CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

Cherokee Nation Environmental Protection Office 208 E. Allen Road, Tahlequah, OK May 4, 2010

PRESENT:

Commissioner: Mark Green via phone

Commissioner: Ed Fite

Commissioner: Marty Matlock via phone

STAFF AND GUESTS:

John Freise, CNEP Harold Langdon, CNE Roger Fields, CNE Jami Skimbo, CNE Pat Gwin, CNNR Kevin Hodges, SCS Engineering Doug Bane, CNWM Bill Lay, CNWM Dwayne Fain, CN Risk Mgmt Rebecca LeClair, CN Gaming Comm Debra Wilson, CN Gaming Comm. Shawn West, CNEP Nancy John, CNEP Jackie Woodward, CNEP Tom Elkins, CNEP Laura Adair, CNEP

- 1. Meeting called to order by Commissioner Fite at 9:41 A.M. Roll call. All Commissioners present.
- 2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice.
- 3. Commissioner Green made a motion to approve the minutes from the March 2, 2010 meeting. Commissioner Matlock seconded the motion, roll call vote, minutes approved.
- 4. Public Comment None.
- 5. Reports
 - A. Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads Tom Elkins Town Branch Cleanup, approximately 50 people from City of Tahlequah, NSU, and various Cherokee Nation groups. Mr. Elkins reported for Mr. Isaacs, everything is going well on the NEPA requirements, quarterly reports are made to HUD. On the DOE projects, they are supposedly ready to go, but all of the funding is not in place. There are currently 10 projects (7 were approved and 3 were held up by NEPA). CNEP has been told that we can access the funding for the two natural gas facilities and the recycling facility. Mr. Langdon stated that one CNG location will be at Tahlequah at Outpost 1 under the canopy on the southwest side. The second location will be at Roland at the Travel Plaza. One gasoline dispenser will be removed and a CNG dispenser will be installed under the gasoline canopy. Approval has been received from Conoco and Valero.
 - B. Natural Resources Department Pat Gwin A report has been submitted. CNNR continues to perform the avian survey work at Chilocco for the wind farm through the end of June. CNNR is in the process of working with the U.S. Fish & Wildlife service on a programmatic agreement

- with the Endangered Species Act for the American Burying Beetle. They have entered into a WHEP (Wildlife Habitat Enhance Program) with USDA to do some controlled burnings, opening up the underbrush of approximately 3,000 acres of tribal land for wildlife habitat. The USDA is providing 75% funding for this project.
- C. Tribally funded construction projects Pat Gwin for Angela Drewes No changes from last month's report.
- D. Cherokee Nation Enterprises Jamie Skimbo Just completed demolition project for Dotson Roberts lumber yard, performed storm water inspections weekly for both locations. Leak at Roland of about 50 gallons of gasoline. It was stopped before it reached the storm drain.
- 6. Cherokee Nation Sanitary Landfill-Doug Bane
 - A. Report The tonnage of sludge has increased from the City of Siloam Springs and City of Stilwell. 230,000 of leachate were hauled to City of Stilwell for disposal. Participated in Adair County Trash-Off this year. The landfill, took 10 tons of trash at no cost. Contract litter pick up crew starting today at the Landfill.
 - B. Compliance Issues Tom Elkins/Jackie Woodward Litter does need to be picked up. Crew picked up litter around perimeter. Litter is blowing off the trucks during unloading. The landfill is exploring a possible litter fence. Mr. Bane stated that there have not been any complaints from neighbors about the litter.
 - C. Minor Permit Modification Consideration Doug Bane There are two permit modifications. Modification #4 is to allow the use of contaminated soil materials as an alternate daily cover on the site and modification #5 is to allow non-hazardous industrial waste. Mr. Elkins stated that CNEP did not support modification #4 but would consider modification #5 if certain changes to the Waste Exclusion Plan would be accepted by the landfill. Commissioner Fite asked for clarification from Mr. Elkins about the CNEP supporting modification #5 but not modification #4. Mr. Elkins stated that CNEP did not have a problem with hydrocarbon contaminated soil but they did have a problem with other contaminated soils. Mr. West stated that in the original permit it states no contaminated soil will be accepted. Commissioner Fite stated that we do not want any controversy with the landfill. Mr. Elkins stated that if it is not a timely issue, he would feel more comfortable if the other Commissioners were present for discussion. Commissioner Fite asked if it could be moved back a month. Mr. Lay stated that the landfill is looking at the operational cost of the landfill. Dirt is being brought from the west side of the Landfill for daily cover and if we had a hydrocarbon soil project, it could be brought in and stockpiled. We're getting paid for cover. This would go against depletion and Mr. Lay stated that he's always cautious of what kind of cover the landfill uses as well. Mr. Elkins stated that one of the other things being looked at is that the landfill permit currently states that the landfill can only take sludge inside the cell from four municipalities. The landfill would like to take it from other places and use it as alternate daily cover. Commissioner Fite asked if we had a problem with that. Mr. Bane stated that all they are getting right now is Stilwell and Siloam Springs but he has a hauler that wants to bring it from other locations in Decatur and Springdale Arkansas. Commissioner Fite asked about the by-products from the commercial laundry. Mr. Bane stated that it is screening from their water filtration. Mr. Bane also stated that modification #5 is more important than the alternate cover because it modifies the permit to allow the landfill to accept non hazardous industrial waste in conjunction with the waste exclusion plan which we have a modification to approve. Mr. Elkins stated that CNEP did not have a problem with the Waste Exclusion Plan modification or Permit mod #5. Mr. Freise stated that the waste exclusion plan breaks waste down into three different categories; municipal solid waste, waste requiring disposal by rule and I added another element to this type of waste that states that the waste does not require EPC approval. Cherokee Nation Environmental Programs would like to review all of these types of waste prior to that waste being accepted. Mr. Lay stated the waste profiles are provided to the landfill prior to acceptance. Mr. Bane reviews them and then they are forwarded to Environmental Programs. Nothing comes in until it has the proper approval. Mr. Freise stated that CNEP added items to the Table 2 waste and the Table 3 waste requires special EPC approval. He also included the statement that the landfill would not accept whole tires. On Table 2 CNEP added the municipal water treatment plant sludge screenings and grits. Cooling

tower water was changed to waste because the landfill does not accept liquid waste at the present time. On Table 3 CNEP added one bullet at the end to cover everything else in case something shows up that is not covered on these lists that will require approval. Mr. Elkins stated with this Waste Exclusion Plan, passed as it is, would not be an issue. The landfill could proceed and take waste that they need. Commissioner Fite made a Motion to approve the Cherokee Nation Waste Exclusion Plan changes and Modification #5 to Permit #CNSWP0001. Commissioner Green seconded the Motion. Roll call vote, Commissioner Green, yes, Commissioner Matlock, absent, Commissioner Fite, aye. Motion passed.

- 7. New Business Commissioner Fite asked about the surface water gauging station at Kenwood. Mr. Elkins stated that we do not have the money to do it ourselves but we have donated that gauge to USGS.
- 8. Upcoming meetings and events Mr. Elkins stated that he would be leaving after the meeting to attend the appellate court in Denver for the poultry suit. Ms. John asked to combine reports for the Natural Resources Department and Tribally funded construction reports and replace Item E with Emergency Management activities from Mr. Fain. Commissioner Fite agreed and requested that guests with business items be put at the front of the meeting. The next meeting will be scheduled on June 1, 2010 at 9:30 A.M.
- 9. Adjournment