

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
208 E. Allen Road, Tahlequah, OK
June 1, 2010

APPROVED
DATE 8-10-10

PRESENT:

Commissioner: Ed Fite
Commissioner: Marty Matlock via phone
Commissioner: Mark Green, arrived late

STAFF AND GUESTS:

Harold Langdon, CNE
Roger Fields, CNE
Jami Skimbo, CNE
Pat Gwin, CNNR
Kevin Hodges, SCS Engineering
Doug Bane, CNWM
Dwayne Fain, CN Risk Mgmt
Shawn West, CNEP
Nancy John, CNEP
Jackie Woodward, CNEP
Karen Dye, CNEP
Bobby Short, CNEP
Christina Goodvoice, CN Publications
John Freise, CNEP

1. Meeting called to order by Commissioner Fite at 9:30 A.M.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and asked that all present take a moment to remember Mr. Kent Curtis. Mr. Fite welcomed Ms. Goodvoice from Cherokee publications and stated that she will be copied on future meetings.
3. Commissioner Fite made a motion to approve the minutes from the May 4, 2010 meeting. Commissioner Matlock seconded the motion, roll call vote, minutes approved.
4. Public Comment – None.
5. Reports
 - E. Emergency Management – Dwayne Fain – Monthly Emergency Management meetings are held the third Thursday of each month at the Tribal Services Conference Room, Tribal Complex at 1:30 PM. CN hosted a Public Assistance Training for Tribes in Catoosa on May 25-26, 2010. Assisting with the Intertribal Emergency Management Coalition conference held in Durant on June 7-9, 2010. Have 22 participating tribes in the coalition. Working on ensuring that the Tribe and its entities are NIMS compliant for 2010. CN works with county managers in the fourteen counties, rural fire departments and other organizations.
 - D. Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Report has been submitted.
 - C. Cherokee Nation Enterprises – Jamie Skimbo – Reported 3 small incidents the past month at Tahlequah and Fort Gibson. Two half gallon spills, one 2.5 gallon spill. Spills were cleaned. Recycling programs is going well. Commissioner Green requested information on the Recycling Program when available.
 - B. Natural Resources Department – Pat Gwin – Commissioner Fite asked the number of trees planted. Mr. Gwin responded about 24,000, all native hardwood species through a one time

infusion of cash from BIA. Mr. Gwin also reported that he participated in a panel where he was asked if the Tribe would change some of land management strategies on some larger agricultural holdings. Meetings will be held in the near future to discuss. Their biggest concern was the noxious weed program, requests that the Tribe go to a non-spraying program.

- A. Environmental Programs – Nancy John – Informed the Commission the CNEP is conducting a 40 hour HAZWOPER training for Career Services to train Tribal members to assist with the clean up in the Gulf.
6. Cherokee Nation Sanitary Landfill-Doug Bane
- A. Report – Referenced reported items. Commissioner Fite asked if leachate measurements are done by meter or by pump. Mr. Bane responded by tank size, number of loads times 5,000. Commissioner Fite asked how much of the 13,000 tons is roll-off? Mr. Bane responded approximately three-fourths. Mr. Woodward complimented the landfill on addressing the blowing litter problem quickly.
 - B. Compliance Issues – None
 - C. Minor Permit Modification Consideration – Shaun West – This item was tabled at the last meeting, Permit Mod #4 to the Landfill Operating Permit. Commissioner Green asked what the soils were contaminated with. Mr. West responded that it is a broad definition of contaminated soils, it really doesn't really address the type of contamination. At this time, CNEP does not recommend that the contaminated soil be accepted with such a broad definition. CNEP has asked the landfill to come back with a management plan or an explanation of the type of contaminated soil for consideration. CNEP's recommendation is that no contaminated soils be accepted at this time. Mr. Bane stated that the Landfill is permitted to accept them at the landfill, the Permit is requesting to use the contaminated soil as daily cover. Commissioner Fite, referring to the Order, stated that there should a waste profile and analytical on each specific material submitted to Environmental Programs for approval prior to its use and that the approved materials for alternate daily cover be granted on a case by case basis by the EPC Administrator. Contaminated soil will not be used for alternate daily cover on any exterior slope. Do we want to consider giving authority to Mr. Elkins based on analyticals and waste profiles? Commissioner Green asked when power of approval would come up, would they come up and state that they want to use contaminated soils next week and request approval. Mr. West stated that has been our issue with granting blanket approval with no plan. Commissioner Green stated he would want to know the composition of the contaminated soils, how much lead time will be given for approval and what would be done in the interim. Mr. West stated that hydro-carbonated soils are accepted at most landfills and we have a management plan on those types of soils but at this time we do not know what type contaminated soils and that is why we are not recommending approval of contaminated soils for daily cover. Commissioner Fite confirmed that the request came from the landfill and not from a request from staff to accept contaminated soils. Commissioner Fite made a Motion to table until the next scheduled meeting. Commissioner Green seconded the Motion, roll call vote, unanimous, item tabled.
7. New Business – Mr. Langdon announced that starting today, CN's fuel supplier, the Conoco Phillips terminal at Glenpool, will not be offering conventional gasoline, they will only be offering 10% ethanol gasoline. Through today, CN has offered 100% gasoline which will no longer be available from the terminals. The substantial majority of marketers have gone to ethanol because of the price. Commissioner Matlock asked what that meant for Cherokee Nation because some warranties on engines are voided if 10% ethanol gasoline is used. Mr. Langdon stated that typically, everything that has been manufactured, have been designed with the o-rings and the seals compatible with ethanol. The only thing CN is required to do is notify the public by a sticker on the pump that reads that the gasoline contains ethanol up to 10%. The sticker will be placed on every dispensing pump. Commissioner Green asked the proper steps to accept the ethanol gasoline. Mr. Langdon stated that a company visited the sites and obtained samples of the fuel from the underground storage tanks. The fuel is then analyzed for particulates and/or water. Water can be problematic with the ethanol,

so the underground storage tanks need to be free of water. Every location has an automatic tank gauging system which measures the volume of the fuel and the amount of the water, if any. A special modified paste is placed on the end of a stick and the tanks are "sticked". If the paste turns red, this is an indication of water. This is not a regulatory requirement, it is a self-imposed requirement from management. The fuel filters have been changed on the inside of each dispensing pump. The new fuel filters are designed for fuel that contains up to 10% ethanol and traps water and particles. If that filter gets full with water or particles it slows the flow down to nothing. This would indicate the need to change the filter. This is another insurance measure to ensure that water does not get into a vehicle. This is a standard accepted practice everywhere. Commissioner Fite asked if all refineries are moving toward the introduction of ethanol. Mr. Langdon stated yes, because it is heavily subsidized by the government, ethanol fuels tend to have a lower wholesale price, also, it is a more efficient operation to offer one grade of 87 octane from the wholesalers standpoint. Staff are monitoring the dispensing pump, if they start slowing down, the filters will be changed immediately. For the first 10 days or month, the filters are changed frequently. Mr. Gwin asked for the definition of 10%. Mr. Langdon stated that the loads they will be getting will be 10% ethanol, when you come along with 100% gasoline, you have less than 10%. Some marketers will buy E-10 gasoline when it's cheaper and they will buy 100% gasoline when it's cheaper. Eventually it will get to the 10%.

8. Upcoming meetings and events – the next meeting will be scheduled on July 6, 2010 at 9:30 A.M.
9. Meeting adjourned.