

# ENVIRONMENTAL Fact Sheet



## *Coeur d'Alene Tribe Water Quality Standards*

U.S. Environmental Protection Agency, Region 10

August 2005

### Coeur d'Alene Tribe To Develop Water Quality Standards for Reservation Waters

On August 5, 2005, the U.S. Environmental Protection Agency (EPA) Region 10 approved the Coeur d'Alene Tribe for Treatment as a State. The status covers Sections 303(c) and 401 of the Clean Water Act. This means that the Tribe can now develop its own **water quality standards**. It also can issue **water quality certifications** for National Pollutant Discharge Elimination System (NPDES) wastewater discharge permits. This authority covers the areas within the reservation waters of Coeur d'Alene Lake and the St. Joe River, except for Heyburn State Park. A summary of this topic follows. More detailed information and maps are available at [www.epa.gov/r10earth/cdatas.htm](http://www.epa.gov/r10earth/cdatas.htm).

**Water Quality Standards:** The Tribe now has authority to develop its own water quality standards. Water quality standards define the goals for a waterbody—by designating its uses, setting criteria to protect those uses, and establishing provisions to protect water quality from pollutants.

The Tribe has 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 of the Coeur d'Alene Lake and the St. Joe River should be. The Tribe's water quality standards will be very similar to those of the State.

The Tribal Council will give the public a chance to comment on those standards before they are submitted to EPA. Once EPA approves them, the standards go into effect under the federal Clean Water Act. Tribal standards could be in effect within one year from now.

**Water Quality Certification:** The Coeur d'Alene Tribe is now authorized to prepare Section 401 water quality certifications for

federal permits of discharges to reservation waters of the lake and the St. Joe River. This means that the Tribe will review NPDES permits before EPA issues them, to ensure that they meet 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 Tribe's 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 Tribe 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 waterbody 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 Tribe 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 Tribe's 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.

**Lake Management:** When the Tribe sets water quality standards, the many governments and stakeholders working on a Lake Management Plan

for Coeur d'Alene Lake will be better able to set priorities. This activity can help avoid future involvement of the lake in the Superfund process. Clean water that meets standards also could help improve recreation and draw tourism, important to the region's economy. Some sources of pollution off the reservation could be affected by the Lake Management Plan, as part of the effort to meet both Tribal and State water quality standards.

**Lake Access, Fees, and Uses:** The Coeur d'Alene Tribe possesses inherent authority to control the use of its lakebed and adjacent waters. Treatment-as-a-State status is approved under the Clean Water Act, and the TAS decision by EPA does not address the Tribe's existing inherent authority to collect fees (i.e., docks), restrict access to, and impose restrictions based on its ownership of the submerged lands of Coeur d'Alene Lake and St. Joe River.



## Contacts for More Information

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