

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MINUTES

MEETING December 2, 2004 at 9:00 A.M.

Cherokee Nation Environmental Protection Offices, 206 E. Allen Rd, Tahlequah, OK

PRESENT:

COMMISSIONERS FITE AND COHENOUR

STAFF AND GUESTS:

Jeannine Hale, Acting Environmental Administrator

Tom Elkins, CN Environmental Programs

Doug Bane, CN Landfill Manager

Billy Hix, CN Environmental Health

Jason White, CN Environmental Programs

Jerrid Diffie, CN Environmental Programs

Randy Gee, CN Environmental Programs

Evelyn Ridenhour, CN Environmental Programs

Nancy John, CN Environmental Programs

1. Chairman Fite called the meeting to order at 9:15 a.m.
2. Chairman Fite noted and placed into the record the Record of Notice and the meeting agenda.
3. a. Commissioner Cohenour made a motion to approve the minutes from the July 22, 2004 meeting. Chairman Fite seconded the motion. The vote to approve the minutes was unanimous.
b. Commissioner Cohenour made a motion to approve the minutes from the September 16, 2004 meeting. Chairman Fite seconded the motion. The vote to approve the minutes was unanimous.
4. Agenda Item 4 - Reports
 - a. Tom Elkins reported that OEP is now performing environmental reviews for Water and Sanitation projects. OEP staff are also performing lead base paint assessments by referral from the Housing Authority.
 - b. Nancy John reported that pre-approval was granted by Cherokee Nation Tribal Resources' Group for Ms. John to negotiate a lease agreement with the Cherokee Nation Housing Authority for office space to house the OES staff.
 - c. No representatives were present on behalf of Harley Buzzard/Community Services to report on Water, Sewer and Roads NEPA activities, and no written report was received.
 - d. Doug Bane reported that tonnage at the Cherokee Nation landfill is up to 750-800 tons/day, with 70% accounted for from Rolloff Services. A request for proposal is currently open for management services of the landfill.
5. Agenda item 5 – Cherokee Nation Landfill
 - a. Jeannine Hale reported on the formation of a team of CN staff to work on specific issues relating to the landfill, such as air, water, closure, financial assurance and the master plan of operations.

- b. Commissioners Fite and Cohenour expressed a willingness to hold special meetings to address specific landfill issues.
6. Agenda item 6 – Codes, rules and statutory revisions
 - a. Jeannine Hale provided a status report on the review of proposed legislation for Solid Waste. CN programs have reviewed and provided comments to the draft for consideration with a presentation to the EPC scheduled for next month's (January, 2005) meeting.
 - b. Jeannine Hale presented a schedule for future EPC meetings.
 - c. Commissioner Cohenour made a motion to approve the meeting schedule. Chairman Fite seconded the motion. The vote to approve the schedule was unanimous.
7. Agenda item 7 – Update on Cherry Tree complaint
 - a. Jeannine Hale provided a status report on the Cherry Tree Lagoon complaint. The City of Stilwell has submitted an application for funding of an engineering study to analyze the cost to hookup Cherry Tree Lagoon to the Stilwell sanitary sewer system.
 - b. Discussion focused on issues related to the leaking lagoon and how long it might take to secure the tie-in to Stilwell. Ms. Hale noted that Cherry Tree Water District had not been given notice of the meeting and had no notice that any compliance order might be issued. She suggested that Environmental Programs could be directed to find an interim solution to the illegal discharge.
 - c. Commissioner Cohenour made a motion to direct the Administrator of Environmental Programs to identify alternatives and take necessary actions to prevent any additional wastewater discharge until such time as the facility may be tied to the Stilwell Sanitary Sewer, including repairs to leaking cell(s) and increasing land application areas. Commissioner Fite seconded to the motion. The vote to approve the motion was unanimous.
8. Agenda item 8 – Tar Creek and Sequoyah Fuels cases
 - a. Jeannine Hale informed the Commissioners about a settlement agreement that has been signed by Cherokee Nation, Oklahoma Attorney General's Office and Sequoyah Fuels regarding the decommissioning of the Sequoyah Fuels plant in Sequoyah County, Oklahoma.
 - b. Commissioner Cohenour made a motion to go into Executive Session to discuss the two items. Commissioner Fite seconded the motion. The vote to approve the motion was unanimous.
 - c. The Commissioners voted unanimously to come out of executive session at 10:37 A.M.
9. Agenda item 9 – Administrator's Report
 - a. Jeannine Hale reported that her office will be relocated in the General Counsel's office. The selection for the Paralegal position has been submitted to Human Resources for processing. Ms. Hale reported that the EPC Administrator and the Group Leader for Tribal Resources will be exchanging positions for one week.
10. Agenda item 10 – New Business
 - a. Randall Gee announced the recent award from the U.S. EPA, Region 6 that was presented at the EPA Regional Summit in Dallas, TX. The Merit of Achievement

was presented to the CN EPC for the quick response taken to address and prevent environmental impacts from a leaking UST facility.

- b. Environmental Programs will be coordinating with the CN Health Dept. and Head Start Programs to develop a grant application to research environmental triggers for childhood asthma.
- c. Commissioner Fite would like to see travel funds available for the EPC members to utilize opportunities for networking at future meetings and conferences related to environmental issues.

11. Agenda item 11 – Miscellaneous discussion

Randall Gee announced a grant solicitation workshop that will be held on December 16th and hosted by the Citizen Potawatomi Nation in Shawnee, OK. The OES staff and EPA representatives will be presenting on Brownfields, Wetlands and Open Dump Grant solicitations.

The OES staff will be coordinating with Environmental Health and the Landfill to start initial cleanups of open dumps on tribal trust lands starting with the Bunch community.

12. Agenda item 12 – Adjournment

Commissioner Cohenour made a motion to adjourn the meeting. Chairman Fite seconded the motion. The vote to approve the motion was unanimous.