

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Protection Office**  
**206 E. Allen Road, Tahlequah, OK**  
**May 6, 2008**

**PRESENT:**

Commissioners: Ed Fite & Marty Matlock

**STAFF AND GUESTS:**

Harold Langdon, CNE

Roger Fields, CNE

Nathan Moton, Concerned Citizen of Adair County

Jack Crittenden, Concerned Citizen of Adair County

Pat Gwin, CN Natural Resources

Clint Carroll, CN Natural Resources

Jeannine Hale, CN

Michael Stephens, SES

Brad Carson, CNB

Dena Geib, CNB

Tom Elkins, CN Environmental Programs

Nancy John, CN Environmental Programs

Shaun West, CN Environmental Programs

Wayne Isaacs, CN Environmental Programs

Bobby Short, CN Environmental Programs

Amber Armstrong, CN Environmental Programs

1. Commissioner Fite called the meeting to order at 10:00 a.m.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting agenda.
3. Commissioner Fite made a motion to approve the minutes from the March 6, 2008 meeting. Commissioner Matlock seconded the motion. Roll was called and the minutes were approved unanimously.
4. Reports
  - A. Natural Resources Department – Pat Gwin reported that regarding forestry they are doing some survival studies on a recent commercial planting which they will be reporting on at the next meeting. They will be working on studies for the American Burying Beetle Permits next month. The Tribal IRMP has been re-drafted and re-submitted. Tom Elkins has copies of the old one and copies of the new one will be sent to him for distribution to the EPC. Due to the flooding issues in Delaware County, Commissioner Dave Kendrick has requested the tribe's assistance to locate fill material for some roads that have washed out. We have found him one supply of gravel that he can use immediately and we have found him two supplies of gravel that we will give him access to once his permitting has been taken care of. He will also be coming to the EPC with a request to mine gravel out of the dry creek basin. Tom Elkins has been given that information to be working on a permitting package for the EPC.

Commissioner Matlock recommended that staff check on the sediment loads from the stream bed in Tyner Creek at Proctor on Hwy. 62 where heavy machinery and trucks have been entering and crossing.

- B. Environmental Programs – Nancy John reported that Ryan Callison had had been appointed to the Clean Air Act Advisory Committee. This is a senior level policy advisory committee that advises EPA on senior policy issues in Clean Air.
- C. Cherokee Nation Enterprises – Roger Fields reported CNE had no environmental incidents for the month of March and April.
- D. NEPA projects for Realty, IHS, NAHASDA, and Roads – Wayne Isaacs reported the two key projects that they had was the upgrade to the sewer system at Cherokee Heights which is located next to Sportsman’s Acre southeast of Pryor. The environmental assessment has been completed on that and is under internal review within our program. This past week we received information on the plans to build a new health clinic facility in Vinita. We will be doing the environmental assessment on tat as well. That will be located south of the city of Vinita, south of I44. We also have an on going project with the Ramona property. These are the main projects that we are working on now.
- E. Tribally funded construction projects – No report.
- F. EPC Administrator – Tom Elkins reported the amendment to the statute for the EPC went through committee and full council. The Chief signed off on it so the statute is amended and he will be looking for the representation for the EPC to be increased from three members to five. He would be interested in names of people who might qualify to fill those positions and that has to go through council approval as well.

Commissioner Fite opened the floor to public comment:

Jack Crittenden: Have all of the issues of the Compliance Schedule have been taken care.

Tom Elkins: When the new permit was redone a new compliance schedule was set up for those things and that took Cherokee Nation out of that and the new permittee is now CNB.

Jack Crittenden: The level of the leachate pond has been over the bar for months. They had a time limit for all of these things to be taken care of so are they going to get away without taking care of those problems?

Tom Elkins: They have a compliance schedule and they will be held accountable for that.

Commissioner Fite presented Jeannine Hale with a plaque in recognition of her service to the Environmental Protection Committee.

## 5. Cherokee Nation Landfill

- A. Regular report by landfill – Dena Geib reported that there is a compliance schedule that is being kept. There were three 30 day compliance issues which were submitted to Tom. We continue to redirect the storm water from the unauthorized outfall to the approved basin until we get that issue fixed with our construction plans. Recently the tribal council passed a resolution to require an independent testing firm to look at the landfill to alleviate and fears that are out there. We have moved forward with that request for proposal which we sent to you with six different firms that are on the DEQ certified list. Those bids are du back on the 15<sup>th</sup> and we expect to have those results by the next time we meet. We continue to accept sludge on a regular basis from Stilwell and we move 2 million gallons of leachate from the pond to the waste water treatment in on month’s period. In comparison to previous months which was done by a third party only 560 thousand. We have received 7 inches of rain fall during one month’s time at the landfill site.

The employees have done a tremendous amount of working through the rain to make sure that there are no environmental issues with the leachate pond. It is over the device but they have moved so much leachate out of that pond that there are no problems. We have the construction plans out for bid. They are due back on the 20<sup>th</sup> and we will share those results.

B. Compliance Issues

a. 30 Day Compliance Issues and the progress

Shaun West reported the three items were to install and maintain the raw silt traps at outfalls 6, 7, and 8 and to submit a methane monitoring and a methane reduction plan. Those plans have been submitted and the silt traps have been reorganized. The silt traps have been worked on a lot for 6, 7, and 8. we have the plans and right now we are just in the process of reviewing them. The methane and the topographic analysis we had a couple of small issues that we would like for them to fix and the plan will be okay with us.

b. Brief summary by staff – no comments or summary

c. Discussion by the Commission

Commissioner Fite: We are moving towards that 90 day window. We have some exceptional players involved now that I in vision that the landfill is going to continue to ratchet it up to meet those standards that we want.

C. Amendment to Permit Modification (minor issues) & action by the EPC.

Dena Geib: When our council for CNB reviewed the document they noticed that there was no reference to our compliance schedule I the previous modification. They had a concern about ICI's obligation versus ours. We had agreed to certain items that we wanted to recognize. This amendment recognizes the things that we are responsible for. Cherokee Nation Businesses has created a company for the landfill. In order to separate the different assets of the nation we created a separate company to hold these. We would like to have that company recognized as the operators specifically under CNB. One thing that this amendment also does is it requires at Tom's request that CNB remain the sole member and owner of that company.

Commissioner Fite: Does staff have a recommendation?

Tom Elkins: I recommend this is passed. It does clarify some issues that they need clarified and it doesn't change the intent of what you had passed before.

Commissioner Matlock made the motion to approve the amendment to the Permit Modification. Commissioner Fite seconded the motion. Roll was called and the amendment to the Permit modification was approved unanimously.

6. New Business – No new business.

7. The next meeting will be held July 1, 2008 at 9:30 in the Tribal Council Chambers.

8. Commissioner Matlock moved to adjourn the meeting. Commissioner Fite seconded. The meeting was adjourned at 10:30 a.m.

