

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
208 E. Allen Road, Tahlequah, OK
June 26, 2012

PRESENT:

Commissioner: Marty Matlock (Conference Call)
Commissioner: Ed Fite

APPROVED
DATE 8-7-12

STAFF AND GUESTS:

Tom Elkins, CNEP
Jackie Woodward, CNEP
Laura Adair, CNEP
Shawn West, CNEP
Jurene Bakke, Intern, CNEP
Dwayne Fain, CNEM
Sara Hill, Office of the AG
Doug Bane, CNWM
John McCullough, CNWM
Diane Hammons, Campbell & Tiger, Attorney for CNWM
Romelle Kirk, URS
Carol Gregory, US Corp
Roger Cain, Guest, Cherokee County
Carl Manning, Guest, Adair County
J.D. Scott, Guest, Adair County
John Manning, Guest, Adair County

1. Meeting called to order by Commissioner Fite.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice. Introductions by all meeting attendees.
3. Commissioner Fite made a Motion to approve the minutes from the May 1, 2012 meeting. Commissioner Matlock seconded the Motion. Minutes approved.
- 4 Public Comment

Commissioner Fite mentioned new poultry houses in Adair County that could possibly affect the Illinois River and Baron Fork drainage. Guests are concerned about six (6) new poultry house that will be located in the Chance area of Oklahoma. The house will be approximately 60' X 600' and house a substantial amount of birds. Their concerns are water, odor and waste generated from the facility in addition to some preexisting conditions. Commissioner Fite will discuss this topic with Mr. Elkins.

Ms. Hill introduced Mr. Cain and stated that he had concerns about the health of the river cane in this area. Mr. Cain stated that river cane is an endangered species. He also stated that river cane has died off this past year. He is asking Cherokee Nation to address river cane on tribal land to protect because it is an endangered species including on leased land. Mr. Cain provided information and a historical overview on the advantages of river cane growths and requests to be placed on next month's agenda to discuss the protection of river cane. Ms. Hill stated that Mr. Gwin will develop a short report for the Commission on protecting river cane and designating it as a culturally protected species under Cherokee Nation law. Topic will be placed on next month's agenda.

5. Reports

- A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Mr. Elkins provided an update on the water plan project and the DOE funded projects.
- B. Natural Resources Department – no additional information to report.
- C. Cherokee Nation Businesses – no additional information to report.
- D. Emergency Management – Mr. Fain stated that a conference call is being held today with FEMA to discuss their support of the Stafford Act whereas the Tribe does not have to go through the state but can directly request support from the President.

6. Cherokee Nation Sanitary Landfill

- A. Report – Mr. Bane reported that the volume of trash received has increased.
- B. Compliance Issues – Mr. Elkins stated that there are some issues with leachate at the landfill. Disposal methods have been a concern. The leachate travels to sump pits and then is pumped into storage tanks. There are concerns that the butterfly valves have been shut which would cause leachate buildup on the liner which could cause leaks. Methane gas is accumulating and being pushed down into the leachate system. There are also concerns regarding the automated leachate system. Since it is not working properly and is operated manually there could be health and safety concerns for staff from the methane that has built up in the system. Therefore, staff will use special tools and maintain an oxygen and methane meter in the area as a safety precaution. Work is being coordinated with an engineer to find a fix for the leachate problem and to keep workers safe. Leachate currently needs to be pumped off the liner and into the tanks. Documentation regarding the amount of leachate transported for disposal differs on CNSL reports and disposal manifests at Stilwell Waste Water Treatment Plant. To help alleviate this problem, Mr. Bane agreed that every load will be manifested with information on the type of leachate collected and the location of collection. A request for proposal is being developed for an independent environmental group to look at landfill records both environmental and financial. Some environmental sampling will also be done. Commissioner Fite stated that the Commission wants the opportunity to present the environmental information and provide input if the landfill is a concern or not so this data is needed. Additional discussions ensued regarding the mechanics and operation of the methane/leachate equipment and the need for accurate recordkeeping. Commissioner Fite asked what was needed most at the landfill and Mr. Elkins replied a gas system must be acquired whether the landfill remains open or if it is closed. Ms. Hammons asked for advance notice if potential landfill violations/issues/problems were going to be discussed at EPC meetings in the future. Mr. Bane next explained the discrepancies in the load count reporting for leachate disposal. For future reporting each load will be manifested which will identify the location of the load's origin and destination. Loads sprayed on site will also be documented which will be provided to the Commission on a monthly basis. Legal counsel for the CNSL and the EPC discussed future exchanges of information prior to future EPC meetings. Commissioner Matlock stated that historically issues were discussed prior to any type of regulatory action on the part of the Commission. Ms. Hill suggested that the current methane, reporting and leachate issues be set for review and possible action at the next meeting and be kept on the agenda until solutions are identified and implemented. Mr. Bane and Mr. Elkins provided additional information on the installed system and problems associated with the system. Mr. Bane also stated that they have not been allowed to make any major capital purchases. Commissioner Matlock suggested that the Commission schedule a meeting with Tribal leadership regarding this issue. Mr. Elkins stated that Administration will request information from a third party. Commissioner Fite suggested that the EPC Commission and the CNWM board have a meeting with the Chief. Further discussion clarified meeting participants as Principal Chief Baker, Deputy Chief Crittenden, Councilors Fishinghawk and Hargis, Commissioners Matlock and Fite, Mr. Purdy, Mr. Elkins, and a representative from the AG

office. Mr. Elkins will coordinate the meeting. Commissioner Fite seconded the motion. Roll call vote, motion passed.

C. Possible Action – Commissioner Fite stated that none will be pursued today.

D. Possible Order or other regulatory action for violation of regulations – none considered at this time.

7. New Business – None at this time.

8. Announcement of upcoming meetings and events – The next EPC meeting will be held August 7, 2012 at 9:30 AM.

9. Commissioner Fite made a Motion to adjourn, motion passed and meeting adjourned.