

CHAPTER 4-13 SOLID WASTE

4-13-1 Authority and Scope

Pursuant to the authority of the Colville Tribal Business Council, regarding the matter of solid waste storage, collection and disposal, and in the interest of enhancing the health, safety, and well being of residents of the Colville Reservation, and to minimize the detrimental effects of solid waste operations upon the environment, the following Chapter governing solid waste is adopted.

4-13-2 Definitions

For the purpose of this Chapter, the following words and phrases shall have meanings as set forth in this section:

- (a) "Agricultural waste" means waste generated from field and row crops, orchards, dairies, feedlots, farms, ranches, etc., including, but not limited to, crop residue, animal manure, and orchard prunings.
- (b) "Approved container" means a container that is durable, leakproof, corrosion resistant, rodent and insect resistant, easily cleanable, covered, in good condition, and limited to the following:
 - (1) Individual containers must be not more than 32 gallon capacity with tight fitting lids.
 - (2) Business and drop box containers must be compatible with the collection vehicle.
- (c) "Approved site" means a disposal site or facility which has met all the requirements of these regulations and is approved by the department as the place for final depositing of solid waste.
- (d) "Bulky waste" means large items of refuse, such as car bodies, and parts thereof, appliances, furniture, trees and stumps and/or other oversized wastes.
- (e) "Collection" means the gathering or loading of solid waste and the movement of such waste to the place of utilization or disposal.
- (f) "Franchised service" means any fee-paid solid waste collection service existing prior to the adoption of this Chapter within the boundaries of the Colville Reservation.
- (g) "Garbage" means putrescible material including, but not limited to, animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill; and/or carcasses or parts of dead animals.
- (h) "Hazardous wastes" include, but are not limited to, explosives, medical wastes, radioactive wastes, pesticides and/or other chemicals which are harmful to the public's health or the environment.
- (i) "Litter" means solid waste that is scattered in a careless manner.
- (j) "Open burning" means the burning of solid waste in an open area, or pile; or in a barrel or furnace with inadequate controls which yields an unsatisfactory residue and/or an unsatisfactory air effluent.
- (k) "Person" means any individual, firm association, co-partnership, political sub-division, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (l) "Plan of operation" means a document prepared and approved by the department which defines the objectives, procedures, responsibilities and management of the Solid Waste Management Project.

- (m) "Premise" means a tract or parcel of land with or without habitable buildings.
- (n) "Putrescible" means organic matter that is capable of being decomposed by micro-organisms resulting in the formation of foul-smelling products.
- (o) "Refuse" (See solid waste).
- (p) "Department" means the Public Works Department of the Colville Confederated Tribes.
- (q) "Regulatory enforcement officer" means the person or persons charged with the responsibility of enforcing Colville Tribal civil laws, regulations, and tribal resolutions promulgated pursuant thereto and shall include all Colville Tribal:
- (1) Law enforcement officers;
 - (2) Parks and Recreation Program law enforcement personnel;
 - (3) Fish and Wildlife Program law enforcement personnel;
 - (4) Any other qualified individual authorized by tribal law to act as a regulatory enforcement officer.
- (r) "Rubbish" means nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
- (s) "Scavenging" means the uncontrolled removal of solid waste materials from containers, vehicles, or an approved disposal site.
- (t) "Solid waste" means all putrescible and nonputrescible solid and semi-solid wastes (except body wastes) and including, but not limited to, garbage, rubbish, ashes, incinerator residue, bulky wastes, street cleanings, solid market and industrial wastes, demolition and construction wastes and discarded commodities.
- (u) "Storage" means the confining, containing or stockpiling of solid waste for a limited period of time prior to collection, transportation, utilization, processing or final disposal.
- (v) "Vehicle" means a commercial compactor or other conveyance that is easily cleanable and capable of transporting solid waste without spillage and/or littering.

(Amended 11/7/02, Resolution 2002-675)

4-13-3 Federal Law

This Chapter shall be constructed as consistent with the provisions of 42 USC § § 6901-6987 and to the extent such provisions are determined to be applicable to the regulation of solid waste on the Colville Reservation, they shall be incorporated by reference into this Chapter.

4-13-4 Storage

(a) All persons shall be responsible for the safe and sanitary storage of all solid waste accumulated at that premise until it is removed.

(b) Solid waste shall be stored according to the following provisions:

- (1) Bulky waste and/or rubbish shall be stored in an approved container or in a manner that will confine the waste in one area, and not create a public nuisance.
- (2) Garbage shall be stored in approved containers.

- (3) Hazardous wastes shall be labeled as such and stored inaccessible to the public.
- (4) Waste from medical and dental clinics, including infectious wastes shall be stored in containers with disposable plastic liners with special identification and stored inaccessible to the public.
- (5) Agricultural waste shall be so stored as to minimize nuisance, fly, rodent, odor, and water pollution problems.

- (c) Approved containers shall be maintained in a manner acceptable to the department.
- (d) Drop-box containers shall be periodically disinfected, and shall be steam cleaned and painted each year by the department.
- (e) Approved individual containers shall be stored off the ground on racks or stands.

4-13-5 Collection

- (a) The department shall arrange for the collection of solid waste on at least a weekly basis.
- (b) All Colville tribal members living within the boundary of the Reservation, not participating in a franchised services, shall be required to subscribe to the refuse collection service. All non-tribal members shall be offered the opportunity to subscribe.
- (c) Only approved vehicles shall be used for the collection of solid waste.
- (d) Solid waste shall be collected in a manner that prevents spillage and/or littering. Should this occur, the waste should be immediately picked up and returned to the vehicle.
- (e) Vehicles used for the collection of solid waste shall be cleaned weekly.
- (f) Owners of vicious animals shall be required to control such animals to provide for the safety of the collector and prevent interference with collection service.
- (g) No hazardous or agriculture waste will be collected by the department.
- (h) Fees for collection services shall be established and collected by the department.

4-13-6 Disposal

- (a) Only the department shall be authorized to operate an approved disposal site on the reservation. No solid waste may be dumped or disposed of at any location on the reservation other than an approved solid waste disposal site or approved drop box location.
- (b) All building contractors and any person as defined by section 4-13-2(k) are required by this Chapter to submit to the department for review and approval a Solid Waste Disposal Plan prior to commencement of work to dispose of work site waste materials through the department or at the nearest approved landfill. The department shall issue a notice of non-compliance to any building contractor who fails to submit the plan, and impose a fine of \$100.00 per day for each day that the Solid Waste Disposal Plan is not submitted to the department.

(Amended 2/22/00, Resolution 1999-117)
(Amended 11/7/02, Resolution 2002-675)

- (c) No person, other than tribal members and residents of the Colville Reservation, shall be authorized to deposit or dispose of solid waste at an approved solid waste disposal site or approved drop box location. Tribal members shall be required to present a tribal membership card and non-members shall present an authorized card issued by the Tribal Public Works Department when entering any waste disposal facilities on the reservation. Persons authorized to dispose of

solid waste at an approved solid waste disposal site or drop box location shall not use these facilities to dispose of solid waste belonging to an unauthorized person. Parties who willfully violate this provision are subject to prosecution.

(Amended 11/7/02, Resolution 2002-675)

(d) There shall be no open burning of solid waste on the Reservation.

(e) No hazardous waste shall be deposited at any disposal site. Contact the department to arrange for proper disposal.

(f) Agricultural waste may be disposed of at an approved site by prior arrangement with the department.

(g) The disposal of septic tank pumping shall only be made at the Nespelem lagoons, unless otherwise approved by the department.

(h) All persons living within the boundaries of the Reservation, but not on an established collection route, shall dispose of solid waste at an approved site, or at approved drop box locations.

(i) Scavenging is prohibited on the Reservation except in areas designated by the department.

(Amended 6/17/98, Resolution 1998-92)

(Amended 11/7/02, Resolution 2002-675)

(j) All persons hauling solid waste to an approved site or approved drop box for disposal shall place a tarp over the solid waste to prevent the refuse from falling out of the truck on route to the disposal site. Failure to abide to this section shall result in the imposition of a \$250.00 fine.

(Amended 11/7/02, Resolution 2002-675)

(Amended 1/12/06, Certified 1/23/06, Resolution 2006-28)

4-13-7

Unlawful Dumping

(a) It shall be a violation of this Chapter for any person to dump or deposit or permit the dumping of depositing of any solid waste or any other waste listed under this Chapter onto or under the surface of the ground or into the waters of this Reservation except as provided by this Chapter. This section shall not prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate tribal law, or create a nuisance.

(b) Each day of a violation under this section, shall for the purpose of this section, constitute a separate violation. In addition, to any other remedy provided by this Chapter and unless suspended or modified by the Court, any person in violation of this section shall also pay a litter cleanup fee of twenty-five (\$25.00) dollars per cubic foot of litter. The Court may in addition to or in lieu of part or all of the cleanup fee, require a person found responsible for illegal dumping or littering to remove all solid waste disposed of illegally; to restore the site to a condition acceptable to the department; and to dispose of the solid waste at an approved disposal site, or drop box location. The Court may order a violator to remove litter from an additional site, dispose of it lawfully, and restore the site, not caused by this violator.

(Amended 11/7/02, Resolution 2002-675)

(c) Whenever solid wastes dumped in violation of this section contain three or more items bearing the name of one individual there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful act of dumping.

4-13-8

Regulations

The department shall, in accordance with the administrative procedure provisions in this Code, adopt regulations governing solid waste handling implementing the comprehensive solid waste management plan covering storage, collection, transportation, treatment, utilization, processing

and final disposal including but not limited to the establishment of minimum levels and types of service for any aspect of solid waste handling. Such regulations shall assure that solid waste storage and disposal facilities are located, maintained, and operated in a manner which:

- (a) Protects the public health and prevents air and water pollution;
- (b) Avoids the creation of nuisances;
- (c) Considers geology, ground water, soil, flooding, surface water, slope, cover material, capacity, climatic factor, land use, and other factors as determined by the department; and
- (d) Is otherwise consistent with this Chapter.

(Amended 11/7/02, Resolution 2002-675)

4-13-9 Solid Waste Advisory Committee

The Business Council may appoint a Solid Waste Advisory Committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment on proposed regulations, policies, or amendments to this Chapter prior to their adoption. Such committee shall consist of a minimum of five members each of whom shall have some knowledge and/or interest in solid waste issues.

(Amended 6/17/98, Resolution 1998-92)

4-13-10 Administrative Procedures

The department shall produce, implement and update every five years, upon approval of the Business Council, a comprehensive plan of operations which shall be designed to carry out the provisions of this Chapter. Such a plan shall be in compliance with all tribal laws and regulations related to the management of solid waste. The Plan of Operations shall serve as a guideline in the interpretation of this Chapter as it relates to the operation of the Solid Waste Management Project.

4-13-11 Enforcement and Penalties

(a) It shall be the duty of the Department to enforce the provisions of this Chapter equally on all persons living within the boundaries of the Reservation through the Tribal Fish and Wildlife Department, Parks and Recreation Department, Environmental Trust Department, the Solid Waste Department, Tribal Police, and the Tribal Court System. Except as otherwise provided by this Chapter, all violations of this Chapter or regulations promulgated under this Chapter shall be considered civil in nature, and shall be adjudicated as provided by Chapter 2-3 Infractions; Field Bonds; Other Civil Violations and Forfeitures under this Code. Any regulatory enforcement officer shall be authorized to issue citations pursuant to Chapter 2-3, Infractions.

(Amended 6/17/98, Resolution 1998-92)

(Amended 11/7/02, Resolution 2002-675)

(b) Any Liquidated Damage Schedule amount imposed against a first time violator may be waived if the violator remedies the violation and comes into compliance with the provisions of this Chapter within ten (10) days of service of the notice of infraction.

(Amended 11/7/02, Resolution 2002-675)

(c) Any Liquidated Damage Schedule amount imposed pursuant to the provisions of this Chapter and Chapter 2-3 shall be paid to the Solid Waste Department and placed into the Colville Tribes General Fund.

(Amended 11/7/02, Resolution 2002-675)

4-13-12 Repeal and Partial Invalidity

(a) If any Ordinance, Code, works, or rules and regulations of the Colville Tribe of Indians are in conflict with this Chapter, they are hereby repealed.

(b) If any section of this Chapter or part therefore shall be declared invalid, such decisions shall not affect the remaining portions.

4-13-13

Effective Date

This Chapter shall become effective on the date of adoption by the Colville Tribal Business Council.

(Chapter Amended 3/4/99, Resolution 1997-117)
(Chapter 4-13 Adopted 2/17/81, Resolution 1981-98)