Treatment as a State for §303(d) Authority

National Training Workshop for CWA 303(d) Listing and TMDL Staff 2017

Nancy Schuldt, Fond du Lac Band of Lake Superior Chippewa
Background: FDL Inquiry

• Baseline monitoring and assessment: only significant impairment was mercury in fish (also some WQ exceedences)
• Data across multiple media: air deposition, sediments, fish tissue, water column
• Approached Region 5 to discuss a tribal impaired waters program...CWA provides for that, but no guidance: critical gap
Total Mercury for St. Louis River, 2011 - 2015

- **FDL = 0.77 ng/L**
- **GLI = 1.3 ng/L**
Fish tested in 2001, 2008, 2015; updated consumption guidelines

GLRI Human Biomonitoring Study; those who ate locally caught fish had significantly higher blood mercury levels
Treaty fishing rights off-reservation; Encouraging healthy lifeways on-rez
Minnesota Statewide Mercury TMDL

• Evaluated state, national, global emissions, sources
• Determined need to reduce statewide air emissions 93% over 1990 baseline
• Developed sector reduction goals, timelines

However, even if TMDL reductions are achieved, hundreds of waterbodies will still be too high for removing consumption advisories (primarily in NE Minnesota)
FISH ADVISORY

FISH IN THIS SECTION OF THE ST. LOUIS RIVER ARE CONTAMINATED. MN. DEPT. OF HEALTH RECOMMENDS LIMITING MEALS OF THESE FISH. CALL MN. DEPT. OF HEALTH FOR MORE INFO. 612-627-5047
St. Louis River Cooperative TMDL

EPA Region 5, Fond du Lac Band of Lake Superior Chippewa, Minnesota, Wisconsin
St. Louis River Cooperative TMDL

EPA Region 5, Fond du Lac Band of Lake Superior Chippewa, Minnesota, Wisconsin
NTWC Elevates to EPA HQ

• National Tribal Water Council had been engaging with EPA HQ on various approaches for increasing tribal water quality capacity, with/without TAS requirement
• Recommended that EPA develop guidance for tribes who are interested in pursuing impaired water program authority; ability to prioritize and initiate TMDLs
• Relatively quick and uncomplicated rulemaking process!
• Fond du Lac is preparing TAS application; however, do not anticipate crushing demand nationwide. Tribes are all unique, with their own priorities and capacities.
Miigwech!