

amended generally by Pub. L. 94-580, § 2, Oct. 21, 1976, 90 Stat. 2795. Subtitle D of the Act is classified generally to subchapter IV (§ 6941 et seq.) of chapter 82 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of Title 42 and Tables.

AMENDMENTS

1996—Par. (7). Pub. L. 104-109 substituted “section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)” for “section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)”.

§ 3903. Inventory of open dumps

(a) Study and inventory

Not later than 12 months after October 22, 1994, the Director shall conduct a study and inventory of open dumps on Indian lands and Alaska Native lands. The inventory shall list the geographic location of all open dumps, an evaluation of the contents of each dump, and an assessment of the relative severity of the threat to public health and the environment posed by each dump. Such assessment shall be carried out cooperatively with the Administrator of the Environmental Protection Agency. The Director shall obtain the concurrence of the Administrator in the determination of relative severity made by any such assessment.

(b) Annual reports

Upon completion of the study and inventory under subsection (a), the Director shall report to the Congress, and update such report annually—

- (1) the current priority of Indian and Alaska Native solid waste deficiencies,
- (2) the methodology of determining the priority listing,
- (3) the level of funding needed to effectively close or bring into compliance all open dumps on Indian lands or Alaska Native lands, and
- (4) the progress made in addressing Indian and Alaska Native solid waste deficiencies.

(c) 10-year plan

The Director shall develop and begin implementation of a 10-year plan to address solid waste disposal needs on Indian lands and Alaska Native lands. This 10-year plan shall identify—

- (1) the level of funding needed to effectively close or bring into compliance with applicable Federal standards any open dumps located on Indian lands and Alaska Native lands; and
- (2) the level of funding needed to develop comprehensive solid waste management plans for every Indian tribal government and Alaska Native entity.

(Pub. L. 103-399, § 4, Oct. 22, 1994, 108 Stat. 4166.)

§ 3904. Authority of Director of Indian Health Service

(a) Reservation inventory

(1) Upon request by an Indian tribal government or Alaska Native entity, the Director shall—

- (A) conduct an inventory and evaluation of the contents of open dumps on the Indian lands or Alaska Native lands which are subject to the authority of the Indian tribal government or Alaska Native entity;
- (B) determine the relative severity of the threat to public health and the environment

posed by each dump based on information available to the Director and the Indian tribal government or Alaska Native entity unless the Director, in consultation with the Indian tribal government or Alaska Native entity, determines that additional actions such as soil testing or water monitoring would be appropriate in the circumstances; and

(C) develop cost estimates for the closure and postclosure maintenance of such dumps.

(2) The inventory and evaluation authorized under paragraph (1)(A) shall be carried out cooperatively with the Administrator of the Environmental Protection Agency. The Director shall obtain the concurrence of the Administrator in the determination of relative severity made under paragraph (1)(B).

(b) Assistance

Upon completion of the activities required to be performed pursuant to subsection (a), the Director shall, subject to subsection (c), provide financial and technical assistance to the Indian tribal government or Alaska Native entity to carry out the activities necessary to—

- (1) close such dumps; and
- (2) provide for postclosure maintenance of such dumps.

(c) Conditions

All assistance provided pursuant to subsection (b) shall be made available on a site-specific basis in accordance with priorities developed by the Director. Priorities on specific Indian lands or Alaska Native lands shall be developed in consultation with the Indian tribal government or Alaska Native entity. The priorities shall take into account the relative severity of the threat to public health and the environment posed by each open dump and the availability of funds necessary for closure and postclosure maintenance.

(Pub. L. 103-399, § 5, Oct. 22, 1994, 108 Stat. 4166.)

§ 3905. Contract authority

(a) Authority of Director

To the maximum extent feasible, the Director shall carry out duties under this chapter through contracts, compacts, or memoranda of agreement with Indian tribal governments or Alaska Native entities pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.),¹ section 2004a of title 42, or section 1632 of this title.

(b) Cooperative agreements

The Director is authorized, for purposes of carrying out the duties of the Director under this chapter, to contract with or enter into such cooperative agreements with such other Federal agencies as is considered necessary to provide cost-sharing for closure and postclosure activities, to obtain necessary technical and financial assistance and expertise, and for such other purposes as the Director considers necessary.

(Pub. L. 103-399, § 6, Oct. 22, 1994, 108 Stat. 4167.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a), is Pub. L. 93-638,

¹ See References in Text note below.