

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Sanitary Landfill Office**  
**Stilwell, Oklahoma**  
**June 3, 2014**

**PRESENT:**

Commissioner: Dr. Marty Matlock, Chairman  
Commissioner: Ed Fite (arrived late)  
Commissioner: Jack Spears  
Commissioner: Dr. Lynna Carson  
Commissioner: J. Blake Fletcher

**APPROVED**

**DATE 07-01-14**

**STAFF AND GUESTS:**

Tom Elkins, CNEP  
Jackie Woodward, CNEP  
Nancy John, CNEP  
Michael Miley, CNEP  
Chuck Hoskin, Jr., Secretary of State (arrived late)  
Joe Crittenden, Deputy Principal Chief (arrived late)  
Bill John Baker, Principal Chief (arrived late)  
Billy Bob Daugherty, CN Administration (arrived late)  
Wendle Black, CNNR  
Fan Robinson, CNWM  
Shaun Shepherd, CNWM  
Lou Ann Collins, CNWM  
Dwayne Fain, CN Risk & Emer. Mgmt.  
Laura Adair, CNEP

**CN Landfill Employees:**

James Clinton  
David Miller  
Levi Gonzales  
Ross Gonzales  
Dave Holmes  
Gary Holmes  
Artie Brown  
Fayth Lewis

1. Meeting called to order at 10:12 AM by Chairman Matlock.
2. Chairman Matlock acknowledged and placed into record the Record of Public Notice and Agenda
3. Public Comment – Mrs. Robinson and Chairman Matlock publically acknowledged and praised the Landfill employees on their commitment and dedication to their job and the Cherokee Nation.
3. Cherokee Nation Sanitary Landfill – Discussions today addressed ongoing challenges of operation, opportunities for improvement, activities and help frame a clear and defined pathway forward from a regulatory perspective while enforcing the rules fairly, equitably and evenly. Administrator Elkins remarked that the landfill has had challenges over the years and stated that the landfill and surrounding areas look nice and the staff is doing a very good job. A draft compliance schedule has been developed to comply with the landfill's permit. A NDPEs permit is needed from Region 6. Mrs. Robinson stated that a meeting has been scheduled with EPA Region 6 at 10:00 AM on June 10, 2014 to discuss the NDPEs permit and the Clean Air Title V. Staff will meet with the engineers and the solid waste section. The Commission is invited to attend the meeting. The concern about all Commissioners attending was researched and Mrs. Robinson was informed that calling it an

informational meeting, which this will be, would be acceptable and for the Commission to document at the next EPC meeting that Commission members could attend the meeting at Region 6 EPA headquarters. Attending the meeting with Mrs. Robinson will be board member Lou Ann Collins and James Clinton. CNEP staff was not invited to attend the meeting. Chairman Matlock explained that the technical criteria they will be giving for compliance to meet federal regulations, it would be valuable for a CNEP representative to attend to help understand and implement that process. Often there are many ambiguous characteristics of those criteria. Mrs. Robinson stated that she was very familiar with the criteria and her thoughts were for the Commissioners to hear what CNWM directors and staff are hearing. It will be a direct relationship to receive the permits from EPA Region 6. Chairman Matlock stated that the Commission would not have any direct jurisdiction over the permits under the current Cherokee Environmental Regulations, but does have jurisdiction over Cherokee Nation Enterprises compliance to federal law. The relationship with the permit would be with CNE/Landfill and EPA Region 6. Mr. Matlock stated that he did not want the landfill to engage the Region 6 office as an Oklahoma enterprise, under Oklahoma NDPES criteria. Deputy Principal Chief Crittenden and Secretary of State Hoskin, Jr., arrived. Mrs. Robinson provided an update on issues discussed prior to their arrival. Chairman Matlock provided additional information on the tribe's jurisdiction and challenges in regards to these permits. The landfill will be subject to federal inspection, federal regulations and federal penalties. Mrs. Robinson asked if that was the reason an NDPES permit has not been pursued. Chairman Matlock stated he did not think it was fear of that authority. It had not been enforced because there was no one to require it. Mrs. Robinson stated the reason for the pursuit of the permit was because of families in the area. Chairman Matlock stated that as a policy we need to make it clear that we do not sign consent agreements with federal or state agencies. Any consent order needs to be negotiated Nation to Nation, not as a subject to a regulatory authority. Mr. Elkins commented that the permit is a tool to say this is what you can do and what you can't do. The landfill's operations show they are doing better than they did before and you don't need a permit for that. Chairman Matlock stated that the tribe could be sued by a third party. Additional discussions ensued regarding permit acquisition and compliant/non-compliant issues and the current status of the landfill and landfill operations, past and present. Boundaries need to be defined, Mr. Clinton will provide Mr. Elkins with a certified survey map indicating boundaries and Mr. Elkins will certify that it is the official boundary. A third party will need to certify if liner is adequate. The issue of original permitted boundaries also needs to be resolved. On a minor permit modification, public involvement is not needed but an informational meeting would be beneficial to support the plan. Chairman Matlock asked if the landfill had a plan encumbering the resources for closure and if there was a bond requirement at this point. If a new cell is opened the Commission will want bonding or some other mechanism. Discussions ensued regarding funding for closure and future business plans for sustainable operation. Chairman Matlock asked to discuss recycling and waste elimination across Cherokee Nation and Cherokee Nation Enterprises at the next meeting. Meeting recessed for lunch.

Meeting reconvened at 12:20 P.M. Commissioner Carson had to leave and Commissioner Fite arrived for the meeting and Principal Chief Baker was in attendance. Commissioner Fite & Chairman Matlock will evaluate their schedules to see if attending at the EPA meeting is possible. Principal Chief Baker expressed gratitude for the appearance of the landfill and surrounding area. He also stated the landfill's immediate plan is profitability which is beyond the Commission's purview. The long term vision is not to need landfills. The Cherokee Nation will be in a leadership role in finding alternatives to digging holes for trash. Commissioner Fite asked the Chief what his vision of what he wanted the environment to be for Cherokee Nation. He asked if we move toward self-governance where the tribe does everything the same or better as federal or state folks continue to chase grants and be specifically designated on tasks. The Commission has discussed review of the statutes and rules to simplify them and to make them concise and clear. Chief Baker stated that as long as the grants are available we still need apply for them. It may not be our top priority but anything in the environmental realm is a priority to Cherokee Nation. If the tribe had unlimited funding then our vision would be clear. Unfortunately the federal government and agencies decide the grant funding. Chairman Matlock asked what role the Commission plays, if any, in helping to identify, prioritize, and find pathways to fill those other needs. Chief Baker stated that now would be a good time to be

doing the planning. The casinos are productive, but until the hospitals and clinics are completed, that revenue stream has been tapped. Environmental is among the top of the list and a five year strategy would be wonderful. Once the strategy is identified there may be grant funding available to support the strategies. Chairman Matlock asked if the enabling legislative provided the opportunity to provide a strategic plan in January to the Executive Branch of needs and priorities that funding could be considered in the fiscal year 2016 budget cycle.

5. Next EPC meeting – July 1, 2014 at 9:00 AM. Meeting adjourned.