

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 6: Solid Waste

§ 603. Definitions

Cite as: 27 CNCA § 603

As used in the Cherokee Nation Solid Waste Code:

1. **"Affiliated person"** means:

- a. any officer, director, partner or sole shareholder of the applicant;
- b. any person employed by the applicant as a general or key manager or who directs operations of the site, transfer station, or facility addressed by the application; or
- c. any person owning or controlling more than five percent (5%) of the applicant's debt or equity.

2. **"Disclosure statement"** means a written statement by the applicant which contains:

- a. the full name, business address, and social security number of the applicant, and all affiliated persons;
- b. the full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they may impact operations;
- c. a description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations;
- d. a listing and explanation of any administrative, civil or criminal legal actions against the applicant and affiliated persons in the ten (10) years immediately preceding the filing of the application. Such action shall include, without limitations, any permit denial or any sanction imposed by a tribe, a state regulatory agency or the United States Environmental Protection Agency; and
- e. a listing of any other tribe, federal and state environmental agency that has or has had regulatory responsibility over the applicant.

3. **"Disposal site"** means any place, including, but not limited to, landfills, transfer stations, surface disposal sites and burial areas, at which solid waste is dumped, abandoned, or accepted or disposed of by incineration, land filling, land application,

composting, shredding, compaction, baling or any other method, or by processing by pyrolysis, resource recovery or any other method, technique or process designed to change the physical, chemical or biological character or composition of any solid waste so as to render such waste safe or nonhazardous, amenable to transport, recovery or storage or reduced in volume.

4. **"Dwelling"** means a permanently-constructed, habitable structure designed and constructed for full-time occupancy in all weather conditions, which is not readily mobile. The term shall include, but is not limited to, traditional housing and manufactured homes.

5. **"Final closure"** means those measures for providing final capping material, proper drainage, perennial vegetative cover, maintenance, monitoring and other closure actions required for the site by statute, rule, permit or order.

6. **"Hazardous waste"** means any solid waste, or a combination of solid wastes, which meets the criteria to be considered hazardous under 40 C.F.R. 261.3, or which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- a. cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or
- b. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; or
- c. any substance listed by the United States government as hazardous.

7. **"History of noncompliance"** means any past operations by an applicant or affiliated persons which clearly indicate a reckless disregard for environmental regulation, or a demonstrated pattern of prohibited conduct which could reasonably be expected to result in adverse environmental impact if a permit were issued.

8. **"Inert waste"** means any solid waste that is insoluble in water, chemically inactive, that will not leach contaminants, or is commonly found as a significant percentage of residential solid waste.

9. **"Integrated solid waste management plan"** means a plan that provides for the integrated management of all solid waste within the planning unit and embodies sound principles of solid waste management, natural resources conservation, energy production, and employment-creating opportunities.

10. **"Lithified earth material"** means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. The term "lithified

earth material" shall not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth's surface.

11. **"Maximum horizontal acceleration in lithified earth material"** means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a ninety percent (90%) or greater probability that the acceleration will not be exceeded in two hundred fifty (250) years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

12. **"Monofill"** means a landfill which is used to dispose of a single type of specified nonhazardous industrial solid waste, except for other nonhazardous industrial solid wastes which are not readily separable from the specified waste.

13. **"Nonhazardous industrial solid waste"** means any of the following wastes deemed by Administrator to require special handling:

- a. unusable industrial or chemical products;
- b. solid waste generated by the release of an industrial product to the environment; or
- c. solid waste generated by a manufacturing or industrial process.

The term **"nonhazardous industrial solid waste"** shall not include waste that is regulated as hazardous waste or is commonly found as a significant percentage of residential solid waste.

14. **"Person"** means any individual, corporation, company, firm, partnership, association, trust, state agency, tribe, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

15. **"Recycling"** means to reuse a material that would otherwise be disposed of as waste, with or without reprocessing.

16. **"Seismic impact zone"** means an area with a ten percent (10%) or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in two hundred fifty (250) years.

17. **"Solid waste"** means all putrescible and nonputrescible refuse in solid, semisolid, or liquid form, or contained gaseous material, including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial waste including explosives, biomedical wastes, chemical wastes, mining wastes, herbicide and pesticide wastes.

18. **"Solid waste landfill"** means, but is not limited to, municipal solid waste landfills as defined in federal regulations.

19. **"Solid waste management system"** means the system that may be developed for the purpose of collection and disposal of solid waste by any person engaging in such process as a business or by any municipality, authority, trust, county or by any combination thereof at one or more disposal sites.

20. **"Solid waste planning unit"** means any district, Indian community, county, incorporated city or town, municipal authority or trust in which any governmental entity is a beneficiary, or other legal entity however organized, which the Administrator determines to be capable of planning and implementing an integrated solid waste management program.

21. **"Transfer station"** means any disposal site, processing facility or other place where solid waste is transferred from a vehicle or container to another vehicle or container for transportation, including but not limited to a barge or railroad unloading facility. It does not include:

- a. a facility such as an apartment complex or a manufacturing plant, where solid waste that is transferred has been generated by the occupants, residents, or facility functions;
- b. a citizens' collection station; or
- c. a solid waste collection system which leaves waste in enclosed containers along the collection route for later transport.

22. **"Waste reduction"** means to reduce the volume of waste being generated and/or requiring disposal.

Historical Data

LA 15-05, eff. April 20, 2005. Renumbered from 63 CNCA § 603.