

**ENVIRONMENTAL PROTECTION COMMISSION**  
**MINUTES**  
**REGULAR MEETING MARCH 4, 2004**

1. Chairman Fite called the meeting to order. Present at the meeting were Commissioners Henshaw and Fite; Commissioner Cohenour was unable to attend. Chairman Fite welcomed guests and the following attendees introduced themselves: Rachel Mouse, Ed Henshaw, Ed Fite, Randy Gee, Mitch Fram, Harold Langdon, Jim McSpadden, Doug Bane, Ryan Callison, Billy Hix, Harley Buzzard, Tom Elkins, and Jeannine Hale. Later in the meeting, Jonathan Hook, EPA Office of Environmental Justice and Tribal Affairs, came in and was introduced to the Commissioners.
2. Chairman Fite noted the Record of Notice regarding the posting of the agenda and the distribution of the agenda to the regular mailing list and other interested persons, organizations and media representatives.
3. Chairman Fite made a motion to approve the minutes of previous meeting February 5<sup>th</sup>, 2004, Commissioner Henshaw seconded the motion. The minutes were approved unanimously.
4. Reports by Cherokee Nation program staff were provided to the Commission:
  - a. Tom Elkins, Director of the Office of Environmental Protection (OEP), reported that OEP is currently working with the Bureau of Narcotics on a Meth Lab Conference to be held April 28<sup>th</sup> and 29<sup>th</sup>, 2004.
  - b. Randy Gee, Program Manager of the Office of Environmental Services (OES) reported for OES Director Nancy John. OES is currently working with the Solid Waste Institute to schedule more household hazardous waste collection events. Jason White is currently working on a presentation for a May 5<sup>th</sup> EPA Superfund Committee. Clean Air staff went to a community meeting in District 6 and gave an overview about the new air monitoring site at Cherokee Heights. Chairman Henshaw asked Mr. Gee if what efforts are being made to get information out to communities about collection events, and Mr. Gee replied that information is being provided by posting and distributing flyers.
  - c. In lieu of Mr. Beavers' report, the Commission asked EPA representative Jonathon Hook to speak and he gave an overview of current happenings with EPA.
  - d. Doug Bane reported on the landfill. The current tonnage is around 200 tons per day. Plans to increase tonnage are on hold for now. Mr. Bane informed the Commission about an opportunity to bid the following day to receive Arkansas sludge for land application. The Commissioners expressed concern that they were not informed earlier about this and delay additional discussion to later in the meeting. Billy Hix reported that there were no operational issues to report. Pat Gwin reported that the Natural Resources Department is being reorganized. Commissioner Henshaw asked about trash pick up. Mr. Bane responded that chicken wire was put up to catch trash, and it should take care of a lot of blowing trash.
  - e. Harley Buzzard, Director of Roads and Sanitation, Community Services, reported on several projects. The Moody Waterline has been completed and waterlines are on the board for Spade Mountain in Adair Co. and Miller Rd. in Cherokee Co. Mr. Buzzard informed the Commission about a meeting on March 11<sup>th</sup>, 2004, with the Federal Highway Administration and Oklahoma Dept of Transportation about historic preservation issues. There is discussion about how to get better organized to handle similar issues. Billy Hix reported that there was a complaint about the cancer

rate at Evening Shade and Dr. Sohail Kahn is gathering information. Mr. Buzzard stated that CN doesn't use FEMA Funds.

- g. CNE and Natural Resources representatives reported that restocking the CN pond near the complex should be inexpensive. CNE also reported that the golf course is going to have ten new greens put in, new tee boxes, and the drainage will be worked on. The creek on the fairways will some work but nothing major. The Tahlequah Casino work has been slowing down a little.

- 5. Statutory revisions – Title 63 CNCA Art. 9 Water Quality -  
Acting Administrator Jeannine Hale presented draft legislation amending Water Quality statutes of the CN. The Commission requested several changes on various pages and these were made by staff. A motion to approve the proposed water quality legislation as amended to reflect the Commission's requested changes, and subject to any changes by the Office of General Counsel, was made by Commissioner Henshaw. The vote to approve was unanimous.
- 6. New Business. The Commission and staff engaged in lengthy discussions concerning whether Arkansas sludge could or should be accepted at the CN landfill at this time. Commissioner Henshaw made a motion that the Commission recommend sludge not be accepted at this time and Commissioner Fite seconded. The motion passed unanimously.
- 7. An update on Complaints was provided by Mr. Elkins.
- 8. Ms. Hale provided a brief Administrator's report.
- 9. Commissioner Henshaw moved to adjourn the meeting and the motion was approved unanimously.