

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 6: Solid Waste
§ 608. Permit required—Exemptions
Cite as: 27 CNCA § 608

A. Except as otherwise specified in this section:

1. No person shall dispose of solid waste at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the EPC;
2. No person shall own or operate a site or facility at which solid waste is disposed other than a site or facility for which a permit for solid or hazardous waste disposal has been issued by the EPC; and
3. No person shall knowingly transport solid waste to an unpermitted site or facility.

B. A person is not prohibited from disposing of solid waste from his or her household upon his or her property provided such disposal does not otherwise create a nuisance or a hazard to the public health or environment or does not violate any other applicable laws, rules, orders or ordinances. Provided, however, disposal areas for more than fifty (50) tires, junk cars or similar wastes shall be subject to the permit requirements of this chapter.

C. The EPC shall issue a permit to be effective for the life of a given site or operation, but may require periodic renewal or modify the permit as appropriate. Each person who operates a landfill disposal site shall submit information on an annual basis at such times and in such form as the EPC shall require, sufficient to allow the EPC to know the remaining landfill life and ensure compliance with financial assurance requirements are met.

D. Information and data submitted in support of a permit application or a permit modification application shall be prepared and sealed by a professional engineer licensed to practice in Oklahoma or Arkansas unless a waiver of this requirement is obtained.

E. The EPC shall not issue any permit for the siting or expansion of an asbestos monofill which will be located closer than five hundred (500) yards from any occupied residence. No asbestos monofill shall be constructed within three (3) miles of the corporate boundaries of any city or town or within one (1) mile of a designated scenic river.

F. Disposal sites approved by the EPC to receive only solid waste shall not accept for disposal any biomedical waste or waste classified as hazardous waste.

G. No permit shall be required for a disposal site constructed pursuant to an order issued by the EPC in an effort to remediate an abandoned or inactive waste site. Such disposal site shall only receive waste from the remediation project, and shall be designed, constructed, and operated in accordance with the standards established in applicable rules, statutes, permits or orders. Such standards shall not be less stringent than those which would apply to a federally-funded remediation project pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act.

H. The EPC shall not issue any permit for the siting of a new solid waste disposal site in any location that is:

1. within a locally fractured or cavernous limestone or cherty limestone bedrock;
2. within five (5) miles of any water well owned by a rural water district that is used or has the potential to be used to provide water to customers of the district; or
3. within any area judged to present unacceptable risks to any water supply or any other beneficial use of surface water or groundwater, or
4. Within a one-hundred (100) year floodplain.

I. The EPC may reject a permit application for siting of a new solid waste disposal site where it determines that it create an unacceptable risk to public health, safety or welfare, natural resources or the environment The applicant shall be entitled to a hearing and in any event shall have the burden of proof to show that such a risk would not exist.

J. The EPC may include conditions and terms in any permit to require restrictions on site location, types and amounts of wastes authorized, pretreatment and sorting, recycling, stormwater and discharge controls, retention times or other schedules, cover and revegetation, fencing, buffer zones, setbacks, fencing, reporting, recordkeeping, sampling, and any other condition or term deemed appropriate to avoid, minimize or mitigate environmental impacts or other unacceptable risks to public health, welfare and safety.

K. Where appropriate, the EPC may require both owner and operator to be listed as joint permittees or may require separate permits for the owner(s) of the property, owner(s) of the business and/or the operator(s) of the business.

Historical Data

LA 15-05, eff. April 20, 2005. Renumbered from 63 CNCA § 608.