Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 6: Solid Waste
§ 613. Site closure plan—Financial security
Cite as: 27 CNCA § 613

A. All disposal site owners shall provide a closure plan to the EPC for approval which defines operational phases and includes cost estimates, and plans and specifications for final closure. A site may be closed in phases according to a closure plan approved by the EPC.

1. Owners of landfills that receive household solid waste, defined as Municipal Solid Waste Landfill Facilities in the federal regulations adopted under Subtitle D of the federal Solid Waste Disposal Act, and owners of nonhazardous industrial waste landfills shall provide for the maintenance and monitoring of such works for thirty (30) years.

2. Generator-owned and -operated private industrial nonhazardous monofills and landfill disposal sites may apply to the EPC for a variance from the thirty (30) year postclosure monitoring or other closure requirements, provided that no variance may allow for requirements that are less stringent than those under applicable federal law.

3. Disposal sites other than land disposal sites shall have a closure plan which would accomplish the removal and proper disposal of any remaining waste and the elimination of potential environmental health hazards.

B. Financial assurance for costs of closure and any postclosure shall be provided in accordance with 40 C.F.R. Part 258 and any applicable EPC rules.

C. The Nation shall be the sole beneficiary of any such assurance and shall have a security interest therein.

D. When financial assurance is required, it shall remain in effect until closure and any postclosure is completed.

Historical Data

LA 15–05, eff. April 20, 2005. Renumbered from 63 CNCA § 613.