



**Similarities between Clean Water Act Treatment as a State (CWA TAS) and Clean Air Act Treatment as a State (CAA TAS)**

<b>CWA TAS Requirements</b>	<b>CAA TAS Requirements</b>
<p>Section 518 (e) of the CWA expressly provides for Indian tribes to play essentially the same role in Indian country that states do within state lands, authorizing EPA to treat eligible federally recognized Indian tribes in a similar manner as a state (TAS) for implementing and managing certain environmental programs.</p>	<p>The Tribal Authority Rule implements the provisions of section 301(d) of the Clean Air Act (CAA) authorizing eligible tribes to implement their own tribal air programs</p>
<p>Under Section 518 (e) of the CWA the four criteria are:</p> <ul style="list-style-type: none"> <li><i>(a) The applicant is an Indian tribe recognized by the Secretary of the Interior;</i></li> <li><i>(b) The Indian tribe has a governing body carrying out substantial governmental duties and functions;</i></li> <li><i>(c) The functions to be exercised by the Indian tribe pertain to the management and protection of water resources within the exterior boundaries of the reservation or other areas within the tribe's jurisdiction; and</i></li> <li><i>(d) The Indian tribe is reasonably expected to be capable, in the EPA Regional Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the Clean Air Act and all applicable regulations.</i></li> </ul>	<p>Under Section 301 (d) of the CAA the four criteria are:</p> <ul style="list-style-type: none"> <li><i>(a) The applicant is an Indian tribe recognized by the Secretary of the Interior;</i></li> <li><i>(b) The Indian tribe has a governing body carrying out substantial governmental duties and functions;</i></li> <li><i>(c) The functions to be exercised by the Indian tribe pertain to the management and protection of air resources within the exterior boundaries of the reservation or other areas within the tribe's jurisdiction; and</i></li> <li><i>(d) The Indian tribe is reasonably expected to be capable, in the EPA Regional Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the Clean Air Act and all applicable regulations.</i></li> </ul>

## Similar Authorities Between CWA TAS and CAA TAS

Clean Water Act	Clean Air Act
<p>CWA Section 303 (c) – Water Quality Standards</p> <ul style="list-style-type: none"> <li>- Under Section 303(c) of the CWA, states and authorized tribes are responsible for reviewing, revising, and adopting WQS and submitting such WQS to the EPA for review and approval or disapproval</li> <li>- Tribes may develop WQS more stringent than required by the CWA and the EPA’s implementing regulations at 40 CFR Part 131</li> </ul>	<p>CAA Section 103 – Research, Investigation, Training, and Other Activities</p> <ul style="list-style-type: none"> <li>- Research and development programs are authorized such as monitoring, modeling, and inventories; health effects research; and ecosystem research.</li> <li>- Development of nonregulatory strategies and technologies for air pollution prevention are authorized.</li> </ul>
CWA Section 303 (d) – Impaired Waters Listing	CAA Section 105 – Grants for Support of Air Pollution Planning and Control Programs
CWA Section 401 – Water Quality Certifications	CAA Section 126 – Interstate Pollution Abatement
	CAA Section 502 – Permit Programs