

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 5th, 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 28th and 29th, 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 5th 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 11th, 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.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
REGULAR MEETING APRIL 1, 2004

1. Commissioner Henshaw called the meeting to order. Present at the meeting were Commissioners Henshaw, Fite, and Cohenour. The following attendees introduced themselves: Nancy John, Rickard Keck, Dwayne Beavers, Harold Langdon, Jim McSpadden, Doug Bane, Billy Hix, Tom Elkins, Jeannine Hale, and Rachel Mouse.
2. Commissioner Henshaw noted the Record of Public Notice distributing information about the meeting.
3. Commissioner Henshaw made a motion to approve the minutes of the previous March 4th, 2004 meeting with corrections. Commissioner Cohenour seconded the motion. The minutes were approved as corrected unanimously. The meeting was turned over to Chairman Fite, who arrived a few minutes late.
4. Reports by Cherokee Nation program staff were provided to the Commission:
 - a. Tom Elkins, Director of the Office of Environmental Protection, reported that about 270 participants registered to attend the Meth Lab Conference.
 - b. Nancy John, Director of the Office of Environmental Services, reported that Saturday, April 17th, will be the Tahlequah Community Cleanup. At the April 5th Council Meeting, two council members will be presenting a check to the City of Tahlequah for \$1,000 to help cover expenses events in April. Ms. John provided a pamphlet intended for ITEC members.
 - c. Dwayne Beavers, Special Projects, reported that an application for an ANA grant had been completed. The grant will be used to work on codes.
 - d. Billy Hix provided a report about the landfill. Commissioner Cohenour expressed concerns and suggestions about forms used for landfill inspections. Doug Bane reported for Pat Gwin. Mr. Bane stated that Natural Resources is doing environmental reviews for two major projects: a building for a Casino West of Sequoyah H.S. and the parking lot at the historical society. Mr. Bane also reported that the pond was restocked.
 - e. No reports were reported for the Water, Sewer and Roads Department.
5. Statutory Revisions – Water Resources, use and planning –
 - a. Acting Administrator Jeannine Hale presented a draft of Water Use and Planning. The Commission suggested changes, which were made.
 - b. No other comments were made.
 - c. Commissioner Cohenour moved to approve the Water Use and Planning code with the suggested changes. Commissioner Henshaw seconded and noted that the statutes would be reviewed by General Counsel, who also might have changes. A roll call vote was recorded and the vote was unanimous to approve the statutes.

6. Update on complaints – An update was given by Mr. Elkins.
7. Ms. Hale gave an administrative report on upcoming events.
8. General discussion –Access to email was discussed
9. New business - none
10. Miscellaneous discussion The Commission and staff discussed whether or not a chicken litter to energy project had been funded and constructed. No official site has been established. Mr. Langdon brought everyone up to date concerning the Hotel in Catoosa.
11. Commissioner Fite moved to adjourn the meeting and the motion was approved unanimously.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
REGULAR MEETING JUNE 17, 2004

1. Commissioner Fite called the meeting to order. Present at the meeting were Commissioners Fite, Henshaw, and Cohenour. The following attendees introduced themselves: Tom Elkins, Jeannine Hale, Jim McSpaddon, Doug Bane, Flossie Girty, Dwayne Beavers, Pat Gwin, Nancy John, Rachel Mouse, Sharon Sweptson, and Clint Carroll.
2. Mr. Fite noted for the record public notice of the meetings.
3. Commissioner Henshaw made a motion to approve the minutes of the previous April 1st, 2004 meeting. Cohenour seconded the motion. The minutes were approved unanimously.
4. Reports by Cherokee Nation program staff were provided to the Commission by:
 - Tom Elkins, Director, OEP, reported on the current complaints and presented the commission with a handout on updates. He also reported about current mold conditions.
 - Nancy John, OES introduced Clint Carroll who will be working with the OES program during the summer. Ms. John then gave a report on some current conferences staff attended and held.
 - Dwayne Beavers, Special Projects, reported on Sequoyah Fuels negotiations on a possible out of court settlement.
 - Pat Gwin, Natural Resources, reported that plans are going forward with the next FY projects. Mr. Gwin reported on several ongoing NEPA projects. Doug Bane reported an increase in tonnage at the landfill and provided an update on the current landfill situation. Mr. Henshaw and Mr. Bane discussed the liner and contractors associated with the landfill.
 - No reports given for Water, Sewer and Roads. The Commission expressed some concerns on NEPA compliance and their desire to have a list of Roads projects. The Commission discussed the need to address this situation.
 - Jim McSpaddon updated the Commission on Roland and Outpost 1. Mr. The new hotel in Catoosa should be open in September and the Grand Opening around November. There are two new projects in Sallisaw and Tahlequah.
5. Statutory Revisions – Air Quality
 - Jeannine Hale presented a hand out to the Commission. The Commission made some minor changes.
 - Commissioner Henshaw made a motion to approve, amend, disapprove or take other action regarding the proposed air quality statutes with suggested changes made, subject to review and any changes deemed necessary by

General Counsel/Department of Justice. Commissioner Cohenour seconded the motion. Roll was called and the Commission unanimously approved the motion.

6. Solid Waste/fill activities behind Tahlequah Complex

- Ms. Hale presented slides of the old lagoon behind the complex. Pat Gwin provided additional information including alternatives and mitigation using other high quality wetlands.
- After discussion by the Commission, action on this item was continued to the next meeting.

A discussion about who signs resolutions was had and an agreement was made.

7. Ms. Hale showed the Commissioners and staff slides of the landfill. A proposed resolution was reviewed and comments were received from the landfill operator, Doug Bane. The Commission requested that CN staff provide Ms. Hale with copies of an old permit and other landfill documents and that Mr. Bane get together with Ms. Hale to discuss revisions to the resolution. Action on this item was continued to the next meeting.

8. An update on complaints has already been discussed.

9. New Business – Mr. Henshaw inquired about the Landfill being overseen by OEP staff. Ms. Hale explained the current situation.

10. Miscellaneous discussion – No general discussion or comments were made.

11. The meeting was adjourned.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MINUTES

MEETING July 22, 2004, 9:00 A.M.

CN Landfill South of Stillwell, OK

PRESENT:

COMMISSIONERS FITE, HENSHAW AND COHENOUR

STAFF AND GUESTS:

Jeannine Hale, Asst Gen Counsel

Tom Elkins, CN OEP

Pat Gwin, CN Nat Resources

Dwayne Beavers, CN Environmental Programs

Doug Bane, CN Landfill Manager

Teddy Ross, CN Landfill

Flossie Girty, Tribal Resources

Billy Hix, CN Environmental Health

Sharon Swepston, CN Office of Finance

Norma Eli

Sherry Greathouse

1. Chairman Fite called the meeting to order at 9:25 a.m.
2. Chairman Fite noted for the record the Meeting Notice and the revised agenda.
3. Guests were introduced.
4. Commissioner Henshaw moved to make corrections of the minutes of the prior meeting and Commissioner Cohenour seconded. Changes include: Deleted "Mr." and a sentence fragment, clarified motion language on vote to approve, #6 was changed to read "either the chair or all commissioners may sign a resolution", #9 changed to "there was an open discussion about how the landfill was overseen and operated and a decision was made to hold the next meeting at the landfill". Commissioner Henshaw then moved to approve the minutes as amended and Commissioner Cohenour seconded. The motion passed unanimously.
5. Agenda item 4- nomination and vote to elect officers- Vice Chair and Secretary. Discussion ensued as to the need for a secretary and statutory language. The statutes direct the Commissioners to elect a chairman from among themselves, and that substantive actions be approved by at least 2 commissioners, recorded in writing and signed. Commissioner Henshaw nominated Commissioner Cohenour as Vice-chair and Chairman Fite seconded. The vote was unanimous to elect Commissioner Cohenour as Vice-chair. Commissioner Cohenour nominated Commissioner Henshaw to serve as Secretary and Chairman Fite seconded. The vote was unanimous to elect Commissioner Henshaw as Secretary.

Chairman Mr. Fite recommended that officers be elected in August since that is when terms expire. It was noted that Chairman Fite's term expires next years, that Commissioner Henshaw was recently reappointed for a three-year term and that Commissioner Cohenour would serve a three-year term. The statutes specify terms of 4 years but the terms were staggered. No action was taken regarding terms of officers.

6. Agenda item 5 –
 - a. Tom Elkins reported on a HUD conference, a contract with the Delaware tribe, plans to go to a sustainability conference, the tribe's planning efforts and data sharing.
 - b. Ms. Hale reported on behalf of Nancy John/OES regarding on a GAP application, approval of pesticide grant application, the CWA 104b grant application not approved, idea of establishing a tribal water monitoring council, meeting with EPA water officials, database developed by Clint Carroll as summer intern on cultural uses of plants associated with aquatic resources.
 - c. Pat Gwin reported he attended training on the National Historic Preservation Act, the IRMP is now rolled into the strategic land planning effort, reforestation project in CMS 57 (Oak Ridge area) put on hold by USFWS until draft biological assessment of impacts on Ozark Big-eared Bat.
 - d. Billy Hix reported the landfill monitoring wells had a few hits on arsenic. The Commissioners questioned whether there was a need to collect samples farther upstream on Jenkins Creek. Mr. Hix reported that no samples are taken in Candy Mink upstream of where it receives runoff.
 - e. Doug Bane and Dwayne will be a part of discussion later in the meeting. Doug reported general operations improvements on grading, took care of cell lip, daily cover.
 - f. Ms. Hale indicated that Mr. Buzzard was unable to attend but provided the report in the EPC packet. Commissioner Henshaw inquired about the cedar crest bridge project. Ms. Hale reported that Roads is contracting out NEPA work for the remainder of FY2004. Commissioner Henshaw suggested a need for information from roads about the NEPA process, report before/when things are being done. Ms. Hale will discuss with Mr. Buzzard.
 - g. Mr. Hix reported on an IHS funded community work project with a church in Delaware County, cavefish and archaeological concerns that are being addressed.
7. Agenda item 6 – solid waste fill activities behind the complex. Pat Gwin provided handouts, including an aerial photo of the old lagoon proposed to be filled, and described the proposal. The wetland to be filled is about 3.3 acres. Issues include what materials will be allowed, sequence of fill and revegetation, buffer zone/visual barrier for walking path, length of time filling will take, whether to excavate and landscape or let it go natural, whether to leave a permanent waterbody, what mitigation should be required. The Commission was shown about 40-45 acres (this would include a buffer of 200 ft from the water's edge) of possible mitigation wetlands on Zeb and Parkhill quad maps east of the powwow grounds that are very high quality forested wetlands and would be considered an adequate exchange. Protection might be achieved by resolution of the EPC, executive order of the Chief, placing it in the land planning document and/or tribal council resolution. Re-vegetation using culturally appropriate plants was suggested. After discussion and answering some questions, the Commission requested that Mr. Gwin come back at the next meeting and present the proposal in written format.
8. Agenda item 7. Ms. Hale discussed landfill requirements and recommended that the CN EPC consider a permit application from the landfill and determine a schedule to correct any deficiencies such as waste off the liner. Doug Bane and others provided comments on the status of the landfill: A&M gave Doug a capacity estimate at 700 tons a day of 160 days for the existing cell, vertical expansion an additional 125 days, and the stage 3 tie-in another 900 days. Phase II will include moving 1000 cubic yards of existing waste. The vertical expansion requires a liner on the south slope and the tie in requires a liner. A new cell

would be 15 acres or so. Until tonnage went up in May (new customer is Roloff), had plenty of time to develop a new cell.

Dwayne Beavers presented a detailed historical timeline of significant events and correspondence related to the landfill, based upon his review of records. Chairman Fite suggested problems include waste off liner and a stormwater runoff issue, and asked what needs to be done to come into compliance. Commissioner Cohenour suggested a need to know deficiencies. Dwayne suggests a quality management plan, stormwater management plan, standard operating procedures, review of staffing, etc. Doug says have necessary heavy equipment. There is no radiation monitor but one may be required. Sharon points out some documents have been removed, some misplaced by others, some may be in storage boxes. There are no staff qualified to perform statistical analyses on monitoring data. Commissioner Cohenour questioned continued use of A&M Engineering but not any better off with regard to compliance. There is no comprehensive management plan yet. There needs to be a decision about what requirements we wish to meet – state, federal or other. Once over 2.5 million cubic yards of trash, a landfill is considered a major source and needs to apply for a groundwater permit.

- *the Commission recessed for a tour of the landfill* -

The Chairman reconvened the meeting after the tour. Commissioner Cohenour expressed concern and suggested hire an independent engineer that has experience in landfills that has not done work at this landfill recently to assess landfill management and design (not environmental assessment). Vertical expansion to next bench creates leachate pond capacity issues. Doug reports they have kept up with leachate despite record rainfall events (possibly 100 year events), but may have to check into having some pumped in September. The use of guns and other methods for evaporation were discussed.

Doug introduced the landfill crew to the Commission: Gary Holmes, Dave Holmes, Rob Gonzales, Robbie Crocker, Bill Dreadfulwater, and Tim Muskrat.

Discussion resumed about independent evaluation of the landfill by a 3rd party engineering firm. Have had A&M since '95 or so. Got off the liner in 1999. One issue is the cost. An independent evaluation could assist making decisions about how much money to spend and how to cure deficiencies, close the landfill, or other alternatives. Right now \$2 million will not close the landfill- Sharon says meet requirement for financial assurance but Doug says this is not enough to cover this situation right now. Another issue discussed in general terms was the possibility that another entity would take over the landfill pursuant to a contract. The size of the trust land unit where the landfill is situated is 240 acres – the new entity estimates a 40 year life (at their specified tonnage rates of 700-1000 tons/day).

Commissioner Cohenour made a motion to recommend the hiring of an independent third part engineering firm with experience in landfill design and management to evaluate the CNSL. Commissioner Henshaw seconded the motion. The vote to approve the recommendation was unanimous.

The meeting was adjourned.

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MINUTES

MEETING September 16, 2004, 9:00 A.M.

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

PRESENT:

COMMISSIONERS HENSHAW AND COHENOUR

STAFF AND GUESTS:

Jeannine Hale, Asst Gen Counsel

Dwayne Beavers, CN Environmental Programs

Harold Langdon, CNE Director – Retail Operations

Doug Bane, CN Landfill Manager

Norma Eli, Real Estate Services

Sharon Swepston, CN Office of Finance

Richard Keck, CN Environmental Programs

Bobby Short, CN Environmental Programs

Randy Gee, CN Environmental Programs

Billy Hix, CN Environmental Health

Evelyn Ridenhour, CN Environmental Programs

Nancy John, CN Environmental Programs

1. Vice-Chair Cohenour called the meeting to order at 9:10 a.m.
2. Vice-Chair Cohenour noted for the record the Meeting Notice and the meeting agenda.
3. Commissioner Henshaw made a motion to table the adoption of the minutes from the July 22, 2004 meeting until the next meeting and revisions are completed. Vice-Chair Cohenour seconded the motion. The vote to approve the motion was unanimous.
4. Agenda Item 4 - Reports
 - a. Tom Elkins reported on a meeting with the HUD Southern Plains Office of Native American Program about potential projects related to conducting training, contracting with other tribes on the environmental review process and lead base paint projects. Similar discussions with OU Health Science focused on partnering to provide training on meth outreach and NEPA training with possible CEU or college credit accreditation.
 - b. Nancy John reported on the planning efforts for the EPA Region 6 Tribal Environmental Summit scheduled for October 27-28 in Dallas, Texas. EPA has funded CN OES to coordinate all conference activities. Ms. John requested that one or more of the Commissioners consider participating in a Summit breakout session on Public Participation. Ms. John announced a request from Dr. Eric Addidas, EPA Region 6 Tribal Solid Waste Coordinator, for a site visit to the Cherokee Nation landfill before the end of the fiscal year.
 - c. Dwayne Beavers reported performing a review of the ODEQ permit application form and checklist for landfill operations. Mr. Beavers reported the status of Sequoyah Fuels is still moving towards a settlement. Jeannine Hale added that she has been participating on conference calls on a frequent basis with a mediator from the 10th

Circuit Court of Appeals. A jurisdictional dispute remains as to whether the state or NRC would regulate the discharge from the facility.

- d. Billy Hix reported that deficiencies noted on the last landfill inspection had been corrected except for original cell #1 where the final cover was fading. Mr. Hix stated the Mr. Bane would be correcting this by re-covering with topsoil and re-vegetate the noted area. Mr. Hix reported that the grade of the back slope of cell #2 has been re-established and erosion problems corrected. Doug Bane added that a plan is in place to plant grass and work has been initiated for an additional liner. In reference to the landfill discussion, Commissioner Cohenour moved to Agenda Item 6.
5. Agenda item 6 – Requirements and Issues relating to the Cherokee Nation Landfill
 - a. Jeannine Hale reported forwarding a checklist of requirements and a permit application form to the Commissioners. Ms. Hale stated it was possible to issue a temporary permit with conditions for a schedule of compliance being noted within the permit.
 - b. Vice-Chair Cohenour stated that an independent third party engineering assessment of the landfill is needed. Doug Bane contacted CNB and reported that currently a consultant is on retainer to develop a report on the landfill. The report will be shared with the Commission and may be finished by mid-October.
 6. Agenda item 5 – Solid waste/fill activities behind Tahlequah Complex
 - a. Jeannine Hale reported that a Permit Application for Solid Waste Fill was prepared by Pat Gwin and he provided maps of the site. Ms. Hale will draft a permit and distribute to CN Departments for comments. The item will be placed on the agenda for the next EPC meeting.
 7. Agenda item 7 – Statutory revisions – Underground Storage Tanks and Solid Waste
 - a. Jeannine Hale has reviewed statutory language for UST and Solid Waste. OES staff has provided comments and suggestions for consideration. Jeannine Hale requested that any additional recommendations be provided to her. Bob Short reported that a closure letter for the CN Outpost had been received from EPA.
 - b. Vice-Chair Cohenour requested that staff comments and recommendations be incorporated into Solid Waste draft legislation and distributed to the EPC Commissioners for review.
 8. Agenda item 8 – Water Board request for funding to support monitoring activities
 - a. The Water Board has requested approximately \$40K from the Cherokee Nation to support contracted water monitoring activities.
 - b. Jeannine Hale reported that the funds were not allocated in the existing operating budgets to provide financial assistance towards this request.
 - c. EPC recommendation was to reply that funds were not available and that data sharing may be an option.
 9. Agenda item 9 – Administrator’s Report
 - a. Jeannine Hale provided the budget narratives and amounts for each funding source administered through the Environmental Programs. Ms. Hale noted that the Fish & Wildlife and CWA 104(b)(3) projects were not funded for FY 2005.
 - b. Ms. Hale described the Goals and Objectives developed and the format utilized under the Balanced Scorecard process. Accomplishments will be measured by

meeting the goals specified in the Scorecard to promote the three priorities of Jobs, Language and Communities. In the future, grant applications will be forwarded to a committee responsible for ensuring that priorities are being addressed in the proposals.

- c. Ms. Hale reported on a tribal meeting scheduled for October 8th in Oklahoma City to discuss Treatment as State issues related to water quality.

10. Agenda item 10 – New Business

No items for discussion.

11. Agenda item 11 – Miscellaneous discussion

Billy Hix reported that Jennifer Owens with the Spring Creek Coalition was concerned with the Oklahoma Department of Wildlife plans to stock trout in Spring Creek. Ms. Owens was unable to attend the meeting but provided information for the Commissioners to review.

12. Agenda item 12 – Adjournment

Commissioner Henshaw made a motion to adjourn the meeting. Vice-Chair Cohenour seconded the motion. The vote to approve the motion was unanimous.

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.