

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 6: Solid Waste

§ 663. Definitions

Cite as: 27 CNCA § 663

As used in STARS:

1. **"Abandoned system"** means a storage tank system which:
 - a. has been taken permanently out of service as a storage vessel for any reason or is not intended to be returned to service,
 - b. has been out of service for one (1) year or more prior to April 21, 1989, or
 - c. has been rendered permanently unfit for use as determined by the Commission.
2. **"Administrator"** means the Administrator of the Cherokee Nation Environmental Protection Commission.
3. **"Commission"** means the Cherokee Nation Environmental Protection Commission.
4. **"Corrective action"** means action taken to monitor, maintain, minimize, eliminate or clean up a release from a storage tank system.
5. **"Corrective action plan"** means the plan submitted to the regulatory program of the Commission detailing the method and manner of corrective action to be taken for a release.
6. **"Council"** means the Cherokee Nation Tribal Council.
7. **"Environment"** means any chemical, physical or biological component of the earth, including but not limited to water, water vapor, air, land (surface or subsurface), fish, birds and other wildlife, vegetation, and all other natural resources.
8. **"Facility"** means any location or part thereof containing one (1) or more storage tanks or systems.
9. **"Hazardous substance"** shall include:
 - a. any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601, but not including:
 - i. any substance regulated as a hazardous waste under Subtitle C of the federal Solid Waste Disposal Act, 42 U.S.C. § 6903, or

ii. any substance regulated as a hazardous waste under the Cherokee Nation Environmental Code;

b. a mixture of hazardous substances and petroleum, providing the amount of petroleum is of a de minimis quantity;

c. substances identified as such in 40 C.F.R. Parts 117 and 302; and

d. any other substances so designated by the Commission.

10. **"Operator"** means any person in control of or having responsibility for the daily operation of the storage tank system, whether by lease, contract, or other form of agreement. The term "operator" also includes a past operator at the time of a release or a violation of the STARS or of a rule promulgated hereunder.

11. **"Owner"** means:

a. in the case of a storage tank system in use on November 8, 1984, or brought into use after that date, any person who holds title to, controls, or possesses an interest in a storage tank system used for the storage, use, or dispensing of regulated substances, or

b. in the case of a storage tank system in use before November 8, 1984, but no longer in service on that date, any person who holds title to, controls, or possesses an interest in a storage tank system immediately before the discontinuation of its use.

The term **"owner"** does not include a person who holds an interest in a tank system solely for financial security, unless through foreclosure or other related actions the holder of a security interest has taken possession of the tank system.

12. **"Permit"** means any registration, permit, license or other authorization issued by the Commission to operate a storage tank system.

13. **"Person"** means any tribe, tribal entity, individual, trust, firm, joint stock company or limited liability company, federal agency, including a government partnership, association, the state or any state agency, municipality, county or other political subdivision of the state, or any interstate body. The term also includes a consortium, a joint venture, a commercial entity, and the United States government or any other legal entity.

14. **"Petroleum"** means ethylene glycol-based antifreeze, crude oil, crude oil fractions, and refined petroleum fractions, including motor fuel, jet fuel, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oil which are liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). "Petroleum" also means a mixture of petroleum and hazardous substances; provided, the amount of the hazardous substances is of a de minimis quantity.

15. **"Pipeline facilities"** means new and existing pipe rights-of-way and any equipment, facilities or buildings regulated under any applicable federal, tribal or state law, including but not limited to:

a. the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C.App. § 1671 et seq. (repealed; see 49 U.S.C. § 60101 et seq.),

b. the Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. § 2001 et seq. (repealed; see 49 U.S.C. § 60101 et seq.),

c. Oklahoma Hazardous Liquid Transportation System Safety Act, 52 O.S. § 47.1 et seq.,

d. Cherokee Nation Environmental Code, 27 CNCA § 100 et seq., or

e. intrastate pipeline facilities.

16. **"Regulated substances"** means hazardous substances, petroleum and any substance otherwise designated by the Commission or this act;

17. **"Release"** means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing of regulated substances from a storage tank system into the environment of the Nation. The term "release" includes but is not limited to suspected releases identified as a result of positive sampling, testing or monitoring results, or identified in any similarly reliable manner.

18. **"Storage tank system"** means any one or combination of tanks, including underground or aboveground piping and equipment connected thereto, that is used to contain an accumulation of regulated substances, and shall include such tanks regardless if located aboveground or underground.

19. **"Tank"** means a stationary vessel designed to contain an accumulation of regulated substances, which is constructed of primarily non-earth materials that provide structural support.

20. **"Transporter"** means any person who transports, delivers or distributes any quantity of regulated substance from one point to another for the purpose of wholesale or retail gain.

Historical Data

LA 19-05, eff. May 19, 2005. Renumbered from 63 CNCA § 663.