

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending the Solid Waste Management Code to Extend the Implementation
Deadline by Six Months Until April 9, 1998)**

RESOLUTION NO. 97-439

**WHEREAS, in Resolution No. 97-041 the Tohono O'odham Nation ("Nation")
adopted a Solid Waste Management Code and a Solid Waste
Management Plan, effective on February 12, 1997, containing an
implementation deadline of October 9, 1997 for the closing of all
open dumps on the Nation's lands to further dumping, the
prohibition of certain dumping and burning practices, and the
implementation of an alternative solid waste collection and
hauling system involving community trash bins and compactor
trucks operated by the Nation to haul solid waste off of the
Nation's lands to existing municipal landfills in Ajo, Casa Grande
and Tucson; and**

**WHEREAS, the Nation's implementation deadline is based on an open dump
closure deadline of October 9, 1997 set by the United States
Environmental Protection Agency in 40 CFR § 258.1(d)(3), as
amended, under the authority of the Resource Conservation and
Recovery Act, 42 U.S.C. §§ 6921-6939e, for open dumps that are
small and in arid, rural lands to stop receiving new waste; and**

**WHEREAS, by letter dated August 5, 1997 the Nation requested an extension
of the federal October 9, 1997 deadline from the Environmental
Protection Agency but the Environmental Protection Agency has
denied the Nation's request for extension; and**

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3 **WHEREAS, the Nation appropriated operating funds for the Solid Waste**
4 **Management Program on April 12, 1997, appropriated capital**
5 **funds for equipment purchases and building construction on**
6 **July 11, 1997, hired a Solid Waste Program Manager on July 11,**
7 **1997, and began operation of the Solid Waste Management**
8 **Program in July 1997; and**

9
10 **WHEREAS, the Nation's Solid Waste Management Program has begun to**
11 **implement the alternative waste hauling system and has ordered**
12 **the trash compactor trucks and the community bins and other**
13 **equipment, but despite the Program's best efforts the system will**
14 **not be in place by the October 9, 1997 deadline; and**

15
16 **WHEREAS, the implementation of the alternative waste collection and**
17 **hauling system is expected to begin in early February 1998; and**

18 **WHEREAS, the dumping and burning prohibitions and the open dump**
19 **closure requirements in the Solid Waste Management Code**
20 **cannot be enforced until the alternative waste collection and**
21 **hauling system is in place; and**

22 **WHEREAS, an extension of time of six (6) months until April 9, 1998 is needed**
23 **to provide for proper implementation of the alternative waste**
24 **collection and hauling system; and**

25
26 **WHEREAS, the Solid Waste Management Committee of the Nation has**
27 **recommended the six month extension, and the Natural**
28

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Resources Committee of the Legislative Council has reviewed the matter and recommends the same.

NOW, THEREFORE, BE IT RESOLVED that the Nation's Solid Waste Management Code is amended so that the implementation deadline of October 9, 1997 in Section 601 and in Section 801(a) is amended to read April 9, 1998, and that all other provisions of the Solid Waste Code not inconsistent with this amendment shall remain in full force and effect.

The foregoing Resolution was passed by the Tohono O'odham Council on the 9TH day of OCTOBER, 1997 at a meeting at which a quorum was present with a vote of 1,617.0 FOR; 190.0 AGAINST; -0- NOT VOTING; and 120.0 [06] ABSENT, pursuant to the powers vested in the Council by Section 1(c)(2), (i)(2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

14th day of October, 1997

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

14 day of October, 1997.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of October, 1997 at 9:24 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

APPROVED on the 16th day of October, 1997

DISAPPROVED at 9:55 o'clock, A.M.

EXCEEDED 48 HOURS



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

Returned to the Legislative Secretary on the 16th day of October, 1997, at 10:20 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: **AMENDING THE SOLID WASTE MANAGEMENT CODE TO EXTEND THE IMPLEMENTATION DEADLINE BY SIX MONTHS UNTIL APRIL 9, 1998**MOVED: **COUNCILWOMAN RITA MARTINEZ**SECOND: **COUNCILWOMAN FRANCES ANTONE**DATE: **OCTOBER 9, 1997**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0		X		
	2. ALEX J. RAMON ()	95.0		X		X
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			X
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			X
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0				X
	2. AMBROSE ENCINAS ()	60.0				X
SELLS 322.0	1. DENNIS E. JOSE (Cynthia Chico)	161.0	X			
	2. EVELYN JUAN	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
TOTAL		1,927.0	1,617.0	190.0	-0-	120.0 [06]

**PASSED VOTES