

CHEROKEE NATION

ENVIRONMENTAL PROTECTION COMMISSION

MEETING: June 5, 2003

Minutes / Topics of discussion (corrected)

In Attendance:

Ed Fite
Ed Henshaw
Stan Hummingbird
Shawn West
Wayne Isaacs
Angie Bulk Holder
Jeannine Hale
Dwayne Beavers
Pat Gwin
Tom Elkins
Billy Hix
Ryan Callison
Brad Peak
Jason White
Kent Curtis
Eric Bassett
Eric Braly
Terry Hallauer
Justin Godwin
John Parris
Pat Ragsdale

Agenda

Item #:

1. Pat Gwin of Natural Resources welcomed those attending the meeting.
2. Chairman Ed Fite called the meeting to order and asked for introductions of persons attending. A signup sheet was passed around. Chairman Fite acknowledged the Public Notice of the meeting and attendance. Chairman Fite noted that a written "Record of Public Notice" had been prepared to document compliance with CNCA 75-1-10(E) and that it would be placed into the official record of the meeting.
3. Commissioner Henshaw moved that the minutes of May 15, 2003 minutes be approved with changes; Commissioner Fite seconded. The motion was unanimously approved.

4. Dwayne Beavers of the Office of Environmental Services gave an overview of the OES's work on an application by the CN to EPA for program authorization under Section 105 of the federal Clean Air Act, and for a determination that the CN qualifies to receive "affected state" status. This status would allow us to comment on state-issued air permit that might affect the Nation on a level equal to a neighboring state. Discussion by the Commission followed.

A motion was made by Commissioner Henshaw to approve a written Resolution indicating official approval by the EPC to file the application, subject to the final decision of the Principal Chief. Commissioner Hummingbird seconded. The Resolution was approved unanimously.

Commissioner Henshaw noted the quality and good attendance at the recent ITEC conference sponsored by the OES, and indicated that he was proud of the department.

5. Pat Gwin talked about tipping rates at the Landfill. Currently they are \$14.00 per ton. The staff is proposing new tipping rates at \$18.00 per ton and for out of nation \$22.00 per ton, although there may be a volume discount. The rate proposal is scheduled to go before the Tribal Council and go into effect October 1. The proposal was developed after comparing fees charged at 5 other landfills in this area, which ranged from \$15 at Quarry to \$36.90 for out of state waste received at Ft. Smith, and taking the average. It was noted that 1/3 of the volume at CN landfill is from Arkansas and it used to be 1/2 before a tonnage restriction of 400-500 tons per day was implemented. Mr. Gwin provided handouts showing National Average Tipping Fees in the U.S., Tipping Fees in different regions of the U.S. during 1985-2002, and Landfill Tonnage Received in 2002 by various landfills in Oklahoma. It was noted that special consideration is given at the CN landfill to wood chips that convert to soil. The individual is charged \$5. Commissioner Henshaw inquired about 'free days' to encourage individuals to bring trash in rather than illegally dumping it.

Commissioner Henshaw made a motion to support the increase in tipping fees recommended by staff and to encourage that fees continue to be set in a manner that is environmentally sound and that will not encourage out of nation dumping that might harm the Cherokee Nation or its people. Commissioner Hummingbird seconded. The motion was passed unanimously.

Chairman Fite asked that the landfill be a permanent agenda item and said the record should reflect that landfill managers should be here and keep the Commission informed.

8. (the agenda was mis-numbered and there was no #6 or #7) Tom Elkins of Environmental Protection gave a Power Point presentation about that department's activities. The CN has Treatment as State status for the lead based paint program for all tribal and individual trust lands. The CN is the first Indian Tribe to create a lead base paint-training program in the state of Oklahoma. The CN Office of Environment Protection also performs radon

testing. The EPA action level is 4pCi/L. The CN did radon tests on 649 homes, 85 schools (JOM), and 71 facilities. Each radon test costs about \$8.00. The CN needs funding for radon testing follow-up and mitigation. If LBP is found, HUD does remediate those sites. In Cherokee County about 40% homes tested have radon, Adair County and Mayes each have about 20% of homes tested with radon. The Office also does ASTM Phase 1 assessments. Three staff recently passed as Certified Hazardous Materials Managers. The Office is also involved in a new initiative against Meth labs as well as emergency response and HAZMAT response activities.

9. Jeannine Hale provided the Commissioners with a legal update in the form of a list of cases and issues she is working on.
10. New Business. Dwayne Beavers noted that we have been contacted about EPA water quality regulations and issues related to how individual trust lands are treated. After discussion, it was determined that staff should set up a meeting with EPA to discuss water quality standards.
11. Miscellaneous. Pat Ragsdale informed the Commission that there are remaining issues related to water rights and the Arkansas River cases that need to be addressed.
12. Commissioner Henshaw made a motion to go into executive session and Commissioner Hummingbird seconded. The motion was passed unanimously. Executive session was conducted concerning pending and potential legal claims associated with Tar Creek Superfund site contamination. Commissioner Hummingbird made the motion to come out of executive session and Commissioner Henshaw seconded. The motion carried unanimously.
13. Commissioner Henshaw made a motion to recommend approval for joining the Tar Creek Trustee Council. Commissioner Hummingbird seconded. The motion carried unanimously. The attorney was asked to attend future council meeting(s).
14. It was noted that the next meeting will be July 3rd at 9 a.m. A motion to adjourn was made, unanimously passed and the meeting was adjourned.

