

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 13: Hazardous Waste Code
§ 1318. Fees

Cite as: 27 CNCA § 1318

A. The Commission shall establish a schedule of fees to be charged for applications for permits required under this Code. Such fees shall be deposited in the Environmental Quality Revolving Fund.

B. Any person disposing of liquid waste other than hazardous waste in an underground injection well shall pay a fee of not less than one cent (\$.01) per gallon for such disposal, provided that the total fee shall be not less than Ten Thousand Dollars (\$10,000.00) per year. Said fee shall be paid to the Administrator on a quarterly basis within one (1) month following the close of each quarter for the waste disposed in that proceeding quarter. Said fees shall be deposited into the Environmental Quality Revolving Fund.

C. The Commission may direct a facility to waive the fees for hazardous waste received from certain sites undergoing response actions under the authority of the federal Comprehensive Environmental Response, Compensation and Liability Act. A fee waiver may only be granted for response actions financed through the Superfund Trust Fund that are conducted by the Commission or the federal Environmental Protection Agency, when the amount of the waiver will qualify towards the contributions required of Cherokee Nation for such actions.

D. The Commission may order a facility to waive fees for hazardous waste received from certain sites in Cherokee Nation undergoing remedial action that are being conducted as a result of:

1. a consent order approved by the Commission;
2. fulfilling the requirements of a compliance schedule issued by the Commission as a result of a permit; or
3. a brownfields action that has been approved by the Commission.

Such fee waivers may be granted for remedial actions only when the amount of the fee waiver will qualify toward the contributions required of Cherokee Nation in response actions financed through the Superfund Trust Fund. The Commission shall void all waivers for fees should the requirements of any Consent Order, Compliance Schedule, or Brownfields action not be fulfilled as stipulated.

E. Every hazardous waste treatment facility, storage facility, underground injection facility, disposal facility, or off-site facility that recycles hazardous waste subject to the provisions of the Cherokee Nation Hazardous Waste Code shall pay to the Administrator an annual fee on the amount of hazardous waste managed by such facility. The Commission shall establish a schedule of fees.

1. Until such a schedule is developed, the minimum fees shall be:

- a. Nine Dollars (\$9.00) per ton for on-site or off-site storage, treatment or land disposal;
- b. Four Dollars (\$4.00) per ton for off-site recycling, including regeneration; or
- c. Ten Dollars (\$10.00) per gallon for on-site or off-site underground injection.

2. There shall be a minimum fee per facility as follows:

- a. except as provided in subparagraph d of this paragraph, any person owning or operating an off-site hazardous waste treatment facility or disposal facility shall pay a total fee of not less than Fifty Thousand Dollars (\$50,000.00) each fiscal year,
- b. any person owning or operating an on-site hazardous waste treatment facility, storage facility, or disposal facility shall pay a total fee of not less than Twenty Thousand Dollars (\$20,000.00) each fiscal year. The annual fee for the on-site disposal of hazardous waste by underground injection shall not exceed Fifty Thousand Dollars (\$50,000.00).
- c. any person owning or operating an off-site facility for the storage or recycling of hazardous waste shall pay a total fee of not less than Twenty Thousand Dollars (\$20,000.00) each fiscal year; provided, any such off-site recycling facility which consistently recycles fewer than ten (10) tons of hazardous waste per calendar month shall not be subject to this minimum annual fee. For the purpose of this subparagraph, storage includes physical separation or combining of wastes solely to facilitate efficient storage at the facility and/or efficient transportation, and
- d. any person owning or operating an off-site facility which accepts hazardous waste exclusively for the purpose of conducting research and design tests shall pay a total fee of not less than Ten Thousand Dollars (\$10,000.00) each fiscal year.

3. The facility shall become liable for payment of the fee on each ton or gallon of hazardous waste at the time it is received. For purposes of on-site facilities, receipt is deemed to have occurred when the waste is first managed in any unit or manner that requires a hazardous waste permit.

F. Payment of the fees required by this section shall be due and paid quarterly to the Administrator for all hazardous waste received by the facility during the prior calendar

quarter. Quarterly payments shall be due on the first day of the month of the following quarter.

G. All fees and other monies received by the Administrates pursuant to the provisions of this Code shall be expended solely for purposes related to protection of the environment, implementing environmental programs and protection of Cherokee Nation natural resources.

Historical Data

LA 41-05, eff. December 15, 2005. Renumbered from 63 CNCA § 1318.