

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Protection Office**  
**208 E. Allen Road, Tahlequah, OK**  
**March 5, 2013**

**PRESENT:**

Commissioner: Dr. Marty Matlock, Chairman  
Commissioner: Ed Fite  
Commissioner: Dr. Lynna Carson

**APPROVED**  
**DATE 4/2/13**

**STAFF AND GUESTS:**

Tom Elkins, CNEP  
Roger Fields, CNB  
Romelle Kirk, URS Corp  
Doug Bane, CNWM  
Sara Hill, CN Office of AG  
Dwayne Fain, CNEM  
Shaun West, CNEP  
Laura Adair, CNEP  
Jackie Woodward, CNEP  
Ryan Callison, CNEP  
Jerrid Diffie, CNEP  
Andrea Taylor, CNEP  
David Justice, CNEP  
Blake Fletcher, Nominated Commissioner  
Jack Spears, Nominated Commissioner  
Debra Wilson, CNGC  
Pat Gwin, CN Admin. Support

1. Meeting called to order by Commissioner Matlock at 9:45 AM.
2. Commissioner Matlock acknowledged and placed into the record the Record of Public Notice.
3. Commissioner Fite made a Motion to approve the minutes from the January 8, 2013 meeting. Commissioner Carson seconded the Motion. A roll call vote was taken and minutes were approved.
- 4 Public Comment

Mr. Elkins introduced Mr. Blake Fletcher and Mr. Jack Spears, who have been nominated to serve on the EPC, pending Tribal Council approval.

5. Reports
  - A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Mr. Elkins informed the EPC of the CN Health Care Expansion Committee development and the committee's objectives. Provided the EPC with limited information regarding the landfill assessment report. Overview and status of different water group meetings and committees was provided, including the CN Water Conference. Announced the date of the Environmental Festival which will be held on April 12. Chairman Matlock asked if funding was available for the fish mercury testing this year, Mr. Elkins stated in that funding has been received. Chairman Matlock also ask if there had been a fish consumption study done. Ms. Hill stated that she thinks that study is being done in the Tar Creek claims and if it is available she will secure a report. Further discussions ensued regarding urban, rural and indigenous populations consumption and assumed contamination. Commissioner Fite asked if the methane gas topic

was addressed in the landfill assessment report as a potential revenue source and processes for economic development. Mr. Elkins provided additional information regarding these topics to the Commission using different scenarios that were addressed in the report. Additional issues regarding landfill issues and landfill status ensued.

- B. Administration Support – No additional information to report. Arbor week has been combined with the Environmental Festival. Discussion ensued regarding a partner project with University of Arkansas.
  - C. Cherokee Nation Businesses – Roger Fields stated had 1 gallon diesel spill in Tahlequah, treated appropriately and a recycling vendor's compactor ruptured and leaked 5 gallons of hydraulic fluid and was cleaned per established procedures. Chairman Matlock asked if the volume of recycling is being measured at any level. Mr. Fields stated that he did not know the answer, a previous vendor supplied these numbers on a monthly basis and that information is not received with this current vendor. Chairman Matlock asked how food waste was handled. Some is going in dumpster, some is being recycled and some is being digested. Chairman Matlock stated without measurements most of the good work done by Cherokee Nation is not documented therefore not publicized. Additional discussions ensued on this topic. Chairman Matlock asked that this be an agenda item for discussion after the Water Conference.
  - D. Emergency Management – Mr. Fain had no additional information to report. Noted the tornado summit the next week. Tornado notification is still a topic of discussion.
  - E. Natural Resources Department – Mr. Elkins stated that G.V. Gulager would be the representative reporting for Natural Resources but he was not in attendance.
6. Cherokee Nation Sanitary Landfill
- A. Report – Mr. Bane noted that a new board has been seated. Fan Robinson and Lou Ann Collins are new board members with the first meeting scheduled on March 14<sup>th</sup> at the Landfill. On March 23<sup>rd</sup> Adair County is starting their trash off activities early, a box will be provided for these activities. Oklahoma Trash Off Day is April 20 and the Landfill will be participating as they have in years before.
  - B. Compliance Issues – Mr. Woodward stated there is an issue with cover. Mr. Bane discussed this is an equipment issue and the repairs are being made, delays are usually associated with waiting on parts. Commissioner Matlock asked what the threshold was for notice of violation and further action. Mr. Elkins stated that we do not have a policy. Commissioner Matlock stated that a simple policy is needed that both parties understand and agree is reasonable and actionable, that it be acknowledged in writing as a formal policy which needs to be implemented now. Mr. Elkins stated that it would be done by the next meeting.
7. Cherokee Nation Water Plan
- A. Discussion – Ms. Hill stated that carryover funding has been requested for the Water Plan and provided an update, including proposed agenda, and overview of the upcoming Water Conference.
  - B. Comments - none
8. Request for Scientific Collector's Permit – Mr. Diffie stated the request is for Sallisaw Creek, Smith Watershed and Little Lee Creek. Commissioner Fite made a Motion to approve, Commissioner Matlock seconded, roll call vote, motion approved. Mr. Callison provided additional information on collection, data gathering and funding issues.
9. New Business – Chairman Matlock stated that he has been involved in discussion with the Oklahoma and Arkansas AG Office regarding the recent joint task force and agreement on developing a study on phosphorus for the Illinois River. Discussions have been held with EPA and other officials regarding this being perceived as a stalling method on the Arkansas side to forego any additional actions on phosphorus in the Illinois River. Chairman Matlock stated that was neither his perception nor motive, it is a contiguous debate on Arkansas and Oklahoma about water quality standards. Oklahoma has a standard, Arkansas does not. Arkansas does not implement standards they don't develop or approve and Oklahoma can't implement standards for Arkansas. Proposal is to develop a

standard together. Current standard stays as de facto and evaluate if a better standard is possible using the best possible science. Chairman Matlock's role has been as a scientific advisor in that process not as an advocate for either side, just for the best science for the best policy. The outcome will be binding to both organizations within the rulemaking limitations. Additional explanation was offered regarding the scientific standards. Commissioner Fite stated that he signed the agreement as a state agency director. Mr. Elkins stated that he had discussed these issues some time ago, phosphorus in the Illinois River and saltwater injection wells. The Cherokee Nation does have an interest in this topic. Mr. Elkins asked when the discussions began and Chairman Matlock responded that approximately 6 months ago, in 2012. Chairman Matlock stated that he was under obligation for confidentiality as an advisor to the process. It was made clear in his discussions with the agents that Cherokee Nation had standing and needed to be engaged. The AG offices understood that from his perspective and he cannot be responsible for their actions or inactions. Chairman Matlock stated that he had an ethical obligation for confidentiality; He did not see any of the discussions be a threat to our interests at that point. If he had seen a threat, he would have notified them that he was notifying the Cherokee Nation. This is the only venue available to report; he did understand the frustrations, which is the reason for the disclosure. Commissioner Fite provided historical information regarding standards and agreements between the two states. Ultimately the agreement was signed on February 20<sup>th</sup>. There will be a six member scientific advisory committee made up from 3 from each state appointed by the governors of each state. They will control the processes that lead up to the expending the money (\$600,000) put in the Arkansas-Oklahoma Compact Commission. It can't be an entity from Oklahoma or Arkansas that's involved in the study so Dr. Matlock is not involved. He can serve on the scientific direction review committee if the Governor so chooses to appoint him. Each year during this 3 year process there will be a report generated and public meetings. At the end there will be a final report, at the end of the process, if the testing reveals that there is a swing of more than one point, from .027 or upwards to .047, the standards stays as it is today, .037, if it is .048 or higher, both states have agreed to undertake rulemaking and a standards revision. If it is below 027 the states have agreed to tighten the standard. This is the best science for the outcome, the highest quality water that is economically and ecologically viable. Commissioner Fite provided additional historical data on this topic. Chairman Matlock stated that an opportunity is to recommend that a Cherokee Nation representative be part of the Oklahoma three member committee and he was going to recommend the same thing on the Arkansas side and that he can serve in that capacity on the Arkansas side or some other Cherokee Nation representative, perhaps Stacy Leeds so there is an opportunity for the committee to achieve a 2-2-2 representation of the steering/review committee.

10. Announcement of upcoming meetings and events – The next EPC meeting will be held on April 2, 2013 at the regularly scheduled time and location.
11. Commissioner Fite made a motion to adjourn, Commissioner Carson seconded the motion, meeting adjourned.