oklahoma Texas	Region 8 Colorado Montana North Dakota South Dakota Utah Wyoming	Region 10 Alaska Idaho Oregon Washington

If you wish to view tribal WQS approved by EPA,
access www.epa.gov/ost/standards/wqslibrary.

Office of Water (4305-T)
EPA-823-B-02-002
www.epa.gov
June 2002

Clean Water Act goal:

"...restore and maintain the chemical, physical, and biological integrity of the surface waters of the United States."



United States
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20460