

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Protection Office**  
**206 E. Allen Road, Tahlequah, OK**  
**December 23, 2008**

**PRESENT:**

Commissioner: Mark Green  
Commissioner: Ed Fite  
Commissioner: Marty Matlock

**STAFF AND GUESTS:**

Shaun West, CNEP  
Jack Crittenden, Concerned Citizen of Adair County  
Nathan Moton, Concerned Citizen of Adair County  
Flossie Girty, Cherokee Nation Administration  
Nancy John, CNEP  
Brad Asbill, CNEP  
Harold Langdon, CNE  
Tom Elkins, CNWM  
Ryan Callison, CNEP  
Pat Gwin, CNNR  
Roger Fields, CNE  
Dena Geib, CNB  
John Freise, CNEP  
Amber Armstrong, CNEP

1. Commissioner Green called the meeting to order at 2:05 a.m.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting attendance.
3. Commissioner Fite made a motion to approve the minutes from the August 5<sup>th</sup> meeting. Commissioner Matlock seconded the motion.  
Ed Fite: aye  
Marty Matlock: aye  
Mark Green: aye  
The minutes were approved unanimously.  
  
Commissioner Fite made a motion to approve the minutes from November 25<sup>th</sup> meeting. Commissioner Matlock seconded the motion.  
Ed Fite: aye  
Marty Matlock: aye  
The minutes were approved by two votes.
4. Public Comment - Limited to 5 minutes.  
No public comment.
5. Reports
  - A. Natural Resources Department – There was no report.
  - B. Environmental Programs – Nancy John reported that we have two sites that we have been working on the Tar Creek site and the National Zinc Corporation site. We have entered into and proposed an agreement that gives all of the interested parties of that trustee council a little bit more time to try to work cooperatively with coming up with some of their response activities. Some of the things they would be working as far as any type of mitigation restoration activities

plans that it may come with. It just kind of puts a stall on the limitation of statutes for that site. With that National Zinc Corporation site in Bartlesville we are currently working on a draft of our first pre-assessment screening before that report goes to the potential liable parties. You won't see these under one of our programs because we aren't adequately funded for one site and the other one we don't have anything so it is purely voluntary time for the staff to work on it.

- C. Cherokee Nation Enterprises – Roger Fields reported that no incidents occurred in November. December 10<sup>th</sup> at the Roland Travel Plaza the nozzle fell out of a gentleman's tank and the lady inside immediately saw it ran outside and clicked it off and put oil absorbing material down to keep the diesel from going into the storm water. The estimate was 2 to 3 gallons of diesel was spilled. Maintenance came out and cleaned the area. On December 16<sup>th</sup> at Outpost 1 here in Tahlequah the nozzle failed to shut off on a diesel machine. The estimate was about 2 gallons was spilled. They immediately put the oil absorbing material on it and cleaned it up.
  - D. NEPA projects for Realty, IHS, NAHASDA, Roads – Brad Asbill reported that there was a typing error on the report No. 2 was report as FY08 and it should have been FY09. We have started doing a BIA Environmental review on the plot of land between the warehouse and Job Corp along the road.
  - E. Tribally funded construction projects – There was no report.
  - F. EPC Administrator – Ryan Callison reported that a stipend for the board of commissions was in the works. Looking at it being contractual of \$150 minimum per meeting for effort, meals, and time involved in the EPC. A little over a year ago we applied for about \$800,000 to upgrade the Kenwood water system. We are in negotiations now for about \$375,000 for that. Some positive things are going to happen with that. Within the last month we have been working with the Cherokee Nation internally with the green policy. We have been talking about recycling efforts. Within the last couple of weeks we were tasked by Administration to effort some projects in relation to President Obama's stimulus package. We worked up about 9 different scenarios that relate to items that we can put in place immediately if the stimulus were to go through. At the last meeting you asked about legal council. Ms. Hammons has dedicated Sarah Hill to be your new point of contact to be the new EPC attorney. Work has been put into filling the board of commissioners. The Ross Road Trust 250 acres went through the trust process and are now tribal trust land. Tom Elkins will be returning to Environmental Programs as the Administrator.
6. Cherokee Nation Sanitary Landfill
- A. Report – Tom Elkins reported that the target date for opening the landfill is mid March. We have gotten new equipment ordered and old equipment is being repaired. The landfill looks like it will be ready to open. Dena Geib will be the acting CEO until a new one is put into place.
  - B. Compliance Issues
    - a. Brief summary by staff – John Freise had a slide presentation of the landfill. He reported that outfall 6 and 7 are both in pretty good condition. Outfall 8 is the one with the worst silt fences. It is one the east side of the landfill just north of outfall 7. The outfalls are somewhat compromised due to the deteriorating silt fences but the gravel and the boulders are catching what little precipitation and settlement that is moving through presently. Those are the only ones that have problems all of the others are fine. Shaun West reported that the outfalls have been pretty dry. All of the compliance issues are up to date. We are keeping pretty good track of what is going on out there.
    - b. Discussion by the Commission  
Commissioner Matlock requested that a one page summery status of the landfill progress from the EPC's prospective be submitted.
7. New Business – There was no new business reported.
8. The next meeting will be February 3, 2009 at 5:30 at the Cherokee Nation Environmental Programs Office.

9. Commissioner Fite moved to adjourn the meeting. Commissioner Matlock seconded. The meeting was adjourned at 2:47 p.m.