



Waste Water Permits and Treatment as a State for the Coeur d'Alene Tribe

This fact sheet gives a basic introduction to the National Pollutant Discharge Elimination System (NPDES) wastewater permit program. It also discusses how EPA's approval of the Coeur d'Alene Tribe for Treatment as a State could affect this program.

What is the NPDES permit program?

Water pollution can make waterways unsafe for drinking, fishing, swimming, and other activities. The **National Pollutant Discharge Elimination System (NPDES)** permit program was created under the federal Clean Water Act to control water pollution. The NPDES program regulates "point sources" that release, or "discharge," pollutants into waters of the United States. Point sources are conveyances such as pipes or man-made ditches. Industrial, municipal, and other facilities must have permits if they discharge pollutants through point sources to surface waters. Since it began in 1972, the NPDES permit program has helped make big improvements to our Nation's water quality.

What's an NPDES permit?

An NPDES permit is a legal document that places limits on what can be discharged to waterways. Discharge limits are based either on what can be achieved using technology (technology-based limits) or what level of pollution restriction is needed to comply with local water quality standards (water quality-based limits). NPDES permits must ensure that the discharge will comply with water quality standards. Water quality standards are mandatory clean water goals set by states or approved tribes. NPDES permits also include monitoring and reporting requirements. They may include other conditions to make sure the discharge does not hurt water quality or people's health.

How might *Treatment as a State Status* for the Coeur d'Alene Tribe affect NPDES permits locally?

EPA still issues permits. The U.S. Environmental Protection Agency will continue to run the NPDES permit program throughout Idaho. When permits are issued or revised for discharges to the Reservation waters of Coeur d'Alene Lake and the St. Joe River, EPA will use the Tribe's water quality standards to set any

discharge limits needed to protect water quality. The Tribe did not apply for Treatment as a state to administer NPDES permits and EPA TAS approval does not authorize Tribal issuance or enforcement of NPDES permits.

New permit requirements are unlikely. Facilities with permits in the area already have technology that has satisfied the water quality goals set outside of the Reservation by the State. EPA anticipates that the Tribe's standards will be compatible with those of the State. Treatment as a state status should not alter permit reissuance.

The Tribe does 401 certification. This approval for treatment as a state gives the Tribe the authority to issue 401 certifications. The Tribe will use its EPA-approved standards to make certification decisions. This means that when permits for discharges to the Reservation waters of Lake Coeur d'Alene and the St. Joe River are issued or reissued, the Tribe will evaluate whether a discharge would violate its water quality standards. Based on that evaluation, they will grant, deny, or condition a water quality certification under section 401 of the Clean Water Act.

Upstream sources shouldn't violate downstream standards. When EPA renews NPDES permits upstream of the area for which the Tribe is approved, EPA will check whether any changes to discharge limits are needed to avoid violating the downstream water quality standards of the Tribe.

Which facilities with NPDES permits could be affected by these Tribal water quality standards?

Following is a summary of facilities with NPDES permits that would be affected directly by Tribal water quality standards.

City of St. Maries. This municipal treatment plant discharges treated water to the St. Joe River. Its NPDES permit has BOD, TSS, pH, and chlorine limits that are technology-based, and fecal coliform limits that are water quality-based. A comparison of Tribal and State standards finds that the two have very similar limits for criteria limited by the permit. The permit also includes a no discharge limit during the summer due to phosphorous impacts to water quality. EPA anticipates reissuing this permit in 2005.

Potlatch Corporation's St. Maries Plant. This facility's NPDES permit expired in 2001. The permit covered discharges of pollutants to the St. Joe River within the Reservation. It relied on the treatment technology to achieve applicable standards. Conditions in a renewed permit with the same discharge would likely continue to rely on that technology to meet the Tribe's standards.

Following is a summary of facilities with NPDES permits that would be affected indirectly by Tribal water quality standards.

City of Plummer. This municipal wastewater treatment plant also is located on the Reservation. The permit has BOD, TSS, and pH limits that are technology-based, and fecal coliform limits that are water quality-based. While this facility does not discharge to the waters where the Tribe's standards would be in effect, the Tribe's standards would be used as the water quality goals for the permit. EPA recently reissued this permit after consulting with interested parties including the Tribe.

Santa-Fernwood Sewer District and Clarkia Water and Sewer District.

These two municipal wastewater treatment plants are 20 to 30 miles upstream of the Reservation. These discharges would not likely impact tribal waters at the boundary of the Reservation.

Discharges to the Coeur d'Alene River. When EPA issues NPDES permits for discharges to the Coeur d'Alene River, EPA will consider whether the discharge limits protect the downstream water quality standards of the Tribe.

For information on facilities with NPDES permits, visit EPA's Envirofacts Warehouse on the web: http://www.epa.gov/enviro/index_java.html.

Contacts for More Information

Mike Lidgard, EPA, Office of Water and Watersheds
206-553-1755 or lidgard.michael@epa.gov

Susan Poulsom, EPA, Office of Water and Watersheds
206-553-6258 or poulsom.sally@epa.gov

Web Site: www.epa.gov/r10earth/cda.htm

Alternative formats are available. For reasonable accommodation, please call Renée Dagseth at 800-424-4372. TTY users, call 800-877-8339.