

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Protection Office
206 E. Allen Road, Tahlequah, OK
August 25, 2009

PRESENT:

Commissioner: Mark Green

Commissioner: Marty Matlock via phone

ABSENT/PRESENT: Commissioner Fite – called in to meeting at 9:53 A.M. – quorum established.

STAFF AND GUESTS:

Nancy John, CNEP
Tom Elkins, CNEP
Roger Fields, CNE
Dena Geib, CNB
John Freise, CNEP
Nathan Moton, Guest
Jack Crittenden, Guest
Doug Bane, CNWM
Shawn West, CNEP
Darrell Adrian, CNE
Jim Carrington, CNB
Harold Langdon, CNE
Ryan Callison, CNEP
Jackie Woodward, CNEP
Bobby Short, CNEP
Angela Drewes, CN Natural Resources
Pat Gwin, CN Natural Resources
Sara Hill, CN Attorney General Office
Melanie Knight, Secretary of State
Wayne Isaacs, CNEP
Laura Adair, CNEP

1. Commissioner Green unofficially called the meeting to order at 9:40 A.M., a quorum was not established therefore no official business could be conducted but asked that entities proceed with their reports. **At 9:53 A.M. Commissioner Fite called in to the meeting, official roll call, quorum established.**
2. Commissioner Green acknowledged and placed into the record the Record of Public Notice.
3. Vote to amend/approve minutes was put on hold pending a quorum being established. Quorum was established at 9:53 A.M., motion made to approve minutes by Commissioner Fite, seconded by Commissioner Matlock, Commissioner Green requested a roll call vote, unanimously approved.
4. Public Comment – None
5. Reports
 - A. Environmental Programs/EPC Administrator – Tom Elkins – advised that CNEP programs have reorganized and an organizational chart will be available at the next meeting for dissemination.

- I. Presentation of CNSL (Past-Current Conditions) - John Friese - Mr. Friese provided the group with a Power Point Presentation from a historical perspective from 2004 to current status.
- II. Dike Liner Issue & Resolution – Shaun West –
- III. ODEQ Complaints & Resolution – Shaun West – the first week of July two complaints were received on the Landfill. One was about oil and gas leaking from the machinery that was being worked on at the Landfill at the repair site and the other was described as “orange goo” leaking from the Landfill. The complaints were filed with the DEQ who then routed the complaints to the EPA. The CNEP received the complaints on July 9th. There were a few places where leachate was seeping out of the side of Cell 2, directly across from the scale house. When water comes across the soil in that area it gives off an orange tint because the soil contains a lot of iron. The ground in this area was covered with a foot of soil to ensure there was no leachate coming out of the side of cell. At the maintenance area of the landfill, where they were working on machinery, there was some oil on the ground and the workers were not using very good practices of collecting the oil. A request was made for the workers to use pads or some type of collection system to collect the oil and fluids from the machinery they were working on. These requests were made on July 9th. Staff visited the sites one week later and all the grease and oil had been collected from the machinery via plastic liner and pans. (pictures enclosed in packet) Also, the area where the seepage was located in Cell 2 has been covered up. Both of the situations were remedied to CNEP’s satisfaction and workers are maintaining the corrective actions. Twenty-six (26) landfill visits have been made by CNEP staff since the last EPC meeting. When flash ports were being cleaned at the leachate pond some liner had been exposed at the edge of Cell 3 and Mr. Bane requested that the liner be checked by staff. The liner was on the stabilization berm between the leachate pond and Cell 3. It wasn’t part of the liner of Cell 3 but old liner that had previously been placed over the berm. Staff inspected the site and the liner of Cell 3 had not been disturbed. The area has since been leveled off. On the operating plan for the new cell, one leachate tank, 1000 gallons, had been requested to sit between Cell 3 and Cell 4 to collect leachate from both cells. It was determined that leachate from both cells was not going to drain in that one area for both cells, so two smaller tanks were requested, one for each cell that would be mobile. Aquaterra was contacted and they checked the size, dimensions and diagrams and confirmed that it would be adequate storage for both cells. Each cell will have a leachate tank for collection.
- B. Natural Resources Department – Pat Gwin – Information in addition to the submitted report, prior to construction of the female seminary at NSU, in the late 1800s, a walnut tree was located on the site, the tree still exists and is now in extremely poor health. Last year 100 walnuts were collected and they have been grown out at a nursery. In October, adoptive parents are needed for the seedlings. If anyone is interested in adopting a tree contact Mr. Gwin. There are approximately 75 seedling needing homes. Cherokee Nation published a book on Ethnobotany, called Wild Plants of the Cherokee Nation. Mr. Gwin will forward copies to Mr. Elkins to disseminate to the Commissioners. Mr. Gwin will be bringing draft legislation next month regarding the Cherokee Nation Endangered Species Act. Commissioner Matlock recognized Mr. Gwin for the wonderful job he did with his interns this summer.
- C. Cherokee Nation Enterprises – Roger Fields – Fort Gibson Outpost II had a small fuel spill from the fill nozzle at one of the dispensers. Approximately 1/16th of a gallon was spilled and it was immediately scrubbed and cleaned. On June 1, there was a small asphalt leak from a truck in the travel plaza in Roland. Facilities maintenance placed absorbent, scrubbed and cleaned the area. The material is being held for disposal. This week a review update of our stormwater discharge permits was initiated for West Siloam Springs and Catoosa.
- D. NEPA Projects for Realty, IHS, NAHSASDA, Roads – Wayne Isaacs – There is a change in the report, the project for the town of Delaware consists of expansion of an existing wastewater treatment facility and the construction of two new lagoons. They have since decided to repair

their existing lagoon so the new lagoons will not be constructed. The increase in projects is based on the stimulus package.

- E. Tribally funded construction projects – Angela Drewes – Did not submit a written report because of first time reporting as Acting Group Leader and requests clarification on what information is wanted by the Commission. Small projects are coming up but will be less than an acre of disturbance. The first big project is still probably 6 months out and will be the construction on the Vinita clinic site. Ms. Drewes asked what information the EPC would like to see in the report on those construction projects. Mr. Green recommends that Ms. Drewes get with Mr. Elkins and go over the information needed by the Commission. Mr. Elkins can help with any issues that will require permission from the EPC. Ms. Drewes noted that the old Locust Grove nursing home had been properly abated and razed. The land will be turned into some type of green space.

6. Cherokee Nation Sanitary Landfill-Dena Geib

- A. Report – Report has been submitted, Doug Bane will provide additional information. The report contains a construction update. The only addition is that the big area of focus is on the clean out of the storm water pond at outfall one. There was an accident at the site. The contractor had an operator injured in a roll over accident in a haul truck. The man is recovering but that slowed operations for a while. There was a very minor fuel and oil spill. Environmental programs came out to investigate and the spill was cleaned up. Further improvement to the roadway has been completed. Construction is about a month from being complete on the site. The new cell was completed in July and it's ready to accept trash.
- B. Compliance Issues – Mr. Elkins noted that the landfill has done really well and the compliance schedule has been fully met. One issue is the methane problem. Environmental programs is working with the Landfill and monitoring the situation. The Landfill has provided a report on how the issue will be handled but they may want to modify the report before it comes before the Commission. This is the only compliance issue at this time but it is related to the construction. The plan will be revisited when the construction is completed.
- C. Consideration of a permit amendment – Mr. Elkins noted that several individuals are in attendance to address this amendment including Secretary of State with Nation and Mr. Stewart with CNB. Ms. Catcher was on vacation but she is available by phone. Commissioner Matlock had requested that the Chairman of the CNB be available. Mr. Armstrong lives in Houston but he is available by phone to answer questions. Commissioner Green noted that Commissioners Fite and Matlock were in attendance via phone. He stated that he was aware of several questions about this issue and proposes that it be tabled for further consideration until such time that all can be in attendance. Commissioner Matlock agreed because he does not have the information he needs to make this important decision. He stated that he had received packets but it wasn't what was needed for him to make a decision. The Commission is requesting financial security information about how management will oversee the landfill. Commissioner Fite made a motion to table, Commissioner Matlock seconded the motion. A roll call vote unanimously approved to table consideration of this permit amendment.

- 7. New Business – Mr. Elkins – An item for discussion from Ms. Cara Cowan-Watts, Tribal Councilor, was a discussion on an air permit. Mr. Callison is available for questions. Mr. Callison stated that Lafarge Industries on North 145th West in Tulsa is a large cement factory that has been there for about fifty years. It is located on the county line between Rogers and Tulsa County. They are currently working on energy alternatives to supply energy to that facility. During the last couple of years alternative sources of energy have been evaluated and they have proposed going towards a fuel alternative waste method for use as an energy source at that facility. Ms. Cowan-Watts has received a considerable amount of public concern because of this alternative energy consideration for fuel for the facility. Currently they use three different types of fuel coal, landfill gas and alternative fuel north of the facility. Some of the public's concerns are this fuel alternative. It will be different types of Rec or Subtitle C hazardous waste, i.e., paint thinners, lacquers, perfumes. We are watching that

issue. They are going to build an onsite facility to hold, store, and process that fuel. The name of the company that Lafarge owns is Systech and that facility will be built on site. It will be a Title 5, a major source for both facilities (Lafarge & Systech). A draft permit will be filed with DEQ probably in the next 30-45 days. Cherokee Nation is an affected state through our clean air status. We will be notified when the permit hits DEQ reporting notifier. There is a community meeting scheduled for interested citizens that may have questions or concerns about the proposed facility on September 29th at 6:30 at the Catoosa Community Center.

8. Upcoming meetings and events – Cherokee Nation Holiday the week of Labor Day. This will be our first year to try to do a measured amount of recycling at the Pow-wow. Mr. Elkins requests a Special Meeting to consider the permit amendment and will forward any information the Commission requests. Commissioners will get with Mr. Elkins to discuss needed information. The next regularly scheduled meeting is set for October 6, 2009 at 9:30 A.M. Special Meeting is tentatively scheduled for September 10, 2009 at 9:30 a.m.
9. Adjournment – Motion made by Commissioner Fite, seconded by Commissioner Matlock, meeting adjourned.