
RESOURCES FOR OPEN DUMPING ENFORCEMENT

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FEDERAL ROLE IN OPEN DUMPING ENFORCEMENT

- EPA role dictated by the Resource Conservation and Recovery Act (RCRA) – main authority for regulating solid waste rests with states, tribes, local governments, and solid waste facility operators.
- EPA enforcement authority for solid waste is limited to situations posing “imminent and substantial endangerment” to human health or the environment.
- EPA cannot grant federal inspection/enforcement credentials to non-federal entities for solid waste



FEDERAL ROLE IN OPEN DUMPING ENFORCEMENT

- RCRA Section 7003: Imminent and Substantial Endangerment is a powerful federal tool EPA uses to address serious threats from solid or hazardous waste when people or the environment are at risk. When used in Indian Country, EPA coordinates closely with tribal governments.
- EPA typically uses 7003 when there is a credible, serious threat to health or the environment tied to the handling, storage, treatment, transportation, or disposal of waste, and when a person or entity can be identified that has contributed to the problem (past or present owner/operator, waste generator/arranger, or transporter).



FEDERAL ROLE IN OPEN DUMPING ENFORCEMENT

- Situations on tribal lands that have triggered or can trigger 7003:
 - Landfills or waste pits with failing controls.
 - Large tire piles that catch fire, producing thick smoke and contaminated runoff.
 - Improper disposal of pesticides and agricultural chemicals.
- RCRA 7003 Orders can require:
 - Stop the dangerous activity (e.g., halt dumping, burning, or leaking).
 - Secure the site (fencing, signage, 24/7 security).
 - Provide immediate protections (e.g., alternative drinking water, vapor ventilation, dust suppression).



PREVENTION BEFORE ENFORCEMENT

Operate a Solid Waste system

Conduct education & outreach on proper disposal & illegal dumping

Post signs regarding:

- Information on transfer station hours
- Ordinances
- Fines

Barricade dumping sites

Trail & Security Cameras





CODES AND ORDINANCES: BIG PICTURE

From ITEP Codes and Ordinances training:

- Does your tribe have a Solid Waste Code?
- Are you starting from scratch or updating?
- What is the specific issue which needs to be addressed?
- Precise terms enable compliance, enforcement.
- Be proactive, not reactive.
- How will you involve the community?
- How will the law be enforced?



CODES AND ORDINANCES:

- Work with your tribal attorney
- Public review and comment options for tribal members at all stages of the process
- Post ordinance on web
- Work with your council – ensure they support implementation



Photo: Mick Lobb commons.wikimedia.org



ENFORCEMENT APPROACHES



- Create a code that has explicit penalties for violations
 - Example: Yurok Tribal Code re Illegal Dumping Section 21.40
- Work with state, county, or local LEOs on code enforcement
 - Joint powers agreements
 - MOUs
 - Cross-certification/deputization
 - See DOJ Tribal MOU/MOA Sample Library
https://cops.usdoj.gov/tribalpolicing/mou_moa_resource_library

IMPLEMENTATION: GAP FUNDING

GAP funds can be used for

- ISWMP development
- Development of code and ordinances
- Outreach and education
- Compliance monitoring, assistance and enforcement programs
- Limited clean up



IMPLEMENTATION: OTHER FUNDING

SWIFR (Solid Waste Infrastructure for Recycling)

- Recycling infrastructure and planning

Brownfields 128(a)

- Can fund program costs associated with prevention, assessment, and remediation of brownfields.
- Activities include planning, training, program development, outreach, enforcement, site assessment and cleanup (only for defined Brownfields)





RESOURCES

- EPA's **Illegal Dumping Prevention Guide** updated June 2025: www.epa.gov/system/files/documents/2025-08/epa_r5_illegal-dumping-prevention-guide_508.pdf
- [EPA - Developing Tribal Waste Management Codes & Ordinances Webpage](#)
- **Past RTOC and Tribal conference sessions on this topic**
 - Webinar Recording: ["Strengthening Tribal Sovereignty through Waste Management Codes and Ordinances"](#)
 - [Developing and Implementing Tribal Solid Waste Codes - PPT](#)
 - 2022 conference: [Funding Resources for Tribal Solid Waste](#)
 - 2022 conference: [Two Tribal Solid Waste Case Studies](#)
 - 2023 conference: [From Trashed to Green: A Resighini Rancheria Solid Waste Clean-up Success Story](#)
 - 2023 conference: [Composting and Beyond!](#)
 - 2024 conference: [Years in the Making: Meeks Meadow Restoration Project](#)
 - 2024 conference: [Time for some Trash Talk: GAP, Solid Waste Implementation, and Data Collection](#)
 - 2024 conference: [Household Hazardous Waste Collection: Tribal Programs](#)
 - RTOC Summer 2025: [Salt River Code Compliance Accomplishments](#)
- [Tribal Waste Journal: Developing and Implementing Codes and Ordinances on Tribal Lands](#)
- DOJ Tribal MOU/MOA Sample Library: cops.usdoj.gov/tribalpolicing/mou_moa_resource_library
- BIA Indian Police Academy: www.bia.gov/bia/ojs/indian-police-academy