

40 C.F.R. § 123.31

Requirements for eligibility of Indian Tribes.

(a) Consistent with section 518(e) of the CWA, 33 U.S.C. 1377(e), the Regional Administrator will treat an Indian Tribe as eligible to apply for NPDES program authority if it meets the following criteria:

- (1) The Indian Tribe is recognized by the Secretary of the Interior.
- (2) The Indian Tribe has a governing body carrying out substantial governmental duties and powers.

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