

Chapter 44
RECYCLING AND SOLID WASTE DISPOSAL
Tsi? Tetwatlahtste Kahle Tsi? Yeyakotyehtákhwa?
where the things are used over and where the garbage is kept

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44.1. Purpose and Policy

44.1-1. The purpose of this law is to promote the health, safety and welfare of residents and members of the Oneida Nation through the establishment of standards necessary to the sanitary and environmentally sound disposal of recyclable materials.

44.1-2. The Oneida Nation recognizes that unsanitary, inefficient and inappropriate methods of disposing of recyclable materials have an adverse impact on the environment and the natural resources of the Oneida Nation and its residents, and that the promulgation of standards of recycling are in the best interests of the Oneida Nation of Wisconsin.

44.1-3. Scope: This ordinance shall apply to all lands owned by the Oneida Tribe or its members, whether in fee or trust status, all other lands within the borders of the Oneida Reservation, and all persons residing within said borders.

44.2. Adoption and Amendment

44.2-1. This law is adopted pursuant to the inherent authority of the Oneida Nation of Wisconsin to promulgate such regulations as are deemed necessary to promote the health, safety and welfare of the Oneida Nation, its members and its residents.

44.2-2. This law may be amended as necessary and according to approved procedures by the Oneida Business Committee.

44.2-3. The Oneida Business Committee may delegate appropriate agencies the power to create any regulations needed to fully implement this law.

44.3. Effective Date

44.3-1. The provisions of this ordinance shall take effect upon adoption by the Oneida Business Committee, in no event later than January 1, 1995.

44.4. Definitions

44.4-1. “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

44.4-2. “Container Board” means corrugated paperboard used in the manufacture of shipping containers and related products.

44.4-3. “Foam polystyrene packaging” means packaging made from foam polystyrene that satisfies one or more of the following criteria:

- (a) is designed for serving food or beverages,
- (b) consists of loose particles intended to fill space and cushion the package article in a shipping container;

(c) consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

44.4-4. "HDPE" means high-density polyethylene, labelled by the SPI code #2.

44.4-5. "LDPE" means low-density polyethylene, labelled by the SPI code #4.

44.4-6. "Magazines" means magazines and other materials printed on similar paper

44.4-7. "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

44.4-8. "Multi-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

44.4-9. "Newspaper" means a newspaper and other materials printed on newsprint.

44.4-10. "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and/or properties. This term does not include multi-family dwellings.

44.4-11. "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer print-out are examples of office paper generally accepted as high grade. This term does not include industrial waste.

44.4-12. "Other resins or multiple resins" means resins labelled by the SPI code #7.

44.4-13. "Person" includes any individual, corporation, partnership, association, governmental unit or agency of any governmental unit.

44.4-14. "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

44.4-15. "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is used to contain a product that is the subject of a retail sale.

44.4-16. "Post-consumer waste" means solid waste other than solid waste generated during the production of goods, hazardous waste, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste.

44.4-17. "PP" means polypropylene, labeled by the SPI code #5.

44.4-18. "PS" means polystyrene, labeled by the SPI code #6.

44.4-19. "PVC" means polyvinyl chloride, labeled by the SPI code #3.

44.4-20. "Recyclable materials" includes lead-acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers (including those made of PETE, HDPE, LDPE, PVC, PP, PS and other/multiple resins) steel containers, waste tires and bi-metal containers.

44.4-21. "Solid Waste" means garbage, refuse, sludge, and other discarded materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

44.4-22. "Solid Waste facility" means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, tribal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfers stations, storage facilities, collection, and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of

scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean waste paper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto salvage yard or auto junk yard.

44.4-23. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

44.4-24. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

44.4-25. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative matter no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

44.4-26. "Medical waste" means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease. Medical waste includes any waste that contains or may be mixed with infectious waste.

44.4-27. "Designated Agent" means that person responsible for coordinating the collection and separation of recyclables at a non-residential facility or property.

44.4-28. "Hazardous Waste" means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976, as amended.

44.5. Recycling Applicability and Prohibitions

44.5-1. This law applies to all activities within the exterior boundaries of the Oneida Nation of Wisconsin, members of the Oneida Nation, and all residents within the exterior boundaries of the Oneida Nation.

44.5-2. No person may dispose of recyclable material by dumping, burning or other means any materials specified in Section 5-3 of this law which has been separated for recycling or composting, except waste tires which may be burned for energy recovery in a solid waste treatment facility.

44.5-3. Occupants of single and two-to-four unit residents, multiple-family dwelling and non-residential facilities shall separate the following materials from post consumer waste:

- (a) lead acid batteries
- (b) major appliances
- (c) waste oil
- (d) yard waste
- (e) aluminum containers
- (f) bi-metal containers
- (g) corrugated paper or other container board
- (h) foam polystyrene packaging
- (i) glass containers
- (j) magazines or other materials printed on similar paper
- (k) newspaper or other materials printed on similar paper
- (l) office paper

- (m) plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types,
- (n) steel containers
- (o) waste tires

44.5-4. VARIANCES: The Oneida Nation reserves the right to grant a variance from collection for any of the above post consumer wastes (Section 5-3 (a) through (o)). For 1995, the Oneida Nation grants a variance from collection for:

- (a) foam polystyrene packaging, (Section 5-3(h)) and;
- (b) those containers listed under Section 5-3(m) made of PVC, LDPE, PP, PS, and mixed or other plastic resin types. (Those plastic container types numbers 3 through 7). This variance shall remain in effect until such time as the recycling of these items is made commercially feasible.

44.5-5. To the greatest extent practicable, the recycled materials separated in accordance with Section 5-3 shall be clean and kept free of contaminants such as food materials, oil, grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in such a manner which protects them from wind, rain and other inclement weather conditions.

44.6. Management of Separated Recyclable Materials

44.6-1. Lead Acid Batteries shall be taken to a retail business that sells batteries.

44.6-2. Major Appliances shall be taken to N.W. Recycling, 3711 West Mason Street, Oneida, WI 54155 (414) 494-4477. For a \$25.00 fee, Home Pro will pick up major appliances on site. The Oneida Environmental Department should be consulted for details and other options. Microwave ovens may be land filled if the capacitor has been removed.

44.6-3. Waste Oil should be stored in a dirt-free container with a leak-proof lid, not contaminated with solvents or any other materials, and taken to a waste oil collection site. The Oneida Environmental Department should be consulted for details and disposal options.

44.6-4. Yard Waste shall be taken to the Oneida Nation Compost Site at Site 2.

44.6-5. Aluminum Containers shall be separated from any solid waste, rinsed and placed in curbside recycling bins.

44.6-6. Bi-Metal containers shall be separated from any solid waste, rinsed and placed in curbside recycling bins.

44.6-7. Corrugated Paper or other Container Board shall be picked up at curbside. Corrugated paper or other container board should be placed in bags or boxes next to curbside containers.

44.6-8. Foam Polystyrene Packaging shall be collected for recycling according to feasibility and market availability.

44.6-9. Magazines shall be separated from any solid waste and picked up at curbside.

44.6-10. Newspaper shall be separated from any solid waste and picked up at curbside. Newspaper shall be placed in paper bags or boxes, but shall not be bound.

44.6-11. Office Paper shall be separated by businesses from any solid waste and picked up at curbside.

44.6-12. Rigid Plastic Containers

- (a) PETE (SPI #1) shall be placed in curbside bins.
- (b) HDPE (SPI #2) shall be placed in curbside bins.
- (c) PVC (SPI #3) shall be collected for recycling according to feasibility and market availability.

- (d) LDPE (SPI #4) shall be collected for recycling according to feasibility and market availability.
- (e) PP (SPI #6) shall be collected for recycling according to feasibility and market availability.
- (f) PS (SPI #6) shall be collected for recycling according to feasibility and market availability.
- (g) Other resins or multiple resins (SPI #7) shall be collected for recycling according to feasibility and market availability.

The Oneida Environmental Department shall promulgate and distribute instructions to all affected person as regarding recyclable rigid plastic.

44.6-13. Steel Containers shall be rinsed and placed in curbside bins.

44.6-14. Waste Tires shall be collected semi-annually by the Oneida Environmental Department.

44.6-15. Steel, Bi-metal, aluminum, and plastic containers as well as corrugated paper or other container board, may also be taken to drop-off sites.

44.7. Responsibilities and Disposal

44.7-1. Owners or designate agents of non-residential facilities and properties and multi-family dwellings shall do all of the following for recycling the materials specified in 5-3:

- (a) Provide adequate, separate containers for the recyclable materials
- (b) Notify, in writing, at the time of lease and annually thereafter, all users, tenants and occupants of the property about this law and any established recycling program under this law.
- (c) Provide for the collection of the materials separated from the solid waste by users, tenants and occupants and the delivery of materials to a recycling facility.
- (d) Notify users, tenants and occupants of which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and contact person or company, including a name, address and telephone number.

44.7-2. To the greatest extent practicable, the recycled materials separated in accordance with Section 5-3 shall be clean and kept free of contaminants such as food materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in such a manner which protects them from wind, rain and other inclement weather conditions.

44.8. Prohibition on Disposal of Recyclable Materials Separated for Recycling

44.8-1. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 5-3 (a) through (o) which have been separated for recycling, except for materials granted a variance pursuant to Section 5-4 and except waste tires may be burned for energy recovery in a solid waste treatment facility.

44.9. Non-Collectable Materials

44.9-1. No person, unless provided written permission by the Oneida Nation, may deposit or place for any recyclable material collection by the Oneida Nation or its contractors, at any location within the Oneida Indian Reservation, any of the following recyclable materials, wastes, residuals, and other materials:

- (a) Hazardous wastes

- (b) Toxic wastes
- (c) Free liquid in any containers, including paints and solvents
- (d) Pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Oneida Nation for separation and for recyclable material collection.
- (e) Medical wastes
- (f) Asbestos
- (g) Sludge wastes
- (h) Industrial or commercial wastes from any industrial or commercial facility or operation
- (i) Residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial process.
- (j) Ash waste
- (k) Hazardous or toxic construction and demolition wastes
- (l) Biomedical wastes
- (m) Septage
- (n) Animal fecal wastes
- (o) Dead animals
- (p) Brush or trees
- (q) Wood treated with chemical preservatives
- (r) Explosive material
- (s) Contaminated recyclable material as determined by the Oneida Nation, its designee or contractor.

44.10. Right to Reject Materials

44.10-1. The Oneida Nation and its contractors reserve the right to reject and leave at the curbside any material not in accordance with this ordinance.

44.11. Solid Waste

44.11-1. The following provisions shall apply to all solid waste disposal within the exterior boundaries of the Oneida Reservation, and those business premises owned or leased by the Oneida Nation of Wisconsin not covered by a recycling law;

- (a) No person shall leave, deposit, or dump solid waste within the exterior boundaries of the Oneida Reservation except at a designated disposal or collection site. No person shall dispose of any solid waste generated outside the boundaries of the Oneida Reservation unless such disposal is at a collection or transfer site which is certified as in compliance with all applicable state, federal and tribal regulations.
- (b) No person shall dispose of solid waste on any private or public residential property, where disposal of such wastes will cause a public nuisance or health hazard, by causing noxious odors to escape or by infestation or insects or rodents.
- (c) No person shall deposit solid waste from any stopped or moving vehicle onto state, federal or tribal highways, roads, or right of ways, within the exterior boundaries of the Oneida Reservation.
- (d) No person shall dispose of any hazardous waste within the exterior boundaries of the Oneida Reservation.

(e) No person shall dispose of solid waste at a collection or disposal site located within the exterior boundaries of the Oneida Reservation except in a manner approved a Recycling and Solid Waste Disposal program or agency as established by the Oneida Business Committee.

(f) No person shall burn household solid waste or recyclables in any type of container.

(g) All solid waste containing food wastes shall be securely stored in covered or closed containers which are nonabsorbent, leakproof, durable, easily cleanable, and designed for safe handling. Containers shall be of adequate size and in sufficient numbers to contain all food wastes, rubbish, and ashes that a residence or other establishment generates in the period of time between collections. Containers shall be maintained in a clean condition so that they do not constitute a nuisance, and to retard harborage, feeding and breeding of vectors. When serviced, storage containers should be emptied completely of all solid waste.

44.11-2. Solid Waste Collection and Transport

(a) Any solid waste transported within the exterior boundaries of the Oneida Reservation shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.

(b) No commercial solid waste, or recycling, transporter shall operate or conduct business within the Oneida Reservation without prior approval of solid waste transport license received from the Oneida Nation Conservation Department.

44.12. Enforcement

44.12-1. All Oneida Reservation Conservation Enforcement Officers and Police Officers shall be empowered to enforce the provisions of this law.

44.12-2. Violation of any provision of this law may be punishable by a fine not to exceed \$500.00. Each day of any continuing violation may be charged as a separate violation, and a separate penalty may be imposed.

44.12-3. In addition to a penalty, any personal property which has been used in connection with such a violation, including vehicles and other equipment, may be seized and forfeited in satisfaction of any judgment entered pursuant to this law.

44.12-4. Nothing herein shall prevent the Oneida Business Committee from bringing suit in the appropriate forum against any violator of this law for monetary damages for harm to any Oneida Nation resource caused by a violation of this law, or for injunctive relief.

44.12-5. Any authorized officer of the Oneida Conservation Department, may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, collection sites, and facilities, collection vehicles, collections area of multiple family dwellings and non residential facilities and properties, solid waste disposal facilities, and solid waste treatment facilities and any records relating to recycling activities for the purpose of ascertaining compliance with the provisions of this law. No person may refuse access to any person authorized in this section who requests access for purposes of inspection, and who present appropriate credentials.

44.12-6. Any person who violates a provision of this ordinance may be issued a citation by the Oneida Nation Conservation Warden(s) to collect forfeitures. The issuance of the citations under any other law ore regulation relating to the same or any other matter shall not preclude the issuance of a citation under this law.

44.12-7. Penalties may be assessed for a violation of any provision of this law as follows for violation of any provision of Section 6-1:

- (a) First violation-\$50.00
- (b) Second violation-\$250.00
- (c) Third violation-\$2000.00
- (d) All violation penalties are also subject to seizure of equipment used in the violation.

44.13. Administration and Interpretation

44.13-1. The Oneida Business Committee delegates the authority to administer and create regulations regarding this law to the Oneida Environmental Department and the enforcement of the provisions of this law and any regulations made pursuant to this law to the Oneida Conservation Department.

44.13-2. Where any terms or requirements of this law may be inconsistent or conflicting, the more restrictive provision of the law is applicable. Where the federal and tribal law regarding environmental protection conflict, the tribal law shall be interpreted in regards to the latest federal standards in effect, provided that such standards are not less than those standards provided herein.

44.13-3. Severability. Should any provision of this law be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this law shall not be affected thereby.

End.

Adopted – BC-12-14-94-A
Amended – BC-2-15-95-K
Amended – BC-11-9-98-A (Emergency amendments – expired)