

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Protection Office**  
**206 E. Allen Road, Tahlequah, OK**  
**November 16, 2006 at 9:20 am**

**PRESENT:**

Commissioners: Ed Fite, Mark Green and Marty Matlock

**STAFF AND GUESTS:**

Sheila Sevenstar-Horn, CN Environmental Programs

Amber Armstrong, CN Environmental Programs

John Freise, CN Environmental Programs

Shaun West, CN Environmental Programs

Ashley Wagnon, CN Environmental Programs

Mark Dunham, CN Environmental Programs

Doug Bane, CN Landfill

Tabbatha Revas, CN Environmental Programs

Angela Drewes, CN Natural Resources

Nancy John, CN Environmental Programs

1. Chairman Fite called the meeting to order at 9:25 am.
2. Chairman Fite acknowledged and placed into the record the Record of Notice and meeting agenda.
3. Commissioner Green made a motion to approve the minutes from the September 7, 2006 meeting. Commissioner Matlock seconded the motion. The vote to approve the minutes was unanimous.
4. Reports
  - A. Cherokee Nation Enterprises - Harold Langdon provided his report for review and was unable to stay due to a meeting scheduled in Roland. He requested that any questions be addressed to him at the next meeting.
  - B. Environmental Programs
    1. Monthly Report

Nancy John introduced Ashley Wagnon as newly hired Environmental Specialist I. She reported that Jeannine Hale was awarded the Jan Stevens award at the EPA Region 6 Tribal Summit held in Albuquerque, NM. Environmental Programs will also be recognized by EPA in December at a ceremony in Washington, DC for effort on the Information Exchange projects.

Chairman Fite inquired if the State had raised any concerns regarding water quality standards. Nancy reported that the last meeting with the state resulted with a plan for Tribes and the state to meet again and review the technical aspects of the draft model. EPA had provided comments that were considered minor with a focus on formatting. Chairman Fite recommended that a copy be provided to Arkansas – ADEQ.

Commissioner Matlock inquired of the status of the Dewar Welding/Radiator Shop listed on the Pre-Cerclis summary of the report. Nancy reported that this is the first step in the Superfund process and regarded as an initial screening assessment.

Commissioner Green inquired of the locations of the monthly water samples collected in the Sallisaw area. Staff identified sampling locations and explained that all attempts were made to sample at the same locations each month.

## 2. Complaints/Inquiry Report

No questions or comments on the report.

C. Natural Resources – Angela Drewes reported that Natural Resources was working with the Child Development Center to extend the Konrad Holmes Walking Trail up to the CDC for a Nature Trail for the children. CNNR hosted the IRMP Conference and had 80 people from 39 tribes participating. The first draft of the IRMP is scheduled to be completed by the end of '07 including time for public comments and meetings.

D. Roads Program – Michael Lynn was unable to attend the meeting but submitted his report for review.

## 5. Cherokee Nation Landfill

A. Report by Landfill Management – Doug Bane reported there is an additional capacity for 1,100 to 1,200 tons per day. 184 tons of special waste includes sludge from Siloam Springs, waste Styrofoam, and dead animals from the sale barns.

B. Report by Natural Resources - Angela Drewes reported that Pat Gwin sent out reports November 6<sup>th</sup> and any questions can be directed to Mr. Gwin at the next meeting.

C. Report by CNEP Staff

1. John Freise and Shaun West reported that there are some compliance issues pending. The two big issues are pollutant loading and Jenkins Creek. They need to complete these before any more permitting

actions can take place. We also want to make sure that there are no more new impoundments for storm water.

2. Doug Bane reported there is a cell for storm water for the west side of the property. This cell divides the East and West side. Shaun West stated that the recommendation would be to re-direct that storm water drainage to an existing storm water pond because it has potential to drain into someone's pond. Doug Bane stated that storm water has never drained into that pond. The storm water evaporates and percs out. This storm water has no contact with the trash. This has been there for 10 years and was there when the first permits were issued but it's dry for most of the time.

Shaun West stated this second impoundment is not permitted. This should meet federal guidelines and a Notice of Violation should be enforced. Angela Drewes stated that she corresponded to Pat Gwin by e-mail and asked if the pond has always been there and his response was no it has not always been there and it cannot be re-routed to the East.

3. Commissioner Matlock stated that there's no debate that the pond needs to be there and there's no debate that the pond needs to be permitted. Right now we're operating out of the boundaries of regulations and the law and that's not an acceptable and it puts the Cherokee Nation into a position of liability and it's our job to prevent that.

Chairman Fite stated that a Notice of Violations has been prepared and the first one is failure to provide a pollutant load study. Doug is working with the staff of OSU and that work is still pending. The second is failure to submit to the EPC a complete application for closure of outfalls. The third is failure to submit a study on Jenkins Creek and tributaries. The fourth is failure to provide adequate cover which has been achieved according to Doug's memo of this morning and lastly failure to have a permit for an impoundment pond. The landfill has posed a number of questions for a number of years and our job is to protect the Cherokee Nation and to protect the environment. I think a good starting place is to consider action on these proposed Notices of Violation.

Commissioner Green – The problem I see with these compliance issues is that we never see anything completed. These incomplete projects look bad on the Cherokee Nation and reflect poorly on this Commission and it looks like we're not doing our jobs. At any rate, I agree we should issue these Notices of Violations, omitting #4, because it has been addressed.

4. Motion made by Commissioner Matlock and seconded by Commissioner Green to issue the Cherokee Nation Environmental Protection Commission Notice of Violations (NOV-01-06). The motion was approved by unanimous vote.

6. Rules

- A. Rules Development – Jeannine Hale will summarize the status of the rules development at the next meeting.
- B. Rules for Non-Industrial Surface Impoundments
  1. Summary of proposed content provided.
  2. Opportunity for comments provided.
  3. Motion made by Commissioner Matlock and seconded by Commissioner Greene to approve the rules for Non-Industrial Surface Impoundments. Motion passed by unanimous vote.
- C. Rules for Public Water Supplies
  1. Rules for Public Water Supplies have been drafted and provided for comments.
  2. Commissioners will consider for approval at the next meeting.

7. New Business

None

8. Miscellaneous Discussion

The next EPC meeting will be scheduled for Thursday, December 14, 2006 at 9:30 am.

9. Adjournment

Meeting adjourned at 10:25 am.