

Tribal Drinking Water Standards Ordinance

Section 1. Title. This Ordinance shall be known as the "Tribal Drinking Water Standards Ordinance."

Section 2. Findings and Purposes. The PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS ("Tribe" or "Tribal") Tribal Council on behalf of the General Council finds that:

2.1 Pursuant to the requirements of Section 6.4.2(b) of the Tribal-State Gaming Compact adopted between the Picayune Rancheria of Chukchansi Indians and the State of California it is incumbent upon the Tribe to comply with quality and safe drinking water standards.

2.2 Purposes. The purpose of the Tribal Drinking Water Standards Ordinance is to:

- a. Recognize that the Tribe is subject to federal laws governing safe drinking water;
- b. Recognize that the United States Department of Environmental Protection has authority to enforce provisions of federal laws regulating safe drinking water on Tribal Lands.

Section 3. Definitions.

3.1 Gaming Facility: means any building which Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to storage of those records and financial institutions), and all rooms, buildings, and areas, including parking lots and walkways, a principal purposes of which is to serve the activities of the Gaming Operation.

3.2 Law or Tribal Law: Shall mean the laws of the Picayune Rancheria of Chukchansi Indians.

3.3 Person: means any individual, firm, corporation or entity.

3.4 Tribal Council: means the duly elected representatives of the governing body of the Picayune Rancheria of Chukchansi Indians.

3.5 Tribe: means the Picayune Rancheria of Chukchansi Indians.

3.6 Tribal Lands: means all lands under the jurisdiction of the Tribe.

Section 4. Scope. This Ordinance shall apply to all places on Tribal Lands.

Section 5. Administration, Publication.

5.1 Accessibility. The Tribal Council Secretary shall make available at the Tribal Administration Building for public review and inspection three copies of this Ordinance.

5.2 Certification of Adoption and Publishing. The Tribal Secretary shall certify the adoption of this Tribal Ordinance and cause the same to be published as required by Tribal Law.

5.3 Effective Date. This Tribal Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and approval.

Section 6. Adoption of Compliance Standards.

6.1 Adoption of Federal Regulatory Standards: The Tribe shall comply with applicable Federal Safe Drinking water standards which federal Indian Tribes are subject to under federal law, such standards are promulgated in the Safe Drinking Water Act (P.L. 93-523) and its accompanying regulations in 40 Code of Regulations Part 141 and Part 142. Tribal compliance of these standards shall apply to drinking water quality on Tribal Lands.

6.2 Inspection and Testing. The Picayune Rancheria of Chukchansi Indians Environmental Protection Agency (Tribal EPA) shall adopt a schedule of drinking water quality testing and inspection to be conducted pursuant to the requirements set forth by the United States Environmental Protection Agency or by the Tribal EPA, if granted such authority under federal law. Such inspections and testing may be conducted by the Tribal EPA, or by any qualified entity approved by the Tribal EPA.

Section 7. Enforcement.

7.1 The Tribe recognizes that the United States Environmental Protection Agency is the entity responsible for enforcement actions related to compliance with the Safe Drinking Water Act on Tribal Lands.

Section 8. Inconsistent Codes Repealed. All other ordinances or portions of ordinances in conflict herewith are hereby repealed in that respect only.

Section 9. Sovereign Immunity. Nothing in this Ordinance is intended nor shall it be construed to waive the sovereign immunity of the Picayune Rancheria of the Chukchansi Indians, its officers, agents, members, employees, tribal entities or tribal enterprises, nor to confer any jurisdiction on any federal, state or local governmental officer, entity or agency.