TRIBAL ORDINANCE NO. 001-13

ADOPTING ARTICLE 43 OF THE TRIBE'S CODE OF LAWS ENTITLED YSLETA DEL SUR PUEBLO ENVIRONMENTAL CODE

Pursuant to the authority vested in the Tribal Council (the "Council") as the duly constituted traditional governing body of the Ysleta del Sur Pueblo (the "Pueblo"), a federally recognized Indian Tribe exercising all inherent governmental powers, fiscal authority and tribal sovereignty as recognized in the Ysleta del Sur Pueblo Restoration Act (Public Law 100-89 as codified in 25 U.S.C. § 1300g, hereinafter the "Restoration Act"), and its lawful authority to provide for health, safety, morals, welfare, tribal economic development and self-sufficiency of the Pueblo, the Council of the Pueblo hereby enacts this Ordinance for purpose of establishing sales taxes and business licenses. Therefore, be it resolved and ordained by the Council of the Pueblo:

That the attached Article entitled "Ysleta del Sur Pueblo Environmental Code," which by reference is incorporated herein as if set forth at length, is hereby adopted as revised Article 43 of the Tribe's Code of Laws.

YSLETA DEL SUR PUEBLO

By: _____

Title: Tribal Governor

ATTEST:

By: _____

Title: Tribal Council Adm Assistant

Ysleta del Sur Pueblo
TRIBAL RESOLUTION

YSLETA DEL SUR PUEBLO
-TRIBAL RESOLUTION TC-007-13
PERTAINING TO:

Article 43 of Health and Safety of Ysleta del Sur Pueblo Peace Code
Environmental Code Legislation

WHEREAS, the Tribal Council (the Council) of the Ysleta del Sur Pueblo (the Pueblo), is the duly constituted traditional governing body of the Ysleta del Sur Pueblo exercising all inherent governmental power, fiscal authority, and tribal sovereignty as recognized in sections 101 and 104 of the Act of August 18, 1987 (the Ysleta del Sur Pueblo Restoration Act), 101 Stat. 666, Public Law No. 100-89; and,

WHEREAS, the Pueblo has operated from time immemorial as a Native American political sovereign without organic or written constitution, charter, or by-laws; and,

WHEREAS, the Pueblo governs itself by oral tradition; and,

WHEREAS, the Council has authorized the Governor, or in his absence the Lt. Governor of the Pueblo to act for the Tribe in the signing of this resolution; and,

WHEREAS, the authority of the Pueblo is vested in the Council consisting of the Cacique, the Governor, the Lieutenant Governor, the War Captain, the Aquacil, and four (4) Council members; and,

WHEREAS, the Pueblo recognizes the need to protect and preserve its Natural Resources and Tribal lands, the Environmental Code will instill a sense of responsibility while providing for the sustainability of the people, wildlife and lands; and,

WHEREAS, the Pueblo through systematic strategic planning and collaboration of several key departments has developed a code that will protect and preserve the Tribal lands and Natural Resources; and,

WHEREAS, the code should be inter-operated and construed to prevent the creation of conditions presenting an unreasonable risk to the health and welfare of individuals on or near the lands of Ysleta del Sur Pueblo; and,

WHEREAS, the Ysleta del Sur Pueblo will establish an Environmental Regulatory Commission that shall be comprised of Environmental Management Office, Housing Department, Economic Development Department, Fire Safety & Operations, Wildlife Management Committee, and YDSP Public Works (Grounds and Maintenance; and,

WHEREAS, the ERC, directly or through delegation, may issue citations to individuals and businesses for any violations under this Code; and,

WHEREAS, the ERC may issue rules and regulations for the collection and lawful disposal of household solid wastes generated on the tribal lands; and,

WHEREAS, the Pueblo recognizes that no person within Ysleta del Sur Pueblo tribal buildings and tribal enterprises may dispose of recyclable material by dumping, burning or other means any materials specified within the Code which has been separated for recycling or composting, except waste tires which may by burned for energy recovery in a solid waste treatment facility; and,

WHEREAS, the Pueblo recognizes that all new residential and commercial buildings on the reservation shall either meet or exceed the then current requirements and standards for energy conservation and efficiency established by the International Energy Conservation Code upon its adoption by Tribal Council; and,

WHEREAS, the Pueblo will ensure that proper and meaningful management of environmental, cultural, historical, and ecological factors (including human health and well-being) is made by any person, the BIA or the Tribal Council prior to its approval of activities on tribal lands which may significantly affect that environment in whole or in part; and,

WHEREAS, the Tribal Council, in order to protect and preserve the wildlife for the benefit of tribal members both in the present and future generations and in the exercise of its sovereign powers, finds it necessary to regulate and control all hunting on and throughout Ysleta tribal lands; and,

WHEREAS, the Pueblo recognizes that all new residential and commercial buildings on the reservation shall either meet or exceed the then current requirements and standards for energy conservation and efficiency established by the International Energy Conservation Code upon its adoption by Tribal Council; and,

WHEREAS, the Pueblo will ensure that proper and meaningful management of environmental, cultural, historical, and ecological factors (including human health and well-being) is made by any person, the BIA or the Tribal Council prior to its approval of activities on tribal lands which may significantly affect that environment in whole or in part; and,

WHEREAS, the Tribal Council, in order to protect and preserve the wildlife for the benefit of tribal members both in the present and future generations and in the exercise of its sovereign powers, finds it necessary to regulate and control all hunting on and throughout Ysleta tribal lands; and,

WHEREAS, the Traditional Council, in order to protect and preserve the plants for the benefit of tribal members both in the present and future generations and in the exercise of its sovereign powers, finds it necessary to regulate and control all harvesting on and throughout tribal lands; an WHEREAS, the ERC by regulation to be approved by Tribal Council, shall develop such plans and procedures as are necessary to conserve the land, water, and air resources on tribal lands, and shall recommend such action by Tribal Council such as amending this code as the ERC deems necessary; and,

WHEREAS, the ERC as approved by Tribal Council, shall develop and amend Code, regulations and plans and procedures as are necessary to conserve the land, water, and air resources on tribal lands, as the ERC deems necessary; and,

NOW THEREFORE BE IT RESOLVED, by the Council of the Pueblo that Article 43 of the Tribe's Code of Laws entitled Ysleta del Sur Pueblo Environmental Code is hereby adopted as follows:

1. That the preambles hereto shall be incorporated and made part of the Resolution.
2. That the adopted Article 43 of the Tribe's Code of Laws entitled Ysleta del Sur Pueblo Environmental Code , a true and correct copy of and by reference is attached, and by reference, is incorporated for all purposes set forth at length, is hereby enacted to be effective on February 26, 2013.

ADOPTED this 26th day of February, 2013.

CERTIFICATION

I, the undersigned, as Governor of the Ysleta del Sur Pueblo hereby certify that the Ysleta del Sur Tribal Council, by a phone vote having conducted on the 26th day of February, 2013, at the Ysleta del Sur Pueblo approved the foregoing Resolution, and that 6 voted for, 0 opposed, 0 abstained.

Ysleta del Sur Pueblo

FRANK PAIZ
Tribal Governor

ATTEST:

Tribal Secretary

YSLETA DEL SUR PUEBLO
ARTICLE 43
ENVIRONMENTAL CODE

PART 1
GENERAL PROVISIONS

Section 1.1.010 Applicability

The following article shall hereinafter be referred to as the "Ysleta del Sur Pueblo Environmental Code."

Section 1.1.020 Jurisdiction

This Code shall apply to the Pueblo's reservation and its Tribal Lands.

Section 1.1.030 Purposes and Interpretation

(A). The Ysleta del Sur Pueblo recognizes the need to protect and preserve its Natural resources and Tribal lands. The Code will instill a sense of environmental responsibility, while providing for the sustainability of the people, wildlife and lands.

(B). This code shall be interpreted and construed to:
- (1). Protect and preserve Tribal Lands and Tribal Natural Resources
- (2). Prevent the creation of conditions presenting an unreasonable risk to the health and welfare of individuals on or near the lands of the Ysleta del Sur Pueblo.

Section 1.1.040 Sovereign Immunity

By adoption of this Code, the Tribe does not waive its sovereign immunity or consent to suit in any court, federal, tribal or state, and neither the adoption of this Code, nor the creation of any entity hereunder, shall be construed to be a waiver of the sovereign immunity of the Tribe or a consent to suit against in any such court.

Section 1.1.050 Definitions

(A). **"Applicant"** means any person who has applied for a permit with the Environmental Regulatory Commission.

(B). **"Bulk liquids"** means a liquid or a mixture consisting of solid matter suspended in a liquid media which is contained within, or is discharged from, any one vessel, tank or other container which has the capacity of 20 gallons or more. Not included in this waste classification are septic tank clean-out wastes and liquid sewage sludge.

(C). **"Closure"** means the termination of the receiving, handling, recycling, treatment, composting or disposal of solid waste at a solid waste facility, and includes all operations

necessary to prepare the facility for post-closure maintenance.

(D). **"Collection"** means the act of collecting solid waste or hazardous waste at the place of generation by an approved collection agent and does not mean removal.

(E). **"Commission or ERC"** means the Environmental Regulatory Commission created by this Code.

(F). **"Composting"** means the controlled microbial degradation of organic solid waste yielding a safe and nuisance-free product.

(G). **"Construction"** means the erection or building of new structures or the acquisition, replacement, expansion, remodeling, alteration, modernization or extension of existing structures.

(H). **"Council or Tribal Council"** means the Ysleta del Sur Pueblo Tribal Council.

(I). **"Disposal"** means the discharge, abandonment, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any soil, air or water.

(J). **"Disposal facility"** means a facility permitted to receive and dispose of solid waste and includes all contiguous land and structures, other appurtenances and improvements on the land. It does not include a facility that the principal function of which is handling, treatment or composting of manure or other solid waste not intended for disposal.

(K). **"Dumping Site"** means an area designated and permitted for the disposal of solid waste.

(L). **"Enforcement plan"** means the rules, regulations and procedures adopted by Environmental Regulatory Commission to enforce this Code.

(M). **"Fee lands"** means real property including all land, air , and water the title to which is held by and in the name of Ysleta del Sur Pueblo and is not part of the Pueblo's reservation

(N). **"Friable"** means easily crumbled.

(O). **"Generators"** means businesses that handle used oil through commercial or industrial operations or from the maintenance of vehicles and equipment. Examples include car repair shops, service stations, government motor pools, grocery stores, metalworking industries, farmers and boat marinas. Farmers who produce less than an average of 25 gallons of used oil per month are excluded from generator status.

(P). **"Handling"** means collection, transportation, storage, transfer or processing of solid waste or hazardous waste.

(Q). **"Hazardous Materials"** or **"Hazardous Waste"** means: (1) any substance that poses a

threat to human health or the environment, and (2) any substance that is defined to be hazardous or toxic by tribal law and any regulations promulgated thereunder, including but not limited to any substance, material, smoke, gas, particulate matter or combination thereof containing asbestos, petroleum or its byproducts or polychlorobiphenyls ("PCBs").

(R). **"Historical uses"** means all uses that have historical significance for Ysleta del Sur Pueblo.

(S). **"Illegal Dumping"** means depositing any solid waste or pollutant on any land or water without a permit issued by the Environmental Regulatory Commission or otherwise permitted under tribal law.

(T). **"Implementation schedule"** means a schedule that indicates approximate dates for the orderly, timely implementation of Solid Waste Management Plan policies and programs and includes approximate dates for the establishment, expansion and closure of any solid waste facility identified and reserved in the Plan.

(U). **"Off-site treatment or disposal facility"** means (1) a state or federally regulated hazardous waste management treatment, storage, or disposal facility; (2) a facility permitted, licensed, or registered by a state to manage municipal or industrial; solid waste; (3) a facility that uses, reuses, or legitimately recycles the waste (or treats the waste prior to use, reuse, or recycling); and/or (4) a universal waste handler or destination facility subject to the universal waste requirements.

(V). **"Open dump"** means any facility or site at which solid waste or hazardous waste is disposed of in a manner that does not protect the environment, is susceptible to open burning or is exposed to the elements, vectors and scavengers, and includes any facility that fails to satisfy standards found in this Code and other tribal laws and regulations.

(W). **"Open burning"** means the combustion of solid waste without (1) control of combustion; (2) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and (3) control of the emission of the combustion products.

(X). **"Permit"** means any authorization, license or equivalent control document issued by Environmental Regulatory Commission under the authority of Ysleta del Sur Pueblo.

(Y). **"Permittee"** means a person authorized by the ERC to engage in an activity regulated by this Code.

(Z). **"Person"** means any individual, corporation, partnership association, agency, municipality, commission or department, including the Ysleta del Sur Pueblo or other federally recognized Tribal government.

(AA). **"Plan"** means the Tribe's Solid Waste Management Plan.

(BB). **"Pollutant"** means any substance that will alter the quality of the soil, air or waters of the Reservation.

(CC). **"Pollution"** means the condition caused by the presence in or on soil, air or water of any solid waste, hazardous waste or substance derived there from in such quantity, of such nature and duration or under such condition that the quality, appearance or usefulness of the soil, air or water is significantly degraded or adversely altered.

(DD). **"Postconsumer waste"** means any product which has served its intended use by a business or a consumer, which has been disposed and subsequently separated from solid waste for use as a constituent in a new product.

(EE). **"Qualified Tribally Chartered Corporation"** means a corporation granted a charter by the Pueblo and is subject to all the laws, rules, and regulations of the Pueblo.

(FF). **"Recycling"** means the process of sorting, cleansing, treating and reconstituting solid waste or other discarded materials in order to prepare the altered form for use.

(GG). **"Removal"** means the act of taking solid waste or hazardous waste from the place of generation.

(HH). **"Reservation"** means all land, air and water described in sections 101(3) and 105(a) and (g) of Title I of United States Public Law 100-89, codified at 25 U.S.C. §§ 1300g(3) and 1300g-4(a) and (g).

(II). **"Restoration Vehicle"** means a vehicle which is actively being restored to running condition by its owner.

(JJ). **"Segregated from other waste material"** means any of the following: (1) the placement of recyclable materials in separate containers; (2) the binding of recyclable material separately from other solid waste; or (3) the physical separation of recyclable material from other solid waste

(KK). **"Solid Waste"** means all solid and semi-solid wastes including any garbage, trash, rubbish, refuse, sludge form from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, such as ashes, dead animals, abandoned vehicles, appliances, infectious wastes, hazardous wastes, street and parking lot cleaning, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows. The subcategories for solid waste are as follows:

1. Appliances, Vehicles, and Equipment: Shall be considered solid waste if they are not in use, are in a state of disrepair, and are not properly stored, thereby causing an unsightly or hazardous condition to exist.
2. Brush: All large trimmings from trees and shrubbery that cannot be readily place in containers.

3. Bulky Refuse: Lawn and shrubbery clippings, leaves, weeds, paper, cardboard boxes, rugs, and other materials of lightweight nature.
4. Hazardous Waste: Any solid waste, as defined above.
5. Garbage: All waste that is capable of decay or decomposition, excepting sewage and body wastes, and the wrappings and containers resulting from the storage preparation, serving, and otherwise using of foods in upon all premises.
6. Manufacturing By-Products: Any solid waste resulting from commercial or industrial processes, including but not confined to, produce packaging and shipping.
7. Recyclable Materials: Any solid waste consisting of postconsumer materials which may be collected, separated, cleansed, treated, or reconstituted and returned to the economic stream in the form of raw materials or products.
8. Residual Construction Debris: Any solid waste resulting from a construction project which would include lumber, scraps, shingles, plaster, brick, dirt, rock, gravel or concrete. This list is not all-inclusive but provides examples of typical construction debris.

(LL). **"Solid Waste Facility"** means a disposal facility; a transfer/processing station; a recycling facility; a composting facility; any resource recovery system or component thereof; any system, program or facility for resource conservation; and any facility used for handling, treatment, composting or disposal of solid waste; whether such facility is associated with facilities generating such solid waste or otherwise; and includes all contiguous land and structures, other appurtenances and improvements on the land.

(MM). **"Toxic materials"** means any chemical or mixture that presents an unreasonable risk or injury to human health or the environment.

(NN). **"Transfer/processing station"** means a facility used to receive, temporarily store, process or transfer solid waste directly from smaller to larger vehicles for transport. "Transfer station/processing station" does not include: (1) a facility where the principal function of is to receive, handle process, treat or compost manure in accordance with Tribal minimum standards; (2) a facility where the principal function is to receive or handle solid waste that has already been separated for reuse and is not intended for disposal; or (3) the operations premises of a duly licensed solid waste collection operator who handles solid waste as an activity incidental to the conduct of a refuse collection and disposal business.

(OO). **"Treatment"** means any method, technique or process designed or intended to change the physical, chemical or biological characteristics of solid waste or hazardous waste to render it less harmful to the quality of the soil, air and water; safer to handle; easier to contain, manage or use as fuel, nutrient, soil or other additive.

(PP). **"Tribal Court"** means the Ysleta del Sur Pueblo Tribal Court.

(QQ). **"Tribal Lands"** means both the reservation and fee lands of Ysleta del Sur Pueblo.

(RR). **"Tribal Natural Resource(s)" means land, water, soil, plants and animals and the**

management of these resources with particular focus on how management affects the quality of life both present and future generations on Tribal lands.

(SS). **"Tribe's Solid Waste Disposal Program"** means all the authorities, activities and procedures under this Code, the Tribe's Solid Waste Management Plan and any other Tribal laws or regulations that comprise the Tribe's system of permits and prior approval and conditions for regulating the collection, handling, transportation and disposal, treatment and storage of solid waste.

(TT). **"Tribal Official"** means any person authorized to officiate over Tribal business or functions of Ysleta del Sur Pueblo.

(UU). **"Tribe"** means the Ysleta del Sur Pueblo and "tribal" means belonging or pertaining to the Tribe.

(VV). **"Universal waste"** means wastes such as certain batteries, recalled and collected pesticides, or mercury-containing thermostats or lamps

(WW). **"Used Oil"** means is defined as 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.

(XX). **"Variance"** means an authorized written permission for a delay or exception in the application of a given law or regulation.

(YY). **"Vector"** means any insect, arthropod, rodent or other animal capable of transmitting a pathogen from one organism to another or of disrupting the normal enjoyment of life by adversely affecting the public health and well-being.

(ZZ). **"Waste"** includes waste water and any and all other substances, liquid, solid, gaseous, radioactive, heat laden, associated with human habitation, or of human or animal origin, or from any of man's activities including producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(AAA). **"YDSP"** means Ysleta del Sur Pueblo.

(BBB). **"Ysleta del Sur Pueblo"** means a federally recognized Indian Tribe, exercising all inherent governmental powers, fiscal authority and tribal sovereignty as recognized in the Ysleta del Sur Pueblo Restoration Act (Public Law 100-89, 101 Stat. 666, as codified at 25 U.S.C. § 1300g). Ysleta del Sur Pueblo is also commonly referred to as the Tigua Indian Reservation or the "Pueblo".

PART 2
ESTABLISHMENT OF THE ENVIRONMENTAL REGULATORY COMMISSION

Section 1.2.010 The Environmental Regulatory Commission

There is hereby established the Environmental Regulatory Commission (ERC) which shall be comprised of Environmental Management Office (EMO), Economic Development Department (EDD), Wildlife Management Committee, Office of Fire and Safety, the Housing Department, and the Department of Grounds and Maintenance. Each of these members shall continue to work together on the Commission to implement and enforce this Code and regulations promulgated hereunder.

Section 1.2.020 Environmental Regulatory Commission Chair

There is hereby created the position of Chair. The Chair shall be a member of the Environmental Management Office (EMO) and shall be chosen by the members of the Environmental Regulatory Commission through a majority vote.

Section 1.2.030 Duties and Responsibilities of the Environmental Regulatory Commission

(A). The ERC shall implement, administer, and enforce the provisions of this Code and is authorized to promulgate regulations as is necessary to fulfill these tasks. Proposed regulation must be submitted to Tribal Council for approval.

(B). The ERC is authorized to propose and submit to Tribal Council such amendments to this Code as the ERC sees fit.

(C). The Chair of the ERC shall appoint a member to conduct inspections as required by this Code and subsequent regulations to ensure compliance with this Code. All inspections will be conducted according to ERC rules as well as the individual agency's procedures.

(D). An appointed ERC member shall conduct all investigations when a complaint is observed or received by members of the ERC or another Tribal agency.

(E). All members of the ERC may issue citations to individuals and businesses for any violations under this Code.

(G). The ERC shall develop the Tribe's Solid Waste Management Plan (hereinafter the "Plan"):

1. The Plan shall include the formation of Tribal regulations and policies for all solid waste collection, transportation, handling, treatment and disposal on or off the YDSP lands of the Pueblo, to include if feasible a resource recovery program for the recycling of solid wastes and a program for the disposal of household hazardous wastes;
2. An identification of the responsibilities of other Tribal agencies and entities involved in the implementation of the Tribe's solid waste disposal program;
3. Any other matters, which are relevant for the Tribe's solid waste disposal program.

4. The ERC shall submit the Plan to the Tribal Council, in writing, for its review, modification, and approval.
5. The ERC shall review the Plan bi-annually for the first two years after its enactment and then annually thereafter.

(H). The ERC is not authorized to consent to jurisdiction, liability or waiver of sovereign immunity.

(I). The ERC shall have the authority and responsibility to issue permits for the location, design, construction, operation, closure, post-closure and financial assurance requirements for a dumping site on YDSP lands of the Pueblo.

(J.) The ERC shall also have the authority and responsibility for the collection and transportation of solid waste on the lands of the Pueblo.

(L). The ERC shall also have authority and responsibility to issue any other permits required under this Code and any subsequent regulations.

(M) The ERC may delegate authority and responsibility for issuance of permits to ERC members upon such terms and conditions which the ERC deems best.

(N). The ERC shall prepare and file an annual report with the Tribal Council no later than July 1 of each year, which shall review the progress achieved under the Tribe's solid waste program, and shall include any reports requested by the Tribal Council. The ERC shall recommend what specific actions should be taken by the Tribal Council regarding the Tribe's solid waste program.

PART 3
HAZARDOUS AND SOLID WASTE

Section 1.3.010 Prohibition on Hazardous Waste

(A). In order to protect the limited land, air and water resources of the Ysleta Del Sur lands from irremediable hazardous pollution and to protect the health, safety and welfare of all residents on all tribal lands and surrounding communities, receiving, accepting, handling transporting, treating, storing, composting, processing and disposing of hazardous and solid waste is prohibited within all tribal lands except that the ERC may permit the establishment of a program for the collection, storage, transfer, transportation and disposal hazardous waste generated or found on the tribal lands subject to such conditions as ERC may impose.

(B). Pollutant discharges within all tribal lands is expressly prohibited.

Section 1.3.02 Permit Requirement

No tribally chartered corporation or agency, private enterprise, or person may collect or transport solid waste, or construct or operate a dumping site within the exterior boundaries of the without first having obtained from the ERC either: (1) a solid waste collection and transportation permit; or (2) a solid waste facility construction and/or operation permit.

Section 1.3.030 Household Solid Waste

The ERC shall examine the disposal, collection, and transportation of household solid waste on the tribal lands. Such tribal study shall include an analysis of the economic feasibility of the separate collection of household solid waste, and disposal of household solid wastes at duly authorized facilities other than at an MSWLF on tribal lands. The ERC may issue rules and regulations for the collection and lawful disposal of household solid wastes generated on the tribal lands other than at an MSWLF on the tribal lands.

Section 1.3.040 Inoperable Vehicles

Inoperable vehicles are not permitted to remain on the private property of any person living on Pueblo lands and must be removed within 30 days of becoming inoperable. 30 days is determined at the point of citation being issued.

Inoperable vehicles may be on Pueblo lands within a waste facility operated by the Pueblo or a person or company authorized by the Pueblo to operate a waste facility.

If an inoperable vehicle is found to be in violation of this Code, the lessee(s) or owner(s) of the land, shall be responsible for any fines and fees associated with the violation, including, but not limited to removal fees and/or clean-up fees.

(A). All unregistered vehicles must be removed from private property of any person living on Pueblo lands within 30 days of the vehicles' expiration of registration. Unregistered vehicles are subject to citation by tribal police and housing.

(B). Owners of unregistered vehicles may request a permit from ERC to allow the vehicle to remain on private property as a restoration vehicle. The owner must demonstrate the vehicle is currently being restored to registerable and running condition.

(C). All permitted vehicles must be stored in a garage or securely covered.

Section 1.3.050 Storage of Solid Waste

(A). Sanitary Site Conditions: The owner, agent or occupant of any dwelling, residence, premises or business establishment shall be responsible for the sanitary condition of said residence, premises or business establishment. No person shall place or deposit waste or allow waste to be placed or deposited on any public street, road or alley within tribal lands.

(B). *Storage of Solid Waste for Collection: The owner, agent or occupant of any dwelling,* residence, premises or business establishment shall be responsible for the storage and stockpiling of all solid waste accumulated for collection and disposal.

(C). Container Specifications: Residents who transport solid waste to community transfer stations shall be required to haul their solid waste in such a way that it does not result in littering or wind-swept garbage.

(D). Ashes: Ashes, warm or cold, shall not be placed in plastic containers.

(E). Hazardous Waste: No owner, occupant, business establishment or agency shall store hazardous waste on tribal lands. It shall be the responsibility of each occupant, business establishment or agency to locate a disposal service operating an ERC-approved site which accepts hazardous material and to arrange for its disposal.

Section 1.3.060 Transportation and Collection

The ERC shall include in the Plan a study and any needed regulations on the transportation and collection of household waste.

PART 4
ILLEGAL DUMPING

Section 1.4.010 Illegal Dumping

Illegal dumping is prohibited on all Tribal lands.

Section 1.4.020 Prohibition Against Certain Materials

The following materials shall not be accepted at any dumping site on the Pueblo under any conditions. Dumping of any of the following materials will be considered illegal dumping:

(A). Radioactive Waste
(B). All regulated hazardous waste as defined herein.
(C). Unregulated small quantity generator hazardous wastes
(D). Infectious biomedical wastes, which includes human tissue or human anatomical remains.
(E). Animals or bedding exposed to infective agents
(F). Sharps, needles and lancets that have not been contained for disposal in leak-proof, rigid, puncture-resistant containers such as cartons or metal cans that are taped closed or tightly lidded to preclude loss of contents under severe compact conditions
(G). Bulk quantities of infectious-type wastes including blood, blood products and body fluids
(H). Any materials containing friable asbestos waste from building demolition or cleaning, and any friable asbestos materials
(I). Sewage or sewage sludge wastes
(J). Bulk liquids of any kind
(K). Polychlorinated biphenyls (PCBs).
(L). Car batteries

(M). Used oil
(N). 55-gallon drums
(O). Explosives
(P). Tires
(Q). Oil or gas exploration wastes

PART 5
RECYCLING

Section 1.5.010 Recycling Applicability

(A). This Part applies to all activities within Ysleta del Sur Pueblo tribal buildings and tribal enterprises and conducted by Ysleta del Sur Pueblo Tribal governmental agencies and enterprises.

Section 1.5.020 Recycling Prohibitions

(A). No person may dispose of recyclable material by dumping, burning or other means any materials specified below which has been separated for recycling or composting, except waste tires which may by burned for energy recovery in a solid waste treatment facility.

(B). All employees of YDSP facilities shall separate the following materials from postconsumer waste:
1. lead acid batteries
2. major appliances
3. waste oil
4. aluminum containers
5. bi-metal containers
6. corrugated paper or other container board
7. magazines or other materials printed on similar paper
8. newspaper or other materials printed on similar paper
9. office paper
10. plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types,
11. steel containers

(C). To the greatest extent practicable, the recycled materials separated in accordance with Section 1.11.020 (B) shall be clean and kept free of contaminants such as food materials, oil, grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers.

(D). Recyclable materials shall be stored in such a manner which protects them from wind, rain and other inclement weather conditions.

Section 1.5.030 Management of Separated Recyclable Materials

(A). Lead Acid Batteries shall be taken to a retail business that sells batteries.

(B). Major Appliances shall be taken to local white waste center. The YDSP Environmental Management Office should be consulted for details and other options. Microwave ovens may be land filled if the capacitor has been removed.

(C). Waste Oil should be stored in a dirt-free container with a leak-proof lid, not contaminated with solvents or any other materials, and taken to a waste oil collection site. The YDSP Environmental Management Office should be consulted for details and disposal options.

(D). Aluminum Containers shall be separated from any solid waste, rinsed and placed in EMO recycling bins within Tribal buildings.

(E). Bi-Metal containers shall be separated from any solid waste, rinsed and placed in EMO recycling bins.

(F). Corrugated paper or other container board should be placed in bags or boxes next to EMO recycling containers. Corrugated Paper or other Container Board shall be picked up at curbside.

(G). Magazines shall be separated from any solid waste and placed in EMO recycling bins.

(H). Newspaper shall be separated from any solid waste and placed in EMO recycling containers. Newspaper shall be placed in paper bags or boxes, but shall not be bound.

(I). Office paper shall be separated by agencies/businesses from any solid waste and placed in EMO recycling containers.

(J). The YDSP Environmental Management Office shall promulgate and distribute instructions to all affected person as regarding recyclable rigid plastic #1-7.

(K). Steel containers shall be rinsed and placed in EMO bins.

(L.) Waste tires shall be collected semi-annually by the Environmental Management Office.

(M). Steel, bi-metal, aluminum, and plastic containers as well as corrugated paper or other container board, may also be taken to drop-off sites.

Section 1.5.040 Responsibilities and Disposal

Owners or designated agents of Tribal agency/enterprise facilities and properties shall do all of the following for recycling the materials specified in Sections 1.5.020 & 1.5.030.

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

(B). Notify, in writing, at the time of lease and annually thereafter, all users, tenants and occupants of the property about this law and any established recycling program under this law.

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

(D). Notify users, tenants and occupants of which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and contact person or company, including a name, address and telephone number.

(E.) To the greatest extent practicable, the recycled materials separated in accordance with Sections 1.5.020 - 1.5.030 shall be clean and kept free of contaminants such as food materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in such a manner which protects them from wind, rain and other inclement weather conditions; in addition to being stored in a fire safe manner determined by YDSP Fire Safety & Operations.

Section 1.5.050 Non-Collectable Materials

(A). No person, unless provided written permission by the ERC, may deposit or place for any recyclable material collection by the YDSP or its contractors, at any location within the YDSP Tigua Indian Reservation, any of the following materials, wastes, residuals, and other materials:

1. Hazardous wastes
2. Toxic wastes
3. Free liquid in any containers, including paints and solvents
4. Pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the YDSP for separation and for recyclable material collection.
5. Medical wastes
6. Asbestos
7. Sludge wastes
8. Industrial or commercial wastes from any industrial or commercial facility or operation
9. Residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial process.
10. Ash waste
11. Hazardous or toxic construction and demolition wastes
12. Biomedical wastes
13. Sewage
14. Animal fecal wastes
15. Dead animals
16. Brush or trees

17. Wood treated with chemical preservatives
18. Explosive material(s)
19. Flammable and Combustible liquids and gases
20. Contaminated recyclable material as determined by the YDSP, its designee or contractor.

Section 1.5.060 Right to Reject Materials

The Ysleta Del Sur Pueblo and its contractors reserve the right to reject and leave at the EMO bins any material not in accordance with this Code.

PART 6
OPEN BURNING

Section 1.6.010 Outdoor fires

Outdoor fires are allowed in District I and II, but only in the following areas: approved barbeque grills; traditional bread baking; approved outdoor fireplaces; and Cooking pots used for deep frying turkeys, etc. must be done outdoors and must be a minimum of 20 feet from the home/structure when in use.

Section 1.6.020 Burning of Vegetation

(A). Using open flames of any type utilized to control the growth of weeds, grass or any other type of vegetation in residential yards is prohibited.

(B). Burning of any vegetation, trash, rubbish, and construction materials is prohibited.

(C). All ceremonial burning is allowed and shall be conducted in a safe manner.

(D). Tribal Governmental agencies can burn vegetation subject to the following:

1. Shall gain prior information on local air quality to ensure burning does not add any unhealthy air-quality situation for our area.
2. Burning shall not be conducted during days of actual or predicted persistent low level atmospheric temperature inversions otherwise known as Ozone Action Days.
3. Shall inform and obtain approval from the Pueblo's Department of Fire Safety & Operations of the plan for personnel and resources that will be on site to support the burn operations.
4. The burn shall commence no earlier than one hour after sunrise and shall be completed on same day not later than one hour before sunset.
5. All smoldering and smoke producing remnants shall be fully extinguished prior to personnel leaving the site of the burn.
6. If at any time the burning causes, or may tend to cause, smoke to blow onto or across a road or highway, it shall be the responsibility of the person initiating the

burn to post flag-persons on affected roads to ensure safety of those on the roadways.

7. Only vegetation shall be allowed to burn; permission shall never granted for the burning of electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes and items containing natural or synthetic rubber or any other rubbish/trash.
8. Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour or greater than 15 miles per hour.

PART 7
BUSINESS ENVIRONMENTAL REGULATIONS

Section 1.7.010 Requirements of businesses

Any person, organization and or corporation operating or conducting business on reservation lands must comply with the following requirements:

(A). Ensure that wastes are managed properly from the time they are created until the time they are recycled, disposed, or treated to make them safe for the environment.

(B). Abide by tribal laws and regulations dealing with solid waste management, in addition to all other tribal laws.

(C). Determine whether the wastes are legally defined as "hazardous wastes," and if they are, manage them in accordance with tribal laws and regulations.

(D). Provide for safe management of all solid waste, which includes safe storage, safe treatment, preventing accidents, and responding to emergencies in accordance with tribal laws and regulations.

(E). Provide the ERC with proof of safe management of all solid waste, which shall include, but is not limited to, inspection of records and business premises.

(F). Immediately contact emergency dispatch, Ysleta del Sur Pueblo Community Emergency Response Team and the ERC when a spill of any type of waste occurs.

Section 1.7.020 Disposal of Solid Waste

(A). Businesses shall ship all waste to a disposal or recycling center within the time frame established by the ERC.

(B). All businesses shall be required to store solid waste in durable, rust-resistant, non-absorbent and easily cleanable containers with close-fitting covers.

(C). Businesses must ensure the delivery of solid or hazardous waste to an off-site treatment or disposal facility.

(D). All businesses are subject to inspection by the ERC to determine compliance with this section.

Section 1.7.030 Closure of Businesses and Facilities

When a business closes a facility it shall complete a business closure checklist from ERC. This includes, but is not limited to, ensuring that all hazardous and solid waste has been removed from hazardous waste tanks, discharge-control equipment, and discharge confinement structures. In addition, any contamination the business may have caused must be cleaned up and managed under all applicable hazardous waste regulations. The business will be liable for all cleanup costs and/or new or unpaid fines associated with violations under this code. If cleanup is not completed properly the business may forfeit any permit deposits and/or be subject to further fines and penalties.

Section 1.7.040 Proper Disposal of Oil

Any business using "generators" or handling oil must comply with the Tribe's used oil management standards contained in the Environment Plan that encourage used oil handlers to recycle used oil instead of disposing of it by collecting and recycling oil.

Businesses must also:

(A). Take steps to prevent leaks and spills, keep machinery, equipment, containers, and tanks in good working condition, and take care when transferring used oil and keep sorbent materials available at the site.

(B). If a leak or spill occurs, stop the oil from flowing at the source by placing oil in another holding container or tank and contain spilled oil using sorbent berms or spreading sorbent over the oil and surrounding area.

(C). The business must contact emergency dispatch immediately, the Ysleta del Sur Pueblo Community Emergency Response Team and ERC for additional assistance.

(D). The business must clean up the used oil and recycle it as it would have before it was spilled. If recycling is not possible, the business must first make sure the used oil is not a hazardous waste and dispose of it appropriately.

(E). All used cleanup materials, including rags and sorbent brooms that contain used oil must also be handled according to the used oil management standards.

(F). The business must remove, repair, or replace the defective tank or container immediately.

Section 1.7.050 Annual Reports

All business located and/or conducting business on lands of the Pueblo must submit an annual solid waste and hazardous waste disclosure statements to the ERC. Business owners shall contact the ERC for guidance on the necessary information to include in their annual reports.

PART 8
BUILDING ENERGY CONSERVATION AND EFFICIENCY

Section 1.8.010 Adoption of International Energy Conservation Code

All new residential and commercial buildings on the reservation shall either meet or exceed the then current requirements and standards for energy conservation and efficiency established by the International Energy Conservation Code (IECC) upon its adoption by Tribal Council.

A. Exceptions to the Code will be regularly updated, approved and listed in the corresponding section of the attached appendix.

B. The IECC shall be applied in accord with other locally developed tribal laws, customs, beliefs, codes and regulations and is not meant to replace or supersede any other tribal law already approved or, those yet to be approved by Council.

Section 1.8.020 Governance

As established in Part 2 of this Code, the Environmental Regulatory Commission (herein, the ERC), shall be the lead agency responsible for implementing the Energy Efficiency and Conservation portion of the Ysleta del Sur Pueblo Environmental Code

The Environmental Management Office (herein, the EMO), shall implement, administer and enforce this Part, pursuant to all of the powers and duties delegated to it herein with full authority to promulgate regulations, conduct inspections, and issue citations for violations. The EMO, however, is not authorized to consent to jurisdiction, liability or waiver of sovereign immunity.

Section 1.8.050 Powers and Duties of EMO and its members

The EMO shall have the following powers and duties:

(A). The EMO shall have the authority and responsibility to regulate the Tribal Agencies/ Departments/ Businesses to observe energy efficiency guidelines as related to on-going collection of data, enhancements to heating sources and HVAC equipment, weatherization of tribal buildings, participation in program for utilization bulk purchasing options, purchasing green goods, energy efficient material, green construction supplies, and energy efficient appliances, replacement of light bulbs to efficient light bulbs.

(B). To ensure that all Tribal Agencies, Departments, and Businesses adhere to Energy Efficiency Guidelines and Regulations, the EMO shall have the authority and responsibility to regulate the Tribal Agencies, and Departments, Businesses to observe energy efficiency guidelines as related to on-going collection of data, enhancements to heating sources and HVAC equipment, weatherization of tribal buildings, participation in program for utilization bulk purchasing options, purchasing green goods, energy efficient material, green construction supplies, and energy efficient appliances, replacement of light bulbs to efficient light bulbs. A party may appeal the decision to the EMO to the ERC. Any decision of the ERC is non-appealable.

(C). The EMO shall prepare and file an annual report to the Tribal Council no later than July 1 of each year which shall include any and all specific details requested by Tribal Council. In their annual report, the Environmental Management Office shall recommend what specific actions should be taken by the Tribal Council regarding the Tribe's Energy Efficiency and Conservation program.

(D). It is the policy of the EMO to encourage informal, practical, result-oriented resolution of the alleged violation and actions needed to prevent damage to YDSP resources or harm to the health, safety or welfare of the YDSP population. It is also the policy of the Environmental Management Office, consistent with the principles of due process, to provide effective procedures for enforcement.

(E). The EMO shall enforce compliance of the IECC and its regulations in accord with Parts 10, 11, and 12 of this Code.

Section 1.8.060 Existing Commercial Buildings

Existing commercial buildings would not be subject to the IECC but would be subject to other tribal programs as identified below (and as Tribal Council appropriates the necessary funding or, alternative funding sources are identified and made available):

1. Energy Audits;
2. Energy-Efficient Appliances;
3. Smart Building Controls;
4. Efficient Heating and Cooling Systems;
5. High Efficiency Lighting;
6. Efficient Office Equipment;
7. Wall and Roof Insulation; and,
8. Replacement Windows.

Section 1.8.061 Building Plans for Any Future Commercial and Residential Buildings

Any and all construction plans for yet-to-be built commercial and/or residential buildings must be submitted to the ERC for approval prior to the onset of any construction activities. The project architect will review the plans to ensure that the plans are in accordance with the energy efficiency, energy star usage, heating and cooling regulations and water efficiency standards

adopted by the Tribal Council and any and all other tribal codes, laws and ordinances presently in place or adopted in the future. This section of the code will take immediate effect upon approval by Tribal Council. As noted above, any changes to this Part of the Code will be updated and published in the Appendix upon approval by Council.

PART 9
NATURAL RESOURCES

Section 1.9.010 Purpose

The purpose of this Section is to ensure that proper and meaningful consideration of environmental, cultural, historical, and ecological factors (including human health and well-being) is made by any person, the BIA or the Tribal Council prior to its approval of activities on tribal lands which may significantly affect that environment in whole or in part.

Section 1.9.020 Scope

Part 9 of the Code shall be applied in accord with all other parts of this Code, Federal, State and all other Pueblo laws, beliefs, customs and regulations that control and regulate the use of natural resources on tribal reservation lands.

Section 1.9.030 Governance

The ERC shall implement, administer and enforce this Part pursuant to all of the powers and duties delegated to it herein with full authority to promulgate regulations, conduct inspections, and issue citations for violations.

Section 1.9.040 Land, Water, and Air

The ERC by regulation to be approved by Tribal Council, shall develop such plans and procedures as are necessary to conserve the land, water, and air resources on tribal lands, and shall recommend such action by Tribal Council such as amending this code as the ERC deems necessary.

Section 1.9.041 Water

(A). Tribal Council recognizes that the Pueblo's clean waters are an extraordinary resource and desires to ensure their protection so that traditional and cultural uses of those waters may continue. Tribal Council also wishes to protect the health, safety, welfare, and environment of the Pueblo, its people, and residents. The Tribal Council directs the ERC to establish Water Quality Standards in order to prevent, reduce, and eliminate pollution of Pueblo waters and to plan the development and use (including restoration and enhancement) of land and water resources within the Pueblo's jurisdiction by:

1. *Designating the existing and attainable uses for which the Pueblo waters shall be* protected;
2. Prescribing water quality standards to sustain these designated uses and to provide for the protection and propagation of fish and wildlife and recreation in and on the water.
3. Protecting other uses of Pueblo waters, such as irrigation, ceremonial, drinking water and recharge of domestic water supply, provided that pollution that may result from such uses shall not lower the quality of the water below that required for recreation and protection and propagation of fish and wildlife.
4. Assuring that degradation of Pueblo waters shall be minimized and that economic growth shall occur in a manner consistent with the preservation

(B). The Water Quality Standards apply to all surface waters within the exterior boundaries of the Ysleta del Sur Pueblo's federal Indian Reservation, including water situated wholly or partly within or bordering upon the Reservation, whether public or private, except for private waters that do not combine with other surface waters. The Ysleta del Sur Pueblo Water Quality Standards apply to substances attributable to discharges, nonpoint sources or in-stream activities.

(C). The ERC shall to administer the Water Quality Standards. Day-to-day operations regarding the Water Quality Standards are delegated to the EMO, including monitoring water quality and preparing the triennial review of the standards.

(D). These purposes shall be accomplished by incorporating and the Water Quality Standards into the permitting and management process for point source dischargers and non-point source generators, by using those Standards to determine when a designated use is threatened, by using current treatment technologies to control point sources and implement best management practices for non- point sources of pollution, and by monitoring point source and non-point source sources of pollution.

(E). The ERC is also authorized to develop related water quality protection programs, such as a nonpoint source program, a Clean Water Act § 401 certification program, wetlands delineation, and a clean lakes program through consultation with and approval by Tribal Government.

(F). The ERC is authorized subject to Tribal Council approval to enter into Memorandums of Understanding (MOU) with third parties having a combined or shared interest in the waters subject to this section. In particular, the use of MOUs shall be used to gain access to rivers or other bodies of water necessary for religious and ceremonial practices of the Pueblo.

Section 1.9.050 Hunting of Wildlife

The hunting privileges established herein, and the wildlife resources on which they depend, constitute an invaluable and irreplaceable asset to the members of the Pueblo. They form an important cultural, historical and economic asset to the members of the Pueblo. Tribal Council,

in order to protect and preserve the wildlife for the benefit of tribal members both in the present and future generations and in the exercise of its sovereign powers, finds it necessary to regulate and control all hunting on and throughout Ysleta tribal lands.

Section 1.9.051 General Prohibition

It shall be unlawful for any person to hunt on tribal lands in violation of this Code. Every hunter must possess the proper license to hunt on Tribal Lands.

Section 1.9.052 Wildlife Management Committee

(A). The ad hoc Wildlife Management Committee (WMC) is hereby established on a permanent basis and shall be composed of two (2) members from YDSP Tribal Council; one (1) Chilicote Ranch Manager; one (1) member from YDSP Police Department; two (2) members representing the Environmental Management Office (EMO); and five (5) Tribal members representing the local Tribal Community or employees of YDSP that are Tribal members.

(B). The WMC by regulation to be approved by Tribal Council, shall develop such plans and procedures as are necessary to provide for the conservation and health of all wildlife on tribal lands, including the use of hunting and trapping as game management practices, and shall recommend such action by Tribal Council such as amending this Code as the ERC deems necessary.

(C). The WMC will promulgate and provide for the implementation and enforcement of the regulations which address the following matters:

1. Identify which wildlife may be hunted or trapped and with respect to such wildlife will establish appropriate game categories such as big game, small game, upland birds, migratory waterfowl and other migratory birds, and predatory animals and varmints;
2. Establish the means by which each type of game animal may be taken;
3. Set seasons and dates for the hunting or gathering of game;
4. Establish limits on the number of games animals which can be taken by and individual;
5. Establishing a licensing or tagging process by which hunters obtain written permission to hunt a particular animal at a particular location during a particular time period;
6. Develop a reporting system by which hunters inform the WMC of the results of the hunt;
7. And such other and further regulations which WMS deems proper and necessary to fulfill its duty to conserve wildlife on tribal lands.

Section 1.9.052 Limitations on Hunting and Trapping

(A). Hunters shall not use any weapon to take big game except as provided in this section

1. Rifles – It is unlawful for any person to use rifles with a caliber designation of less than .223 inch center-fire which do not develop at least 1220 foot-pounds of energy at 100 yards.
2. Pistol – It is unlawful for any persons to use pistols or revolvers.
3. Shotguns – It is unlawful for any person to use shotguns except that shotguns loaded with rifled slugs may be used to hunt deer and for purposes of hunting game birds, a 12, 20, and/or 4-10 gauge shotgun may be used.
4. Archery – It is unlawful for any persons to use any long or compound bow having less than 50 pounds of pull within the normal draw and arrow length of the hunter to hunt elk or for all other big game to use any long or compound bow having less than 40 pounds pull within the normal draw and arrow length of the hunter, and to use anything other than a sharp barbless arrowhead not less than 7/8- inch wide.

(B). It is unlawful to hunt, pursue or take any wild animals from one-half hour after sunset to one-half hour before sunrise. The WMC shall cause the EMO and Tribal Police to post at their offices, approximate hours of allowable hunting for each month in the calendar year as a guide for hunters.

(C). No person shall pursue, shoot at, or kill any animals or birds from any motor vehicle, car, truck, motorcycle, aircraft, boat or other power-propelled vehicle.

(D). It shall be strictly forbidden to use artificial sources of light to aid in the pursuit, shooting or killing of any game animal or game bird.

(E). No person shall make use of a dog in hunting, pursuing or killing of any big game animal; except for the use of exotic goats, sheep or mountain lions.

(F). No person shall hunt upon the cultivated or enclosed land of another without first obtaining written permission from the owner or lessee thereof, or the agent of such owner or lessee.

(G). All big game animals or portions thereof, transported off the reservation must be tagged.

(H). No person shall at any time hunt, catch or have in possession any game animal, game bird or non-game bird except fur bearing animals, for the purpose of obtaining the flesh, in whole or in part, of such animal or bird, for the purpose of sale.

(I). It is unlawful any time for any person to buy, sell, offer for sale, have in possession for sale or transport or carry for the purpose of sale, trade, or exchange, the flesh in whole or in parts of any such game animal or wild bird.

(J). No person shall at any time capture or destroy any game animal, except fur-bearing animals, and detach or remove from the carcass only the head, hide, antlers, horns, tusks or any or all of these parts. No person shall leave, through carelessness, neglect or otherwise, any game bird or game animal or an edible portion thereof to needlessly go to waste.

(K). Hunters may donate carcasses of game birds and game animals to WMC to be distributed to Ysleta Pueblo community members who have identified themselves to WMC as being in need. Hunters must apply to the WMC for a "Donation Tag" prior to the hunt and all donated carcasses must include a valid and current Tag. WMC will only accept entire carcasses and the carcass must be:

1. Free from signs of illness;
2. Field dressed with hide intact (where appropriate);
3. Free of visible decomposition or contamination; and,
4. Free of any visible signs of being mishandled in any way.

(L). It is unlawful for any person to release within the reservation any species of birds or animals brought from off-reservation, raised in captivity or in domestic state on this reservation, without first obtaining a license from the Wildlife Management Office.

(M). The WMC is authorized to arrange the capture any wild animals or birds of the reservation doing damage to reservation. Killing of the animal or bird is permissible if capture has failed or is determined by the WMC to be impractical or unsafe to the general public or to the individuals attempting to capture the animal or bird. Any animals or birds captured or killed under this Section are the property of the Ysleta del Sur Pueblo and shall be disposed of in such manner as Tribal Council directs.

(N). It is unlawful to receive or have in possession any wild animal or wild bird, or part thereof, taken in violation of this Code or other tribal laws or regulations.

Section 1.11.060 Harvesting of Plants

The harvesting privileges established herein, and the plant resources on which they depend, constitute an invaluable and irreplaceable asset to the members of the Pueblo. They form an important cultural, historical and economic asset to the members of the Pueblo. Traditional Council, in order to protect and preserve the plants for the benefit of tribal members both in the present and future generations and in the exercise of its sovereign powers, finds it necessary to regulate and control all harvesting on and throughout tribal lands.

Section 1.11.061 Licenses

All persons 16 years of age or older who take wild plants must have in his/her possession and on his/her person, a Tribal Identification card, a valid Natural Resources Harvest License provided by the ERC in conjunction with the Traditional Council, and follow seasons, rules, and regulations under this Code.

Section 1.11.062 Limitations on Harvesting

(A). It is prohibited to take wild plants by any means except by hand or with hand tools, on foot, within seasons, hours, and methods as established by the ERC in conjunction with the Ysleta Pueblo Traditional Council.

(B). It is prohibited for anyone, except enrolled Ysleta Pueblo members, to harvest wild plants on tribal lands.

(C). It is prohibited to knowingly or wantonly waste or destroy any wild plant.

(D). Those plant species listed in Appendix 1 may be harvested only for those specifically identified usages listed in the Appendix. All other species of plant not listed here may be harvested after ERC has accurately and conclusively identified the plant and has conferred with Traditional Council to provide particular permission.

(E). It is prohibited to introduce a species of wild plant that is not already naturally occurring on the Ysleta Pueblo Reservation without the prior approval from the Traditional Council.

(F). It is prohibited to introduce, grow, or plant any type of genetically modified plant on land or water within the exterior boundaries of the Ysleta Pueblo Reservation.

PART 10
THE PERMIT PROCESS

Section 1.10.010 Permit Requirement

Except as otherwise provided by regulations, all persons are required to obtain a permit from Environmental Regulatory Commission to collect or transport solid waste, to construct or operate a solid waste landfill within the exterior boundaries of the YDSP, to remove waste from construction sites, to collect and transport recyclable materials, to engage in open burning, and any other activity requiring a permit under this Code regulation. all permittees shall be required to comply with this Code, and any rules or regulations promulgated there under, all Tribal environmental standards and criteria, all relevant guidance documents, all permit conditions, all orders issued by the Environmental Regulatory Commission under authority of this Code, and all Tribal laws, environmental in nature or otherwise.

Section 1.10.020 Application for Permits

All permit applications under this Code must be filed with the ERC except as otherwise provided herein.

Section 1.10.030 Permit Hearing

A public hearing will be held on most applications for an ERC permit. By regulation, the ERC may exempt certain applications from a public hearing. For good cause shown by the applicant, the ERC may exempt a particular application from a public hearing. The applicant will have the opportunity to be heard and submit any evidence. At the conclusion of the hearing, the ERC shall vote on the application. A permit shall be granted by majority vote.

Section 1.10.040 Denial of Permit

The ERC shall provide written reasons for denial of the permit within 10 days of the denial. The applicant may apply for a new application after 30 days if the applicant can demonstrate it has addressed the reasons for denial.

Section 1.10.050 Discharge Permits

No permits shall be given for discharge of solid waste.

Part 11
ENVIRONMENTAL CODE VIOLATIONS

Section 1.11.010 Enforcement Policy

It is the policy of the ERC to encourage informal, practical, result-oriented resolution of alleged violations and actions needed to prevent damage to Pueblo resources or harm to the health, safety or welfare of the Pueblo's population. It is also the policy of the ERC consistent with the principles of due process, to provide effective procedures for enforcement.

Section 1.11.020 Complaints

Any person or agency may file a complaint with the ERC alleging cause to believe that a person is violating any provision of this Code and/or regulation or permit condition provided for by this Code.

Section 1.11.030 Investigation

Upon receipt of a complaint the designated ERC member shall cause a prompt investigation to be made. An ERC member may also initiate an investigation upon its own discovery of a potential violation.

Section 1.11.040 Citations

The designated ERC member may issue citations for a violation of any law, regulation, or permit condition in accordance with this Code and subsequent regulations developed under this Code.

Section 1.11.050 Issuance of Citations

(A). If an ERC member finds after an investigation that a violation of any law, regulation or permit condition exists, the ERC member shall promptly issue a citation to the alleged violator.

(B). In the case of an apparent violation of this Code, the ERC member is authorized to issue a citation to the person(s) apparently responsible for the violation, and, if the apparent violation occurred on property owned by a person other than the alleged violator, a citation shall also be issued to the landowner.

(C). The ERC member issuing the citation shall also issue a Summons to the alleged violator to appear before the ERC. The Summons shall include a specified time and date, and advise the alleged violator that failure to appear will result in the issuance of a Cease and Desist Order by the ERC.

Section 1.11.070 Hearing before the Environmental Regulatory Commission

(A). Hearing committees shall be appointed by the ERC for each citation issued. The ERC Chair shall appoint three members of the ERC to sit on each hearing committee. The agency/department issuing the citation shall not sit on a hearing committee handling its citation.

(B). All persons have a right to have an attorney represent them, at his own expense, or one individual accompany them to the ERC hearing. A current Tribal Council member may not represent or accompany the person to the hearing. All citations shall contain this language notifying the person of their right to obtain an attorney at their own expense.

(C). To prove a violation under this Code or its subsequent regulations, the agency issuing the citation has the burden of proof. The standard of proof shall be by a preponderance of the evidence.

(B). The alleged violator may provide evidence and shall be allowed to cross examine witnesses and examine evidence provided by the agency issuing the citation.

(C). Upon a finding of a violation, the ERC Hearing Committee shall work with the violators to resolve the violation through education, resolution of the problem underlying the citation.

(D). The goal of the ERC is to settle the case with the alleged offender through a written agreement resolving the underlying violation. The agreement shall be enforceable in Tribal Court. The agreement may include, but is not limited to, correction of the violation, loss of permit, payment of cleanup costs, damages, restitution, civil penalties,

education, and community services. The ERC or designated member agency shall monitor the implementation of the agreement and any failure to comply may result in the issuance of a Cease and Desist order by the ERC.

Section 1.11.070 Cease and Desist Orders

(A). The ERC is authorized to issue a Cease and Desist Order to prevent a violation from continuing or occurring after the issuance of a citation in the following instances: (1) that alleged violator fails to appear at the ERC hearing; (2) the ERC finds a violation and the ERC and the violator fail to enter into an agreement to resolve the violation; and (3) the violator breaches its agreement with the ERC.

(B). The Cease and Desist Order may contain any term or provision which may be contained in an agreement between the violator and the ERC.

(C). Failure to comply with a Cease and Desist Order shall constitute a violation of this Code and the ERC may bring an action in Tribal Court to enforce its Cease and Desist Order.

Section 1.11.080 Ex Parte Temporary Restraining Orders

(A). Notwithstanding any other provision of this Code, the ERC may file a petition with Tribal Court for the ex parte issuance of a temporary restraining order against an alleged violator if:

1. The ERC determines that noncompliance with this Code presents an imminent and substantial threat to the public health, welfare or environment; and
2. The ERC determines it cannot protect the public health, welfare or environment through the issuance of a Notice of Violation or a Cease and Desist Order.

(B). The petition for the ex parte Temporary Restraining Order shall include:

1. A detailed description of the violations under this Code and any subsequent regulations, along with any other violations of tribal law.
2. A detailed statement describing the imminent and substantial threat the violations present to the public health, welfare or environment,
3. A verification by a person with knowledge that the allegations are true.
4. A request for specific relief.

(C). Notwithstanding the filing of the petition for ex parte Temporary Restraining Order, the ERC shall cause citation to be served on the alleged violator and otherwise attempt to resolve the matter administratively as provided in this section.

Section 1.11.080 Revocation of Permit

Failure of any permittee to comply with any Cease and Desist Orders, ERC Agreements, or Tribal Court orders will result in an immediate revocation of his or her permit. In order to obtain a reinstatement of such permit, the person(s) against whom the Agreement/Order/Judgment was

issued must first demonstrate compliance with the Code and pay all outstanding penalties, damages, restitution, and costs, and then petition for reinstatement of the permit with the ERC.

Section 1.11.090 Civil Penalties

Except as otherwise categorically exempted by the ERC and not on a case by case basis, all violations are a Class C civil infraction subject to a civil penalty in an amount not to exceed $200; however, any subsequent violation by the same person within one year of a previous violation shall be treated as a Class B civil infraction subject to a civil penalty in an amount not to exceed $2,000. Civil penalties may be included in the agreement between the ERC and the violator and in any Cease and Desist order issued by the ERC.

Part 12
APPEALS

(A). Individuals may appeal the revocation of ERC permit or an ERC Cease and Desist Order to the Tribal Court by sending a written notice of appeal of ERC decision to the Tribal Court and the ERC no later than seven (7) days after the person receives notice that his/her permit has been revoked or he receives notice of a Cease and Desist Order.

(B). The petition for appeal shall state the reasons for the appeal which shall be limited to the following

a. Violations of due process by the ERC
b. An error of law substantially prejudicial to the rights of the appellant.

(C). The standard of review is arbitrary and capricious.

(D). No new evidence shall be introduced on appeal.

(E). Upon receipt of the notice of appeal, the Tribal Court shall schedule a hearing to be conducted within thirty (30) days of receipt of the notice of appeal. Written notice of the time, date and place of the hearing shall be delivered no later than five (5) days before the scheduled date of the hearing.

(F). The appellant, at their own cost, and the ERC may be represented by legal counsel at the appeal.

(G). The Tribal Court shall issue its decision no later than seven (7) working days following the hearing. The decision of the Tribal Court shall be final and conclusive.

(H). A copy of the Tribal Court's shall be sent to all named parties.

Appendix A

COMMON NAME	SCIENTIFIC NAME	USAGE CATEGORY	COMMON USAGE
Cedar/Sabinos	*Juniperus monosperma*	Medicinal/Ceremonial	Sap and leaves used in medicines, burn leaves and put in water for mending bones. Used in winter ceremonies.
Chamizo	*Atriplex canescens*	Medicinal	It is burnt and put on a cut so that the wound will heal without leaving a scar. Cold remedy.
Cholla	*Opuntia imbricata*		
Cottonwood	*Populus spp.*	Religious/Construction	Firewood
Creosote (Wame)	*Larrea tridentate*	Medicinal/Religious	Used for TB, boil and put into steam rooms, eat it to clear sinuses, burns well when green, cures meat (when hunting rabbits clean out intestines and put sticks in to preserve it. Used in Rabbit Hunts, and during ceremonies and some dances.
Escoba de la Vibora	*Gutierrezia sarothrae*	Medicinal	It is a medicine used for a cold or fever; serve it in the form of tea.
Flor membra/Desert Willow	*Chilopsis linearis*	Medicinal	Helps with congestion, served as tea.
Harra/Jarra	*Salix spp.*	Construction	Used to protect mud roofs, shading for ramadas.
Lechuguilla	*Agave lechuguilla*	Varies	Lowers cholesterol, deer eat it. Use the flowering stalk to mold pipes (cut open stalk, clean out and use the center of the stalk to form the pipe hole, burn out the material when baking pipe) used also to paint unfired pottery pieces with brushes made from pounding lechuguilla leaves and removing the ribbons.
Mescal (agave)	*Agave spp.*	Food/Construction	Needles as well as string used to make weavings. The mescal hearts are cooked in pit ovens over hot rocks. An alcoholic drink is also made from the cooked agave hearts.
Mesquite	*Prosopis glandulosae*	Food/Construction	Three kinds. Sweet, less sweet and sour. Used to make different foods, for firewood for horno ovens and other cooking. Used to make arrows.

Oak (Roble)	*Quercus spp.*	Food	The fruit or acorns (bellota) were edible after rinsing them a couple times in water to rid it of anins and then roasted.
Ocotillo	*Fouguieria splendens*	Medicinal	Used to treat different illnesses
Ojaseh (Hojasen, Senna plant)		Medicinal	Purgative, relieves constipation and other ailments of the stomach and digestion, is a laxative.
Pinon	*Pinus spp.*	Ceremonial	
Poleo	*Mentha arvensis*	Medicinal	Brook mint, wild mint. Relieves upset stomach, relieves flatulence, menstrual flow stimulant, treating colds and induces sweating.
Popotillo	*Ephedra spp.*	Medicinal	"Mormon tea" Used for stomach and also for nerves, traditionally used for kidney trouble. Made into a tea that treated jaundice, constipation, snakebites, venereal diseases, kidney problems and stomach aches. Liquid from the boiled plant made a red dye. As a stimulant, it was used during war expeditions and hunts for stamina and endurance. Grows throughout the desert and sandhills.
Sage #1	*Salvia spp.*	Ceremonial	Use it as an offering and as a cleansing and purification during ceremonies. Also used for blessings and in prayers. Grows in the Sabinas and Hueco Tanks area, among other places.
Sunflower	*Helianthus annuus*	Medicinal	Headaches
Tornillo	*Prosopis*	Ceremonial/Medicinal	Used to make arrows, used to cure ear infections, used as thread to sew buckskin with.
Trompillo	*Solanum elaegnifolium*	Food/Medicinal	Used to separate milk to curd cheese. Fruit is used as a laxative Flower tea used to cure coughs.
Varas/ Willow	*Salix*	Ceremonial	Used in ceremonies and dances. Grows in river; red and yellow

			varieties.
Verdolagas	*Portulacca spp.*	Food	Used sort of like a spinach mixed with meat and other vegetables.
Wild Onion	*Allium pp.*	Food	Bulb is eaten
Wild Tobacco (Makochi)	*Nicotiana spp.*	Ceremonial	Used in ceremonies, must be wild non-processed.
Yucca	*Yucca spp.*	Construction	The stem is used to make soap , use leaves for rope or baskets,

Appendix B

Environmental Management Office

Environmental Compliance

Business owners are responsible for ensuring proper control of Hazardous Wastes, Under YDSP's rules, wastes generated from a business must be evaluated to see if they are hazardous or not. YDSP EMO has specific rules on how hazardous waste needs to be handled and disposed. For businesses that generate hazardous waste, there are also record keeping requirements to comply with.

Business Owner Name (Last, First, MI):	**Email:** Check here if you DO NOT want to receive emails from TBC [ ]
Mailing Address:	**City, State, Zip Code** (+4 if known)
Home Phone:	**Cell Phone**:
Work Phone:	**Fax**:
Ysleta del Sur Pueblo Tribal Member or Descendant [ ] Tribal Member Enrollment #: [ ] Descendant	**Member of Other Native American Tribe:** Tribe: Enrollment #:
Position: [ ] Owner/Sole Proprietorship [ ] Partner Percent of ownership: _____ [ ] President Vice-President [ ] Employee [ ] Other: _____	**Certifications and Licenses** (mark one or more) [ ] [ ] [ ] [ ] [ ]

Business Opening Inspection

Indicate Month/Year established: _____/_____/_____ Indicate Opening at Location: _____/_____/_____

Business Closing Inspection

Indicate Expected Date of Closure or Date Closed: _____/_____/_____

Routine Inspection - Reason for Inspection

Compliance inspection for an Agency-permitted activity or permit application filed for your facility	Other inspections of regulated activities by EMO to determine compliance with specific requirements	Follow-up inspections to check on prior violations	Response to a citizen or employee complaint	Referral from another federal, state, or local agency
☐	☐	☐	☐	☐

Inspection Process:

Each inspection begins with an opening conference. This may range from a formal meeting to a brief, informal discussion of the plan for the inspection.
The inspector should ask about facility operations, including building layout and processes, management structure, building safety, and other information relevant to the inspection. The inspector will also identify records he/she will want to review and may either make copies of the records or discuss how copies will be made. Since the inspector will prepare a written report after the inspection, he/she will take notes throughout the entire inspection. The inspector will record information such as facility contacts, operations and discussions with business representatives.

Individuals Present:

Owner [ ] _____ Safety Officer [ ] _____ Supervisor [ ] _____ Employee [ ] _____

Records Review and Inspection

The inspector has the legal authority to have access to and copy records and will generally review records included in the list that follows. The specific records reviewed depend on the area of environmental compliance being evaluated by the inspector. The inspector(s) may review the list provided below (as checked by inspector).

- ☐ Facility process information
- ☐ Material purchasing records
- ☐ Hazardous and nonhazardous waste manifests
- ☐ Analytical results for waste determinations
- ☐ Air emissions data, wastewater discharge data, and other monitoring data required by permits held by your facility
- ☐ Annual reports
- ☐ Self-monitoring records
- ☐ Operation records
- ☐ Training records
- ☐ Waste generation, handling and disposal information
- ☐ Emergency response and spill control procedures
- ☐ Engineering assessments
- ☐ Landfill receipts or other bills of lading
- ☐ Permits Required
- ☐ Problem experienced by the business

Inspectors will be looking for past records (up to 3 to 5 years old) as well as current records. The inspector will compare information contained in the records with what he or she has observed at the facility. It is likely that the inspector will request copies of most of the documents he or she reviews. If you do not have a copy machine at your facility, you and the inspector can discuss other options for making copies.

Samples Collection - Inspector Notes (attach page if necessary):

The inspector has the legal authority to obtain samples of environmental media such as wastewater discharges, waste materials, or air emissions. Sampling is often conducted to document potential evidence of noncompliance or compliance with laws or a permit but can be conducted at the discretion of the inspector. The inspector will carefully document all sampling activities and chain-of-custody procedures will be followed to ensure the validity of the sampling results.

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Photograph documentation - Inspector Notes (attach photographs):
The inspector may take photographs of facility operations and environmental activities such as waste treatment, disposal, or storage areas; air pollution control devices; and wastewater treatment equipment. Photographs document activities the inspector observes during the inspection and provide a valuable record of your facility's environmental compliance. Owner may request that the inspector refrain from photographing proprietary processes not essential to the inspection.

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Closure inspections are conducted when a company is leaving a site. YDSP environmental code requires that businesses remove all the hazardous wastes and hazardous products before leaving the site. Businesses should not take hazardous waste to new location. Businesses must call to schedule a closure inspection, which documents site conditions, prior to leaving.

Physical address of the business City State, Zip (+4 if known)

Business Type

[ ] Retail Trade [ ] Service [ ] Wholesale Trade [ ] Manufacturing [ ] Construction [ ] Financing [ ] Other

Products/Services: _____

Total number of Employees:	**What is the legal entity business?**	Notes:
_____ Full-time > 32 hours week _____ Part-time < 32 hours week _____ Seasonal	[ ] Sole Proprietorship [ ] Partnership S-Corporation [ ] LLC Corporation [ ] YDSP Tribally Charted Corporation [ ] Other: _____	

Inspector Signature:	**Date:**
Business Representative Signature:	**Date:**

Listed Hazardous Waste Codes and Descriptions	
Waste Code	**Hazardous Waste Description**
F wastes:	These listed wastes come from general processes such as cleaning, degreasing, metal finishing and manufacturing.
K wastes:	These listed wastes come from specific industrial processes, such as chemical or pesticide production, petroleum refining and metal manufacturing.

U wastes:	These listed wastes include unused, off-specification or discarded commercial chemicals. For example, if you have a process or lab chemical that has exceeded its shelf life and can't be used, this chemical may be a U waste.
P wastes:	Like U wastes, these wastes are also unused, off-specification or discarded commercial chemicals. The P wastes are, however, more toxic than U wastes.
Hazardous waste codes for the above wastes include either an "F," "K," "P," or "U" followed by three digits (e.g., F001, K062, U122, P018)	

Date:	
Waste Stream Name:	
Waste Stream Description:	

WASTE DETERMINATION SUMMARY			
A summary of the waste determination for this waste stream is as follows:			
Hazardous waste: ☐ Yes ☐ No			
P-code:	U-code:	F-code:	D-code:
Comments:			

Conducted by: _____

GENERAL	
Is the waste stream solid waste as defined in 40 CFR 261.2 and as excluded in 40 CFR 261.4? **Note: If no, the waste stream is <u>not</u> hazardous waste.**	☐ Yes ☐ No
What is the physical state of the waste stream?	☐ Solid ☐ Liquid ☐ Gas ☐ Multi-Phase
Is the waste an empty used container with less than 2.5 centimeters (one inch) of residue remaining on the bottom of the container or inner liner? **Note: If yes, the waste stream is <u>not</u> hazardous waste.**	☐ Yes ☐ No

WASTE DETERMINATION				
Is the waste stream P-listed? Note: All criteria must be satisfied for the waste code to apply.				**CODE**
Is the waste stream listed as F027 in 40 CFR 261.31(a)?	☐ Yes	☐ No	☐ N/S	
Is the waste stream listed in 40 CFR 261.33 (e)?	☐ Yes	☐ No	☐ N/S	
Is the waste stream unused commercial chemical product? **Note: Commercial chemical product refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.**	☐ Yes	☐ No	☐ N/S	
Applicable P-code:	☐ Yes	☐ No	☐ N/S	**NA**
Comments:				

Is the waste stream U-listed? Note: All criteria must be satisfied for the waste code to apply.				CODE
Are any constituents of the waste stream listed in 40 CFR 261.33 (f)?	☐ Yes	☐ No	☐ N/S	
Is the waste stream unused commercial chemical product?	☐ Yes	☐ No	☐ N/S	
Is the listed constituent the sole active ingredient?	☐ Yes	☐ No	☐ N/S	
Applicable U-code:	☐ Yes	☐ No	☐ N/S	**NA**
Comments:				

Is the waste stream F-listed? Note: All criteria must be satisfied for the waste code to apply.				CODE
Is the waste stream a spent solvent or mixture of spent solvents?	☐ Yes	☐ No	☐ N/S	
Is the waste stream listed in 40 CFR 261.31(a)?	☐ Yes	☐ No	☐ N/S	
Applicable F-code	☐ Yes	☐ No	☐ N/S	**NA**
Comments:				

Is the waste stream Ignitable? (D001)				CODE
Is the waste stream a liquid with a flash point less than 60 °C (140 °F)?	☐ Yes	☐ No	☐ N/S	
Is the waste stream not a liquid and capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard?	☐ Yes	☐ No	☐ N/S	
Is the waste stream an ignitable compressed gas?	☐ Yes	☐ No	☐ N/S	
Is the waste stream an oxidizer?	☐ Yes	☐ No	☐ N/S	
Ignitable	☐ Yes	☐ No	☐ N/S	NA
Comments:				

Is the waste stream corrosive? (D002)				CODE
Is the waste stream aqueous and has a pH $\leq$ 2 or $\geq$ 12.5?	☐ Yes	☐ No	☐ N/S	
It the waste stream a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year?	☐ Yes	☐ No	☐ N/S	
Corrosive	☐ Yes	☐ No	☐ N/S	NA
Comments:				

Is the waste stream reactive? (D003)				CODE
Is the waste stream normally unstable and readily undergoes violent change without detonating?	☐ Yes	☐ No	☐ N/S	
Does the waste stream react violently with water?	☐ Yes	☐ No	☐ N/S	

Does the waste stream form potentially explosive mixtures with water?	☐ Yes	☐ No	☐ N/S	
When mixed with water, does the waste stream generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment?	☐ Yes	☐ No	☐ N/S	
Is the waste stream a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment?	☐ Yes	☐ No	☐ N/S	
Is the waste stream capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement?	☐ Yes	☐ No	☐ N/S	
Is the waste stream readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure?	☐ Yes	☐ No	☐ N/S	
Is the waste stream a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88?	☐ Yes	☐ No	☐ N/S	
Reactive	☐ Yes	☐ No	☐ N/S	**NA**
Comments:				

Is the waste stream toxic? (D004-D043)				**CODE**
Is any of the waste stream constituents listed in 40 CFR 261.24?	☐ Yes	☐ No	☐ N/S	
Does the waste stream contain (or is it likely to contain) any of the listed constituents in table 1 of 40 CFR 261.24 at a concentration equal to or greater than the respective EPA Regulatory Level given (for liquids) or at a high enough concentration that the waste stream would fail the Toxicity Characteristic Leaching Procedure (TCLP) test (for solids)?	☐ Yes	☐ No	☐ N/S	
Toxic	☐ Yes	☐ No	☐ N/S	**NA**
Comments:				

CODE VIOLATION(S)	
Code Title:	**Code #**

Corrective Action Necessary:	
Code Title:	**Code #**
Corrective Action Necessary:	
Code Title:	**Code #**
Corrective Action Necessary:	
Code Title:	**Code #**
Corrective Action Necessary:	

Inspector Signature:	**Date:**
Business Representative Signature:	**Date:**