

Proposed Federal Baseline Water Quality Standards for Indian Reservations

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EPA is proposing a rule to establish federal baseline water quality standards for waterbodies on Indian reservations that do not have Clean Water Act standards to protect people and the environment. Water quality standards describe the desired condition of waterbodies to ensure the water is safe for activities like swimming and fishing, and to protect the plants and animals that live in the waters, now and in the future. EPA's proposed action will protect an estimated 76,000 miles of rivers and streams and 1.9 million acres of lakes and reservoirs on Indian reservations that lack Clean Water Act standards.

Goals for Proposal

Fifty years ago, Congress established the goal in the Clean Water Act that our waters should support fishing and swimming wherever attainable. Consistent with that vision, all states and 47 tribes have adopted water quality standards in effect under the Act that specify the desired conditions for their waters. However, for a variety of reasons, most Tribes with Indian reservations lack such water quality standards. EPA's proposed baseline water quality standards would safeguard water quality for over half a million people living on over 250 Indian reservations. Beyond protecting human and environmental health, attaining and sustaining clean and safe water is essential for many Tribes' cultural and traditional activities.

Water quality standards describe the desired condition of a waterbody and the means to protect it. The proposed baseline water quality standards would provide a common set of designated uses (e.g., fishing and swimming), establish pollution limits to advance progress toward clean and safe water, and include antidegradation policies to protect Tribal waters from becoming more polluted. The proposal also includes built-in flexibilities to enable EPA to work with Tribes and other stakeholders to tailor the water quality standards where needed to best protect local communities. This action represents a key commitment in the EPA Office of Water's [2021 Tribal Action Plan](#) for partnering with Tribes to address water quality challenges in Indian country.

Through implementation of this rule, EPA will develop numeric limits for specific pollutants. To do that, EPA will rely on descriptive, narrative criteria included in this proposed rule that will be translated to specific pollutant values that consider, for example, EPA's [national water quality criteria recommendations](#), Tribal and location-specific information, and water quality standards for neighboring waters. Additionally, Tribes would be able to nominate specific waters for added protection as Outstanding National Resource Waters. Finally, this rule would provide a public process for EPA to revise designated uses and issue water quality standard variances where warranted. These are important flexibilities to accommodate natural differences and the variety of potential uses for different waterbodies.

Details of the Proposal

This proposed rulemaking reflects EPA's experience working with the Tribes that already have water quality standards in effect under the Clean Water Act. The proposed rulemaking also comes after decades of consultation and coordination with the Tribes. These federal baseline standards would be in effect until Tribes replace them with their own Clean Water Act standards.

Water quality standards are central to restoring and maintaining the quality of the Nation's waters. They are the foundation for developing, implementing, and enforcing water pollution control programs at the federal, state, and local levels, including:

- Establishing water quality-based effluent limits in National Pollutant Discharge Elimination System (NPDES) permits under Section 402,
- Performing Section 401 certifications of federal licenses and permits,
- Analyzing Section 404 permits for dredged or fill material, and
- Identifying waterbody impairments and developing total maximum daily loads under Section 303(d).

Water quality standards also provide a basis for measuring progress in improving water quality and protecting people and the environment. The proposed federal baseline water quality standards will allow EPA to better implement these Clean Water Act programs for the protection of Indian reservation waters.

EPA is proposing to apply the baseline water quality standards to all U.S. waters on Indian reservations except:

- Where EPA has approved the Tribe's water quality standards (47 Tribes),
- In specific cases where EPA has expressly approved a state's water quality standards for such waters or where EPA has promulgated other federal water quality standards, and
- Where a Tribe requests and receives an exclusion from baseline water quality standards coverage of this rule.

The proposed baseline water quality standards would not apply in off-reservation Indian allotments or dependent Indian communities.

Definitions of Terms

Water quality standards are an essential and widely used tool to advance progress toward the goal Congress established in the Clean Water Act: that our waters should be swimmable and fishable, wherever attainable. All 50 states and 47 tribes have established water quality standards for their waterbodies. These standards define the goals for a waterbody by designating its uses, setting water quality criteria to protect those uses, and adopting policies that protect existing water quality from degradation.

- **Designated Uses.** Water quality standards specify goals and expectations for how each waterbody is used. Typical designated uses include fishing, recreation, public drinking water supply, agricultural, industrial, navigational, and other purposes.
- **Criteria.** Water quality standards include water quality criteria that protect the designated uses of a waterbody. Water quality criteria can be numeric (e.g., the maximum pollutant concentration levels permitted in a waterbody) or narrative (e.g., a criterion that describes the desired conditions of a waterbody being "free from" certain negative conditions).
- **Antidegradation.** One of the principal objectives of the Clean Water Act is to "maintain the chemical, physical and biological integrity of the Nation's waters." Antidegradation requirements provide a framework for maintaining and protecting clean water that has already been achieved.

Where can I find more information?

Learn more about the proposed baseline water quality standards rulemaking at: <https://www.epa.gov/wqs-tech/promulgation-tribal-baseline-water-quality-standards-under-clean-water-act>.