

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 9: Water Quality Code

§ 907. Issuance of discharge permits—Availability of records, reports or other information

Cite as: 27 CNCA § 907

A. Pollutant discharge permits may include schedules of compliance and such conditions as the Commission may determine appropriate, including but not limited to terms and conditions which:

1. prevent, control or abate pollution, including but not limited to such water quality-related and technology-based effluent limitations as are necessary to protect water quality and existing and designated beneficial uses of the waters of the Nation;
2. set interim compliance dates which are enforceable without otherwise showing a violation of an effluent limitation or harm to water quality;
3. set terms and conditions for sludge, land application of wastewater and impoundments.

B. The Commission shall:

1. have authority to issue individual permits and authorizations under general discharge permits for pollutants and stormwater and sludge, subject to Commission veto or approval;
2. issue permits for fixed terms not to exceed five (5) years, but subject to modification prior to the expiration of term for purposes including but not limited to compliance with new standards or assuring protection of water quality;
3. have the authority to require in permits issued to publicly or privately owned treatment works conditions requiring the permittee to give notice to the Commission of new introductions into such works, a substantial change in volume or character of pollutants, or other appropriate condition, and to require permits for any indirect discharges to such works;
4. have the authority to ensure compliance with all provisions of the Clean Water Act and with other applicable federal law;
5. have the authority to terminate or modify permits for cause, including but not limited to:
 - a. violation of any condition of the permit, including but not limited to conditions related to monitoring requirements, entry and inspections,

- b. obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts, or
- c. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

6. have all necessary authority to implement and enforce duly promulgated rules, authority to implement and enforce a Nationwide pretreatment program, and to implement and enforce requirements applicable to dischargers into municipal separate storm sewer systems; and

7. have all necessary or incidental authority to investigate and abate violations of permits, administrative orders, rules, and laws of the Nation, to apply sanctions through administrative proceedings for violations, including but not limited to violations of requirements to obtain permits, terms and conditions of permits, effluent standards and limitations and water quality standards, and violations of requirements for recording, reporting, monitoring, entry, inspection and sampling.

C. Authorized employees or representatives of the Commission shall, upon presentation of credentials, have:

- 1. a right of entry to, upon, or through any private or public premises upon which an effluent or sludge source is or may be located or in which any records are required to be maintained;
- 2. access to at any reasonable time for the purposes of reviewing and copying any records required to be maintained;
- 3. authority to inspect any monitoring equipment, methods, disposal systems or other facilities or equipment which may be required; and
- 4. access for the purpose of inspecting and sampling any effluent streams or any discharge of pollutants to waters of the Nation or to treatment systems discharging into waters of the Nation or for inspection and sampling of any sludge source, storage, beneficial use, reuse or disposal site.

D. Copies of records, plans, reports or other information required by the Commission shall be submitted upon request and shall be subject to and made available for inspection at reasonable times to any authorized representative of the Commission upon showing of proper credentials. Any authorized representative of the Commission may examine any records or memoranda pertaining to discharges, treatment, or other limitations set by statute, permit, order or duly promulgated rules of the Commission.

Historical Data

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