

ENVIRONMENTAL Fact Sheet



Shoshone Bannock Tribes Water Quality Standards

U.S. Environmental Protection Agency, Region 10, September 2008

Shoshone Bannock Tribes to Develop Water Quality Standards for Fort Hall Reservation Waters

On September 5, 2008, the U.S. Environmental Protection Agency (EPA) Region 10 approved the Shoshone Bannock Tribes for “Treatment as a State.” The approval covers Sections 303(c) and 401 of the Clean Water Act. This means that the Tribes can now develop their own water quality standards under the Clean Water Act. They also can issue water quality certifications for National Pollutant Discharge Elimination System (NPDES) wastewater discharge permits and any other federal permit or license where there is a discharge to Reservation waters. This authority covers all of the water bodies within the Fort Hall Indian Reservation. A summary of this topic follows. More detailed information is available at:

<http://yosemite.epa.gov/r10/water.nsf/Water+Quality+Standards/SBT-TAS>

Water Quality Standards: The Tribes now have authority to develop their own water quality standards that would be in effect under the Clean Water Act. Water quality standards define the goals for a water body—by designating its uses, setting criteria to protect those uses, and establishing provisions to protect water quality from pollutants.

The Tribes have been working together with EPA and the Idaho Department of Environmental Quality to develop water quality standards. The standards will set goals for how clean the reservation waters within the Fort Hall Indian Reservation should be. The Tribes and IDEQ have been working together as the Tribes develop their water quality standards, and at this point the draft water quality standards that the Tribes are developing are very similar to those of the State.

The Tribes’ public participation process for the water quality standards has not yet begun. The Water Resources Department will hold a public hearing and give the public a chance to submit written comment on those standards while developing the standard and before they are submitted to EPA. The Tribes expect to initiate public participation on the standards in Spring 2009. The Tribes standards go into effect under the federal Clean Water Act after EPA approval.

Water Quality Certification: The Shoshone Bannock Tribes are now authorized to prepare Section 401 water quality certifications for federal permits of discharges to reservation waters within the Fort Hall Indian Reservation. This means that the Tribes will review any NPDES permit, Section 404 permit, or FERC license that would cause a discharge to Reservation waters before it is issued, to ensure that it would meet the Tribes’ water quality standards.

What Treatment as a State Status Means Locally

Wastewater Discharge Permitting: EPA will continue to issue NPDES permits. When Tribal water quality standards go into effect, EPA will use Tribal standards to set certain limits on discharges to reservation waters. When EPA renews NPDES permits upstream of the reservation, it will check on whether any changes are needed to comply with downstream Tribal water quality standards. Because the Tribes' standards are expected to be similar to State standards, it is unlikely that facilities will be required to take extra measures when EPA reissues their NPDES permits. EPA must seek Section 401 water quality certification from the Tribes before issuing final NPDES permits for discharges to reservation waters.

TMDL: Also called a Total Maximum Daily Load, a TMDL is a planning framework for identifying actions needed to bring a water body into compliance with standards. EPA will continue to be responsible for issuing TMDLs. Using Tribal water quality standards is not expected to change the TMDLs in any significant way. This is because the Tribes and State are likely to have consistent standards for nutrients and sediments which are, for the most part, the subject of the TMDLs.

Enforcement: The Tribes' Treatment as a State status does not give it any additional enforcement authority. EPA will continue to implement and enforce all authorities of the Clean Water Act for reservation waters.

Memorandum of Understanding: The Tribes, IDEQ and EPA are signing a Memorandum of Understanding (MOU) that establishes a process for the three governments to work together for any future revisions to the water quality standards. A copy of the MOU will be available on the website after it has been signed by the three governments.

Contacts for More Information

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