

TAS for the Water Quality Standards Program

Procedural Steps for Tribal TAS Applications¹

To meet regulatory requirements, EPA normally uses the following informal procedures for processing applications from federally recognized Indian tribes to become eligible to be treated in a similar manner as states (TAS) for the water quality standards (WQS) and water quality certification programs. The procedures generally consist of four steps:

- **Step 1: The Tribe Submits an Application.**² Tribes are encouraged to work with the EPA [Regional Office](#) in developing their TAS eligibility applications³ to administer the WQS and certification programs. Drafts or components of the application may be shared with EPA before being formally submitted to the Agency. After EPA examines the tribe's application, EPA may request additional information.

Step	Description	Responsibility
1A	Pre-application discussions and technical assistance (if appropriate)	Joint Tribe-EPA
1B	EPA review of pre-application materials (if requested)	
1C	Tribe submits application to EPA	
1D	EPA initial review and request for additional information (as appropriate) as soon as practicable.	EPA (Region) ⁴
1E	Tribe submits additional information (if requested)	Tribe

- **Step 2: Comment Period.** Within 30 days of receipt of an application that is ready for review, EPA notifies appropriate governmental entities and the local public about the tribe's application. EPA's notice includes information about the substance and basis of the tribe's claims regarding authority to regulate reservation water quality, and provides 30 days for comments on the tribe's assertion of authority. EPA then affords the tribe the opportunity to respond to the comments.

Step	Description	Responsibility
2A	EPA notifies appropriate governmental entities and the local public (within 30 days after receipt of a tribal application that is ready for review)	EPA (Region)
2B	Comment period (30 days) ⁵	Commenters
2C	Within 45 days of the close of the comment period, EPA assembles comments, provides them to the tribe, and discusses a tentative schedule and next steps	EPA (Region)
2D	Tribe responds to comments (if any)	Tribe

- **Step 3: EPA Review.** A team of EPA regional and headquarters staff reviews the application to determine whether it meets the requirements for eligibility. EPA may request additional information from the tribe, as appropriate.

Step	Description	Responsibility
3A	EPA reviews comments and tribal response (if any)	EPA (Team)
3B	Within 90 days, to the extent practicable, of the close of the comment period, EPA discusses the need for any additional information with the tribe (as needed)	EPA (Region)
3C	Tribe provides additional information (if requested) ⁶	Tribe

- **Step 4: Final Decision.** The EPA regional office notifies the tribe in writing of EPA’s decision regarding the tribe’s application. Where EPA approves the application, the approval letter and the decision document are transmitted to the tribe.

Step	Description	Responsibility
4A	EPA prepares decision document and response to comments	EPA (Team)
4B	EPA regional official signs decision document and notifies the tribe ⁷	EPA (Region)

¹ This document sets out the procedures EPA intends to follow in processing TAS applications for the CWA WQS and water quality certification programs. EPA retains the discretion to deviate from this process when appropriate. This document imposes no binding legal requirements.

² Special provisions of law apply to tribes in the State of Oklahoma. Tribes in Oklahoma should contact EPA for more information about TAS eligibility for EPA regulatory programs.

³ For more information on TAS applications, refer to [TAS Application Template](#) and [Frequently Asked Questions](#).

⁴ EPA regions always have the lead for communicating with the tribe and will generally be the lead for the EPA review team, which consists of EPA regional and headquarters personnel, involved in processing a particular application. The team is generally activated when an application is received and works collaboratively as needed, especially in later stages of substantive review and preparation of decision documentation.

⁵ In some cases, it may be appropriate for EPA to extend the comment period. EPA coordinates with the tribe prior to providing any extension of the comment period.

⁶ Consistent with established practice, EPA provides relevant supplemental application information it receives to appropriate governmental entities, and provides an additional opportunity to comment.

⁷ In accordance with EPA’s delegation manual, regions will seek headquarters concurrence on the first TAS application for each program (including WQS) within a region.