

**Oneida Indian Nation
Solid Waste Facility Ordinance**

Ordinance No. O-24-01

Pursuant to the authority vested in the Oneida Indian Nation (the “Nation”) by virtue of its sovereignty and inherent powers of self-government, the Nation adopts and enacts this Solid Waste Facility Ordinance (the “Ordinance”) to promote health, safety, and welfare on Nation Lands within the Oneida Reservation.

Article I – Purpose and Scope

The purpose of this Ordinance is to ensure the proper and safe construction and operation of facilities on Nation Lands for the acceptance, storage, processing and management of certain solid wastes so as to promote the welfare of the Nation and its Members and to protect public health, safety, and the environment.

Article II – Definitions

Unless otherwise expressly stated in this Ordinance, the following terms shall have the meanings set forth below:

“Allowable Waste” means the types of solid waste a Solid Waste Management and Processing Facility is authorized to accept, store, manage and/or process, which is limited to Municipal Solid Waste and Organic Waste, and under no circumstance shall include Unauthorized Waste.

“Hazardous Waste” means waste that is hazardous, toxic, corrosive, carcinogenic, or otherwise dangerous to humans or to the environment, or is designated as a hazardous waste, hazardous substance, hazardous material, medical waste, special waste, radioactive material, pollutant, contaminant or toxic substance (or words of similar meaning or import) under any law, and which includes petroleum and petroleum products, polychlorinated biphenyls, asbestos or asbestos-containing materials, chlorinated solvents, radon gas, or per- and polyfluoroalkyl substances.

“Nation Environmental Review” means the process required by this Ordinance and any regulations promulgated by the Nation Representative(s) under this Ordinance to determine whether the permitting, construction or operation of a Solid Waste Management and Processing Facility will have a significant effect on the environment.

“Nation Lands” means any lands possessed by the Nation within the Oneida Reservation.

“Municipal Solid Waste” means residential waste, commercial waste, or institutional waste, or any component or combination thereof, excluding construction and demolition debris, biosolids unless they are commingled and Unauthorized Waste.

“Organic Waste” means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings,

and may also include disposable plastic food service ware and bags that constitute compostable plastics.

“Solid Waste Management and Processing Facility” means a building, structure, or facility that is constructed and operated for the purpose of accepting, managing, and/or processing solid waste.

“Solid Waste Management and Processing Facility Permit” means a non-assignable agreement between the Nation and an operator, whereby the operator is granted a temporary, revocable authorization to construct and operate a Solid Waste Management and Processing Facility on Nation Lands.

“Unauthorized Waste” means all solid waste other than Allowable Waste, where such waste may not be accepted, stored, managed or processed at a Solid Waste Management and Processing Facility, and which includes, without limitation, Hazardous Wastes, electronic wastes, or mercury containing wastes.

Article III – Standards and Requirements

In furtherance of the Nation’s interests in protecting public health, safety and the environment, the following standards and requirements shall apply to the acceptance, storage, processing and management of certain solid wastes at a Solid Waste Management and Processing Facility to be located on Nation Lands:

1. No person or facility shall accept, store, manage or process solid wastes on Nation Lands except in accordance with this Ordinance and any regulations, standards, rules and administrative guidelines promulgated by the Nation Representative(s) in order to carry out the purposes of this Ordinance (the “Regulations”).
2. A Solid Waste Management and Processing Facility shall only be authorized to accept, store, manage and/or process Allowable Waste. Acceptance, storage, management or processing of Unauthorized Waste is strictly prohibited.
3. A Solid Waste Management and Processing Facility shall be designed, constructed and operated in strict compliance with Nation ordinances, regulations, and requirements of the Nation Representative(s), which shall include, at a minimum, this Ordinance, the Nation’s Land Use, Environmental, Health & Safety Ordinance (Ordinance No.: O-14-03), the Regulations promulgated by the Nation Representative(s) under this Ordinance, and any other requirements imposed under the Nation Environmental Review process, and by the Nation’s Code Enforcement Officer and the Nation’s Environmental Manager.
4. A Solid Waste Management and Processing Facility shall include measures to avoid, minimize, and mitigate adverse environmental effects.

Article IV – Permits

1. No person, firm, corporation, or other entity shall construct or operate a Solid Waste

Management and Processing Facility on Nation Lands without first obtaining a Solid Waste Management and Processing Facility Permit, which shall be issued in accordance with this Ordinance and the Regulations.

2. The Nation's Environmental Manager or the Nation Representative(s) is authorized to issue Solid Waste Management and Processing Facility Permits under this Ordinance.
3. The Regulations promulgated by the Nation Representative(s) shall identify the requirements that a Solid Waste Management and Processing Facility must meet for issuance of a Solid Waste Management and Processing Facility Permit, which, at a minimum, shall include, without limitation:
 - a. Completion of the Nation Environmental Review Process.
 - b. Issuance of a written determination that the solid waste management and processing Facility will satisfy the Regulations, and will not constitute a threat to health, safety or the environment.
 - c. A demonstration that an operator has secured, or demonstrated that the operator will timely secure, all permits and approvals required for the construction or operation of the Solid Waste Management and Processing Facility under applicable laws, including without limitation, applicable laws governing the emission of pollutants into the environment.
 - d. All required financial assurances have been provided to the Nation

Article IV – Financial Assurances

The operator of a Solid Waste Management and Processing Facility shall provide to the Nation all financial assurances required by the Nation Representative(s).

Article V- Solid Waste Regulations, Administration and Enforcement

1. The Nation Representative(s) shall have the authority to promulgate the Regulations, which shall include at a minimum, environmental protections; enforcement of violations; imposition of fines and penalties; implementation of the Nation Environmental Review Process; and inspections, record keeping, financial assurances, and insurance requirements for Solid Waste Management and Processing Facilities.
2. The Nation's Environmental Manager, or such other enforcement official appointed by the Nation Representative(s), shall administer and enforce this Ordinance in accordance with the Ordinance and Regulations.
3. No oversight or dereliction on the part of the Nation's Environmental Manager or any official of the Nation vested with the authority or duty to issue a solid waste management

and processing facility permit shall legalize, waive and/or excuse the violation of any of the provisions of this Ordinance or the Regulations.

4. No permit or license shall legalize, authorize, waive and/or excuse the violation of any of the provisions of this Ordinance or the Regulations.

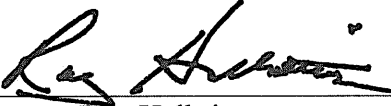
Article VI – Interpretation

1. The Nation does not, by enacting this Ordinance or the Regulations adopted pursuant to this Ordinance, waive its sovereign immunity or that of its agents or officers, in any respect, under any law, for any purpose, or in any place.
2. This Ordinance, and the Regulations enacted pursuant to this Ordinance, are not subject to review or modification in any state or federal court or by any authority outside the Nation and is not subject to review or modification in any Nation court.
3. This Ordinance, and the Regulations enacted pursuant to this Ordinance, do not create any right, cause of action, or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or employees, or any other person.

Article VI – Effective Date

This Ordinance shall be effective upon enactment.

Enacted this 8th day of November, 2024



Ray Halbritter
Nation Representative