



SUSANVILLE INDIAN RANCHERIA

DISCHARGE OF POLLUTANTS INTO THE WATERS OF THE SUSANVILLE INDIAN RANCHERIA

Ordinance No. 2003 - 001

Purpose: The purpose of this Ordinance is to prohibit the discharge of any pollutant into the waters of the Susanville Indian Rancheria.

Section I: Findings and Declaration

The Susanville Indian Rancheria Tribal Business Council finds and declares that:

1. It wishes to eliminate all discharges of pollutants into waters of the Susanville Indian Rancheria.
2. Elimination of all discharges of pollutants into waters of the Susanville Indian Rancheria is necessary at this time in order to maintain water quality for domestic purposes by residences of the Rancheria.
3. This ordinance is being enacted at this time as an emergency measure to maintain the quality of Rancheria waters until such time as the Susanville Indian Rancheria Tribal Business Council can enact a new water ordinance comprehensively regulating water quality and the discharge of pollutants on the Susanville Indian Rancheria.

Section II: Prohibited Discharges

No person shall discharge any pollutant into the waters of the Susanville Indian Rancheria.

Section III: Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

1. "Council" shall mean the Susanville Indian Rancheria Tribal Business Council.
2. "Person" shall mean any individual, corporation, firm, partnership, joint venture, association, social club, estate, trust, the United States, Tribe, State, County, City, District or other political subdivision of any state, or any other group or combination acting as a unit.
3. "Pollutant" means any substance that will alter the quality of the waters of the Susanville Indian Rancheria.
4. "Quality of the water or waters" means any chemical, physical, biological, bacteriological, radiological and other properties and characteristics of water, which affect its use.
5. "Rancheria" means all land, air and water located within the exterior boundaries of the Susanville Indian Rancheria.
6. "Water or Waters" mean any water, surface or underground, located on or running through the Rancheria.

Section IV: Civil Penalty

Any person discharging any pollutant into the waters of the Rancheria shall pay a civil fine in an amount not to exceed \$1,000 for each day in which the violation occurs. The civil fine required by this section shall be imposed by any court of competent jurisdiction in accordance with Sections V and VI of this ordinance.

Section V: Clean up and Abatement

Any person that discharges any pollutant into the waters of the Rancheria shall immediately, but in any case not less than twenty-four (24) hours from the time of discharge, notify the Susanville Indian Rancheria Environmental Protection Department of said discharge and shall fully disclose to the Council any and all information regarding the discharge, including but not limited to the type of pollutant discharged and any other information required by the Council. Any person who discharges any pollutant into the waters of the Rancheria shall be liable for any and all costs associated with or necessary to clean up abate or remove said pollutants form the waters of the Rancheria and restore the quality of the waters of the Rancheria to their condition as they existed immediately prior to the discharge.

Section VI: Court action and Injunctions

Upon failure of any person to comply with any of the provisions of this Ordinance, the Council, by and through its attorney, shall petition a court of competent jurisdiction for the issuance of an injunction requiring such person to comply therewith. In any such, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, and to levy such fines in accordance with Section IV of this Ordinance, as the facts may warrant.

Section VII: Effective Date

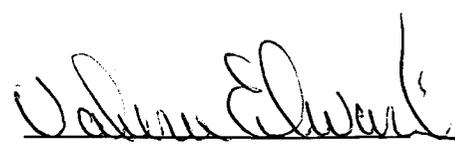
This Ordinance shall take effect immediately upon passage.

CERTIFICATION

We, hereby certify that the above resolution was adopted by the Susanville Indian Rancheria Tribal Business Council at a duly called meeting held March 13, 2003 with a vote of 6 for, 0 against, 0 abstain.

ATTEST;


Carolyn Shelley
Secretary/Treasurer


Valerie Edwards
Tribal Chairperson