

# EPA Fact Sheet

## Confederated Tribes of the Colville Reservation: EPA Approval of the Tribes' Application for Treatment in a Similar Manner as a State (TAS) to Administer the Water Quality Standards and 401 Certification Programs

### Background

- The Colville Reservation covers approximately 1.4 million acres of land in central Washington. The Reservation is bounded on the east and south by the mid-point of the Columbia River, the mid-point of the Okanogan River provides the western boundary, and the northern boundary is formed by a line separating Township 34 and 35.
- The Confederated Tribes of the Colville Reservation (CTCR) has approximately 9,365 enrolled members. According to the 2010 US Census 7,256 persons, including 4,645 Colville tribal members, live within the boundaries of the Colville Reservation.
- Water resources within the Colville Reservation include portions of the Columbia River, the Okanogan River, Hall Creek, Twin Lakes, Wilmont Creek, the West Fork of the San Poil River, the San Poil River, the Nespelem River, Lost Creek, Omak Creek as well as other lakes, wetlands, ponds, springs and creeks. The TAS application identifies fifteen (15) watersheds within the Reservation boundaries.
- The CTCR and Washington State have coordinated efforts to consistently manage shared water bodies. For example, in 1985, the CTCR entered into an agreement with the Washington Department of Ecology and the Washington Department of Natural Resources regarding implementation of a Colville Water Quality Management Plan which provides for coordination of activities to ensure consistent requirements on shared water bodies by the CTCR and the participating state agencies.
- On May 2, 2018, the EPA approved the CTCR's application to establish water quality standards under the Clean Water Act for all surface waters on its formal reservation.

### TAS Application

- The CTCR requested formal review of its TAS application on December 20, 2013, for both the CWA section 303(c) (water quality standards) and 401 (water quality certification) programs. The CTCR amended their application on July 13, 2016 to request approval under the EPA's 2016 TAS interpretative rule.
- The EPA has previously approved the CTCR's TAS applications for the CWA sections 106 (water pollution protection) and 319 (nonpoint source) programs.
- Consistent with the EPA's regulations and practice, the EPA notified and afforded appropriate governmental entities, and the public the opportunity to comment on the assertion of authority

in the CTCR's application. In addition, EPA conducted outreach efforts with representatives of nearby municipal and county governments after the close of the comment period.

### Comments on the CTCR's Application

- The EPA received comments supporting approval of the TAS application from the Washington State Department of Ecology, noting that it "looked forward to continuing our strong partnership with the Confederated Tribes of the Colville Reservation and EPA on water quality in the region."
- The Boards of County Commissioners for Stevens, Ferry, and Lincoln Counties submitted comments expressing concerns that TAS approval would result in the Tribes developing stringent water quality standards that may potentially impact future economic development opportunities.
- The EPA's response to comments is included in the Decision Document approving the Tribe's application.

### Water Quality Standards

- In 1986, the CTCR requested that EPA promulgate water quality standards for the Tribes. The EPA completed the requested water quality standards promulgation in 1989. These water quality standards are currently in effect.

### Authorizations provided by TAS Approval

- The EPA's TAS approval authorizes the CTCR to develop water quality standards for all surface waters within the Colville reservation under CWA Section 303(c).
- Any water quality standards adopted by the CTCR and submitted to the EPA for action must satisfy all the CWA and regulatory requirements, including public participation to ensure an appropriate opportunity for any interested entities to provide input on the proposed water quality standards.
- The EPA's TAS approval allows the CTCR to ensure that CWA-permitted activities and facilities within the Colville Reservation meet the requirements of the EPA-approved water quality standards applicable to reservation waters.