## CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION Cherokee Nation Environmental Protection Office 208 E. Allen Road, Tahlequah, OK

June 7, 2011

PRESENT:

Commissioner: Marty Matlock

Commissioner: Ed Fite

**STAFF AND GUESTS:** 

Nancy John, CNEP Laura Adair, CNEP

Jackie Woodward, CNEP

Tom Elkins, CNEP

Jerrid Diffee, CNEP

Bob Short, CNEP

Tabbatha Revas, CNEP

Billy Hix, CN Sanitation & Facilities

Michael Lynn, CN Roads

Chris Sams, CN Sanitation & Facilities

Cason LeBlanc, CN Sanitation & Facilities

Scott Neel, Neel, Harvell & Associates

Sara Hill, CN Office of AG

Pat Gwin, CNNR

Curtis Snell, CN Tribal Councilor

Justin Nolen, Research Student, Univ of AR

Anna Heintz, Research Student, Univ of AR

Katie Neff, Research Student, Univ of AR

Summer Wilkie, Research Student, Univ of AR

Tiffany Natividad, Research Student, Univ of AR

Mari Alvarado, Research Student, Univ of AR

Greg Butcher, Guest, Kenwood Water District

APPROVED

DATE 7-5-1/

- 1. Meeting called to order by Commissioner Matlock at 9:38 AM.
- 2. Commissioner Matlock acknowledged and placed into the record the Record of Public Notice. Introductions by all meeting attendees.
- 3. Commissioner Fite made a Motion to approve the minutes from the May 3, 2011 meetings and the May 17, 2011 Special Meeting. Commissioner Matlock seconded the Motion, roll call vote. Minutes approved.
- 4 Public Comment CN Councilor Snell stated that Delaware County has a lot of water problems and that Mr. Elkins has done a good job in the field cleaning up a lot of debris and trash dumps. Currently working to get an energy plan for the Landfill at Stilwell.

## 5. Reports

A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Mr. Elkins reported that NEPA projects have been steady. Provided information regarding project status and stimulus funding from the Department of Energy. Addressed the plans for the Water Plan development and the intent to draft an outline for development in the next few weeks. Mr. Elkins stated there were no issues at the landfill except for the height of the leachate pond. A sampling project is being discussed to re-characterize the pond into storm water. Discussion

- regarding the development of the Cherokee Nation Water Plan ensued. Ms. Revas provided a report regarding the collection and testing of fish tissue in March.
- B. Natural Resources Department Mr. Gwin stated that the raptor survey at Chilocco is complete. Genetically enhanced blackberries have been received. The tribe presented the first ethnobiology conference which was standing room only. ABB sampling in the future may not be necessary due to a programmatic agreement which will negate the sampling and establish a 900 acre conservation easement for the beetles.
- C. Cherokee Nation Entertainment Mr. Fields was not present, no questions regarding the report.
- D. <u>Emergency Management</u> Mr. Fain was not present, no questions regarding the report.
- 6. Cherokee Nation Sanitary Landfill
  - A. Report & Compliance Issues-Mr. Bane was not present, no questions regarding the report.
- Discussion and action on proposed Consent Order to Kenwood Water District Mr. Hix provided a Power Point presentation on the Kenwood Water District. Roads has been asked to help complete the two wells because of the bridge project, install water lines to connect the existing wells to the new wells, run a water line and power to the new water treatment plant and storage tank and to install a new water line back down to the new Kenwood road to connect into the existing distribution system. Plan of action is to begin engineering and design of the new plant and storage tank, address the sanitary deficiencies of the existing wells identified by EP A, obtain a lease from the Realty department to Kenwood Water District for the facilities located on trust land, new and existing facilities. Conduct a NEPA review of the new facility site and a permit from EPC for the facility and the groundwater withdrawal. Once all have been addressed, construction will begin of the new water treatment plant and storage tank. Mr. Hix answered questions regarding the presentation and proposed construction. Ms. Hill requested copies of organizing documents of the Kenwood Water District from Mr. Butcher. A new consent order has been prepared by Ms. Hill with shorter timeframes for review. Ms. Hill has continued discussion and negotiations with EPC regarding the Consent Order. Mr. Elkins stated that if the funds are available, most of the items can be addressed within the established timeframes. Mr. Hix stated that funding was in place but 180 days allowed for construction is not attainable. Mr. Butcher stated that EPA has been agreeable to extending some timelines. Commissioner Fite read through the proposed Consent Order to address each item's timeline. Item A is attainable within 30 days. Item B is attainable within 30 days. Item C is attainable within 60 days. Item D cannot be done in 60 days, Mr. Hix stated they would NEPA clearance, the lead-based paint issue would need to be addressed, 180 days would be needed to complete this action item other than the splash pad. Item E has already been completed. Item F cannot be completed in 180 days; Mr. Hix stated that at least 360 days would be needed to complete this action item. Commissioner Fite asked Mr. Butcher if Mr. Hix's responses to timelines were reasonable and he replied in the affirmative. Ms. Hill said she would confer with EPA regarding the proposed timelines. Mr. Elkins stated that this site is regulated by this Commission. Commissioner Matlock if there was a compelling public health interest with the water supply. Mr. Butcher stated yes, there is a concern. That is a significant justification for the possible suspension of NEPA requirements. Mr. Elkins stated that could not be done because Indian Health Service funding is being used for this project but it can be expedited. Commissioner Matlock asked that the NEPA requirements be completed in one week. Can procurement requirements be expedited because of the compelling public health concern? The bottleneck is the actual design; the Tribe has never designed this type of treatment plant. There is only one plan that DEQ knows about in the state that uses slow sand filters. Mr. Hix will research packet plans. Commissioner Matlock asked for the development of a step-by-step plan with dates and realistic timelines to address the items listed in the proposed Consent Order. The Commissioners stated they would accommodate the need for a meeting once the design was developed for a Permit from the Commission. Commissioner Matlock requested a detailed list of items to be done, a critical path analysis, as part of the Consent Order.
- New Business None.

- 9. Announcement of upcoming meetings and events The next EPC meeting date is July 5, 2011 at 9:30 AM.
- 10. Adjournment Commissioner Fite made a Motion to adjourn, seconded by Commissioner Matlock, meeting adjourned.