

# The Toxic Threat to Indian Lands

A Greenpeace Report  
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## THE TOXIC ASSAULT ON INDIAN LANDS

Five hundred years ago explorer Christopher Columbus sailed from Europe, setting in motion a series of events leading to the genocidal war on Indigenous people in whose land he arrived uninvited. Hoping to claim these already inhabited lands for European royalty, invading European armies plundered the civilizations they came upon. Untold millions of Indigenous people were killed and enslaved, their cultures violently attacked and their way of life changed forever.

Five hundred years later, the exploitation and assault on Indigenous people and their land continues. Instead of conquistadors armed with weapons of destruction and war, the new assault is disguised as "economic development" promoted by entrepreneurs pushing poisonous technologies. The modern day invaders from the waste disposal industry promise huge amounts of money, make vague promises about jobs, and make exaggerated and often false claims about the alleged safety of their dangerous proposals.

Frustrated by intense grassroots opposition and complex permitting procedures in other communities across the United States, the waste disposal industry and the U.S. government have set their aim on what they believe to be the most vulnerable segment of society: Indian people and Indian land.

Today, hundreds of Indian Nations (Tribes) are being approached by both the waste disposal industry and the United States Government in search of new dumping grounds for the unwanted toxic, nuclear, medical and solid waste of industrial society. Hoping to take advantage of the devastating chronic unemployment, pervasive poverty and sovereign status of Indian Nations, the waste disposal industry and the U.S. government have embarked on an all-out effort to site incinerators, landfills, nuclear waste storage facilities and similar polluting industries on Tribal land.

The waste industry strenuously denies that they are targeting Indian lands, and U.S. Environmental Protection Agency and Bureau of Indian Affairs officials downplay and underestimate the extent of industry's efforts: the facts, however, contradict the waste industry's claims and instead reveal a concerted effort to turn Indian lands into the dumping grounds for America's poisons.

Established companies such as Bechtel and Waste Tech (a subsidiary of Amoco Oil) have been joined by fly-by-night operators hoping to get rich quick by turning the last remaining land still controlled by Indian people into America's new dumping ground. For example, lawyers for Bechtel have approached numerous tribes offering everything from hazardous and solid waste to nuclear waste dumps to nuclear power plants.

A Waste Tech representative even admitted publicly during a meeting on the Kaibab-Paiute Reservation (located near the Arizona-Utah border) that their company hoped to site five commercial hazardous waste incinerators on five geographically distinct Indian Reservations in the United States. Waste Tech has publicly admitted to contacting about 15 tribes as of mid-1990, according to Ted Bryant, a Choctaw-Cherokee Indian who is a middle man in some of the deals involving Waste Tech (reported in the St. Louis Post Dispatch, July 15, 1990).

The overtures of the waste industry initially succeeded in making inroads with numerous tribal officials and governments. Many agreements were signed between company and tribal officials giving the initial go-ahead for proposed waste disposal facilities, usually without the knowledge or consent of the Tribal membership.

As the truth about the serious threats posed by these projects to the peoples health, environment, culture, traditions and sovereignty becomes known, resistance by Indian people has spread rapidly.

### **WASTE COMPANIES EXPLOIT AND THREATEN SOVEREIGNTY**

From the perspective of the waste industry, sovereign Indian land generally offers a friendly business environment with only a minimal permit process, little public input or review, and an opportunity to operate with little or no government regulatory oversight. These companies are fully aware that Indian lands are exempt from state and local laws, and that only a handful of Tribes have any environmental laws or enforcement mechanisms of their own.

With no county or state permit process, and without a Regional Water Quality or Air Quality permit to apply for, a costly and time-consuming process is avoided completely - as is the environmental review associated with such permit processes.

In its role as trustee and administrator of Indian land, the Bureau of Indian Affairs (BIA) under the U.S. Department of the Interior, is the lead agency for permit applications for waste disposal facilities. The Bureau of Indian Affairs is the first to admit that they have little experience or expertise in environmental issues. The BIA has no technical staff competent to evaluate permit applications, and no staff or regulatory infrastructure to monitor, inspect or enforce environmental quality on Indian lands.

Despite this reality, the BIA is the only agency from whom a waste company must receive a permit for a commercial solid waste disposal facility on tribal land. Overseeing the operation of a commercial solid waste disposal facility on reservation land would be beyond the jurisdiction of the U.S. EPA. No EPA permit is required, and thus no EPA inspections, monitoring, or enforcement would occur under current law once a facility is operating.

Despite newly adopted solid waste landfill regulations (Federal Register October 9, 1991, pages 50978-51119) which will require liners and leachate systems within two years, real EPA oversight or comprehensive environmental regulation will not occur.

If a company were to succeed in receiving tribal government and BIA approval for a solid waste incinerator or landfill, they could operate with the knowledge that no government environmental agency will be inspecting or monitoring their facility (except in the few instances of a handful of tribes with their own environmental agency).

In effect, these companies would monitor themselves - an ominous prospect in light of the proven dismal track record of the waste disposal industry. Add to this the fact that virtually every landfill leaks, and every incinerator emits hundreds of toxic chemicals into the air, land and water. This is a recipe for environmental disaster.

Although a company would have to apply for and receive a Resource Conservation and Recovery Act (RCRA) Permit from the U.S. Environmental Protection Agency for a hazardous waste disposal facility, the industry is keenly aware that the EPA will virtually always approve an incinerator application, often ignoring serious environmental concerns and public opinion. Due to the remote location of many Indian reservations, companies are also aware that EPA inspectors will not be frequent visitors closely reviewing the operating facilities.

In addition to exploiting tribal sovereignty, the waste companies often pose a direct and very real threat

to sovereignty. For example, Waste Tech wanted to restrict the Kaibab-Paiute Tribe from having full access to their own tribal land, and attempted to insert this condition as part of their agreement with tribal officials. If the contract had been approved by the Kaibab-Paiute, the company would also have had the unilateral right to determine where access roads would be built, and the unilateral right to decide to take any additional land they desired.

According to Michael Connelly of the Campo EPA, Waste Management Inc. wanted Campo to limit the powers of the tribe's EPA and tribal regulations. At the Pine Ridge reservation in South Dakota, Amcor officials wanted to be exempt from any stronger environmental laws enacted after the date of the contract.

### **“TRUST US: IT'S STATE OF THE ART”**

Waste disposal companies are quick to claim that the proposed landfill or incinerator will be “state of the art”. What the companies fail to tell the tribal members and tribal officials is that even so-called “state of the art” landfills will leak, and that incinerators routinely emit hundreds of chemicals and heavy metals into the environment.

Despite the grandiose claims of waste profiteers, even modern landfills with liners and leachate collection systems will eventually leak when the liners degrade. “Eventually liners will either degrade, tear, or crack and will allow liquids to migrate out of the unit (the landfill),” says the U.S. EPA's official handbook on landfill liners (U.S. EPA, Lining of Waste Impoundments and Disposal Facilities, SW-870, National Technical Information Service, March 1983, NTIS publication number PB86-192796).

Another EPA report admits “EPA realizes that even with a good construction quality assurance program, flexible membrane liners (FMLs) will allow some liquid transmission either through water vapor permeation, or through small pinholes or tears in a slightly flawed FML.H (page 121, U.S. EPA, Seminar Publication; Requirements for Hazardous Waste Landfill Design, Construction and Closure, EPA/625/4-89/022, August 1989).

This same EPA report acknowledges that the landfill liners and leachate collection systems are only intended to last 30 to 100 years. Even if these protective systems work according to plan, the landfills will eventually leak poisons into the environment.

Some companies are also quick to assure Tribes that the proposed waste disposal operation “will comply with EPA regulations,” yet even EPA officials admit that existing regulations are often insufficient to protect the public's health and the environment. At an April 1991 meeting with Mission Indians from many of the reservations east of San Diego, California, EPA Region IX Chief of Office of Solid Waste Jeff Scott admitted that the EPA regulations on solid waste disposal facilities are minimal and completely out of date, and acknowledged that under current regulations the EPA lacks authority to permit, monitor or enforce solid waste disposal facilities on Tribal land. (April 1, 1991 Borona Reservation Meeting between Jeff Scott, Chief, EPA Office of Solid Waste Region IX and the Coalition for Indian Rights).

Company representatives often promise that these solid waste dumps won't dispose of hazardous waste. In fact, solid waste landfills daily receive and dispose of many hazardous materials, including household cleaners, household pesticides, rat poison, and weed killer. Batteries pose a major environmental threat, leaking lead, mercury and cadmium. The U.S. Nuclear Regulatory Commission is pushing to allow low-level radioactive waste to be disposed of in ordinary solid-waste landfills, a key fact company officials do not volunteer to Tribal officials.

Company officials often make exaggerated and unfounded claims about the alleged safety of incinerators. For example, a spokesman for Loraur Technologies claimed that their proposed garbage incinerators would burn waste with no emissions except water vapor, a feat technically impossible given the varied

waste streams of a garbage incinerator.

In light of the above, it is not surprising that entrepreneurs large and small are flocking to Indian land in the hopes of cashing in on the waste trade in a business environment essentially free of environmental laws, regulation or enforcement.

### **INDIAN PEOPLE RESIST THE TOXIC INVASION**

Despite the desperate economic conditions on Indian land, a wave of resistance has erupted among Indian people in dozens of Indian Nations in response to the onslaught of the waste industry. Tribal members have succeeded in reversing "agreements" for waste facilities with increasing frequency. Tribal governments are also increasingly rejecting waste disposal proposals outright, concerned about the threats posed by these projects to their land, people and sovereignty.

In 1989, the Navajo of Dilkon, Arizona succeeded in stopping a proposed hazardous waste incinerator and landfill proposed for their community. The Navajo people of Dilkon formed a community/environmental group called C.A.R.E. (Citizens Against Ruining our Environment) to educate and organize other Tribal members to protect their land. C.A.R.E.'s success became an inspiration for other Indian people who faced similar proposals on their reservations.

C.A.R.E. members decided to host a conference of Indian people to discuss these issues and build an Indigenous network to protect Indian land and people. The first "Protecting Mother Earth: The Toxic Threat to Indian Land" conference was held in Dilkon in June 1990, bringing together over 200 Indian delegates from 25 tribes throughout North America.

In November of 1991, Navajo activists from across the vast Navajo Reservation came together and united to form a new organization, Dine C.A.R.E., bringing together the Dilkon based group with other Navajo community and environmental groups.

### **INDIGENOUS ENVIRONMENTAL NETWORK FORMED**

Since the historic Dilkon conference, the Indian network on toxic waste and related environmental issues has greatly expanded and grown. The second "Protecting Mother Earth: The Toxic Threat to Indian Land" conference was held June 7-9, 1991, near Bear Butte, the sacred Lakota and Cheyenne mountain in the Black Hills/Paha Sapa of South Dakota. This conference was hosted by the Native Resource Coalition from the Pine Ridge Reservation and the Good Road Coalition from the Rosebud Reservation, and it was co-sponsored by many other Indigenous organizations. Over 500 Indigenous delegates from 57 tribes attended this landmark gathering, and the Indigenous delegates voted to form the Indigenous Environmental Network.

The 1992 Protecting Mother Earth Conference will be held in the Northwest, along the Columbia River in Celilo Village. This third annual conference will be hosted by the Columbia River People, who have long fought for their sovereign rights and the environment. The conference will be sponsored by the Indigenous Environmental Network, and will be attended by Indigenous people from across the continent and beyond.

From the Pine Ridge, Rosebud and Yankton Reservations in South Dakota to the Los Coyotes Reservation east of San Diego, California, Indian people are organizing and successfully resisting the toxic threat to their lands.

In a dramatic display of resistance, the Shoshone-Bannock Tribe in Idaho intercepted a truck carrying nuclear waste across their reservation in October, 1991. The waste had come from a plant in Colorado and was on its way to a Department of Energy facility in Idaho Falls. The Shoshone-Bannock refused to allow the truck to cross its lands, as tribal police halted the truck and cited the driver with a violation of a tribal

ban on the transport of nuclear wastes. In an attack on tribal sovereignty, a Federal district judge in Boise ordered the tribe to allow the truck to pass through.

Two places where the waste companies initially succeeded making inroads were the Kaibab-Paiute Reservation in southern Utah and the Kaw Tribe reservation in Oklahoma. Waste Tech had managed to secure initial agreements from tribal officials to build large commercial hazardous waste incinerators.

Waste Tech's efforts were boosted by the United States Department of Commerce, who in 1990 awarded a \$248,000 minority business grant to waste broker Ted Bryant's firm, Oklahoma Business Development Center. Bryant was a promoter of Waste Tech's proposals to the Kaw and Kaibab-Paiute (St. Louis Post-Dispatch, Nov. 21, 1991).

Once Kaw and Kaibab-Paiute tribal members became involved in the discussions and more information about the dangers of incineration and hazardous waste became available, the tide began to turn.

At Kaibab-Paiute, a tribal environmental group called the Paiute Earthkeepers began voicing concerns about the threat to the environment, tradition, culture, and tribal sovereignty. Many tribal members feared air pollution from burning the wastes and the impact Waste Tech's pumping of groundwater would have on local springs. The incinerator would have used approximately 150 gallons of water a minute, according to company studies. The Tribal Council eventually shared many of these concerns. It was reportedly a dispute with Waste Tech over the Paiute's desire not to relinquish full control and access to their tribal lands that resulted in the breaking off of contract negotiations with Waste Tech in January 1991.

The decision by the Paiute-Kaibab Tribal Council to reject the hazardous waste incinerator proposal came just a few weeks after the Kaw Tribe in Oklahoma cancelled their contract with Waste Tech for a similar incinerator. Like the Kaibab-Paiute, the Kaw Tribal Council had given initial approval to the incinerator proposal. And like the Kaibab-Paiute, the Kaw Tribe reversed their earlier decision and cancelled the incinerator.

In May of 1991, Los Coyotes Tribal members successfully demanded that their Tribal Chairman sign a tribal resolution cancelling a "Lease and Working Agreement" with Chambers Development Company for a solid waste landfill proposed for their reservation. The Tribal Chairman even signed a statement denying he had ever signed the "Lease and Working Agreement."

The rejection of the proposed waste disposal facilities by the Kaibab-Paiute, Kaw, and by the Lakota people from the Pine Ridge and Rosebud Reservations was significant due to the advanced stages of the projects when they were defeated.

While the waste industry is undeniably running into stiffer and more widespread resistance to their attempts to site large disposal facilities on Indian lands, the number of proposals for such projects is staggering. The following is a survey of known proposals for large waste disposal facilities on Indian lands:

CHICKALOON VILLAGE in Alaska rejected a hazardous waste incinerator proposed by Waste Tech of Golden, Colorado, in 1988.

TYONEK TRIBE in Alaska was approached in 1991 for a hazardous waste incinerator, reportedly by Waste Tech. The Tribe has not accepted the incinerator.

NAVAJO NATION: The Navajo community of Dilkon, Arizona rejected a hazardous waste incinerator proposed by Waste-Tech and Pegler-Welch Engineering in 1989. The Navajo people organized an environmental group C.A.R.E. (Citizens Against Ruining our Environment) to successfully oppose the project.

NAVAJO: The people of Dilkon also rejected a toxic waste dump proposed under the guise of a "recycling facility" by Pegler-Welch, Silicate Technology and Hi-Tech Recycling. The company representatives never told the community that a toxic waste dump was a major part of the plan, claiming only that some recycling would be done on the site.

TOHONO O'ODHAM NATION was approached in 1990 by a fly-by-night company called Loralaur Technologies of Tucson, Arizona. Company representatives reportedly claimed that 700 Indians would be employed if the two garbage incinerators were built. Company official Walter Foote of Phoenix also claimed that the garbage incinerators would have "no emissions except water vapor," a goal not achieved by even the most technically advanced incinerators in the world. The company also hoped to turn the incinerator ash into building blocks. Tribal members organized opposition through an educational campaign, and succeeded in quickly defeating the plan.

TOHONO O'ODHAM NATION was again approached in early 1991 for another waste disposal facility. Status unknown.

PASQUA YAQUI Tribe southwest of Tucson, Arizona was approached in 1991 by a one-year old St. Louis based company called Product Development Industries, Inc. for a "materials recovery facility," for solid-waste on the 842 acre reservation. According to Tim Michels, a company official, the company would take garbage and sort it into materials for composting or sale to processors of recyclable goods. Composting would be done on tribal land near the waste facility. The operation would require 30 to 50 acres, according to the company. Product Development Industries, Inc. admits it has no track record and its plan has no precedent. Tribal Chairman Arcadio Gastelum has stated that the Tribal Council supports the company's proposal. National recycling experts, including Dr. Paul Connett of St. Lawrence University, question the ability of a company to provide environmentally-clean recycling or composting from a mixed waste stream. According to recycling expert Neil Seldman, director of the Institute for Local Self-Reliance in Washington, D.C., "that technology is not good as it yields recyclables of very low quality, and therefore, low value." Tribal members, including elders, have spoken out against the project and appear to have stopped it.

GILA RIVER INDIAN RESERVATION in Arizona rejected the Product Development Industries, Inc. proposal.

SALT RIVER PIMA-MARICOPA Indian Community in Arizona rejected the Product Development Industries, Inc. proposal early in 1991. Frank Mertly, the Salt River Pima-Maricopa Community manager said "We get a lot of people here with promises and we're leery. People like to use Indian lands for these operations. We ask them about their experiences at existing sites and there aren't any." (Arizona Daily Star, April 28, 1991)

PIMA-MARICOPA also rejected a medical waste incinerator.

KAIBAB-PAIUTE: The Kaibab-Paiute Tribe rejected in January 1991 a hazardous waste incinerator proposed by Waste Tech.

FORT YUMA Reservation in Arizona rejected several new landfill proposals.

JACKSON RANCHERIA near Sacramento, California rejected a medical waste incinerator proposed by I.T. Corporation in 1990, after evaluating information from the company and other sources.

MORONGO INDIAN RESERVATION near Banning, California rejected a garbage dump proposed by Waste Management, Inc. in 1989.

LOS COYOTES Reservation east of San Diego, California rejected a giant solid-waste dump proposed by Chambers Development Company. Citing "Custom and Tradition," tribal members forced Tribal Chairman Banning Taylor to sign a Tribal Resolution cancelling the "Lease and Working Agreement" he had apparently signed earlier with the company, without the knowledge of tribal members. The defeated landfill was proposed to be built in an area associated with an ancient cemetery and village. The company has refused to respect the wishes of the Los Coyotes people and the decisions they have made, and in mid-February of 1992 tribal members heard of the decision to proceed with the so-called environmental review of the dump project.

CAMPO BAND: This reservation east of San Diego has been approached by several companies for a proposed solid-waste landfill. The Tribal Council is currently negotiating with Mid-American Waste Systems Inc. of Canal Winchester, Ohio to lease and operate a landfill proposed to accept up to 3,000 tons per day of San Diego County municipal solid waste. The tribe would receive a percentage of the tipping fees. The Campo Band has established their own Environmental Protection Agency (Campo EPA) to monitor the facility and develop their own environmental code. The Campo EPA has banned hazardous and radioactive waste from their land. The consulting firm on the project is Science Applications International Corp., a company recently caught falsifying data in another project.

CAMPO BAND: Ogden-Martin had first approached the tribe for a solid waste landfill project similar to the Mid-America proposal, but negotiations broke off in 1990.

CAMPO BAND: According to a Campo EPA official, Waste Management Inc. had approached the tribe for a proposed solid waste landfill, but offered only 50 cents per ton of waste and had attempted to limit the powers of the Campo EPA. Campo officials rejected this offer as an attack on their sovereignty.

LA POSTA RESERVATION east of San Diego has been approached by W.R. Grace, American Waste Recovery and Canonic Engineering for a hazardous waste incinerator and "recycling" facility. The permit process is underway. The U.S. EPA has received the RCRA permit application, and their "review" is

underway. RINCON RESERVATION: This small reservation (population 400) east of San Diego has rejected building a large solid waste landfill.

SANTA YSABEL Reservation was approached at the end of 1991 with a proposal for a “waste-to-energy” garbage incinerator. The proposal has not been presented to the Tribal Council due to opposition of tribal members. Company unknown.

BORONA RESERVATION: This small reservation east of San Diego was approached several years ago by Wheelabrator for a disposal facility, but it was rejected by the Tribe.

SAN DIEGO COUNTY officials have considered six Indian reservations east of San Diego as a possible location for a regional solid waste landfill. The county even hired Roy Lattin to act as consultant with leaders of North County reservations. Lattin refused to specify the reservations being looked at by the county. The region being studied includes eight reservations occupied by the Mission, Rincon, La Jolla, Yuima, Pala, Mesa Grande, Los Coyotes and Santa Ysabel Indian tribes.

HOPLAND RANCHERIA south of Ukiah, California was approached in 1990 for a cogeneration plant for tires. PICAYUNE RESERVATION in California was approached in 1989 for a cogeneration plant. Status unknown.

CORTINA RESERVATION in northern California was considering an asbestos disposal facility proposed by National Environmental Corporation. Status unknown.

MOAPA BAND of Southern Paiute Indians in Nevada was approached by Waste Tech for a hazardous waste incinerator. No action taken.

WASHOE TRIBE near Gardnerville, Nevada was considering a garbage incinerator and/or landfill for waste from neighboring counties in the Carson City area and Lake Tahoe. The garbage incinerator was proposed by Therm-Tech, but was not pursued by the Tribe.

COSHUTTA TRIBE in Alabama was approached by German financiers for a hazardous waste facility. Status unknown.

SEMINOLE NATION in Florida was approached for a hazardous waste incinerator.

CHOCTAW TRIBE in Mississippi recently rejected a hazardous waste dump on their land. Although the tribal chairman had supported the proposed incinerator, tribal members voted the project down.

OKLAHOMA: According to a United States Department of the Interior (Office of the Solicitor)

memorandum to the Muskogee Area Office of the Bureau of Indian Affairs, dated October 24, 1991, "(W)ithin the past few months a number of Indian landowners have been approached by individuals who wish to manage composting and/or waste disposal operations on restricted or trust lands.... Most of the companies approaching Indian landowners propose bringing municipal solid waste (including sewage sludge) from major cities on the east and west coast by rail, truck, and/or barge to restricted or trust land."

CHOCTAW: In August, 1991, Representatives of Kim-Ran, Inc., a Tulsa, Oklahoma based company showed up at a family reunion of Choctaw people. The company representatives, apparently strangers to the family, managed to obtain signatures on two pieces of paper from six Choctaw elders who owned a 160 acre parcel of restricted or trust land in Oklahoma. It was only when the documents were reviewed by relatives of the Choctaw elders that it was discovered that the family had unknowingly agreed to let the company dump 60,000 tons of New York City's sewage sludge per month on the land. Two of the sisters who signed the document have appealed to the Bureau of Indian Affairs to intervene (St. Louis Post-Dispatch, Nov. 21, 1991).

SEMINOLE NATION OF OKLAHOMA recently rejected a proposed medical waste incinerator.

KAW TRIBE in Oklahoma rejected a hazardous waste incinerator in December 1990. The incinerator had been proposed by Waste Tech. Under pressure from tribal members, the tribal council reversed an earlier vote in favor of the facility.

PAWNEE TRIBE officials in Oklahoma reportedly signed a contract for a facility to make "compost" with municipal waste sludge. In the face of tribal opposition, the project has been stopped. The sludge would have been mixed with paper products and sold as fertilizer to local farmers, despite concerns that the sludge would be contaminated with heavy metals. The proposed facility would have occupied ¼ of the tribe's land. The Bureau of Indian Affairs planned to hold scoping meetings and require an Environmental Impact Study.

THE CHILLOCO DEVELOPMENT AUTHORITY Of the Kaw, Ponca, Pawnee, Tonjawa and Otoe Tribes in Oklahoma has been approached for numerous other waste disposal proposals.

TONKAWA TRIBE were approached for a railroad off-loading facility for hazardous waste.

CHEROKEE NATION in Oklahoma rejected a waste disposal facility.

CHICKASAW TRIBE in Oklahoma have been approached for a nuclear waste dump.

OSAGE NATION in Oklahoma has been approached for a waste disposal facility.

CREEK NATION of Oklahoma was reportedly approached for a high level nuclear waste dump at the end of 1991.

CHEROKEE TRIBE in North Carolina rejected an incinerator proposed in 1990.

TULALIP TRIBE: The Tulalip Tribe in Washington state was considering a municipal solid waste incinerator, but took no action. The tribe was also considering a project where the City of Everett would apply leftover solids from its sewage treatment plant to a wooded area on the reservation.

PUYALLUP TRIBE: A waste disposal facility was proposed.

COLORADO RIVER INDIAN TRIBE was approached for a carbon "recycling" facility. Status unknown.

SHAKOPEE TRIBE in Minnesota was approached for a waste disposal facility.

YANKTON SIOUX TRIBE: The Yankton Sioux Tribe in South Dakota was so besieged with proposals from the waste disposal industry that in May of 1991 the Tribe, pursuant to a vote of the General Council, banned such facilities for outside waste from their land.

PINE RIDGE: The Pine Ridge Reservation (Oglala Sioux Tribe) has been approached with at least ten proposals for solid and hazardous waste disposal facilities in the last several years. In 1990 a company calling themselves AMCOR proposed a giant waste dump on the reservation. AMCOR is a subsidiary of O & G, a Torrington, Connecticut company. AMCOR proposed to dump solid waste, incinerator ash, sewage sludge ash and other wastes at Pine Ridge. The Native Resource Coalition and other Tribal members convinced the Tribal Council to reverse their earlier support for the landfill project, and the landfill was defeated.

PINE RIDGE: In 1986 the Oglala Sioux Tribe on the Pine Ridge Reservation was approached by Ed McGaa and Pat Dickey for a disposal site for sewage sludge ash and asbestos. Mr. McGaa owned 6000 acres in the northern badlands area of the reservation. From July to September 1986 the EPA Region VIII in Denver discussed regulatory requirements with the two entrepreneurs. A final proposal and facility description were never developed for EPA regional review.

PINE RIDGE: Industry giant Bechtel sent a letter to the Pine Ridge Agency offering a variety of controversial projects, including hazardous, solid, and nuclear waste disposal, nuclear power plants and other projects. No action was taken by the Tribe.

PINE RIDGE: Representatives of a company called Loraur Technologies approached the Pine Ridge Reservation offering a waste disposal facility. This same company was earlier rejected in their attempt to site two garbage incinerators on the Tohono O'odham Reservation in Arizona. This proposal has not

gone forward.

SOUTH DAKOTA: According to the U.S. Environmental Protection Agency Region VIII, “ a proposal was discussed with a company on January 19, 1989, that would impact all South Dakota reservations. American Indian Development, Inc., of Rapid City, South Dakota, proposed using cement kiln dust (a by-product of a Rapid City cement plant) and mixing it with local clay soils form adobe building blocks. A final proposal was never developed or sent to EPA for review.” (U.S. EPA letter of April 29, 1991, J. William Geise, Jr., Chief, RCRA Management Branch)

PINE RIDGE: According to the U.S. EPA Region VIII, “a proposal was discussed with a company on April 27, 1989 that would impact Pine Ridge (SD). Native American Resource Development Association (NARDA) of Pueblo, Colorado, proposed building a municipal solid waste incinerator on the reservation to burn wastes that would ‘cure’ adobe building blocks/bricks. EPA staff met with a representative from NARDA and discussed regulatory requirements at length. A final proposal and facility description were never developed by the company for EPA review.”

PINE RIDGE: In 1987 the Oglala Sioux Tribe was contacted repeatedly by the Cingaro Company, owned by tribal member Ed McGaa, regarding the use of the McGaa/Stinson property on the Pine Ridge Reservation for the dumping of sludge from the Consolidated Management Corporation’s facility in Edgemont, South Dakota.

PINE RIDGE: In 1989 a company called Waste Concentration and Resource Recovery Inc. proposed utilizing the McGaa/Stinson property on the Pine Ridge Reservation for landfills, sewage sludge disposal, methane gas generation, scrap tire “recycling,” and other waste projects. According to the U.S. EPA, this “proposal and facility description was never finalized by the company for EPA Regional review.”

ROSEBUD: Following the rejection of the O & G/AMCOR proposal on the Pine Ridge Reservation, O & G approached Rosebud under the name of RSW. The company proposed a massive solid waste, incinerator ash and sewage sludge ash landfill. The Tribal Council signed an agreement with the company, without the knowledge of most Tribal members. The Lakota people formed the Good Road Coalition to stop the proposal. Following a reservation-wide educational and organizing campaign by the Good Road Coalition, opposition swelled. The pro-landfill incumbent tribal chairman was defeated in the Rosebud primary election and eliminated from the run-off. The Rosebud Tribal Council then cancelled the agreement with RSW, and the project was defeated.

ROSEBUD: Ignoring the strong opposition of tribal members, RSW again has approached the tribal council in early January, 1992.

GOSHUTE RESERVATION: The Goshute Tribe in western Utah considered a hazardous waste incinerator proposed by Golden Eagle Recycling of Salt Lake City. The Tribe did not pursue the project, and the company apparently has since gone bankrupt (according to the EPA).

UTE RESERVATION: The Ute Tribe in Utah did not pursue a hazardous waste incinerator proposed by Global Telesis Corp., a company “based” in Walnut Creek, California. Global Telesis also has proposed shipping hazardous materials to China and Papua New Guinea.

NARRAGANSET: The Narraganset Tribe in Rhode Island turned down an incinerator proposed by Keane-Archon in 1990.

MOHAWK: The Mohawks on the Akwesasne reservation in upstate New York have been deluged with proposals for hazardous waste, sewage sludge and medical waste incinerators. Chambers Development Inc., a Pittsburgh based waste disposal company wrote a letter to an Akwesasne Chief in 1989, but the proposal was not pursued by the Mohawks.

MOHAWK: A now defunct New Hampshire company called United Scientific Associates proposed in 1988 a complex that would include a gasification plant to burn municipal solid waste, a medical waste incinerator and a huge landfill. The Mohawks rejected this plan. Akwesasne has recently been approached again, reportedly by Browning Ferris Industries and Waste Management.

NORTHERN CHEYENNE: In October 1989, Indian Affiliates, Inc. of Orem, Utah proposed the development of a “waste conversion and recycling” program for the Northern Cheyenne Reservation of Montana. The Tribe would use the A.I.R. Research Solid Waste Conversion System of Hopkins, Minnesota. According to EPA, this proposal and facility description were never developed for EPA review.

FT. BERTHOLD Reservation in North Dakota was approached by a company about the possibility of siting a large msw incinerator on the reservation. The Tribal Natural Resources Department called the EPA Regional Office in Denver on January 3, 1991, and the EPA states that they gave the company an overview of EPA regulatory requirements. Municipal Services Corporation, apparently affiliated with USPCI (a subsidiary of Union Pacific Railroad and operator of numerous waste disposal operations) was reportedly involved. Status unknown.

SOBOBA RESERVATION: The Soboba Indian Reservation southeast of Riverside, California received at least 220 truck loads of lead-contaminated soil from Ranpac, Inc., a Riverside construction company. Pursuant to an agreement reached in Riverside County Superior Court in July, 1991, the company pleaded guilty to charges of unlawful disposal and transportation of hazardous wastes and will pay \$1.2 million in civil and criminal penalties. The company admitted paying thousands of dollars to the Soboba tribal chairman.

The UNITED STATES GOVERNMENT has joined the toxic waste industry in looking for new dumping grounds on Indian land, launching a national campaign to find an Indian Tribe willing to be the site for a major nuclear waste dump.

The U.S. Government has solicited every Indian Tribe, offering millions of dollars if the Tribe would host a nuclear waste facility. The Office of the Nuclear Waste Negotiator was established under the 1987

Amendments to the Nuclear Waste Policy Act, under the auspices of the Department of Energy. The Office of the Nuclear Waste Negotiator says that its “mission is to find a State or Indian tribe willing to host a repository or monitored retrievable storage facility for nuclear waste...” (April 10, 1991 letter from David Leroy, Office of the United States Nuclear Waste Negotiator to Greenpeace USA Executive Director Peter Bahouth. Greenpeace has rejected the U.S. Government’s request for assistance in siting a nuclear waste dump.)

MESCALERO APACHE: This reservation in New Mexico became the first Indian Nation to apply for and receive a \$100,000 grant from the U.S. Department of Energy’s Office of the Nuclear Waste Negotiator for a feasibility study on a proposed nuclear waste repository on Apache land. Tribal Chairman Wendel Chino supports going ahead with the study, but there is strong opposition among the Mescalero Apache people. The Tribe applied for the MRS study grant on October 11/ 1991, and was awarded the money one week later. The proposed above-ground “temporary” “Monitored Retrievable Storage” facility (MRS) would cover about 450 acres, storing 15,000 metric tons of highly radioactive spent fuel from the nation’s commercial nuclear power plants. On March 13, 1992 the tribe applied for a Phase II grant from the Department of Energy.

MESA GRANDE RESERVATION: Mesa Grande tribal members have voted to impeach their tribal chairman of this small reservation east of San Diego, California, due to his interest in the nuclear storage facility proposal. The Bureau of Indian Affairs has to date refused to recognize the impeachment vote.

SAUK AND FOX INDIAN NATION: The tribal members of the Sauk and Fox Nation (Oklahoma) held a special Tribal Council meeting on February 29, 1992 and voted to have tribal officials withdraw their application for an MRS facility. The Tribe did decline the feasibility study grant monies from the Department of Energy.

CHICKASAW NATION in Oklahoma applied to the Department of Energy on December 31, 1991 for the MRS grant, and was awarded the grant on February 14, 1992. When the funds were received, the Tribal Council decided to return the money and declined the project.

PRAIRIE ISLAND INDIAN COMMUNITY of Minnesota applied for the MRS feasibility study grant monies on January 1, 1992, and was awarded the funds on March 17, 1992.

YAKIMA NATION of Washington applied for the MRS funds early in January 1992 and were awarded the grant on January 23, 1992.

APACHE DEVELOPMENT AUTHORITY in Oklahoma applied for the MRS grant funds on March 31, 1992.

ABSENTEE SHAWNEE TRIBE in Oklahoma applied for the MRS grant on March 31, 1992.

ALABAMA QUASSARTE in Oklahoma applied for the MRS grant on March 26, 1992.

TETLIN VILLAGE in Alaska applied for the MRS grant on March 30, 1992.

AHKIOK-GAGUYAKA TRIBE in Alaska applied for the MRS grant on March 30, 1992.

LOWER BRULE SIOUX in South Dakota applied for the MRS grant on March 30, 1992.

EASTERN SHAWNEE TRIBE in Oklahoma applied for the MRS grant on March 26, 1992.

SKULL VALLEY BAND OF GOSHUTE TRIBE in Utah applied on March 19, 1992 for an MRS study grant, and have received the funds.

PONCA TRIBE in Oklahoma has applied for an MRS grant.

CADDO TRIBE in Oklahoma has applied for an MRS grant.

FORT MCDERMOTT RESERVATION in Nevada considered applying for an MRS grant, but decided against such action.

CHOCTAW NATION: Despite the rejection by tribal members of a proposed toxic waste dump in 1991, Choctaw Tribal Chairman Phillip Martin was interested in applying for the MRS study grant. Following discussion among tribal members, the Choctaw decided against the MRS.

Hundreds of other tribes and reservations have rejected and ignored the overtures of the department of energy/office of the nuclear waste negotiator. For more information on the indigenous peoples struggle to protect Indian land, sovereignty and the environment, contact these organizations:

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Box 369, Southwold, Ontario NOL2GO

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**CAMPAIGN FOR SOVEREIGNTY**

Box 132, Red Rock, Oklahoma 74651

**NATIVE RESOURCE COALITION**

PO Box 93, Porcupine, South Dakota 57772 (605) 867-5479

GOOD ROAD COALITION

Box 333, Rosebud, South Dakota 57570 (605) 747-2874

SOVEREIGNTY NETWORK

HC04, Box 9880

Palmer, Alaska 99645

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COALITION FOR INDIAN RIGHTS

1083 Barona Road, Lakeside, CA 92040 (619) 561-1087

CALIFORNIA INDIANS FOR CULTURAL AND ENVIRONMENTAL PROTECTION

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