

APPENDIX A Management Ordinances

CITY OF KOTLIK ORDINANCE NO. 2006-02 SOLID AND HAZARDOUS WASTE- CODE OF ORDINANCES

Chapter 1.0 SOLID AND HAZARDOUS WASTE

Section 1.1 Chapter Purpose

The declared purpose of this chapter is the protection of the public health, safety and welfare of the people of Kotlik. The chapter and any regulations promulgated pursuant thereto are intended to:

- A. Control dumping and disposal of solid waste and hazardous waste at such place and in such manner that it will not be a detriment to the health, safety and welfare of the members of the Kotlik, Bill Moore's Slough and Hamilton Tribes;
- B. Provide facilities for the proper disposal of solid waste and hazardous waste at a minimum cost;
- C. Reduce litter and littering;
- D. Promote recycling and reuse of solid and hazardous waste;
- E. Preserve and enhance the beauty and quality of our environment.

Section 1.2 Definition

In this chapter unless the context requires otherwise:

- A. "Appliances" means large appliances: ovens, microwaves, air conditioners, refrigerators, freezers, washers, dryers, water heaters; small appliances: coffee makers, irons, food mixers, etc.
- B. "Batteries" means batteries from snow machines, boat motors, heavy equipment, household batteries (Alkaline), toys, telephones, shoes that light up.
- C. "CESQG" means conditionally exempt small quantity generators (CESQGs), which generate less than 220 lbs (100 kg) per month.
- D. "Construction/demolition debris" means concrete, asphalt, wiring, drywall, and piping.

- E. "Dirt and ash" means fireplace ash, miscellaneous dirt, and dust from home projects.
- F. "Disease Vector" means a carrier that can transmit a pathogen from one organism to another, and includes flies and other insects, rodents, and other small mammals, birds and vermin.
- G. "Disposal" means the deposit of a solid or liquid waste into or onto the water or land of the tribe, whether the waste is contained or uncontained, by discharging, injecting, dumping, spilling, leaking, placing, discharging, or abandoning the waste so that the waste or any part or byproduct of the waste might enter the environment.
- H. "Domestic animals" means dogs, cats and birds.
- I. "Drop-off center" means site of the collection of recyclable materials into designated containers.
- J. "Electronic goods" means computers, electronic parts, televisions, VCR and DVD players, Nintendo games, etc.
- K. "Food Scraps" means used and unused food, hide hair, solid and liquid fats.
- L. "Glass" means glass containers such as soft drink bottles, bottles and jars from food.
- M. "Hazardous waste" means a waste or combination of wastes that because of quantity, concentration or physical, chemical or infectious, pathological or radiological characteristics might cause, or significantly contribute to:
 - a. A Substantial present or potential hazard to human health or to the environment if improperly managed, treated, stored, transported, disposed of or otherwise managed.
 - b. An increase in mortality or an increase in serious irreversible or incapacitating illness.
- N. "Household hazardous waste" means paint, paint thinners, drain openers, weed killers, pesticides, herbicides, antifreeze, waste oil, gasoline, fuel additives, carburetor cleaners, turpentine, detergents, bleach, broken fluorescent light bulbs, bulbs.
- O. "Junk vehicles and construction equipment" means scraps or abandoned automobiles and construction equipment.
- P. "Medical waste" means laboratory waste consisting of discarded cultures and stocks of infectious agents and associated microbiologicals; pathological wastes; selected isolation waste; used and discarded sharps; animal waste; human blood, or blood products; and other wastes defined as "regulated waste" in 29 C.F.R. 1910.1030 (b), revised July 1, 1997.
- Q. "Landfill" means a system of trash and garbage disposal in which the waste is buried between layers of earth.
- R. "Metals" means aluminum; tin cans, and scrap metal.

- S. "Paper" means newspaper, magazines, envelopes, telephone directories, bags, and cardboard containers such as cereal/cracker boxes, cartons, egg cartons, etc.
- T. "Plastic" means plastic soda, water, milk and juice jugs, shampoo bottles, laundry/bleach bottles, six pack rings, packaging materials (Styrofoam peanuts), bags and wraps.
- U. "Recycling" means the process by which a material that would otherwise be placed in the landfill is collected, reprocessed, or remanufactured, and then reused or used for energy.
- V. "Solid Waste" means drilling wastes, garbage, refuse and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from community activities.
- W. "Special Hazardous Waste" means acute toxic materials and radioactive material.
- X. "Special Solid Waste" means hazardous wastes, infectious wastes, radioactive wastes, industrial wastes or sludge's and sewage residues.
- Y. "Textiles, Leather and Rubber" means clothing items including footwear, fiber from apparel, lines, miscellaneous rubber parts, leather, covers, etc.
- Z. "Tires" means tires from automobiles, trucks, ATV's, etc.
- AA. "Used Waste Oil" means any oil that has been refined from crude oil or any synthetic oil that has been used, and as a result of such use, is contaminated by physical or chemical impurities.
- BB. "Yard waste/wood" means grass clippings, leaves, weeds, brush and branches, tree stumps. Wood is composed of pallets, crates, barrels and furniture.
- CC. "Wildlife Scraps" means fish, moose, caribou, and other trapping scraps.

Section 1.3 Solid Waste Disposal Facilities

- A. The community of Kotlik's landfill is designated for the disposal of all types of solid waste, with the exception of special solid waste. It is not connected by road, to a Class I Municipal Solid Waste landfill. The landfill accepts less than five tons daily of village solid waste, based on an annual average. Public access to the landfill will be permitted. People have the right to visit the village and live there.
- B. The entities in the community of Kotlik may require any person dumping solid waste at the community of Kotlik's landfill to dump where specified, and may reject or impound any waste that is judged to be unacceptable. Impoundment implies that the waste and its container, but not the vehicle used to transport the waste, may be impounded.

Section 1.4 Hazardous Waste Disposal Facilities

- A. The community of Kotlik hazardous Drop-Off Center is designated for the disposal of all types of hazardous solid waste, with the exception of special hazardous waste.
- B. The community of Kotlik is classified by the Environmental Protection Agency as a conditionally exempt small quantity generator. The village generates less than 220 lbs. (100 kg) per month of hazardous waste. The village generates less than 2.2 lbs. (1 kg) of acutely hazardous waste in a calendar month, and never stores more than that amount for any period of time.
- C. The entities in the community of Kotlik may require any person depositing hazardous waste at the community of Kotlik Hazardous Waste Drop-off Center to deposit it where specified, and may reject or impound any waste that is judged to be unacceptable. Impoundment implies that the waste and its container, but not the vehicle used to transport the waste, may be impounded.

Section 1.5 Use of the New Kotlik Village Waste Facilities

The entities in the community of Kotlik shall minimize, to the extent practical, access by wildlife and domestic animals to the waste deposited at the landfill. The entities in the community of Kotlik shall ensure that any person wishing to dispose of solid waste in the community of Kotlik landfill will be permitted to do so, under the following conditions:

- A. Large and small appliances, if not backhauled or reused, disposed of in the landfill, shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- B. Construction and demolition debris generated from the village that is disposed of in the landfill shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.

****Contractors shall remove their construction demolition and debris from the village. Any business that work with contractors shall make sure the contractor agrees to remove their construction or demolition debris upon completion of project.**

****A Memorandum of Agreement between the contractor and the business(s) shall need to be in effect concerning the removal of the debris, before starting construction in the community of Kotlik. If the business(s) fails to comply with this matter, they will be held for all the responsible costs to justify the problem, including court fees, fines, operations, etc.**

- C. Dirt and ash, disposed of in the landfill, shall be covered with two inches of earthen material, in manner that will protect the public health, safety, and welfare and the environment.
- D. Domestic animals: the owner shall be responsible for burying domestic animals that are dead, in a manner that will protect the public health, safety, and welfare and the

environment. The animals shall be covered with lime so that disease vectors do not endanger public health, safety, or welfare or create a nuisance.

- E. Electronics goods, if not backhauled or reused, in the landfill, shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- F. Food scraps shall be burned in a burn box and/or buried in the landfill. The food scraps shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- G. Glass shall be burned in a burn box and/or buried in the landfill. The glass shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- H. Household trash shall be burned in a burn box and be buried in the landfill. The household trash shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- I. Junk Vehicles and construction equipment, if not backhauled or reused, shall have the batteries and fluids removed before they are disposed of in the landfill.
- J. Metals shall be burned in a burn box and/or buried in the landfill. The metal shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- K. Paper shall be burned in a burn box and/or buried in the landfill. The paper shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- L. Textiles, leather, rubber and furniture shall be buried in the landfill. Textile, leather, rubber and furniture shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment.
- M. Tires shall be placed in or around the landfill. Tires tend to move back up to the surface of the earth when buried. Tires may be covered with two inches of dirt, in a manner that will protect the public health, safety, and welfare and the environment.
- N. Yard wastes and wood shall be composted and/or buried in the landfill. Yard waste and wood shall be covered with two inches of earthen material, in a manner that will protect the public health, safety, and welfare and the environment. Brush shall be burned outside the landfill. Once the ashes have cooled, they shall be placed in the landfill.
- O. Wildlife Scraps: the owner shall be responsible for burying wildlife scrap animals in a manner that will protect the public health, safety, and welfare and the environment. The wildlife scraps shall be covered with lime so that disease vectors do not endanger public health, safety, or welfare or create a nuisance.

Section 1.6 Use of the Community of Kotlik Hazardous Waste Drop-Off Center

The entities in the community of Kotlik shall ensure that any person wishing to deposit hazardous waste in the community of Kotlik Hazardous Waste Drop-Off Center will be permitted to do so, under the following conditions:

- A. Batteries shall be deposited into totes that will be delivered to a universal waste handler or destination facility subject to the universal waste requirements of 40 CFR Part 273.
- B. Household hazardous waste shall be deposited into containers that will be delivered to a state or federally recognized hazardous waste management treatment, storage or disposal facility subject to the Standard for Owners and Part Operators of Hazardous Waste Treatment Storage and Disposal Facilities of 40 CFR 264.
- C. Medical waste shall be placed into containers that shall be delivered to a state or federally recognized hazardous waste management treatment, storage or disposal facility subject to the Standard for Owners and Operators of Hazardous Waste Treatment Storage and Disposal facilities of 40 CFR Part 264.
- D. Small amounts of used waste oil, if not reused in the village, shall be stored until enough is collected to deliver it to a state or federally recognized hazardous waste management treatment, storage or disposal facility subject to the Standard for Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities of 40 CFR Part 264.

Section 1.7 General Solid Waste Prohibition

- A. No person shall dispose of solid wastes in any place except the one listed in Section 1.3.
- B. No person shall dump, throw, drop or deposit waste in the community of Kotlik Landfill except those approved by the entities in the community of Kotlik.

Section 1.8 General hazardous Waste Prohibition

- A. No person shall dispose of hazardous waste in any place except the one listed in Section 1.4.
- B. No person shall deposit hazardous wastes in the community of Kotlik Waste Drop-Off Center, except those approved by the entities in the community of Kotlik.

Section 1.9 Collection and Transportation of Solid Waste

- A. The owner or occupant of any premises or business establishment shall be responsible for the collection and transportation of all solid waste accumulated at a premises or business establishment to the approved solid waste facility in accordance with this chapter.

- B. Putrescible solid waste shall be collected and transported in bags or containers, which are covered and leak proof.
- C. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill there from. Where spillage does occur, it is the responsibility of the collector or transporter to pick up the material and return it to the vehicle and the container.

Section 1.10 Collection and Transportation of Hazardous Waste

- A. The owner or occupant of any premises or business establishment shall be responsible for the collection and transportation of all hazardous waste accumulated at a premises or business establishment to the approved hazardous waste drop-off center in accordance with this chapter.
- B. Each container for hazardous waste shall be labeled with the words "Hazardous Waste" and the date the waste was generated.
- C. The community of Kotlik will not store any more than 2,200 lbs. (1,000 kg) of hazardous waste on site at any time.
- D. The hazardous waste shall be delivered to: (1) a universal waste handler or destination facility subject to the universal waste management treatment, storage or disposal facility subject to the Standard for Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities of 40 CFR Part 264.

Section 1.11 Recycling of Material.

- A. Materials that may be recycled, when it is economically feasible for the tribe, may include but are not limited to:
 - 1. Glass;
 - 2. Aluminum cans;
 - 3. Corrugated cardboard, flattened
 - 4. Computer paper;
 - 5. Office paper;
 - 6. Scrap metal;
 - a. Aluminum
 - b. Copper
 - c. Iron
 - d. Brass
 - e. Stainless steel
 - 7. Plastic;
 - 8. Biomass material
 - 9. Batteries
 - 10. Other materials selected by the entities in the community of Kotlik.
- B. The entities in the community of Kotlik may provide for this separation by ensuring that the Community of Kotlik – provided locations or containers are available for the recycling materials.

Section 1.12 Littering

- A. The working face of the landfill shall be kept as small as practical to reduce the potential for windblown litter or attraction of birds and animals.
- B. Litter will be controlled by fencing or other approved means.

Section 1.13 Water Protection

- A. A new landfill may not be constructed, if possible, within 500 feet of the water used as drinking supply.
- B. A person may not dispose of septage, sewage solids, fish waste, animal manure or animal byproducts or waste on the ground within 100 feet of a well that produces water suitable for drinking.

Section 1.14 Penalty for Violations

- A. Any person violating any provisions of this chapter or regulations issued hereunder shall be fined \$200 for the first violation, with \$100 additional for each offense committed thereafter, and/or brought to the Tribal Courts for justification.
- B. The entities in the community of Kotlik in lieu of a fine, may, have the person rectify the problem.
- C. Therefore to those that have not paid their fines shall perform community service calculated at 12 hours for each \$100, 24 hours for each \$200 and so forth.

Section 1.15 Enforcement

- A. The Village Police Safety Officer and the Village Police Officers of the City Of Kotlik shall enforce this ordinance.
- B. The Kotlik Inter-Tribal Courts Ordinance passed in 2003 shall also enforce this ordinance.
- C. Environmental Protection Agency IGAP employees of the Bill Moore's Slough Council and the Kotlik Tribal Council can also and shall enforce this ordinance.

Ordinances, Resolutions, and Enforcement Resources (Note: these links contain helpful information.)

Topic	Link
Ordinances, Resolutions, MOU's, and MOA's, including Tribal law traditional resolutions	http://www.zendergroup.org/ordinances.htm http://www.zendergroup.org/MOA.htm
Construction and Demolition Wastes Sample Contract	http://www.zendergroup.org/docs/cand.pdf
Developing Codes, Laws & Regulations ANTHC/ANHB SWM Guide Appendix 8	http://www.zendergroup.org/anhbguide/App8.pdf