

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**SPECIAL MEETING**  
**Cherokee Nation Environmental Programs Office**  
**208 E. Allen Road, Tahlequah, Oklahoma**  
**October 28, 2014 – 9:00 AM**

**PRESENT:**

Commissioner: Dr. Marty Matlock, Chairman  
Commissioner: Ed Fite  
Commissioner: J. Blake Fletcher  
Commissioner: Jack Spears

**APPROVED**  
**DATE** 12/2/14

**ABSENT:**

Commissioner: Dr. Lynna Carson

**STAFF AND GUESTS:**

Tom Elkins, CNEP  
Jackie Woodward, CNEP  
Jamie Clinton, CNWM  
Fan Robinson, CNWM  
Lou Ann Collins, CNWM  
Shaun Shepherd, CNWM  
Laura Adair, CNEP

1. Meeting called to order by Chairman Matlock at 9:12 AM.
2. Commissioner Matlock acknowledged and placed into record the Record of Public Notice and Agenda, distributed and posted.
3. Minutes of the previous meeting (10/7/14) not available for approval.
4. Public Comments – None.
5. Cherokee Nation Sanitary Landfill – General Discussion
  - Ms. Robinson addressed comments that were made at the EPC meeting on October 7, 2014 and provided a document of the landfill’s accomplishments to date.
  - Chairman Matlock stated that the meeting today was for a clear understanding of what the landfill can, and will do, in terms of compliance so future conversations will no longer be about what we “did do”, but what we are doing and what we will do.
  - Commissioner Fite stated that the purpose of this meeting was also to be prepared for the meeting with the Secretary of State on Friday, October 31. Additionally, Commissioners are very cognizant regarding comments about financing.
  - Mr. Shepherd stated that Mr. Clinton has developed estimates on what it will take financially to be in compliance to be presented to the Secretary of State.
  - Chairman Matlock stated, for clarification purposes, the Commission’s role cannot be to advocate for funding. The Commission’s job is compliance and enforcement.
  - Commissioner Fite stated that the landfill has an interim permit that dates back to 1995, that permit has been modified three (3) times in 2005, 2006 and 2007. The intentions of this meeting is to identify how to make the permit concise and clear, eliminate obsolete conditions of the permit, eliminate redundancy, and simplify, including the land description. Additional discussions ensued regarding permits permit language and proposed compliance schedule(s).

- Mr. Elkins stated that funding has been received to revise environmental statutes and code which will include a framework for permitting. Additional discussions ensued regarding past, current and future permit revisions. Per Administrator Elkins, the top three (3) items of concern are; 1) footprint; 2) statutes/code/permit revision; 3) compliance schedule. Chairman Matlock asked what is necessary for a significant revision of existing permit. Commissioner Fite made comments regarding items listed in the permit and subsequent revisions. There are additional items required by Cherokee Nation Law in addition those required by subtitle D. Mr. Clinton asked for a list of those items for negotiating with an engineering company. Commissioner Fite indicated that the only change in the permit from 1995 is that it is not a two-year interim permit. Mrs. Robinson stated that, in her opinion, a new permit is needed. A revision of the current permit is more practical than a new permit. Processes for review of permit revisions were discussed.
  - Break for 10 minutes, meeting reconvened at 10:48 A. M.
  - Chairman Matlock stated that parties agreed that CNWM, LLC will provide a draft plan for a revised permit, working with EPC staff, which will include all the variables of concern including expanding footprints, new cells, etc. that are in CNWM's business strategy. The EPC is proposing that the draft plan will not be taken to the Secretary of State until all comments are received from EPC staff. The document taken to the Secretary of State will have been reviewed by all parties and then presented to the EPC for authorization. If an issue cannot be resolved, the EPC will arbitrate. This will be the agreed upon process for the permit revision. Mr. Elkins asked if the revision would be posted for public comment. Chairman Matlock stated that Mr. Elkins would make that determination but probably does meet the criteria for a major revision. An estimated timeframe is 60-90 days for a draft of a permit revision for review. Advice in regards to the compliance schedule, are that some issues can be addressed with a revised permit, but may be reconciled so that everyone agrees that within 18 months, maximum, this schedule will be met and implemented. Mr. Elkins stated that CNEP wants to send a revised compliance schedule because some of the items have been completed. Mr. Elkins and Mr. Clinton should have an open dialogue regarding landfill issues. Commissioner Fite suggested that the Solid Waste Institute of NE Oklahoma be contacted for general assistance.
  - On Friday, the Secretary of State will be briefed on strategy and engage in discussions regarding the future of the landfill. Mrs. Robinson stated that Secretary of State Hoskin controls the agenda. Chairman Matlock stated that an agreement has been reached on the path forward for CNWM and EPC and the process. For the record, staff has communicated to us that they are very pleased with the improvements that have been made, as we are (EPC). Regarding the closure fund, Mrs. Robinson has request a status report, in writing, from Treasurer Horn. Chairman Matlock suggested drafting a twenty (20) year plan for the landfill.
6. The next regularly scheduled EPC meeting will be on December 2, 2014 at 9:00 AM. Commissioner Spears made a motion to adjourn, seconded by Commissioner Fite, meeting adjourned.