NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY'S PLANS OF OPERATION
The Plan of Operation for the Navajo Nation Environmental Protection Agency (NNEPA) and the Plans of Operation for its departments are provided as internal guidance for the Navajo Nation government and its divisions, agencies, branches, and departments. These Plans of Operation are not intended to and do not supercede any enacted law of the Navajo Nation, including NNEPA's statutory authorities granted under Title 2 of the Navajo Nation Code and under the various environmental laws of the Navajo Nation. Plans of Operation receive only the approval of the Government Services Committee and the appropriate oversight committee, and therefore, are not enacted laws of the Navajo Nation. See 2 N.N.C. § 343(B)(2).
7. NNEPA's Air and Toxics Department will protect the environment of the Navajo Nation by focusing on environmental issues relating to air quality and toxic substances and will contain the air quality program, asbestos program, pesticides program, and radon program; and

8. NNEPA's Environmental Law Enforcement Department will protect the environment of the Navajo Nation by focusing on environmental issues relating to the enforcement of the Navajo Nation's environmental laws and will contain NNEPA's enforcement personnel; and

9. NNEPA's Surface and Ground Water Protection Department will protect the environment of the Navajo Nation by focusing on environmental issues relating to water quality and will contain NNEPA's public water systems program, underground injection control program, water quality program, and national pollutant discharge elimination systems program; and

10. NNEPA's Waste Regulatory Compliance Department will protect the environment of the Navajo Nation by focusing on environmental issues relating to solid and hazardous waste and will contain NNEPA's hazardous waste program, Superfund program, Brownfields program, resource conservation and recovery program, and underground storage tanks program; and

11. The Resources Committee of the Navajo Nation Council has reviewed and considered NNEPA's amended Plan of Operation, attached hereto as Exhibit "A", and has reviewed and considered the Plans of Operation for NNEPA's Air and Toxics Department, attached hereto as Exhibit "B", NNEPA's Environmental Law Enforcement Department, attached hereto as Exhibit "C", NNEPA's Surface and Ground Water Protection Department, attached hereto as Exhibit "D", and NNEPA's Waste Regulatory Compliance Department, attached hereto as Exhibit "E"; and

12. By Resolution RCMY-71-01, attached hereto as Exhibit "G", the Resources Committee of the Navajo Nation Council approved and recommended approval of NNEPA's amended Plan of Operation and approved and recommended approval of the Plans of Operation for NNEPA's Air and Toxics Department, NNEPA's Environmental Law Enforcement Department, NNEPA's Surface and Ground Water Protection Department, and NNEPA's Waste Regulatory Compliance Department; and

13. The Government Services Committee of the Navajo Nation Council has reviewed and considered the amendment of NNEPA's Plan of Operation, and the Plans of Operation for NNEPA's Air and Toxics Department, NNEPA's Environmental Law Enforcement Department, NNEPA's Surface and Ground Water Protection Department, and NNEPA's Waste Regulatory Compliance Department; and
NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
PLAN OF OPERATION

I. ESTABLISHMENT

The Navajo Nation Environmental Protection Agency is hereby established as an agency within the Executive Branch of the Navajo Nation government.

II. PURPOSE

The Navajo Nation Environmental Protection Agency is established for the following purposes:

A. To establish on behalf of the Navajo Nation environmental policies for activities which may impact the environment of the Navajo Nation;

B. To protect public health and the environment of the Navajo Nation through legislative proposals, monitoring and data collection, rule making as authorized by Navajo Nation law, enforcement actions, public education, obtaining funding, remedial and restoration activities, and other appropriate means;

C. To represent the Navajo Nation with respect to environmental issues and concerns in interactions with federal, state, local, and Navajo Nation entities and agencies;

D. To exercise inherent Navajo sovereign authority within the territorial jurisdiction of the Navajo Nation, as defined in 7 N.N.C. § 254, through attaining primacy for regulation of activities which may impact the environment of the Navajo Nation;

E. To provide a central repository of information, studies, plans, and statements relating to environmental protection within and near the territorial jurisdiction of the Navajo Nation, as defined in 7 N.N.C. § 254, for the Navajo Nation government;

F. To exercise inherent Navajo sovereign authority within the territorial jurisdiction of the Navajo Nation, as defined in 7 N.N.C. § 254, through the regulation of activities which may have an impact on the environment of the Navajo Nation; and

G. To enforce all Navajo Nation laws and regulations that protect the quality of the Navajo Nation environment.
2. The organizational chart of the Navajo Nation Environmental Protection Agency, attached hereto as Exhibit A - Attachment 1, is hereby incorporated into this plan of operation.

IV. AUTHORITY

A. JURISDICTION

The Navajo Nation Environmental Protection Agency has regulatory, monitoring, and enforcement authority over all matters relating to the quality of the environment within the territorial jurisdiction of the Navajo Nation, as defined in 7 N.N.C. § 254, and over any person, including but not limited to Navajo citizens, enterprises, corporations, associations, partnerships, chapters, tribal government entities, or other entities, and their successors and assigns; non-Navajo individuals, corporations, associations, partnerships, or other entities, and their successors and assigns; states, counties, local governments, and other agencies; and the United States, where not prohibited by applicable laws, doing business within or otherwise affecting the environment of the Navajo Nation.

B. In implementing the purposes of the Navajo Nation Environmental Protection Agency, the Executive Director is authorized to:

1. Represent the Navajo Nation on all matters relating to environmental monitoring and compliance activities for development activities within the Navajo Nation;

2. Receive and take appropriate action on all environmental documents, including, but not limited to, proposed development applications, leases, permits, rights-of-way, surveys, studies, exploration activities, construction activities, and related activities that may affect the Navajo Nation environment;

3. Administer cooperative agreements between the Navajo Nation and other governmental agencies to enhance Navajo environmental protection capabilities, with the approval of the appropriate committee or committees of the Navajo Nation Council;

4. Negotiate contracts and submit such negotiated contracts to the appropriate committee or committees of the Navajo Nation Council for approval;

5. Coordinate with other agencies to develop and complete studies of activities that may affect the Navajo Nation environment;
16. Issue cease-and-desist orders, compliance orders, emergency compliance orders, or such other orders as the Executive Director shall deem necessary to prohibit or stop activities that may pose an imminent and substantial danger to the public health or the environment of the Navajo Nation;

17. Enforce all Navajo Nation laws and regulations that protect the quality of the Navajo Nation environment; and

18. Take such other actions as may be necessary or appropriate to implement the purposes of the Navajo Nation Environmental Protection Agency.

C. The Executive Director may specifically delegate in writing any authority to Navajo Nation personnel as provided for by applicable Navajo Nation law.

V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 1926, the Resources Committee of the Navajo Nation Council shall serve as the legislative oversight committee for the Navajo Nation Environmental Protection Agency.

VI. AMENDMENTS

This Plan of Operation may be amended by the Government Services Committee of the Navajo Nation Council upon the recommendation of the Resources Committee of the Navajo Nation Council.
I. ESTABLISHMENT

The Air and Toxics Department is hereby established as a department within the Navajo Nation Environmental Protection Agency of the Navajo Nation government.

II. PURPOSE

The Air and Toxics Department is established for the purpose of protecting the public health and the environment of the Navajo Nation through legislative proposals, obtaining funding, monitoring and data collection, permitting and rule making as authorized by Navajo Nation law, public education, and other appropriate means.

III. STAFFING AND ORGANIZATION

A. DEPARTMENT DIRECTOR

The Air and Toxics Department shall be administered by a Department Director, and the Department Director shall have overall supervisory authority over the department. The Department Director shall report directly to the Executive Director of the Navajo Nation Environmental Protection Agency.

B. PERSONNEL

The Department Director shall be responsible for all personnel decisions within the department. The Department Director is authorized to fill professional, technical, secretarial, and clerical positions as necessary to fulfill the purposes of the Air and Toxics Department. All departmental personnel shall be employed and compensated in accordance with Navajo Nation Personnel Policies and Procedures.
V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 1926, the Resources Committee serves as the legislative oversight committee for the Navajo Nation Environmental Protection Agency, and consequently the Resources Committee shall serve as the legislative oversight committee for the Navajo Nation Environmental Protection Agency’s Air and Toxics Department.

VI. AMENDMENTS

This Plan of Operation may be amended by the Government Services Committee of the Navajo Nation Council upon the recommendation of the Resources Committee of the Navajo Nation Council.
II. Enforcement personnel, after completion of a certified law enforcement training course, may be commissioned by the Executive Director of the Navajo Nation Environmental Protection Agency at the Executive Director’s discretion, and thereby have all lawful authority of the Executive Director to enforce the laws of the Navajo Nation.

IV. AUTHORITY

The Environmental Law Enforcement Department shall have only such regulatory, monitoring, and enforcement authority as specifically delegated in writing by the Executive Director of the Navajo Nation Environmental Protection Agency under the laws of the Navajo Nation. The Environmental Law Enforcement Department is authorized to:

(1) Oversee the activities of the Navajo Nation Environmental Protection Agency’s environmental law enforcement personnel and other programs and personnel which the Executive Director of the Navajo Nation Environmental Protection Agency deems necessary to accomplish the Department’s purposes.

(2) Formulate administrative and operating policies and procedures pertaining to the Department and the Department’s programs.

(3) Prepare development plans and annual budgets for the Department and the Department’s programs.

(4) Conduct periodic reviews of the Department and the Department’s programs.

(5) Negotiate contracts which must be submitted to the Executive Director of the Navajo Nation Environmental Protection Agency for final approval before seeking the approval of the appropriate committee or committees.

(6) Seek funding and negotiate grants, which must be submitted to the Executive Director of the Navajo Nation Environmental Protection Agency for final approval before seeking the approval of the appropriate committee or committees.

(7) Provide public education regarding the protection of the public health and the environment of the Navajo Nation.

(8) Enforce all Navajo Nation laws that protect the quality of the Navajo Nation environment.
NAVAGO NATION ENVIRONMENTAL PROTECTION AGENCY
SURFACE AND GROUND WATER PROTECTION DEPARTMENT
PLAN OF OPERATION

I. ESTABLISHMENT

The Surface and Ground Water Protection Department is hereby established as a department within the Navajo Nation Environmental Protection Agency of the Navajo Nation government.

II. PURPOSE

The Surface and Ground Water Protection Department is established for the purpose of protecting the public health and the environment of the Navajo Nation through legislative proposals, obtaining funding, monitoring and data collection, permitting and rule making as authorized by Navajo Nation law, public education, and other appropriate means.

III. STAFFING AND ORGANIZATION

A. DEPARTMENT DIRECTOR

The Surface and Ground Water Protection Department shall be administered by a Department Director, and the Department Director shall have overall supervisory authority over the department. The Department Director shall report directly to the Executive Director of the Navajo Nation Environmental Protection Agency.

B. PERSONNEL

The Department Director shall be responsible for all personnel decisions within the department. The Department Director is authorized to fill professional, technical, secretarial, and clerical positions as necessary to fulfill the purposes of the Surface and Ground Water Protection Department. All departmental personnel shall be employed and compensated in accordance with Navajo Nation Personnel Policies and Procedures.
V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 1926, the Resources Committee serves as the legislative oversight committee for the Navajo Nation Environmental Protection Agency, and consequently the Resources Committee shall serve as the legislative oversight committee for the Navajo Nation Environmental Protection Agency’s Surface and Ground Water Protection Department.

VI. AMENDMENTS

This Plan of Operation may be amended by the Government Services Committee of the Navajo Nation Council upon the recommendation of the Resources Committee of the Navajo Nation Council.
IV. AUTHORITY

The Waste Regulatory Compliance Department shall have only such regulatory, monitoring, and enforcement authority as specifically delegated in writing by the Executive Director of the Navajo Nation Environmental Protection Agency under the laws of the Navajo Nation. The Waste Regulatory Compliance Department is authorized to:

1. Oversee the activities of the Navajo Nation Environmental Protection Agency’s programs for solid waste, hazardous waste, underground storage tanks, Superfund-related activities, and other programs which the Executive Director of the Navajo Nation Environmental Protection Agency deems necessary to accomplish the Department’s purposes.

2. Formulate administrative and operating policies and procedures pertaining to the Department and the Department’s programs.

3. Prepare development plans and annual budgets for the Department and the Department’s programs.

4. Conduct periodic reviews of the Department and the Department’s programs.

5. Negotiate contracts which must be submitted to the Executive Director of the Navajo Nation Environmental Protection Agency for final approval before seeking the approval of the appropriate committee or committees.

6. Seek funding and negotiate grants, which must be submitted to the Executive Director of the Navajo Nation Environmental Protection Agency for final approval before seeking the approval of the appropriate committee or committees.

7. Coordinate with Federal, State, Local, and Navajo Nation entities and agencies on matters regarding the protection of the public health and the environment of the Navajo Nation.

8. Conduct inspections and monitoring activities and collect data regarding the public health and the environment of the Navajo Nation.

9. Provide public education regarding the protection of the public health and the environment of the Navajo Nation.

10. Conduct any other activities relevant to the protection of the public health and the environment of the Navajo Nation.