

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE PROPOSED AMENDMENTS TO THE PLANS OF OPERATION FOR THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY AND THAT AGENCY'S DEPARTMENTS OF AIR AND TOXICS, CRIMINAL ENFORCEMENT, SURFACE AND GROUND WATER PROTECTION, WASTE REGULATORY COMPLIANCE, RESPECTIVELY

BE IT ENACTED:

SECTION 1. AUTHORITY

The Resources and Development Committee has final approval authority for the Plan of Operation for the Navajo Nation Environmental Protection Agency (NNEPA) and any amendments thereto. 2 N.N.C. 501(A) (2)(g)

SECTION 2. FINDINGS

A. The Navajo Nation Environmental Protection Agency has proposed amendments to its existing Plans of Operation. See **Exhibits "A" thru "E"** inclusive.

B. The NNEPA has proposed amendments to the following Departments within NNEPA:

1. Air and Toxics Department. See **Exhibit "B"**.
2. Criminal Enforcement Department. See **Exhibit "C"**.
3. Surface and Ground Water Department. See **Exhibit "D"**.
4. Waste Regulatory Compliance. See **Exhibit "E"**.

C. Amendments to the Navajo Nation Environmental Protection Agency's Plan of Operation were made by Committee Resolutions RCD-291-93 and GSCJY-50-94 respectively.

D. Subsequent amendments were made to the initial enabling legislation by Council Resolution CAP-47-95.

E. The Plan of Operation for the Navajo Nation Environmental Protection Agency was further amended by Resolution GSCMY-46-01.

F. The proposed amendments to the existing Plans of Operations for the Navajo Nation Environmental Protection Agency and its Departments has been reviewed and found "Sufficient" by the Division of Natural Resources and the Office of the Attorney General. See **Exhibit "F"**.

G. The Resources and Development Committee finds it in the best interest of the Navajo Nation to approve the proposed amendments to the Plans of Operations for the Navajo Nation Environmental Protection Agency and its respective Departments as found at **Exhibits "A thru "E" inclusive**.

SECTION 3. APPROVAL

The Resources and Development Committee of the Navajo Nation Council hereby approves the proposed amendments to the Plans of Operations of the Navajo Nation Environmental Protection Agency and its respective Departments as found at **Exhibits "A" thru "E" inclusive**.

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Twin Arrows Navajo Casino Resort, Twin Arrows (Navajo Nation) Arizona, at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 23rd day of May, 2017.



Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Jonathan Perry
Second: Benjamin Bennett



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY' S PLANS OF OPERATION



EXHIBIT "A"

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.

From the time of emergence, our Diyin Dine' entrusted us with preserving the pristine quality of the environment on our sacred lands. This meant that we are entrusted with maintaining harmony and balance with all living beings, as well as the environment we dwell in. It is through this balance that, we, as Dine' people, have our own sense of wholeness and we can promote a state of harmony. We are the children of Mother Earth, a Nation independent within the four sacred mountains. Each of us is anchored by kinship, traditional teachings and the natural laws.

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 Navajo Nation 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 communities, 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 Navajo Nation 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 protects the quality of the Navajo Nation environment.

III. STAFFING AND ORGANIZATION

A. OFFICE OF THE EXECUTIVE DIRECTOR

1. The Navajo Nation Environmental Protection Agency shall be administered by an Executive Director who shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council upon the recommendation of the Resources and Development Committee of the Navajo Nation Council. The Executive Director shall report directly to the President of the Navajo Nation and shall serve at the pleasure of the President of the Navajo Nation.
2. The Executive Director shall have supervisory authority over the Navajo Nation Environmental Protection Agency and all departments and programs organized under the agency.

B. PERSONNEL

1. The Executive Director is authorized to fill professional, technical, secretarial, law enforcement, and clerical positions as may be needed to fulfill the purposes of the Navajo Nation Environmental Protection Agency.
2. All personnel, other than the Executive Director, shall be employed and compensated in accordance with Navajo Nation's Executive Branch Personnel Policies Manual.

C. ORGANIZATION

1. The Navajo Nation Environmental Protection Agency shall consist of departmental, programmatic, and administrative components as may be appropriate to accomplish the purposes set forth herein. The Navajo Nation Environmental Protection Agency shall consist of, but not be limited to, an Administration and the following departments:

- (a) Air and Toxics Department
- (b) Environmental Criminal Law Enforcement Department
- (c) Surface and Ground Water Protection Department
- (d) Waste Regulatory Compliance Department

All programs within the Navajo Nation Environmental Protection Agency shall be placed within an appropriate department or within the agency's administration. Other departments and programs may be established by the Executive Director in order to accomplish the purposes set forth herein. Each Department within the Navajo Nation Environmental Protection Agency shall operate pursuant to its own plan of operation.

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;

6. Inform and advise the Resources and Development Committee of the Navajo Nation Council and other appropriate committees of such actions that may be necessary and proper to protect, preserve, and enhance the quality of the Navajo Nation environment;
7. Provide recommendations to the Resources and Development Committee of the Navajo Nation Council regarding appropriate committee(s) provisions and stipulations for leases, permits, and applications as necessary and prudent to ensure protection of the Navajo Nation environment;
8. Inform the public of Navajo and Federal requirements for any activity affecting the environment of the Navajo Nation;
9. Receive and take appropriate action on complaints of environmental contamination, which may impact the Navajo Nation environment;
10. Formulate, adopt, and promulgate rules and regulations and take any other action, which may be proper to implement the purposes set forth herein;
11. Establish on behalf of the Navajo Nation environmental policies for activities which may impact the environment of the Navajo Nation;
12. Protect public health and the environment of the Navajo Nation through legislative proposals, monitoring and data collection, rulemaking as may be authorized by Navajo Nation law, enforcement actions, public education, obtaining funding, remedial and restoration activities, and other appropriate means;
13. Represent the Navajo Nation with respect to environmental issues and concerns in interactions with federal, state, local, and Navajo Nation entities and agencies;
14. 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 and regulating activities which may impact the Navajo Nation environment ~~of the Navajo Nation~~;
15. 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;

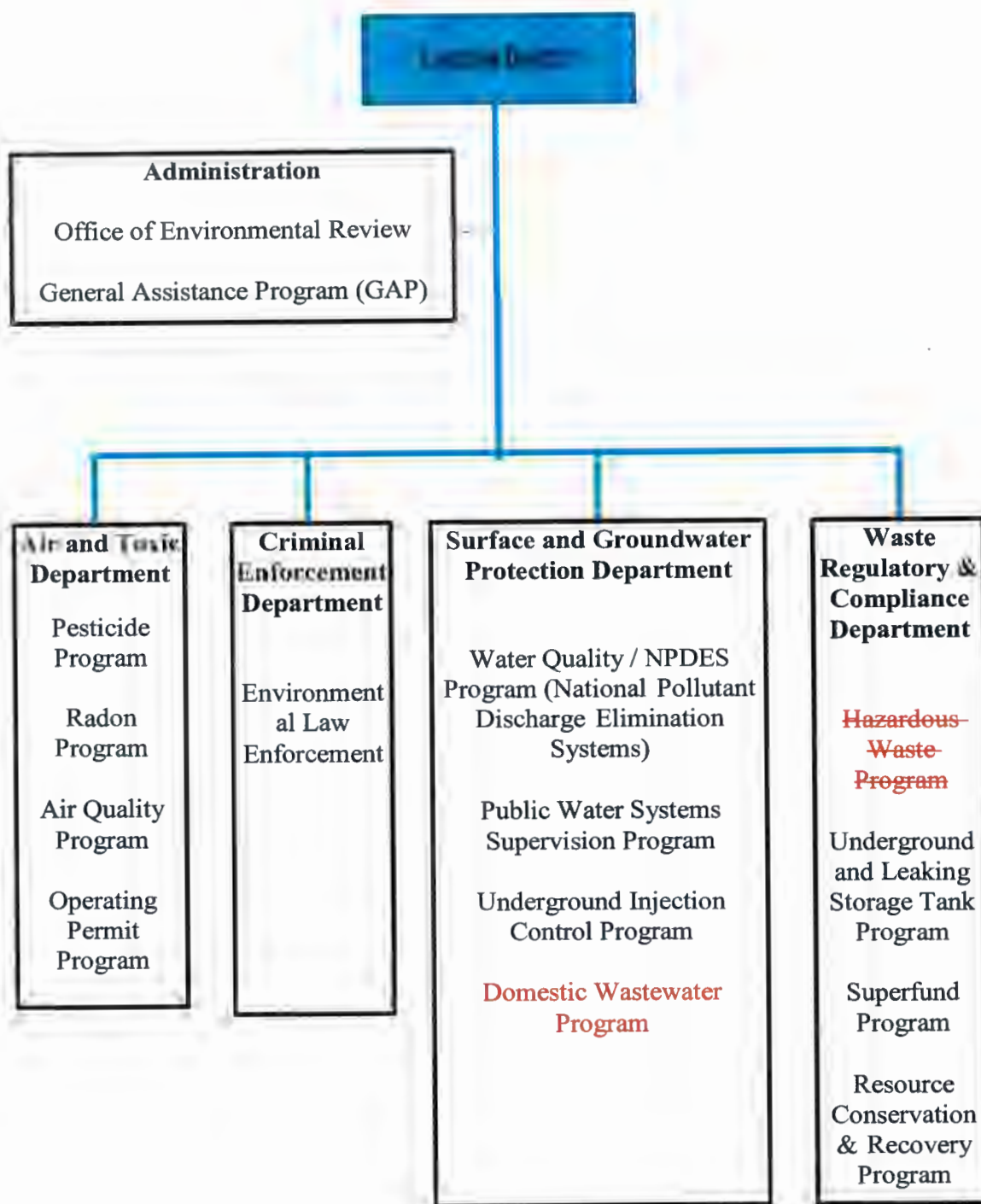
16. Issue cease-and-desist orders, compliance orders, emergency compliance orders, or such other orders as the Executive Director shall deem necessary to prohibit or stop activities that may pose an imminent and substantial danger to the public health or the Navajo Nation environment ~~of the Navajo 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 and Development 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 and Development Committee of the Navajo Nation Council.



NAVAJO NATION ENVIRONMENTAL
ACTS AND REGULATIONS

1. Navajo Nation Environmental Protection Agency Plan of Operation
2. Navajo Nation Environmental Policy Act
3. Navajo Nation Air Pollution Prevention and Control Act
4. Navajo Nation Clean Water Act
5. Navajo Nation Pesticide Act
6. Navajo Nation Safe Drinking Water Act
7. Navajo Nation Solid Waste Act
8. Navajo Nation Underground Storage Tank Act
9. Navajo Nation Primary Drinking Water Regulations
10. Navajo Nation Solid Waste Regulations
11. Navajo Nation Underground Injection Control Regulations
12. Uniform Regulations for Administrative Review, Administrative Enforcement Orders, Hearings and Rulemaking under Navajo Nation Environmental Acts

The following represent a series of monument progress by department and program:

- (a) Treatment as State by Public Water System Supervision Program for Safe Drinking Water Act, August 1991
- (b) Attained Section 106 Treatment as State for Clean Water Act, June 1993
- (c) Attained Treatment as State for Safe Drinking Water Act by UIC, September 1994
- (d) Attained Section 319 Treatment as State by Clean Water Act, October 1999
- (e) Attained Primacy by Public Water System Supervision Program, December 2000
- (f) Attained Title V Permitting for Clean Air Act, October 2004
- (g) Attained Sub Section 303/401 Treatment as State for Clean Water Act, January 2006
- (h) Attained Class II Primacy for Safe Drinking Water Act by UIC, October, 2008
- (i) Approved for development of Uranium Policy Commission, 2015

**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
AIR AND TOXICS DEPARTMENT
PLAN OF OPERATION**

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 rulemaking as authorized by Navajo Nation law, public education, and other appropriate means.

III. STAFFING AND ORGANIZATION

A. DEPARTMENT ~~DIRECTOR~~ MANAGER

The Air and Toxics Department shall be administered by a Department Manager ~~Director~~, and the Department Manager ~~Director~~ shall have overall supervisory authority over the department. The Department Manager ~~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 Manager ~~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.

IV. AUTHORITY

The Air and Toxics 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 Air and Toxics Department is authorized to:

1. Oversee the activities of the Navajo Nation Environmental Protection Agency's programs for air quality, toxic substances, including radon, asbestos, and pesticides, 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 Navajo Nation environment ~~of the Navajo Nation~~.
8. Conduct inspections and monitoring activities and collect data regarding the public health and the Navajo Nation environment ~~of the Navajo Nation~~.
9. Provide public education regarding the protection of the public health and the Navajo Nation environment ~~of the Navajo Nation~~.
10. Conduct any other activities relevant to the protection of the public health and the Navajo Nation environment ~~of the Navajo Nation~~.

V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 1926, the Resources and Development Committee serves as the legislative oversight committee for the Navajo Nation Environmental Protection Agency, and ~~therefore, eonsequently~~ the Resources and Development Committee shall serve as the legislative oversight committee for the Navajo Nation Environmental Protection Agency's ~~Surface and Ground Water Protection Department.~~ Air and Toxics Department.

VI. AMENDMENTS

This Plan of Operation may be amended by the ~~Committee Government Services Committee of the Navajo Nation Council upon the recommendation of the~~ Resources and Development Committee of the Navajo Nation Council.

EXHIBIT "C"

NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
~~ENVIRONMENTAL LAW~~ CRIMINAL ENFORCEMENT DEPARTMENT
PLAN OF OPERATION

I. ESTABLISHMENT

The ~~Environmental Law~~ Criminal Enforcement Department is hereby established as a department within the Navajo Nation Environmental Protection Agency of the Navajo Nation government.

II. PURPOSE

The ~~Environmental Law~~ Criminal Enforcement Department is established for the purpose of protecting the public health and the environment of the Navajo Nation through enforcement actions, inspections, investigations, monitoring criminal activities, collection of data and evidence, obtaining funding, public education, and other appropriate means.

III. STAFFING AND ORGANIZATION

A. DEPARTMENT ~~DIRECTOR~~ MANAGER

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

B. PERSONNEL

- I. The Department Manager Director shall be responsible for all personnel decisions within the department. The Department Manager Director is authorized to fill enforcement, professional, technical, secretarial, and clerical positions as necessary to fulfill the purposes of the Criminal Enforcement Department. All departmental personnel shall be employed and compensated in accordance with Navajo Nation Personnel Policies and Procedures.

- II. Criminal 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 shall~~ have all lawful regulatory, monitoring and enforcement authority as specifically delegated by of the Executive Director to enforce the laws of the Navajo Nation.

IV. AUTHORITY

The ~~Environmental Law~~ Criminal 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~~ Criminal 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.

9. Coordinate with Federal, County, State, and Tribal law enforcement agencies to enforce laws that protect the quality of the Navajo Nation environment.
10. Conduct inspections, criminal investigations, ~~and monitoring surveillance of~~ criminal activities and collect data and evidence of violations of Navajo Nation laws which protect the environment of the Navajo Nation.
11. Conduct any other activities relevant to the protection of the public health and the environment of the Navajo Nation.

V. LEGISLATIVE OVERSIGHT

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

VI. AMENDMENTS

This Plan of Operation may be amended by the ~~Committee Government Services Committee of the Navajo Nation Council upon the recommendation of the~~ Resources ~~and Development~~ Committee of the Navajo Nation Council.

**NAVAJO 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 to protect the waters of the Navajo Nation, for the purpose of protecting the public health and the environment of the Navajo Nation through legislative proposals, and actions, seeking and obtaining funding, monitoring and data collection, permitting and rulemaking as authorized by Navajo Nation law, providing public education, and conducting activities other appropriate means that protect public health and the Navajo Nation environment-

III. STAFFING AND ORGANIZATION

A. DEPARTMENT ~~DIRECTOR~~ MANAGER

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

B. PERSONNEL

The Department Manager Director shall be responsible for all personnel decisions within the department. The Department Manager 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.

IV. AUTHORITY

The Surface and Ground Water Protection 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 Surface and Ground Water Protection Department is authorized to:

1. Oversee the activities of the ~~Navajo Nation Environmental Protection Agency's programs~~ Surface and Ground Water Protection Department's for Water Quality\National Pollutant Discharge Elimination Systems Program, Public Water Systems Supervision Program, Underground Injection Control Program, and Domestic Wastewater Program, 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 developmental 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, and with final approval of ~~which must be submitted to the~~ Executive Director of the Navajo Nation Environmental Protection Agency, seek legislative action ~~for final approval before seeking the approval of the~~ appropriate committee or committees.
6. Seek funding and negotiate grants, and with final approval of ~~which must be submitted to~~ the Executive Director of the Navajo Nation Environmental Protection Agency, seek legislative action ~~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 Navajo Nation environment ~~of the Navajo Nation~~.
8. Conduct inspections and monitoring activities and collect data of the Navajo Nation's surface and groundwater thereby regarding the protecting public health and the Navajo Nation environment ~~of the Navajo Nation~~.
9. Provide public education that promotes protecting the Navajo Nation's surface and groundwaters thereby regarding the protectioning of the public health and the Navajo Nation 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.

V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 1926, the Resource and Development Committee serves as the legislative oversight committee for the Navajo Nation Environmental Protection Agency, and ~~therefore, consequently~~ the Resources and Development 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 ~~Committee Government Services-Committee of the Navajo Nation Council upon the recommendation of the~~ Resources and Development Committee of the Navajo Nation Council.

**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
WASTE REGULATORY COMPLIANCE DEPARTMENT
PLAN OF OPERATION**

I. ESTABLISHMENT

The Waste Regulatory Compliance Department is hereby established as a department within the Navajo Nation Environmental Protection Agency of the Navajo Nation government.

II. PURPOSE

The Waste Regulatory Compliance 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 rulemaking as authorized by Navajo Nation law, public education, and other appropriate means.

III. STAFFING AND ORGANIZATION

A. DEPARTMENT ~~DIRECTOR~~ MANAGER

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

B. PERSONNEL

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

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 program for solid waste, underground storage tanks, Superfund-related activities, and the other programs which the Executive Director of the Navajo Nation Environmental Protection Agency deems necessary to accomplish the Department's purpose.
- (2) Formulate administrative and operating policies and procedure pertaining to the Department and the Department's program.
- (3) Prepare development plans and annual budgets for the Department and the Department's program.
- (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 Navajo Nation environment ~~of the Navajo Nation~~.
- (8) Conduct inspections and monitoring activities and collect data regarding the public health and the Navajo Nation environment ~~of the Navajo Nation~~.
- (9) Provide public education regarding the protection of the public health and the Navajo Nation environment ~~of the Navajo Nation~~.
- (10) Conduct any other activities relevant to the protection of the public health and the Navajo Nation environment ~~of the Navajo Nation~~.

V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 1926, the Resource and Development Committee serves as the legislative oversight committee for the Navajo Nation Environmental Protection Agency, and therefore, consequently the Resources and Development Committee shall serve as the legislative oversight committee for the Navajo Nation

Environmental Protection Agency's ~~Surface and Ground Water Protection Department, Waste Regulatory Compliance Department~~

VI. AMENDMENTS

This Plan of Operation may be amended by the ~~Committee Government Services Committee of the Navajo Nation Council upon the recommendation of the~~ Resources and Development Committee of the Navajo Nation Council.

Document No. 007848Date Issued: 04/12/2017**EXECUTIVE OFFICIAL REVIEW**Title of Document: Amendments to NNEPA Plans of Operation Contact Name: BEN, RONNIEProgram/Division: ENV. PROTECTION AGENCYEmail: ronnieben@navajo-nsn.gov Phone Number: 928-871-7701☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(recommendation only)			
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☒ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: _____	Date: <u>4/12/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: <u>4/19/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Elections: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

			Sufficient	Insufficient
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **OTHER:**

1. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



☐ RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
4/13/17 1:20pm
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 007848
SAS #:
UNIT: NRU

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 4/13/17 ENTITY/DIVISION: NNEPA
CONTACT NAME: Ronnie Ben DEPARTMENT: SGWP
PHONE NUMBER: 871-7701 E-MAIL: ronnieben@navajo-nsn.gov
TITLE OF DOCUMENT: #007848 "Amendments to NNEPA Plans of operation"

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 4/13/17 2PM REVIEWING ATTORNEY/ADVOCATE: 4/25/17 Julia Guarino
DATE/TIME OUT OF UNIT: 4.20.17 @ 8:20am BJ

DOJ ATTORNEY / ADVOCATE COMMENTS

Sufficient. Jg

REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
		V. Blackhart	4-19-17 4:50pm

DOJ Secretary Called: Ronnie Ben for Document Pick Up on 4.20.17 at 8:15a By: BJ

PICKED UP BY: (PRINT) DATE / TIME:

COMPLETED



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

April 12, 2017

MEMORANDUM

TO : 164 EXECUTIVE REVIEWERS

FROM : Ronnie Ben
Ronnie Ben, Department Manager
Surface & Groundwater Protection Department
Navajo Nation Environmental Protection Agency

SUBJECT : DOCUMENT #007848 ; PROPOSED AMENDMENTS TO THE
NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY'S PLAN OF
OPERATION

Navajo Nation Environmental Protection Agency (NNEPA), is hereby requesting your approval and support in reviewing our proposed amendments to the current NNEPA's PLANS OF OPERATION. Attached you will find a copy of our proposed changes in red font and removal also in red font with a single line strike-through. NNEPA is primarily including language that identifies our organization separate from other environmental groups by clearing stating our Dine' values as based upon our co-existence with our environment. Other changes are more specific to our oversight and governing bodies.

Your expedited assistance is greatly appreciated. Feel free to contact me directly at 871-7701 with any questions regarding our request.

Xc: NNEPA Files