## CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

# Cherokee Nation Environmental Protection Office 206 E. Allen Road, Tahlequah, OK December 14, 2006

#### PRESENT:

Commissioners: Ed Fite, Mark Green, and Marty Matlock

### **STAFF AND GUESTS:**

Annette Stinnett, CN Environmental Programs John Freise, CN Environmental Programs

Mark Dunham, CN Environmental Programs

Jeannine Hale, CN Environmental Programs

Ryan Callison, CN Environmental Programs

Nancy John, CN Environmental Programs

Doug Bane, CN Landfill

Michael Lynn, CN Roads Program

Angela Drewes, CN Natural Resources

Pat Gwin, CN Natural Resources

Roger Fields, CNE

Harold Langdon, CNE

S. Joe Crittenden, Tribal Council Member, District #2 (Adair County)

Jack Crittenden, Concerned Citizen of Adair County

Dr. John Weddle, Sequoyah County Clean Air Coalition (SCCAC)

Darryl Phillips, SCCAC

Darlay Edwards, SCCAC

Pat Phillips, SCCAC

Mary Adair, SCCAC

- 1. Chairman Fite called the meeting to order at 9:30 am.
- 2. Chairman Fite acknowledged and placed into the record the Record of Public Notice and meeting agenda.
- 3. Commissioner Matlock made a motion to approve the minutes from the November 16, 2006 meeting. Commissioner Green seconded the motion. The vote to approve the minutes was unanimous.

### 4. Reports

A. Cherokee Nation Enterprises - Harold Langdon reported the CNE Board of Directors of CNE will be expanding the management team by creating new positions. He introduced Roger Fields, new employee of CNE, who will address safety and environmental issues. Construction is behind schedule on the Roland Travel Plaza. A new smoke shop will be built in Roland and it will contain gaming machines. The Catoosa parking garage is under construction and expansion planned for the West Siloam Springs casino.

Jeannine Hale inquired whether the town of West Siloam Springs was going to deed a new water treatment plant over to CNE? Mr. Langdon stated he was only familiar with the need for a water tower and was not familiar with the wastewater issue. Chairman Fite suggested contacting David Cameron about wastewater issues in Siloam Springs, AR.

## B. Environmental Programs

# 1. Monthly Report

Nancy John reported the hiring of Sabrina Washington, Budget Analyst II.

Ryan Callison provided a summary of the ongoing air monitoring activities related to mercury. Monitoring at the Stillwell site is included as part of the Mercury Deposition. The Stilwell site is located in an area identified as having the second highest level of mercury concentration in the U.S. Mr. Callison noted that future monitoring may include a continuous mercury monitor.

Pat Gwin stated fish have good tissue to sample but they have a high tolerance for mercury. He suggested sampling activities with amphibians because they have no tolerance for mercury.

## 2. Complaints/Inquiry Report

Jeannine Hale reported that one item had not been included. This was an inquiry about a proposed coal fired generating plant in Sallisaw.

There were no other questions or comments on the report.

C. Natural Resources - Pat Gwin presented photos of caves in Delaware and Adair Counties. These caves were confirmed to contain Ozark Blind salamanders. The Tribe has purchased Shagbark Hickory trees to be planted in commercial, semi-commercial and natural settings based upon the request of Tribal artisans. This will be the first time shagbark hickory will be planted commercially. Mr. Gwin reported the following: (1) NR assisted CNE on a wind energy application by developing a preliminary biological opinion on the site, (2) the American Burying Beetle permit has been approved, and (3) members of the NR staff are now certified to sample for avian flu.

The Forest Management Plan is currently be drafted and should be ready to submit to the EPC within the next 2 meetings.

Pat Gwin stated that attended a meeting between Environmental Programs and Landfill staff. He was instructed to prepare a report on comments received from Acqua-Terra and focused on NPDES requirements.

D. Roads Program – Michael Lynn reported Redbarn Road, Saline Creek Bridge, and Fairview-Eucha Phase II are under construction. Right-of Way acquisition currently in process for Cedar Crest Road Bridge and Honey Hill projects. Chairman Fite inquired if Best Management Practices were being implemented on roads projects. Mr. Lynn stated that when possible the standard right-of-way is 50 feet each side from the center line. Another standard is to install sod on the right-of-way for erosion control.

Chairman Fite inquired about concerns that Charles Drury had on the Cedar Crest Road project. Mr. Lynn stated that Mr. Drury was to provide a list of concerns in writing and have not been received to date. Chairman Fite requested Jeannine Hale to forward a letter to Mr. Drury notifying him that his concerns were brought to the EPC's attention and would like to request his comments in writing.

O Chairman Fite suspended the agenda at this point to provide an opportunity for representatives from the Sequoyah County Clean Air Coalition (SCCAC) to address the EPC concerning a complaint.

Dr. John Weddle introduced 4 members of the SCCAC. Dr. Weddle presented concerns held by members of the SCCAC regarding a proposed coal-fired power plant located at Sallisaw. Some of the SCCAC concerns include the following:

- The power generated will not be sold or used locally,
- There was not proper notification since there was only one public notice in the newspaper to inform the public.
- This plant would release 500 pounds of mercury per year out in the environment.
- The mercury causes birth defects such as autism and they want the opportunity to make the public aware of issues associated with these types of plants,
- This plant would also impact the Arkansas River with mercury emissions and acid rain.
- Tanasca has built about a dozen natural gas power plants across the U.S. that are definitely cleaner and are the most efficient but they can operate a dirtier, cheaper plant in Oklahoma because of the lack of environmental requirements in Oklahoma.
- This plant in Sallisaw is supposed to be active 60 70 years so this will be 60 70 years of them poisoning our environment and our people.

Dr. Weddle provided the EPC with a map of the proposed facility location and information on the gasification technology. Ms. Hale stated that she would contact the Group Leader for the Health Division and make her aware of these concerns.

Chairman Fite requested that Ms. Hale contact Craig Kennamer with ODEQ General Counsel's office and inquire on the status of this plant. Chairman Fite suggested contacting the Tribal Council member for Sequoyah County, who could then discuss the plant with the Mayor of Sallisaw. Chairman Fite requested a status report at the next EPC meeting.

#### 5. Cherokee Nation Landfill

A. Report by Landfill Management - Doug Bane reported a contract with the City of Siloam Springs had been secured. Mr. Bane also noted a news article was printed by the Sequoyah County Times 25 years ago stating that there would be a landfill built on Cherokee Tribal land.

Commissioner Green inquired as to whether maximum daily tonnage was continually increasing. Mr. Bane stated the 1,534 tons was the average level and had increased on an average of 200-250 tons after adding on Fayetteville.

Jack Crittenden, Concerned Citizen expressed concern about the increase in traffic and trucks that come into the landfill at all hours. He also stated that there concerns about the noise from trash being covered up after midnight.

Mr. Bane responded by saying the landfill was closed to the public at 4:00 pm. We are running 4 tractors and 6 trailers. Sometimes there are trucks that come in late from Fayetteville. When the trucks come in that late, we do cover up trash late at night but we are required to do so.

- B. The Natural Resources Department did not report on the landfill.
- C. Report by CNEP staff
  - Update on compliance issues and NOV Jeannine Hale reported that she had met with Callie Catcher, who has been assigned to assist with landfill issues.
    Ms. Hale presented a copy of a memo from Ms. Catcher. Some outstanding issues related to the NOV were then discussed:
    - a. Bioassessment: Ms. Hale contacted the Conservation Commission inquiring the status of the bioassessment and was informed that the report would be ready by the end of the month.
    - b. Pollutant loading study Landfill representatives have indicated that a final report for the pollutant loading study will be provided by January 31<sup>st</sup>.
  - 2) Landfill and CNEP comments none at this time
  - 3) Discussion by Commission and opportunity for public comment Chairman Fite stated that the EPC is giving 60 days from this date for compliance with the NOV. The EPC will address landfill NOV issues two meetings from now.

Chairman Fite inquired whether Councilman Crittenden has heard any concerns from his constituents in Adair county: Councilman Crittenden responded that he had heard concerns such as their wells and springs have gone bad, there is lots of trash blowing off the trucks and the run-off by the fence and the discharge into the creek has been a big problem.

- 4) Issuance of ACOor other action by Commission no action taken.
- 6. Rules this agenda item was stricken until a future date.
- 7. New business None
- 8. Miscellaneous discussion None
- 9. The meeting was adjourned at approximately 11:15 am.