

# **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 10<sup>th</sup>

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 8<sup>th</sup> 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.