

103D CONGRESS  
1ST SESSION

# S. 720

To clean up open dumps on Indian lands, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 3), 1993

Mr. MCCAIN (for himself, Mr. INOUE, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To clean up open dumps on Indian lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Lands Open  
5 Dump Clean-Up Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) there are over 600 open dumps on Indian  
9 lands;

1           (2) these dumps threaten the health and safety  
2 of residents of Indian lands;

3           (3) many of these dumps were established and  
4 are used by Federal agencies such as the Bureau of  
5 Indian Affairs and the Indian Health Service;

6           (4) these dumps threaten the environment; and

7           (5) the United States has a trust responsibility  
8 to protect Indian lands.

9       (b) PURPOSES.—The purposes of this Act are to—

10           (1) identify the location of all open dumps on  
11 Indian lands;

12           (2) assess the relative health and environmental  
13 hazards of each dump;

14           (3) develop a priority list to establish the order  
15 in which such dumps should be closed in compliance  
16 with applicable Federal and tribal standards; and

17           (4) close such dumps in compliance with appli-  
18 cable Federal standards, or standards promulgated  
19 by an Indian tribal government, if such standards  
20 are more stringent than the Federal standards.

21 **SEC. 3. DEFINITIONS.**

22       For the purposes of this Act, the following definitions  
23 shall apply:

24           (1) CLOSURE OR CLOSE.—The terms “closure  
25 or close” mean all actions necessary to terminate op-

1       erations at open dumps and bring such dumps into  
2       compliance with applicable Federal standards, or  
3       standards promulgated by an Indian tribal govern-  
4       ment, if such standards are more stringent than the  
5       Federal standards.

6           (2) DIRECTOR.—The term “Director” means  
7       the Director of the Indian Health Service.

8           (3) INDIAN LAND.—The term “Indian land”  
9       means—

10           (A) land within the limits of any Indian  
11       reservation under the jurisdiction of the United  
12       States Government, notwithstanding the issu-  
13       ance of any patent, and including rights-of-way  
14       running through the reservation;

15           (B) dependent Indian communities within  
16       the borders of the United States whether within  
17       the original or subsequently acquired territory  
18       thereof, and whether within or without the lim-  
19       its of a State;

20           (C) Indian allotments, the Indian titles to  
21       which have not been extinguished, including  
22       rights-of-way running through the same; and

23           (D) land held by Alaska Native villages  
24       under the Alaska Native Claims Settlement Act  
25       (43 U.S.C. 1600 et seq.).

1           (4) INDIAN TRIBAL GOVERNMENT.—The term  
2       “Indian tribal government” means the governing  
3       body of any Indian tribe, band, nation, pueblo, or  
4       other organized group or community which is recog-  
5       nized as eligible for the special programs and serv-  
6       ices provided by the United States to Indians be-  
7       cause of their status as Indians, including any Alas-  
8       ka Native village as defined in section 3(c) of the  
9       Alaska Native Claims Settlement Act (43 U.S.C.  
10      1602(c)).

11          (5) INVENTORY.—The term “inventory” means  
12      a complete listing of the geographic location of all  
13      open dumps, an evaluation of the contents of each  
14      dump, and an assessment of the impact of each  
15      dump on the environment and public health.

16          (6) OPEN DUMP.—The term “open dump”  
17      means any facility or site where solid waste is dis-  
18      posed of which does not meet the criteria for a sani-  
19      tary landfill promulgated under the Solid Waste Dis-  
20      posal Act (42 U.S.C. 6901 et seq.).

21          (7) POSTCLOSURE MAINTENANCE.—The term  
22      “postclosure maintenance” means any activity un-  
23      dertaken at a closed solid or hazardous waste facility  
24      to maintain the integrity of containment features,  
25      monitor compliance with applicable performance

1 standards, or remedy any situation or occurrence  
2 that violates standards consistent with the Solid  
3 Waste Disposal Act (42 U.S.C. 6901 et seq.).

4 (8) SOLID WASTE.—The term “solid waste” has  
5 the same meaning given such term in the Solid  
6 Waste Disposal Act (42 U.S.C. 6901 et seq.), except  
7 that such term does not include hazardous waste as  
8 defined in such Act.

9 **SEC. 4. INVENTORY BY DIRECTOR OF INDIAN HEALTH**  
10 **SERVICE.**

11 The Director shall—

12 (1) conduct an inventory of open dumps on In-  
13 dian lands;

14 (2) determine the severity of the threat to pub-  
15 lic health and the environment posed by each dump;

16 (3) develop a priority list to determine the order  
17 of closure of such dumps;

18 (4) develop cost estimates for the closure and  
19 postclosure maintenance of open dumps on the pri-  
20 ority list developed under this section; and

21 (5) conduct all activities required to close such  
22 dumps and conduct postclosure maintenance of such  
23 dumps.

1 **SEC. 6. CONTRACT AUTHORITY.**

2       The Director may carry out duties under this Act  
3 through contracts with Indian tribes under the Indian  
4 Self-Determination and Education Assistance Act (25  
5 U.S.C. 450 et seq.).

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7       There are authorized to be appropriated such sums  
8 as may be necessary to carry out this Act.

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