

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 2: Definitions and General Provisions
§ 203. Rules and adoption by reference
Cite as: 27 CNCA § 203

A. The Commission shall have the authority to promulgate rules, adopt requirements by reference, establish implementation programs, require permits or licenses, and take appropriate enforcement actions as necessary to prevent pollution and ensure that the following minimum requirements are met in Indian Country:

1. federal standards and requirements under Section 112 of the Federal Clean Air Act, 42 U.S.C. § 7412, for hazardous air pollutants and for the prevention and mitigation of accidental releases of regulated substances under 42 U.S.C. § 7412(r);
2. federally-approved water quality standards of adjacent states and nations;
3. drinking water standards established by federal law;
4. requirements under the Resource Conservation and Recovery Act, 42 U.S.C. § 6921 et seq., Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., Clean Water Act, 33 U.S.C. § 1294 et seq., Endangered Species Act, 16 U.S.C. § 1531 et seq., National Environmental Policy Act, 42 U.S.C. § 4321 et seq. and other federal environmental laws.

B. The Commission may promulgate rules that incorporate by reference and/or modify appropriate environmental requirements established by the federal government or neighboring states or nations. The Commission may adopt requirements in addition to, or more stringent than, those under federal law or laws of adjoining states.

C. Requirements adopted by the Commission shall be enforceable through licenses, permit conditions, administrative proceedings or court actions without a showing of actual harm or intent.

Historical Data

LA 31-04, eff. July 16, 2004. Renumbered from 63 CNCA § 1001.