

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the United States Congress in the Water Quality Act of 1986 (amending the Water Quality Act of 1977) has made possible the designation of Indian Tribes as equal to the States in the planning, management and control of water quality programs on reservations regarding regulatory primacy; and

WHEREAS, the process of obtaining this designation requires that the tribal government meet the following standards:

1. It must adopt primary drinking water regulations that are at least as stringent as the federal drinking water regulations.
2. It must adopt and implement enforcement procedures for the tribal primary drinking water regulations; said enforcement procedures to include:
 - (a) Maintenance of an inventory of public water systems (PWS);
 - (b) Survey of public water systems for non-compliance with tribal drinking water regulations;
 - (c) Assurance of availability of laboratory facilities certified by EPA
 - (d) Technical review of new or substantially modified public water systems (PWS) to assure their compliance with Tribal drinking water regulations;
 - (e) Enforcement regulations to include defined reservation-wide jurisdiction; authority to sue; right of entry and inspection of PWS, including water sampling; audit of PWS record-keeping and reporting; requirements for PWS to give public notice of water quality violations; and assessment of civil and criminal penalties for violations.
3. It must maintain records of management and monitoring activities and report to EPA;

4. Provide for granting of variances/exemptions from its PWS regulations in a manner not less stringent than federal requirements; and
5. Establish provisions of a system for a safe drinking water supply under emergency circumstances; and

WHEREAS, in order to obtain primary enforcement responsibility, the tribal application must show how the Tribe is meeting standards as outlined above by demonstrating: actual procedures, ordinances, contractual provisions for technical services appropriate to enforcement demands, and such other related regulations, publications and activities as are required for full management, monitoring, enforcement and corrective actions necessary to meet federal standards; and

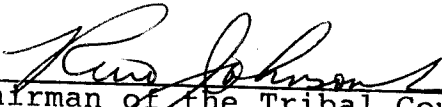
WHEREAS, the planning, development, and implementation of a comprehensive water quality management, monitoring and enforcement system will require extensive preparation, staffing, organization, and budgeting; the initiation of which must be delegated to a qualified executive agent (Director) to be employed by the Tribe for such specific implementing purposes;

BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby approves the initiation of the application process to the Administrator of the EPA with the objective, as soon as is feasible, of fully qualifying the Tribe to assume the full primary enforcement responsibility for the control, administration, and enforcement of a comprehensive Water Quality Management Program having full compliance with, and accreditation by, EPA Safe Drinking Water Standards; and

BE IT FURTHER RESOLVED that the Tribal Chairman be authorized to recruit a Director of the Water Quality Management Project having the above standards and objectives as goals to be attained by a series of defined and documented sub-goals and milestones; such steps to be implemented on a timetable having a completion date no later than September 30, 1989; and said schedule to be submitted for Council approval no later than April 6, 1988.

The foregoing resolution was on September 17, 1987, duly adopted by a vote of NINE for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in

it by Article V, Section 1 (a) & (f) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

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**Fort Apache Indian Agency
Whiteriver, Arizona**