

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII

2007 OCT -4 PM 1:49

IN THE MATTER OF: )  
 )  
Oglala Sioux Tribe )  
Pine Ridge Baling Facility )  
Pine Ridge, S.D. 57770 )  
 )  
Respondent. )

Docket No. RCRA-08-2007-0003

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
REG. CLERK

UGLALA SIOUX TRIBE  
STATEMENT FOR  
INFORMAL CONFERENCE

COMES NOW, respondent, Oglala Sioux Tribe, by and through undersigned counsel, and states for the informal conference, as follows:

1. The Pine Ridge baling facility is not used for open dumping. It is a transfer station where local residents bring household solid waste to large bins, and waste haulers bring solid waste to the baler building. Solid waste is sorted and baled, and then transported to the sanitary landfill operated by the Tribe near Buffalo Gap, S.D.
2. The Pine Ridge baling facility is completely fenced. The fence consists of a 6' tall chain-link fence on the south side with privacy strips woven throughout, 4' non-climbable woven fence on the north side, and the East and West sides have a 4-strand barbed fence, which is effectively impenetrable because of the lay of the land. Access to the facility is limited to one entrance point, secured with a chained gate.
3. There was no open dumping near the Pine Ridge baling facility on June 27, 2005.
4. There are no community drinking wells located three-fourths of one mile from the Pine Ridge baling facility.

5. It is admitted that an arson crime was committed at the Pine Ridge baling facility, on Wednesday, September 5, 2007. Solid waste located on the ground within the Pine Ridge baling facility, and awaiting sorting, baling and transport to the landfill, was set on fire. The cause of the fire was a crime. The cause of the fire was not any act or omission of respondent Oglala Sioux Tribe ("OST").

Work to Be Performed in EPA Order

6. The respondent OST agrees to comply in all respects with the Work to be Performed, as prescribed in the Administrative Order. The OST has already performed many or all of the tasks prescribed.

7. The Indian Health Service estimated that there was a total of 12,678 cubic yards of trash on the ground at the Pine Ridge site, prior to the September 5<sup>th</sup> fire. Nearly 2,000 cubic yards were organized into bales (3 x 4 x 5), and approximately 10,000 cubic yards of trash was situated in a pile approximately 50 yards long, 20 yards wide and 6 feet high.

8. Immediately upon the fire coming under control, the respondent OST removed all of the bales, and compacted and properly covered the unprocessed trash that was stored on the ground at the Pine Ridge baling facility. The OST contracted with Ghost Bear Trucking for the transportation of 1,500 solid waste bales to the sanitary landfill, where they were properly disposed. The cost of the Ghost Bear Trucking contract was \$35,250.00. See Exhibit A, attached hereto. The OST also leased heavy equipment for the compaction and cover of the remaining solid waste at the site, at a cost of \$5,150.00. See Exhibit B, attached hereto. Tribal heavy equipment operators conducted this work on September 12-13.

9. At present, there is a minimal amount of solid waste stored on the ground at the Pine Ridge baling facility. The OST Solid Waste program is currently sorting, baling and transporting this trash to the sanitary landfill. It is contemplated that there shall be no solid waste stored on the ground at the Pine Ridge baling facility as of December 1, 2007.

10. Since approximately October, 2004, all of the solid waste generated on the Reservation has been disposed at the landfill near Buffalo Gap.

11. From approximately October 2004 until the present, the pathway of the solid waste, has started with 12 transfer stations in the various Reservation communities. Contracted waste haulers transport the trash from the transfer stations to the Pine Ridge baling facility, where is it sorted and baled. Then, it is transported to the sanitary landfill for final disposal.

12. The proper operation and maintenance of the Pine Ridge baling facility has been a challenge to respondent OST, because of the high volume of solid waste that has been processed and baled there. Unprocessed trash and solid waste bales have sometimes remained on the ground, for a time.

13. On July 9, 2007, the respondent OST purchased a Komatsu D65EX-12 Crawler Dozer. See Exhibit C, attached hereto. This equipment enables the OST Solid Waste program to compact solid waste on-site at the sanitary landfill. This will significantly reduce the amount of solid waste transported to and processed and baled at the Pine Ridge facility. The back-log of waste stored at the Pine Ridge baling facility will not re-occur.

14. As of approximately October 1, 2007, solid waste collected at 8 transfer stations in the northern and central communities of the Reservation has been transported directly to the sanitary landfill, where it is compacted on-site, and properly disposed.

15. The respondent OST commits to the follow-up monitoring and emergency response actions prescribed in paragraphs 45-47 of the Administrative Enforcement Order.

16. The respondent OST agrees to provide access to EPA personnel as prescribed in paragraphs 48-51 of the Administrative Enforcement Order.

WHEREFORE, respondent Oglala Sioux Tribe respectfully requests that EPA issue a finding that the respondent is in compliance with the Administrative Enforcement Order, and close the same.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of October, 2007

By: Peter Capossela  
Peter Capossela  
Attorney at Law  
Post Office Box 207  
Walterville, Oregon 97489  
(541) 896-3472

Attorney for Respondent Oglala Sioux Tribe



*Oglala Sioux Tribe  
Finance Committee*

*P.O. Box 2070*

*Pine Ridge, S.D. 57770*

*Phone: (605) 867-5821, Ext. 251*

*Fax: (605) 867-2609*



COORDINATOR  
Melanie Two Eagle

SECRETARY  
Florence Benson

Floyd Brings Plenty - Chair  
Sonia Weston - Vice-Chair  
Kim Clausen  
Craig Dillon  
Ron Duke  
Philip Good Crow  
Wesley "Chuck" Jacobs  
Garfield Little Dog  
Carole O'Rourke  
Tom Poor Bear  
Cora Whiting

To: Justin Poirier  
Solid Waste Management Director

From: Florence Benson *Florence Benson*  
Finance Committee Secretary

Date: August 24, 2007

Re: Ghost Bear Contracting Proposal

The Finance Committee met in a regular session on August 23, 2007 and took the following action:

**Solid Waste Management:**

Motion by Kim Clausen, seconded by Sonia Weston to approve Ghost Bear Contracting Proposal in the amount of \$35,250.00 to load and transport 1500 solid waste bales to the Cuny Table Junction site.

Vote: 5 for, 0 against, 0 not voting. Motion carried.

Floyd Brings Plenty: For the record, we already discussed this. Dean wants committee action.

If you have any questions please contact me at 605-867-5821 extension 251. Have a nice day.



# Invoice

PO Box 260  
Oglala, SD 57764

Date	Invoice #
9/5/2007	2007-1232

Bill To

OST Solid Waste Program  
Director, Justin Pourier  
PO Box 296  
Pine Ridge, SD 57770

Project No.	Terms	Project
OST Solid Waste B	Due on receipt	

Item	Description	Quantity	Rate	Amount
Loading Trucking	Emergency Removal of Solid Waste Bales. Price is for Loading and Trucking/Delivery of 1000 Solid Waste Bales to be delivered to Bale fill site located at Cury Table JCT. Pay Estimate No. 1 Excavator 2-Side Dumps hauling 14 bales each per Trsp @ 4 Trips per day	1,000	3.50	3,500.00
		1,000	20.00	20,000.00
OST TERO Certified Company			<b>Total</b>	523,500.00

Phone #	Fax #
(605) 867-2370	(605) 867-5057

Oglala Sioux Tribe

Box 2070  
Pine Ridge, SD 57770  
Phone (605) 867-5821

PURCHASE ORDER FORM

TO: Doug O'Bryan Contracting  
Box 960  
Martin, SD  
VENDOR  
ADDRESS

PURCHASE ORDER # FY07-4092  
PROGRAM Solid Waste  
ACCOUNT CODE 165-8560  
DATE September 12, 2007  
PROGRAM PHONE \_\_\_\_\_  
PROGRAM FAX \_\_\_\_\_

ALL ITEMS INCLUDED IN THIS PURCHASE ORDER  
ARE TO BE DELIVERED TO:  
OGLALA SIOUX TRIBE  
DEPARTMENT OF PROPERTY & SUPPLY  
W HIWAY 18 - PINE RIDGE, SD 57770

SPECIAL INSTRUCTIONS:

QUANTITY	ITEM DESCRIPTION	UNIT PRICE	TOTAL
2	Rental of Heavy Equipment TS-14 Terex Scrapers @125.00 per hour w/ operator X 10 hours	250.00	2,500.00
1	D8 Caterpillar dozer @150.00 per hour w/operator x 10 hours	150.00	1,500.00
1	Kamatsu dozer D41 @115.00 per hour w/operator x 10 hours	115.00	1,150.00

**VOID AFTER 30 DAYS • ORDER MUST BE COMPLETE BEFORE PAYMENT.**

\$5,150.00

ONLY ITEMS SPECIFIED ON PURCHASE ORDER ARE TO BE DELIVERED.  
ANY UNAUTHORIZED ALTERATIONS OR ADDITIONS WILL VOID THIS PURCHASE ORDER.

OST AUTHORIZATION: *Doreen Lewis Bullis*  
DIRECTOR OF PROPERTY & SUPPLY

White Copy: Vendor    Canary Copy: Accounts Payable    Pink Copy: Property    Goldenrod Copy: Originating Unit



# DIESEL MACHINERY, INC.

4301 North Cliff Ave.  
P.O. Box 85825  
Sioux Falls, SD 57118  
605-336-0411

38258 183rd St.  
East HWY 12  
Aberdeen, SD 57401  
(605) 728-4364

140 S North Deadwood  
P.O. Box 2175  
Rapid City, SD 57705  
605-345-7438

**BOLD TO**

OGLALA SIOUX TRIBE- ENVIRONMENTAL OFFICE  
ATTN: BOBI PILLE  
P.O. BOX 2008  
PINE RIDGE, SD 57770

**SHIP TO**

**INVOICE NO.**

CD 234

**DATE OF INVOICE**

07/09/07

SALESMAN	YOUR ORDER	VIA	TERMS
OUR ORDER NO			DUE UPON RECEIPT
QUANTITY	DESCRIPTION		TOTAL
	*****P.O. # FY07-3039***** KOMATSU D6SEX-12 CRAWLER DOZER EQUIPPED WITH CAB, AIR AND RIPPER SERIAL NUMBER 65370		\$159,000.00
	NON-TAXABLE GOVERNMENTAL		\$00.00
	TOTAL DUE		\$159,000.00
PAYABLE UPON RECEIPT OF INVOICE			

# PAID

CK NO. 166143  
DATE 7/30/07





Exhibit D - fencing