

GRAND PORTAGE RESERVATION  
SOLID WASTE DISPOSAL AND RECYCLING ORDINANCE

1997 – 2018

1. FINDINGS

The Grand Portage Reservation Tribal Council recognizes that the sanitary and environmentally sound disposal of solid waste is important to the health, welfare and safety of the public and residents of the Reservation. The Tribal Council also recognizes that proper waste disposal is important to the protection of the Reservation environment and natural resources. Inefficient, inappropriate, and unsanitary disposal of solid waste can have adverse impacts on land and waters of the Grand Portage Reservation. Waste items that can be recycled to reduce the amount of waste requiring final disposal should be recycled.

2. AUTHORITY

The Grand Portage Band of Lake Superior Chippewa Indians is a member of the Minnesota Chippewa Tribe, a federally recognized tribe of Indians organized pursuant to section 16 of the Indian Reorganization Act of June 18, 1934. The Reservation Tribal Council, the Band's governing body, enacts this Solid Waste Disposal and Recycling Ordinance as an exercise of its inherent sovereign powers and under the authority of the Constitution of the Minnesota Chippewa Tribe for the promotion and protection of the public health, safety, peace, prosperity, comfort and general welfare of residents of the Grand Portage Reservation.

This ordinance is promulgated based on the authority of the Solid Waste Disposal Act, as amended (P.L. 89-272), and Federal regulations that have been promulgated to fulfill the Solid Waste Disposal Act which include: 40 CFR Part 243 "Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Waste" and 40 CFR Part 257 "Criteria for Classification of Solid Waste Disposal Facilities and Practices". ...

3. APPLICABILITY

This ordinance applies to those activities within the exterior boundaries of the Grand Portage Indian Reservation. Included are members and non-members of the Grand Portage Band of Chippewa as well as residents and non-residents of the Reservation.

4. DEFINITIONS

- a. **Abandoned automobile** – any automobile which is unlicensed or no longer in working condition, or which has been discarded/forsaken by the current owner, and which the Land Use/Solid

Waste Administrator considers to be a risk to the health, welfare and safety to the Grand Portage Reservation.

- b. Collection Site – any location on the Reservation, designated by the Reservation Tribal Council, where solid wastes are collected for transport to a landfill.
- c. Collector – any natural or legal person and that person’s employees and agents, who gather solid waste from another person
- d. Garbage – waste material resulting from the handling, processing, storage, preparation, serving and consumption of food which may be capable of becoming rotten or which may reach a foul state of decay or decomposition.
- e. Hazardous Waste – any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976, as amended.
- f. Household Hazardous Waste – products used for household cleaning and upkeep that contain substances that can threaten human health and the environment if disposed of improperly. Common detergents, cleaners, and furniture polishes, as well as pesticides, paints, thinners, solvents, and do-it-yourself automotive materials are just a few examples.
- g. Non-Members – any person who is not a member of the Grand Portage Band of Chippewa
- h. Non-Residents – any person who does not have a permanent place of abode on the Reservation, except as hereafter provided. Non-resident does not mean any temporal or seasonal resident, for the purposes of solid waste generated at the temporary or seasonal residence, and does not mean any place of business, for purposes of solid waste generated at the business.
- i. Nuisance – any condition which is injurious to health, offensive to the senses, or interferes with public or private use of property.
- j. Recycling Attendant – the Reservation Tribal Council employee or appointee responsible for the operation and maintenance of the Recycling Center on the Reservation.
- k. Recycling Center – a site designated by the Reservation Tribal Council where individuals bring recyclable materials to be deposited into designated containers.
- l. Reservation – means the Grand Portage Indian Reservation
- m. Reservation Tribal Council – means the Reservation Tribal Council of the Grand Portage Band
- n. Rubbish – a general term for solid waste, excluding food wastes and ashes, taken from residences, commercial establishments, industries and institution
- o. Solid Waste – garbage, rubbish and other discarded materials. Unless specifically noted otherwise, the term “solid waste” as used here shall not include industrial solid wastes, hazardous wastes, domestic sewage, construction and demolition waste, or infectious wastes.
- p. Solid Waste Operator / Attendant – the Reservation Tribal Council employee or appointee responsible for the operation and maintenance of the solid waste collection and disposal sites on the Reservation.
- q. Transfer Station – the existing solid waste collection site owned by the Grand Portage Band for the purpose of collecting, transporting, and disposing of solid waste.
- r. Tribe or Band – the Grand Portage Band of the Minnesota Chippewa Tribe

- s. Yard Waste – leaves, grass clippings, prunings, and other natural organic matter discarded from yards and gardens. Yard wastes may also include stumps and brush, but these materials are not normally handled at compost facilities.

## 5. RULES OF INTERPRETATION

The language of this Ordinance shall be interpreted according to the following rules:

- a. Unless clearly stated otherwise the words “shall” or “will” are interpreted to be mandatory; the term “may” is interpreted to be permissive and the term “or” may mean “and” and “and” may mean “or” if the sense requires it.

## 6. SOLID WASTE STORAGE

- a. Solid waste within the exterior boundaries of the Reservation shall be handled, stored, collected, transported, transferred, processed and disposed of in accordance with the provisions of this Ordinance.
- b. All solid wastes shall be stored in a manner that they do not constitute a fire, health, or safety hazard or provide food or harborage for rodents or insects.
- c. The owner, occupant or lessee of any premises, commercial establishment, or industry shall be responsible for the sanitary storage of all solid waste accumulated at the premises, commercial establishment or industry.
- d. Solid waste shall be stored in durable, rust resistant, non-absorbent, water tight, rodent proof, and easily cleanable containers with a close fitting, insect-tight cover.
- e. Unless otherwise provided for in a written rental agreement or lease, the tenant of any single unit detached residence and the landlord of any multi-unit residence shall be responsible for the provision and maintenance of containers as specified in paragraph d above.
- f. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition. Containers that are broken or otherwise fail to meet the requirements of this section shall be replaced with acceptable containers.
- g. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution free and nuisance free.
- h. Garbage and similar odor-producing material shall not be store don public or private property for more than two (2) weeks. Rubbish shall not be stored on public or private property for more than thirty (30) days.
- i. The outdoor storage of three or more abandoned vehicles (as determined by the Land Use Administrator) on any lot shall be prohibited.

## 7. SOLID WASTE DISPOSAL

- a. Solid waste shall be disposed of at a solid waste collection site designated by the Reservation Tribal Council. The current designated collection site is the Transfer Station located on Highway 61. This site shall be supervised by a Solid waste/recycling attendant.
- b. No person shall leave, deposit, or dump solid waste anywhere within the Reservation except at designated disposal or collection sites approved by the Reservation Tribal Council.
- c. No non-resident shall dispose of solid waste anywhere within the exterior boundaries of the Reservation.
- d. No person shall dispose of any solid waste generated outside the exterior boundaries of the Reservation on any lands, collection sites, or landfills within the exterior boundaries of the Reservation.
- e. No person shall deposit solid waste from any stopped or moving vehicle onto state, county, or tribal highways, roads, or right of ways, within the exterior boundaries of the Reservation.
- f. No person shall dispose of any hazardous waste within the exterior boundaries of the Reservation.
- g. No person shall dispose of any domestic sewage within the exterior boundaries of the Reservation except as authorized by the Land Use/Solid Waste Administrator.
- h. No person shall dispose of solid waste at a collection or disposal site within the exterior boundaries of the Reservation except in a manner approved by the Reservation Tribal Council and only during posted days and hours of operation, as established by the Reservation Tribal Council.
- i. No person shall burn solid waste in "burning barrels" or any other manner without the expressed written consent of the Land Use/Solid Waste Administrator.
- j. All commercial establishments and industry shall be responsible for the removal and disposal of solid waste generated by their business.

## 8. SOLID WASTE RECYCLING

- a. The Reservation Tribal Council encourages residents to participate in waste recycling programs that are available for the purpose of reducing waste and disposal cost and to conserve natural resources.
- b. The Reservation Tribal Council shall maintain a site for the purpose of collection and transport of recyclable materials in cooperation with the Cook County Recycling Program. This site shall be supervised by a Solid Waste/Recycling Attendant.
- c. The following materials shall be accepted at the Grand Portage Recycling Center:
  1. Cans (aluminum, tin)
  2. Paper (cardboard, magazines, newspaper, brown paper bags, mixed paper, junk mail, shoe boxes, etc.)
  3. Glass (clear, green, brown)
  4. Plastic (type 1 – soda bottles, type 2 – milk jugs)
- d. Provisions shall be made by the Reservation Tribal Council to expand the list of recyclable materials mentioned in paragraph © to include lead acid batteries, large appliances (white

- goods), abandoned automobiles, tires, yard waste, ashes, used motor oil, fluorescent light bulbs and demolition materials.
- e. The storage area for recyclable materials shall be kept pollution free and nuisance free
  - f. The owner or occupant of any household within the exterior boundaries of the Reservation shall be responsible for disposing of hazardous waste materials through the hazardous waste collection program provided by Cook County, Minnesota.
  - g. Public education on solid waste management issues shall be encouraged and supported by the Reservation Tribal Council
  - h. The owner or occupant of all commercial and industrial establishments within the exterior boundaries of the Reservation shall be responsible for recycling all materials, mentioned in above paragraphs © and (d), accumulated by the commercial establishment or industry.
  - i. No person shall dispose of recyclable materials at the recycling drop-off center on the Reservation except in a manner approved by the Grand Portage Reservation Tribal Council and only during posted days and hours of operation, as established by the Reservation Tribal Council, except as hereafter provided. The owner or occupant of any commercial establishment or industry within the exterior boundaries of the Reservation may be permitted use of the Recycling center, during non-posted days and hours, only with the permission of ~~the recycling attendant and~~ the Reservation Tribal Council.
  - j. Recyclable materials shall be transferred to the Grand Portage recycling drop-off center in a timely manner to prevent public nuisance conditions.
  - k. All recyclable materials transported on the Reservation shall be collected and transported in a manner that prevents the materials from blowing off or falling from the transport vehicle.

#### 9. SOLID WASTE COLLECTION AND TRANSPORT

- a. All solid waste transported on the reservation shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.
- b. The vehicles and containers used for hauling solid wastes shall be operated in such a manner as not to create a health hazard or nuisance.
- c. Vehicles and containers used for the collection and transportation of garbage and other odor-producing wastes or solid waste containing such materials, shall be loaded and moved in such a manner that the contents will not fall, leak or spill. Any spillage shall be cleaned up to prevent a nuisance condition.
- d. Vehicles and containers used for the collection and transportation of garbage and other odor-producing wastes, or solid waste containing such materials, shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.
- e. Solid waste shall be disposed of at a solid waste disposal site designated by the Reservation Tribal Council.
- f. No commercial collector or transporter of solid waste shall operate or conduct business on the Reservation without the expressed, written consent of the Reservation Tribal Council.

## 10. SOLID WASTE DISPOSAL FEE

Annually, the Reservation Tribal Council will establish the fee rates to be charged to individuals for disposal of solid waste at the designated waste collection and disposal sites on the Reservation.

## 11. ENFORCEMENT

- a. The land use/solid waste administrator shall be empowered to enforce this Ordinance.
- b. The provisions of this ordinance may be enforced by administrative order, civil penalty, injunction, seizure of property, money damages, order to compel performance, or other appropriate proceedings.
- c. Actions for violation of this ordinance may be commenced in the Grand Portage Tribal Court by citation or by summons and complaint.
- d. Violation of any provision of this ordinance may be punished or remedied by a civil forfeiture not to exceed \$1,000.00. Each day of any continuing violation may be charged as separate violation, and a separate forfeiture may be imposed.
- e. In addition to a civil forfeiture, any personal property, including vehicles and other equipment, which has been used in connection with the violation of this ordinance may be seized and forfeited pursuant to applicable law.
- f. Nothing herein shall prevent the Grand Portage Band from bringing suit against any violator of this Ordinance for money damages for harm to any Band resource caused by the violation, or for injunctive relief.
- g. Any person may bring suit in the Grand Portage Tribal Court to enjoin a violation of this ordinance.

## 12. ADMINISTRATION

- a. The Reservation Tribal Council shall be responsible for the administration of this Ordinance and of any tribal solid waste collection facilities or systems.
- b. This amendment to the Ordinance is effective \_\_\_\_\_

## 13. SEVERABILITY AND NON-LIABILITY

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby. The Reservation Tribal Council declares there is no liability on the part of the Band, its agencies, or employees for damages that may occur as a result of reliance upon or conformance with this Ordinance. The Reservation Tribal Council, by adoption of this Ordinance, does not waive sovereign immunity in any respect.

Grand Portage Band of Lake Superior Chippewa

Integrated Solid Waste Management Plan

2015 - 2020



Grand Portage Environmental Department

2014

GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA

INTEGRATED SOLID WASTE MANAGEMENT PLAN

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## **EXECUTIVE SUMMARY**

The Grand Portage Solid Waste program began in the early 90s, and it has been growing by incorporating improved management of recycling and trash collection, hazardous wastes, and other special wastes. Community education and outreach is becoming a strong component of the program. The Grand Portage Band plans to better engage community members to allow the program to succeed.

Notable program plans include:

- Relocation of transfer station waste site in 2015, including site grading, additional fencing and streamlining of traffic through the site for improved site management
- Installation of a cardboard baler
- Optimization of solid waste and recycling services
- Adding an area for yard-waste composting
- Providing a waste oil tank for household waste oil and metal filter disposal
- Collection of dry mattresses for recycling
- Year-round collection of household electronics
- Encouraging the use of LED technology rather than fluorescent bulbs
- Improved separation of reusable items
- Future addition of scrap metal recycling
- Revised Solid Waste Ordinance by the Reservation Business Committee by January 2016
- Investigating options for conversion to single-stream recycling
- Determining feasibility of curbside recycling containers to increase recycling
- Vermicomposting program started at Oshki Ogiimaag Charter School
- Expanding food composting capabilities reservation-wide through the purchase of large composters to be located at the Transfer Station and Community Garden
- Grand Portage Lodge and Casino composting of food waste by 2016
- Grand Portage Head Start, Daycare, and Elderly Nutrition Program food waste composting

## **DESCRIPTION OF COMMUNITY SERVICE AREA**

### **1.0**

#### **1.1 POPULATION AND DEMOGRAPHICS:**

The Grand Portage Reservation was established under the LaPointe Treaty of 1854. The Grand Portage Band of Lake Superior Chippewa is one of six federally recognized Bands that comprise the Minnesota Chippewa Tribe (MCT), organized under Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). There are approximately 1,150 enrolled members of the Grand Portage Band, with approximately 325 living on the Reservation.

The Grand Portage Reservation is located in Cook County in the extreme northeast corner of Minnesota, approximately 150 miles from Duluth. It is bordered on the north by Canada, on the south and east by Lake Superior and on the west by Grand Portage State Forest. The reservation is roughly 57,000 acres.

Figure 1. Grand Portage Reservation

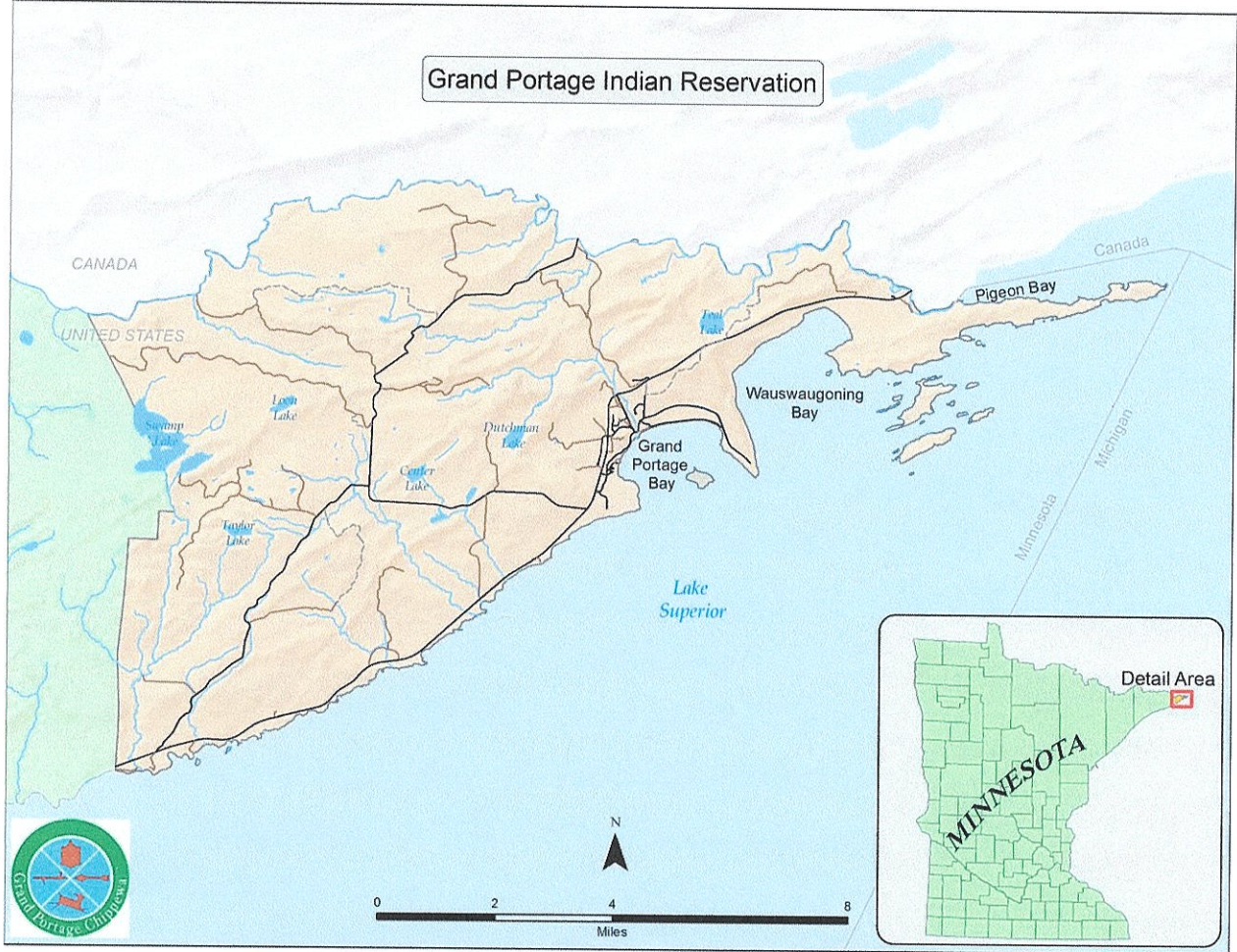


Table 1: The following demographic information is taken from the 2000 U.S. census for Grand Portage Reservation.

Residents living within the boundaries of the Grand Portage Reservation	<b>557</b>
American Indian and Alaska Native population	<b>322</b>
Median age (years)	<b>36.5</b>
Population 18 years and over	<b>406</b>
Population 65 years and over	<b>45</b>
Population 16 years and over	<b>394</b>
Median household income (dollars)	<b>30,326</b>
Median family income (dollars)	<b>31,771</b>

Individuals below poverty level	<b>115</b>
Average household size	<b>2.26</b>
Average family size	<b>2.82</b>
Families below poverty level	<b>24</b>
<b>Total Households</b>	<b>257</b>

Table 2: The following demographic information is taken from the 2010 U.S. census for Grand Portage Reservation.

Residents living within the boundaries of the Grand Portage Reservation	<b>565</b>
American Indian and Alaska Native population	<b>382</b>
Median age (years)	<b>39.2</b>
Population 18 years and over	<b>434</b>
Population 65 years and over	<b>57</b>
Population 16 years and over	<b>454</b>
Median household income (dollars)	<b>37,292</b>
Median family income (dollars)	<b>44,375</b>
Average household size	<b>2.2</b>
Average family size	<b>2.76</b>
Occupied housing units	<b>257</b>

## 1.2 TRIBAL GOVERNMENT, COMMUNITY AND RESOURCES:

The Grand Portage Reservation Tribal Council is the duly elected governing body of the Grand Portage Band of Lake Superior Chippewa. The five member Tribal Council consists of the following positions: the Chairman, Vice-chairman, Secretary/Treasurer, and two Council Members at Large. Enrolled members of the Grand Portage Band of Lake Superior Chippewa elect the Tribal Council to four year terms that are staggered, and elections are held every two years.

The Grand Portage Reservation Tribal Council (RTC) is the largest employer in Cook County, providing positions through local government operations, programs and tribal enterprises. The tribal enterprise consists of the Grand Portage Lodge and Casino, Trading Post, Car Wash and Marina. The RTC provides services for the community and its members, some of the programs and departments listed here:

- Emergency Management
- Human Resources
- Community Center
- Emergency Medical Services
- Construction
- Grand Portage Health Services
- Human Services
- Elderly Nutrition Program
- Structural Fire Protection
- Water and Sewer

- Maintenance
- Veterans Affairs

- Tribal Historic Preservation and Museum
- Headstart and Daycare

The RTC has established the Grand Portage Trust Lands and Natural Resources Agency (Trust Lands) as the governing body for natural resource management. Trust Lands departments include:

- Land Use/Realty
- Biology
- Environmental
- Conservation
- Forestry and Wildland Fire

In 1986, the Grand Portage Tribal Council closed the landfill and opened a transfer station nearby. Since then, refuse haulers have been taking solid waste from the Grand Portage transfer station 150 miles away to Western Lake Superior Sanitation District in Duluth, Minnesota where it is later deposited in a certified landfill in Sarona, Wisconsin.

Grand Portage received funding from US EPA to develop a closure plan for the landfill in 1993 to reduce the potential for ground and surface water pollution. In 1995, refuse was consolidated into designated areas after recyclable materials were removed. A cover system was constructed and vegetation was planted on the cap in 1996. After cover system construction was completed, a post closure plan was implemented that included inspection and maintenance of the cover layers, and installation of groundwater monitoring wells. Groundwater monitoring began at the site in 1996.

In terms of solid waste issues, important partnerships include the Environmental Protection Agency, Indian Health Service, Bureau of Indian Affairs, Housing and Urban Development and U.S. Department of Agriculture Rural Development that may offer grants and can often provide technical assistance for planning, equipment purchases, and transfer station construction and upgrades. A local partner, Cook County, provides a recycling and hazardous waste transfer station for the Reservation.

### **1.3 HOUSEHOLDS AND HOUSING:**

Most of the Reservation consists of low-density rural residential areas with two small suburban developments. More residential development is located along Upper, Lower, and Townsite Roads and extending along the Highway 61 corridor. Grand Portage Reservation has 257 households that are served by the Grand Portage transfer station. Individual households must transport their own refuse to the transfer station. Exceptions are made for community elders who can request refuse pick-up. Businesses, programs and partnering agencies such as: Grand Portage State Park, Grand Portage National Monument, U.S. Customs and Border Patrol, Grand Portage-Isle Royale Transportation Line Inc., Trading Post, and Trust Lands all have dumpsters with refuse service provided by North Shore Waste Management in Grand Marais, MN.

Two part time transfer station attendants operate and monitor daily activities at the transfer

station. These personnel make possible safe and effective waste operations. At the Grand Portage transfer station there are five dumpsters provided for community members and five separate dumpsters for the Grand Portage Lodge and Casino.

A recycling trailer with separated bins for the collection of plastic, newspaper, magazines, office paper, steel and aluminum cans is provided by the county for all Grand Portage households, businesses, RTC programs and partnering agencies. The present capabilities of the trailer are not well matched to the waste stream. Plastics often overwhelm allotted bins before pickup and are then discarded into dumpsters. The trailer also does not accommodate glass. Finding a viable recycling option has been difficult.

**1.4 POPULATION PROJECTIONS AND ESTIMATED GROWTH RATE:**

While population projections are not available from U.S. census, a comparison of the population from U.S. Census in 2000 and 2010 shows very little population growth in Grand Portage. Population numbers were 557 (2000) and 565 (2010). However, many tribal members have indicated a desire to return to Grand Portage, so this plan has been written to accommodate the potential of moderate population growth.

**1.5 ECONOMY:**

Tourism contributes the majority of income to the community. Attractions making this possible are: Grand Portage Lodge and Casino, Grand Portage State Park, Grand Portage National Monument, Isle Royale National Park, Grand Portage Marina and an extensive network of Band maintained snowmobile trails.

According to U.S. Census 5-year estimates, a large portion of the population is not a part of the workforce (24.9%). Of those a part of the labor force 4.9% are unemployed. Due to the small demographic of the community, 63% of the employed work in civil service. Mean household annual income is \$46,000. Although the margins of error are significant, the 2007-2011 census survey estimates seem to indicate high levels of poverty for families with children under the age of 18.

Table 3: The following demographic information is taken from the U.S. Census Bureau 2007-2011 Community Survey 5-Year Estimates for Grand Portage Reservation.

<b>Population 16 years and over</b>	<b>Estimate</b>	<b>Margin of Error</b>	<b>Percent</b>	<b>Percent Margin of Error</b>
<b>Population</b>	357	+/-67	100 %	(X)
<b>In labor force</b>	268	+/-65	75.1%	+/-9.1
<b>Not in labor force</b>	89	+/-34	24.9%	+/-9.1

<b>Employed</b>	255	+/-67	71.4%	+/-9.5
<b>Unemployed</b>	13	+/-14	3.6%	+/-4.0

**1.6 CLIMATE:**

Occasional weather hazards that may hamper trash collection and disposal by complicating transportation are: thunderstorms, snowstorms, flooding and freezing rain. The record daily high temperature was 95 degrees in June of 1995. The record daily low temperature was -48 in February of 1896.

While Grand Portage Reservation has a predominately continental climate, it is heavily influenced by Lake Superior. Starting on the shore of Lake Superior the USDA plant hardiness zones begin at Zone 4a near shore and zone 3b inland.

With climate change, natural disasters are predicted to increase in frequency and intensity. Therefore, to respond to climate change, an established plan to deal with debris in emergency situations is critical to responding to natural disasters. Debris may need to be removed in order to clear roadways for emergency vehicles, rescue individuals, or begin cleanup efforts. Debris removal requires a procedure of sorting for various disposal methods. Vegetative debris can be hauled to yard waste composting, cut up for firewood or wood chipping. Building material debris can be hauled to the demolition dump, and trash to the transfer station, etc... The Grand Portage Emergency Management Plan addresses emergency response in more detail.

Table 4: The following climatological averages are taken from the High Plains Regional Climate Center for Grand Portage Reservation. Period of Record: 1/10/1895 to 3/31/2013.

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	19.9	24.1	34.1	45.9	58.2	66.6	73.2	72.4	64.2	51.5	37.2	25.3	47.7
Average Min. Temperature (F)	0.5	3.7	14.2	27.6	37.2	45.3	51.3	51.8	44.7	34.5	22.6	8.5	28.5
Average Total Precipitation (in.)	1.34	0.82	1.54	2.6	3.06	3.25	3.16	2.74	3.5	3.07	2.14	1.48	28.69

### **1.7 Geography and Land Use:**

The Grand Portage Reservation encompasses the most rugged terrain in Minnesota. Glacial activity modified the dike and sill topography by scouring the ridges and partially filling the valleys to produce long, steep ridges with vertical rock outcrops and wetland valleys. The 24 miles of irregular shoreline along Lake Superior provides several deep bays in contrast to the long narrow projecting highlands. Elevation varies from 602 feet at Lake Superior to 1,814 feet at Mount Sophie.

### **1.8 Geology and Natural Resources**

Currently, all of the trash collected on the Reservation is transported to landfills off Reservation thus geological factors are not pertinent when considering landfill site selection, closure of existing dumps, and economic feasibility studies.

## **2.0 DESCRIPTION OF THE BAND'S SOLID WASTE PROGRAM STRUCTURE AND ADMINISTRATION**

### **2.1 PROGRAM ADMINISTRATION AND MANAGEMENT**

The Grand Portage Tribal Council and its delegates are responsible for the administration and enforcement of the Grand Portage Reservation Solid Waste Disposal and Recycling Ordinance (1997), which prohibits disposal of solid waste within the exterior boundaries of the Reservation except at the designated collection site approved by the Reservation Tribal Council and except in a manner approved by the Solid Waste Coordinator.

The Grand Portage Land Use Manager and the Grand Portage Conservation Officer were delegated authority by the Tribal Council in 1997 to enforce the Grand Portage Reservation Solid Waste Disposal and Recycling Ordinance.

The Solid Waste Program is coordinated by the Solid Waste Coordinator. The coordinator is supervised by the Biology and Environmental Department Director. Transfer station operations are conducted by two part-time Attendants that are supervised by the Water and Sewer Manager. Attendants are responsible for the organization and oversight of solid waste collection.

Transport of some recyclables is provided for by Cook County, except for cardboard which is hauled by Grand Portage Construction and glass which is currently not recycled. Households that are served by the Grand Portage transfer station have their refuse hauled by North Shore Waste and paid for by the Grand Portage Reservation Tribal Council. Businesses, RTC programs and partnering agencies all pay for individual refuse service provided by North Shore Waste Management in Grand Marais, MN.

#### Proposed program improvement

The Grand Portage Solid Waste Management Program could also be administered by the Trust Lands Administrator or the Environmental Program Manager, whom would be responsible for effective and environmentally sound waste management activities. This may be a more logical practice than management by the Water and Sewer Program. Through the course of this operating plan, solid waste program administration discussions may be opened for critical evaluation and decision making by the Grand Portage Tribal Council. The Transfer Station employs 2-3 employees whom are employed year-round. The Water and Sewer Supervisor currently oversees all solid waste programs, facilities, and employees of the Transfer Station. The Supervisor has regular meetings with Division Administration, Waste Site Management and Environmental Program staff on operations, maintenance, waste programs and projects.

## 2.2 REGULATORY REQUIREMENTS (CODES AND ORDINANCES)

In 1997, the Grand Portage Tribal Council passed a resolution for the Grand Portage Reservation Solid Waste Disposal & Recycling Ordinance, which prohibited disposal of solid waste within the exterior boundaries of the Reservation except at designated collection sites approved by the Reservation Tribal Council and except in a manner approved by the Land Use/Solid Waste Administrator.

The main components of the Ordinance included:

- 1 Procedures for handling, storing, collecting, transporting, transferring, processing and disposing of solid waste
- 2 Responsibilities of owners, occupants, individuals, transporters, administrators and enforcers
- 3 Disposal conditions for hazardous wastes
- 4 Encouragement for recycling
- 5 Designation of enforcement officers and enforcement procedures
- 6 Responsibility for the Tribal Council and its delegates to administer and enforce the ordinance and for any Tribally owned and operated solid waste collection facilities or systems

The Grand Portage Solid Waste Disposal and Recycling Ordinance addresses:

- Solid waste storage and details who is responsible for the storage of solid waste, what types of containers are to be used, and that the transfer of waste should be done in a timely manner
- Solid waste disposal
- Recycling
- Collection and transport
- Open burning of trash
- Demolition debris management
- Hazardous waste management
- Illegal dumping
- Storage of junk vehicles
- Disposal of medical waste
- Salvage yard operations
- Managing problem/specialty waste items

## 2.2 ENFORCEMENT

Under the Solid Waste Disposal and Recycling Ordinance, the Conservation Officer is empowered to enforce the ordinance. The following are provisions of the Solid Waste Disposal and Recycling Ordinance under Section 10 Enforcement. (a) All Reservation conservation enforcement personnel shall be empowered to enforce this ordinance. (b) Actions for violation of this Ordinance may be commenced in the conservation court of the Minnesota Chippewa

Tribes by conservation citation or by summons and complaint. (c) Violation of any provision of this ordinance may be punished or remedied by a civil forfeiture not to exceed \$1,000.00. Each day of any continuing violation may be charged as separate violation, and a separate forfeiture may be imposed. (d) In addition to a civil forfeiture, any personal property, including vehicles and other equipment, which has been used in connection with the violation of this ordinance may be seized and forfeited pursuant to the appropriate section of the Minnesota Chippewa Conservation Court Code. (e) Nothing herein shall prevent the Grand Portage Band from bringing suit against any violator of this ordinance for money damages for harm to ant Band resource caused by the violation, or for injunctive relief. (f) Any person may bring suit in tribal court to enjoin a violation of this ordinance.

## **3.0 DESCRIPTION OF THE BAND'S CURRENT AND PROPOSED WASTE MANAGEMENT PRACTICES**

### **3.1 Current Waste Management Practices**

The Grand Portage Reservation does not currently have an open landfill available for solid waste disposal. The policy of the Reservation Business Committee provides for the collection of waste generated on the Reservation and its transfer via outside contractors to landfills located outside of the Reservation boundaries. The Reservation's existing management system is an integrated solid waste management system that includes:

- One transfer station/waste collection site
- Recycling facilities
- Waste reduction and education programs
- Year-round drop site and processing area for household hazardous waste

The current waste management practice for Band members has no fee structure attached to the disposal of items, and a minimal fee for non-Band members. The Tribal Council assumes the responsibility of providing the service to the community. The Lodge and Casino utilizes separate dumpsters at the transfer station. All waste and recyclables are either taken to the transfer station, or picked up by North Shore Waste Management and hauled to locations outside the Reservation.

Due to the remote nature of the reservation a partnership with Cook County is critical to the successful integration of solid waste management. Recycling is limited by the capabilities of Cook County.

Currently Cook County is recycling: office (mixed) paper, newspaper, phonebooks, magazines, corrugated cardboard, #1 and #2 plastic containers, glass, tin and aluminum cans, lead acid batteries, oil and metal oil filters. While Grand Portage has access to the above County recycling services, the Reservation is still unable to recycle glass due to the limitations of the recycling trailer.

Staff provides technical information to businesses or non-Band members in regards to waste management information and facilities. Waste services, such as bulky waste pickup and special needs pickup for elders and physically impaired individuals are also provided. The Grand Portage Transfer Station Site Operating hours are Monday, Tuesday and Thursday 1:00 pm – 6:00 pm and Saturday 9:00 am – 2:00 pm. There is no fee for use of the site.

### 3.1.1 Waste Stream Characterization

It is recommended that a waste characterization of the community solid waste, or select sectors, be sorted every three years to more accurately assess the contents of the solid waste stream. Results from the waste sort provide a gauge of the progress being made in recycling and waste reduction practices. And, can provide important information regarding the costs associated with current waste disposal practices.

The Oshki Ogimaag Charter School conducted their own solid waste characterization survey during the month of December 2012. The Lodge and Casino conducted one waste stream characterization for a day in June 2010 with the assistance of the University of Minnesota Technical Assistance Program. Of the 1,100 pounds of garbage sorted for this time period the garbage composed of an estimated 44% organic material that could be composted and 25% recyclables.

#### 3.1.1.1 Waste Stream Analysis

Waste stream characterization and analysis will be conducted by the Solid Waste Coordinator at least once every three years. The results of the analysis will be used to identify ways to reduce the volume and cost of waste removal. Based on the 2010 and 2012 solid waste characterizations, making composting and recycling easier would reduce both the volume and cost of waste disposal.

### 3.1.2 Annual Volume Calculation

Table 5. Solid waste volume numbers hauled from locations serviced within the Grand Portage exterior boundaries.

Grand Portage Cubic Yards July 2012 -June 2013		
Hollow Rock Resort	73	Cubic Yards
Lodge & Casino	3100	Cubic Yards
Elder Housing	84	Cubic Yards
Trading Post	920	Cubic Yards
High Falls State Park	107	Cubic Yards
RTC (Community)	3259	Cubic Yards

Marina	369	Cubic Yards
Land Trust	83	Cubic Yards
Mount Rose Church	19	Cubic Yards
Rydens 66	184	Cubic Yards
Rydens Border Store	425	Cubic Yards
US Border	290	Cubic Yards

The category RTC (Community) in Table 7 reflects the cubic yards of waste collected at the Transfer Station for a typical year from the residential portion of the community. Based on the U.S. Census numbers from 2010 the number of households was 257 and a total population of 557. Therefore, the average household generated approximately 12.68 cubic yards of waste in one year.

### 3.1.3 Waste Collection, Transfer, and Disposal

The Band owns and operates one transfer/recycling station in Grand Portage. Items accepted include household garbage, mixed solid waste (furniture, oversized household waste, etc.), tires, white goods (appliances including refrigerators, washers, dryers, hot water heaters, stoves, etc.) and junk vehicles. Accepted recyclable items include newspaper, office (mixed) paper, magazines, corrugated cardboard, #1 and #2 plastic containers, tin and aluminum cans. At the Construction Company maintenance shop, used motor oil and used antifreeze are accepted. During two annual collection events held in the spring and fall, household hazardous waste items (paints, stains, pesticides, etc.) can be dropped off at the Trustlands office. The household hazardous waste items are then transported to Cook County Recycling Center.

The Grand Portage Transfer Station current location physical address is 8357 East Highway 61. A posted sign indicates operating hours. Operating hours are Monday, Tuesday and Thursday 1:00 pm – 6:00 pm and Saturday 9:00 am – 2:00 pm. The entrance to the Transfer Station is gated. The station consists of a small office building supplied with phone and electric service for the attendants. The station yard has five dumpsters that hold 6 cubic yards each for community members to use, and five dumpsters for Lodge and Casino refuse that hold 6 cubic yards each. One 40 cubic yard roll-off accommodates larger items.

### 3.1.4 Special and Hazardous Waste

The Grand Portage Reservation Solid Waste Disposal and Recycling Ordinance defines a Hazardous Waste as any solid waste defined as a hazardous waste by the U.S. Environmental Protection Agency under the provision of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. ss 6901 et sec., as amended. It further states that no person shall dispose of any

hazardous waste within the exterior boundaries of Grand Portage Reservation except as part of a household hazardous waste collection event.

An EPA website defines RCRA Hazardous Waste as a waste with properties that make it dangerous or potentially harmful to human health or the environment. These include wastes that are ignitable, corrosive, reactive, or toxic. Hazardous wastes are commonly known as cleaners, solvents, pesticides, antifreeze, oils, etc. Household hazardous waste is collected twice per year in Grand Portage. Unless the volume of hazardous waste increases dramatically in the future, collection will continue to occur at the same frequency.

### **3.1.5 Waste Reduction: Source Reduction, Recycling, and Composting**

Section 3.1.3, lists the types of items accepted for recycling at the transfer station.

Accepted recyclable items include newspaper, office (mixed) paper, magazines, corrugated cardboard, #1 and #2 plastic containers, tin and aluminum cans. Currently, glass cannot be recycled in Grand Portage.

### **3.1.6 Facility Descriptions and Capacities**

As noted previously, the Band owns and operates one transfer station. The location and equipment for this transfer station is listed in Section 3.1.3 – Waste Collection, Transfer and Disposal.

### **3.1.7 Regional Infrastructure**

The closest major U.S. population hub is Duluth, MN at a distance of 150 miles. The majority of solid waste related services are located in Duluth. Grand Portage has expanded the search area to the Twin Cities area for electronic recycling, and tire recycling. The recyclers travel to our location to pick up and transport the items back to their business. We have explored other options in Thunder Bay, Ontario, which is 45 miles from Grand Portage, but at this time the only service to accommodate our recycling needs is for junk vehicles. We will continue to explore and develop partnerships locally and regionally to expand recycling and waste disposal options.

### **3.1.8 Current Partnerships**

The Cook County Recycling Center has maintained a partnership with Grand Portage Reservation by providing a multi-compartmentalized recycling trailer. The services associated with the use of the County recycling trailer also included their time to maintain, transport and sort items collected. A Reservation owned semi-trailer serves as the temporary storage and work area to break down and bundle corrugated cardboard. The Band hauls the semi-trailer to

the Cook County Recycling Center when full. The third component of the Band and County partnership is for Household Hazardous Waste. The Band holds collection events for Household Hazardous Waste twice a year. The materials collected are transported to the Cook County recycling facility to be properly disposed of by WLSSD (Western Lake Superior Sanitary Disposal) personnel who pick up the items from Cook County.

Companies providing services to Grand Portage for the removal of specified recyclable items include the following: Balcum Appliance (Superior, WI), JR's Appliance (Inver Grove, MN), North Shore Waste (Grand Marais, MN), Liberty Tire (Savage, MN), MPC-E (Medonta Heights, MN), Call2Recycle (Atlanta, GA), Safety Kleen (Cloquet, MN),

### **3.1.9 Past/Current Public Involvement and Community Education**

The majority of the interaction and dialog pertaining to solid waste practices takes place at the Transfer Station. During posted hours of operation patrons of the Transfer Station are advised of the proper placement of items by the knowledgeable attendants. Noteworthy articles are periodically placed in the Trust Lands newsletter or the community newspaper the Moccasin Telegraph. Another place for community members to be involved is at the annual wellness fair. Specific to the school age kids, class material is presented to address proper recycling methods and the importance of good solid waste management practices.

## **3.2 PROPOSED WASTE MANAGEMENT PRACTICES**

### **3.2.1 Limitations and Inefficiencies of the Current Program**

The majority of limitations to making changes to our current solid waste program relate to the low number of contractors available to provide services for Grand Portage. The price for solid waste removal is somewhat fixed because only one company travels to Grand Portage.

Recycling and composting opportunities need to be expanded and more easily accessible to encourage greater participation.

#### **3.2.1.1 Equipment and Facility Needs**

Improvements to the existing Transfer Station system will include a pole building to store e-waste, white goods, dry mattresses, and a baler to process cardboard. A new gate and perimeter fence are needed to reduce drop offs outside of normal hours of operation. Adding surveillance cameras to monitor entry could be useful to prevent unauthorized use of the Transfer Station.

Much discussion has taken place over the years to garner support in moving the existing Transfer Station to a safer and environmentally friendlier location. Consultations from Indian Health Service engineers and Environmental Protection Agency have assisted the Band in assessing the pros and cons for many potential locations within Grand Portage to site a new transfer station. The two main reasons for moving the current Transfer are the blind corner turn-off from Highway 61 to the Transfer Station driveway, and the close proximity to Grand Portage Creek. Grand Portage Trustlands staff and the Tribal Council have reviewed all the recommended site locations and agreed upon a location off of the Portage Valley Road pending environmental review.

### **3.2.2 Capital, Operational, and Maintenance Costs**

The Grand Portage Reservation Tribal Council directly funds all costs associated with operations and maintenance of the Transfer Station. Oversight of the daily operations is an annual cost of approximately \$14,000. Annual removal costs are approximately \$120,000 per year for recycling and wastes.

#### **3.2.2.1 Closure Care and Costs**

The Grand Portage Transfer Station will need cleanup and may require monitoring for illegal waste disposal. The cost of these actions will be covered by the Reservation or through grants secured for that purpose. An environmental consulting firm may need to be hired to conduct soil testing at the existing Transfer Station site and evaluate the need for remediation.

### **3.2.3 Proposed and Future Waste Management Practices**

#### **1: Open Dumps and Uncontrolled Waste Sites**

Illegal disposal of solid waste occurs rarely in Grand Portage. The remoteness of some areas of the Reservation that are accessible by road make it relatively easy to dispose of solid waste illegally, however this has not been a significant issue, likely due to no-fee waste removal on the reservation. There is no official estimate of the amount of municipal solid waste that was burned, buried, or otherwise illegally dumped on private or public property within the Reservation boundaries.

Currently, there are no open dumps or uncontrolled waste sites on the Reservation. The former transfer station still requires cleanup and monitoring.

Littering along roadsides continues to be a problem which has been addressed by Adopt-A-Highway program along the highway 61 corridor. Other roads are not cleaned regularly.

### Proposed Program Improvements

Continue surveillance for illegal dumping activities will be conducted. An anti-littering campaign will be developed that expands education efforts and awareness about littering. This could include public service messages on the radio, additional articles, and road signage. Other road cleanup activities could be useful on an annual basis to remove accumulated litter. Community engagement on roadside cleanups could prove to be a useful tool to maintain roadways.

## **2: Special and Hazardous Waste**

It is the policy of the Grand Portage Reservation to promote the proper disposal of special and household hazardous wastes. The goals of the Reservation are to provide information, education, and collections opportunities to community members for proper management of household hazardous waste.

In addition, the Solid Waste Program has recognized the need to assist very small quantity generators in the solid waste management area with the disposal of their hazardous wastes. Problems confronting these entities include:

- The majority of very small quantity generators on the Grand Portage Reservation do not generate enough hazardous waste to warrant regular pickup by a hazardous waste collector.
- Long distances to licensed hazardous waste disposal facilities make delivery of very small quantity generators' hazardous waste uneconomical and impractical.
- As needed and requested, Grand Portage enterprises and programs will be directed to authorize hazardous waste collection facilities. Pickups from various sites by licensed haulers can be coordinated for the same day to minimize transportation costs.

### Proposed Program Improvements

Develop storage capabilities for special and hazardous waste products to be disposed of by Grand Portage residents and enterprises. Educate tribal enterprises and administration on special and hazardous wastes to prevent those from inadvertently entering household and municipal waste stream. Continue to facilitate collections of these wastes from enterprises and the Grand Portage community.

## **3: Household Hazardous Waste Facilities**

Household hazardous waste collection currently occurs a few times each year in Grand Portage. Storage facilities are housed in the Trust Lands building and the Solid Waste program has a small enclosed trailer for that purpose. The Trust Lands facility provides a year-round drop site and processing area for household hazardous waste.

#### Proposed Program Improvements

The Solid Waste Program's household hazardous waste program is well established and successful. A larger and permanent hazardous waste storage facility located at the transfer station would allow more wastes to be processed, especially from Reservation businesses and very small quantity generators. A proactive, convenient hazardous waste system for all waste generators will contribute to greater compliance with proper disposal methods and greater environmental protection. Businesses could be charged up front for hazardous waste disposal.

Program staff will continue to seek alternatives among waste disposal companies that factor in convenience and price competition.

Promotion of proper hazardous waste disposal and the waste management program will continue in the Reservation newspaper and selected newsletters.

Reuse Center: One goal for the Household Hazardous Waste program is to establish a reuse area so products that are still in good condition and usable can be set aside for community members to take for free. The proposed area for the reuse center is the former recycling side of the household hazardous waste/recycling shed to be located at the transfer station.

#### **4: Appliance Management**

The Transfer Station has an appliance drop-off area where community members are allowed to dispose of appliances for free, however there is concern that appliances from outside the reservation are being dumped with a removal cost to the reservation. In 2014, approximately XXX appliances were processed through this program at a cost \$XXX or \$XXX/appliance.

Appliances are collected by Balcum's Appliance (Superior, WI), JR's Appliance (Inver Grove, MN), and used for a used appliance company.

#### Proposed Program Improvements

This appliance collection program has been very successful, however the off reservation appliances have increased the cost burden to the reservation. We plan to better manage drop offs of appliances or find alternative funding sources for removal of these additional appliances. This option will continue to be investigated periodically.

## **5: Mattress Management**

Mattresses are collected at the transfer station in the large materials dumpster and transported Grand Marais. Mattresses currently are not recycled. On average, there are XX mattresses collected annually.

### Proposed Program Improvements

We plan to improve mattress recycling in the future by recycling clean, dry mattresses. Wet, dirty mattresses will continue to be thrown in the dumpster. The Transfer Station site has not had a consistent means of keeping mattresses out of the elements, however a large pole building that is planned for the future will provide that capacity. Alternatively, in the short term, a covered trailer designated for mattresses would also work so that mattresses can be easily collected and transported.

## **6: Tire Management**

Tires have been banned from landfills since 1985. The Grand Portage Transfer Station collects tires and holds them until the waste hauler removes them, on average every few months. Community members are allowed to dispose of tires and rims for free at the Transfer Station Site.

### Proposed Program Improvements

The tire collection and disposal program has been quite successful. Currently there are no planned improvements to tire disposal, however storing tires out of the elements in the planned pole building may minimize risk of contamination and health risk. Efforts will be made to collect tires from households to ensure that those are disposed of properly as well.

## **7: Used Oil and Filters**

The Grand Portage Transfer Station currently does not recycle waste oil. Waste oil recycling is recommended to ensure that community members do not dispose of oil using inappropriate methods.

### Proposed Program Improvements

We plan to purchase a waste oil tank for household waste oil disposal. Community members will also dispose of waste oil filters at the site. We plan to contact a waste oil hauler to buy waste oil at market value. Recycled-content waste oil pans may be given out to community members to encourage the safe handling of waste oil and to encourage use of the recycling program.

Effective advertising needs to be conducted about the waste oil and waste oil filter recycling program once it is implemented. Drop off of used oil at the Transfer Station could be confusing to users of the waste site.

The waste oil tank will be locked and only accessible by Transfer Station staff during operating hours. Community members will be required to have the Transfer Station Staff drain waste oil into the tank. This will lead to less contamination of the tank. A high degree of contamination would lead to the waste oil being rejected by the waste oil hauler/processor and instead having the material handled as hazardous waste/flammable waste.

### **8: Battery Management**

The reservation has a well-established vehicle battery collection system that provides a convenient drop-off location to residents. The Transfer Station accepts automotive batteries. The household hazardous waste trailer is the drop-off location for lithium Ion, nickel-cadmium, and nickel metal hydride batteries. Currently, the battery hauler is paid by Grand Portage RTC for batteries removed. At this time, there is not an option available for recycling alkaline batteries, so they must be placed in the trash.

#### Proposed Program Improvements

Outreach efforts should be continued to ensure proper disposal of batteries and encourage the use of rechargeable batteries in lieu of alkaline. Proper storage facilities are planned for the Transfer Station.

### **9: Fluorescent Lights**

Residents are allowed to dispose of all sizes and shapes of fluorescent tubes/bulbs for free through the Household Hazardous Waste program. Businesses and governmental agencies are required to recycle fluorescent bulbs through a licensed hauler.

#### Proposed Program Improvements

Outreach efforts should be enhanced for households to ensure proper disposal of compact fluorescent bulbs. Staff should continue to evaluate costs and identify potential vendors to ensure the most economic and safe disposal possible. Furthermore, programs to encourage the use of LED technology rather than fluorescent bulbs will be implemented in the future to reduce the risk of mercury contamination.

## **10: Electronics Recycling**

Grand Portage Solid waste program has assisted with electronics recycling for RTC government operation and enterprises, however this has not been done for community members.

Computers from Tribal facilities are collected by the Grand Portage Solid Waste Program and reused throughout various divisions/departments/community centers and then are sent to a recycler for reuse or material reclamation.

Improper disposal of electronics is an issue. Electronics are found occasionally in the regular household garbage dumpsters.

### Proposed Program Improvements

A drop site will be established for the year-round collection of household electronics at the Transfer Station pole building. Transfer Station workers will assist transporting electronics to a licensed recycler in Duluth for processing. Residents are allowed to take electronic wastes to the Waste Collection Site's Electronic Waste Drop Site for free. Commercial entities are referred to a licensed electronics recycler in the area.

We will increase outreach to the community and tribal facilities on proper electronics disposal/recycling and environmental effects of improper disposal.

## **11: Demolition Materials Management**

The Grand Portage Band operates a demolition landfill. Possible future improvements such as a waste site expansion or new waste site would allow for dumpsters and areas to sort various demolition wastes for recycling, reuse and landfilling. Grand Portage enterprises and Divisions, such as Construction, collect demolition materials for transport to the demolition landfill.

### Proposed Program Improvements

Increased education is needed for staff and individuals doing construction projects to ensure materials are sent to a demolition landfill rather than placed in a garbage landfill. Policies and methodologies on demolition material reuse should also be established to minimize waste.

## **12: Scrap Metals Management**

The Grand Portage Band has a scrap metal collection location at the Transfer Station Site where residents can dispose of scrap metal free of charge. Residents are permitted to dispose of scrap metal during the Site's hours of operation

### Proposed Program Improvements

Scrap metal is a valuable resource and can contribute to the sustainable operation of a transfer station. Recycling scrap metal can generate income, reduce the need for mining raw materials, and save landfill space. Interaction with site users can help ensure scrap materials are properly recycled rather than landfilled. Improved site security would help ensure materials are properly recycled. Assisting tribal members and residents in cleaning scrap metal from yards is a direction planned for the future.

### **13: Medical Waste:**

Pharmaceuticals collection was introduced in 2010. Community members can drop off both controlled and uncontrolled substances at the Grand Portage clinic.

Medical sharps collection containers are located in some of the public buildings for safe needle disposal. Medical sharps can also be dropped off at the Grand Portage Clinic. A certified hauler collects and disposes of these items.

### Proposed Program Improvements

Medical waste can pose environmental, health and safety risks if not properly disposed of and handled. Staff will continue outreach and provide periodic reminders to encourage proper disposal.

### **New directions in solid waste management:**

#### **1: Disaster Debris Management**

An established plan for addressing debris in emergency situations is critical to responding to an event. Debris may need to be removed in order to clear roadways for emergency vehicles, rescue individuals or begin cleanup efforts. Debris removal requires a procedure of sorting for various disposal methods. Vegetative debris can be hauled to yard waste composting, cut up for firewood or wood chipping. Building material debris can be hauled to the demolition dump, and trash to the transfer station, etc. With climate change, natural disasters are predicted to increase in frequency and intensity.

#### **2: Waste Reduction: Source Reduction, Waste Recycling, Food Waste Diversion and Yard Waste**

Waste reduction plays a critical role in establishing and maintaining a sustainable solid waste management program.

Source Reduction: An essential goal of the Grand Portage Solid Waste Program is to reduce the amount of waste being generated. Items that are in good working condition are set aside at the waste site for others to take if they are interested. The current transfer station provides an opportunity for some household items to be reused, but the area is not covered limiting the amount of time that an item remains in useable condition. A covered site will be implemented in the near future allowing more opportunities for recycling. Other source reduction efforts include education on and promotion of alternatives to disposable or single-use/limited use items, such as cups, to-go containers, and plastic water bottles.

Target Goal: Attain 5% reduction in waste each year

**3: Waste Recycling: Recycling programs began on the Grand Portage Reservation in the early 1990's. With the recent consolidation of solid waste hauling services, we hope to achieve comingled/single stream for all facilities and households.**

We plan to increase recycling participation among community members and Tribal employees by developing single stream capabilities and through education and outreach.

Materials currently accepted for recycling include:

- File/Office Paper, Colored Paper, Notebook Paper
- Manila Folders, Pamphlets, Brochures
- Magazines, Catalogs, Newspaper, Phone books, Post-Its
- Shredded Paper, Carbonless Paper, Envelopes, Glossy Paper
- Plastics number 1-2 under 5 gallons in size
- Cardboard
- Tin food containers
- Aluminum Cans

#### Proposed program improvements

A cardboard baler will be purchased and installed in the Transfer Station pole building (planned building). Previously, cardboard was collected in a semi-trailer and cost XX per load. This totaled \$xx/year in hauling costs. Baled cardboard is a marketable commodity and as such, Grand Portage is now considering selling bales at market price. Cardboard will be accepted from all facilities and enterprises.

Recycling glass will reduce the cost and volume of waste generated. A cost benefit analysis based on waste characterization conducted by the Solid Waste Coordinator is needed to determine how long it would take to pay for a trailer that is adequate to haul glass to Grand Marais for recycling.

**4: Food Waste Diversion:** Options for dealing with excess food include feeding people, feeding animals, or composting.

Capitalizing on compostable waste for use in the Community Garden is one goal of the Solid Waste Plan. In order for this to work, composting facilities would likely need to be provided at the school, Elderly Nutrition Program, the Lodge and Casino, and the Community Garden. Community education and signage would also need to be developed to ensure only compostable items are placed in compost containers.

#### Proposed program improvements

- Estimates of food waste need to be derived for the Grand Portage Reservation and the government and enterprises.
- Composting food waste from the Grand Portage Charter School could be composted in a school vermicomposting program or through large composting bins.
- Grand Portage Lodge and Casino should begin separating food waste for composting. A separate dumpster is planned for food waste that would be composted using conventional composting methods.
- Grand Portage Head Start and Daycare can begin a small food waste collection and composting program.

The educational food waste vermicomposting project occurred at the tribal school, but the amount of food waste exceeded the capacity of this project.

Solid waste program staff will investigate other options for food waste composting, such as hog or chicken feeding, and transport of food waste to larger-scale composting locations. We plan to reduce food waste by 75% by 2020, following a food waste quantification.

Additionally, there may be local individuals that have a small number of hogs or chickens that are interested in taking food waste. This may be an option for removing food wastes from smaller facilities, such as the tribal school, Head Start/Day Care, or the Community Centers if the farmer follows USDA regulations regarding food waste feeding.

Target Goal: 75% Food Waste Diversion from the Waste Stream by 2020

**5: Yard Waste Diversion:** Yard waste is currently not recycled in Grand Portage.

## Proposed program improvements

Yard waste recycling could be a contributor to the food waste composting program by adding necessary carbon to the high-nitrogen food waste. We plan to incorporate municipal and residential yard waste into the composting program to produce high quality compost.

**6: Waste Education:** Public education is essential in planning to achieve waste reduction goals on the Reservation. Ongoing public education will be provided for all generators of waste. Community education will have a prominent role in the Grand Portage Reservation's waste reduction, recycling, composting, household hazardous waste, solid waste processing, and other waste programs.

### **3.2.3.1 Proposed Waste Collection, Transfer, and Disposal**

The overall goal of this integrated solid waste management plan is to reduce the amount and costs of waste hauled from Grand Portage by making recycling easier and providing an opportunity to recycle more items locally. Glass is heavy and requires a lot of space, making it one of the most expensive commonly discarded items in local trash. Therefore, we will propose the purchase of a trailer that is adequate to haul glass for recycling. And, offering containers and education to encourage composting by residents and businesses will provide valuable soil amendments for the Community Garden.

### **3.2.2.2 Proposed Special and Hazardous Waste**

Little hazardous waste is produced in this community. The majority of hazardous waste comes from businesses such as the Lodge and Casino. A certified contractor picks up the hazardous waste on location at our request. A change in this practice is not foreseen in the future. However, proper disposal of hazardous wastes help to ensure the safety and health of community members. Consequently, continuing to offer semi-annual household hazardous waste removal; replacing fluorescent lights with LED technology where possible; continuing white goods, tire and automotive removal as needed is planned.

### **3.2.3.3 Proposed Waste Reduction: Source Reduction, Recycling, and Composting**

#### **3.2.3.4 Potential Partnerships**

The current partnership with Cook County to receive the household hazardous waste and basic recyclables will remain in place.

#### **3.2.3.5 Compliance and Enforcement**

A Solid Waste Ordinance has been in place since 1997. Periodic updates and review shall occur as needed.

#### **3.2.3.6 Proposed Public Involvement and Community Education**

The majority of community education has taken place as environmental lessons to youth at the local Charter school. A waste audit was performed by the school and students learned about garbage and recycling. A booth containing information about recycling is part of the annual Community Wellness Fair. Waste audits shall be conducted by the Solid Waste Coordinator at least every three years. Results of the audits will provide the Solid Waste Coordinator with information to target both the audience and forum for future public involvement and outreach activities.

#### **3.2.4 Solid Waste Management Plan Review and Updating**

It is recommended that Solid Waste Management Plans be reviewed and or revised every five years. Grand Portage will follow this recommendation and address any changes that may be needed to the management plan.

## 4.0 DESCRIPTION OF THE FUNDING AND SUSTAINABILITY/LONGTERM GOALS OF THE BAND'S SOLID WASTE PROGRAM

### 4.1 FINANCIAL IMPLEMENTATION

#### 4.1.1 Funding the Plan

This Plan contains strategies, program descriptions, projects and action items that will be incorporated into the Band's capital and operating budgets for both general Band operations as well as enterprise specific operations like the Casino. The Band's long range plans provide the framework for the annual budgeting and auditing cycles as part of the fiscal years for all Band operations.

Table 6. Annual and Projected Costs of Solid Waste and Recycling Removal

	Annual cost (approx.)	5 year projected
Solid waste removal	9000 cu. Yds. = \$117,000	9000 cu. Yds = \$135,000
Recycling	\$3000	\$3500

#### 4.1.1.1 Funding Capital Improvements

Capitalizing of projects identified in the plan will be covered through one or more of the following of the Band's financial resources:

- Grants: The Band will continue to seek grants from local, state and federal agencies, foundations and other granting entities. The Band has specific staff assigned to identify accounting, measurements, etc.
- Implementation of an additional Hotel tax to subsidize a portion of the waste produced at the Lodge and Casino will reduce removal costs.
- Implementation of a kitchen composting practice will reduce the bulk of waste from the sector of the waste stream and add needed material for a functioning future composting program.

#### **4.1.1.2 Funding Operations**

Plan activities that require operating funds will be integrated into the operating budgets of the Tribal Government and/or Tribal Enterprises. Operations of the Band and its many functions are funded through a mix of sources that include:

- **General Fund Budget:** The government functions of the Band are covered in the Band's general operating budget or "General Fund". Environmental management services including waste management and recycling for all government-sponsored activities are part of the General Fund Budget.
- **Enterprise Fund Budgets:** The Band's Enterprise operations, like the Casino, Hotel, etc. are all operated as business units, generating their own revenue from service provision and covering all operating costs out of those revenue streams. The proportionate share of Plan services and programs that are directed to a specific Tribal Enterprises will be charged to and paid for by that Enterprise.
- **Grants:** While grants for covering operating funds are more difficult to find, the Band will continue to identify and seek operating cost grants from local, state and federal agencies, foundations and other granting entities.

#### **4.1.2 Revenue Generators**

Revenue generation will be incorporated into Plan implementation in the following ways:

##### **4.1.2.1 Revenue from Tribal Enterprises**

As stated in the previous section, the Band actively develops Tribal Enterprises in a range of mission consistent business and service areas. The revenue from these Tribal Enterprises sustains those business operations and is able to cover the operating costs (and indirectly the capital costs) of the waste management and recycling programs and activities contained in this Plan.

##### **4.1.2.2 Revenue from Recovered Materials**

The Band and its Tribal Enterprises will make arrangements when possible for revenue streams to be secured from recovery operations related to this Plan.

#### **4.1.2.3 New Tribal Enterprises in Waste Management and Recycling**

The Band's emphasis on Enterprise based development will continue to provide a process for exploring opportunities, within the Plan's targeted activities for any new Tribal Enterprises that could result in additional revenue generation.

#### **4.1.3 Fee Structure**

Fees for service provide a structure for covering expenses, discouraging unwanted behavior and encouraging desirable behavior. The Band has implemented a fee structure for non-enrolled community members to dispose of household waste.

##### **4.1.3.1 Fee for Service and Pay as you Throw (PAYT)**

When possible, the Band will arrange for Plan programs and activities that cover "waste generation" to be charged to the waste generator. The intent is to make it clear that handling end-of-life materials (e.g. "trash") as waste is more costly to the Band and there should be a cost passed on from the Band to those generators (whether individuals or Enterprise units) for "waste" behavior.

##### **4.1.3.2 Fees and Incentives for Recycling and Waste Reducing Behavior**

Conversely, for desirable waste avoidance, waste reduction and recycling services and behavior the Band will strive to provide these services "free" or absent a fee where-ever possible in order to maximize the incentive that the community, and the customers of Tribal Enterprises, to engage in environmentally responsible reduce, reuse, recycle behavior. This will be made possible, where appropriate, by bundling the cost for these desirable programs and services into the waste fees, further increasing the price message for recycling versus wasting.

#### **4.1.4 Financial Sustainability**

The financial health of the Band and its Tribal Enterprises is of utmost importance to the Tribal Council. The long range and annual planning and budgeting cycles, as well as the annual financial auditing and performance review cycles are all structured to maintain the financial sustainability of the Band. These tools are integral to the operations management of the Band and its Tribal Enterprises. All Plan programs and activities will benefit from this same rigor in order to maintain their financial sustainability over time.

## **4.2 LONG-TERM GOALS AND STRATEGIES**

### **4.2.1 Long-Term Goals and Priorities**

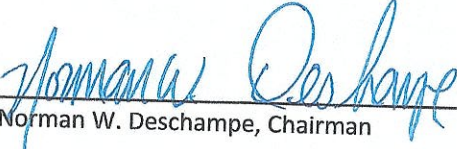
Long-term goals and priorities have been identified. These priorities have become part of the Action Plan, which provide an outline of steps to undertake over the next five years. The Action Plans are intended to be a living document, which allows for them to be adjusted and modified on the monitoring and tracking of program success. Year 5 has been identified as a year of review and audit of the progress of the implementation of the solid waste management plan. Then, future goals and priorities for the next five years will be developed.

### **4.2.2 Improvements Beyond Basic Compliance**

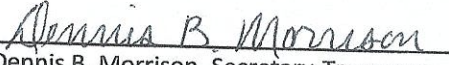
The Grand Portage Band, along with all tribes throughout the country, is unique compared to other organizations and institutions in that there are direct ties to the natural world in tribal culture and history. The Band has historically and currently relies on fishing, hunting, the fresh water, and local plants and herbs to sustain culture. Therefore, reducing the impact on the environment is a long standing goal. Because of this, the Grand Portage Band possesses the motivation to continually strive towards improving the management and handling of wastes.

5.0 DEMONSTRATION OF PLAN APPROVAL BY THE TRIBAL COUNCIL

5.1 Signature Page

  
Norman W. Deschampe, Chairman

3-12-15  
Date

  
Dennis B. Morrison, Secretary-Treasurer

3/12/15  
Date



## GRAND PORTAGE RESERVATION

### SOLID WASTE DISPOSAL AND RECYCLING ORDINANCE

#### 1. FINDINGS

The Grand Portage Reservation Tribal Council recognizes that the sanitary and environmentally sound disposal of solid waste is important to the health, welfare and safety of the public and residents of the Reservation. The Tribal Council also recognizes that proper waste disposal is important to the protection of the Reservation environment and natural resources. Inefficient, inappropriate, and unsanitary disposal of solid waste can have adverse impacts on the land and waters of the Grand Portage Reservation. Waste items that can be recycled to reduce the amount of waste requiring final disposal should be recycled.

#### 2. AUTHORITY

The Grand Portage Band of Lake Superior Chippewa Indians is a member of the Minnesota Chippewa Tribe, a federally recognized tribe of Indians organized pursuant to section 16 of the Indian Reorganization Act of June 18, 1934. The Reservation Tribal Council, the Band's governing body, enacts this Solid Waste Disposal and Recycling Ordinance as an exercise of its inherent sovereign powers and under the authority of the Constitution of the Minnesota Chippewa Tribe for the promotion and protection of the public health, safety, peace, prosperity, comfort and general welfare of residents of the Grand Portage Reservation.

This Ordinance is promulgated based on the authority of the Solid Waste Disposal Act, as amended (P.L. 89-272), and Federal regulations that have been promulgated to fulfill the Solid Waste Disposal Act which include: 40 CFR Part 243 "Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Waste" and 40 CFR Part 257 "Criteria for Classification of Solid Waste Disposal Facilities and Practices".

#### 3. APPLICABILITY

This Ordinance applies to those activities within the exterior boundaries of the Grand Portage Indian Reservation. Included are members and non-members of the Grand Portage Band of Chippewa as well as residents and non-residents of the Reservation.

#### 4. DEFINITIONS

- (a) Abandoned Automobile - any automobile which is unlicensed or no longer in working condition, or which has been discarded/forsaken by the current owner, and which the Land Use/ Solid Waste Administrator considers to be a risk to the health, welfare and safety to the Grand Portage Reservation.
- (b) Collection Site - any location on the Reservation, designated by the Reservation Tribal Council, where solid wastes are collected for transport to a landfill.
- (c) Collector - any natural or legal person and that person's employees and agents, who gather solid waste from another person.
- (d) Garbage - Waste material resulting from the handling, processing, storage, preparation, serving and consumption of food which may be capable of becoming rotten or which may reach a foul state of decay or decomposition.
- (e) Hazardous Waste - any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976, as amended.
- (f) Household Hazardous Waste - products used for household cleaning and upkeep that contain substances that can threaten human health and the environment if disposed of improperly. Common detergents, cleaners, and furniture polishes, as well as pesticides, paints, thinners, solvents, and do-it-yourself automotive materials are just a few examples.
- (g) Non-Members - any person who is not a member of the Grand Portage Band of Chippewa.
- (h) Non-Residents - any person who does not have a permanent place of abode on the Reservation, except as hereafter provided. Non-resident does not mean any temporal or seasonal resident, for the purposes of solid waste generated at the temporary or seasonal residence, and does not mean any place of business, for purposes of solid waste generated at the business.
- (i) Nuisance - any condition which is injurious to health, offensive to the senses, or interferes with public or private use of property.
- (j) Recycling attendant - the Reservation Tribal Council employee or appointee responsible for the operation and maintenance of the Recycling Center on the Reservation.
- (k) Recycling Center - a site designated by the Reservation Tribal Council where

individuals bring recyclable materials to be deposited into designated containers.

- (l) Reservation - means the Grand Portage Indian Reservation.
- (m) Reservation Tribal Council - means the Reservation Tribal Council of the Grand Portage Band.
- (n) Rubbish - a general term for solid waste, excluding food wastes and ashes, taken from residences, commercial establishments, industries and institution.
- (o) Solid Waste - garbage, rubbish, and other discarded materials. Unless specifically noted otherwise, the term "solid waste" as used here shall not include industrial solid wastes, hazardous wastes, domestic sewage, construction and demolition wastes and infectious wastes.
- (p) Solid Waste Operator/ Attendant - the Reservation Tribal Council employee or appointee responsible for the operation and maintenance of the solid waste collection and disposal sites on the Reservation.
- (q) Transfer Station - the existing solid waste collection site owned by the Grand Portage Band for the purpose of collecting, transporting, and disposing of solid waste.
- (r) Tribe or Band - The Grand Portage Band of the Minnesota Chippewa Tribe.
- (s) Yard Waste - leaves, grass clippings, prunings, and other natural organic matter discarded from yards and gardens. Yard wastes may also include stumps and brush, but these materials are not normally handled at composting facilities.

## 5. RULES OF INTERPRETATION

The language of this Ordinance shall be interpreted according to the following rules:

- (a) Unless clearly stated otherwise the words "shall" or "will" are interpreted to be mandatory; the term "may" is interpreted to be permissive and the term "or" may mean "and" and "and" may mean "or" if the sense requires it.

## 6. SOLID WASTE STORAGE

- (a) Solid waste within the exterior boundaries of the Reservation shall be handled, stored, collected, transported, transferred, processed and disposed of in accordance with the

provisions of this Ordinance.

- (b) All solid wastes shall be stored in such a manner that they do not constitute a fire, health, or safety hazard or provide food or harborage for rodents or insects.
- (c) The owner, occupant or lessee of any premises, commercial establishment, or industry shall be responsible for the sanitary storage of all solid waste accumulated at the premises, commercial establishment or industry.
- (d) Solid waste shall be stored in durable, rust resistant, non-absorbent, water tight, rodent proof, and easily cleanable containers with a close fitting, insect-tight cover.
- (e) Unless otherwise provided for in a written rental agreement or lease, the tenant of any single unit detached residence and the landlord of any multi-unit residence shall be responsible for the provision and maintenance of containers as specified in paragraph (d) above.
- (f) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition. Containers that are broken or otherwise fail to meet the requirements of this section shall be replaced with acceptable containers.
- (g) Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution free and nuisance free.
- (h) Garbage and similar odor-producing material shall not be stored on public or private property for more than two (2) weeks. Rubbish shall not be stored on public or private property for more than thirty (30) days.
- (I) The outdoor storage of three or more abandoned vehicles (as determined by the Land Use Administrator) on any lot shall be prohibited.

## 7. SOLID WASTE DISPOSAL

- (a) Solid waste shall be disposed of at a solid waste collection site designated by the Reservation Tribal Council. The current designated collection site is the Transfer Station located on Highway 61. This site shall be supervised by a Solid Waste/Recycling Attendant.
- (b) No person shall leave, deposit, or dump solid waste anywhere within the Reservation except at designated disposal or collection sites approved by the Reservation Tribal Council.

- (c) No non-resident shall dispose of solid waste anywhere within the exterior boundaries of the Reservation.
- (d) No person shall dispose of any solid waste generated outside the exterior boundaries of the Reservation on any lands, collection sites, or landfills within the exterior boundaries of the Reservation.
- (e) No person shall deposit solid waste from any stopped or moving vehicle onto state, county, or tribal highways, roads, or right of ways, within the exterior boundaries of the Reservation.
- (f) No person shall dispose of any hazardous waste within the exterior boundaries of the Reservation.
- (g) No person shall dispose of any domestic sewage within the exterior boundaries of the Reservation except as authorized by the Land Use/Solid Waste Administrator.
- (h) No person shall dispose of solid waste at a collection or disposal site within the exterior boundaries of the Reservation except in a manner approved by the Reservation Tribal Council and only during posted days and hours of operation, as established by the Reservation Tribal Council.
- (i) No person shall burn solid waste in "burning barrels" or any other manner without the expressed written consent of the Land Use/ Solid Waste Administrator.
- (j) All commercial establishments and industry shall be responsible for the removal and disposal of solid waste generated by their businesses.

## 8. SOLID WASTE RECYCLING

- (a) The Reservation Tribal Council encourages residences to participate in waste recycling programs that are available for the purpose of reducing waste and disposal costs and to conserve natural resources.
- (b) The Reservation Tribal Council shall maintain a site for the purpose of collection and transport of recyclable materials in cooperation with the Cook County Recycling Program. This site shall be supervised by a Solid Waste/Recycling Attendant.
- (c) The following materials shall be accepted at the Grand Portage recycling center:
  - cans (aluminum, tin)
  - paper (cardboard, magazines, newspaper, brown paper bags, mixed paper - junk mail, shoe boxes, etc.)

- glass (clear, green, brown)
- plastic (type 1 - soda bottles, type 2 - milk jugs).

- (d) Provisions shall be made by the Reservation Tribal Council to expand the list of recyclable materials mentioned in paragraph (c) to include lead acid batteries, large appliances (white goods), abandoned automobiles, tires, yard waste, ashes, used motor oil, fluorescent light bulbs and demolition materials.
- (e) The storage area for recyclable materials shall be kept pollution free and nuisance free.
- (f) The owner or occupant of any household within the exterior boundaries of the Reservation shall be responsible for disposing of hazardous waste materials through the hazardous waste collection program provided by Cook County, Minnesota.
- (g) Public education on solid waste management issues shall be encouraged and supported by the Reservation Tribal Council.
- (h) The owner or occupant of all commercial and industrial establishments within the exterior boundaries of the Reservation shall be responsible for recycling all materials, mentioned in above paragraphs (c) and (d), accumulated by the commercial establishment or industry.
- (i) No person shall dispose of recyclable materials at the recycling drop-off center on the Reservation except in a manner approved by the Grand Portage Reservation Tribal Council and only during posted days and hours of operation, as established by the Reservation Tribal Council, except as hereafter provided. The owner or occupant of any commercial establishment or industry within the exterior boundaries of the Reservation may be permitted use of the Recycling center, during non-posted days and hours, only with the permission of the recycling attendant and the Reservation Tribal Council.
- (j) Recyclable materials shall be transferred to the Grand Portage recycling drop-off center in a timely manner to prevent public nuisance conditions.
- (k) All recyclable materials transported on the reservation shall be collected and transported in a manner that prevents the materials from blowing off or falling from the transport vehicle.

## 9. SOLID WASTE COLLECTION AND TRANSPORT

- (a) All solid waste transported on the reservation shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport

vehicle.

- (b) The vehicles and containers used for hauling solid wastes shall be operated in such a manner as not to create a health hazard or a nuisance.
- (c) Vehicles and containers used for the collection and transportation of garbage and other odor-producing wastes, or solid waste containing such materials, shall be loaded and moved in such a manner that the contents will not fall, leak or spill. Any spillage shall be cleaned up to prevent a nuisance condition.
- (d) Vehicles or containers used for collection and transportation of garbage and other odor-producing wastes, or solid waste containing such materials, shall be covered, leak-proof, durable, and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.
- (e) Solid waste shall be disposed of at a solid waste disposal site designated by the Reservation Tribal Council.
- (f) No commercial collector or transporter of solid waste shall operate or conduct business on the Reservation without the expressed, written consent of the Reservation Tribal Council.

#### 10. SOLID WASTE DISPOSAL FEE

Annually, the Reservation Tribal Council will establish the fee rates to be charged to individuals for disposal of solid waste at the designated waste collection and disposal sites on the Reservation.

#### 11. ENFORCEMENT

- (a) The Land Use/ Solid Waste Administrator shall be empowered to enforce this Ordinance.
- (b) The provisions of this Ordinance may be enforced by administrative order, civil penalty, injunction, seizure of property, money damages, order to compel performance, or other appropriate proceedings.
- (c) Actions for violation of this Ordinance may be commenced in the Grand Portage Tribal Court by citation or by summons and complaint.
- (d) Violation of any provision of this Ordinance may be punished or remedied by a civil

forfeiture not to exceed \$1,000.00. Each day of any continuing violation may be charged as separate violation, and a separate forfeiture may be imposed.

- (e) In addition to a civil forfeiture, any personal property, including vehicles and other equipment, which has been used in connection with the violation of this Ordinance may be seized and forfeited pursuant to applicable law.
- (f) Nothing herein shall prevent the Grand Portage Band from bringing suit against any violator of this Ordinance for money damages for harm to any Band resource caused by the violation, or for injunctive relief.
- (g) Any person may bring suit in the Grand Portage Tribal Court to enjoin a violation of this Ordinance.

## 12. ADMINISTRATION

- (a) The Reservation Tribal Council shall be responsible for the administration of this Ordinance and of any tribal solid waste collection facilities or systems.
- (b) This amendment to the Ordinance is effective Oct 29 1997

## 13. SEVERABILITY AND NON-LIABILITY

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby. The Reservation Tribal Council declares there is no liability on the part of the Band, its agencies, or employees for damages that may occur as a result of reliance upon or conformance with this Ordinance. The Reservation Tribal Council, by adoption of this Ordinance, does not waive sovereign immunity in any respect.