

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
206 E. Allen Road, Tahlequah, OK
February 7, 2008

PRESENT:

Commissioners: Mark Green, Marty Matlock, and Ed Fite

STAFF AND GUESTS:

Harold Langdon, CNE
Roger Fields, CNE
Nathan Moton, Concerned Citizen of Adair County
Jack Crittenden, Concerned Citizen of Adair County
Pat Gwin, CN Natural Resources Department
Flossie Girty, CN Administration
Doug Bane, CN Landfill
Brad Carson, CNB
Dena Geib, CNB
Becky M. Johnson, EPC Attorney
Tom Elkins, CN Environmental Programs
Nancy John, CN Environmental Programs
Shaun West, CN Environmental Programs
John Freise, CN Environmental Programs
Wayne Isaacs, CN Environmental Programs
Karen Dye, CN Environmental Programs
Amber Armstrong, CN Environmental Programs

1. Commissioner Green called the meeting to order at 9:35 a.m.
2. Commissioner Green acknowledged and placed into the record the Record of Public Notice and meeting agenda.
3. Commissioner Fite made a motion to approve the minutes from the December 18, 2007 meeting. Commissioner Matlock seconded the motion. Roll was called, and the vote was:
Mark Green: aye
Marty Matlock: aye
Ed Fite: aye
The minutes were approved unanimously.

4. Reports

- A. Natural Resources Department – Pat Gwin reported he had nothing more to add to his written report but was willing to answer questions.

Commissioner Fite: How is the Shagbark going?

Pat Gwin: To early to tell. We are going to do a survival study probably about the middle of April. From last years planting it appears that the ones that were given the most care are doing very well. There was probably a 100% survival rate even with the week long freeze that we had last year.

Commissioner Matlock: Is the Strategic Land Plan available for public review?

Pat Gwin: Yes

Commissioner Matlock: Where is it available?

Pat Gwin: It is under review with the Group Leaders right now. We will make sure that Mr. Elkins gets a copy to each of you.

Commissioner Matlock: Is that something that the EPC would have an interest in reviewing at some point just to be aware and informed?

Pat Gwin: I would think so. It is basically a zoning type of endeavor for tribal lands which has a number of conservational zonings that can be applied to land. I am sure you would be very interested in those. The one thing that I will warn you about first is that we have about four hundred different tracks of land. The attribute table is somewhat voluminous so I will give you the actual plan. You may be interested in some of the conservation stuff and I would be happy to provide that for you.

Commissioner Matlock: Do you have a paperless form for that?

Pat Gwin: Yes, I do.

Commissioner Matlock: That might be better.

Pat Gwin: I will make sure that Mr. Elkins gets that.

- B. Environmental Programs – Nancy John reported that the CNEP staff had increased with two new staff members, Curry Blankenship and Terrel Mitchell. They will be under the supervision of Wayne Isaacs
- C. Cherokee Nation Enterprises – Roger Fields reported Catoosa and West Siloam had no environmental incidents for December and January. The leaking nurse tank at Outpost 2 has been replaced. Then new West Siloam Springs Smoke Shop opens tomorrow at 6 a.m.
- D. NEPA projects for Realty, IHS, NAHASDA, and Roads – Wayne Isaacs reported the Environmental Reviews for the Greer Church Waterline Extension has been completed as have the Dהלonegah Road Project and Smith Hollow Road Project.

Commissioner Green: How many projects are going on at any one time?

Wayne Isaacs: Right now we are working on 32 individual housing projects. We are at 241 on housing to date. They are supposed to be sending over some new Roads projects. We haven't received those yet. Then we do Water and Sanitation as well.

Commissioner Fite: Is the SIP Warehouse over at Cherry Tree going to cause any issues with the existing lagoon over there?

Wayne Isaacs: No, this one is just right by the old gym. It is not associated with the lagoon. It is just a storage facility only. Other than electricity they won't have any other utilities.

- E. Tribally funded construction projects – Pat Gwin offered to relay questions to Todd Enlow. There were on questions.

F. EPC Administrator – Tom Elkins reported the Gaming Commission is meeting with the Environmental Health and us. The Department of Interior with the NIGRA is putting out some rules where the Nation would have to certify that all the gaming entities have adequate environmental safety and health codes to protect the customers and the environment. That is just in the preliminary stages right now. One other thing that wasn't in the report, Bobby Short doing our Brownfield's Program, he's got specific projects like right now he is working with the Saline Court House right at the edge of the Mayes and Delaware County borderline. It was one of Cherokee Nations nine original court houses. It is the last original building. That was designated a park through the Cherokee Nation and he is already working on that through the Brownfield's. He is also putting together a National Parks Service Grant to work on getting some remediation with that. He has also identified some of the buildings that we are going to work on, the Court House downtown, the prison and another building around here. We would like to work with some of the Cogs in the 14 counties and with some of the communities. If there are some Brownfield's Projects that we can partnership with the Nation we would really like to do that. The Nation is welcomed more so to work with communities and if we can do that get some of that revolving loan money through the Nation that is a win, win thing for the communities and for the Nation. It is just going to help a lot of the communities if we can do that. We don't want to just center on things that are just Cherokee Nation. Cherokee Nation works with all of the communities so we want to work with projects like that through out the 14 counties.

5. Cherokee Nation Landfill

A. Regular report by landfill – Doug Bane reported there are three items to point out. A reconstructed modified design of the gage is being installed in the leachate pond. This was worked on with the Environmental Staff. They have not been able to get the level down as far as they had anticipated but they are still hauling and working on other options to speed that along. The gas remediation is still running high in the three probes. There has not been any final decision made on what direction the landfill is going to go. Either way that area where that remediation goes will be worked on. We fill that it would be best to do that in conjunction with whatever construction work is done. It doesn't pose a great risk right at the moment and we would like to accomplish that as a part of the construction project out there as apposed to installing something that may or may not fit into the long range plans and actions that we have to take at the landfill.

B. Compliance Issues

(1) NOV issued to ICI by Administrator

a. Brief summary by Tom Elkins – One of the issues that I would like to say is that since ICI has left the Nations has been handling that. We are a government entity. We are not a business. Our turn around time for things like this does not happen immediately. Everything has to go through a process and we do that because we have accountability at the Nation. The citizens demand that we do that. They want to know where our money goes so there is a process for everything. We are not a business. That is what the Cherokee Nation Landfill needs to be a business. We are working with Doug to say we have issues here. You are going to identify these, and we are going to work on these. He has been doing that to the best of his ability right now. There are issues that we are still going to have to work on but we are getting there. There is a lawsuit with ICI right now so the status of that right now we don't know. The Cherokee Nation is taking responsibility for this. We are working with what we've got. We are looking at these issues and they are being addressed.

b. Discussion by the Commission

Commissioner Matlock: Are you also monitoring for compliance to insure that any violations are duly recorded.

Tom Elkins: Yes, sir. In fact we just receive the fourth quarter from '07 report. There are definite methane issues out there and they are going to be addressed. They already have a bid to look at that but as Doug says any remediation on that is going to have to entail whether that landfill is closed. It is going to have to be addressed in that manner. If it is opened again it is going to have to be addressed.

Commissioner Matlock: So your organization is now playing role in compliance assistance as well as enforcement?

Tom Elkins: Not so much compliance assistance but we are working with them directly to ensure that it is going that direction.

Commissioner Matlock: Our role then is very clearly then defined as enforcement.

Tom Elkins: Very much so.

Commissioner Matlock: So violations will be addressed and we will enforce the regulations, rules and laws of the Cherokee Nation period. All other extenuating circumstances notwithstanding we are enforcing those regulations. To the extent there are violations the remedies under the law will be enforced through this commission. That is the extent of what we can do all other managerial processes are discoursed.

Commissioner Fite: In Shaun's report a memo back in December there were six employees at the landfill and the manager. Is anyone paying attention to the leachate pond on weekends and holidays after hours when the rain fall might come?

Doug Bane: If there is a major rain fall event we are working out a monitoring plan right now that we have drafted and submitted to Environmental that in the event of a significant rain fall event we will monitor it otherwise it is not monitored on Saturday and Sunday.

Tom Elkins: In that effort Callie and Doug have presented that to us and we have some issues with the wording of it for clarity but that is all. They have made an effort toward that.

Commissioner Fite: I think that would be another opportunity there of keeping track on that staff gage. I am comfortable with that if it is being checked. The other issue is we received a memorandum from the Board of County Commissioners in Adair County related to the closing of the landfill. Has Cherokee Nation staff seen any indications of increased wildcat dumping around the landfill itself?

John Freise: It is interesting to note that the access road into the landfill. The road off of Hwy. 59 there is just as much trash or more trash there now that the dump is

closed than when the dump was open. There is evidence there of improper trash disposal now.

Commissioner Fite: When I saw that memorandum I was just curious of how valid that is of how some of these areas that we have worked hard in other areas of Cherokee Nation to clean up are being complicated now.

Tom Elkins: We have cleaned up dumps in those areas and they have been dumped at again at different times and cleaned up again. Is that attributable to the closure of the dump this time, I don't know myself. We can speculate on that. I have noticed that when there are places to dump like in Delaware County, at the green boxes a measure of people dump those. There are always going to be people that don't do that. Is there a direct correlation between the closing of the dump? I don't know.

Commissioner Green: Are we logging or documenting what we are seeing.

Doug Bane: It is logged everyday and I submit that to the Environmental staff.

Commissioner Green: If there is a significant rainfall especially if it is on the weekend and that thing starts to overflow what are we going to do?

Doug Bane: We have to try to get trucks in or possible do some kind of emergency re-circulation to get the level down.

Commissioner Green: Is there a plan in place to facilitate it.

Doug Bane: That is part of the plan that we have submitted to Environmental. The clay burns are still in existence around the pond. In the event of an emergency we wouldn't see an overflow. Those clay burns are being maintained we measure them monthly as part of the consent agreement.

c. Opportunity for Public Comment, to extent allowed by Commission

d. Vote by the Commission to issue Compliance Order/Penalty Assessment, to take other appropriate action, and/or to take no action at this time

Commissioner Green: Are there any new notices of violation?

Tom Elkins: No, sir not at the moment.

Commissioner Green: I take it from your comments that there are no issues that you are asking us to vote on.

Commissioner Fite: Whenever we are moving that leachate I think we left it kind of open ended that we don't care how it is move as long as it is moved. I think it is important that it be moved according to precedent by standards and laws. I want to make sure that is asserted here today that no one cares how that leachate is moved. I want to make sure that everyone understands that it needs to follow whatever guidelines that prescribes to the federal level.

6. New Business – No new business.
7. The next meeting will be held March 6th at 9:30 a.m.
8. Commissioner Green moved to adjourn. The meeting was adjourned at 10:19 a.m.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
206 E. Allen Road, Tahlequah, OK
March 6, 2008

PRESENT:

Commissioners: Ed Fite & Marty Matlock

STAFF AND GUESTS:

Harold Langdon, CNE
Roger Fields, CNE
Nathan Moton, Concerned Citizen of Adair County
Jack Crittenden, Concerned Citizen of Adair County
Jodie Fishinghawk, Tribal Council Member District #2
Jamie Cole, CN Finance
S. Joe Crittenden, Tribal Council Member, District #2
Pat Gwin, CN Natural Resources Department
Angela Drewes, CN Natural Resources Department
Doug Bane, CN Landfill
Dena Geib, CNB
Becky M. Johnson, EPC Attorney
Tom Elkins, CN Environmental Programs
Nancy John, CN Environmental Programs
Shaun West, CN Environmental Programs
Wayne Isaacs, CN Environmental Programs
Amber Armstrong, CN Environmental Programs

1. Commissioner Fite called the meeting to order at 9:40 a.m.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting agenda.

Commissioner Fite recognized Tom Elkins, CNEP Administrator. Tom Elkins requested that the commissioners amend the agenda to include:

- A. The format of the EPC meetings
 - B. Environmental statutes and rules
 - C. Application relating to the landfill
 - D. Waiver of Possible Attorney Conflict
3. Commissioner Fite made a motion to approve the minutes from the February 7, 2008 meeting. Commissioner Matlock seconded the motion. The minutes were approved unanimously.
 4. Reports
 - A. Natural Resources Department – Pat Gwin reported that the Shagbark releases are now completed as are the establishment of 3 groves of Osage orange. The establishment of river cane patch was accomplished and recognition to the estate of Julian Fite for allowing access to his property. On March 28th the Natural Resources Department, in celebration of Arbor Day, will be giving away pecan, green ash, red bud, bald cypress, American plum and Loblollies pine trees at the Cherokee Nation Complex between 1:00 – 4:00 pm. The event is open to the public. There is a new organization being formed called the Spavinaw Water Shed Assessment Team and the

tribe has been invited to participate in a meeting scheduled in April. Cherokee Nation will work towards getting a representative appointed to that team.

- B. Environmental Programs – Nancy John reported that the EPA Brownfields Program has set aside \$50,000 dollars for potential Brownfields inventory development or site assessments. In reference to the 2005 Highway National Highway Transportation Bill, the TAS rider affecting Tribes in Oklahoma required an agreement with the State before seeking TAS status. Currently, there is one Tribe within the state pursuing TAS status through this process. The Regional Tribal Operations Committee will be discussing this topic. EPA is requesting input from Tribes to develop the process or structure for notification and providing a public hearing under the provisions of the Rider.
- C. Cherokee Nation Enterprises – Roger Fields reported CNE had no environmental incidents for the month of February. Then new smoke shop in West Siloam Springs opened last month as announced.
- D. NEPA projects for Realty, IHS, NAHASDA, and Roads – Wayne Isaacs reported that an application to do an environmental assessment on the upgrade of sewer lines of 109 units located at Sportsman’s Acres. It is a low rent housing addition that the tribe has.
- E. Tribally funded construction projects – Todd Enlow or designee. Angela Drewes reported that there was no report from Todd but offered to take questions back to Todd. There were on questions.
- F. EPC Administrator – Tom Elkins discussed the format and scheduling of the EPC meetings. He discussed the frequency of the EPC meetings, possibly quarterly meetings unless enforcement items need to be brought before the Commission. A disconnect exists between statutes and rules and there is a need for continued development and revision if the EPC is to be effective. Mr. Elkins recommended that the number of EPC members increase from three to five.

Commissioner Fite stated the he would like to schedule a half day where the EPC can come in and meet with staff.

5. Cherokee Nation Landfill

- A. Regular report by landfill – Doug Bane reported they are in the process of getting equipment repairs done that were badly needed. The Nation has purchased two tanker trailers that should be delivered within the week to haul from the leachate pond. We are getting assistance from the Natural Resources Department with a couple of semi tractors.
- B. Compliance Issues
 - (1) NOV issued to ICI by Administrator
 - a. Brief summary by Tom Elkins – No new issues to report.

Shaun West reported the leachate pond is relatively full but it is not actually over the liner. It is up to the top of the measuring device but so far we haven’t had any breaching of the leachate pond. The unauthorized pond is being pumped over to the storm water pond. They had some issues on some of the equipment at the landfill and they are trying to get that taken care of so they can work more on the grading of the cover of the older cells. They had some issues with the terracing and run off of the older cells. The days that we were out there; there was no pumping being done and no sludge from Stillwell being brought out.

b. Discussion by the Commission – Moved to new business.

6. New Business

Commissioner Matlock made the motion that the discussion of the Waiver of Possible Attorney Conflict be added to the agenda. Commissioner Fite seconded the motion. The motion to add the discussion of the Waiver of Possible Attorney Conflict to the agenda was approved unanimously.

Becky Johnson provided an explanation for the need of a Waiver of Possible Conflicts of Interest. She is involved in various litigations and needs to be able to represent the Cherokee Nation on these cases. There are currently three law suits with ICI dealing with contract issues not the environmental issues. The Attorney General has asked Ms. Johnson to assist with these cases. There is still a compliance order to address which is separate from the other three. Based on professional responsibility purposes, Ms. Johnson requested the EPC to consider waiving any possible conflicts.

Commissioner Matlock made the motion to approve the Waiver of Possible Attorney Conflict. Commissioner Fite seconded the motion. Roll call was taken and the motion approved.

Tom Elkins introduced Dena Geib with Cherokee Nation Businesses.

Dena Geib informed the Commission that they have a proposed plan for the landfill. CNB requests a special meeting before the next regularly scheduled EPC meeting. CNB would like to present plan and discuss options.

Commissioner Matlock made the motion to have a special meeting. Commissioner Fite seconded the motion. Roll was called and the motion approved.

Commissioner Fite stated that this is an application to assume and modify the current permit for the Cherokee Nation Municipal Solid Waste Landfill located on Cherokee Nation tribal trust land in Adair County, Oklahoma. Cherokee Nation Businesses, LLC has good cause to request the permit modification in order to provide continued waste management services to customers in and around Indian Country.

Becky Johnson stated this is a modification of the existing permit. Basically the cells are full except for being able accept the sludge. It is my understanding that once cell will be added because you have to at least add one cell no matter what you do because of the slope issue and then to change the name because ICI is still on the existing permit. We need the new operator to be on the permit regardless of who it is. CNB is accepting that responsibility to operate it so they need to be on the permit and ICI needs to be removed.

Commissioner Fite requested that he be placed on the agenda at the next Council meeting to provide a briefing on the status of the landfill and the application from CNB. Commissioner Fite stated that he wants to ensure there is full disclosure on what is going on so that everyone is informed and knows what is going on related to the application and the landfill.

Commissioner Matlock questioned whether a public review period is mandated under ordinance.

Becky Johnson stated that if the Commission wants to order that the public review be required then it needs to be determined now because it is not required by the statutes and the rules.

Commissioner Matlock asked what vehicle would he utilize as a citizen of the Cherokee Nation to review these actions and to comment on these actions prior to their implementations.

Becky Johnson responded by stating that citizens can look at copies or ask questions and then come to this Commissions meeting and ask questions.

Commissioner Fite requested that a public comment period be placed on all future agendas where anyone in the audience can present up to three minutes discussion about any item that is on that agenda. Commissioners can not take action on those comments but we will allow constitutes three minutes at the beginning of each meeting.

7. The next meeting will be held March 25th at 1:30 p.m.
8. Commissioner Matlock moved to adjourn the meeting. Commissioner Fite seconded. The meeting was adjourned at 11:29 a.m.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING
Cherokee Nation, W.W. Keeler Tribal Complex
Tribal Council Chambers
22361S. Bald Hill Rd. Tahlequah, Ok. 74464
March 25, 2008

PRESENT:

Commissioners: Ed Fite, Mark Green and Marty Matlock

STAFF AND GUESTS: Sign-In Sheet on file

1. Commissioner Green called the meeting to order at 1:38 p.m.
2. Commissioner Green acknowledged and placed into the record the Record of Public Notice and meeting agenda.
3. Public Comment

Monroe Galcatcher (Adair County) expressed opposition to accepting trash generated from outside the state of Oklahoma. Mr. Galcatcher also expressed concerns about the trash accepted at the landfill, screening methods at the landfill and impacts to surface water and human health.

Commissioner Green stated that the EPC is not meeting today to discuss the acceptance of trash from out of state sources. He re-iterated that the agenda item for this meeting's discussion are only related to the proposed solid waste permit modification.

Jack Crittenden (Adair County) provided a summary of items addressed previously through the issuance of previous Notices of Violation. Mr. Crittenden stated that he was speaking on behalf of over 300 individuals near the vicinity of the landfill and feels that the permit for the landfill should be terminated instead of modified.

Commissioner Green requested Mr. Crittenden to submit a copy of his comments to Tom Elkins for the record. (a copy has not been provided for the record to date)

Commissioner Green clarified that the EPC is not asking that the permit be modified, rather the Commission is being asked to review whether the permit should be issued or modified.

Mr. Crittenden inquired as to what entity would be responsible for determining whether the landfill could accept out of state trash.

Mr. Elkins responded that the Attorney General's office has determined that the Tribal Council would have the authority to address this concern.

Nathan Moton (Adair County) expressed concern about the landfill activities and requested the EPC to help area residents and ensure things are done right.

Commissioner Green responded to Mr. Moton's concerns stating that the EPC is trying to ensure that things are done properly.

Jodie Fishinghawk (Tribal Council, District 2) requested clarification on the proposed permit modification, Attachment A, the compliance schedule. Councilwoman Fishinghawk inquired whether this is the compliance schedule that CNB would follow if they took over the landfill operations.

Brad Carson (Cherokee Nation Businesses) responded by stating if the permit is granted, this is the compliance schedule that the EPC has requested and will be followed. If the compliance schedule is not followed a Notice of Violation could be issued to CNB.

4. Solid Waste Permit Modification – Cherokee Nation Sanitary Landfill

- A. Presentation of Permit Modification – Tom Elkins reported that the proposed permit modification and supporting documentation were made available for public review since the posting of the meeting and no comments were received. Specifically, the notice was posted on March 14, 2008 and an opportunity for review was provided for all documents from 8:00 a.m. – 5:00 p.m. at the Environmental Programs offices located at 206 E. Allen Road.

Mr. Elkins acknowledged that there are environmental issues existing with the landfill. Mr. Elkins stated that within the past week, heavy rainfall caused the leachate to spill over and left the perimeter of the landfill site. Mr. Elkins stated that a way to prevent this from happening is to have an operator take over responsibility for the landfill and fix these issues. This option before the Commission is viable in accordance with CN statutes and rules. The proposed modification has been reviewed by our engineers and environmental staff. All activities are in accordance with federal regulations and Cherokee Nation statutes and rules. The compliance schedule also lists concerns with reasonable timetables to achieve and fix existing issues.

Mr. Elkins informed the Commission that correspondence has been received from the current operator of record, Indian Country Investment. Copies of letters were provided to Commissioners and ICI expressed their desire to not be removed from the permit as the operator. Mr. Elkins replied by letter to ICI stating that they are not demonstrating attempts to perform as the operator and to provide evidence demonstrating that they are attempting to operate it.

Commissioner Matlock inquired about action related to the off site discharge of leachate. Mr. Elkins responded by stating a notice of violation was issued to ICI and CN Financial Resources. ICI objected to the NOV as well as being removed from the permit as the operator.

Commissioner Green inquired whether a system was in place to identify existing conditions under the ICI purview while their contract to operate was in place.

Tribal Councilman Joe Crittenden expressed support for an environmental audit or assessment of the current status of the landfill.

- B. Discussion by Environmental Staff –

Commissioner Matlock asked Mr. Elkins if he felt that he had the proper staff to adequately inspect, enforce and protect the interest of the Cherokee Nation for a landfill if serving as both and enforcement and compliance assistance service provider. Mr. Elkins responded by stating the rules are inadequate and currently looking at a mechanism to address this issue. Commissioner Matlock expressed concern to limitation or lack of resources for staff to continue adequate enforcement activities in the future.

- C. Presentation by Cherokee Nation Business -

Brad Carson acknowledged the public testimony of citizens concerned about the future of the landfill and stated that closure of the landfill is estimated to cost between 10-20 million dollars. He believes that the best option for the landfill is to allow CNB to operate it.

There are four areas that CNB will focus immediate attention on:

- (1) CNB will hire an outside party (Engineering Firm) to conduct an environmental assessment of the landfill,
- (2) CNB's plan is to replace the leachate pond within a matter of months through a state of the art landfill practice design. The berm surrounding the leachate pond will be raised as an interim measure as progress continues forward,
- (3) CNB will address the stormwater issues through various engineering design approaches,
- (4) Various measures will be put in place to address wind blown trash.

CNB is going to commit several millions dollars into this project with the first phase estimated to cost fifteen million dollars.

D. Vote to Modify Permit –

Commissioner Green asked Tom Elkins for his recommendation for or against the proposed modification. Mr. Elkins responded by stating he feels it would be most reasonable to modify the permit and get issues is the landfill addressed.

Commissioner Green asked whether there will be funds set aside for closure if operations continue. Brad Carson responded by saying there is a current Cherokee law that requires \$1.00 tipping fee per ton to be placed into the closure account. If CNB operates the landfill, they will pay the \$1.00 per ton fee and CN will be the custodian of that account. At the end of each year, an auditor will look at an engineering report with an estimation of closing costs. CNB will have to supplement the fund if an adjustment is determined. Cherokee Nation Financial Resources will be the custodian of this trust fund. Callie Catcher stated that the funds will be placed in a restricted fund setup for the closure of the landfill.

Commissioner Matlock made the motion to approve the proposed modification to the Solid Waste Permit. Commissioner Fite seconded the motion. Roll call was taken and the motion was approved unanimously.

5. New Business – Matters not known or not reasonably foreseen prior to posting the agenda

No items were presented for the Commissions consideration.

6. Announcement of upcoming meetings and events, if any

Commission set the EPC meeting schedule to occur on alternating months beginning on May 6, 2008 at 9:30 a.m. at the Tribal Council Chambers if this location is available.

7. Commissioner Fite made a motion to adjourn the meeting. Commissioner Matlock seconded the motion. All voted in favor of the motion.

The meeting was adjourned at 2:45 p.m.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
206 E. Allen Road, Tahlequah, OK
May 6, 2008

PRESENT:

Commissioners: Ed Fite & Marty Matlock

STAFF AND GUESTS:

Harold Langdon, CNE

Roger Fields, CNE

Nathan Moton, Concerned Citizen of Adair County

Jack Crittenden, Concerned Citizen of Adair County

Pat Gwin, CN Natural Resources

Clint Carroll, CN Natural Resources

Jeannine Hale, CN

Michael Stephens, SES

Brad Carson, CNB

Dena Geib, CNB

Tom Elkins, CN Environmental Programs

Nancy John, CN Environmental Programs

Shaun West, CN Environmental Programs

Wayne Isaacs, CN Environmental Programs

Bobby Short, CN Environmental Programs

Amber Armstrong, CN Environmental Programs

1. Commissioner Fite called the meeting to order at 10:00 a.m.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting agenda.
3. Commissioner Fite made a motion to approve the minutes from the March 6, 2008 meeting. Commissioner Matlock seconded the motion. Roll was called and the minutes were approved unanimously.
4. Reports
 - A. Natural Resources Department – Pat Gwin reported that regarding forestry they are doing some survival studies on a recent commercial planting which they will be reporting on at the next meeting. They will be working on studies for the American Burying Beetle Permits next month. The Tribal IRMP has been re-drafted and re-submitted. Tom Elkins has copies of the old one and copies of the new one will be sent to him for distribution to the EPC. Due to the flooding issues in Delaware County, Commissioner Dave Kendrick has requested the tribe's assistance to locate fill material for some roads that have washed out. We have found him one supply of gravel that he can use immediately and we have found him two supplies of gravel that we will give him access to once his permitting has been taken care of. He will also be coming to the EPC with a request to mine gravel out of the dry creek basin. Tom Elkins has been given that information to be working on a permitting package for the EPC.

Commissioner Matlock recommended that staff check on the sediment loads from the stream bed in Tyner Creek at Proctor on Hwy. 62 where heavy machinery and trucks have been entering and crossing.

- B. Environmental Programs – Nancy John reported that Ryan Callison had had been appointed to the Clean Air Act Advisory Committee. This is a senior level policy advisory committee that advises EPA on senior policy issues in Clean Air.
- C. Cherokee Nation Enterprises – Roger Fields reported CNE had no environmental incidents for the month of March and April.
- D. NEPA projects for Realty, IHS, NAHASDA, and Roads – Wayne Isaacs reported the two key projects that they had was the upgrade to the sewer system at Cherokee Heights which is located next to Sportsman’s Acre southeast of Pryor. The environmental assessment has been completed on that and is under internal review within our program. This past week we received information on the plans to build a new health clinic facility in Vinita. We will be doing the environmental assessment on tat as well. That will be located south of the city of Vinita, south of I44. We also have an on going project with the Ramona property. These are the main projects that we are working on now.
- E. Tribally funded construction projects – No report.
- F. EPC Administrator – Tom Elkins reported the amendment to the statute for the EPC went through committee and full council. The Chief signed off on it so the statute is amended and he will be looking for the representation for the EPC to be increased from three members to five. He would be interested in names of people who might qualify to fill those positions and that has to go through council approval as well.

Commissioner Fite opened the floor to public comment:

Jack Crittenden: Have all of the issues of the Compliance Schedule have been taken care.

Tom Elkins: When the new permit was redone a new compliance schedule was set up for those things and that took Cherokee Nation out of that and the new permittee is now CNB.

Jack Crittenden: The level of the leachate pond has been over the bar for months. They had a time limit for all of these things to be taken care of so are they going to get away without taking care of those problems?

Tom Elkins: They have a compliance schedule and they will be held accountable for that.

Commissioner Fite presented Jeannine Hale with a plaque in recognition of her service to the Environmental Protection Committee.

5. Cherokee Nation Landfill

- A. Regular report by landfill – Dena Geib reported that there is a compliance schedule that is being kept. There were three 30 day compliance issues which were submitted to Tom. We continue to redirect the storm water from the unauthorized outfall to the approved basin until we get that issue fixed with our construction plans. Recently the tribal council passed a resolution to require an independent testing firm to look at the landfill to alleviate and fears that are out there. We have moved forward with that request for proposal which we sent to you with six different firms that are on the DEQ certified list. Those bids are du back on the 15th and we expect to have those results by the next time we meet. We continue to accept sludge on a regular basis from Stilwell and we move 2 million gallons of leachate from the pond to the waste water treatment in on month’s period. In comparison to previous months which was done by a third party only 560 thousand. We have received 7 inches of rain fall during one month’s time at the landfill site.

The employees have done a tremendous amount of working through the rain to make sure that there are no environmental issues with the leachate pond. It is over the device but they have moved so much leachate out of that pond that there are no problems. We have the construction plans out for bid. They are due back on the 20th and we will share those results.

B. Compliance Issues

a. 30 Day Compliance Issues and the progress

Shaun West reported the three items were to install and maintain the raw silt traps at outfalls 6, 7, and 8 and to submit a methane monitoring and a methane reduction plan. Those plans have been submitted and the silt traps have been reorganized. The silt traps have been worked on a lot for 6, 7, and 8. we have the plans and right now we are just in the process of reviewing them. The methane and the topographic analysis we had a couple of small issues that we would like for them to fix and the plan will be okay with us.

b. Brief summary by staff – no comments or summary

c. Discussion by the Commission

Commissioner Fite: We are moving towards that 90 day window. We have some exceptional players involved now that I in vision that the landfill is going to continue to ratchet it up to meet those standards that we want.

C. Amendment to Permit Modification (minor issues) & action by the EPC.

Dena Geib: When our council for CNB reviewed the document they noticed that there was no reference to our compliance schedule I the previous modification. They had a concern about ICI's obligation versus ours. We had agreed to certain items that we wanted to recognize. This amendment recognizes the things that we are responsible for. Cherokee Nation Businesses has created a company for the landfill. In order to separate the different assets of the nation we created a separate company to hold these. We would like to have that company recognized as the operators specifically under CNB. One thing that this amendment also does is it requires at Tom's request that CNB remain the sole member and owner of that company.

Commissioner Fite: Does staff have a recommendation?

Tom Elkins: I recommend this is passed. It does clarify some issues that they need clarified and it doesn't change the intent of what you had passed before.

Commissioner Matlock made the motion to approve the amendment to the Permit Modification. Commissioner Fite seconded the motion. Roll was called and the amendment to the Permit modification was approved unanimously.

6. New Business – No new business.

7. The next meeting will be held July 1, 2008 at 9:30 in the Tribal Council Chambers.

8. Commissioner Matlock moved to adjourn the meeting. Commissioner Fite seconded. The meeting was adjourned at 10:30 a.m.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
206 E. Allen Road, Tahlequah, OK
Special Meeting
August 5, 2008

PRESENT:

Commissioner: Ed Fite

CONFERENCE CALL:

Commissioner: Mark Green

Commissioner: Marty Matlock

STAFF AND GUESTS:

Harold Langdon, CNE

Nathan Moton, Concerned Citizen of Adair County

Jack Crittenden, Concerned Citizen of Adair County

Dwayne Fain, CN Risk Management

Flossie Girty, CN Administration

Dena Geib, CNB

Chris Galcatcher

Norman Galcatcher

Woodrow Galcatcher

Tom Elkins, CN Environmental Programs

Nancy John, CN Environmental Programs

Shaun West, CN Environmental Programs

Amber Armstrong, CN Environmental Programs

1. Commissioner Fite called the meeting to order at 9:30 a.m. and acknowledged public comment.

Jack Crittenden: The landfill has been operated since 1982. It was operated without a master plan and without a permit for 26 years. This commission issued a 2 year interim permit, in 2005 and then in 2007 it was about ready to expire. They came back in and asked to lift that 2 year limit and to make it the life of the landfill. When they were doing that it was supposed to let them correct all of the deficiencies and the environmental problems that were down there. When it finally closed in October 6th of 2007 none of that had even happened. Then you authorized the re-contouring of cell 2 and 3 which turned out to be cell 4 with no permit and it was suppose to fix the storm water run off down their. It made it worse because the side slopes are twice what they should be. Then we come along with a mutual settlement agreement forgive them for all of the past fines. The Administrator recommended a penalty against the Cherokee Nation Financial Resources related to pass violations. Request for permit modification number 3 by CNB to remove ICI as the operator and make CNB the permitted operator with still no approved permit application and now we are up to a request for a waiver of compliance issues. This has been a very forgiving commission and I think it is time that we stopped what you're doing and this commission has 20/20 hind sight now here to look back on to see the results of what our previous approvals have accomplished. I think we should stop and make sure all of these non-compliance issues are rectified and not just pass over and continue down the same old slippery slope. I don't think this commission has ever voted in favor of the communities request or recommendations of any of these issues. This project should not be allowed to go forward without the full assessment findings, complete application permit approval, complete master plan and approval, and all of the other defects that exist at this landfill

2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting attendance.

3. Cherokee Nation Sanitary Landfill
 - A. Request for Waiver of Compliance Issue
 - a. Discussion of Waiver from CNWM/CNB Staff

Dena Geib: I am not asking for anything to be dismissed or waived in total. I am asking for more time to complete the task. The task itself on the compliance schedule was listed as establish interim cover and re-vegetate the east slope of cell C2. When we originally talked about the compliance schedule we agreed to do that in looking at the plans with the engineers I feel that more in that area is necessary so we have asked for the ability to provide not only grading interim cover and re-vegetation we want to actually terrace that area with a let down chute for water to come off the side of the hill in a better fashion than it is currently. There are large gulleys in the side of cell 2 because of the steepness and the amount of rainfall that we have received in the spring. If we try to cover that now we will need the soil that is composed mostly of shale to cover the entire face of the side of that hill because it is very large. Shale does not make a good cover soil. Also we have a plan that was developed by our engineer to terrace the side of the hill and to make better drainage so that after we finish the entire construction project we can come back and effectively vent or capture the methane that is currently there. I am not asking for a waiver because I feel like we failed. I feel like it is the right thing to do to repair the area correctly and that is my request.

Commissioner Fite: This relates to cell 1C and 2?

Dena Geib: Yes, and we have asked for that to be with a third party construction company. We have a group that is going to come in and provide the construction that knows how to do this effectively and has the operating machinery to do this in an effective manner. I would appreciate your consideration of that.

- b. Brief summary/comments by program staff

Tom Elkins: We all know that the rules and statutes that the Nation has in place need some rehabilitation. There is a disconnect between the rules in our statutes and how they play together. It is not always clear for an entity that is regulated by those rules how to operate. That being said, in hind site it would have been better if this plan would have been put together when CNB or Cherokee Nation Waste Management initially wanted to permit this landfill but it wasn't. Are waivers like this not done regularly? Certainly they are. Should it have come to the commission a little earlier before it was an issue but again our rules and statutes aren't really clear enough for entities to be clear on that so there was a disconnect on how this was done and the timing of this. Is this a good plan for the landfill? It is much better to have this terraced off like they are planning but I wish that it could have been a part of the original plan. But it wasn't and they are asking for a modification of this. I think it is in the best interest of the landfill. As far as the plan goes and the compliance I think this is a good thing.

- c. Discussion by the Commission

Commissioner Green: If I understand you correctly, Tom, you are recommending that we allow the variance?

Tom Elkins: I am. I don't mean to admonish any entity that approaches the commission except for saying that I think that any entity that does that should give as much notice as possible for any kind of variance. I think there were issues there in the timeliness of this but

again our rules and statutes are not clear enough on this. I don't think there was intent to wait on this by Cherokee Nation Waste Management or to waste time on this. There wasn't a clear cut manner on how to do this so they got behind on the compliance issue and they are asking for this now. I think we should have had a better process in place for them to work with so yes I do believe this should be done.

Commissioner Green: When did they get behind on it? When did they have notice that they were not going to be able to comply with the time schedule that as I recall they proposed?

Tom Elkins: We negotiated this. They proposed it but we somewhat worked back and forth with this so it wasn't just their numbers on this. I think they were going to be due on it the 23rd and I was approached the week before that.

Commissioner Green: Did they tell you when they became aware that they were not going to be able to comply with schedule?

Tom Elkins: Doug told me probably a month and a half before that they may not meet that issue but they were working on something else. Now did they approach me with a formal issue on this, no, not until a week before?

Commissioner Green: Have they advised us now, if we were to grant this, what their schedule would be?

Dena Geib: No, I think I failed to address that. I had asked for 150 additional days to allow for the third party construction team to complete this item. We could complete it more quickly but I am not so sure that the terracing would be done to the specifications by our new staff not that they would be failing in that area. I think that it all works together with the other construction. I original asked for 150 days because we are going to remediate some other areas in the landfill first with this third party construction like the leachate problem and the storm water outfalls and we have to blast the rock to use that soil.

Tom Elkins: I was out there about two and a half weeks ago. The gauge that monitors the leachate was just about sticking out of the water so I think we have well over almost 3 foot of free board now.

Commissioner Green: I imagine we are getting more every day.

Dena Geib: About a week and a half ago we exposed the pipe that comes out of the cell and we cleared that pipe and only a little bit of fluid came out so there is nothing backed up in the cell as far as we can tell.

Commissioner Matlock: When we say cover are we talking about vegetative cover or are we talking about cover over the waste material?

Dena Geib: Actually, both need to be done with cell 2. There are so many gullies in there that we need to adequately cover the side of the hill with a soil that is friendly for vegetative efforts and then we will have to come back through and re-seed that area so both will be done.

Commissioner Matlock: For everyone's clarity, you are not talking about leaving trash uncovered?

Dena Geib: No

Commissioner Matlock: You are talking about trying to establish – timeline wise – a final cover over that area – right?

Dena Geib: Yes, I think we called it intermediate because we have to come back to that. Yes, that is the plan.

Commissioner Green: In the interim are we having any daily cover problems?

Dena Geib: I would say that more cover is necessary for the entire landfill. I don't know if I would call them problems because we are not taking new trash but adequate soil needs to be exposed through the blasting to cover the cells that are currently there and still not closed. We have about 40 acres of open cell right now and in the future we plan on using the close as you go method so that there won't be as much open and vegetated areas but we do need to cover the cells that are currently there more adequately but we are not taking new waste at this moment so there are not active open faces.

Commissioner Matlock: How much of this issue is a legacy issue that is related to the condition of the landfill when Cherokee Nation Businesses took over operation and how much of it is the result of activity by the assumption of the responsibilities?

Dena Geib: I don't want to say entirely that it is a legacy issue but cell 2 was inherited by us as a problem and it has been a problem for some time now. I think the steepness of the slopes and the drainage have been there as an issue. I think that currently we need to solve those problems that we said we were going to solve so a percentage of that responsibility does lie with us and we should take care of it.

Tom Elkins: I would say it was almost a hundred percent inherited. It was what it was when they took it over.

Commissioner Matlock: That is my understanding as well. I wanted to make that clear for all participants too for the record what we are considering is a variance on the compliance schedule for dealing with this issue.

Commissioner Fite: I am going to open this up to the audience for comments.

Jack Crittenden: I have no problem with them getting more time to do this. I think they need to take all the time they want to make this be done right but as far as the coverage you are talking about down there black marine shell is not an acceptable cover. It can be used as an alternative cover. By the time you get to the top you are supposed to have a foot and a half to two foot of clay, a foot and a half to two foot of top soil which is not available down there and in between that clay and top soil there is suppose to be a liner. Now that is how you close the landfill.

Dena Geib: Just to clarify, right now we are talking about intermediate cover so we will go back and talk to the engineers.

Commissioner Fite: I am comfortable with the staff is watching that. You are aware of the regulations as far as the proper cover and closure and so that is an issue that I don't think really rises to a point that the commission needs to be too concerned because if it is not done right then it throws everything off.

d. Vote to approve/deny waiver

Commissioner Green made a motion to approve the variance to allow the 150 days. Commissioner Matlock seconded the motion. Roll was called and the vote was:

Commissioner Ed Fite – aye
Commissioner Marty Matlock – aye
Commissioner Mark Green – aye

The vote to approve the variance to allow the 150 days was approved unanimously.

4. New Business

Tom Elkins: I would like to suggest if at all possible we have a regular EPC meeting on the 2nd of next month. I wanted to speculate if we could either have it at the landfill or have a meeting sometime before at the landfill. I would like the commissioners to see what work had been done and where work needs to be done. We have discussed it quite a bit but I think it would be good to see it. We could take a driving tour or walking tour to see what is going on and see if there are any questions there. Is that something the commission would want to do or have time to do?

Commissioner Matlock: I think that would be a good idea to do so.

Commissioner Green: That is fine with me.

5. The next meeting will be held September 2, 2008 at 9:30 at the Cherokee Nation Landfill.

6. Commissioner Matlock moved to adjourn the meeting. Commissioner Green seconded. The meeting was adjourned at 10:13 a.m.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
206 E. Allen Road, Tahlequah, OK
November 25, 2008

PRESENT:

Commissioner: Ed Fite

Commissioner: Marty Matlock

STAFF AND GUESTS:

Shaun West, CNEP

Jack Crittenden, Concerned Citizen of Adair County

Nathan Moton, Concerned Citizen of Adair County

Jonathan Stokes

Nancy John, CNEP

Wayne Isaacs, CNEP

Harold Langdon, CNE

Tom Elkins, CNWM

Ryan Callison, CNEP

Pat Gwin, CNNR

Roger Fields, CNE

Bobby Short, CNEP

Dwayne Fain, CNRM

Dena Geib, CNB

S. Joe Crittenden, Tribal Council Member, District #2

John Freise, CNEP

Amber Armstrong, CNEP

1. Commissioner Fite called the meeting to order at 9:35 a.m.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting attendance.
3. Minutes – Minutes were not available to approve at this time. This item was tabled until the next meeting.
4. Reports
 - A. Natural Resources Department (Pat Gwin) – Cherokee Nation approved a Forestry Management Plan which will be submitted to the Bureau of Indian Affairs. The Tribe is working with the State of Oklahoma Department of Wildlife and Conservation on an agreement which will allow the Tribe to issue a statement regarding Native American hunting and fishing licenses in the 14 county area. Natural Resources met with tribal elders and they have been documenting traditional uses for plants. A pamphlet for public use will be developed and some of documented traditional uses will be incorporated into the pamphlet. There are many culturally significant seeds in the seed bank and will be distributed out to interested Native Americans after the first of the year.
 - B. Environmental Programs (Nancy John) – The Environmental Programs staff was commended on the excellent job performed by coordinating and hosting the EPA Region 6 Tribal Environmental Summit held recently in Tulsa, OK.
 - C. Cherokee Nation Enterprises (Roger Fields) – ODOT is reworking the intersection in front of the Casino in Catoosa and encountered hydrocarbon contaminated soil. Samples were taken and results were above normal action levels. The TPH levels were well below the threshold set by the OCC for close of that property in March of 2007 so work continued with the utilities and the

easement on both the west and east side of the road. On November 13th at Ft. Gibson, Tomahawk Transport delivered fuel to the Outpost II. In the process of unloading they released approximately 70 gallons of unleaded fuel into the containment area around the under ground storage tanks. In the process of responding to that their power take off somehow became disengaged and when it spun it ruptured a loading hose for diesel and they spilled approximately 30 gallons of diesel to the ground. Sooner Emergency Services out of Muskogee was immediately dispatched and secured that area. Ft. Gibson Fire Department responded and helped secure the area. Cherokee Nation Environmental Programs was present for that excavation. On November 16th at the Roland Travel Plaza, a J. B. Hunt Truck carrying barrels of different varieties of oil and transmission fluid had a leak inside their trailer. It was noticed that there was some oil dripping out of the back of the truck in the area of a storm water drain. Facilities maintenance and the Safety department immediately responded to prevent anything from getting into the storm water drain. JB Hunt dispatched environmental remediation services and the area and truck was cleaned on site.

- D. NEPA projects for Realty, IHS, NAHASDA, Roads (Wayne Isaacs) – The Meth Training course has been certified to offer 16 hours of CLEET training for Law Enforcement to meet their requirements in addition to the 8-Hour HAZWOPER course is accredited.
 - E. Tribally funded construction projects – Pat Gwin reported the new group leader is Jack Farmer and he will be providing the report at the next meeting.
 - F. EPC Administrator – Ryan Callison introduced himself and told of his qualifications and back ground. He welcomed the opportunity to work with the Commission.
5. Cherokee Nation Sanitary Landfill
- A. Report – Tom Elkins reported that construction has begun at the landfill. They are doing a lot of blasting and moving of earth. It will be mid March before a liner is in place. Mr. Carson has asked that an advisory board be put together for the landfill. There will be three people from Cherokee Nation Businesses and three people from the area who have an understanding of solid waste and the landfill. Weekly updates will be provided especially while in construction mode. Things are changing quickly out there. They are proceeding according to the permit
 - B. Compliance Issues
 - a. Brief summary by staff – John Freise reported that the landfill currently have met their timelines. They asked for an extension until December on the re-seeding of cell 2 and it was completed in October.
 - b. Discussion by the Commission
Commissioner Matlock asked that Legal Council from the Attorney General’s Office be put in place by the next meeting. Commissioner Fite asked that before the landfill opens that there is an opportunity not only for the Commission and staff to walk through the landfill. He would also like to see that there is a component that allows the public to fully participate so that we can all be informed.
6. New Business – Pat Gwin reported that the federal government has recently delisted the Bald Eagle. A group of tribal citizens wanted to know about the possibilities of the Cherokee Nation coming up with its own endangered species list with the intent of having the Bald Eagle to be the first animal placed on this list. It is still illegal to take or harm birds of prey (Bald Eagles) on both the federal and state level. All of the state laws have been adopted by reference in the Tribe’s Game and Fish Act and under the code, the EPC has some responsibilities for interaction along with the lead department which is Natural Resources. Mr. Gwin requested input from the EPC fro recommendations for a tribal resolution or executive order that said that the Bald Eagle is in fact a bird that is important to the Tribe so its harm is strictly forbidden or an entire tribal endangered species act and a subsequent endangered species list. The delisting documents did not take into account any of the Native American concerns regarding spiritual and cultural reasons why they thought those birds should not be delisted.

Commissioner Matlock stated the Commission is an adjudicating body not a legislative body. The Council would have to pass legislation and our role would be to work with the commission to confer regulatory authority to enact the rules of which those laws would be administered.

7. The next meeting will be in December a date was not set.
8. Commissioner Matlock moved to adjourn the meeting. Commissioner Fite seconded. The meeting was adjourned at 10:35 a.m.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
206 E. Allen Road, Tahlequah, OK
December 23, 2008

PRESENT:

Commissioner: Mark Green
Commissioner: Ed Fite
Commissioner: Marty Matlock

STAFF AND GUESTS:

Shaun West, CNEP
Jack Crittenden, Concerned Citizen of Adair County
Nathan Moton, Concerned Citizen of Adair County
Flossie Girty, Cherokee Nation Administration
Nancy John, CNEP
Brad Asbill, CNEP
Harold Langdon, CNE
Tom Elkins, CNWM
Ryan Callison, CNEP
Pat Gwin, CNNR
Roger Fields, CNE
Dena Geib, CNB
John Freise, CNEP
Amber Armstrong, CNEP

1. Commissioner Green called the meeting to order at 2:05 p.m.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting attendance.
3. Commissioner Fite made a motion to approve the minutes from the August 5th meeting. Commissioner Matlock seconded the motion. The minutes were approved unanimously.

Commissioner Fite made a motion to approve the minutes from November 25th meeting. Commissioner Matlock seconded the motion. The minutes were approved by two votes.

4. No public comment.
5. Reports
 - a. Natural Resources Department – There was no report.
 - b. Environmental Programs – Nancy John reported on the current activities at the Tar Creek site and the National Zinc Corporation site.
 - c. Cherokee Nation Enterprises – Roger Fields reported that no incidents occurred in November. There were 2 incidents on December 10th at the Roland Travel Plaza and on December 16th at Outpost 1 where a nozzle fell from the tank resulting in 2-3 gallons being spilled. Both spills were cleaned up immediately by maintenance.
 - d. NEPA projects for Realty, IHS, NAHASDA, Roads – Brad Asbill reported that an Environmental Review for BIA on the plot of land between the Warehouse and Job Corp.
 - e. Tribally funded construction projects – There was no report.
 - f. EPC Administrator – Ryan Callison reported that a stipend for the board of commissions was being considered. Work has been ongoing towards the development of a green policy for CN and recycling initiatives. Nine scenarios were submitted as projects for consideration should a stimulus package be approved. CN Attorney General has designated Sarah Hill to

be the point of contact for the EPC. Mr. Callison has been serving as the Acting Administrator and announced that Tom Elkins will be returning to Environmental Programs as the Administrator.

6. Cherokee Nation Sanitary Landfill

A Report – Tom Elkins reported that the target date for opening the landfill is mid March. New equipment has been ordered and old equipment is being repaired. Dena Geib will be the acting CEO until a replacement is hired.

B. Compliance Issues

a. Brief summary by staff – John Freise provided a presentation of the landfill. He reported that outfall 6 and 7 are both in pretty good condition and Outfall 8 is the one with the worst silt fences. The outfalls are somewhat compromised due to the deteriorating silt fences but the gravel and the boulders are catching what little precipitation and settlement that is moving through presently.

b. Discussion by the Commission

Commissioner Matlock requested that a one page summary status of the landfill progress from the EPC's prospective be submitted.

7. New Business – There was no new business reported.

8. The next meeting will be February 3, 2009 at 5:30 at the Cherokee Nation Environmental Programs Office.

9. Commissioner Fite moved to adjourn the meeting. Commissioner Matlock seconded. The meeting was adjourned at 2:47 p.m.