

Oneida Tribe of Indians of Wisconsin

Post Office Box 365



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Phone: (414) 869-2214



Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

RESOLUTION # 2-15-95-K

- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a Treaty Tribe recognized by the laws of the United States, and
- WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS, the Oneida Business Committee, in regular session, duly adopted the Oneida Recycling and Solid Waste Disposal Law on December 14, 1994, and
- WHEREAS, the Oneida Recycling and Solid Waste Disposal Law, as adopted, contained cross-reference errors in Article V, Article VII, and Article VIII,

NOW THEREFORE BE IT RESOLVED: that Article V of the Oneida Recycling and Solid Waste Disposal Law is amended in its entirety to read as follows:

Article V. Recycling Applicability and Prohibitions

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.

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.

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.

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.

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.

BE IT FURTHER RESOLVED, that Article VII of the Oneida Recycling and Solid Waste Disposal Law is amended in its entirety to read as follows:

Article VII. Responsibilities and Disposal

7-1. Owners or designated 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 a contact person or company, including a name, address and telephone number.

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.

BE IT FURTHER RESOLVED That Article VII of the Oneida Recycling and Solid Waste Disposal Law is amended in its entirety to read as follows:

Article VIII. Prohibition on Disposal of Recyclable Materials Separated for Recycling

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.

BE IT FINALLY RESOLVED THAT all remaining terms of the Oneida Recycling and Solid Waste Disposal Law continue in effect as adopted on December 14, 1994.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum, 8 members were present at a meeting duly called, noticed and held on the 15th day of February, 1995; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee

ONEIDA RECYCLING AND SOLID WASTE DISPOSAL LAW

Article I. Purpose and Policy

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.

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.

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.

Article II. Adoption and Amendment

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.

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

2-3. The Oneida Business Committee may delegate appropriate agencies the power to create any regulations needed to fully implement this law.

Article III. Effective Date

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.

Article IV. Definitions

4-1. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

4-2. "Container Board" means corrugated paperboard used in the manufacture of shipping containers and related products.

4-3. "Foam polystyrene packaging" means packaging made from foam polystyrene that satisfies one or more of the following criteria:

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.

4-21. "Solid Waste" means garbage, refuse, sludges, 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 materials 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.

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, transfer 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.

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.

4-24. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

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.

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.

4-27. "Designated Agent" means that person responsible for coordinating the collection and separation of recyclables at a non-residential facility or property.

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.

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 landfilled if the capacitor has been removed.

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.

6-4. Yard Waste shall be taken to the Oneida Nation Compost Site at Site 2.

6-5. Aluminum Containers shall be separated from any solid waste, rinsed and placed in curbside recycling bins.

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

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.

6-8. Foam Polystyrene Packaging shall be collected for recycling according to feasibility and market availability.

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

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.

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

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 persons regarding recyclable rigid plastic.

6-13. Steel Containers shall be rinsed and placed in curbside bins.

6-14. Waste Tires shall be collected semi-annually by the Oneida Environmental Department.

6-15. Steel, Bi-metal, aluminum, and plastic containers as well as corrugated paper or other container

- 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.

Article X. Right to Reject Materials

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.

Article XI. Solid Waste

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.

this law.

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 or more - \$2000.00
- d. All violation penalties are also subject to seizure of equipment used in the violation.

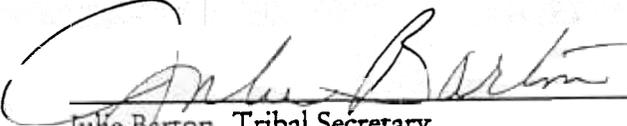
Article XIII. Administration and Interpretation

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.

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.

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.

The foregoing ordinance was adopted on February 15, 1995 at a regular meeting of the Oneida Business Committee.



Julie Barton, Tribal Secretary
Oneida Tribe of Indians of Wisconsin