

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Solid Waste Regulatory Office to Assist the United States Environmental Protection Agency in Underground Storage Tank Compliance)

RESOLUTION NO. 03-170

1 **WHEREAS, the United States Environmental Protection Agency (“USEPA”) has authority to**
2 **enforce compliance with federal Underground Storage Tank (“UST”) laws and**
3 **regulations under the Resource Conservation and Recovery Act (42 USC 6991-6991i)**
4 **and its regulations (40 CFR Part 280) on Indian lands; and**

5 **WHEREAS, the USEPA seeks to implement its authority on Indian lands by utilizing tribal staff**
6 **to monitor actions by UST owners and operators to bring their USTs into compliance**
7 **with federal laws and regulations and USEPA compliance orders; and**

8 **WHEREAS, no office of the Nation has been previously designated and authorized to assist the**
9 **USEPA in performing this compliance monitoring function; and**

10 **WHEREAS, the Tohono O'odham Nation created a Solid Waste Regulatory Office (“SWRO”) when**
11 **it adopted the Solid Waste Management Code by Legislative Council Resolution No.**
12 **97-041, and the SWRO was given authority to enforce the Solid Waste Management**
13 **Code on Tohono O'odham Nation (“Nation”) lands; and**

14 **WHEREAS, contaminated soil which is removed during a UST removal is solid waste as defined**
15 **by the Solid Waste Management Code, and therefore the task of monitoring UST**
16 **compliance logically fits within duties and responsibilities of the SWRO; and**

17 **WHEREAS, the powers and duties of the SWRO listed in Section 302(o) of the Solid Waste**
18 **Management Code include the power “to exercise such other powers and duties**
19 **related to solid waste regulation as are described in Chapter 7 and Chapter 9 of this**
20 **Code and as shall from time to time be given to the SWRO by the Legislative Council;”**
21 **and**

22 **WHEREAS, it is in the Nation’s best interests to designate the SWRO as the office of the Nation**
23 **with authority to monitor UST compliance activities within the Nation’s lands in**
24 **coordination with the USEPA, and to provide training, advice and technical**
25 **assistance to owners and operators of USTs in cooperation with the USEPA, the Inter**
26 **Tribal Council of Arizona, the Tohono O'odham Nation Environmental Protection**
27 **Agency and similar entities, and to take such actions as may be reasonably necessary**
28 **to clean up those USTs on the Nation’s lands for which no responsible “owner” or**
29 **“operator” (as those terms are defined by 42 USC 6991 and 40 CFR 280.12) can be**

RESOLUTION NO. 03-170

(Authorizing the Solid Waste Regulatory Office to Assist the United States Environmental Protection Agency in Underground Storage Tank Compliance)

Page 2 of 3

1 found; and
2 WHEREAS, the staff of the SWRO have received training in UST laws and regulations and have
3 experience in monitoring UST removal and compliance activities; and
4 WHEREAS, this resolution has been reviewed and approved by the Domestic Affairs Committee
5 and the Budget and Finance Committee.
6 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council authorizes the
7 SWRO to assist the USEPA in monitoring UST compliance activities on the Nation's
8 lands and to provide training, advice and technical assistance to owners and
9 operators of USTs in cooperation with the USEPA, the Inter Tribal Council of Arizona,
10 the Tohono O'odham Nation Environmental Protection Agency and similar entities,
11 and to take such actions as may reasonably be necessary to clean up those USTs on
12 the Nation's lands for which no responsible "owner" or "operator" (as those terms
13 are defined by 42 USC 6991 and 40 CFR 280.12) can be found.

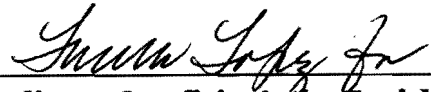
14 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day
15 of APRIL, 2003 at a meeting at which a quorum was present with a vote of 1,834.1 FOR; 583.4
16 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by
17 Section 1 (c) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the
18 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
19 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
20 18, 1934 (48 Stat. 984).

21
22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

23 
24 _____
25 Rita A. Martinez, Legislative Chairwoman

26 14th day of April, 20 03

27
28 ATTEST:

29 
30 _____
31 Julianna Saraficio, Acting Legislative Secretary

32 08 day of April, 20 03.

33
34
35 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
36 Nation on the 14th day of April, 20 03 at 3:16 o'clock, P.M.,
37 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
38 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
39 submittal.

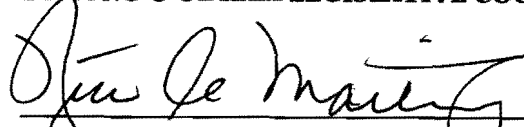
RESOLUTION NO. 03-170

(Authorizing the Solid Waste Regulatory Office to Assist the United States Environmental Protection Agency in Underground Storage Tank Compliance)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 16 day of April, 2003

DISAPPROVED

at 9:33 o'clock, A.M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 16th day of

April, 2003, at 11:10 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: AUTHORIZING THE SOLID WASTE REGULATORY OFFICE TO ASSIST THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN UNDERGROUND STORAGE TANK COMPLIANCE

MOVED: COUNCILWOMAN FERN SALCIDO

SECOND: COUNCILMAN DAVID GARCIA

DATE: APRIL 08, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 188.3	1. CAMILLUS LOPEZ** ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65		X		
	2. SANDRA ORTEGA** ()	83.65		X		
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL JR. (Johnson W. Larson)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			X
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05		X		
	2. EVELYN JUAN ()	208.05		X		
SIF OIDAK 184.7	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA A. MARTINEZ** ()	92.35	X			
TOTAL		2,417.5	1,834.1	583.4	-0-	[01]

****PASSED VOTES**