

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting the Tohono O'odham Solid Waste Management
Code and Solid Waste Management Plan)**

RESOLUTION NO. 97-041

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4 **WHEREAS, the Tohono O'odham Nation (“Nation”), in exercise of its**
5 **sovereign authority, desires to manage and regulate the**
6 **storage, collection, transportation and disposal of solid**
7 **waste and certain hazardous waste on lands within the**
8 **boundaries of the Nation in order to protect the Nation's**
9 **environment, its natural resources, the political integrity**
10 **and economic security of the Nation, and the health, safety**
11 **and welfare of its members and all persons present on the**
12 **lands of the Nation; and**

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15 **WHEREAS, the Second Draft of the Solid Waste Management Code and**
16 **the Recommended Solid Waste Management Plan attached**
17 **hereto will promote the interests of the Nation and will**
18 **assist in bringing the Nation into compliance with the**
19 **federal Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., as**
20 **amended by the Resource Conservation and Recovery Act**
21 **of 1976, and with the regulations issued thereunder,**
22 **including 40 C.F.R. Part 258, and with the Indian Lands**
23 **Open Dump Cleanup Act, 25 U.S.C. §§ 3901-3908; and**

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26 **WHEREAS, the Tohono O'odham Legislative Council (“Legislative**
27 **Council”) approved the establishment of a Solid Waste**
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Management Committee by Resolution No. 95-564, and this Solid Waste Management Committee has developed and approved the Recommended Solid Waste Management Plan and recommends that the Legislative Council approve the Plan; and

WHEREAS, the Recommended Solid Waste Management Plan proposes that the Nation implement a program to provide solid waste bins in each community and operate a trucking system to collect the solid waste from these bins and haul it to landfills located off of the Nation's lands; and

WHEREAS, the Solid Waste Office of the Planning and Operations Department, in consultation with the Solid Waste Management Committee, has solicited land sites for the Solid Waste Program Building from Gu Achi District, Schuk Toak District and Sells District, and Gu Achi District has approved of a land site on Highway 86 in Gu Achi District Resolution No. 0996-131 (attached to the Recommended Plan) but the other two districts have declined to approve a land site, and the Solid Waste Office of the Planning and Operations Department has selected the site in Gu Achi District; and

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WHEREAS, the Solid Waste Management Committee has taken the First Draft of a Solid Waste Management Code to each of the Districts and has held hearings on this Code; and

WHEREAS, the comments from these hearings in each District and the comments from the Office of the Attorney General have been incorporated into a Second Draft of the Solid Waste Management Code; and

WHEREAS, the Solid Waste Management Committee and the Rules Committee of the Legislative Council have reviewed and approved the Second Draft of the Solid Waste Management Code and recommend that the Legislative Council approve the Code, and in addition the Natural Resources Committee has reviewed the Second Draft and has recommended deletion of Section 305 relating to the Solid Waste Advisory Committee; and

WHEREAS, upon the recommendation of the Legislative Council at the October 1996 general session, the Solid Waste Management Committee reviewed the Second Draft of the Solid Waste Management Code with each of the eleven District Councils of the Nation, and incorporated some of the suggestions

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from these District Council meetings into the current revision of the Second Draft of the Solid Waste Management Code; and

WHEREAS, the Domestic Affairs Committee of the Legislative Council has reviewed the current revision of the Second Draft of the Solid Waste Management Code and recommends its approval.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby adopts the Second Draft of the Solid Waste Management Code as amended in this Legislative Council session and in the form attached hereto, to be known as the Tohono O'odham Solid Waste Management Code, and approves the Recommended Solid Waste Management Plan in the form attached hereto, to be known as the Tohono O'odham Solid Waste Management Plan.

BE IT FINALLY RESOLVED that the Solid Waste Management Committee shall continue to function under the authority of Resolution No. 95-564 until such time as the Legislative Council shall disband the committee.