

Regulatory and Non-regulatory Treatment in a Similar Manner as a State (TAS)



Treatment in a Similar Manner as a State (TAS) is a key element for a Tribe that wants to administer provisions and programs established under U.S. Environmental Protection Agency (EPA) laws and regulations. Tribes must apply for TAS for each eligible EPA program or function they wish to administer. Although not statutory or regulatory terms of art, “regulatory TAS” and “non-regulatory TAS” distinguish categories of TAS. Regulatory TAS refers to seeking eligibility to administer programs or functions that involve an exercise of regulatory authority by the Tribe. Non-regulatory TAS refers to seeking eligibility to apply for funding or to administer functions that do *not* include any exercise of regulatory authority. [Read more about TAS on the EPA website.](#)

REGULATORY TAS

What is it?



A Tribe approved for regulatory TAS is eligible to submit to EPA the standards/program(s) covered by their TAS, which will involve the exercise of the Tribe’s regulatory authority.

What can Tribes do with it?

(authorized activities vary for each EPA program)



Fully engage in the environmental regulatory process and set environmentally protective standards the Tribe deems appropriate.



Issue permits for facilities that affect areas in a Tribe’s jurisdiction.

Examples



Tribes can administer Clean Water Act water quality standards and permitting programs or Clean Air Act implementation plans.

NON-REGULATORY TAS

What is it?



A Tribe approved for non-regulatory TAS is eligible to apply for funding or to administer provisions of federal environmental laws that will not involve any exercise of the Tribe’s regulatory authority.

What can Tribes do with it?

(authorized activities vary for each EPA program)



Become more engaged and aware of EPA programs without fully assuming a regulatory program.

Examples



Tribes can administer EPA program provisions to ensure the Tribe receives notice of permit issuances that may affect their air or water quality.



Tribes can apply for new funding sources or for reduced matching funds for certain grants.

To learn more about GAP and TAS, see [GAP Homepage](#).