

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
208 E. Allen Road, Tahlequah, OK
October 2, 2012

PRESENT:

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

STAFF AND GUESTS:

Tom Elkins, CNEP
Wayne Isaacs, CNEP
Shawn West, CNEP
Nancy John, CNEP
Jackie Woodward, CNEP
Robert Largent, CNEP
Doug Bane, CNWM
Diane Hammons, CNWM Attorney
Tamara Copeland, CN Risk Mgmt/Emergency Mgmt
Roger Fields, CNB
Morgan Miller, CNB Intern
Romelle Kirk, URS Corp
Laura Adair, CNEP

APPROVED

DATE *Nov 6, 2012*

1. Meeting called to order by Commissioner Matlock at 9:30 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 August 7, 2012 meeting. Commissioner Carson seconded the Motion. Minutes approved unanimously.

4 Public Comment

No public comments.

5. Reports

- A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Mr. Elkins reported that a third party contractor for a complete and thorough landfill assessment has been selected. Commissioner Matlock’s understanding from a meeting with Administration officials stated that the Secretary of State wanted to develop a long-term strategy for the landfill and the viable options. Further discussions ensued regarding the current and future status of the landfill.. The Commission supports a viable operation and are actively engaged to make it become better. Mr. Elkins provided Commissioner Carson with some historical information regarding the landfill. Commissioner Fite stated there should not be any doubt from the Council the direction we are going (Commission) and we are being second guessed. Commissioner Matlock stated that the economic part of the landfill is something the Commission does not deal with. Commissioner Fite stated that he’s not talking about economics, referring to landfill that belongs to Cherokee Nation, that’s under the EPC’s auspices and we have a team that is assembled that tells us what needs to be done over there. Commissioner Matlock stated that he shares Commissioner Fite’s anxiety and we have made it clear that the EPC’s role is to protect the resources of the Cherokee Nation and we are going to protect the health and welfare of the Cherokee people. Commissioner Matlock stated that an on the record dialogue with

Administration is needed not only to discuss the landfill but other issues. Discussions ensued regarding the coordination of a public meeting with Administration and the Commission. Commissioner Fite suggested a meeting with the CNWM Board. Mr. Isaacs reported that the end of July CNEP was contacted by faculty at the Immersion School regarding potential mold issues due to complaints of respiratory distress. Maintenance crews cleaned some of the duct work prior to CNEP interior air sampling, tape samples on suspected areas, and a background sample on the exterior of the building. The lab analysis came back and the indoor air quality of the mold spores was lower than the background. The tape sample came back positive for mold. A report was submitted to Administration of the Immersion School. CNEP followed up a few weeks later with another inspection, at that time samples were taken on the inside of the exterior wall cavity, one of those came back with some fairly high levels of stachybotrys. Mr. Isaacs provided a historical perspective of the modular buildings to explain the structure of the buildings. Commissioner Matlock stated that this did not seem like a minor issue. CNEP met with Mr. Sohail Khan, CN Epidemiologist and he had concerns if there were any children with chronic health issues being exacerbated with mold. A memo was developed to submit to Administration stating that immediate action should be taken for the remediation and a cost analysis to relocate and obtain a new building. Commissioner Matlock asked what was needed from the Commission to ensure that is dealt with quickly. Mr. Elkins stated that the information was being provided for informational purposes only not to take action. Commissioner Matlock asked what jurisdiction CNEP has to motivate action. Mr. Elkins stated that he did not know and Commissioner Matlock asked that Mr. Elkins find out. There needs to be an immediacy to the decision making. The recommendations should be directives to protect issues of public health or environmental protection. When Administration is aware of the issue they will take the proper and immediate steps to correct, they have in the past. Commissioner Matlock stated that he is referring to administrative speed of action and consequences between notification and action can be months. Any length of exposure is unnecessary, clarification of CNEP's jurisdiction needs to be defined in order to act or intervene immediately when there is a clear potential harm to the public or environment and requests that a policy be developed. Commissioner Fite requests that this item be placed on the agenda for the November meeting to include possible action.

- B. Natural Resources Department – no additional information to report.
 - C. Cherokee Nation Businesses – no additional information to report. Continued guidance and oversight from the Environmental group is requested.
 - D. Emergency Management – Tamara Copeland reported on projects under a Homeland Security grant. Commissioner Matlock asked about mutual aid regarding communication issues between Oklahoma and Northwestern Arkansas. Discussions ensued regarding communication issues and mutual aid across state lines. Ms. Copeland said she will check into any movement in that area.
6. Cherokee Nation Sanitary Landfill
- A. Report – Doug Bane reported that everything is status quo at this time until long-term plans are known. Commissioner Fite inquired about the status of the equipment. Mr. Bane stated that they had purchased a couple of trucks, and using an alternate method on the water. Regarding leachate application, are you making a switch from taking it to Stilwell and using it for cover? Mr. Bane stated that it has worked pretty well. Discussions ensued regarding equipment and surplus property.
 - B. Compliance Issues – Jackie Woodward stated that there are none at this time.
7. New Business – A Special EPC Meeting will be held on October 16, 2012. Commissioner Matlock requests updates on the Water Plan and Water Resources so the EPC can report to the Council.
8. Announcement of upcoming meetings and events – The next EPC meeting will be held November 6, 2012 at 9:30 A.M.
9. Commissioner Fite made a motion to adjourn, motion passed, meeting adjourned.