

US EPA ARCHIVE DOCUMENT



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

LAW OFFICE

Post Office Box 97

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June 26, 2007

Cheryl Nelson
U.S. EPA (WST-4)
75 Hawthorne Street
San Francisco, CA 94105

Re: Gila River Indian Community Council Resolution to Disapprove Romic Technologies Part B

Dear Cheryl:

Tom Murphy and Chuck Allen, attorneys for the Gila River Indian Community, have asked me to forward an original copy of Resolution GR-70-07 that passed through Council on June 20, 2007, disapproving Romic's Part B Permit.

If you have any questions, or if there is anything that I can help you with, please do not hesitate to call or email me.

Thank you,

Tabetha L. Dougan
Legal Secretary, Civil Division
Gila River Indian Community
520-562-9788



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

RESOLUTION GR-70-07

A RESOLUTION DISAPPROVING OF ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION'S PART B PERMIT APPLICATION UNDER THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT

WHEREAS, the Gila River Indian Community Council (the "Community Council") is the governing body of the Gila River Indian Community (the "Community"); and

WHEREAS, the Community Council, pursuant to Article XV, Section (1) (a) (9) of the Gila River Indian Community Constitution and Bylaws (approved March 17, 1960), may act to protect the health, safety and welfare of the Community and its members; and

WHEREAS, Romic Environmental Technologies Corporation ("Romic"), a tenant at the Lone Butte Industrial Park, has applied to the United States Environmental Protection Agency ("EPA") for a permit under the federal Resource Conservation and Recovery Act ("RCRA"); and

WHEREAS, the RCRA regulations, specifically 40 C.F.R. 270.11 require that the landowner, which is the Community, certify and sign the Part B permit application submitted by Romic and currently pending with Region IX of the EPA; and

WHEREAS, the landowner certification includes a statement that the landowner understands that it is assuming joint responsibility for compliance with EPA regulations, including responsibility for corrective actions or cleanup, if deemed necessary; and

WHEREAS, the EPA has determined that Romic's Part B application dated February 18, 2005, is complete with the sole exception of the landowner signature and certification; and

WHEREAS, the EPA recently asked the Gila River Indian Community to inform the EPA whether it would sign Romic's Part B permit application; and

WHEREAS, on May 16, 2007, the Community Council unanimously approved a motion placing a moratorium on the establishing or permitting of any permanent facility accepting hazardous wastes in the Community; and

WHEREAS, the Natural Resources Standing Committee and Community Council have considered this matter at various meetings and have considered the written submissions and oral comments of interested persons and parties.

NOW, THEREFORE, BE IT RESOLVED, that the Community Council hereby disapproves of Romic Environmental Technologies Corporation's application to the United States Environmental Protection Agency for a Part B permit under the federal Resource Conservation and Recovery Act and indicates that the Community will not sign or certify the Part B permit application.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the Region IX of the United States Environmental Protection Agency and Romic Environmental Technologies Corporation.

BE IT FINALLY RESOLVED, that the Community Council authorizes and directs the Governor, or in the Governor's absence the Lieutenant Governor, to execute and take all other necessary steps to carry out the intent of this Resolution.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a) (4), (7), (9), (12), (13), (18), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing Resolution was adopted on the 20th of June, 2007, at a Regular Community Council Meeting held in District 3, Sacaton, Arizona at which a quorum of 13 Members were present by a vote of: 13 FOR; 0 OPPOSE; 0 ABSTAIN; 4 ABSENT; 0 VACANCIES.

GILA RIVER INDIAN COMMUNITY



GOVERNOR

ATTEST:



COMMUNITY COUNCIL SECRETARY