

ENVIRONMENTAL PROTECTION COMMISSION

MINUTES

REGULAR MEETING NOVEMBER 6, 2003

1. Chairman Fite called the meeting to order and welcomed guests. Present at the meeting were the following:
 - a. Commissioners Henshaw, Fite and Hummingbird
 - b. Staff members: Jeannine Hale, Nancy John, Billy Hix, Doug Bane
 - c. Guests: Jim McSpadden, Harold Langdon and Patricia Young – they gave a brief update on activities in Catoosa involving construction of a 7 story hotel, conference facilities and golf course near the casino
2. Chairman Fite noted the Record of Notice regarding the posting of the agenda and its distribution to the regular mailing list of persons requesting the same and other interested persons, organizations and media
3. Ms. Hale noted that the minutes for the previous meeting were not complete and Chairman Fite moved to the next agenda item
4. Cherokee Nation program reports were provided to the Commission:
 - a. Ms. Hale pointed out the report for Environmental Programs that was contained in the packet. In addition, she pointed out that Environmental Programs had been requested by Community Services to assume the responsibility for preparing environmental reviews for I.H.S. projects such as water and sewer lines. These EA would be prepared by the Office of Environmental Protection under Tom Elkins. Transfer of these duties is consistent with the goal of consolidating environmental programs.
 - b. Nancy John gave the report for the Office of Environmental Services. Ms. John described the EPA regional environmental summit OES coordinated in Albuquerque. OES did such a good job that EPA has asked OES to do it again next year. OES is preparing to give GIS training in Albuquerque. She provided handouts concerning a Sequoyah County Household Pollutant Collection Event. Ms. John clarified in the report under Outpost that there were no exceedances. Commissioner Henshaw noted that there was discussion about the city having a recycling project. Chairman Fite noted that it was a transfer station.
 - c. Ms. Hale described proposals submitted for the Community Investment project – one for complaints and inspections, consistent with the new plans for a complaints program under Tom Elkins. The other proposal was a community service project to build a community garden or a nature trail with signs/outdoor classroom.
 - d. Doug Bane gave the report for Natural Resources. Pat Gwin was unavailable and couldn't come to the meeting because he was in the field. Mr. Bane gave an update on the landfill: It is down to 200 tons per day. Roloff made a proposal to take over the landfill but CN was not receptive.

City of Salisaw has sued them, Waste Mgmt sued them for franchise infringement in Springdale, and City of Ft. Smith sued them for nonpayment. Roloff stopped bringing waste to the landfill. At first they argued about the new rates, but they were in arrears about \$80,000 so the CN stopped accepting their waste. Chair Fite asked and Mr. Bane said no, at this point, if Roloff wanted to build a facility in a scenic rivers basin and DEQ rules currently prohibit that, he did not think it would be a good idea to make an exception to let them build it.

Mr. Bane noted that Natural Resources report was not in the packet and he will make sure it is in the future. In December they will do a demo project on daily cover at the landfill, and Commission is invited to observe this. The landfill schedule to go to one Saturday open per month.

- e. Billy Hix pointed to the report contained in the Commission's packet, including the latest groundwater monitoring results – out of 8 wells, only two constituents were measurable- great results. Billy expects Harley to come next time, this time they had a conflicting meeting.

- 5. Ms. Hale presented statutory language for pollution abatement, definitions and other general provisions. This language had been considered by the Commission earlier and had been given to General Counsel and DOJ to review, but they had not provided many comments. Ms. Hale suggested that the Commission could either vote to recommend the language to the Council, or vote to recommend the language subject to changes by General Counsel and/or DOJ so they would have more time to review it.

Ms. Hale provided a draft schedule of statutory revisions for the Commission to consider in order to get through all of the statutes by October 2004. Chair Fite suggested that the Commission move on with the revisions.

Commissioner Henshaw asked about references to the “Nation” and expressed concern that EPC has authority/responsibility now, so it might be best to be clear if we are changing that or not. Commissioner Hummingbird asked if it would work if the language could be changed to refer to the Commission rather than the “Nation”.

Commissioner Henshaw had numerous questions and suggestions about the proposed statutory language and, as a result, a number of changes were made in the statutory language. Commissioner Fite indicated a concern that the statutes should include language about how money in the revolving fund could be spent, including environmental enhancement projects.

Commissioner Hummingbird moved to approve the proposed statutory language with the changes made as a result of the discussion by the Commission, subject to any changes that the office of General Counsel or DOJ may have. Commissioner Henshaw seconded the motion. The motion passed unanimously.

6. Commissioner Henshaw reported that he has been concerned whether EPC is being kept informed about CN involvement and comments in matters where CN is acting as a Cooperating Agency, e.g. in NRC NEPA activities related to Sequoyah Fuels. Ms. Hale agreed that this was a concern but efforts were being made to ensure that CN EP was advised of all activities. Commissioner Henshaw made a motion that Ms. Hale be the point person for SFC and that all correspondence, etc. go through Ms. Hale. Ms. Hale is to communicate with Mr. Henshaw and they will decide if there is a need for this to be placed on the EPC's agenda. Mr. Henshaw should be copied on all pleadings. Commissioner ___ seconded the motion. The motion was approved unanimously.
7. Ms. Hale presented the EPC with a draft schedule for statutory revisions during FY 04, designed so that the entire Environmental Code can be considered in the next months before October 2004. Commissioner Henshaw made a motion that the schedule be adopted as a template and Commissioner Hummingbird seconded. The motion was approved unanimously.
8. The December meeting was moved to December 11, 2003. The Commission's regular meetings in 2004 will be the first Thursday of the month at 9 a.m.
9. The Commission inquired about activities involving Tar Creek and it was suggested it should be placed on an agenda soon.
10. There was no new business or miscellaneous discussion.
11. Chairman Fite adjourned the meeting.