

TAS for the Water Quality Standards Program

Overview

Water quality standards (WQS) provide the regulatory and scientific foundation for protecting water quality under the Clean Water Act (CWA, or the Act). Under the Act, **EPA can authorize eligible tribes to set their own WQS** which, like state WQS, can be submitted to EPA for review and approval and used to define water quality goals and set pollutant limits for waters within their jurisdiction. This authorization for tribes is commonly called “TAS” for treatment in a similar manner as a state for CWA purposes.

To become authorized, tribes must apply to EPA and show that they meet certain basic requirements.¹ Before approving an application, EPA provides notice to adjacent state(s), tribe(s), and local stakeholders and an opportunity for these entities to provide input on the tribe’s assertion of authority.

Once authorized for TAS, a tribe can seek federal approval of its WQS so that they can be used for all purposes under the CWA, including enforceable regulatory actions. WQS consist of designated uses for water bodies, water quality criteria to protect those uses, and an antidegradation policy. To obtain federal approval of its WQS, a tribe must comply with EPA’s implementing regulations² by developing all elements of its WQS, holding a public hearing on those WQS, adopting final WQS under tribal law, and submitting them to EPA for review. Upon EPA approval, the tribe’s WQS will be effective for CWA purposes and will apply to the reservation waters covered by the TAS approval.

Establishing WQS is an important step in protecting water quality. WQS not only set water quality goals for a tribe’s water bodies, but also serve as the regulatory basis for establishing water quality-based treatment controls and strategies. For example, to control discharges to the tribe’s waters, EPA establishes enforceable effluent limits in National Pollutant Discharge Elimination System (NPDES) permits that derive from and comply with the tribe’s EPA-approved WQS.³ Tribes with TAS for WQS can also issue water quality certifications to ensure that discharges to reservation waters that are subject to federal permits and licenses will comply with the tribe’s WQS. Additionally, tribes can monitor the quality of their waters to help identify waters not meeting their WQS and to help develop pollutant reduction plans.⁴

Tribes interested in knowing more about TAS for the WQS program may visit EPA’s [Tribes and Water Quality Standards Web site](#) or [contact the EPA Regional Office](#) for their area.

¹ [CWA](#) section 518 authorizes EPA to “treat an Indian tribe as a state” for purposes of administering WQS if the tribe meets specific conditions: being federally recognized, having a governing body carrying out substantial powers

and duties, being reasonably expected to be capable of carrying out the program, and having authority to manage and protect water resources within the borders of an Indian reservation.

² See [40 CFR part 131](#).

³ A tribe can also apply to EPA for TAS authority to issue such NPDES permits. To do so a tribe would need to provide materials to establish its TAS eligibility for the [CWA section 402 program](#).

⁴ A tribe can also apply to EPA for TAS authority to issue lists of impaired waters and establish total maximum daily load plans for EPA's approval. To do so a tribe would need to provide materials to establish its TAS eligibility for the [CWA section 303\(d\) program](#).