

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 9: Water Quality Code

§ 902. Definitions

Cite as: 27 CNCA § 902

For purposes of this chapter:

1. **"Administrator"** means the person designated as Administrator of the CN EPC.
2. **"Affected party"** means any person or entity applying for or holding a permit under this chapter, and any citizen of Cherokee Nation, but only if such person, entity, or citizen is directly and substantially impacted by an action or decision of the CN EPC. The CN EPC, in the regulations adopted pursuant to 27 CNCA § 102, may include other classes of persons within the meaning of **"Affected party"**. The Nation and any department thereof may be an affected party.
3. **"CN APA"** means the Cherokee Nation Administrative Procedure Act, 1 CNCA § 101 et seq.
4. **"CN EPC"** means the Environmental Protection Commission of the Cherokee Nation.
5. **"Cherokee Nation District Court"** means the trial court of Cherokee Nation.
6. **"Citizen of Cherokee Nation"** means a citizen of Cherokee Nation as defined by law.
7. **"Commission"** means the Environmental Protection Commission of Cherokee Nation.
8. **"Council of Cherokee Nation"** means the legislative body of Cherokee Nation.
9. **"Discharge"** includes but is not limited to any addition of any pollutant to waters of the Nation from any point source and includes any discharge of a pollutant or pollutants from any source.
10. **"Disposal system"** means pipelines or conduits, pumping stations and force mains and all other devices, construction, appurtenances and facilities used for collecting, conducting or disposing of wastewater, including treatment systems.
11. **"Drainage basin"** means all of the water collection area adjacent to the highest water line of a reservoir which may be considered by the Commission to be necessary to protect adequately the waters of the reservoir. The area may extend upstream on any watercourse to any point within six hundred (600) feet of the highest water line of the reservoir.

12. **"Effluent limitation"** means any established restriction on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into waters of the nation, including schedules of compliance.

13. **"Environment"** includes but is not limited to the air, land, wildlife, cultural and archaeological resources, and waters of the Nation.

14. **"Environmental Code"** means the Cherokee Nation Environmental Quality Code and shall refer to 27 CNCA § 100 et seq.

15. **"Indirect discharge"** means the introduction of pollutants to a treatment works from a nondomestic source.

16. **"Indian"** means a person who is a citizen or is eligible for citizenship in a federally-recognized Indian tribe or nation.

17. **"Indian country"** means as defined by federal statutory and case law.

18. **"Indian tribe or nation"** means a federally-recognized Indian tribe or nation.

19. **"Jurisdiction"** means jurisdiction of Cherokee Nation over the territory legally described in the treaties of 1828, 1835 and 1838 and the Cherokee Nation patent issued in 1846, and other such lands acquired by Cherokee Nation since 1838.

20. **"Lands of Cherokee Nation"** means tribal lands and those lands under the jurisdiction of Cherokee Nation.

21. **"Nation"** means Cherokee Nation.

22. **"Nonpoint source"** means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined.

23. **"Person"** means any individual, trust, joint stock company, corporation (including a government corporation), partnership, association, government or any other legal entity or an agent, employee, representative, assignee or successor thereof.

24. **"Point source"** means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants or wastes are or may be discharged. The term **"point source"** does not include stormwater discharges and return flows from normal agricultural practices, but may include those associated with agri-industry practices such as concentrated animal feeding operations.

25. **"Pollutant"** includes but is not limited to dredged spoil, medical waste, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste.

26. **"Pollution"** means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property.

27. **"Pretreatment"** means reduction of the amount of pollutants, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or introducing into a treatment works.

28. **"Public water supply"** means water supplied to the public for domestic or drinking purposes.

29. **"Restricted lands"** means lands held which are restricted against alienation as provided by the federal law.

30. **"Sludge"** means nonhazardous solid, semi-solid, or liquid residue generated by the treatment of domestic sewage or wastewater by a treatment works, or water by a water supply system, or manure, or such residue, treated or untreated, which results from industrial, nonindustrial, commercial, or agribusiness activities or processes.

31. **"Schedule of compliance"** means a schedule of remedial measures including but not limited to an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

32. **"Storm water"** means rain water runoff, snow melt runoff, and surface runoff and drainage.

33. **"Supreme Court"** means the appellate court of Cherokee Nation.

34. **"Treatment works"** means any facility used for the purpose of treating or stabilizing wastes or wastewater.

35. **"Tribal lands"** means lands held by Cherokee Nation regardless of whether those lands are held in fee simple, restricted or trust status.

36. **"Trust lands"** means lands held in trust by the United States of America for the benefit of Cherokee Nation or Indians living within the territorial jurisdiction of Cherokee Nation.

37. **"Waste"** means any liquid, gaseous or solid or semi-solid substance, or thermal component, whether domestic, municipal, commercial, agricultural or industrial in origin, which may pollute or contaminate or tend to pollute or contaminate, any air, land or waters of the Nation.

38. **"Water supply system"** means a water treatment plant, water wells, and all related pipelines or conduits, pumping stations and mains and all other appurtenances and devices used for distributing drinking water to the public and, as such, shall be synonymous with waterworks.

39. **"Waters of the Nation"** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, navigable or non-navigable, which are contained within, flow through, or border upon Cherokee Nation or any portion thereof.

Historical Data

LA 35-04, eff. August 16, 2004.