

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 6: Solid Waste

§ 674. Penalties

Cite as: 27 CNCA § 674

A. Facilities, activities and persons alleged to be in violation of any provisions of STARS or any rule promulgated or order issued pursuant to the provisions of STARS shall be subject to the general enforcement provisions of the Cherokee Nation Environmental Code.

Provided, however, nothing herein shall be construed as limiting administrative, civil or criminal remedies that may be sought by the Commission, the Nation, or any interested person against persons responsible for violations or damage to natural resources or property.

B. The Commission or any court of competent jurisdiction may order such equitable relief necessary or appropriate to redress or restrain a violation by any person of a provision of STARS or any rule promulgated or order issued pursuant thereto, including but not limited to:

1. enjoining further releases;
2. ordering facilities temporarily or permanently closed or activities halted;
3. ordering the design, construction, installation or operation of alternate facilities;
4. ordering the removal of facilities, contaminated soils and the restoration of the environment;
5. fixing and ordering compensation for any public or private property destroyed, damaged or injured;
6. except as otherwise provided by law, assessing and awarding damages in an amount necessary to restore any property or resources to its previous condition and punitive damages; and
7. ordering reimbursement to the Nation or any other governmental entity from any person whose acts caused governmental expenditures if not already reimbursed.

Historical Data

LA 19-05, eff. May 19, 2005. Renumbered from 63 CNCA § 674.