



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax: (406) 338-7530

EXECUTIVE COMMITTEE
T. J. SHOW - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
REIS J. FISHER - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
T. J. SHOW
PETER D. TATSEY
REIS J. FISHER
HENRY BUTTERFLY
WILLIE A. SHARP JR.
PAUL MCEVERS
SHANNON J. AUGARE
WOODBROW "JAY" WELLS
JESSE "JAY" ST. GODDARD

RESOLUTION

No. 186-2012

- WHEREAS, the Blackfeet Tribal Business Council is the governing body of the Blackfeet Reservation, and
- WHEREAS, the Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education, health and resources of the Blackfeet Reservation, and
- WHEREAS, the Blackfeet Tribal Business Council, pursuant to its enumerated powers contained in Article VI, Section 1(k) of the Blackfeet Constitution, has the power to promulgate ordinances and resolutions for the purpose of safeguarding the peace and safety of the residents of and visitors to the Blackfeet Reservation, and
- WHEREAS, the Blackfeet Tribal Business Council has adopted the Blackfeet Solid Waste Ordinance No. 105 to safeguard residents of and visitors to the Blackfeet Reservation by and through environmental protection, and
- WHEREAS, the rapid development of the oil and gas industry on the Blackfeet Reservation, due to oil and gas exploration and production, has resulted in a myriad of environmental concerns, including the disposal of wastes associated with oil and gas exploration and production, which Blackfeet Ordinance No. 105 does not clearly address, and
- WHEREAS, the Blackfeet Tribal Business Council has determined that amending Blackfeet Solid Waste Ordinance No. 105 to address oil and gas exploration and production is necessary to prevent harmful dumping or disposing of waste associated with the exploration or production of oil and gas on the Blackfeet Reservation; and

NOW THEREFORE BE IT RESOLVED,


1. That the Blackfeet Tribal Business Council of the Blackfeet Indian Nation hereby amends Blackfeet Solid Waste Ordinance No. 105 to provide protective measures against improper disposal of waste associated with the exploration and production of oil and gas on the Blackfeet Reservation.
2. That the amendments to Blackfeet Solid Waste Ordinance No. 105, are attached hereto, marked exhibit "A" and made part of this resolution.
3. That the Blackfeet Tribal Chairman and the Blackfeet Tribal Secretary are authorized to execute this resolution on behalf of the Blackfeet Tribal Business Council.

ATTEST:

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



**REIS J. FISHER, Secretary
Blackfeet Tribal Business Council**



**T.J. SHOW, Chairman
Blackfeet Tribal Business Council**

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Spec. Session assembled the 10th day of May, 2012, with six (6) members present to constitute a quorum and with a vote of six FOR, zero (0) OPPOSED and zero (0) ABSTAINING.
SPECIAL SESSION

(Corporate Seal)



**REIS J. FISHER, Secretary
Blackfeet Tribal Business Council**



Amendments to Blackfoot Solid Waste Ordinance No. 105

The following definitions shall be added to Chapter 2 and inserted in alphabetical order:

“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 Blackfoot Environmental Office as the place for such management or disposal of waste covered by this Ordinance.

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

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

“Willful” means voluntary and intentional, but not necessarily malicious.

The definition of **“Hazardous Waste”** shall be amended to include an additional sentence, which is set forth below.

“Hazardous waste also includes the liquid used in the process of hydraulic fracturing (“fracking”), which is the method of blasting pressurized water, industrial additives, 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.”

The following subsection shall be added to Section 303 – Powers and Duties of the Solid Waste Management Committee:

(J). The Committee shall be authorized to audit the records of companies who are in the business of removing, hauling and disposing of oil field waste to ensure that such companies are complying with the requirements of this Ordinance. Compliance audits shall be made upon 24 hours notice to the company provided however if the Blackfoot Tribe receives a report of any willful violation of this Ordinance, the audit shall be done immediately. Audits shall include checking records for the receipt of oil field waste against the records of the receipt of the authorized disposal site.

The following section shall be added to Chapter 5 – Prohibited Activities:

Section 514. Oil and Gas Exploration Wastes. It is a violation of this Ordinance for any individual or entity to dispose of any waste or other hazardous substances associated with the exploration or production of oil and gas on the Blackfoot Reservation at the drilling site or at any site not classified as an authorized facility by the Blackfoot Environmental Office. It is

also a violation of this Ordinance for any individual or entity to willfully, negligently or accidentally dispose of any waste associated with the exploration or production of oil and gas on any lands within the exterior boundaries of the Blackfeet Reservation that is not approved by the Blackfeet Environmental Office. Such a violation under this section shall result in civil penalties as set forth in Section 614.

The following sections shall be added to Chapter 6 – Enforcement Program/Administrative Procedures:

Section 614. Special Penalties for Violation of Section 514. Any individual or entity found to be in violation of Section 514 of this Ordinance shall be cited and fined as follows:

- Willful violations
First violation: \$10,000 - \$50,000
Second violation: \$25,000 - \$200,000
Subsequent violation: \$1,000,000

- Negligent violations
First violation: \$5,000 - \$25,000
Second violation: \$12,500 - \$100,000
Third violation: \$500,000

* Revenue from fines assessed shall be set aside in a separate account and shall be used to help defray the costs of implementing and enforcing the Tribes' environmental laws and regulations.

Section 615. Special Penalties for Violation of this Ordinance. In addition to the fines assessed under Section 514 of this Ordinance, any individual or entity found to be in violation of this Ordinance or any individual or entity that fails to pay any fine assessed under Section 514 of this ordinance or any individual or entity that fails to comply with the remediation provisions of this Ordinance may be subject to the following penalties:

- Suspension or revocation of the individual or entities Blackfeet Business License by the Blackfeet Commerce Department.

Any individual or entity found to be in violation of this Ordinance shall be required to remediate or pay for the cost of remediation of lands affected by the violation in order to prevent or minimize any environmental damages and minimize the risk to public health or to the environment. Remediation will be completed in accordance with standards set and determined by the Blackfeet Environmental Office.