



LUMMI INDIAN BUSINESS COUNCIL

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FACT SHEET LUMMI NATION WATER QUALITY STANDARDS PROGRAM

Frequently Asked Questions	Response
<p>What are Water Quality Standards?</p>	<p>Water Quality Standards (WQS) are rules or laws that are adopted pursuant to the Clean Water Act (CWA) to protect the public health and welfare, enhance the quality of water, and serve the purposes of the CWA by providing, wherever attainable, for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water. These uses are commonly referred to as the "fishable/swimmable" goals of the CWA.</p>
<p>What is the Lummi Nation Water Quality Standards Program?</p>	<p>The Lummi Nation works in close cooperation with federal, state, and local agencies to address water quality issues. As part of this effort, the Lummi Nation applied to the U.S. Environmental Protection Agency (EPA) for eligibility to administer the water quality standards program under Section 518 of the Federal Clean Water Act (CWA). The March 5, 2007 EPA approval of the application allows the Lummi Nation to adopt, review, and revise water quality standards pursuant to Section 303(c) of the CWA, and to certify that discharges comply with adopted water quality standards pursuant to Section 401 of the CWA. Once approved, the water quality standards will apply to all surface waters within the exterior boundaries of the Lummi Indian Reservation (Reservation).</p>
<p>What is the Goal of the Lummi Water Quality Standards Program?</p>	<p>The overall goal of adoption of water quality standards is to attain fishable and swimmable waters within the Reservation.</p>
<p>Why did the Lummi Nation Seek Eligibility to Administer the Water Quality Standards Program?</p>	<ul style="list-style-type: none"> • To protect the quality of surface waters of the Reservation. • The Lummi Nation is governed by the Lummi Indian Business Council (LIBC), which carries out substantial duties and powers including the protection of the natural resources, health, welfare, and safety of tribal members and other residents of the Reservation. This program is fundamental to why governments exist – protection of public health and welfare. • Implementation of water quality standards is a well-recognized tool authorized under the CWA. Although the Lummi Nation has numerous other laws to protect the public health and welfare of Reservation residents, including the Water Resources Protection Code (Title 17 of the Lummi Code of Laws), the Lummi Nation also needs this tool to help address water quality problems that exist on the Reservation such as protecting productive estuaries and sensitive shellfish growing areas. • Washington State does not have the authority to address on-Reservation pollution sources.

<p>What does “Eligibility to Administer the Water Quality Standards Program” mean?</p>	<p>The EPA is responsible for administering and ensuring that the goals of the CWA are attained. If a state or tribe applies for eligibility and the EPA determines that the state or tribe has the capability to administer the water quality standards (WQS) program, the EPA can delegate their authority to the state or tribe. This is a two-part process. The first part is a determination by the EPA that a state or tribe is eligible to administer the program. The second part is the adoption of the actual water quality standards. The application process to administer the WQS program is rigorous.</p> <ul style="list-style-type: none"> • States have been administering WQS as part of the CWA since the 1970s. Tribal administration of the WQS program is a result of Section 518 of the CWA added in 1987. • This process has been referred to as "Treatment as a State," and "Treatment in a manner similar to a State." The acronym "TAS" is commonly used to refer to this program. • The EPA has delegated this authority to Washington State and to the following other Indian tribes: Chehalis, Kalispel, Makah, Port Gamble-S'Klallam, Puyallup, Spokane, Tulalip, and Lummi. Washington State and several of these tribes also have approved WQS. The Colville Tribe had the federal government promulgate WQS for the Colville Reservation.
<p>What is the Current Status of the Lummi Nation’s Water Quality Standards Program?</p>	<p>Status of the first part of the process (ELIGIBILITY).</p> <ul style="list-style-type: none"> • On March 5, 2007 the EPA determined that the Lummi Nation has met the requirements of CWA Section 518(e) and 40 C.F.R. Section 131.8 and therefore approved the Lummi Nation’s application for TAS to administer the water quality standards program pursuant to CWA Sections 518(e) and 303(c). Pursuant to 40 C.F.R. Section 131.4(c), the Lummi Nation is also eligible to the same extent as a state for the purpose of certification under CWA Section 401. <p>Status in the second part of the process (ADOPTION OF WQS).</p> <ul style="list-style-type: none"> • In 1997, the Lummi Nation developed draft Water Quality Standards but did not seek approval pending an EPA eligibility decision. • In 2006, the Lummi Nation revised the draft Water Quality Standards to incorporate new scientific information. • A 60-day public comment period (April 2 – June 1) and a public hearing (May 23, 2007 from 6-8 pm at the <i>Wex li em</i> Community Building) were held on the draft water quality standards. • Comments and responses were reviewed and the Lummi Natural Resources Commission approved the water quality standards with the addition of a map showing the classification of Reservation waters. • The Lummi Natural Resources Commission submitted the water quality standards for surface waters of the Lummi Indian Reservation for review and approval by the Lummi Indian Business Council. • The Lummi Indian Business Council approved the standards on August 3, 2007 and they became effective. • The EPA approved the Water Quality Standards in September 2008.