

## 2503 PURPOSE

The purpose of this Act is to protect the health and welfare of the Navajo people and the environment by establishing appropriate drinking water standards to ensure that drinking water is safe for consumption, and by protecting underground sources of drinking water from potential contamination by underground injection activities. For these purposes, "drinking water" includes bottled drinking water, and this Act provides authority for the regulation of both public water systems and bottled water systems.

## 2504 DEFINITIONS

1. ADMINISTRATOR means the Administrator of the United States Environmental Protection Agency.

2. AQUIFER means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

3. ATTORNEY GENERAL means the Attorney General of the Navajo Nation.

4. BOTTLED WATER SYSTEM means a water system that manufactures bottled water.

## 2506 VOLUNTARY COMPLIANCE AGREEMENT

~~A. Any person to whom the provisions of this Act are not otherwise applicable, may apply to the Director to enter into a voluntary compliance agreement with the Navajo Nation with respect to any property to which the provisions of this Act and/or regulations promulgated hereunder, in whole or in part, are not otherwise applicable.~~

~~B. A proposal to enter into a voluntary compliance agreement shall be in writing, shall indicate the person and property proposed to be subject to the agreement, shall indicate the proposed term of the agreement, and shall indicate the part or parts of this Act and/or regulations promulgated hereunder, in whole or in part, with which voluntary compliance is proposed.~~

~~C. A voluntary compliance agreement shall be for a term of not less than one year, and may be subject to renewal for successive terms of not less than one year. A voluntary compliance agreement may not vary the requirements of this Act, except that the consent required to be given in accordance with section 702 of this Act shall be strictly limited to the application of this Act and regulations promulgated pursuant to~~

~~this Act in accordance with the terms of said voluntary compliance agreement, including any renewals thereof.~~

~~D. A voluntary compliance agreement shall not be effective unless and until there is final approval of the agreement by the Director.~~

~~E. Except as otherwise expressly provided in the agreement, by entering into a voluntary compliance agreement, no person shall be deprived of the benefit of any valid covenant not to regulate or otherwise exercise jurisdiction over such person or property owned or operated by such person.~~

~~F. A person may enter into a voluntary compliance agreement in accordance with this section, notwithstanding that the validity of such person's claim to be exempt from the provisions of this Act has not been judicially determined, whenever the Director determines that entering into such an agreement is in the best interest of the Navajo Nation. Entering into an agreement pursuant to this subsection shall not constitute a determination or admission by the Navajo Nation that such claim of exemption is valid.~~

[Subject to 2 N.N.C. §164\(B\)\(2\) and 2 N.N.C. §1005 \(C\)\(2\), the Director may enter into voluntary compliance agreements with entities that otherwise may not be subject to the provisions of this Act, or as to which there is a dispute regarding the applicability of this Act, under which the entity would be regulated by the Navajo Nation in order to achieve the goals and purposes of this Act, and provided that the Director finds, after consultation with the Resources Committee, that entering into the agreement is in the best interests of the Navajo Nation. Such agreements may contain provisions that differ from and supersede the requirements of this Act and implementing regulations, provided that the minimum federal requirements apply to the entity in question.](#)

#### 2542 REPORTING RESULTS OF TESTS AND ANALYSES

H. The NNEPA must make reports of the public water systems available to the public upon request, and must maintain a copy of the reports for one year. [The c Certifications submitted by the public water system stating that they submitted consumer confidence reports to their customers](#) should be kept for five years.

#### 2562 SMALL SYSTEMS VARIANCES

A. In general

The Director may grant a variance under this section for compliance with a requirement specifying a maximum contaminant

level or treatment technique contained in a national primary drinking water regulation to:

1. Public water systems serving 3,300 or fewer persons; and

2. With the approval of the Administrator pursuant to [paragraph \(9\) subsection \(H\)](#), public water systems serving more than 3,300 persons but fewer than 10,000 persons; if the variance meets each requirement of this section.