

**ABSTRACT**

**SUPERFUND MEETS TMDLS**

*Clifford Villa, Assistant Regional Counsel, U.S. Environmental Protection Agency Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1185, [villa.Clifford@epa.gov](mailto:villa.Clifford@epa.gov)*

Through a series of lawsuits across the country, environmental groups have compelled the development of total maximum daily loads (TMDLs) by state agencies and US Environmental Protection Agency (EPA). One of those lawsuits pushed the development of TMDLs to address water quality in the watershed of the Coeur d'Alene River Basin of northern Idaho. Like most contaminated waterways in the United States, contamination in the Coeur d'Alene River derived largely from nonpoint sources. In this particular case, a century of mining activities had resulted in millions of tons of mine wastes deposited within the bed and banks of the river. Addressing contamination on this scale would require hundreds of millions of dollars, at minimum.

The mere existence of a TMDL brings no environmental benefit. A TMDL requires some other framework for implementation. For nonpoint sources, one framework may be the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund. For the Coeur d'Alene Basin, Superfund provided the legal framework as well as financial resources to evaluate the extent of mining contamination, identify cleanup alternatives, and initiate cleanup actions. Superfund authority is not, as some may suppose, limited to use at designated "Superfund sites" such as in the Coeur d'Alene Basin, but may be applied almost anywhere there is a "release of a hazardous substance" into the environment.

This creates a substantial overlap with the "discharge of pollutants" under the Clean Water Act, so that the two statutory programs can apply symbiotically to many of the same environmental problems, as this presentation will discuss.