

TRIBAL CODE

CHAPTER 24

SOLID WASTE MANAGEMENT CODE

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HISTORY NOTE:

Current Ordinance:

Adopted May 29, 1994, Resolution No. 186(84). Effective immediately as
to tribal members. Effective August 29, 1994, as to non-members.

Amendments:

Amended June 12, 1989, Resolution No. 187(89), to add 24.102(3) and (4) and 24.106(7) and amend 24.106(4).

Amended January 23, 1995, Resolution No. 25(95). Secs. 24.102-24.106 adding 24.107. Sec. 24.201-24.208.

Amended November 27, 1995, Resolution No. 483(95), amends 24.103(8), 24.106(1) and 24.208(2).

Amended April 25, 2000, Resolution No. 211(00), Chapter I & II.

TRIBAL CODE

CHAPTER 24

SOLID WASTE MANAGEMENT CODE

24.101 Scope and Purpose.

(1) The purpose of this code is to help ensure that efficient, nuisance free, and environmentally sound waste management procedures are practiced on the Lac du Flambeau Reservation.

(2) This code applies to the activities of tribal members and non-members within the exterior boundaries of the reservation including tribal and non-tribal facilities, operations and businesses.

24.102 Definitions.

(1) **Collection and transportation service (disposal/“hauler”)** means a solid waste disposal operation which utilizes containers, vehicles or other means for the collection and transportation of solid waste. This may also include haulers that pickup of recyclables as part of their service and deliver items to a transfer site or Material Recovery Facility.

(2) **Construction and Demolition (C/D) Waste** is waste materials from demolition and new construction limited to the following materials: brick, mortar, concrete, clean wood, floor tile, ceramic tile, wallboard materials including gypsum board (“sheet rock”), plaster and paneling and small amounts of steel or aluminum that cannot be separated from the other - materials like concrete reinforcement rod and nail. C/D waste does not include any hazardous waste such as asbestos, waste paints, solvents, chemicals, sealants, etc. or any recyclable materials as defined in Chapter II, Tribal Solid Waste Codes.

(3) **Construction and Demolition Site** is a site that meets the requirements of 40 CFR Part 257 and shall require obtaining a permit from the Lac du Flambeau Tribal Natural Resource Department. Individuals will need to apply for a permit to operate a C/D Site or dispose of demolition material on the reservation, permit must be presented and Approved by Tribal Council.

(4) **Critical Habitats** means the area or type of environment that is essential for an organism or biological population to occur or live normally, including endangered and threatened species and plants.

(5) **Disposal** means the discharge, deposit, injection, dumping or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

(6) **Earthen Materials** means stumps, shrubbery, leaves, grass, hay, trees, sand, or organic matters which are naturally found on or growing on the earth.

(7) **Garbage** means discarded materials resulting from the handling, processing, storage and consumption of food including putrescible wastes.

(8) **Hazardous Waste** means any solid waste identified by the Tribal Natural Department as hazardous to human health or the environment or identified by 40 CFR part 261.3 as being hazardous or extremely hazardous. This includes but is not limited to petroleum products and hazardous sludge (example: sludge from the bottom of an underground storage tank), chlorine, anti-freeze, agricultural pesticides and fertilizers (in excess of household amounts) and hazardous industrial chemicals.

(9) **Household Hazardous Waste (HHW)** means household products that could be hazardous to the environment or human health including paints, solvents, cleaners, household batteries, household amounts—1 gallon or less—of petroleum products, insecticides, herbicides, anti-freeze, car batteries, TV Tubes/Screens-Computer Screens, fluorescent bulbs and PCB containing ballast's and any other product produced for consumer use that could be hazardous to the environment.

(10) **Household Sewage** is the liquid or solid material removed from a septic tank, sewage lagoon, holding tank, cesspool, portable toilet, type III marine sanitation device, sewage treatment facility or other treatment works that receive domestic sewage. This does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant. This definition is defined in 40 CFR 503 and will be complied with according to 40 CFR 503.9, 503.12, and 503.13 (c).

(11) **Junk vehicles, snowmobiles, ATV's, or any other motorized equipment** are defined as vehicles, snowmobiles, ATV's, or other motorized equipment rendered inoperable. Those junk vehicles, snowmobiles, ATV's or other motorized equipment without a current license registration will be deemed "Salvageable Material" as defined in subsection (19) herein.

(12) **Landspreading** means the process of discharging, depositing, placing or injecting in thin layers onto the land surface any wastes including solid, household sewage, hazardous, agricultural and silvicultural.

(13) **Licensed Disposer** means a person engaged in servicing under a license issued pursuant to Section 24.104(6) herein.

(14) **Littering** is the careless discarding of Garbage or Refuse of any type, including, but not limited to, to the discarding of such materials in areas or receptacles other than those designated for such materials.

(15) **Medical or Infectious waste** means wastes that are produced during the treatment of humans or animals. These materials include human blood/ blood products, tissue / organs, and sharps (hypodermic needles, syringes, scalpels, etc.).

(16) **Mining Wastes** any wastes associated with mining practices such as tailings, sludge, etc.

(17) **Mobile HW Collection Facility** means a temporary facility designed for short term operation—less than one month—for the collection and temporary storage of household hazardous waste.

(18) **Municipal Solid Waste** is garbage and refuse created by households and individuals and non-hazardous wastes, garbage and refuse created by businesses, tribal enterprises and government offices and facilities.

(19) **Municipal Solid Waste Disposal Facility** means a disposal facility that meets the standards in 40 CFR Part 258. A current example of such a facility is the Highway G Landfill in Eagle River.

(20) **Open Burning** means any fire wherein the products of combustion are emitted directly into the atmosphere and are not directed thereto through a stack or chimney, incinerator, or similar devices.

(21) **Permanent Collection Facility** means a permanent structure designed to operate on a continual or periodic basis for the collection and temporary storage of household hazardous waste. It is not a disposal facility for these materials. Temporary in this case means only the length of time it takes to collect enough material to gain an economic advantage for cost of disposal.

(22) **Person** means an individual, both tribal and non-tribal, trust, firm, joint stock company, corporation (including a government operation) partnership, association, tribal, state, municipality, commission, political subdivision of a state or the Tribe, or any interstate body and shall include each department agency, and instrumentality of the United States.

(23) **Plan of operation** means a report submitted for a disposal site or facility that describes its location, design, construction, sanitation, operation, maintenance, closing and long term care.

(24) **Putrescible** means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, animal (wild or domestic) offal and carcasses.

(25) **Radioactive Waste** means any radioactive material.

(26) **Refuse** means all matters produced from industrial or community life, subject to decomposition, not defined as Household Sewage.

(27) **Reservation** shall mean the Lac du Flambeau Reservation.

(28) **Salvageable Material** means junk cars, machinery or equipment, scrap metal or other junk or scrap materials which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock from which replacement of spare parts can be extracted.

(29) **Salvage yard** is defined as a solid waste disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors excluded from the definition of "solid waste disposal sites and facilities" in this section, nor do salvage yards include small storage for equipment such as normally found adjacent to industrial and commercial establishments.

(30) **Solid Waste** means garbage, refuse and any other waste material resulting from industrial, commercial, agricultural operations and community activities, not including household sewage.

(31) **Solid Waste disposal sites and facilities** means commercial and municipal establishments or operations such as, but not limited to, sanitary landfills, dumps, land disposal sites, incinerators, auto junk yards, scrap metal salvage yards, transfer stations, storage facilities, collection and transportation services and other establishments or operations for the storage, collection, transportation, transfer, processing, treatment, recovery or disposal of solid waste. Solid waste disposal sites and facilities does not include a site or facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remitting purposes: nor does the term include a site or facility which uses large machines to sort, grade, compact or bale clean wastepaper,

fibers or plastics, not mixed with other solid waste, or sale or use for recycling purposes.

(32) ***Solid Waste Management*** means the planning, organizing, financing and implementing programs to for the storage, collection, transporting, processing, recycling or final disposal of solid wastes in a sanitary, nuisance free, healthy and environmentally sound manner.

(33) ***Storage site or facility*** means solid waste disposal site or facility for the storage of solid waste, junk vehicles and recyclables on a temporarily basis in such a manner as not to constitute ultimate disposal of solid waste.

(34) ***Tribal Council*** shall mean the Lac du Flambeau Tribal Council, the duly elected governing body of the Lac du Flambeau Indian Reservation.

(35) ***Tribal Court*** shall mean the Lac du Flambeau Tribal Court.

(36) ***Tribe*** shall mean the Lac du Flambeau Band of Lake Superior Chippewa.

24.103 Solid Waste Management.

(1) All solid waste must be disposed of according to the appropriate method described in this section. Disposal of solid waste in any other manner including but not limited to open dumping, burying and littering are in violation of this code.

(2) Construction and demolition waste must be disposed of in a site specifically designed for such materials and having a permit issued by the Tribal Natural Resource Department (after approval by Tribal Council) pursuant to Tribal Code Chapter 24.104, or, at a site permitted as such outside the exterior boundary of the reservation and approved by the Wisconsin Department of Natural Resources or other appropriate jurisdiction.

(3) Earthen materials shall be disposed of in an environmentally safe manner. A plan of disposal or operation shall be submitted to the Tribal Natural Resources Department by the person authorized to conduct such disposal activities pursuant to this section. In the case of tree stump removal and burial, a plan of operation shall be submitted to, and must be approved by, the Tribal Council. Prior to conducting such activities, the appropriate Tribal Program Permits, such as Tribal Land Management Department, Tribal Historic Preservation, Forestry, etc., need to be obtained.

(4) Hazardous Wastes shall not be disposed of within the exterior boundaries of the Lac du Flambeau Reservation. Proper disposal at an approved hazardous waste disposal facility is required.

(5) Household hazardous waste shall be separated from municipal solid waste and disposed of at a mobile or permanent collection facility permitted by the Tribal Natural Resource Department or the Wisconsin Department of Natural Resources for the purposes of collection of these materials. Household hazardous waste may not be permanently disposed or stored of within the exterior boundaries of the Lac du Flambeau Reservation.

(6) Household sewage must be managed in accordance with recommendations of the Tribal Water & Sewer Department. Landspreading of household sewage shall be conducted in strict accordance with 40 CFR 503, and, shall be conducted only after prior approval by the Tribal Natural Resources Department, Land Management Department, Historic Preservation Department, and in accordance with this Chapter, final approval by the Tribal Council.

(7) Medical or Infectious (SHARPS) waste must be disposed of in accordance with policies and procedures established for such disposal for the reduction of the generation of such waste. All persons generating such waste shall properly tag such waste as medical waste and store in accordance with medical waste management procedures.

(8) Municipal solid waste/garbage must be separated from recyclable material and disposed of in a municipal solid waste disposal facility or materials recovery or composting facility permitted by the Tribal Natural Resource Department, or, hauled to such a facility by a solid waste hauler approved by the Tribal Natural Resource Department or Wisconsin Department of Natural Resources, or, recycled.

(9) No radioactive or mining wastes shall be collected, transported, stored, treated, processed, disposed of or reclaimed, within the exterior boundaries of the Lac du Flambeau Indian Reservation.

(10) Open burning of any material including leaves, grass, brush, etc., is prohibited without an authorized burning permit issued by the Tribe and/or Wisconsin Department of Natural Resources.

(11) Solid Waste Storage: The owner or occupant of any premise, business establishment or facility shall be responsible for the sanitary storage of all solid waste accumulated at that premise, business establishment or facility. Garbage or municipal solid waste shall be stored in:

(a) Durable rust resistant, nonabsorbent water tight, rodent/animal proof, and easily cleanable containers or similar type of receptacle, or,

(b) Other types of containers acceptable by haulers or disposal services and conforming to the intent of this section.

(c) All containers or storage receptacles of solid waste must be maintained in a manner as to prevent the creation of a nuisance or unsanitary condition. Unless otherwise provided for in a written rental or lease agreement the tenant or lessee of any single unit detached residence and the landlord of any multi-unit residence shall be responsible for the provision and maintenance of storage containers as specified as above.

(d) Garbage or municipal solid waste shall be disposed of in a timely manner as not to cause unsanitary or nuisance problems. Weekly or bi-weekly disposal of this type of wastes must be conducted. Unless otherwise specified in a lease or tenant (Chippewa Housing Authority) lease agreement.

(12) Salvageable Material must be stored accordingly: Free of all fluids, stored in a safe manner not to cause injury to person(s), must be used within 30 days unless a specified usage plan is documented and implemented. If no plan is specified the salvage material must be removed from site and disposed of in a proper manner according to the time frame given (in writing) by either/or Tribal Natural Resource Department, Tribal Land Management Department, Chippewa Housing Authority and therefore Law Enforcement Officials. Vehicles will be considered junk if it is not registered by the Tribe or State and including but not limited to collector's cars (antiques), snowmobiles, ATVs, and motorcycles.

(13) No person shall discard, abandon, leave or deposit any solid, recyclable, C/D, medical or other wastes, debris, trash, vehicles, or rubbish, nor have or permit another to discard, abandon, leave or deposit any such wastes (mentioned above), in a manner which violates the above section, 24.103. If the material discarded, abandoned, left or deposited contains items addressed to a person(s) or otherwise indicates ownership or possession in a person(s), it shall be reputedly presumed that such person(s) did personally, or did permit another to, discard, abandon, leave or deposit the material.

(14) No transportation of hazardous, mining, or radioactive waste shall be permitted through the Lac du Flambeau Indian Reservation without complying first with the applicable state, tribal, and federal laws and regulations governing hazardous waste management. The transportation of such materials pursuant to said laws and regulations shall not include the authority to stop for any purpose, other than for

emergency purposes, within the exterior boundaries of the Lac du Flambeau Indian Reservation.

(15) No person shall dispose of any wastes generated outside the boundaries of the reservation on any lands or water bodies within the reservation boundaries.

24.104 Permitting of Solid Waste disposal facilities.

(1) The following permits may be denied or rescinded at any time by the Tribal Council. Each facility must develop a plan of operation. Each permittee will be responsible for compliance of all applicable Tribal rules, codes or ordinances which are applicable within the reservation boundaries.

(2) **Municipal Solid Waste Facility.** The Tribal Natural Resource Department may issue a permit (after Tribal Council Approval) for a municipal solid waste facility if such facility meets the requirements of 40 CFR Part 258 and develops a plan of operation. This facility must be proven to be environmentally safe by the tribal Natural Resource Department. An environmental assessment must be done prior to application, at the applicant's expense.

(3) **Household Hazardous Waste Facility.** The Tribal Natural Resource Department may issue a permit for a mobile or permanent collection facility if the facility meets federal standards for such a facility and is considered environmentally safe by the Tribal Natural Resource Department. A permit is not necessary for a mobile facility sponsored by the Tribal Natural Resource Department.

(4) **Construction and Demolition Site (C/D).** The Tribal Natural Resource Department may issue a permit (after Tribal Council approval) for a construction and demolition site if the site meets 40 CFR Part 257 and is considered environmentally safe by the Tribal Natural Resource Department. An environmental assessment must be conducted prior to application, at the applicant's expense. The permit application shall be completed by the applicant and shall include legal description of the site, soil type, depth to ground water, proximity to wetlands, topography, and plans for operation and closure of the site (including remediation of pollution if present). Any existing demolition sites will need to comply and person(s) wishing to utilize such sites need a permit to dispose of such wastes at site.

(5) **Open burning of earthen materials only (no other materials allowed)** or clean demolition wood products will require a Tribal burning permit or other appropriate permit if conducted within the reservation boundaries. Permittee must follow all rules of permit and will be held liable for any damages to property, resources or harm to individuals.

(6) Other Solid Waste Facilities. Facilities for handling of solid waste including materials recovery facilities and composting facilities must be approved by the Tribal Council. Land spreading of compost or any other material derived from solid waste must be proven environmentally safe and approved by the Tribal Council. Tribal Environmental Review Process and Form must be completed.

(7) Commercial haulers of municipal solid waste operating within the exterior boundaries must have initial and continued approval in writing by the Tribal Natural Resource Department. Approval will be contingent upon meeting requirements set forth by the Tribal Natural Resource Department. A specific requirement will be for the hauler to submit an annual report detailing amounts of waste collected from tribal households, businesses, offices, facilities and enterprises and the destination of the recyclables. These requirements may also include specific transportation requirements such as covering of open bins while transporting the items, specific procedures for handling non-compliance with hauler's materials preparation requirements, other reporting requirements and any other requirement that the Tribal Natural Resource Department feels necessary for the protection of the environment for sound solid waste management. The requirements may change at any time and continued approval is subject to meeting any new ordinances or regulations. If continued approval is denied the hauler may not operate as hauler of municipal solid waste within the exterior boundaries of the Lac du Flambeau Indian Reservation.

Commercial Haulers (collection and disposal service providers) must meet the following requirements for collecting the materials specified in chapter II, Sec. 24.203:

- (a) Separate the materials from other solid waste prior to collection and maintain that separation during the collection process.
- (b) Prohibit the compacting of glass containers with newspaper or with municipal solid waste during collection.
- (c) Maintain the materials collected in marketable condition.
- (d) Comply with Tribal and State hauling/disposal service requirements set forth in state solid waste regulations for use of state landfills.

(8) Salvage Yard Operation. No person (s) shall operate or maintain a salvage yard unless the person (s) completes the Tribal Environmental Review Process and form and obtains a permit from the Tribal Natural Resource Department with Tribal Council's Approval. The permit will require the following:

(a) Location Requirements: No person (s) shall establish, operate, maintain or permit the use of land for a salvage yard within the following areas:

- (1) Within 10,000 feet of any navigable lake, pond or flowage.
- (2) Within 300 feet of a navigable river or stream.
- (3) Within a flood plain.
- (4) Within an area from which the Tribal Natural Resource Department after investigation finds there is reasonable probability that solid waste or leaching therefrom may have a detrimental effect on any surface water and groundwater quality.
- (5) Within 1,000 feet of the nearest edge of right-of-way of any interstate or federal aid primary highway or the boundary of any public park, or residence, unless the site is screened by natural objects, plantings, fences or other appropriate means so as to be visible from the highway, park or residence.
- (6) Within cultural and/ or sacred site as are defined under Chapter 66: Protection and Management of Archaeological, Historical, and Cultural Resources, wetlands and Critical Habitats.

(b) Plan of operation. No person (s) shall establish a new salvage yard or expand an existing salvage yard until an approved permit is issued by the Tribal Natural Resource Department upon completion of a salvage yard operation application. The application includes: plot plans of site, inventory report (specifies type and quantity of materials, etc.), destination of materials, on-site storage plans of non-salvageable materials, procedures and types of emergency fire and planning control.

(c) Operational Requirements. No person (s) shall operate or maintain a salvage yard except in conformance with the approved plan of operation and the following practices:

- (1) Garbage or solid waste materials shall not be present at a salvage yard.

- (2) No open burning of solid waste or recyclable materials shall be conducted.
- (3) The boundaries of the salvage yard shall be marked with a fence or other object (s) to clearly define the boundary of the permitted site.
- (4) The yard shall be surrounded by a solid fence, trees, shrubbery or other appropriate means to screen it from the surrounding area. If trees are used, they shall be capable of screening the yard all year or other methods shall be used in combination with the trees to provide screening during all seasons.
- (5) A sign, acceptable to the Tribal Natural Resource Department, shall be posted at the entrance which indicates the name and permit number of the operation.
- (6) The operation shall be conducted in accordance with any other Tribal or Federal Regulations.

(d) Closure. Any person (s) who maintains or operates a salvage yard or who permits use of property for such purpose shall, when the yard is closed by the operator or property owner, or when the Tribal Natural Resource Department determines that closure is required, close the yard by removing all salvageable materials within a time period specified by the Tribal Natural Resource Department, which shall be no greater than 120 days and pursuant to standards for such closure developed by the Tribal Natural Resources Department. The operator or owner shall notify the Tribal Natural Resource Department, in writing, 60 days prior to the date of closing a salvage yard. If upon closing or anytime during operation the site has been determined to be contaminated the operator or owner shall be required to remediate or prove the site to be free of pollutants. Installation of groundwater wells may be required at the owners expense.

24.105 Jurisdiction and Procedure.

(1) Jurisdiction is hereby conferred upon the Lac Du Flambeau Tribal Court over actions brought for violations of this code.

(2) Proceedings for violation of this code shall be governed by chapters III and IV of the Tribal Court Code, Tribal Code Ch. 80, provided that proceedings may be instituted in tribal court by issuance of a citation.

24.106 Enforcement.

The provisions of this code shall be enforced by Tribal Conservation Law Enforcement Officers and designated employees of the Lac du Flambeau Department of Natural Resources, or, if they are not available, by Tribal Police Officers.

24.107 Penalties.

(1) Violations of the provisions of this Code, except 24.103 (4), hazardous waste, and 24.103 (3) household hazardous waste, shall be punishable by a civil remedial money penalty not to exceed \$500.00 and community service not to exceed 100 hours. Each day of a violation may be treated as a separate violation under this provision.

(2) Violations of 24.103 (3), household hazardous waste shall be punishable by a civil remedial penalty not to exceed \$1000 and community service not to exceed 100 hours.

(3) Violations of 24.103 (4), hazardous waste, shall be punishable in addition to any federal punishment with a civil remedial penalty not to exceed \$1,000,000.

(4) In addition to a civil remedial money penalty, any personal property, including vehicles and other equipment, which has been used in connection with the violation of this Code may be seized and forfeited pursuant to Chapter IV of the Tribal Court Code, Tribal Code Ch. 80.

(5) In addition to the foregoing penalties, the court may suspend or revoke any permit issued under this code.

(6) Upon conviction, the court shall order payment of court costs of \$20.00.

(7) Nothing herein shall prevent the Tribe from bringing suit against any violator of this code for money damages for harm to tribal resources caused by the violation.

(8) Any interested party may bring suit in tribal court to enjoin a violation of this Code.

(9) In addition to the foregoing penalties, the court shall order the responsible party to remove all materials improperly discarded, abandoned, left or deposited; clean up any other effects of the party's action; and ameliorate any other environmental harm caused by the action. In the event this material is not removed and all damaged repaired, the court shall order the work done and the cost shall be interim financed by the court and immediately reimbursed by the responsible party. Legitimate costs can include personnel time as well as other expenses.

RECYCLING, COMPOSTING, AND RESOURCE RECOVERY

24.201 Scope and Purpose.

(1) The purpose of this code is to promote recycling, composting and resource recovery beyond the voluntary efforts of many tribal households put forth in current recycling programs. While recycling is done by a majority of tribal members, the Tribal Council's position opposed to mining in the Ceded Territories necessitates 100% recycling. This code is in place to ensure that all persons on the reservation recycle. The Tribal Council also promotes using recyclables instead of raw materials for production of goods because it uses less energy, which decreases air pollution and decreases the world's reliance on fossil fuels.

(2) This code applies to the activities of tribal members and non-members on the reservation.

24.202 Definitions.

(1) *Bi-metal container* means a container that is made primarily of a combination of steel and aluminum (example: some canned goods cans that have fitted bottoms for stacking).

(2) *Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.

(3) *HDPE* means high density polyethylene plastic containers marked by the SPI code No. 2.

(4) *LDPE* means low density polyethylene plastic containers marked by the SPI code No. 4.

(5) *Magazines* means magazines and other materials printed on similar paper.

(6) *Major appliance* means a residential or commercial air conditioner, dehumidifier, humidifier, furnace, water heater, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(7) *Materials Recovery Facility* means a facility where 2 or more of the materials specified in Section 24.203, Tribal Solid Waste Codes Chapter II, not mixed with other solid waste, are processed for reuse or recycling by conversion into a consumer product which used as raw material in a commercial or industrial process. A materials recovery facility does not include a facility operated by a pulp or paper mill which utilizes source separated secondary fiber or paper fore use as a raw material in a commercial product.

(8) *Mixed or other plastic resin types* means plastic containers marked by the SPI code No.7

(9) *Multiple-family dwelling* means a property containing 5 or more residential units, including those which are occupied seasonally.

(10) *Municipal solid waste* is garbage and refuse created by households and individuals and non-hazardous wastes, garbage and refuse created by businesses, tribal enterprises and government offices and facilities.

(11) *Municipal solid waste disposal facility* means a disposal facility that meets the standards in 40 CFR Part 258 and is approved by the Tribal Natural Resource Department.

(12) *Newspaper* means a newspaper and other materials printed on newsprint.

(13) *Non-residential facilities and properties* means commercial, retail, industrial, institutional and governmental facilities and properties. This term includes tribal facilities, businesses, and enterprises. This term does not include multiple family dwellings.

(14) *Office paper* means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(15) *Person* means an individual, both tribal and non-tribal member, trust, firm, joint stock company, corporation (including a government operation), partnership, association, tribal, state, municipality, commission, political subdivision of a state or the Tribe, or any interstate body and shall include each department, agency, and instrumentality of the United States.

(16) *PETE* means polyethylene terephthalate plastic containers marked by the SPI code No.1 (examples: 2-liter soda bottles, milk bottles).

(17) *PP* means polypropylene plastic containers marked by the SPI code No. 5 (examples: plastic packaging, bubble pack, plastic wrap)

(18) *PS* means polystyrene plastic containers marked by the SPI code No. 6 (examples: "styrofoam" cups, other products commonly called "styrofoam").

(19) *PVC* means polyvinyl chloride plastic containers marked by the SPI code No. 3 (example: PVC plumber's pipe)

(20) *Recyclable materials* includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(21) *Solid waste* means garbage, refuse and any other waste material resulting from industrial, commercial, agricultural operations and community activities, not including household sewage.

(22) *Transfer Facility Site* is a duly-licensed and authorized commercial and municipal establishment or operation.

(23) *Tribal Council* means the governing body of the Lac du Flambeau Band of Lake Superior Chippewa Indians, as that body is defined in the Tribe's Constitution.

(24) *Yard waste* means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

24.203 Separation of Recyclable Materials.

(1) Occupants of single family and 2 to 4 unit residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from municipal solid waste:

- a. Aluminum cans
- b. Bi-metal containers
- c. Corrugated paper or other container board
- d. Glass containers

- e. Lead acid (car) batteries
- f. Magazines or other materials printed on similar paper
- g. Major appliances
- h. Newspapers or other materials printed on newsprint
- I. Office paper
- j. Plastic containers made of PETE (No. 1) or HDPE (No. 2).
- k. Steel containers
- l. Waste oil
- m. Waste tires
- n. Yard waste

(2) The following materials or any other materials may be included on the preceding list of recyclable materials to be separated from municipal solid waste by resolution of Tribal Council as markets for these materials become available (Meantime, these materials need to be processed as regular garbage, or other safe options of disposal may apply, these items may not be buried or burned at any time):

- a. Foam polystyrene (No. 6) packaging
- b. Plastic containers made of PVC, LDPE, PP, PS, or mixed or other plastic resin types (Nos. 3-7, respectively)

24.204 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Persons shall manage these materials as follows:

(1) Lead acid batteries and major appliances shall be taken to a site designated by the Tribal Natural Resource Department or any off-reservation site approved by Wisconsin Department of Natural Resources. Retailers of lead acid batteries often accept them and major appliances may be taken to the Town of Lac du Flambeau Highway H Transfer Site for a fee.

(2) Waste oil shall be taken to a site designated by the Tribal Natural Resource Department or any depository where oil is collected for recycling or burned for energy recovery, such as an auto repair shop. Oil is not to be disposed in any other manner, but can be burned, when deemed appropriate by the Tribal natural Resources Department and after prior approval has been obtained by such Department.

(3) Yard waste shall not be included with regular municipal solid waste that is meant for disposal in a landfill. Proper disposal options include composting and burning conducted in accordance with such permitting rules as developed by the Tribal Natural Resources Department.

24.205 Other Materials.

The list of materials deemed necessary by the Tribal Natural Resources Department to be separated from the solid waste stream and recycled or disposed of in a different manner than set forth herein may be amended by an adopting resolution of the Tribal Council.

24.206 Preparation and Collection of Recyclable Materials.

(1) Individuals must follow the preparation requirements of the Tribal Natural Resource Department, as per Materials Recovery Facilities acceptance procedures. Approved haulers will only accept recyclable materials prepared as needed for MRF or transfer site where their recyclables are collected. Hauler will not pickup unseparated or mixed recyclable garbage from any individual. The hauler shall notify any non-compliance party of improper disposal procedures and shall not accept the waste until prepared accordingly. This notification shall be reported (in writing) to the individual, Chippewa Housing Authority--if applicable, and Tribal Natural Resource Department. All recyclable items must be cleaned and prepared as to the hauler or transfer site's requirements in accordance with applicable rules and procedures adopted by the Tribal Natural Resource Department.

(2) Recyclable material will be,

(a) Placed out (by customer) for curbside pickup to be collected by an approved hauler, or;

(b) Taken to a transfer site facility such as the Lac du Flambeau Town Transfer Station, HWY H. Individual should maintain written verification of disposal service such as a bill or receipt.

24.207 Prohibitions on Disposal of Recyclable Materials

(1) No person may dispose of in a solid waste disposal facility or bag designated to go to such a facility or burn or bury any of the recyclable materials specified above in this chapter 24.203 (1) or (2).

(2) No Tribal Facilities shall be allowed to burn any recyclable materials.

24.208 Enforcement.

(1) Any authorized officer, employee or representative of the Lac du Flambeau Tribal Natural Resource Department may inspect recyclable materials separated for recycling, municipal solid waste intended for disposal, collection sites and facilities, collection vehicles or collection areas of multiple-family dwellings and

non-residential facilities and properties for the purpose of ascertaining compliance with the provisions of this ordinance. No person shall refuse access to any authorized officer, employee or representative of the Lac du Flambeau Tribal Natural Resource Department who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by the Lac du Flambeau Tribal Conservation Wardens, by designated employees of the Lac du Flambeau Department of Natural Resources or Lac du Flambeau Tribal Police to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates 24.207 shall be required to forfeit \$100 for a first violation and complete community service hours in the area of solid waste or recycling not to exceed 10 hours, \$200 for a second violation and/or community service in the area of solid waste or recycling not to exceed 40 hours and not more than \$1000 for a third violation and/or community service in the area of solid waste or recycling not to exceed 100 hours.

(b) Any person who violates any other part of this ordinance shall forfeit not less than \$100 nor more than \$1000 and shall complete community service hours in the area of solid waste or recycling for not less than 2 hours nor more than 100 hours.

24.209 Responsibilities of Owners or Designated Personnel of Non-Residential Facilities and Properties

(1) Owners and/or facility managers of non-residential facilities and properties, including tribal offices, shall do all of the following for recycling materials specified in above in Chapter 24.203 (1), 1-15:

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify in writing. At least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(c) Provide for the collection of materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.

(d) Notify users, tenants and occupants of reasons to reduce, and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements and collection methods or sites.

(e) Shall carry a contract with the hauler detailing disposal fee's name approved landfill and materials recovery facility, tonnage and report of recyclables and garbage which can be obtained by the landfill, MRF, or hauler themselves.

(2) Tribal Natural Resource Department shall maintain and conduct public information and education programs to inform individuals, businesses, and general public on recycling, waste reduction, reuse, solid waste issues, and general pollution prevention awareness.