

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 13: Hazardous Waste Code

§ 1312. Prohibited disposal—Treatment, storage recycling, or disposal (TSRD) sites

Cite as: 27 CNCA § 1312

A. Nothing in this section shall be deemed to authorize TSRD sites or activities that are otherwise prohibited under other provisions of the Cherokee Nation Hazardous Waste Code.

B. The practice of plowing hazardous waste into the soil surface or otherwise land-applying hazardous waste for the purpose of disposal is prohibited.

C. A hazardous waste facility for on-site or off-site treatment, recycling or storage shall not be sited in or over a principal groundwater resource or recharge area.

D. The Commission may grant a variance to a hazardous waste treatment, recycling or storage facility to allow the siting over a principal groundwater resource or recharge area only upon the following conditions:

1. the request for variance, accompanied by plans certified by a professional engineer and a detailed rationale, shall be included in the permit application;
2. the Commission shall receive and consider comments on the appropriateness of the proposed variance at any formal public meeting or administrative permit hearing conducted on the draft permit or proposed permit;
3. the applicant shall bear the burden of establishing clearly and convincingly to the Commission that the design, construction and operation of the proposed facility will be such that the risk of a release of hazardous waste or hazardous waste constituents directly or indirectly to waters of the Nation is improbable and minimal; and
4. the permit application shall provide for the establishment and maintenance of a bond or other financial assurance in an amount sufficient to fully remediate and restore the environment and resources should contamination occur.

Historical Data

LA 41-05, eff. December 15, 2005. Renumbered from 63 CNCA § 1312.