

**RESOLUTION OF THE BUSINESS COUNCIL  
OF THE  
DUCK VALLEY SHOSHONE-PAIUTE TRIBES**



**ORDINANCE NO. 98-SPO-01**

BE IT ENACTED BY THE GOVERNING BODY OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION THAT,

In accordance with Article VI, Section 1 (k) of the Shoshone-Paiute Tribes' Constitution and Bylaws, the Indian Lands Open Dump Clean-up Act of 1994, and a Federal Law published in the Code of Federal Regulations, listed as 40 CFR 257 and 258, all open pit dumps will be closed. This requires the use of a solid waste transfer station for the disposal of all municipal solid waste.

PURPOSE: To protect the public health and to promote the general ecology of the Tribal lands, which are held in trust for future generations.

**ARTICLE 1. TITLE AND DEFINITIONS**

**Section 1.** Title: **MUNICIPAL SOLID WASTE**

**Section 2.** Definitions:

**Court of Competent Jurisdiction** means Shoshone-Paiute Tribal Court.

**Disposal** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of municipal solid waste or hazardous solid waste into or on any land or water so that such municipal solid waste or hazardous solid waste or any constituent thereof may enter the environment or be discharged into the waters, including groundwater.

**Federal Agency** means any branch of government operating under the auspices or authority of the United States of America.

**Hazardous Solid Waste** means any waste or combination of waste, including solids, semisolids, liquids, or contained gases, which:

1. Because of its quantity or concentration or its physical, chemical, or infectious characteristic(s) may:
  - (a) Cause, or significantly contribute to an increase in, mortality or serious irreversible or incapacitating illness; or

- (b) Pose a substantial hazard or potential hazard to human health, public safety, or the environment when it is given improper treatment, storage, transportation, disposal, or other management.

The term includes materials that are toxic, corrosive, flammable, reactive, radioactive, irritants, strong sensitizers, or that generate pressure by decomposition, heat, or otherwise.

**Litter** means any non-hazardous material less than 12 ounces by weight.

**Medical Pathological Waste (MPW)** means human or animal waste, infectious tissues from humans or animals, contaminated surgical instruments or other health related items such as bedding, syringes, or other instruments used during invasive procedures on either humans or animals.

**Municipal Solid Waste** means common garbage, rubbish, or other refuse material routinely discarded from households, commercial and agricultural operations, and government activities.

**Open Pit Dump** means a pit or trench where waste or refuse is disposed of and burned thereby creating a public nuisance by being unsightly breeding pests, creating a health hazard, polluting the air, and sometimes polluting groundwater and surface water.

**Solid Waste Transfer Station** means a facility where Municipal Solid Waste may be segregated and stored prior to transportation to a certified landfill.

**USEPA** means United States Environmental Protection Agency.

## **ARTICLE 2. TRIBAL AGENCY FOR CONTROL**

The Tribal EPA Office is hereby designated as the Tribal Control Agency, and is authorized to take all action necessary or appropriate to carry out provisions of this ordinance.

**Section 1.** Tribal EPA personnel are authorized to enter at any reasonable time upon any private or Tribal property for the purpose of determining whether there is a violation of the ordinance provisions.

**Section 2.** Any information, or reports, received by Tribal EPA personnel shall be investigated within forty-eight (48) hours from the time of the report.

**Section 3.** Entry by USEPA Enforcement personnel into Federal Agency areas under the jurisdiction of the Shoshone-Paiute Tribes for citation of violator(s) shall be adhered to, PROVIDED, That a request for assistance has been submitted to USEPA by Tribal EPA personnel. Such a request does not diminish in any way the Tribes' right to file a suit in Federal Court under Federal laws against any Federal Agency that violates this ordinance.

## **ARTICLE 3. VIOLATIONS**

Littering and dumping anywhere on the Duck Valley Reservation is prohibited. All Municipal Solid Waste shall be segregated and disposed of at a designated solid waste transfer station, or according to USEPA regulations. Violations of this ordinance are described below:

**Section 1.** The disposal of litter is prohibited upon the lands of the Duck Valley Reservation.

**Section 2.** The disposal dumping of Municipal Solid Waste, Hazardous Solid Waste, or Medical Pathological Waste upon the lands of the Duck Valley Reservation is forbidden.

#### **ARTICLE 4. PENALTIES**

All penalties shall be decided by the court of Competent Jurisdiction.

**Section 1.** The fine for littering shall not be less than fifty dollars (\$50.00).

**Section 2.** The first violator guilty of dumping shall pay a fine not less than one hundred dollars (\$100.00).

**Section 3.** The repeat violator guilty of dumping shall pay a fine not less than five hundred dollars (\$500.00).

#### **ARTICLE 5. FORMER ORDINANCES**

Ordinance Number 67-SPR-04, enacted by the Shoshone-Paiute Business Council of the Duck Valley Reservation on June 23, 1967, and approved by the Deputy Assistant Commissioner, Mr. William E. finale, and all other resolutions, or expressions of policy of the Tribes in relationship to litter, waste, or dump(s) is hereby superseded.

#### **ARTICLE 6. APPLICABILITY OF ORDINANCE NUMBER 98-SPO-01**

The Municipal Solid Waste Ordinance, inclusive, does not apply to any activity or substance which is subject to control pursuant to Ordinance Number 85-SPO-05, approved May 30, 1985, "Disposal of Chemical at the Cattle Dipping Vat."

#### **ARTICLE 7. EFFECTIVE DATE**

This Ordinance shall be effective on the date determined by the Business Council, subjected to review by the Secretary of the Interior in accordance with the provisions of the Constitution of the Tribes.

#### **CERTIFICATION**

The foregoing Ordinance was adopted on the 10<sup>th</sup> day of November in the year 1997, by a vote of 5 FOR, 0 AGAINST and 0 ABSTENTIONS, by the Shoshone-Paiute Business Council pursuant to the authority vested in by Article VI, Section 1 (k) of the Constitution and By-Laws of the Shoshone-Paiute Tribes of the Duck Valley Reservation, Idaho/Nevada, ratified by the Tribes on March 21, 1936, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (47 Stat. 984) as amended.

/s/ James Paiva

/s/ Helen Hernandez

JAMES PAIVA, Tribal Chairman  
Shoshone-Paiute Tribes

HELEN HERNANDEZ, Tribal Secretary  
Shoshone-Paiute Tribes

APPROVED

/s/ xxxxxxxxx  
SUPERINTENDENT, Eastern Nevada Agency  
Bureau of Indian Affairs

11/26/97  
Date