



# BLACKFEET NATION

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**EXECUTIVE COMMITTEE**  
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Iliff "Scott" Kipp, Sr.  
Marvin Weatherwax, Jr.

**Approving the Second Amendment to Ordinance #105 Banning Plastic Bags Issued by Retailers for Patrons for Purchased Goods on the Blackfeet Reservation; and, Updating and Codifying Ordinance #105 as the Blackfeet Solid Waste Code, Chapter 21 in the Blackfeet Law and Order Code**

No. 293-2023

**WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Nation pursuant to Section 16 of Act of June 18, 1934 and Amendments thereof, and

**WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, and resources education and resources of the Blackfeet Indian Reservation, and

**WHEREAS,** Pursuant to the Blackfeet Tribal Constitution and Bylaws, Article VI, Section 1(k), the Blackfeet Tribal Business Council is empowered to promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and

**WHEREAS,** The Blackfeet Tribal Business Council approved the "Blackfeet Solid Waste Ordinance #105" pursuant to Resolution No. 414-2009 on August 6, 2009; and the first amendment to Ordinance #105 pursuant to Resolution No. 186-2012 on May 10, 2012 regarding waste from oil and gas exploration and production, and

**WHEREAS,** The Blackfeet Tribal Business Council has determined that there is a need to ban plastic bags on the Blackfeet Reservation based upon such waste becoming overwhelming to the reservation, to which the Blackfeet Tribal Business Council approved the ban by retailers on the Blackfeet Reservation from issuing plastic bags to their patrons on September 26, 2022, with a notice period of sixty (60) days, and

**WHEREAS,** The Blackfeet Tribal Business Council further discussed the need to update the the junk vehicle ordinance within the Blackfeet Solid Waste Ordinance to provide for uniformity in other penalties through and administrative process, and

**WHEREAS,** The Blackfeet Tribal Business Council was advised by the Legal Department and the Director of the Blackfeet Environmental Office of the need to remove the layer of administrative authority to the Solid Waste Committee, which has not been functional for many years; to provide for a violation of the plastic bag violation, and to codify the Blackfeet Solid Waste Ordinance #105 in the Blackfeet Law and Order Code during a special session on October 19, 2022, and

**WHEREAS,** The Blackfeet Tribal Business Council further discussed the need to provide a budget in the amount of \$5,000.00 to the Blackfeet Environmental Office to produce reusable bags to be issued to the retailers to promote use by patrons, and

**WHEREAS,** The Blackfeet Legal Department met with the Blackfeet Environmental Office to review the new Solid Waste Code draft in December of 2022, to which the update is ready for approval, and

**WHEREAS,** The Blackfeet Tribal Business Council desires to approve all the amendments to Ordinance #105, discussed at the Special Sessions-September 26, 2022 and October 19, 2022, and from further discussions with the Blackfeet Environmental Office and the Blackfeet Legal Department to be codified in the Blackfeet Law and Order Code at Chapter 21, as the Blackfeet Solid Waste Code, now

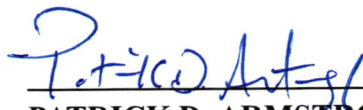
**THEREFORE, BE IT RESOLVED:**

1. The Blackfeet Tribal Business Council hereby approves the final version of the Blackfeet Solid Waste Code, (Second Amendment to Ordinance #105) to be now entitled as “***Blackfeet Solid Waste Code (2023)***” attached hereto and incorporated into this Resolution by this reference, to be codified at Chapter 21 of the Blackfeet Law and Order Code.
2. All previous Resolutions and Ordinances are hereby repealed and replaced by the Blackfeet Solid Waste Code as adopted by this Resolution.
3. The Blackfeet Tribal Business Council hereby bans the issuance of plastic bags by retailers to their patrons used for purchased goods from such retailers on the Blackfeet Reservation (with the exception of bags utilized for carrying produce), to which such ban shall be listed as violation in the Blackfeet Solid Waste Code.
4. The Blackfeet Tribal Business Council hereby provides a grace period of sixty (60) days from the date this Resolution is officially published in local media, to allow all retailers on the Blackfeet Reservation to come into compliance by eliminating plastic bags used for the issuance to patrons of the retailers. The end date of the grace period shall be published in the local media.

5. The Blackfeet Tribal Treasurer shall allocate \$5,000.00 to the Blackfeet Environmental Office to produce reusable bags to be issued to retailers on the Blackfeet Reservation for repurchase by patrons, to encourage reusable bags for consumer goods.
6. The Blackfeet Tribal Business Council-Cultural Committee shall provide a logo contest for the reusable bags.
7. A copy of this Resolution shall be provided to the Blackfeet Revenue Department for notice to the public.
8. The Chairman or the Vice-Chairman in the Chairman's absence and the Secretary of the Blackfeet Tribal Business Council are hereby authorized to sign this Resolution and any other documents to effectuate the purposes of this Resolution.

ATTEST:

**THE BLACKFEET TRIBE OF THE  
BLACKFEET INDIAN RESERVATION**


  
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**PATRICK D. ARMSTRONG, JR.**  
Secretary

  
\_\_\_\_\_  
**ILIFF "SCOTT" KIPP, SR.**  
Chairman

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called noticed and convened General Session assembled for business the 2nd day of March, 2023 with Seven ( 7 ) members present to constitute a quorum and by a vote of Seven ( 7 ) For, Zero ( 0 ) Opposed and Zero ( 0 ) Abstained.

(SEAL)

  
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**PATRICK D. ARMSTRONG, JR., Secretary**  
**Blackfeet Tribal Business Council**

# BLACKFEET SOLID WASTE CODE

## CHAPTER 21

MARCH 2, 2023 RESOLUTION No. \_\_\_\_\_

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## PART I. SHORT TITLE, FINDINGS AND PURPOSE

### Section 1. Short Title

This Code shall be cited as the “Blackfeet Solid Waste Code” for the Blackfeet Reservation.

### Section 2. Definitions

“**Administrator**” means the Blackfeet Environmental Office or the Director of the Blackfeet Environmental Office.

“**Applicant**” means any person who has filed an application with the Solid Waste Program for approval to store, collect, transport or dispose of solid waste on the Blackfeet Reservation.

“**Aquifer**” means any subsurface geologic formation capable of yielding a significant amount of recoverable or potentially recoverable water.

“**Authorized Facility**” means a waste management, storage transfer or disposal site or facility which meets the requirements of applicable Tribal, federal, or state regulations and is approved by the Blackfeet Environmental Office as the place for such management or disposal of waste covered by this Code.

“**Beneficial Uses**” means all lawful uses of waters identified in water quality standards. Uses may include but are not limited to domestic, commercial, industrial, agricultural, traditional, cultural and recreational uses, and uses to maintain fish and wildlife habitats for propagation practices.

“**Blackfeet Environmental Office**” or “**BEO**” is the department of the Blackfeet Nation, designated to administer this Code.

“**Blackfeet Integrated Solid Waste Management Plan**” means the most recently adopted *Blackfeet Integrated Solid Waste Management Plan* (BISWMP) which is comprised of Tribal Policies for all solid waste collection, handling, transportation, disposal, treatment, storage, recycling, and resource conservation on or off the Blackfeet Reservation.

“**Closure**” means the completion of the receiving, handling, recycling, treatment, composting or disposal of solid waste activities at a solid waste facility, and includes all operations necessary to prepare the facility for post-closure maintenance.

“**Collection**” means the act of collecting, pursuant to the Resource Conservation and Recovery act of 1976, solid waste or hazardous waste by an approved collection agent or facility.

“**Composting**” means the controlled microbial degradation of organic solid waste yielding a safe and nuisance free product.

“**Construction**” means the erection or building of new structures or the acquisition, replacement, expansion, remodeling, alteration, modernization or extension of existing structures.

“**Council or Tribal Council**” means the Blackfeet Tribal Business Council.

**“Discharge”** means the accidental or intentional spillings, leaking, pumping, pouring, emitting, emptying, injecting or dumping of waste or hazardous substance into or on any land or water.

**“Designated Use”** means a use that is specified in water quality standards as a goal for a water body segment, irrespective of whether such goal has been attained.

**“Disposal”** means the discharge, abandonment, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any soil, air or water, irrespective of whether such disposal is in accordance with this Code.

**“Disposal Facility”** means a facility permitted to receive and dispose of solid waste and includes all contiguous land and structures, and other appurtenances and improvements on the land. It does not include a facility the principal function of which is handling, treatment or composting of manure or other solid waste not intended for disposal. The term “disposal facility” may be used interchangeably with the term “*Municipal Solid Waste Landfill Unit (MSWLF)*”.

**“Energy Recovery”** means the production of energy or energy resources from the handling or disposal of solid waste.

**“Handling”** means Collection, transportation, storage, transfer or processing of solid waste or hazardous waste.

**“Hazardous Materials”** means (1) any substance that poses a threat to human health, wildlife, domestic animals or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive or chemically reactive. (2) Any substance that is flammable or combustible such as vehicle fluids including oil, gas, antifreeze, freon or other toxic liquids including petroleum by-products. (3) Any substance that is hazardous, toxic, ignitable, reactive or corrosive and that is defined as hazardous by the Blackfeet Nation, *Montana Department of Environmental Quality (MDEQ)* or the Environmental Protection Agency.

**“Hazardous Waste”** means any substance that is defined or specifically listed hazardous by the *Resource Conservation and Recovery Act of 1976*, as amended from time to time, and by any regulations promulgated thereunder. This shall also mean liquid used in the process of hydraulic fracturing (“fracking”), which is the method of blasting pressurized water, industrial activities, and sand down a well in order to release oil, natural gas (including shale gas, tight gas and coal seam gas), or other substances for extraction from the geological formation deep underground.

**“Historical Uses”** means all uses that have historic, cultural, or traditional significance for the Blackfeet Nation.

**“Impervious Barrier”** means any material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the underlying surface.

**“Implementation Schedule”** means a schedule that indicates approximate dates for the orderly, timely implementation of the *BISWMP*’S policies and programs and includes approximate dates for the establishment, expansion and closure of any solid waste facility identified.

**“Junk”** means discarded material that may be used in some form, but which in its present form, has no immediate use or value to any person.

**“Junk Vehicle”** means any motor vehicle without current registered license plate and the condition of the vehicle is wrecked, junked, dismantled, or partially dismantled, inoperative, abandoned or discarded including parts thereof, and which is not being used for its manufactured intended purpose.

**“Junk Yard”** means a lot or yard to store junk.

**“Member”** means an enrolled person of the Blackfeet Tribe as defined set forth by *Article II, Membership of the Blackfeet Tribal Constitution and Bylaws, 1935, as amended*.

**“Mitigation”** means a measure taken to reduce adverse impacts on the environment.

**“Municipal Solid Waste Landfill Unit” or “MSWLF”** means a discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well or waste pile, as those terms are defined under *40 CFR 257*. An *MSWLF* unit also may receive wastes authorized under the *Solid Waste Disposal Act, Resource Conservation and Recovery Act*, and their subsequent amendments. An *MSWLF* may be publicly or privately owned. An *MSWLF* unit may be a new unit, an existing unit or a lateral expansion which is the horizontal expansion of the waste boundary of an existing unit.

**“Motor Vehicle”** means a vehicle propelled by its own power and designed primarily to transport persons or property upon any road or trail way within the Blackfeet Reservation.

**“Negligent”** is the failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

**“Non-Member”** means any person who is not an enrolled member of the Blackfeet Tribe and shall include those persons who are non-Indians.

**“Open Dump/Illegal Dump”** means any facility or site at which solid waste or hazardous waste is disposed of in a manner that does not protect the environment, is susceptible to open burning or is exposed to the elements, vectors and scavengers, and includes any facility that fails to satisfy the standards found in this Code, Tribal regulations and/or *40 CFR 257 or 258* and irrespective of whether the facility or site has been issued a permit.

**“Operator”** means the person whom the approval to construct and/or operate a solid waste facility or collection system is granted. The term shall also include any person who constructs or operates a solid waste facility in violation of this Code.

**“Permit”** means any authorization, license or equivalent control document issued by Blackfeet Environmental Office regulating the siting, design, construction, operation, monitoring, corrective actions, closure, post-closure maintenance and financial assurance of solid waste facilities.

**“Permittee”** means a person, including but not limited to an operation, authorized and permitted to construct and/or operate a solid waste facility under this Code.

**“Person(s)”** means any individual, corporation, partnership, association, agency, municipality, commission or department, including the Blackfeet Nation or other federally recognized Tribal government. The term shall also include any relevant town, city, county or state entity and any school.

**“Pollutant”** means any substance that will adversely alter the quality of the waters, lands and air of the Blackfeet Indian Reservation.

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

**“Post-Closure Maintenance”** means all activities undertaken at a closed solid waste facility to maintain the integrity of containment features and to monitor compliance with applicable performance standards.

**“Potential Uses”** means all uses attainable in the water bodies, soil and air of the Blackfeet Indian Reservation, irrespective of whether the uses are explicitly stated as designated uses in the water or other quality standards or are presently potential uses.

**“Processing”** means the reduction, separation, compaction, recovery, treatment, transportation or recycling of solid waste or hazardous waste.

**“Promulgate”** means to formally make public, make known, or put into effect.

**“Quality of Water or Waters”** means any chemical, physical, biological, bacteriological, radiological and other properties and characteristics of water that affect its use.

**“Recoverable”** means the feasibility and likelihood of waste or byproduct being recovered from solid waste for a commercial or industrial use.

**“Recovered Material”** means material and byproducts that have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from and commonly reused within an original manufacturing process.

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

**“Remediate”** means to abate, contain, or remove hazardous substances from the environment.

**“Removal”** means the act of taking solid waste or hazardous waste from the place of generation.

**“Reservation”** means all land, air, and water located within the exterior boundaries of the Blackfeet Reservation and includes the subsurface estate underlying the Blackfeet Reservation.