



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

JEFF L. GRUBBE CHAIRMAN • LARRY N. OLINGER VICE CHAIRMAN • VINCENT GONZALES III SECRETARY/TREASURER
ANTHONY J. ANDREAS III MEMBER • JESSICA NORTE MEMBER

ORDINANCE NO. 24

Amendment No. 1

TRIBAL ORDINANCE CONTROLLING POLLUTANT DISCHARGES INTO THE WATERS OF THE AGUA CALIENTE INDIAN RESERVATION

I. INTRODUCTION

1. **TITLE.** This Ordinance shall be titled and quoted as the "Tribal Ordinance Controlling Pollutant Discharges into the Waters of the Agua Caliente Indian Reservation."
2. **PURPOSE.** It is the purpose and intent of this Ordinance to regulate and control all pollutant discharges into the waters of the Agua Caliente Indian Reservation. The regulation and control of all pollutant discharges into the waters of the Agua Caliente Indian Reservation is necessary in order to maintain water quality for consumption, domestic, and other beneficial purposes by residents of the Agua Caliente Indian Reservation and others. This Ordinance is intended to operate to, and to be interpreted to, achieve and implement the maximum authority of the Tribe, acting under both its inherent sovereign authority and under delegated federal authority when treated as a state under the Clean Water Act and the Safe Drinking Water Act.
3. **DEFINITIONS.** For the purpose of this Ordinance, the following words or phrases shall have the following meanings:
 - A. "Tribe" shall mean the Agua Caliente Band of Cahuilla Indians
 - B. "Tribal Council" shall mean the Tribal Council of the Agua Caliente Band of Cahuilla Indians.
 - C. "Beneficial uses" of the waters of the Reservation that may be protected against quality degradation include, but are not limited to, domestic, municipal, and industrial supply; recreation; aesthetic



enjoyment; and preservation and enhancement of fish, wildlife, and other resources or preserves.

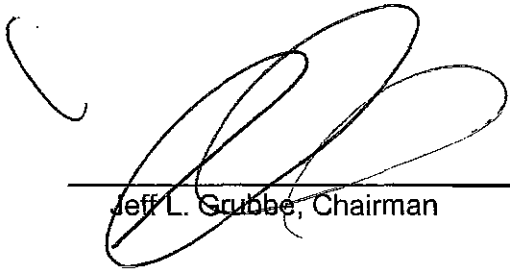
- D. "Discharge permit or permits" shall mean National Pollutant Discharge Elimination System (NPDES) Program Individual or General Permits authorized under the Federal Water Pollution Control Act (Clean Water Act or CWA), and/or Underground Injection Control (UIC) Program Permits required by the Federal Safe Drinking Water Act (SDWA).
- E. "Person" shall mean any individual, corporation, firm, partnership, joint venture, association, social club, estate, trust, the United States, Tribe, State of California, county, city, district, or other political subdivision of the State, or any other group or combination acting as a unit.
- F. "Pollutant" means any substance that will alter the quality of the waters of the Reservation to a degree which unreasonably affects the waters for beneficial uses or facilities which serve these beneficial uses.
- G. "Quality of the water or waters" means any chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.
- H. "Reservation" means all land, air, and water located within the exterior boundaries of the Agua Caliente Indian Reservation and all other parcels within the area of the Tribal Government's jurisdiction.
- I. "Water or waters" any water, surface or underground, located on or running through the Reservation.
4. **PROHIBITED DISCHARGES.** No person shall discharge any pollutant into the waters of the Reservation without prior consultation with the Federal, Tribal, or State agency with jurisdiction under the CWA and/or SDWA, and if required, obtaining coverage under a discharge permit.
5. **CIVIL PENALTY.** Any person responsible for a prohibited discharge into the waters of the Reservation shall be liable to pay a civil fine in an amount not to exceed fifteen thousand dollars (\$15,000) for each day in which the violation occurs. The civil fine required by this Section shall be imposed by any court of competent jurisdiction or by the Tribal Council



after appropriate notice and hearing in accordance with Sections 6 and 7 of this Ordinance.

6. **CLEAN-UP AND ABATEMENT.** Any person responsible for a prohibited discharge into the waters of the Reservation shall immediately, but in any case not less than twenty-four (24) hours from the time of the discharge, notify the Tribal Council of said discharge and shall fully disclose to the Tribal Council any and all information regarding the discharge, including but not limited to the type of pollutant discharged, the amount of pollutant discharged, the location of the discharge and any other information required by the Tribal Council. Any person responsible for a prohibited discharge into the waters of the Reservation shall be liable for all costs associated with or necessary to cleaning up, abate, or remove said pollutants from the waters of the Reservation and restore the quality of the waters of the Reservation to their conditions as they existed immediately prior to the prohibited discharge.
7. **COURT ACTION AND INJUNCTIONS.** Upon failure of any person to comply with any of the provisions of this Ordinance, the Tribal 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 suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, and so levy such fines in accordance with Section 5 of this Ordinance, as the facts may warrant.
8. **REGULATORY CONSISTENCY.** This Ordinance shall be construed to assure consistency with the requirements of the CWA and/or SDWA, and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future Federal/Tribal/State NPDES Permits and/or UIC Program Permits, and any amendments, revisions or reissuance thereof.
9. **EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and upon its publication in a newspaper of general circulation on the Reservation.

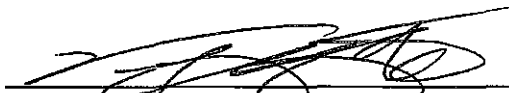




Jeff L. Grubbe, Chairman



Larry N. Olinger, Vice – Chairman



Vincent Gonzales III, Secretary/Treasurer

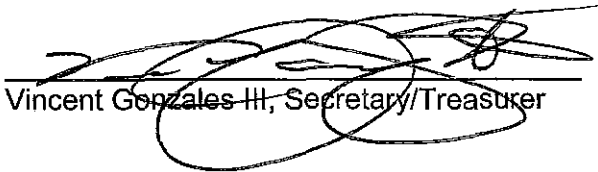


Anthony Andreas III, Member



Jessica Norte, Member

I, the undersigned, the Secretary-Treasurer of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 4, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 18th day of December 2012; that the foregoing ordinance was duly adopted at such meeting by the affirmative vote of 4-0-0 and that said ordinance has not been rescinded or amended in any way.



Vincent Gonzales III, Secretary/Treasurer