

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 4: Air Quality

§ 404. Definitions

Cite as: 27 CNCA § 404

As used in the Cherokee Nation Clean Air Act:

1. **"Accidental release"** means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
2. **"Administrator"** means the Administrator of Environmental Quality Programs.
3. **"Air contaminants"** means the presence in the outdoor atmosphere of fumes, aerosol, mist, gas, smoke, vapor, particulate matter or any combination thereof that creates a condition of air pollution.
4. **"Air pollution"** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as tend to be or may be injurious to human, plant or animal life or to property, or which interfere with the comfortable enjoyment of life and property, excluding, however, all conditions pertaining to employer-employee relations.
5. **"Ambient air"** means the surrounding outdoor air.
6. **"Commission"** means the Cherokee Nation Environmental Protection Commission.
7. **"Emission"** means the release or discharge of any air contaminant or potential air contaminant into the ambient air.
8. **"Federal Clean Air Act"** means the federal Clean Air Act, 42 U.S.C. § 7401 et seq., as amended, including the federal Clean Air Act Amendments of 1990.
9. **"Hazardous air pollutant"** means any air pollutant listed and regulated pursuant to 42 U.S.C. § 7412(b).
10. **"Hearing officer"** means a person appointed to preside at public hearings held pursuant to this chapter.
11. **"Person"** means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, tribe, state, trust, estate, municipality or any other legal entity, or their representative, agent or assign.

12. "**Regulated substance**" means any substance, including extremely hazardous substances, listed and regulated pursuant to 42 U.S.C. § 7412(r)(3).

13. "**Small business stationary source**" means a stationary source as defined in 42 U.S.C. § 7661f(c).

14. "**Toxic air contaminant**" means any substance determined to be highly toxic, moderately toxic, or of low toxicity pursuant to criteria set forth by rule. The term shall not be construed to include pollutants for which a primary and secondary ambient air quality standard has been promulgated under the federal Clean Air Act to the extent of the criteria for which they are listed.

15. "**Trade secret**" means information, including but not limited to a formula, pattern, compilation, program, device, method, technique or process, that:

a. derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

b. is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The term "**trade secret**" shall not be construed to include data concerning the amount, emission rate or identification of any air contaminant emitted by any source, nor shall it include the contents of any proposed or final permit.

Historical Data

LA 42-04, eff. November 23, 2004. Renumbered from 63 CNCA § 2-5-104.