

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting the United States Congress fund the Indian Lands Open
Dump Clean-up Act of 1994)

RESOLUTION NO. 99-126

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

9 **WHEREAS, the Tohono O'odham Legislative Council ("Legislative Council") adopted**
10 **the Solid Waste Management Code and Solid Waste Management Plan on**
11 **February 12, 1997 and amended the Solid Waste Management Code on**
12 **October 16, 1997; and**

13 **WHEREAS, the Legislative Council has approved both the capital and operating**
14 **budget for the Solid Waste Management Program and Solid Waste**
15 **Regulatory Office from tribal funds in FY 97, FY 98 and FY 99; and**

16 **WHEREAS, the adopted Solid Waste Management Plan has the Nation implementing**
17 **a program that will provide solid waste collection and recycling for all**
18 **villages by way of bins placed in each community; a trucking system to**
19 **collect the solid waste from the bins; haul the waste to EPA approved**
20 **sanitary landfills located off of the Nation's lands; and**

21 **WHEREAS, the United States Congress adopted legislation in the form of *The Indian***
22 ***Lands Open Dump Clean-up Act of 1994, 25 USC section 3901-3908,***

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1 **requiring the Indian Health Service to provide technical and financial**
2 **assistance for the closure of all solid waste dumps on Indian Lands; and**

3 **WHEREAS, the United States Environmental Protection Agency's regulation at 40 CFR**
4 **PART 258, requires the closing and capping all small rural solid waste**
5 **dumps, including solid waste dumps on all Indian lands by October 9,**
6 **1998; and**

7 **WHEREAS, the Indian Health Service has developed a preliminary estimate of \$2.4**
8 **million dollars to close approximately 88 dumps on the Nation's land, and**
9 **has provided funding to the Nation to further detail the dump closure**
10 **estimates.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council**
12 **hereby requests that the United States Congress fund the closure of the**
13 **88 dumps that have been identified on the Tohono O'odham Nation's**
14 **land by the Indian Health Service with an appropriation of \$2.4 million**
15 **dollars in the FY-2000 Federal Budget.**

16 **BE IT FURTHER RESOLVED that the United States Congress fund the unfunded**
17 **mandate within *The Indian Lands Open Dump Clean-up Act of 1994* that**
18 **requires I.H.S. to finance the closure of all solid waste dumps on Indian**
19 **lands.**

20 **BE IT FINALLY RESOLVED that the Appropriations Committee are hereby authorized**
21 **and directed to bring this request to the appropriate agencies, members**
22 **and committees of Congress.**

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1 The foregoing Resolution was passed by the Tohono O'odham Council on the 17TH day
2 of MARCH, 1999 at a meeting at which a quorum was present with a vote of 1,737.0
3 FOR; 0 AGAINST; 0 NOT VOTING; and 190.0 [07] ABSENT, pursuant to the powers
4 vested in the Council by Section 1 (j) Article VI of the Constitution of the Tohono
5 O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and
6 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on
7 March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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9 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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11 
12 _____
13 Dennis Ramon, Legislative Chairman

14
15 19th day of March, 19 99


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18 ATTEST:

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21 _____
22 Julianna Saraficio, Acting Legislative Secretary

23
24 17th day of March, 19 99.

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27 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
28 O'Odham Nation on the 19th day of March, 19 99
29 at 8:25 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the
30 Constitution and will become effective upon his approval or upon his failure to either
31 approve or disapprove it within 48 hours of submittal.

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33 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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36 _____
37 Dennis Ramon, Legislative Chairman

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APPROVED on the 19 day of March, 1999
 DISAPPROVED at 9:30 o'clock, A.M.

Henry C. Ramon
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19th day of
March, 1999, at 10:11 o'clock, A.M.

Julianna Saraficio for
Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUESTING THE UNITED STATES CONGRESS FUND THE INDIAN LANDS OPEN DUMP CLEAN-UP ACT OF 1994

MOVED: COUNCILMAN DENNIS JOSE

SECOND: COUNCILMAN AMBROSE ENCINAS

DATE: MARCH 17, 1999

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			X
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			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
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			X
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			X
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			X
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
TOTAL		1,927.0	1,737.0	-0-	-0-	190.0 [07]

**PASSED VOTES