

**CHEROKEE NATION ENVIRONMENTAL
PROTECTION COMMISSION
MEETING
Cherokee Hills Golf Course
770 W. Cherokee Street, Catoosa, Oklahoma
September 15, 2015–3:00 PM**

APPROVED

NOV 10 2015

**Cherokee Nation
Environmental Protection Commission**

PRESENT:

Commissioner: Ed Fite, Acting Chairman
Commissioner: J. Blake Fletcher
Commissioner: Jack Spears
Commissioner: Lynna Carson

ABSENT:

Commissioner: Dr. Marty Matlock, Chairman

STAFF AND GUESTS:

Tom Elkins, CNEP
Jackie Woodward, CNEP
Pat Gwin, CN Admin Support
Joe Washum, CNB
Chad Harsha, Office of the AG
Laura Adair, CNEP

1. Meeting called to order by Commissioner Fite.
2. Commissioner Fite acknowledged and placed into record the Record of Public Notice and Agenda, distributed and posted as appropriate.
3. Commissioner Spears made a Motion to approve the minutes from the August 4, 2015 meeting, with the correction that the scheduled time for the meeting today was 3:00 PM not 3:30 PM. Motion was seconded by Commissioner Fletcher, roll call vote, minutes approved.
4. Public Comments – Mr. Elkins gave an overview of the meeting held earlier in the day with CN Self-Governance and EPA. The Citizen Potawatomi Nation was also represented.
 - EPA has control of how they want grant money spent and if CN's wants objective outside of the scope of the grant, EPA will not fund it or fund with limitations.
 - Commissioner Fite asked if CNEP has ever developed a list of priorities. Mr. Elkins stated that this is their discussion point with EPA. Discussion held regarding Illinois River and TDML, phosphorus, and nutrients and studies are being conducted.
5. Cherokee Nation Sanitary Landfill -no representative in attendance to report. Discussions held over information contained in the report dated September 9, 2015.
 - Leachate levels have improved since last meeting. Additional discussion ensued regarding leachate levels
 - Compliance issues; mainly leachate levels
 - A new cell is needed if the landfill stays open or if they go into a measured closure.
 - Commissioner Fite stated that he does not like the landfill's operation right now as it relates to Jenkins Creek. There is runoff from the landfill going into the creek during rainfall. The commission needs to identify, through staff, issues that are out of compliance with the present landfill and its present operation and to mitigate those issues to the best of its ability. If Administration wishes to continue the landfill operations, they should be prepared to help

mitigate those concerns, also in closure if applicable. There are concerns regarding wildcat dumping if the landfill is closed. The commission should get the landfill into compliance and determine what benefits the Cherokees in Adair County and the immediate area. If the compliance issue is leachate, get it out or impose a notice of violation. Mr. Fite asked if anyone has investigated the possibility of a contractor moving the material. The response was not by CNEP, it's a landfill responsibility. Hauling one truck load a day does not seem like the trucks are being used efficiently. Jackie Woodward estimated that it would take 300 truckloads to move the needed product to address the compliance issue. A question was posed on how to bring the landfill into compliance without filing a notice of violation? Mr. Elkins stated that if the EPC directed him to write a notice of violation, he will do so. Commissioners asked why can't the Cherokee Nation take over the landfill and provide a public service instead of everything having to make money; the Cherokee people need the service. The Commission might consider a letter to the Chief signed by all Commissioners requesting funding for the landfill so it can be brought into compliance. The reputation of the Cherokee Nation is paramount, if the Cherokee Nation is going to have a landfill; it needs to be 1% better than any other landfill in the state of Oklahoma. A closed landfill will have ramifications that are not wanted. How does the commission get simple compliance with the leachate? Is it possible to bring in extra trucks and get it moved? The EPC has an obligation to serve Chief Baker and the Council to resolve this issue, it is in charge of the environmental considerations of the tribe, and is the responsible party. Discussions ensued regarding the movement and non-movement of the leachate and recommendations to mitigate the problem. Commissioner Fite asked the Commission members if they wanted to send a letter to the Chief or meet with the Chief and the decision was to do both. The Commission wants the landfill to be environmentally sound, correct any existing issues, and be poised to do whatever Administration and the Council decide for the future of the landfill. It is the EPC's obligation to the people of the Cherokee Nation to ensure that the landfill is not causing environmental degradation. The EPC needs to know what Administration wants to do with the landfill. In May, the landfill released 55,000 gallons of dilute leachate in Jenkins Creek. Commissioner Fite asked if that was reported to the state or EPA. Mr. Elkins stated that Cherokee Nation did not have a reporting requirement for leachate. Discussions ensued regarding the potential environmental impact to the aquatic community and actions surrounding the release of the leachate. Mr. Elkins stated that it did not go directly into Jenkins Creek, the diluted leachate ran into the storm water pond which further diluted it and it eventually flowed out into Jenkins Creek. There are no reporting requirements for this action and it met storm water quality requirements so it was allowed. The landfill May report was reviewed to ascertain if this discharge was reported and discussed the report's validity. Discussions continued on this topic. The consensus of the Commission is that all Commissioners will sign a letter to Chief Baker conveying that the Commission would like to meet with him, or ask him to provide a written response as to how the Commission is to proceed, under existing Cherokee Nation laws and regulations. Commissioner Fite stated that the landfill should have had representation at the meeting today.

6. Attorney General Issues - Chad Harsha

- No information to report
- No comments

7. Environmental Statute Review – Tom Elkins

- A meeting is pending with the contractor to discuss deliverables, per Assistant AG Hill.

8. New Business – Mr. Gwin provided an explanation of the picture attached to his report. Mr. Washum provided a brief update on Cherokee Springs, Outpost and Will Rogers Downs. Provided Kudos to the seed grant program that was received at a Bartlesville meeting.

9. Announcement of upcoming meetings and events

- Friday, October 2nd, at Langley Grand River Dam Authority new building, is the bi-state phosphorus Committee meeting, Dr. King will be there.
- Wednesday, September 23rd at 1:30 PM at the Holiday Inn Express in Tahlequah is the meeting of the Oklahoma/Arkansas River Compact Commission. The formal meeting of the Commission is 9:00 AM, September 24th.
- Next EPC meeting is October 13, 2015 at 9:00 AM at the CNEP offices.
- STIR, Inc. will be meeting at 4:30PM on September 26th @ the Sequoyah Outing Club.

10. Meeting adjourned