

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Programs Office**  
**208 E. Allen Road, Tahlequah, Oklahoma**  
**August 5, 2014 – 9:00 AM**

**PRESENT:**

Commissioner: Dr. Marty Matlock, Chairman  
Commissioner: Ed Fite  
Commissioner: Dr. Lynna Carson  
Commissioner: J. Blake Fletcher

**APPROVED**  
**DATE 9-9-14**

**ABSENT:**

Commissioner: Jack Spears

**STAFF AND GUESTS:**

Tom Elkins, CNEP  
Jackie Woodward, CNEP  
Nancy John, CNEP  
Ryan Callison, CNEP  
Shaun West, CNEP  
Sheila Sevenstar-Horn, CNEP  
David Roberts, CNNR  
Dwayne Fain, Risk/Emer. Mgmt.  
Sara Hill, CNAG  
James Thornton, CNB  
Joseph Washum, CNB  
Pat Gwin, Administrative Support  
Fan Robinson, CNWM  
Jamie Clinton, CNWM  
Laura Adair, CNEP

1. Meeting called to order by Chairman Matlock.
2. Chairman Matlock acknowledged and placed into record the Record of Public Notice and Agenda.
3. Commissioner Fite made a Motion to approve the minutes from the July 1, 2014 meeting, seconded by Commissioner Fletcher, roll call vote, minutes approved.
4. Public Comments – Commissioner Fletcher commented about the publicized algae issues at Lake Erie, discussions ensued.
5. Reports
  - A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Mr. Elkins reported on the highlights of the monthly report and provided a graph and narrative on the CNEP budgets. Reported on a burn permit issued to Human Services for infested bedding that had been stored. Chairman Matlock asked if CN had a provision to set aside a habitat for the American Burying Beetle (ABB). Mr. Gwin responded that two places in Oklahoma that have been certified and working on a third location. Discussions ensued regarding recycling efforts.
  - B. Administration Support – Mr. Gwin stated that the seed bank garden is in full harvest mode. Discussions continued regarding river cane and an EPA 319 program.
  - C. Cherokee Nation Businesses –
    - i. No spills for the past month. Outpost I is currently in the preliminary design phase which consists of layout and tank plan, then will go to an architect for design.

- ii. Will Rogers Down – The storm water wastewater plan should be completed at the end of August. A plan for repairing the existing site was not included but is being addressed. Water use for existing equipment is being reviewed.
    - iii. Other issues – Cherokee Nation Entertainment recycled 21.7 tons of cardboard, plastic, metal, etc (all facilities). Working on retrieving archived data. Chairman Matlock asked how the recycled material compared to total waste. Mr. Washum reported that he did not have that information. Commissioner Fite asked if any consideration had been given to transferring from Styrofoam products to paper products. Mr. Washum stated that he did not know but he would find out. Discussions ensued regarding design plans of new and renovated facilities into green design and storm shelters.
  - D. Emergency Management – Mr. Fain reported that CNEM hosted four (4) ICS trainings which are prerequisites for the upcoming All Hazard Incident Management Team training. An application has been submitted for the Homeland Security Preparedness grant and received verbal notification that the grant was funded. A grant application was also submitted for Hazard Mitigation Plan. Weather radios were purchased for all CN facilities, rural schools and for communities. Mr. Isaacs arrived late to the meeting and informed the Commission that ABB had been found in multiple locations.
  - E. Natural Resources Department – Mr. Roberts did not have any additional information to report.
- 6. Burn Permit CN Career Services – previously discussed.
- 7. Report/Compliance Issues Cherokee Nation Sanitary Landfill
  - A. Report/Compliance Issues – Mr. Clinton asked if there were any questions regarding the report. Commissioner Fite asked how the survey was going. Mr. Clinton reported that it is ongoing and there are a couple of issues. A meeting was held with Secretary of State and had a plan to address the issues. There is a glitch in the legal description which is causing some difficulty in defining the boundaries of the landfill and has been resolved. Chairman Matlock asked if the program was agreeable with the plan. Mrs. Robinson stated that they did not include environmental programs, this was a decision made by the board of the Landfill and the tribe. Chairman Matlock stated that when the boundaries are defined it will be filed with the program and become official. Mrs. Robinson agreed. Chairman Matlock stated that he and Mrs. Robinson had a conversation approximately two weeks ago regarding this issue and how to proceed. Chairman Matlock's advice was that if the previously issued permit was poorly defined, then it must be resolved before Environmental programs take any action because adjudication cannot be done if it's not defined. Questions and concerns can be addressed once the boundaries are defined. Mrs. Robinson added that the board is working with CNB on a couple of options in regard to methane gas. Regarding compliance issues, Mr. Elkins stated that they are the same as they have always been in relation to the Compliance Schedule. Chairman Matlock asked, in regards to the compliance schedule, if everyone was comfortable with the criteria and timelines. Mrs. Robinson stated she was not. The email from Tom was received last week, and they would like to table that issue because it will take a full discussion with the Board and a decision by the Board. Chairman Matlock stated that we need everyone on board, but procedurally we do not need the CNWM Board's approval to issue a compliance schedule. Any action taken should not be precedence for future actions. We are an enforcement organization, so you are asking for time to inform the Board and be fully engaged to ensure that you can comply with the schedule before it's implemented, so there is not a non-compliance situation. Mrs. Robinson stated that she is asking for more time to discuss the schedule with the Board and a negotiated date next month. I am not promising that but we are working on it because I have to reiterate to you and Tom and Jackie, we are still in band-aid mode and just now getting more waste and bringing in money so we can pay for surveys, plans, etc. Chairman Matlock asked which issues are the major problems. Mrs. Robinson responded, NDPES, the slopes that need to be addressed, closure fund update, I don't want to go into detail. Chairman Matlock stated that you should have a clear understanding of what is expected to come into compliance. The compliance schedule must be nailed down, we must know when, preliminary target dates are

needed. Mrs. Robinson asked for an explanation of what was needed on the closure fund. Chairman Matlock stated that he assumed that each compliance issues had an associated set of deliverables and Mr. Elkins stated they did along with a timeframe. The closure fund information is supposed to be done yearly, usually by an engineer and provided verbal examples of the types of information needed. Mrs. Robinson stated that the closure fund has not been documented to sufficiently fund closure. We can only show what has happened during our time, not what was done before which has put the tribe behind on a closure fund. Also, it was discovered that the landfill had a relationship with the City of Stilwell on sludge, they are weighed but they do not pay. I have instructed Jamie not to weigh because then we are paying that dollar to the closure fund and we do not pay them to take our leachate. Every year this information is included in the audit. Chairman Matlock encourages using the compliance schedule, it represents the list of all things that the program knows now but you need to do to be squeaky clean. I suspect most of the things on the schedule are associated with communication challenges. The EPC needs a schedule, we will impose a schedule if we don't receive an agreed upon schedule. This will be set aside until next month, but I will ask for a vote next month to approve a schedule. Additional discussion ensued regarding historical events of the landfill, the compliance schedule, and a means to generate more income. Mrs. Robinson stated that the landfill had a visit by Dr. Eric Addidas from the EPA Regional Headquarters in Dallas. He provided a positive report and offered suggestions. Since the tribe does not have an engineer, Dr. Addidas offered his services provide technical assistance to review plans. Chairman Matlock asked if all were in agreement that next month we will have a schedule. Mrs. Robinson stated that the board would review, discuss, and make a decision. Let them know that we will be scheduling action at our next meeting on the compliance schedule. Mr. Woodward addressed some concerns regarding shale and the use of a sprayer used on the leachate pond. Chairman Matlock asked what capacity the landfill has for developing a composting facility. Discussions ensued regarding the capital investment for such a facility and composting.

8. Attorney General Issues

A. Water Plan Update/Discussion & Opportunity for Comment – Assistant AG Hill stated that there are no updates to report but work is ongoing. Staff will be attending a Tribal Natural Resources Convention in San Diego. Some responses have been received from the FOIAs sent out that was discussed at the last meeting. Arkansas' response was that they were not required to provide that information and Oklahoma is working on the response.

9. CNEP Budget Review – Mr. Elkins provided a brief description on the department's types of funding, including current and past funding, a brief overview of current staffing, and answered questions regarding the process of securing funding. Discussions ensued regarding these topics and potential funding opportunities, development of a strategy for a five-year plan and opportunities for collaboration. Commissioner Fletcher requested a "cheat sheet" for abbreviations and acronyms used in EPC meeting discussions. Chairman Matlock stated that this is the beginning of Environmental Programs Annual Report.

10. New Business – Mr. Elkins informed the Commission of a partnership with an educational facility for a Home to School Study on Asthma with the CN Health Services department. Advised the Commission that CNEP coordinates and hosts the children's CN National Holiday fishing event on August 30<sup>th</sup> and invited them to participate. Chairman Matlock asked if any of the Commissioners wanted to attend the Tribal Water Law Conference on October 16-17, 2014 in Las Vegas. Commissioner Fletcher commented that if a representative from CNEP was attending then that should be sufficient for representation. The Illinois River Watershed meeting is scheduled for September 25, 2014 at the Cherokee Casino in Siloam Springs.

11. The next EPC meeting will be held September 9, 2014 at 9:00 A.M.

12. Meeting adjourned.