



HOUSEHOLD HAZARDOUS WASTE  
MANAGEMENT PLAN  
for the  
HOPLAND BAND OF POMO INDIANS

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May 2007

**HOPLAND BAND OF POMO INDIANS  
HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PLAN  
May 2007**

**Executive Summary**

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Household hazardous waste is the term used for waste containing chemicals that are hazardous to health or the environment. It cannot be dealt with together with ordinary consumer waste because of the risk of serious pollution to the environment or injury to people and animals. We now know more about the dangerous properties of many chemicals. The chemicals constitute one of the most serious threats to the very basis of life for future generations.

Disposal of household hazardous waste for residents living within the Hopland Reservation has historically been left to the discretion of the individual. Over the past few years, in recognition of the fact that not all household hazardous wastes are being handled and disposed of properly, the Tribal EPA began efforts to educate the community on disposal methods. The Tribal EPA has conducted a significant amount of research to identify the most cost effective and safe methods of addressing household hazardous waste disposal.

The Tribe would like to expand outreach efforts regarding household hazardous waste management in the community, and evaluate whether less hazardous substances can be substituted for some of the more hazardous materials being used in the community ("the substitution principle"). Additionally, the Tribe would like to ensure systems are in place to effectively enforce Tribal solid waste laws on the Reservation. Finally, the Tribe would like to develop additional mechanisms to ensure all hazardous materials are disposed of properly.

Tribal staff will obtain training as needed to accomplish these objectives. Using pollution prevention technology and waste stream management alternatives will provide staff with the necessary tools and incentives to implement a successful Household Hazardous Waste Management Plan.

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**HOPLAND BAND OF POMO INDIANS  
HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PLAN  
MAY 2007**

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**Household Hazardous Waste Management Plan  
Hopland Band of Pomo Indians  
May 2007**

**Certification:**

The Household Hazardous Waste Management Plan for the Hopland Band of Pomo Indians was adopted by the Hopland Tribal Council on June 12, 2007, by the following vote:

5 Ayes   0 Nays   0 Abstain   1 Absent

         /signed/  
Wanda D. Balderama

6-12-07  
Date

**Attested:**

         /signed/  
Pamela Espinoza

6-12-07  
Date

**Household Hazardous Waste Management Plan  
Hopland Band of Pomo Indians  
May 2007**

**I. Introduction**

The Hazardous Waste Management Plan (Plan) was developed for the Hopland Band of Pomo Indians EPA staff who may handle or store hazardous chemical wastes. This Plan provides guidance on handling household hazardous wastes in a safe, efficient and environmentally sound manner, and on compliance with local and federal regulations.

**II. Purpose and Summary of Plan**

The purpose of this document is to assist the Tribe and the residents of the Hopland Reservation with safe disposal methods for household hazardous waste, and will provide alternatives to conventional final disposal of household hazardous waste. These alternatives may reduce the cost of disposal. The Plan will serve as the foundation to guide development of the Tribe's Household Hazardous Waste program. The Plan will also support future funding requests to address a Household Hazardous Waste Transfer station.

The Plan will be submitted to the Tribal Council for review and adoption. The Plan will be reviewed and revised as necessary to meet the changing needs of the Tribe, and to address future management issues and concerns.

Illegal dumping of waste, including household hazardous waste, has become the number one problem of the Tribal community. Residents are aware of and concerned about the few offenders who habitually dump into ravines and other areas, and who collect inoperative cars whose liquids spill into the environment. The Tribal residents are aware a Tribal Code has been adopted addressing open dumping, but are concerned how it can be enforced.

Based on the current assessment of the household hazardous waste management practices and conditions, this household hazardous waste management plan incorporates a two-phase design:

Phase 1: Household Hazardous Waste Management Community Development

Phase 2: Develop Special Household Hazardous Waste Handling Mechanisms

Each of these phases will be described in detail in Section VII below.

### III. Common Household Hazardous Wastes

Many common products that we use in our daily lives contain potentially hazardous ingredients and require special care when disposed of. It is illegal to dispose of hazardous waste in the garbage, down storm drains, or onto the ground. Chemicals in illegally disposed hazardous waste can be released into the environment and contaminate our air, water, and possibly the food we eat. And by throwing hazardous waste in the garbage, you can cause additional hazards to your garbage handler.

The following chart provides examples of common household hazardous wastes.

<b>CLEANING PRODUCTS</b>	<b>INDOOR PESTICIDES</b>	<b>AUTOMOTIVE PRODUCTS</b>	<b>WORKSHOP/PAINTING SUPPLIES</b>
Oven cleaners	Ant sprays and baits	Motor oil	Adhesives and glues
Tub, tile, shower cleaners	Cockroach sprays and baits	Air conditioning refrigerants	Furniture strippers
Wood and metal cleaners and polishers	Flea repellents and shampoos	Carburetor and fuel injection cleaners	Paint strippers and removers
Toilet cleaners	Bug sprays	Fuel additives	Stains and finishes
Drain cleaners	Houseplant insecticides	Starter fluids	Paint thinners and turpentine
Bleach (laundry)	Moth repellents	Automotive batteries	Oil or enamel based paint
Pool chemicals	Mouse and rat poisons and bait	Antifreeze	Photographic chemicals
		Transmission and brake fluid	Fixatives and other solvents
<b>LAWN AND GARDEN PRODUCTS</b>	<b>MISCELLANEOUS</b>		<b>OTHER FLAMMABLE PRODUCTS</b>
Herbicides	Batteries		Propane tanks and other compressed gas, and gas cylinders
Insecticides	Mercury thermostats or thermometers		Kerosene, lighter fluid
Fungicides/wood preservatives	Fluorescent light bulbs		Gas/oil mix, diesel fuel
	Driveway sealer		Home heating oil

#### **IV. Government Regulations**

##### Tribal Solid Waste Code

The Tribe has completed development of a Solid Waste Code, which is provided in [Attachment A](#). The Code was adopted by the Hopland Band of Pomo Indians Tribal Council in February 2006.

##### California State Regulations

Although California State regulations generally do not apply on the Reservation, some regulations do apply whenever the Tribe transports and disposes of materials off-Reservation. California State law prohibits the transportation of more than five gallons or 50 pounds of hazardous waste without a hazardous waste hauler's license.

For more information, please refer to the California Integrated Waste Management Board's website at <http://www.ciwmb.ca.gov/HHW/Info/>

##### Federal Regulations

With the enactment in 1976 of the Resource Conservation and Recovery Act (RCRA), the transportation, handling, storage and disposal of solid and hazardous wastes became strictly regulated under federal state and local laws. The U.S. Environmental Protection Agency (USEPA) has developed regulations for compliance with RCRA.

Responsibility for compliance with hazardous waste regulations begins with the person generating the waste material and follows through to disposal. Environmental protection, regulatory requirements, and escalating disposal costs underline the importance of everyone doing their part to ensure that wastes are properly managed.

The USEPA encourages Tribes to take responsibility for implementing household hazardous waste plans and for regulating waste disposal on Indian Lands, according to Title 40, Parts 260-279, of the Code of Federal Regulations.

The USEPA funds a Local Governments Reimbursements (LGR) program which provides federal funds to local governments, including Tribes, for costs related to temporary emergency measures conducted in response to releases or threatened releases of hazardous substances. The program serves as a "safety net" to provide supplemental funding (up to \$25,000 per incident) to local governments that do not have funds available to pay for these response actions. Typical incidents include transportation accidents, abandoned drums, former methamphetamine labs, chemical spills and accidents, as well as threats that any hazardous substance may be released. If local hazardous material responders incurred expenses to an incident on Tribal lands or within their jurisdiction, Tribes may seek cost reimbursement from the USEPA within one year of the response.

The Region 9 contact for the LGR program is Hedy Salter at (415) 972-3046. Further information on the program can be found at

<http://www.epa.gov/superfund/programs/er/lgr/index.htm> or by calling the LGR Helpline at 800-431-0209 and asking for an application package to keep on hand. For additional information about these procedures, please contact Daniel Meer at (415) 972-3132 or by email at [meer.daniel@epa.gov](mailto:meer.daniel@epa.gov).

### Emergency Contacts

A full list of emergency contacts is provided as [Attachment B](#).

## **V. Hopland Reservation Description**

### History and Geography

The Pomo people have lived in the area now known as Mendocino, Lake and Sonoma Counties for thousands of years. According to oral history, the original “federally recognized” Reservation was formed when Jesse Daw sold 1600 acres to the federal government and they, in turn, established the Reservation. By 1958, when the Termination Act was enacted, the Reservation had expanded to 2,070 acres. After termination, deeds were issued to individuals and a sizeable portion of the Reservation fell into non-Indian control. In the early 1970’s, however, it was determined that the Reservation had been illegally terminated and the original land base of 2,070 acres was restored. Currently, approximately 500 acres are held in trust status.



The 2,070 acre Hopland Reservation is located in southern Mendocino and western Lake Counties, approximately four miles east of the town of Hopland. It is assessable from State Highway 175 which intersects State Highway 101 in the town of Hopland. The Reservation is situated in the western foothills of the Mayacmas Mountains and is east of the Russian River. Tribally owned land makes up part of the McDowell Creek drainage which is a major tributary to the Russian River.

Most of the Reservation is hilly terrain with elevations between 800 and 2,600 feet above sea level. The developed area of the Reservation is confined to Section 15 of Township 13 North, Range 11 West of the Mount Diablo Meridian and Baseline. A topographical map of the residential areas can be found on the following page.



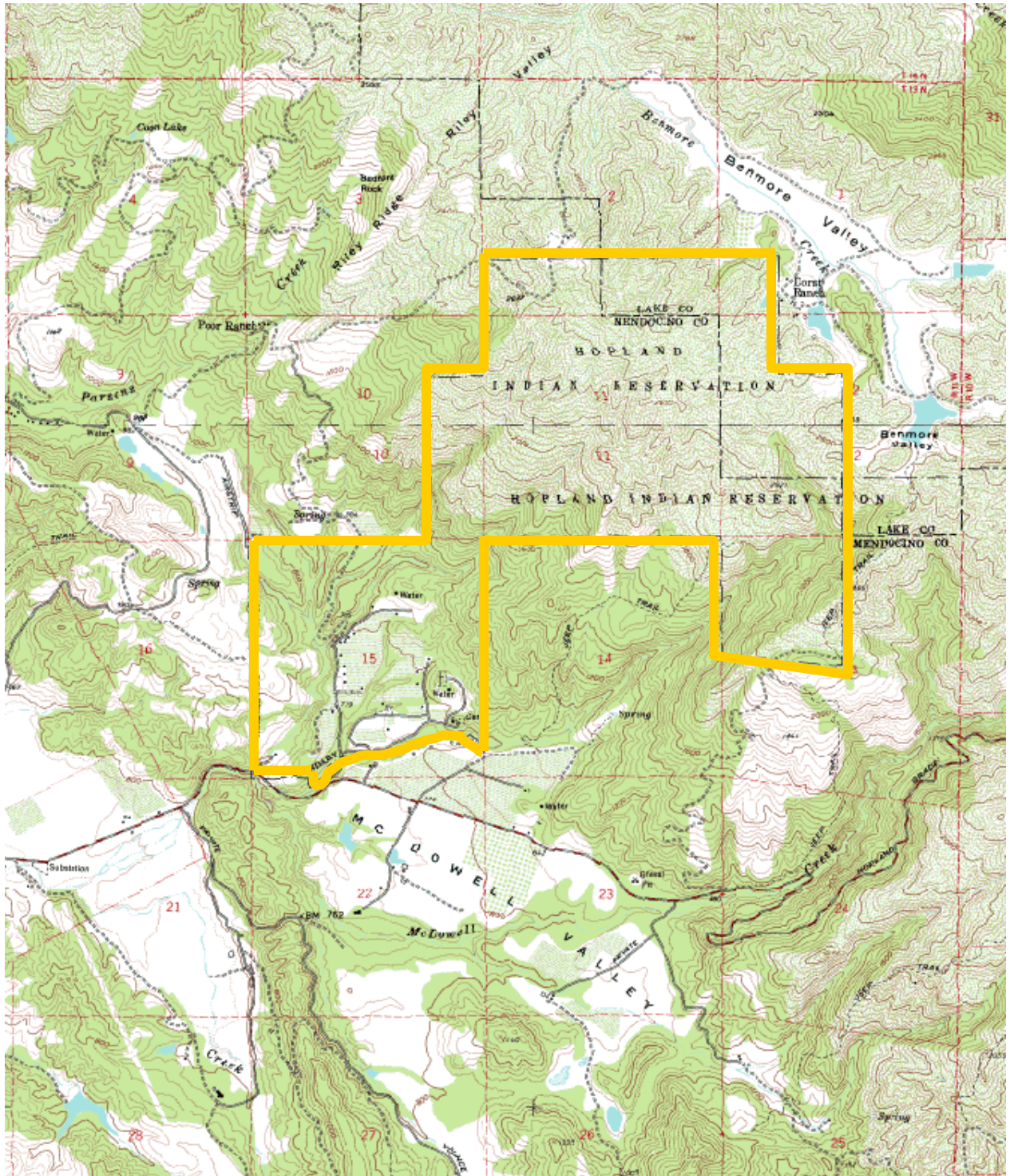


Figure 1: USGS Hopland Quadrangle Map, Hopland Reservation

### Political Structure

The Tribe is governed by a Tribal Council, composed of a seven member board that includes a Chair, Vice Chair, Secretary, Treasurer and three members at large. The Council is elected by the Tribal membership. Although elections are held annually, positions are for staggered two year terms.

The Tribe has approximately 700 enrolled members. Of this number, nearly half live on the Reservation. The Tribe estimates an annual growth rate of 1.9% over the next 20 years. This figure is based on trends for Mendocino and Lake Counties and their respective Native American populations between 1980 and 2000.

### Economy and Natural Resources

The Hopland Tribe owns and operates the ShoKaWah Casino and a Smoke Shop. These enterprises employ 200 people, many of them Tribal members. Tribal government also offers opportunity for employment and there are currently 60 staff working for Tribal programs. Additionally, some Tribal members are involved with agriculture (particularly viticulture) on the Reservation.

The Tribal EPA opened a state certified Rural Recycling Center "Lálil Daqáw Pomo Recycling Center" in March 2006. The Center employs one full-time and two part-time employees.

Many residents also volunteer at the two community gardens operated by the Tribe. Vegetables are distributed to residents all season long.

### Housing and Utilities

According to the Indian Health Service (IHS) Sanitation Facilities Construction Branch inventory, there are 80 homes on the Reservation. The most recent housing development project was completed in the 1980's with funding from the Department of Housing and Urban Development. The project provided 11 homes and 10 townhouses for low income Tribal members. These units are managed by the Northern Circle Housing Authority. The majority of the other Reservation homes were constructed with BIA or private funds. Many of the homes and mobile homes are old, dilapidated and in need of major repairs.

All homes constructed prior to 1978 were tested for the presence of lead based paint, and only one home had one exterior wall that tested positive for lead paint. Several abandoned mobile homes existing on the Tribal lands are a potential for fires and need to be dismantled and removed. The Maintenance Department dismantled two mobile homes last year. Funds are needed to fully address this problem. There has been a near standstill in the construction of new homes for nearly 20 years due to a lack of water and wastewater infrastructure to serve the homes.

The Hopland Tribe owns and operates a Water Treatment Plant and a Wastewater Reclamation Treatment Plant. Due to the lack of suitable drinking water on the

Reservation, additional water is trucked in from the nearby town of Hopland. The Tribe has received funding from USEPA and IHS to construct a water pipeline to the town of Hopland, and construction is expected to begin in late summer 2006. The wastewater treatment plant, constructed in 2003, serves the Casino, Tribal Administration and 22 Tribal homes. The remaining homes are served by individual on-site septic systems. The wastewater treatment plant has the capacity to serve the entire Reservation, and the Tribe is seeking funding to construct sewer mains throughout the community. It is the Tribe's goal to eliminate septic systems on the Reservation, due to water quality issues. Once the Tribe has new water and wastewater systems in place, new housing projects will likely be authorized.

## **VI. Current Household Hazardous Waste Systems**

The Tribe has a number of systems currently in place to manage household hazardous waste issues on the Reservation, including a Tribal Recycling Center providing California Refund Value (CRV), household hazardous waste disposal assistance, abandoned vehicle disposal assistance, annual Rez Beautification and Creek Clean-up Days, and general outreach and information. The Tribal program is funded through USEPA grants, primarily the General Assistance Program (GAP), with assistance also from the USEPA Solid Waste Program. Additionally, the Casino supports one staff person at .5 fte to support casino recycling activities. Additional program funds are needed, and would help expand services, including purchase of transport vehicles, bailers, compressors, and other equipment.

### **Tribal Recycling Center**

On March 2006, the Tribal EPA opened the "Lálil Daqáw Pomo Recycling Center" (Pomo words meaning "to give back" or "return"). The purpose of the Center is to provide CRV refunds to the local community for recycling aluminum, plastic and glass beverage containers. The Center utilizes material management to transport product to the appropriate market. The center is currently housed in the garage of the EPA/Utility Department building.



As a service to elders and others in the community, Tribal recycling staff will also assist with disposal of various household hazardous waste materials. Tribal recycling staff make frequent trips to Ukiah, and can easily drop off small quantities of used oil, batteries or other items.



## Household Hazardous Waste Collection and Disposal



The Tribal EPA will assist Tribal residents with disposal of various items including used oil, computer monitors, refrigerators, light bulbs, batteries, toner cartridges, paint, tires, propane cylinders, and other similar harsh chemicals. The Tribal EPA will pick up materials from residents and haul materials to the recycling center or HazMobile in Ukiah, CA, as a free service to the community. Residents also may drop items off at the Tribal Recycling Center. Residents are notified of services regularly through the Tribal newsletter and community meetings.

Household hazardous waste is transported on Tuesdays to:  
HazMobile Base  
298 A Plant Road  
Ukiah, CA

Recycling center staff (1 full time and 1 part time employee) generally travel to Ukiah twice a month. Quantities of materials transported are small, and easily meet the HazMobile's limit of 15 gallons per vehicle per day. Please refer to [Attachment C](#) for a list of materials accepted at the Mendocino County HazMobile, as well as the household hazardous waste collection schedule for 2006-07.

Since October 2005, the Tribal EPA has been tracking household hazardous waste materials which are transported by Tribal EPA staff to local collection centers. From October 2005 – June 2007, a total of 193,077 pounds of materials have been disposed of through our household hazardous waste program. This equates to a total of 518 pounds per resident. The overwhelming majority of waste is junk cars, scrap metal and tires; however, we also see a significant number of old appliances and electronics. The Tribe has the most difficulty in dealing with used tires. Tires are regularly dumped at various locations on the Reservation, and many are likely coming from off-Reservation individuals. Tires are generally stored and held until the County or another party (such as Firestone Tires or a local Tribe) has an amnesty day in which they accept tires at no charge.

Collection sources for special waste can be found in [Attachment D](#). The Tribal EPA continues to seek new sources for recycling and reusing waste items such as tires, appliances, scrap metal, cell phones, and vehicles.

### Tires

Tires are an on-going problem for the Hopland community. Tires are often dumped along roadways, at the Tribal dumpster site, and at the EPA Office after hours. Many tires are likely being dumped by off Reservation individuals. From October 2005 through June 2007, a total of 313 tires have been delivered to collection centers by



Tribal EPA staff. We currently have approximately 100 tires on the Reservation awaiting disposal.

Disposal of tires has been addressed primarily by joining “Keep California Beautiful”. This organization offers an amnesty program for tire disposal. Under this program, the Firestone Dealership in Santa Rosa, CA, accepts tires for disposal at no charge to the Tribe. The Tribe has also been able to dispose of tires through the annual Mendocino County amnesty program. The Tribe is also seeking a Tire Hauler license through the State of California so that additional tire disposal options are available to the Tribe.

### Appliances



The Tribal EPA has provided a service for the Tribal members to drop off appliances and other materials to be transported by Tribal EPA to transfer and recycling centers in Ukiah. Residents can bring tires to the Tribe’s dumpster/collection site, or can call the Tribal EPA for assistance. This service has reduced illegal dumping of large items in the ravines behind the houses.

### **Tribal Dumpster Collection Site**

A \$10.00 fee is charged by the county transfer station for disposal of white appliances, televisions and computer equipment. The transfer station is located at:

Ukiah Transfer Station  
3151 Taylor Drive  
Ukiah, CA

Several commercial recycling drop-off centers are also located in Ukiah, CA.

### Used Oil

The Tribal EPA has established a used oil recycling location on the Reservation at the former Mechanic Shop for residents. Used oil can be dropped off Tuesdays at:

Ukiah Transfer Station  
3151 Taylor Drive  
Ukiah, CA

### Scrap Metal

All scrap metal and most white appliances are dismantled reused and hauled to a scrap metal yard by Tribal EPA staff. Currently, the Tribe recycles scrap metals at:

West Coast Metals

470 Caletti Ave  
Windsor, CA

### Ink Jet Cartridges

The Tribe recycles all ink jet cartridges by mail using postage-paid envelopes, which are available at the local US Post Office. The envelopes are mailed to:

Recycling Center  
PO Box 683000  
Franklin, TN 37068-9911

### Toner Cartridges

Toner cartridges are recycled at the local Staples store during regular business hours. Staples accepts HP, Dell and Lexmark cartridges, and provides a \$3 in-store coupon for each cartridge recycled. Cartridges can be turned in to any cashier. Staples is located at:

Staples  
1225 Airport Park Blvd.  
Ukiah, CA 95482

### Cell Phones

Cell phones are recycled by the Tribe through a program sponsored by Keep California Beautiful. To recycle cell phones, we go to the KCB website:

[www.keepcaliforniabeautiful.com](http://www.keepcaliforniabeautiful.com), click on "Donate That Cell Phone" in the lower left hand corner of the home page, and fill out the form. Wireless Alliance sends us a pre-paid postage label to place on a box or envelope for phones valued at \$2 or more.

## **Abandoned Vehicle Abatement Program**

Currently, the Tribe contracts with Northstate Recycling of Anderson, CA (503-243-4780) or Enviro-Metal of Santa Rosa, CA (707-586-2498), on an as-needed basis, to remove junk vehicles from the Reservation. Costs of disposal of junk cars is dependent on the scrap metal market. Currently, Enviro-Metal will pick up junk cars from the Reservation at no charge to the Tribe.

For example, during a Tribal open dump clean-up project in 2004, the Tribe contracted with Northstate Recycling auto dismantlers for removal of a large number of vehicles. The Tribe relocated all vehicles to a central location. Northstate Recycling staff arrived with their equipment, safely removed all fluids from each vehicle, crushed the vehicles onsite, and transported the vehicles to a metal recycling facility.

The company is certified and works with Tribal Maintenance and EPA staff to meet Tribal needs in a time efficient manner. They



recycle four tires per vehicle at no additional charge to the Tribe, and also recycle large appliances and other scrap metals.

The records from these events show a substantial reduction in abandoned vehicles over a five year span. The Tribe anticipates that with the implementation of the Solid Waste Code, the problem of abandoned vehicles will be even further curtailed.

### **Annual Reservation Clean-up Events**

The Tribal EPA coordinates an annual Reservation Beautification Week, which is co-sponsored by the Keep California Beautiful (KCB) organization. KCB provides trash bags, banners, gloves and flower seeds free of charge. These items are distributed to households to clean up their yards. Residents may contact the Tribal EPA for assistance in transporting or disposing of items.

The Tribal EPA also coordinates an annual Ka-Meh Creek Clean-up, in which residents walk the creeks to pick up trash. The 2007 clean-up is being co-sponsored by the National Rivers organization. National Rivers provides bags, and lists the Tribe's Creek Cleanup project on their National River Cleanup Week 2007 website, <http://www.nationalrivercleanup.org/sites/index.php>

### **Public Information and Education**

A variety of agencies provide generic information to support integrated solid and household hazardous waste management. Tribal specific information can be obtained through USEPA. Commercial haulers provide local information to the residents. Several state and local agencies publish pamphlets and handouts which are available online or can be ordered at a nominal price. The Tribal EPA also provides outreach on solid and household hazardous waste to residents on a regular basis.

## **VII. Household Hazardous Waste Management Plan Objectives**

Based on the current assessment of the household hazardous waste management practices and conditions, the Plan has been designed according to the following phases:

### Phase 1: Household Hazardous Waste Management Community Development

Objective: Conduct community outreach and ensure systems are in place to enforce Tribal laws in the community.

- Share educational information on acceptable household hazardous waste disposal practices with Tribal community through newsletters and informational booths at community meetings.
- Erect proper “No dumping” signage and restrict points of access to illegal dumpsites.
- Continue to sponsor the annual “Rez Beautification Week” and the “Creek Clean-up” community projects to remove solid and household hazardous waste from Reservation lands.
- Finalize Enforcement Policies and Procedures
- Enforce the newly adopted environmental codes through compliance assurance, and through enforcement actions in Tribal Court, as needed.
- Obtain necessary enforcement training for EPA staff and Tribal Police, including Hazardous Materials First Responder training, HAZWOPPER, and Code Enforcement training.
- Raise Tribal awareness on product substitution principles affecting the final disposal of household hazardous waste.
- Determine feasibility of establishing a Tip-Line for the Tribal community to report polluters who illegally dump into ravines and create household hazardous waste conditions.
- Maintain membership in “Keep California Beautiful”.
- Work more closely with Casino and develop a notification system when new types of hazardous cleaning agents are used on the Reservation.

**Phase II: Develop Special Household Hazardous Waste Handling Mechanisms**

**Objective:** Develop mechanisms to assist the community to dispose of tires, junk cars, batteries, used oil, and other hazardous materials.

- Contact the local hazardous materials collection facility in Ukiah to discuss the possibility of scheduling hazardous materials collections days in Hopland.
- Oversee placement and use of household hazardous waste collection tub for used oil disposal at Mechanics Garage; make plastic containers available for residents who bring used motor oil to collection tub for disposal.



- Identify temporary storage locations for various hazardous materials items; consider implementing a system utilizing tipping fees for used tires and other items.
- Obtain California haulers licenses as needed (tires, household hazardous waste).
- Establish a system with local contractor (Enviro-Metal or other company) to remove junk vehicles from the Reservation as they accumulate.
- Buy a fuel efficient pick-up truck (Hybrid), if affordable, in order to transport solid and household hazardous waste materials.
- Conduct outreach on the Reservation to educate the community on acceptable disposal options for hazardous materials items.
- Write grants and secure funding for these programs and the labor force to implement them.
- Develop Memorandum of Agreements with outside agencies (such as Mendocino County), as needed, in the event of an emergency.
- Purchase necessary equipment to safely store small quantities of hazardous materials and to contain accidental spills, as needed and feasible.

Title 20

ENVIRONMENTAL PROTECTION

CHAPTER 5

HOPLAND TRIBE SOLID WASTE MANAGEMENT CODE

("PROHIBITING ILLEGAL DUMPING AND OPEN BURNING  
WITHIN THE HOPLAND RESERVATION")

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- 3: Definitions**
- 4: Declarations and Findings**
- 5: Designation of Authority**
- 6: Open Dumping**
- 7: Open Burning of Solid Wastes**
- 8: Administrative Remedies**
- 9: Civil Damages**
- 10: Traditional Dispute Resolution ("PeaceKeeping Court")**
- 11: Arbitration and Mediation**
- 12: Severability**
- 13: Sovereign Immunity**
- 14: Effective Date, Amendment**

**Section 1. Short Title.**

1. This Code shall be part of the Hopland Tribe's Solid Waste Management Code, and specifically, shall be known as the "Illegal Dumping and Open Burning Code".

**Section 2. Purpose.**

2.1. The open dumping and open burning of solid wastes shows disrespect for the natural resources of the Reservation, and for the Reservation community; it causes irreparable damage to the land and the environment; it is a threat to the health and safety of Hopland residents. Therefore, open dumping and open burning is prohibited within the boundaries of the Hopland Reservation. Proper disposal of these materials can be accomplished through waste management facilities, licensed haulers, and removal from the Reservation.

**Section 3. Definitions.**

3.1. “Solid waste” is defined as all solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction wastes, abandoned vehicles and parts of such vehicles, discarded home appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded wastes.

3.2. “Hazardous household waste” is defined as any hazardous waste generated from normal household activities that is harmful to human health, living organisms, or the environment, and includes paint, paint thinners, turpentine, stains, solvents, aerosol cans, plastics, cleaning products, pesticides, insecticides, fungicides, herbicides, adhesives, glues, and flammable products.

#### **Section 4. Declarations and Findings.**

4.1. The Hopland Band of Pomo Indians is recognized by the people and outside governments as a sovereign government. The Tribe has the inherent authority within the exterior boundaries of its Reservation to manage and regulate the disposal of solid waste in a manner which best protects the Hopland Reservation, its natural resources, and the health, welfare and economic security of this generation of Hopland people, and the generations to follow.

4.2. This Code is enacted pursuant to the sovereign power of the Hopland Tribal Council (Council), as a recognized law-making body, to deal with Tribal lands, natural resources, and property; to promulgate and enforce codes providing for the health, safety and welfare of the Tribe and its members; to maintain law and order on Hopland land; and to protect the Hopland environment.

4.3. The Tribe retains the inherent sovereign power to exercise civil authority and jurisdiction over the conduct of both Tribal and non-Tribal members on all lands within the original boundaries of the Hopland Reservation, as necessary to protect the political integrity, economic security, and health and welfare of the Tribe and, accordingly, to maintain the environment and protect the natural resources of the Tribe.

4.4. It is necessary to adopt this Code to protect the environmentally sensitive lands within the Hopland Reservation; to prevent solid waste pollution, including pollution of the air, and contamination of the Tribe’s groundwater, surface waters, drinking water supplies and other natural resources; to prevent the deterioration of the environment, standard of living, quality of life, welfare and well-being of all persons within Hopland lands.

4.5. This Code is additionally adopted to provide and promote efficient Tribal waste management services within Hopland lands.

#### **Section 5. Designation of Authority to the Tribal Environmental Protection Agency.**

5.1. The Hopland Tribe is entrusted to protect the land, air, water, vegetation and animal life for the current residents of the Hopland Reservation and for the generations of Hopland people to come. To accomplish this mission as it relates to solid waste management, the Hopland Tribe hereby appoints the Hopland Tribal Environmental Protection Agency as the lead Tribal agency to ensure the proper management of solid wastes. The Tribal EPA (EPA) shall have the powers, duties and responsibilities provided for here.

5.2. The EPA shall develop and manage the Tribe's comprehensive waste management policy; shall communicate to the community information about the Tribe's comprehensive waste management policy; and shall make reports in a manner and containing such information as the Tribe approves, excluding confidential or privileged Tribal information.

5.3. Duties of the Hopland EPA. The EPA is entrusted to protect the land, air, water, vegetation and animal life for future generations from the detrimental effects of improper management of solid waste. The EPA's specific duties necessary to accomplish this task shall include the following:

- A. Develop and implement the Tribe's Solid Waste Management Plan in accordance with the Tribe's Environmental Master Plan.
- B. Build on the community's inherent respect for the natural environment by developing processes which incorporate both technical standards and criteria for solid waste management and the customs and traditions of the Hopland people.
- C. Maintain an inventory of all sites on the Hopland Reservation where solid wastes have been disposed and develop and implement a plan to close those sites permanently.
- D. Develop a mechanism to ensure continued community involvement and input in the Tribe's solid waste management plan.
- E. Prepare technical reports as needed.
- F. Identify, investigate, and apply for private funds, federal or state grants, and financial and technical assistance, so as to further implement the Tribe's Environmental Master Plan for solid waste.
- G. Develop a process for the issuance of permits for the collection and transportation of solid waste, and for the burning of approved solid waste materials.
- H. Ensure that hazardous waste is handled with respect for the environment and for the health, safety and welfare of the people of the Reservation.

5.4. The EPA has a duty to investigate under this Code. Upon receiving a credible complaint or report, the EPA shall, on its own initiative, or in conjunction with Tribal law enforcement or other cooperating agencies, perform a thorough investigation of any violations alleged against any person or entity.

## **Section 6. Open Dumping.**

6.1. It shall be unlawful for any person or entity to dump, scatter, or place, or cause to be dumped, scattered or placed any solid waste material, hazardous or not, within the boundaries of the Hopland Reservation outside of any authorized landfill. Any site where such solid waste may have been disposed previously is deemed to be permanently closed unless it has been determined to be, and public notice is issued declaring its status as, an authorized landfill under applicable Tribal and federal law.

6.2. Any person who engages in the act of illegal dumping is subject to a civil fine and penalties, as set forth in this Code.

6.3. All vehicles or other property seized and held as evidence shall be subject to towing and storage costs until the matter is finally resolved in accordance with this Code.

6.4. In addition to any civil fines and penalties as described here, any vehicle or other personal property used in the illegal dumping of solid waste materials on the Hopland Reservation may be impounded by law enforcement officials and held in a secure facility.

6.4.1. Within five days of impoundment, a Notice of Impoundment and Possible Forfeiture shall be sent by certified mail, return receipt requested, to the registered owner(s) of the vehicle or other property. The Notice shall inform the owner(s) of the time and place of a hearing to determine whether the vehicle was operated, or property used, in violation of this Code, whether any damages resulted from such operation, and of the possible forfeiture of the vehicle and/or property. The Notice shall also inform the owner(s) that he or she may pursue traditional dispute resolution, rather than a Tribal Court remedy, in such a restorative "PeaceKeeping Court" as may be established by the Hopland Tribal Council in accordance with Section 8 of this Code. A civil complaint and copy of the Notice shall be filed against the registered owner(s) in the Hopland Tribal Court.

6.4.2. Within 30 days after receipt of the Notice, the owner(s) of the vehicle or property may file in the Hopland Tribal Court a verified Answer to the Complaint and Notice. The owner(s) may elect to proceed in the traditional dispute resolution forum, as opposed to the Hopland Tribal Court, by an affirmative request to proceed in the "PeaceKeeping Court" in accordance with the procedures outlined in Section 8. Unless there are documented extenuating circumstances that make the traditional dispute resolution forum inappropriate, such a request to proceed in the "PeaceKeeping Court" shall be granted.

6.4.3. Upon receipt of a verified Answer, the Tribal Court shall set the matter for hearing in accordance with the rules of procedure of that court. If the Tribal Court has approved a transfer to the "PeaceKeeping Court", the Tribal Court will forward all associated documentation to the "PeaceKeeping Court". Once the "PeaceKeeping Court" receives the transferred file from the Tribal Court, it will provide notice to the owner(s), in accordance with its policies and procedures, regarding the traditional dispute resolution process. If the owner(s) elect to participate in the Hopland Tribe's traditional dispute

resolution process, the process will be governed by the traditional laws and customs of the Tribe.

6.4.4. In the event that a verified Answer is not filed within 30 days of the mailing of the Notice of Impoundment, the Court shall set a time and place to hear evidence upon the claim of illegal use of the vehicle or property, and order appropriate relief. Such relief may include an order that: a) forfeits the vehicle to the Hopland Tribe; b) orders the vehicle sold and the resulting funds paid to the Tribe as reimbursement for damages caused by use of the vehicle; or, c) releases the vehicle to the registered owner upon a showing that the vehicle was not used in connection with illegal dumping.

## **Section 7. Open Burning of Solid Wastes.**

7.1. Any burning of solid wastes will be done in accordance with the Hopland Tribal Police Department's open burning permit requirements and such open burning regulations as are established by the Hopland EPA's Clean Air Program.

7.2. The Hopland Tribal Police Department may authorize, by permit, the infrequent open burning of certain solid wastes, such as agricultural wastes, silvicultural (forestry) wastes, land-cleaning debris, diseased trees, or related materials.

7.3. Open burning without a permit issued by the Hopland Tribal Police Department is prohibited, unless such open burning is performed in association with a Hopland Tribal ceremony in accordance with section 7.6.

7.4. Any person who intentionally engages in the act of open burning without a Hopland Tribal Police Department permit is subject to civil fines and penalties, as set forth in this Code, unless such open burning is exempt in accordance with the ceremonial exception in section 7.6.

7.5. The EPA and the Tribal Police Department shall maintain a list of "prohibited items" that shall not be burned at any time within the boundaries of the Hopland Reservation. The EPA and the Tribal Police Department reserve the right to add, change, or amend this list of prohibited items at any time, without notice. No permit shall be obtained to authorize the burning of these prohibited items, except that the Police Department and the EPA may designate a "community burning" site for items that cannot be disposed of or removed, if appropriate. Prohibited items include, without limitation:

- A. Household trash
- B. Medical waste
- C. Hazardous household waste
- D. Flammable products (including propane tanks, kerosene, home heating oil, diesel fuel, gas, oil, lighter fluid, lighters)
- E. Automotive products (including motor oil, fuel additives, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, automotive batteries, transmission and brake fluid, antifreeze)

- F. Cleaning products (including oven cleaners, drain cleaners, wood and metal cleaners and polishes, toilet cleaners, tub, tile, and shower cleaners, bleach, pool chemicals, and associated cleaning items)
- G. Indoor pesticides (including ant sprays and baits, cockroach sprays and baits, flea repellants and shampoos, bug sprays, houseplant insecticides, moth repellents, mouse and rat poison and baits)
- H. Workshop/painting supplies (including adhesives and glues, furniture strippers, oil or enamel based paint, stains and finishes, paint thinners and turpentine, paint strippers and removers, photographic chemicals, fixatives and other solvents)
- I. Lawn and garden products (including herbicides, insecticides, fungicides, wood preservatives)
- J. Infectious waste
- K. Automotive parts
- L. Any machine or electronic appliance (including computers, printers, copiers, fax machines, telephones, toaster ovens, microwaves) and their components and parts
- M. Tires (including their components and parts)
- N. Refuse (including dead animals, offal, and street sweepings)
- O. Sewage and sewage sludge
- P. Radioactive wastes
- Q. Polychlorinated Biphenyls (PCBs)

7.6. Ceremonial Exception: The EPA shall maintain a list of items associated with Hopland Tribal ceremonies that are exempt from the permitting requirements outlined in this Code. At no time shall the open burning of items associated with a Hopland Tribal ceremony by a member of the Hopland Band of Pomo Indians, or by a Hopland Tribal member's family or household member, result in the imposition of any civil fines and penalties under this Code.

## **Section 8. Administrative Remedies.**

8.1. If appropriate, the EPA, in its sole discretion, will attempt to resolve any unauthorized open dumping and open burning through its administrative process, as outlined below. The EPA reserves the right to bypass the administrative process and immediately file a civil action.

8.2. Verbal Warning: If appropriate, the EPA will first provide a verbal warning to the alleged offender that he or she has violated this Code. The verbal warning will explain in plain terms:

- A. The purpose of the Code.
- B. The specific conduct that violated the Code.
- C. The date(s) the conduct occurred.
- D. The section of the Code that has been violated, including its contents.
- E. What steps must be taken to address the violation, including how to avoid violating the Code again.
- F. The date by which the person must come into compliance with the Code to avoid the imposition of further penalties and fines.

- G. The penalties that may be imposed if the offender continues to violate the Code, including the filing of a civil action.
- H. The contact information for the Tribal EPA, and that a meeting may be scheduled with the EPA to discuss the reasons that the conduct violated the Code.

8.3. A written record will be made documenting the verbal warning, including the date, time, and section of the Code that was violated. If it is not feasible to contact the alleged offender in person or by telephone, or if the conduct is deemed sufficiently serious to warrant the bypassing of a verbal warning, the EPA may, in its sole discretion, immediately issue a written citation.

8.4. Citation: If appropriate, the EPA will issue a written citation to the alleged offender that he or she has violated this Code. The citation will explain in plain terms the conduct that has violated the Code. The citation should include the following information:

- A. The purpose of the Code.
- B. The specific conduct that violated the Code.
- C. The date(s) the conduct occurred.
- D. The section of the Code that has been violated, including its contents.
- E. What steps must be taken to address the violation, including how to avoid violating the Code again.
- F. The date by which the person must come into compliance with the Code to avoid the imposition of further penalties and fines.
- G. The penalties that may be imposed if the offender continues to violate the Code, including the filing of a civil action.
- H. The contact information for the Tribal EPA, and that a meeting may be scheduled with the EPA to discuss in more detail the reasons that the conduct violated the Code.
- I. That the offender may administratively appeal, in writing, the EPA's finding that a violation has occurred, and the date by which this appeal must be received by the EPA.

8.5. The EPA may issue up to three (3) citations for alleged violations of this Code within one (1) calendar year period.

- A. First Offense: The EPA may, in its sole discretion, impose a fine up to \$100.00 dollars.
- B. Second Offense: The EPA may, in its sole discretion, impose a fine up to \$200.00 dollars.
- C. Third Offense: The EPA may, in its sole discretion, impose a fine up to \$500.00 dollars.



A record of all citations will be maintained. If a written citation has already been issued to the offender within the calendar year, subsequent citations may increase in seriousness; for example, subsequent citations may impose greater fines for non-compliance, or may require that the offender take specific remedial steps, as determined by the EPA, to avoid further action being taken against the person. The EPA may, in its sole discretion, proceed to file a civil action or injunction against the offender, or take any other action as it deems necessary, at any time.

8.6. Administrative Appeal: If, after receiving a citation, the alleged offender believes that he or she has not violated the terms of the Code, he or she may appeal the EPA's finding in writing to the EPA Director. This appeal must be received by the EPA within two (2) weeks of the date of the written citation. The appeal must clearly state why the person believes that he or she has not violated the Code, and may include any supporting documentation. The EPA will include a copy of the appeal in that person's file. Within two (2) weeks of receiving such an appeal, the EPA will either:

- A. Schedule a formal meeting with the Director, the offender, and any other interested parties regarding the appeal; or,
- B. The Director will affirm or deny the appeal in writing without scheduling a meeting.

If a formal meeting is scheduled, a formal decision will be provided in writing within two (2) weeks of the meeting. The EPA will attempt to use a shared decision-making process during this process whenever possible. A copy of the decision will be sent to the offender, as well as placed in his or her file. The decision of the EPA regarding the administrative appeal shall be final.

## **Section 9. Civil Damages.**

9.1. Any person who violates any of the provisions of this Code is subject to an assessment of civil damages for such unlawful activities. The Director of the EPA is authorized to file a civil action against such person on behalf of the Tribe in Tribal Court, or another court of competent jurisdiction, seeking recovery for damages incurred by the unlawful conduct, including a reasonable attorney's fee and costs. Any person who is found by the court to have committed the alleged violations shall be subject to an obligation to reimburse the Tribe for all costs incurred to date, and in the future, for such violations (including, but not limited to, the costs incurred in cleanup, abatement, and related acts), in addition to, in the discretion of the court, a civil penalty in an amount up to \$500.00 dollars for each day of each violation.

9.2. All civil damages shall be paid to the Tribe. Reasonable attorney's fees and costs shall be paid to the Tribe.

9.3. Any person who is not a member of the Hopland Tribe who is found by a court to have violated any provision of this Code may be excluded from the Reservation, and may have his or her rights to engage in commercial transactions or consensual dealings on the Reservation suspended or terminated.

9.4. Civil damages, civil penalties, fees, costs, and related recoveries do not limit any other remedies which may be available to the Tribe, including the filing of an action for an injunction in a court of competent jurisdiction.

## **Section 10. Traditional Dispute Resolution (“PeaceKeeping Court”).**

10.1. The Hopland Tribal Council may, at its discretion, and in accordance with its sovereign power as a recognized law-making body, create a traditional dispute resolution process in accordance with the Tribe’s traditional laws and customs. The forum for this traditional dispute resolution process shall be known and referred to as the “PeaceKeeping Court”.

10.2. Any person over whom the Tribe retains the inherent sovereign power to exercise civil jurisdiction, and over whom the Tribe chooses to exercise such jurisdiction in accordance with any alleged violation of this Code, may elect to use the Tribe’s “PeaceKeeping Court” as an alternative to the Tribal Court, unless the EPA demonstrates that extenuating circumstances indicate that a referral to the “PeaceKeeping Court” is not in the Tribe’s best interests. Such extenuating circumstances may include, but are not limited to: the offender’s recidivism, as demonstrated by previous offenses; previous referrals to the “PeaceKeeping Court” where the offender demonstrated a failure to fully cooperate with the traditional dispute resolution process; a demonstrated lack of good faith in the offender’s request to transfer the action to the “PeaceKeeping Court”.

10.3. If an action is filed in the Hopland Tribal Court by the EPA against any person over whom the Tribe has civil jurisdiction, Notice of such a pending action will be provided to the alleged offender. This Notice will inform the alleged offender that he or she, in accordance with the policies and procedures of the Tribal Court, may affirmatively request in writing to proceed in the “PeaceKeeping Court”, as an alternative to the Tribal Court, within thirty (30) days of receipt of Notice of the pending action.

10.4. If the Tribal Court receives a request to proceed in the “PeaceKeeping Court” within the thirty (30) days allotted for responding to the Notice, the Court shall approve such a request, unless the EPA demonstrates that it is not in the best interests of the Tribe, in accordance with section 8.2. The Tribal Court will then provide Notice to all relevant parties that the request to transfer to the “PeaceKeeping Court”, as established by the Tribal Council, has, or has not, been approved.

10.5. If the Tribal Court approves such a request to transfer a matter to the “PeaceKeeping Court”, the Tribal Court will forward all associated documentation to the “PeaceKeeping Court”. Once the “PeaceKeeping Court” receives the transferred file from the Tribal Court, it will provide notice to the alleged offender, in accordance with its policies and procedures, regarding the traditional dispute resolution process. If the offender elects to participate in the Tribe’s traditional dispute resolution process, the process will be governed by the traditional laws and customs of the Tribe.

10.6. The Tribal Court will retain continuing jurisdiction over any matter transferred to the “PeaceKeeping Court”.

## **Section 11. Arbitration and Mediation.**

11.1. The EPA reserves the right to use arbitration or mediation to resolve any conflicts that arise from alleged violations of this Code. The EPA may initiate arbitration or mediation proceedings instead of filing a civil action in the Tribal Court, PeaceKeeping Court, or any other court of competent jurisdiction, in its sole discretion.

11.2. Any person who is alleged to have violated the terms of this Code, and who has had a civil action filed against them in the Tribal Court, PeaceKeeping Court, or any other court of competent jurisdiction, may request arbitration or mediation by requesting this in writing within two (2) weeks of the date of notice regarding the civil action. The written request must be filed with the appropriate court, as well as with the EPA. If the EPA does not object, the court shall grant such a request at its own discretion. The person will receive written notice regarding whether his or her request to proceed in arbitration or mediation has been approved or denied by the EPA within two (2) weeks of the date of such a request.

## **Section 12. Severability.**

12.1. If any section, provision, or portion of this Code is determined by a court of competent jurisdiction to be invalid, such a determination shall not affect, impair, or invalidate any other section, provision, or portion of this Code, nor shall a determination by a court of competent jurisdiction that a section, provision, or portion of this Code is invalid as applied render such section, provision, or portion inapplicable to other persons or other circumstances.

## **Section 13. Sovereign Immunity.**

13.1. The Hopland Band of Pomo Indians' sovereign immunity shall not be waived or limited in any manner by this Code.

## **Section 14. Effective Date, Amendment.**

14.1. This Code shall be effective from the date of its approval by the Tribal Council. This Code may be amended in accordance with Tribal law.

## **CERTIFICATION**

The foregoing Code was adopted at a Special meeting of the Hopland Tribal Council held on the 1st day of February, 2006, by the following vote:

5 Ayes   0 Nays   0 Abstain   2 Absent

\_\_\_\_\_  
Wanda D. Balderama, Chair

\_\_\_\_\_  
Date

ATTESTED:

\_\_\_\_\_  
Roman Carrillo, Secretary

\_\_\_\_\_  
Date

## Emergency Contact List

Contact Title	Contact Name	Phone/Fax
<b>Tribal Contacts</b>		
Tribal Administrator	Jan Coppinger	(707) 744-1647, x 1340
Tribal Police	Wesley Clark (Interim Chief)	(707) 744-1647, x 1607
24-hour Dispatch		(707) 744-1395
EPA Director	Kris Carre	(707) 744-1647, x1308
Solid Waste Coordinator	Phyllis Tobin	(707) 744-1647, x1301
Recycling Coordinator	Gabe Mendoza	(707) 744-1647, x1306
<b>State and Local Contacts</b>		
Hopland Volunteer Fire Department		(707) 744-1222
CA Dept of Forestry		(707) 744-1111
Ukiah Ambulance		(707) 462-3001
CA Highway Patrol		(707) 467-4040 or 911
Mendocino County Sheriff		(707) 463-4086 or 911
Mendocino County Hazardous Waste Specialist	Wayne Briley 501 Low Gap Road, Rm 1326 Ukiah, CA 95482	(707) 463-4066 or 4466 Fax: 463-4038
<b>Federal Contacts</b>		
USEPA Emergency Response Team	Harry Allen, Federal On-Scene Coordinator, SFD-9-2 75 Hawthorne St San Francisco, CA 94105	(415) 972-3063 (415) 218-7406 (cell) Fax: (414) 947-3518 <a href="mailto:Allen.harry@epa.gov">Allen.harry@epa.gov</a>
USEPA Emergency Prevention and Preparedness	Angie Proboszcz, CA & Tribal Program Coordinator 75 Hawthorne St SFD-9-3 San Francisco, CA	(415) 972-3077 Fax: (415) 947-3520 <a href="mailto:Proboszcz.angie@epa.gov">Proboszcz.angie@epa.gov</a>
National Response Center (manned by US Coast Guard 24/7)	For incidents of national significance or major spills, etc	800-424-8802
USEPA Region 9 Emergency Operations Center	For serious spill, major incident involving chemical release, or major emergency	800-300-2193

Attachment C

Go to <http://www.mendorecycle.org/haz.html>

For the HazMobile Info Page

Household Hazardous Waste	Proper Disposal
aerosol spray cans – empty	put in trash
aerosol spray cans – partially full	take to HazMobile drop-off facility
air conditioning freon	take to HazMobile drop-off facility
ammonia based cleaners	take to HazMobile drop-off facility
ammunition	call your local police department
batteries, all household/alkaline	take to HazMobile drop-off facility
batteries, button or hearing aide	take to HazMobile drop-off facility
batteries, car	take to Ukiah Transfer Station
chemical fertilizers	take to HazMobile drop-off facility
computer monitors	take to Ukiah Transfer Station
disinfectants	take to HazMobile drop-off facility
drain cleaners	take to HazMobile drop-off facility
flea repellent, powder	take to HazMobile drop-off facility
floor and furniture polish	take to HazMobile drop-off facility
fluorescent bulbs & tubes (under 20 per visit)	take to HazMobile drop-off facility
glue (if solvent based), epoxy	take to HazMobile drop-off facility
kerosene or lamp oil	take to HazMobile drop-off facility
lighter fluid	take to HazMobile drop-off facility
medicines (leftover)	take to HazMobile drop-off facility
metal polish	take to HazMobile drop-off facility
moth balls	take to HazMobile drop-off facility
needles/syringes	call Mendocino Public Health Dept
oven cleaner	take to HazMobile drop-off facility
nail polish remover	take to HazMobile drop-off facility
paint cans, empty	put in trash
paint cans, partially full	take to HazMobile drop-off facility
paint, oil and latex based	take to HazMobile drop-off facility
paint thinner, stripper, etc.	take to HazMobile drop-off facility
photographic fixer	take to HazMobile drop-off facility
photographic developer	take to HazMobile drop-off facility
pesticides (herbicides, insecticides, etc.)	take to HazMobile drop-off facility
pesticide container, empty	put in trash

Household Hazardous Waste	Proper Disposal
poisons (rat, mice, slug, bug, etc.)	take to HazMobile drop-off facility
pool chemicals, acid	take to HazMobile drop-off facility
propane, nonrefillable cylinders	take to HazMobile drop-off facility
rust remover	take to HazMobile drop-off facility
shoe polish dye	take to HazMobile drop-off facility
smoke alarms/detectors	take to HazMobile drop-off facility
spot remover, rug cleaner	take to HazMobile drop-off facility
televisions, electronics	take to Ukiah Transfer Station
thermometer, broken mercury	take to HazMobile drop-off facility
tires	take to Ukiah Transfer Station (fee)
wine bottle lead foil	put in trash

HazMobile Center  
 298A Plant Road  
 Ukiah, CA 95482  
 468-9704 (recycling hotline)  
 Open Tues, 8-2

Ukiah Transfer Station (Recycling Center)  
 3151 Taylor Drive  
 Ukiah, CA 95482  
 462-3337  
 Open Mon-Sat, 8-4

Mendocino Public Health Department  
 1120 S. Dora  
 Ukiah, CA 95482  
 472-2600



