

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 9: Water Quality Code

§ 906. Duty of Commission to promulgate rules and set requirements for discharges

Cite as: 27 CNCA § 906

The Commission shall promulgate rules implementing or effectuating the Discharge Elimination and Control Act. Such rules may incorporate by reference any applicable rules, regulations and policies of the U. S. Environmental Protection Agency, U.S. Corps of Engineers, or any other appropriate entity, including but not limited to rules which:

1. allow the inclusion of technology-based effluent limitations and require water-quality-related effluent limitations in discharge permits;
2. establish, implement and enforce effluent limitations, prohibitions, pretreatment standards, standards for the removal of toxic materials and pollutants, national standards of performance or more stringent standards, in the control of discharges, through permit terms and conditions or otherwise;
3. prohibit or control the discharge of pollutants into wells within the jurisdiction of the Nation;
4. ensure that the public and any other nation or state, the waters of which may be affected, receive notice of each application for a discharge permit and have the opportunity to submit written recommendations or comments;
5. establish management standards for sludge which are no less stringent than applicable federal regulations;
6. establish requirements for dredge and fill activities, mining and physical alterations of streams and lakes of the Nation; and
7. establish any requirements needed to obtain treatment as state or delegation of federal programs or requirements otherwise deemed necessary for comprehensive environmental programs; provided, that approval to effectuate treatment as a state is granted by the Principal Chief and the Council.

Historical Data

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