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

MINUTES of Regular Meeting Held on January 6, 2005 at 9:25 am

PRESENT:

COMMISSIONERS: Ed Fite and Cheryl Cohenhour

STAFF AND GUESTS:

Jeannine Hale, Acting Environmental Administrator

David Thornton, Tribal Council

Tom Elkins, Environmental Protection

Michael Lynn, Roads

Doug Bane, CN Landfill

Randy Gee, Environmental Services

Pat Gwin, Natural Resources

Billy Hix, Environmental Health

Richard Keck, Environmental Services

Jerrid Diffee, Environmental Services

John Sparkman, Environmental Services

Evelyn Ridenhour, Environmental Services

- 1. Chairman Fite called the meeting to order at 9:25 am
- 2. Chairman Fite noted and placed into the record the Record of Notice and the meeting agenda.
- 3. Commissioner Cohenhour made a motion to approve the minutes from the December 2, 2004 meeting. Chairman Fite seconded the motion. The vote to approve the minutes was unanimous.
- 4. Agenda Items Reports
 - a. Tom Elkins reported that OEP is up to date on their goals set for this year with the exception of Radon completing about 1%. There has been one radon test done this year. There is now a self help program in place with all their programs and they are requiring all the tribal members to pay for their Radon test which is costs approximately \$8-9. OEP have completed about 45% of the environmental reviews and 50% of mold inspections.
 - b. Randy Gee reported that OES/OEP would be participating in the Inter-Tribal Environmental Council meeting January 13-14, 2005 in Catoosa. OES will be assisting Laura Harjo of the GEO Data Center with the National GIS conference being held at Catoosa in March 2005. John Sparkman is working on a water quality-monitoring project.
 - c. Pat Gwin reported on the wetlands located behind the complex. There have been a couple of meetings to determine the final scope and design plan for filling the portion permitted by the EPC. Jeannine offered a copy of the wetland's layout that had been provided by Mr. Gwin shortly before the EPC meeting. She indicated that she was not satisfied with the original design proposed by Mr. Boswell since there would be no public access to the wetland for educational purposes, but since that time they identified an alternate layout that will achieve this purpose.

Billy Hix reported that Environmental Health has completed quarterly operations inspections of the landfill. He reported damage to the north side of the landfill and suggested it be addressed.

Doug Bane reported the tonnage was down to 600-650 tons/day with operations slow due to the holidays. He reported the issue that Billy Hix mentioned in his report has been checked out and is in the process of being taken care of. A plan to expand the landfill is being worked on.

d. Michael Lynn reported that Able Consultant out of Owasso has been contracted to conduct environmental reviews for the Roads Dept.. The consultant has completed one (1) Environmental Assessment on the Maxwell Mountain project in Adair County and is working on one (1) in Delaware County for the Eucha Road Project which should be completed by the end of January or the first of February. An additional twelve (12) environmental reviews are planned for completion this year.

Michael addressed a complaint concerning a stormwater runoff issue with one of their roads projects near the CN Landfill. He reported he had investigated and immediately had taken steps to address the situation by contacting the contractor doing the work. He reported Roads receive a SAPP weekly report and if there is a deficiency listed the contractor is notified and given seven (7) days to correct. There is a \$1,000 a day fine for the time over the correction period.

Billy Hix reported Water and Sanitation's office would be working with Tom's office on projects. Two projects are starting in spring: 1) Qualls Road, and 2) Miller Cemetery.

5. Requirements and issues relating to the Cherokee Nation Landfill

Jeannine Hale reported the Landfill Work Team has been working on their assignments and each member of the team was present to provide an update.

Tom Elkins reported that engineering services are needed before the clean air and methane issues can be finally resolved. Doug Bane agreed to speak with A&M Engineering about doing the work necessary to set up a methane-monitoring program in compliance with the regulations. Commissioner Cohenhour expressed concern about using A&M instead of a new firm. Doug explained A&M is under contract and in his opinion they have produced everything they have been asked to do. He suggested the reason there are problems with compliance at the landfill is there are budgetary and funding issues. Jeannine reported Randy Gee is working on a grant to do work related to getting the landfill into compliance.

Jeannine Hale pointed out that Pat Gwin's report stated it would take 6-7 months to get the off-liner waste moved to an approved cell. She stated that although CN may ask EPA for a flexibility determination, we still must have a firm schedule to move the waste. Commissioner Fite stated he would like to identify a timeframe to have work completed. Doug Bane agreed to a schedule to start moving trash by May 1, 2005 and to complete it by September 2005. The Resources Committee previously approved a proposal for about a loan of \$1.3 million for cell development which can be used to move trash.

The Commissioners suggested they will approach the Council as necessary about to resolve issues and get the landfill up to compliance.

Jerrid Diffee reported he has been reviewing the NPDES permit documents from June 1992. In 1998 we received a document from U.S. Fish and Wildlife Service stating that there was a "no effect finding" for endangered species and he has confirmed that it is still valid. A document from the Archaeological Survey was also obtained. In the most recent NPDES general permit, there are new effluent limitations and requirements for landfills. Grab samples were taken from the stormwater pond to get a preliminary idea of constituents in the stormwater runoff. The Storm Water Pollution Prevention Plan needs to be updated before we file a Notice of Intent under the

NPDES general permit. There was discussion that A & M should work on that update. Chairman Fite requested that A&M be invited to the March meeting to answer questions or make a presentation. It was noted that any change in the location of the discharge point could be prohibited under the "no new point source discharge" requirements for tributaries of scenic rivers in Oklahoma Water Quality Standards.

Randy Gee reported on his review of the closure plan. Terracon has existing drawings and A&M has the plans. He reported he is working with Doug Bane on a grant application (\$150,000) to develop a master operational plan to be done by January 31, 2005.

6. Statutory revisions for Solid Waste

Jeannine Hale reported staff had worked together with other CN Departments to produce the version of the Solid Waste legislation before the EPC this meeting. She reported she had made one revision later to give the Commission more authority and discretion to reject a permit application. EPC will have the authority to set a schedule of fees by rule, including additional fees for out of nation waste, if determined appropriate.

Commissioner Cohenour made the motion to approve the Solid Waste legislation presented, version number 6 dated 1-5-2005. Commissioner Fite seconded the motion. The vote was unanimous to approve the legislation and recommend it to Council according to the usual process.

7. Lead Base Paint rules

Tom Elkins reported that a new requirement by the Administration requires a self-help component to each program. Currently the LBP certifications are free. The draft rules change this and charge a \$10 processing fee. Fees will be directed back into the program for future use. A copy of the rules was sent to ODEQ for comments in December.

Commissioner Cohenour made a motion to approve the proposed LBP rules as revised. Commissioner Fite seconded the motion. The vote was unanimous to approve the proposed Lead Base Paint Rules.

Commissioner Fite suggested a copy of proposed rules and other notices be sent to all council members

8. Status report – complaints, enforcement and/or legal issues

Jeannine Hale reported on steps to address the Cherry Tree lagoon situation. Currently staff is looking into a schedule for land application. Also, samples of the wastewater in two locations were collected by Billy Hix and Pat Gwin. John Sparkman will research locating an As-Built thru the IHS office in Oklahoma City.

- 9. Administrator's report Jeannine reported she was not able to make it to DC due to flight delays, but she will be rescheduling a meeting with the Corp of Engineers on Lake Tenkiller water storage rights.
- 10. New Business none
- 11. Miscellaneous discussion none
- 12. Adjournment Commissioner Cohenour made a motion to adjourn the meeting. Chairman Fite seconded the motion. The vote to approve the motion was unanimous. The meeting adjourned at 11:25 AM.