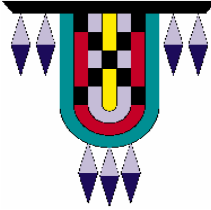


FACT SHEET



The Public Water System Supervision (PWSS) Program

In 1974 the United States enacted legislation, the Safe Drinking Water Act (SDWA), designed to protect public health through maintaining and improving the quality of the nation's drinking waters. The law was amended in 1986 and 1996 and authorizes many actions to protect drinking water and its sources.¹ Through the Public Water System Supervision (PWSS) program, EPA implements and enforces drinking water standards to protect public health.

Tribes may be approved for primary enforcement responsibility (or “primacy”) to implement the national standards for the PWSS program at public water systems under their jurisdiction. EPA Regions retain primary enforcement authority on lands of tribes that have not obtained primacy for the PWSS program. A tribe must obtain “treatment in the same manner as a state” (TAS) approval in order to obtain primacy. TAS is sought in conjunction with primacy or a program development grant and is not a separate process.² The *Tribal Primacy: An Overview* brochure (EPA 816-K-02-007) has more details on primacy requirements for the PWSS program.

The information below identifies the requirements for a federally-recognized Indian tribe to be eligible for TAS for the PWSS program as set forth in SDWA § 300-j11(b) and 40 C.F.R. § 142.72.

TAS Eligibility Requirements

In order to be determined eligible for TAS for the PWSS program, a tribe must meet certain criteria. An Indian tribe must:

1. Be recognized by the Secretary of the U.S. Department of the Interior.
2. Have a tribal governing body currently carrying out substantial governmental duties and powers over a defined geographical area.
3. Demonstrate that the regulatory functions to be performed in regulating the public water systems that the applicant intends to regulate are within the area of the Indian Tribal government’s jurisdiction.
4. Show it is reasonably expected to be capable of administering an effective PWSS program in a manner consistent with the SDWA and all applicable regulations.

¹ Water systems regulated under SDWA are those that serve 25 or more persons or have at least 15 connections; regulated systems can be either privately or publicly owned.

² A tribe that wants to develop a PWSS program may apply for a program development grant under Section 1443 of the SDWA, 42 U.S.C. § 300j-2. A tribe seeking a PWSS program development grant must meet the TAS eligibility requirements set forth in 40 C.F.R. § 142.72, as well as the requirements a state must meet, to obtain a grant.

To demonstrate TAS eligibility under 40 C.F.R. § 142.76, a tribe must provide a concise application that describes how the tribe meets the eligibility criteria. The application must include the following information.

TAS Application Materials	
1. A statement that the tribe is recognized by the Secretary of the Interior.	
2. Information about the tribal government:	
a. Describe the form of tribal government.	
b. Describe the types of governmental functions currently performed by the tribal governing body (for example, the exercise of police powers relating to the health, safety, and welfare of the tribal community; taxation; and the exercise of the power of eminent domain).	
c. Identify the sources of the tribal government's authority to carry out the governmental functions currently being performed (for example, a constitution, by-laws or tribal ordinances).	
3. Proof of tribal authority:	
a. Provide a map or legal description of the area over which the Indian tribe has authority	
b. Provide statement by the tribal Attorney General (or equivalent official) that describes the basis for the tribe's assertion of jurisdiction	
c. Provide copies of those documents that the tribe believes are relevant to its assertion of jurisdiction (such as the tribal constitution, by-laws, charters, executive orders, codes, ordinances, and/or resolutions).	
d. Describe the locations of the public water systems that the tribe regulates.	
4. Description of tribe's capabilities to administer an effective PWSS program:	
a. Describe the tribe's previous management experience	
b. List existing environmental or public health programs administered by the tribal government and copies of related tribal laws, regulations and policies	
c. Describe the tribe's accounting and procurement systems	
d. Describe the entity or entities that exercise the executive, legislative, and judicial functions of the tribal government	
e. Describe the existing, or proposed, agency of the Indian tribe that will assume primary enforcement responsibility, including a description of the relationship between the owners/operators of the public water systems and the agency	
f. Describe the technical and administrative abilities of the staff to administer and manage an effective PWSS program or a plan proposing how the tribe will acquire additional administrative and/or technical expertise. The plan must address how the tribe will obtain the funds to acquire the additional administrative and technical expertise.	

Additional Information:

- ❖ The EPA Administrator may request further documentation necessary to support a tribe's eligibility for TAS.
- ❖ If the EPA Administrator has previously determined that a tribe has met the requirements for TAS eligibility under the SDWA for the Underground Injection Control (UIC) Program, the Clean Water Act (CWA), or the Clean Air Act (CAA), then that tribe only needs to provide information unique to the PWSS program (See Paragraphs 3, 4e and f under *Application Materials*).

Application Submission:

Applications should be sent to the EPA Regional Office that oversees the SDWA for your tribe. To find information about which EPA Region works with your tribe, visit:

<http://www.epa.gov/indian/map.htm>

REGION	ADDRESS and Phone Number	REGION	ADDRESS and Phone Number
Region 1: NH, VT, ME, MA, RI, CT	EPA Region 1, (CDW) 1 Congress St., Suite 1100 Boston, MA 02114-2023 617-918-1590	Region 7: NE, IA, KS, MO	EPA Region 7 Mail code:(WWPD/DRWM) 901 N. Fifth St. Kansas City, KS 66101 913-551-7410
Region 2: NJ, NY, PR, VI	EPA Region 2 290 Broadway, 24th Floor New York, NY 10007-1866 212-637-3564	Region 8: MT, ND, SD, WY, UT, CO	1595 Wynkoop Street (8P-W-DW) Denver CO 80202-1129 303-312-6269
Region 4: KY, TN, NC, SC, GA, AL, MS, FL	EPA Region 4 61 Forsyth St, SW Atlanta, GA 30303 404-562-9438	Region 9: CA, NV, AZ	EPA Region 9 (WTR-6) 75 Hawthorne St San Francisco, CA 94105 415-947-8707
Region 5: MN, WI, MI, IL, IN, OH	EPA Region 5 (WD-15J) 77 W. Jackson Blvd Chicago, IL 60604 312-353-2087	Region 10: AK, WA, OR, ID	EPA Region 10 (OW-136) 1200 Sixth Avenue Seattle, WA 98101 206-553-4350
Region 6: NM, TX, OK, AR, LA	EPA Region 6 (6WQ-SD) 1445 Ross Ave Dallas, TX 75202-2733 214-665-2297		<i>(There are no federally recognized tribes in EPA Region 3.)</i>