

**CHEROKEE NATION
ENVIRONMENTAL PROTECTION COMMISSION ("EPC")**

**MUNICIPAL SOLID WASTE LANDFILL FACILITY
CONDITIONAL INTERIM PERMIT**

The Cherokee Nation Environmental Protection Commission ("EPC") has the authority to permit waste disposal and otherwise enforce environmental regulatory requirements pursuant to the Cherokee Nation Environmental Code, 63 CNCA Section 50 et seq. (2004), including but not limited to the authority to issue a permit for the operation of municipal solid waste facility. The EPC hereby issues a Conditional Interim Permit to the Cherokee Nation Financial Resources Group¹ (hereinafter "Owner/Operator" or "Permittee") for the operation of a municipal solid waste landfill facility according to the terms and conditions set forth herein.

The landfill shall at all times be operated in accordance with the Cherokee Nation Environmental Code, 63 CNCA Section 50 et seq., including but not limited to the Cherokee Nation Solid Waste Code, 63 CNCA Section 601 et seq. (2005), and the Cherokee Nation Water Quality Code, 63 CNCA Section 900 et seq. (2004), all rules promulgated thereunder, pertinent federal requirements including but not limited to 40 CFR Part 258, and the terms and conditions set forth in this permit, any attachments to this permit, any EPC order and any applicable compliance schedules established by the EPC.

I. Location:

- **Legal Description of entire tract (approximately 400 acres) of Cherokee Nation Tribal Trust land in South Adair County, Oklahoma, commonly referred to as CMS Unit 52:** SE1/4, and the SW1/4 of SW1/4 of NE1/4, and the SE1/4 of SW1/4 and the SE1/4 of SW1/4 of SW1/4 of Section 3, and the NE1/4 and the N1/2 of SE1/4 of Section 10, Township 14 North, Range 25 East, Adair County Oklahoma. Less 6 tracts as for mutual help homes, in which each is described individually by others and are on file at the Cherokee Nation Housing Authority.
- **Legal description of existing footprint:** S½ SE¼ Sec. 3 and NE¼ of Section 10, Township 14N, Range 25E, Adair County, Oklahoma (approximately 160 acres with 91 acres of disposal area)

II. Permitted area:

- Authorized area for waste disposal shall include only that area within the existing footprint described in Paragraph I above that is covered by the Terracon expansion permit drawings dated July 1995 and subsequently revised by A&M Engineering for construction activities, including the existing "Cell #3", constructed in accordance with Subtitle D and shown on Attachments 1 and 2, and any expansions pre-approved by the EPC.
- No new waste disposal shall occur in Cell #1 or Cell #2 as indicated on Attachments 1 and 2 without prior written approval by the EPC. An application to dispose of waste in Cell 1 and

¹ The Cherokee Nation Financial Resources Group was placed in charge of the landfill by Executive Order. If this duty is given to a successor Cherokee Nation governmental division by subsequent Executive Order, this permit may be automatically transferred to the successor upon submission to the EPC of an authenticated copy of the Executive Order. This automatic transfer provision shall not apply to any Cherokee Nation business entity, contractor or other third party.

2 shall require a permit modification and shall include engineering design plans prepared by a qualified licensed engineer.

III. Activities permitted:

- The following are allowed:
 - Cell construction and operations under the general provisions of the Terracon master plan from the mid-1990's, as revised, are allowed.
 - Disposal and construction in compliance with plans having prior written approval by the EPC.
 - Activities in compliance with federal law and regulations including but not limited to 40 CFR Part 258, and in compliance with tribal law including but not limited to the Cherokee Nation Environmental Quality Code, Water Quality Code and Solid Waste Code.

IV. Operator:

- The operator shall be a SWANA certified individual with appropriate experience and training. The Owner may select a co-operator, subject to the EPC's approval, provided such co-operator shall be bound by all terms of this and other applicable permits, orders, regulations and laws.

V. Capacity

- This permit is for operational approval of permitted maximum disposal capacity of 1750 tons/day.
- Prior written authorization by the EPC is required for increased daily tonnage received for disposal.
- Disposal shall be consistent with the contours shown on as-builts for the second bench and such other plans as are pre-approved by the EPC.

VI. Term of Permit:

- This is a conditional interim permit.
- The maximum term that this conditional interim permit will remain in effect is two years from the date of issuance
- In order for this permit to remain in effect, the permittee must exercise and demonstrate due diligence in efforts to ensure compliance with all applicable federal and tribal laws, rules and orders of the Commission.
- In order for this permit to remain in effect, the permittee must exercise due diligence in efforts to develop and submit a complete application package for a regular permit from the EPC, including plans and specifications prepared by professional engineers and other appropriate experts.
- Due diligence shall include, but is not limited to, compliance with the schedule of activities set forth in Attachment 3.

VII. Related facilities:

- One leachate pond is authorized at the existing location.
- One stormwater pond is authorized at the existing location. The stormwater pond shall, at a minimum, maintain compliance with 40 CFR 258.26 and the terms of this permit.

- No new impoundments or other facilities shall be constructed without prior written approval of the Commission.
- The Storm Water basin shall only receive and detain/retain only storm water and not water that has come into contact with solid waste or leachate

VIII. Permitted Waste and Prohibited Wastes

- Materials that may be accepted and disposed of at the permitted location include: Municipal Solid Waste, C&D wastes and earthen fill materials.
- Materials that are not approved and can not be accepted or disposed of include:
 - No industrial waste other than C & D is allowed without prior written approval of the EPC
 - no hazardous materials accepted
 - No liquids are allowed
 - No municipal sewage sludge, industrial sludge or sludge from confined animal feeding operations without prior written approval of the EPC, except as provided in this Section VIII.
- The landfill may accept municipal sewage sludge for in-cell disposal only from the following existing customers without significant increase: Jay, Siloam Springs, Stilwell and Tahlequah. If a rainfall event should occur during sludge disposal, temporary berms shall be constructed to catch any runoff and the collected runoff shall be disposed of through the leachate collection system.
- No sludge of any type, no contaminated soils, and no other materials which could contribute pollutants other than sediment to stormwater, shall be land applied or used as cover.

IX. General Conditions:

- This permit only authorizes operations by the Cherokee Nation Financial Resources Group and shall not be transferable to any other person or entity without prior approval of the EPC.
- All plans and proposals shall be prepared by and shall bear the seal of a professional engineer licensed in Oklahoma.
- There shall be no discharge of leachate or other pollutants to waters of the Nation other than as specifically identified and authorized in Section XI of this permit.
- Landfill operations shall comply with applicable air quality protection standards, which shall at a minimum be at least as stringent as the equivalent Federal Clean Air Act regulatory standards pertaining to Emission Guidelines of Non-Methane Organic Compounds, NESHAPs, NSPS and MACT standards, if applicable.
- This permit shall be contingent upon Owner/Operator's continued compliance with the financial assurance requirements established by federal regulations as modified by the CN Solid Waste Code and the EPC.
- Permitted activities are allowed only so long as there is progress in measures required in the Compliance Schedule set forth in Attachment 3. Noncompliance with the schedule shall constitute justification for termination of this permit.
- The Owner/Operator shall at all times utilize good science and best available technology to operate the landfill.

IV. Operator:

- This permit shall be contingent upon Owner/Operator's continued compliance with the financial assurance requirements established by federal regulations as modified by the CN Solid Waste Code and the EPC.
- Permitted activities are allowed only so long as there is progress in measures required in the Compliance Schedule set forth in Attachment 3. Noncompliance with the schedule shall constitute justification for termination of this permit.
- The Owner/Operator shall at all times utilize good science and best available technology.
- Permittee shall be responsible for and shall reimburse or pay for all costs related to special permit modifications, technical reviews, sampling, laboratory and related costs required by this Conditional Interim Permit.

X. Special Conditions:

- Leachate disposal, if it becomes necessary, shall be at a permitted POTW or other pre-approved wastewater treatment plant.
- Owner/operator shall be responsible for submitting a proposed stream assessment and monitoring plan for all adjacent streams and their tributaries no later than August 1, 2005. Owner/operator shall be responsible for implementing and paying for the final approved plan.

XI. Discharges

- Existing Outfalls 1 through 8 are identified on Attachment 4 to this permit. These represent include both point source discharges and areas where there is diffuse stormwater runoff.
- No new discharge points or outfalls shall be created by ongoing activities. No outfalls may be moved without prior approval of the EPC.
- No changes shall be made which would convert existing discharges of non-contaminated stormwater to a discharge of contaminated stormwater. "Contaminated stormwater" shall be defined as set forth in EPA effluent limitation guidelines, 40 CFR 445.2.
- The Permittee shall pursue actions necessary to attain full compliance with all point source discharge requirements imposed by federal and tribal laws. Specific actions for various outfalls and data collection are listed in Attachment 3.
- At no time may existing outfalls discharge contaminated stormwater in excess of Table L-1 at page 64776, Federal Register Volume 65, No. 210, October 30, 2000, or more recent applicable federal effluent limitation guidelines. These effluent limits shall be the minimum requirement, but shall be adjusted as deemed appropriate by the EPC to comply with the no increased loading requirement for Jenkins Creek and its tributaries and the scenic river designation of Jenkins Creek under both tribal and state law.
- Discharges of leachate, vehicle and equipment washwater, or other non-storm water discharges are prohibited.
- The existing stormwater pond shall be maintained in such a way as to be total retention, or at a minimum shall be capable of retaining the water volume resulting from a 24 hour, 25-year storm event. No other wastes shall be disposed of in the stormwater pond.
- There may be emergency discharges from the existing stormwater pond due to excessive rainfall. In the event of such emergency discharge, there shall be no new increased loading of pollutants when compared to discharges of pollutants from this discharge point in 1992. For purposes of this permit, an emergency discharge is one that can not be contained by a collection system that, in compliance with 40 CFR 258.26, is capable of retaining, at a minimum, the water volume resulting from a 24 hour, 25-year storm event. A report of any

discharges shall be made within twenty-four (24) hours of the time the discharge commences.

XII. Monitoring:

- Ground water monitoring wells must be sampled and analyzed for Appendix I constituents at least quarterly according to approved plans and specifications.
- Permittee is responsible for quarterly surface inspections and methane gas monitoring by appropriate experts. Methane monitoring shall include checking methane gas concentration levels at the methane gas monitoring wells located in the footprint and inside building structures located at the landfill. A methane monitoring plan shall be prepared as set forth in Attachment 3.
- In the event of stormwater discharge due to extreme storm events, samples of the discharge from the stormwater pond shall be taken as soon as practical during the storm event. Sampling of stormwater discharges from other locations besides the stormwater pond may be requested. Samples of stormwater discharges shall be analyzed, at a minimum, for the following: phosphorus, nitrate, nitrite, ammonia, Total suspended solids, BOD5, phenols, xylenes, zinc, pH, alpha terpineol, benzoic acid, p-cresol and metals, plus any additional constituents that may be specified by the Administrator or EPC. Flow shall be measured during any discharge.
- Stormwater in the stormwater pond shall be sampled at least quarterly for phosphorus, nitrate, nitrite, ammonia, Total suspended solids, BOD5, phenols, xylenes, zinc, pH, alpha terpineol, benzoic acid, p-cresol and metals, plus any additional constituents that may be specified by the Administrator or EPC. Sampling of sediments in the pond shall be conducted upon request by the Administrator or EPC.
- Untreated leachate shall be sampled and analyzed at least semi-annually concurrently with the ground and surface water sampling. The leachate shall be analyzed for all Appendix I constituents, pH, specific conductance, BOD, COD, nitrates, sulfates, and phosphates. In the event leachate is recirculated, additional leachate sampling may be required.
- At any time seepage of leachate or other discharges are observed, these shall be sampled and analyzed for Appendix I and other constituents as directed by the Administrator or EPC.
- Permittee shall sample and analyze samples from all receiving streams in accordance with a plan approved by the Commission. At a minimum, samples shall be taken quarterly upstream from any influence or potential discharge from the landfill, immediately downstream and at a third location farther downstream. Data shall include DO, temperature, ammonia, total nitrogen, phosphorus, TSS and such other pollutants as may be specified by the Commission.

XIII. Reporting:

- Monthly Reports shall be provided to the EPC and shall be filed with the Administrator not less than seven days prior to the regularly scheduled EPC meeting. The permittee shall report the amounts and types of waste received (in tons) at this facility and disposed of in the landfill.
- A biannual report shall be provided to the Commission through the Administrator on July 1 and January 1 of each year for the preceding six months. This report shall include the following information:
 - a. The amount of waste received and landfilled in tons, compiled on a monthly basis by county, city, or transfer station of origin and by specific waste type;

- b. Documentation of due diligence in efforts to comply with requirements of the federal Clean Air Act.
 - c. Documentation of due diligence in efforts to comply with federal and tribal requirements for discharges to waters of the Nation.
 - d. Documentation of compliance with federal requirements for any wastes previously disposed of off-liner.
 - e. Stream sampling data for each stream receiving discharges.
- Laboratory analyses of all stream, groundwater, stormwater pond, leachate and discharge monitoring shall be provided to the Office of the EPC Administrator within thirty days of receipt by Permittee or persons conducting the sampling.
 - Discharges and spills, including but not limited to emergency discharges from the stormwater pond, shall be reported to the Office of the EPC Administrator within twenty-four (24) hours.

XIV. Records:

- Facility records shall be maintained onsite at the landfill office and shall be subject to inspection at any time by an authorized representative of the EPC.
- All records of the landfill that may be pertinent to demonstrating continual compliance with federal or tribal laws and requirements shall be maintained onsite. These records shall remain the property of the Cherokee Nation and may not be removed from the premises without prior written authorization.
- Records kept onsite shall include a field log book which details all construction, development, sampling, repair, and other required activities shall be kept onsite as part of the permanent facility record.
- Records of all ground-water, surface water and leachate analytical data shall be kept as part of the permanent facility record onsite.
- Methane Gas monitoring data shall be maintained onsite.
- Stream monitoring data shall be maintained onsite.
- Site Development Plans and sequence of operations plans shall be maintained onsite.
- Inspections and reports shall be kept onsite.
- QAPPs and Sampling Plans shall be maintained onsite.

XV. Operational Conditions:

- The landfill unit shall conform to all operating requirements described in EPC-approved plans
- The use of leachate recirculation as a leachate management tool requires approval, by the Commission, prior to implementation.

XVI. By applying for and accepting this permit, the Owner/Operator has consented to inspections of the premises, its records and operations by authorized representatives of the Cherokee Nation.

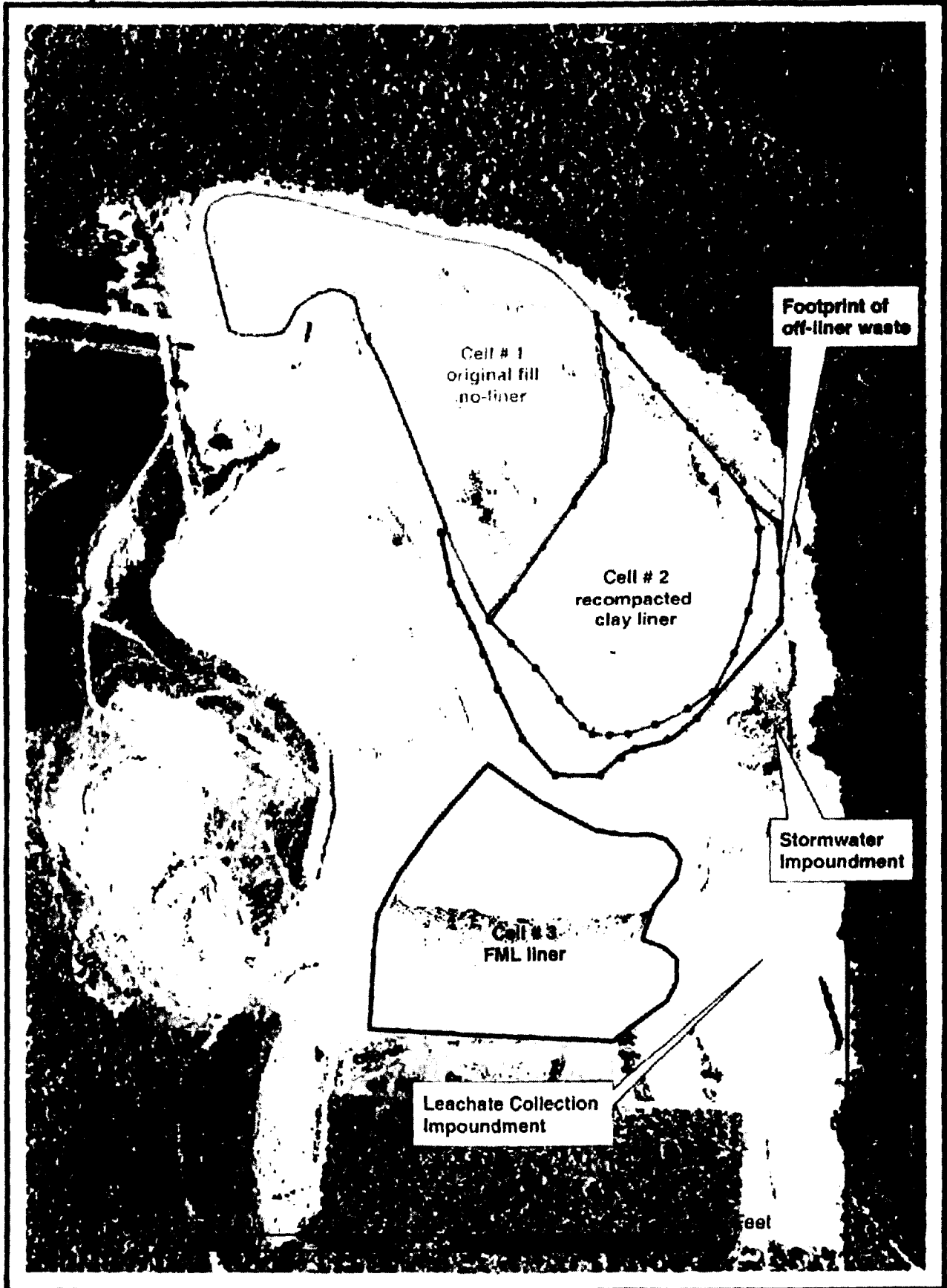
XVII. Notices and contact

For purposes of any required reporting under this permit, the following contact information shall apply:

Office of the EPC Administrator, Attn: Jeannine Hale, PO Box 948, Tahlequah, OK 74465, 918-822-2608.

ATTACHMENT 1
Site Map

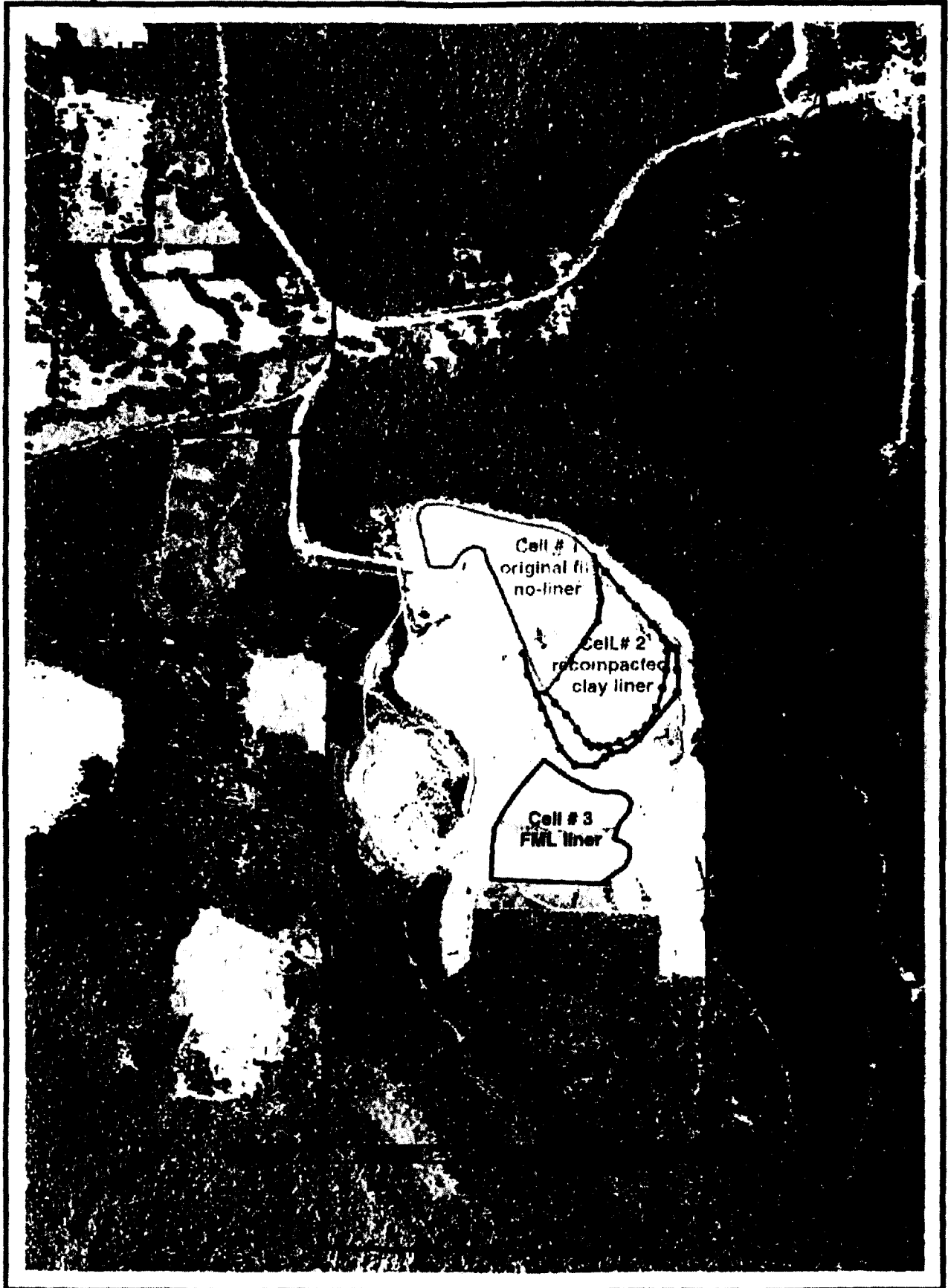
CNSL Attachment



ATTACHMENT 2
Site Map Footprint

CNSL / CMS #52

Attachment 2



**ATTACHMENT 3
Compliance Schedule²**

**Compliance with activities described in this schedule
is a required term of the Conditional Interim Permit**

Number of Days or Months after Permit Issuance	
30 days	Initiate and conduct first round of regular litter policing/cleanup in the drainage areas of Outfalls # 2 and #3*
30 days	Complete a topographic investigation of the drainage areas associated with Outfalls #2 and #3
30 days	Investigate mulching area to determine if stormwater exiting through Outfalls #3 or 4 is contaminated
30 days	Initiate topographic investigation and survey of drainageways for entire site, including collection of data and information necessary for the following: <ol style="list-style-type: none"> 1. An estimate of surface area, amount of runoff, slope, description of soil characteristics and other factors and data sources necessary to complete a preliminary analysis of current pollutant loading from the existing footprint. 2. The analysis of pollutant loading shall include sediments, BOD and other pollutants that are required by the permit to be sampled. The analysis shall include a range of estimates of volume of runoff, range of concentrations of pollutants expected to occur, concentrations of pollutants used to calculate mass loading and justification for using those concentrations. Sampling data from onsite stormwater and leachate seeps shall be included in the analysis. 3. An estimate of pollutant loading from the site in 1992 with supporting documentation for this estimate. 4. Confirm whether stormwater from each Outfall identified is contaminated or not according to definitions contained in EPA stormwater requirements 5. Provide revised map of existing Outfalls 6. Information required to analyze and develop a proposed schedule for eliminating, combining or taking other actions with each outfall.
30 days	Use available data and plans to derive maximum design capacity and other information necessary to determine compliance with Clean Air Act requirements; cooperate in scheduling meeting with EPA. Submit to EPC.
30 days	Initiate system of recordkeeping onsite such that all Part 258 requirements will be fulfilled, including the maintenance onsite of the following: <ol style="list-style-type: none"> 1. waste acceptance plan 2. waste exclusion procedures and notice procedures if hazardous waste is found 3. records of any instances of waste exclusion 4. records of all monitoring of stormwater, leachate, groundwater

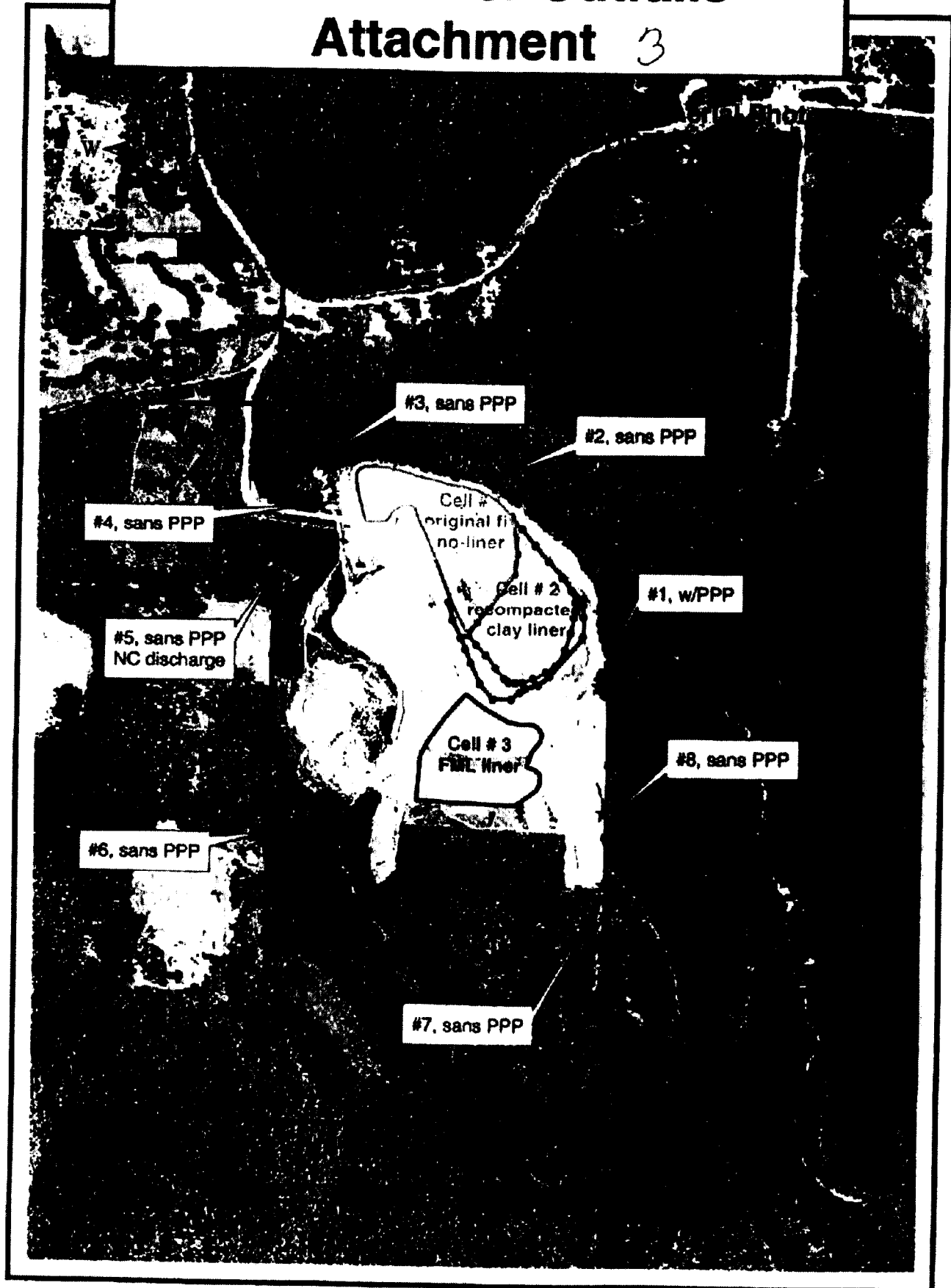
² Outfalls are depicted in Attachment 4, which is hereby incorporated by reference.

	5. records of all inspections 6. gas monitoring results
45 days	Submit analysis of pollutant loading from 1992 and existing outfalls to EPC. Provide other information necessary to determine compliance with federal Clean Water Act requirements
45 days	Submit to EPC a draft written waste acceptance plan and draft hazardous waste exclusion procedures
60 days	Dredge stormwater pond and provide documentation of stormwater pond capacity to EPC
60 days	Install rock silt traps to intercept stormwater at Outfalls 7 and 8
60 days	Install rock silt trap, plastic silt fence and hay bales to intercept stormwater at Outfall 6
60 days	Submit to EPC the topographic survey for the entire site
60 days	Submit to EPC a proposed methane monitoring network plan
60 days	Demonstrate compliance with all recordkeeping requirements of Part 258 and permit during inspection
60 days	Submit to EPC written sampling/monitoring procedures for gas, stormwater, leachate and groundwater
90 days	Submit a complete application and data necessary to permit point source discharges and a complete stormwater management plan such that compliance with all applicable laws will be attained, including 40 CFR Part 258 and the no increased loading/no new discharge requirements of applicable water quality standards for scenic rivers. Include plans for closures of outfalls, consolidation of outfalls, monitoring plan for remaining outfalls and treatment plans at remaining outfalls
90 days	Submit a proposed plan for bioassessment and water quality monitoring in Jenkins Creek and tributaries
120 days	Establish final cover as necessary for closure of cell C1 Provide documentation that stormwater at Outfalls 2 and 3 meet definition of not contaminated
120 days	Establish interim cover/revegetate the east slop of Cell C2
120 days	Implement approved methane monitoring plan
180 days	Submit to EPC a proposed method of analyzing groundwater monitoring data
9 months	Submit to EPC written procedures for disease vector control
9 months	Submit to EPC QAPPs for surface and groundwater monitoring
9 months	Submit to EPC the results of an analysis of groundwater monitoring and flow data

12 months	Submit to EPC a draft Master Plan which contains at a minimum the following data and components:
12 months	<ul style="list-style-type: none"> • Design Plan for closure and Implementation of final cap for Cell C2
12 months	<ul style="list-style-type: none"> • Post Closure Plan for Cell C2
12 months	<ul style="list-style-type: none"> • Results of technical investigations and data including but not limited to <ul style="list-style-type: none"> <input type="checkbox"/> Regional Aerial Photography <input type="checkbox"/> Geotechnical <input type="checkbox"/> Hydrogeological <input type="checkbox"/> Topographic Survey <input type="checkbox"/> Surface Water Runoff Control Investigation
12 months	<ul style="list-style-type: none"> • Proposed plans, procedures, justification and schedules for the following: <ul style="list-style-type: none"> • Site Development • Site Operations (includes a Waste Acceptance Plan) • Groundwater Monitoring • Surface Water Management/Monitoring and Clean Water Act Compliance • Landfill Gas Management and Clean Air Act Compliance • Closure/Post-Closure • Financial Assurance

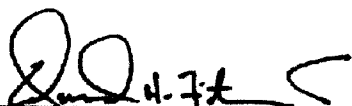
ATTACHMENT 4
Outfalls

CNSL / CMS #52 Stormwater Outfalls Attachment 3



This Conditional Interim Permit is issued and effective this 7th day of July, 2005.

ON BEHALF OF THE ENVIRONMENTAL PROTECTION COMMISSION:



Edward Fite, Chairman

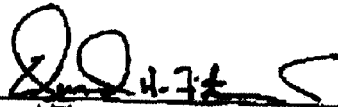
Cheryl Cohenour, Commissioner



Mark Green, Commissioner

This Conditional Interim Permit is issued and effective this 7th day of July, 2005.

ON BEHALF OF THE ENVIRONMENTAL PROTECTION COMMISSION:



Edward Fite, Chairman



Cheryl Cohenour, Commissioner



Mark Green, Commissioner

**CHEROKEE NATION
ENVIRONMENTAL PROTECTION COMMISSION ("EPC")**

MODIFICATION #1 TO THE

**MUNICIPAL SOLID WASTE LANDFILL FACILITY
CONDITIONAL INTERIM PERMIT**

WHEREAS, the EPC previously issued a Municipal Solid Waste Landfill Facility Conditional Interim Permit to the Cherokee Nation Financial Resources Group (aka "Owner"), and

WHEREAS, since the time of issuance Indian Country Investments (ICI) has entered into a contract with the Cherokee Nation pursuant to which they have agreed to operate the subject landfill in compliance with all required permits of the EPC as well as all applicable laws and regulations, and

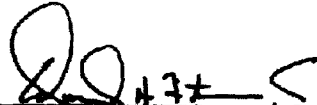
WHEREAS, the Conditional Interim Permit contains terms and conditions and a compliance schedule with which the Operator must comply, and

WHEREAS, ICI has applied to the EPC for permission to operate the landfill pursuant to the Conditional Interim Permit,

IT IS THEREFORE ORDERED that the Conditional Interim Permit is hereby modified to reflect that ICI is the operator of said landfill and is obligated to comply with the terms of the Conditional Interim Permit and Compliance Schedule.

EFFECTIVE THIS 5th DAY OF JANUARY, 2006

BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:



Edward Fite, Chairman



Marty Matlock, Commissioner

**Cherokee Nation
Environmental Protection Commission**

**Agreement by Indian Country Investments, LLC, to Modification #1 To the
Municipal Solid Waste Landfill Facility Conditional Interim Permit**

As owner of Indian Country Investments, LLC, and operator of the Cherokee Nation Solid Waste Landfill, I agree to Modification #1 of the Conditional Interim Permit ordered by the Environmental Protection Commission, January 5, 2006.



Gary S. Pitchlynn
Indian Country Investments, LLC

**Cherokee Nation
Environmental Protection Commission ("EPC")**

MODIFICATION #2 TO THE
MUNICIPAL SOLID WASTE LANDFILL FACILITY
CONDITIONAL INTERIM PERMIT

WHEREAS, the EPC previously issued a Municipal Solid Waste Landfill Facility Conditional Interim Permit to the Cherokee Nation Financial Resources Group as Owner and Indian Country Investments (ICI) as Operator;

WHEREAS, the Conditional Interim Permit was issued on July 7, 2005, for a two year limited term, and described in Paragraphs I and II a waste disposal area of approximately 91 acres covered by July 1995 Terracon drawings, subsequently revised by A & M Engineering; and

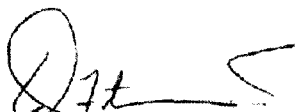
WHEREAS, both the Owner and Operator under the Conditional Interim Permit have requested a minor modification to lift the two year limited term and replace it with a term equal to the capacity of the described waste disposal area within the existing footprint; and

WHEREAS, based on the information provided to the Commission in the document labeled "Conceptual Work Program & Sequence" with attached drawing, and other information presented to the Commission, the Commission believes that lifting the two year limit will benefit the environment through improvements to stormwater control and leachate management;

IT IS THEREFORE ORDERED that the term of the Conditional Interim Permit is hereby modified to be the life of the waste disposal area identified in Paragraphs I and II of the Conditional Interim Permit.

EFFECTIVE THIS 9th DAY OF ^{April} ~~MARCH~~, 2007

BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:



Edward Fite, Chairman

Marty Matlock, Commissioner

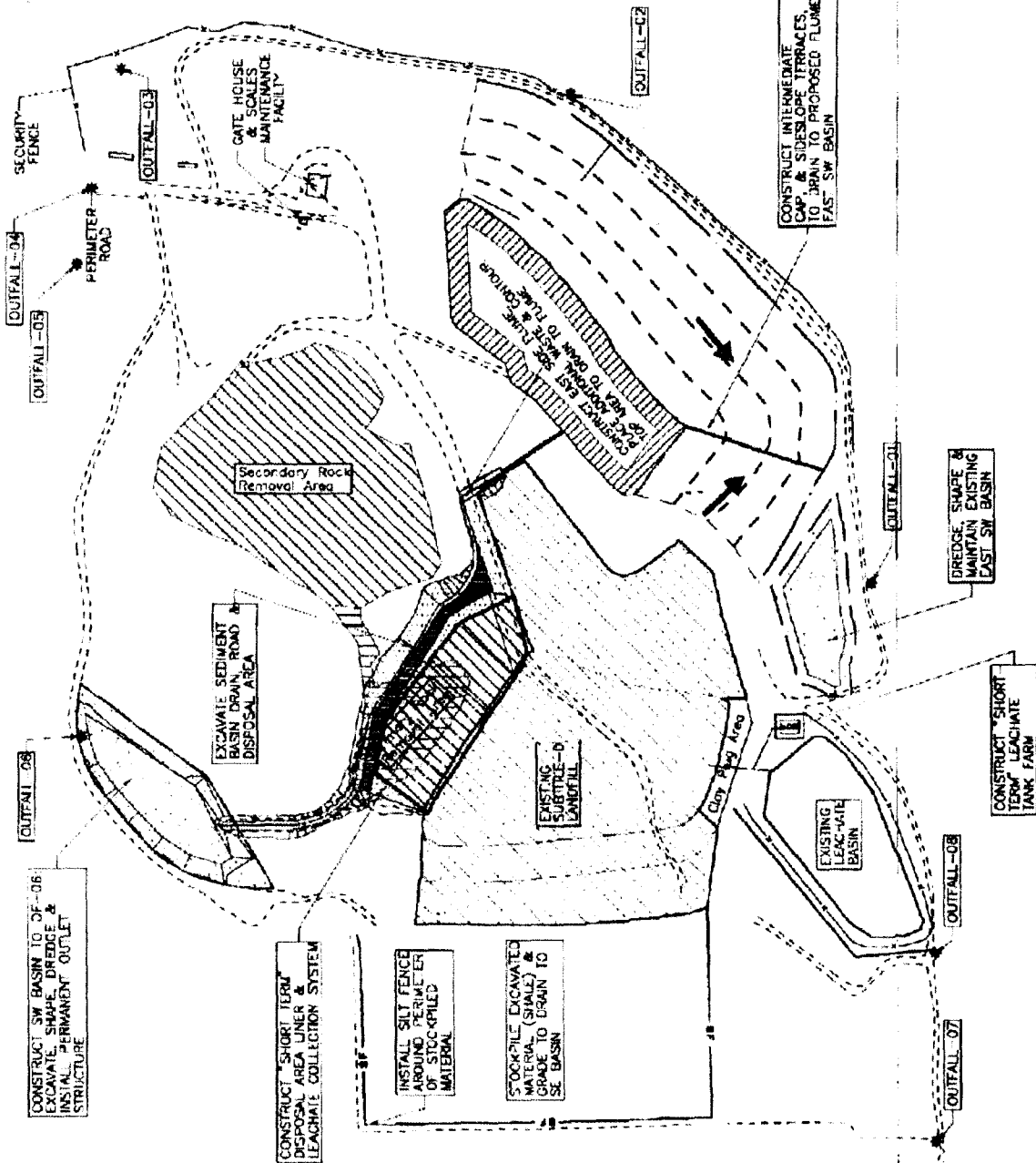
Mark Green, Commissioner

**Cherokee Nation Sanitary Landfill
Conceptual Work Program & Sequence**

In order to address needed capacity increases and improvements to the Cherokee Nation Sanitary Landfill and, in accordance with the attached drawing entitled "Conceptual Work Program," a request for approval for the following conceptual work program and sequence of accomplishment is hereby requested:

- 1) Construct required storm water pollution prevention measures (e.g.; best management practices) and commence excavation and rock demolition in the area where proposed landfill liner expansion and drainage improvements are proposed to occur.
- 2) Concurrent with 1), construct initial improvements for storm water & sedimentation management;
 - a) Construct the Southwest Storm Water Basin, complete with shear gate controlled outlet structure and 6" compacted clay or shale soil covering (located at Outfall 06) with volume capacity adequate to retain the 100-year frequency rainfall event;
 - b) Dewater the Existing East Storm Water Basin (located at Outfall 01) to the Southwest Storm Water Basin by pumping;
 - c) Dredge, excavate to maximum volume possible (given space constraints), grade, install shear gate controlled outlet structure, and construct 6" compacted clay or shale soil covering on Existing East Storm Water Basin – Note: Basin to be expanded in the future, once the existing leachate basin has been removed;
 - d) Enhance and/or maintain Best Management Practices (BMPs) at Outfalls 02 through 05 & Outfalls 07 through 08; and
 - e) Add BMPs in areas to receive stockpiled soils from excavation efforts.
- 3) Concurrent with the work in 1) & 2), above, construct the following leachate minimization and management efforts:
 - a) Construct a temporary "Clay Plug" over or optionally construct a Subtitle D liner & leachate collection systems and "Clay Plug" over the unlined area between the earthen dike and Cell 3, with the understanding that no waste may be placed over this area until dike stability has been demonstrated and required Subtitle liner systems are completed;
 - b) Construct a Temporary Leachate Storage Area, consisting of a bermed area (volume 110% of the largest tank) and storage tanks/sump;
 - c) Upon completion of a) and b), above, tap gravity drain line from landfill sump to existing Leachate Storage Basin and construct new drain line from tap to the sump constructed within the Temporary Leachate Storage Area; and
 - d) Upon completion of the above, redirect all leachate to the Temporary Leachate Storage Area.
- 4) Concurrent with the work in 1), 2) & 3), above, construct improvements to intermediate closure cover and storm water management on the Cell 1C and Cell 2; and
 - a) Regrade and construct a 12-inch thickness intermediate soil cover, complete with sideslope terraces and let down flumes as required on eastern side slope area(s);
 - b) Place additional waste and contour the top of Cells 2 & 3, per an intermediate grading plan to be submitted/approved by CNEPC Administrator; and
 - c) Construct intermediate perimeter berm(s) as required to drain the sides and top of PSD Landfill to let down flume(s).
- 5) After completion of the work in 1) & 2), above, construct additional Subtitle D liner & leachate collection system of similar configuration and nature to those previously constructed by the Cherokee Nation in general conformance to the Terracon Subtitle D permit documents.

Within 45 days of approval of the conceptual work program by the CNEPC, ICI will submit detailed construction drawings, developed based on the conceptual work program as referenced above and in the attached drawing for review/approval by the CNEPC Administrator.



CONCEPTUAL WORK PROGRAM

CHEROKEE NATION LANDFILL SITE



MTG ENVIRONMENTAL SURVEYING
400 WESTBURY ROAD, SUITE 200
WILMINGTON, DE 19806
TEL: 302.486.8800 FAX: 302.486.8801
WWW.MTG-ENV.COM

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Date			

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p. 2

**Cherokee Nation
Environmental Protection Commission ("EPC")**

**MODIFICATION #2 TO THE
MUNICIPAL SOLID WASTE LANDFILL FACILITY
CONDITIONAL INTERIM PERMIT**

WHEREAS, the EPC previously issued a Municipal Solid Waste Landfill Facility Conditional Interim Permit to the Cherokee Nation Financial Resources Group as Owner and Indian Country Investments (ICI) as Operator;

WHEREAS, the Conditional Interim Permit was issued on July 7, 2005, for a two year limited term, and described in Paragraphs I and II a waste disposal area of approximately 91 acres covered by July 1995 Terracon drawings, subsequently revised by A & M Engineering, and


WHEREAS, both the Owner and Operator under the Conditional Interim Permit have requested a minor modification to lift the two year limited term and replace it with a term equal to the capacity of the described waste disposal area within the existing footprint; and

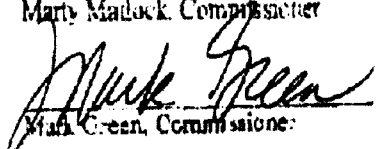
WHEREAS, based on the information provided to the Commission in the document labeled "Conceptual Work Program & Sequence" with attached drawing, and other information presented to the Commission, the Commission believes that lifting the two year limit will benefit the environment through improvements to stormwater control and leachate management;

IT IS THEREFORE ORDERED that the term of the Conditional Interim Permit is hereby modified to be the life of the waste disposal area identified in Paragraphs I and II of the Conditional Interim Permit.

EFFECTIVE THIS 9th DAY OF ^{April} ~~MARCH~~, 2007

BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:


Edward Pitt, Chairman

Marty Mallock, Commissioner

Mark Green, Commissioner

**Cherokee Nation
Environmental Protection Commission ("EPC")**

**MODIFICATION #2 TO THE
MUNICIPAL SOLID WASTE LANDFILL FACILITY
CONDITIONAL INTERIM PERMIT**

WHEREAS, the EPC previously issued a Municipal Solid Waste Landfill Facility Conditional Interim Permit to the Cherokee Nation Financial Resources Group as Owner and Indian Country Investments (ICI) as Operator;

WHEREAS, the Conditional Interim Permit was issued on July 7, 2005, for a two year limited term, and described in Paragraphs I and II a waste disposal area of approximately 91 acres covered by July 1995 Terracon drawings, subsequently revised by A & M Engineering; and

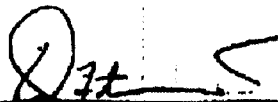
WHEREAS, both the Owner and Operator under the Conditional Interim Permit have requested a minor modification to lift the two year limited term and replace it with a term equal to the capacity of the described waste disposal area within the existing footprint; and

WHEREAS, based on the information provided to the Commission in the document labeled "Conceptual Work Program & Sequence" with attached drawing, and other information presented to the Commission, the Commission believes that lifting the two year limit will benefit the environment through improvements to stormwater control and leachate management;

IT IS THEREFORE ORDERED that the term of the Conditional Interim Permit is hereby modified to be the life of the waste disposal area identified in Paragraphs I and II of the Conditional Interim Permit.

EFFECTIVE THIS 9th DAY OF ^{April} ~~MARCH~~, 2007

BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:



Edward Flite, Chairman



Marty Matlock, Commissioner

Mark Green, Commissioner

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION ("EPC")

**MODIFICATION #3 TO THE
MUNICIPAL SOLID WASTE LANDFILL FACILITY CONDITIONAL INTERIM PERMIT**

WHEREAS, the EPC previously issued a Municipal Solid Waste Landfill Facility Conditional Interim Permit (the "Permit") to the Cherokee Nation Financial Resources Group (aka "Owner"), and

WHEREAS, after issuance of the original permit Indian Country Investments (ICI) entered into a contract with the Cherokee Nation pursuant to which they agreed to operate the subject landfill in compliance with all required permits of the EPC as well as all applicable laws and regulations, and

WHEREAS, the Conditional Interim Permit contains terms and conditions and a compliance schedule with which the Operator must comply, and

WHEREAS, Cherokee Nation Businesses (CNB) has made application to remove ICI and install themselves as Operator of the Cherokee Nation Sanitary Landfill, and to operate the landfill pursuant to the Conditional Interim Permit, and

WHEREAS, Owner agrees to and supports the request to modify the permit, and

WHEREAS, the Cherokee Nation code, 63 CNCA § 608(H), provides that "Where appropriate, the EPC may require both owner and operator to be listed as joint permittees or may require separate permits for the owner(s) of the property, owner(s) of the business and/or the operator(s) of the business," the Commission finds that this means that only someone who owns or operates the landfill may be permittees, and

WHEREAS, federal regulations concerning solid waste landfills, 40 C.F.R. § 258.2 define "operator" as "the person(s) responsible for the overall operation of a facility or part of a facility," and

WHEREAS, the Commission finds that ICI received notice of the request to modify the permit removing them as Operator and had notice of this hearing, and failed to appear, and

WHEREAS, the Commission finds a response to the notice of the permit modification dated March 14, 2008, with a second response dated March 20, 2008, were received from Pitchlynn & Associates, attorneys for ICI, and that neither document contains a showing that ICI is engaging in any conduct indicating it is the "operator" of the landfill, and

WHEREAS, the Commission finds that evidence has been provided showing that ICI is not performing landfill operations under its contract with the Nation and is not engaging in any conduct tending to show it is operating the landfill and has not engaged in any such conduct since on or around October 6, 2007, and

WHEREAS, the Commission finds that, based on the evidence before it, ICI has abandoned its responsibilities for operating the landfill and has made no indication that ICI intends to operate the landfill again, and thus ICI cannot be considered an "operator," and

WHEREAS, the Commission finds that the landfill is in a condition such that environmental problems there continue to exist, and that the leachate pond has reached a critical condition especially considering that the rainy season has begun, and that the most recent rain event resulted in damage to the berms surrounding the leachate pond, thus creating an emergency situation requiring immediate attention to protect the public health and environment,

WHEREAS, the Commission finds that CNB has proposed a plan to appropriately address the environmental problems required to be addressed by the law and the Permit should the Permit be modified to reflect CNB as the Operator, and

WHEREAS, the Commission finds that this public hearing on the permit modification was announced at the regular public meeting of the Commission on the 6th day of March, 2008, and notice of the agenda of this hearing was posted on the 14th day of March, 2008, and there have been no public comments received by the Commission regarding this permit modification other than those made at the public hearing on the 25th day of March, 2008, and there have been no requests for a copy of the permit application or any other documents related to this modification; and

IT IS THEREFORE ORDERED that pursuant to Commission Rule 500(c), the Commission, in the best interests of the public and to best protect the Nation's resources, human health and the environment, waives any applicable requirement in Rule 531 or 522 insofar as they may have required the issuance of a draft permit for this modification of the Permit; and

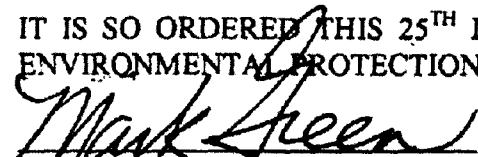
IT IS FURTHER ORDERED that pursuant to Commission Rule 500(c), the Commission, in the best interests of the public and to best protect the Nation's resources, human health and the environment, waives the public notice, comment and hearing requirements found in Rules 524, 525, and 526 insofar as they may have been applicable to this hearing on the modification of the Permit; and

IT IS FURTHER ORDERED that ICI, having been found to no longer meet the definition of "Operator," is hereby removed as Operator from the Conditional Interim Permit; and

IT IS FURTHER ORDERED that the Conditional Interim Permit is hereby modified to reflect that CNB is the Operator of said landfill and that CNB is obligated to comply with all terms and conditions of the Conditional Interim Permit and Compliance Schedule.

IT IS FURTHER ORDERED that the effective date of this order shall be the 25th day of March, 2008.

IT IS SO ORDERED THIS 25TH DAY OF MARCH, 2008, BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:


Mark Green, Chairman


Marty Malloek, Commissioner


Edward Fite, Commissioner

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION ("EPC")

**AMENDMENT TO MODIFICATION #3 TO THE
MUNICIPAL SOLID WASTE LANDFILL FACILITY CONDITIONAL INTERIM PERMIT**

WHEREAS, the EPC issued Modification #3 to the Municipal Solid Waste Landfill Facility Conditional Interim Permit ("Modification #3") on March 25, 2008; and

WHEREAS, pursuant to Modification #3, the EPC designated Cherokee Nation Businesses, LLC ("CNB") as the Operator of the landfill and required CNB to comply with the terms and conditions of the Conditional Interim Permit and Compliance Schedule, as modified (the "Conditional Interim Permit"); and

WHEREAS, CNB had offered for consideration by the EPC, and the EPC had posted for review prior to the EPC meeting, the Cherokee Nation Environmental Protection Commission Municipal Solid Waste Landfill Facility Permit that is attached to this Amendment (the "New Permit"); and

WHEREAS, it was the intent of the EPC and CNB that the terms, conditions and compliance schedule with which the EPC requires compliance be those contained in the New Permit, and that the New Permit supersede and replace the Conditional Interim Permit; and

WHEREAS, the Cherokee Nation Jobs Growth Act, LA 37-05, contemplates that CNB will serve as a parent company for business operations of the Cherokee Nation, and that such business operations will be carried out by subsidiaries of CNB in order to best preserve the assets of the Cherokee Nation; and

WHEREAS, CNB has formed a subsidiary, Cherokee Nation Waste Management, LLC ("CNWM") and desires to have such subsidiary hold the New Permit and serve as the Operator of the Landfill.

IT IS THEREFORE ORDERED that Modification #3 is hereby amended where the terms and context thereof require to reflect that (i) the New Permit supersedes the Conditional Interim Permit, (ii) CNB may assign its rights and obligations under the New Permit to CNWM, releasing CNB therefrom, and (iii) the EPC approves CNWM as the Operator of the landfill, provided in the cases of (ii) and (iii) that CNWM remain a wholly-owned subsidiary of CNB.

IT IS FURTHER ORDERED that Modification # 3 is not amended except as stated herein.

IT IS FURTHER ORDERED that the effective date of this order shall be the 6th day of May, 2008.

IT IS SO ORDERED THIS 6th DAY OF MAY, 2008, BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:



Mark Green, Chairman



Marty Matlock, Commissioner



Edward Fite, Commissioner

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION ("EPC")

**SECOND AMENDMENT TO MODIFICATION #3 TO THE MUNICIPAL SOLID WASTE
LANDFILL FACILITY CONDITIONAL INTERIM PERMIT**

WHEREAS, the EPC issued Modification #3 to the Municipal Solid Waste Landfill Facility Conditional Interim Permit ("Modification #3") on March 25, 2008; and

WHEREAS, the EPC issued Amendment to Modification #3 to the Municipal Solid Waste Landfill Facility Conditional Interim Permit ("Amendment to Modification #3") on May 6, 2008; and

WHEREAS, pursuant to the Amendment to Modification #3, the EPC ordered and proclaimed that (i) the "New Permit" (as defined in and attached to the Amendment to Modification #3) superseded the original Conditional Interim Permit, (ii) Cherokee Nation Businesses, L.L.C. ("CNB") may assign its rights and obligations under the New Permit to Cherokee Nation Waste Management, L.L.C. ("CNWM") releasing CNB therefrom, and (iii) the EPC approved CNWM as the Operator of the landfill provided that CNWM remain a wholly-owned subsidiary of CNB; and

WHEREAS, as permitted by Amendment to Modification #3, CNB did assign the New Permit to CNWM and a copy of such assignment with attached copies of the Amendment to Modification #3 and the New Permit are attached hereto in Exhibit A; and

WHEREAS, CNB and the Cherokee Nation have entered, or are planning to enter, into a Membership Interest Purchase Agreement pursuant to which CNB will assign and transfer to the Nation all of its 100% membership interest in CNWM to the Nation, who shall thereafter be the sole member of CNWM;

IT IS THEREFORE ORDERED that the Modification #3, as amended by the Amendment to Modification #3, is hereby further amended to reflect that the EPC approves the continuation of CNWM as the Operator of the landfill following the acquisition of all of the membership interests of CNWM by the Cherokee Nation provided that CNWM remains a wholly-owned subsidiary of the Cherokee Nation.

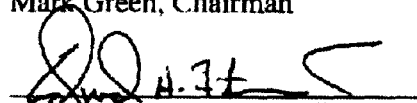
IT IS FURTHER ORDERED that Modification #3 is not amended except as stated herein.

IT IS FURTHER ORDERED that the effective date of this order shall be the 10th day of September, 2009.

IT IS SO ORDERED THIS 10th DAY OF SEPTEMBER, 2009, BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:


Mark Green, Chairman


Marty Matlock, Commissioner


Edward Fite, Commissioner

Cherokee Nation
Environmental Protection Commission

Permit No. 002-2009

Responsible Party: Cherokee Nation Waste Management

Permit Purpose: Removal of on-site leachate for construction purposes

Site Location: Cherokee Nation Sanitary Landfill, Adair County, OK

Estimated Water Use: 2,000,000 Million Gallons

Background: Cherokee Nation Waste Management is requesting permission from the EPC to utilize on-site leachate for construction purposes.

Permit Conditions:

1. The 4th Quarter 2008 quarterly testing report will be used as the baseline test data for the water in the impoundment.
2. The existing water level will be established using a differential measurement at the top of the liner compared with the existing water level at the leachate gauge. The measurement of water use will be reported to the EPC Administrator on a weekly basis.
3. The water will be retested at one foot intervals, before the next foot of water column is used. Test results will be submitted to the EPC Administrator as soon as practicable, but in no case more than 3 business days after receipt of the analysis results.
4. Test parameters will be the USEPA Subtitle D, Appendix 1 parameters.
5. If the test results indicate an analysis out side of the USEPA Subtitle D, Appendix 1 parameters, use of the water will be ceased immediately, and will not begin again until constituent levels are at an acceptable level.
6. Should the water level be raised above the level of the most recent test level due to a major rainfall event, a re-test will not be required when the specified test level is reached the second time.


7. If usage reaches 2,000,000 gallons, approval by the EPC will be required for any further use of the water, and will be subject to any additional testing the EPC deems necessary.
8. Best Management Practices will be employed to ensure leachate does not leave the work site.
9. If leachate is discovered to have migrated off-site the EPC Administrator will be notified immediately.

This permit is issued and effective this 20th day of April, 2009

ON BEHALF OF THE ENVIRONMENTAL PROTECTION COMMISSION:


Mark Green, Chairman


Edward Fite, Commissioner


Marty Matlock, Commissioner

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MODIFICATION #4 TO THE

MUNICIPAL SOLID WASTE LANDFILL PERMIT #CNSWP0001

Modification #4 was submitted to the Cherokee Nation Environmental Protection Commission (EPC) on May 4, 2010. This Modification would have allowed Cherokee Nation Waste Management (CNWM) to use contaminated soils as alternate daily cover. Cherokee Nation Environmental Programs (CNEP) staff did not support Modification #4 consequently this modification was rejected by the EPC.

This page is contained within the CNWM permit to memorialize the rejection of the proposed permit Modification #4.

Attest:



Tom Elkins, EPC Administrator



CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MODIFICATION # 5 TO PERMIT #CNSWP0001

MUNICIPAL SOLID WASTE LANDFILL FACILITY PERMIT

WHEREAS, the Cherokee Nation Environmental Protection Commission (EPC) has regulatory authority and oversight of the Cherokee Nation Sanitary Landfill (CNSL) located on Cherokee Nation Tribal Trust Land in Adair County, Oklahoma, and

WHEREAS, Cherokee Nation Waste Management (CNWM) is the permitted operator of the CNSL, and

WHEREAS, Permit # CNSWP0001 limits the sources and types of non-hazardous industrial waste that can be accepted by the CNSL, and

WHEREAS, CNWM desires to expand its business through acceptance of wastewater treatment sludge and other non-hazardous industrial wastes, and

WHEREAS, all non-hazardous industrial wastes will be accepted and disposed of under the guidelines of the CNSL's approved Waste Exclusion Plan; and

IT IS THEREFORE ORDERED that CNWM is permitted to accept non-hazardous waste materials for disposal under the guidelines established in the approved Waste Exclusion Plan, and

IT IS FURTHER ORDERED that CNWM will notify the EPC Administrator of all non-hazardous industrial waste streams accepted at the CNSL, and

IT IS FURTHER ORDERED that Permit number CNSWP0001 is modified to allow the acceptance of non-hazardous industrial waste under the guidelines stated above.

IT IS FURTHER ORDERED that the effective date of this order shall be the 4th day of May, 2010.

IT IS SO ORDERED THIS 4TH DAY OF MAY, 2010, BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:


Mark Green, Chairman

Marty Matlock, Commissioner


Ed Fite, Commissioner



CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MODIFICATION # 5 TO PERMIT #CNSWP0001

MUNICIPAL SOLID WASTE LANDFILL FACILITY PERMIT

WHEREAS, the Cherokee Nation Environmental Protection Commission (EPC) has regulatory authority and oversight of the Cherokee Nation Sanitary Landfill (CNSL) located on Cherokee Nation Tribal Trust Land in Adair County, Oklahoma, and

WHEREAS, Cherokee Nation Waste Management (CNWM) is the permitted operator of the CNSL, and

WHEREAS, Permit # CNSWP0001 limits the sources and types of non-hazardous industrial waste that can be accepted by the CNSL, and

WHEREAS, CNWM desires to expand its business through acceptance of wastewater treatment sludge and other non-hazardous industrial wastes, and

WHEREAS, all non-hazardous industrial wastes will be accepted and disposed of under the guidelines of the CNSL's approved Waste Exclusion Plan; and

IT IS THEREFORE ORDERED that CNWM is permitted to accept non-hazardous waste materials for disposal under the guidelines established in the approved Waste Exclusion Plan, and

IT IS FURTHER ORDERED that CNWM will notify the EPC Administrator of all non-hazardous industrial waste streams accepted at the CNSL, and

IT IS FURTHER ORDERED that Permit number CNSWP0001 is modified to allow the acceptance of non-hazardous industrial waste under the guidelines stated above.

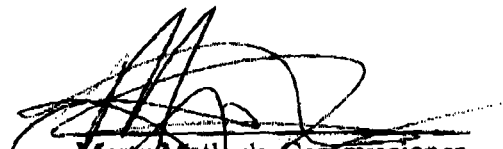
IT IS FURTHER ORDERED that the effective date of this order shall be the 4th day of May, 2010.

IT IS SO ORDERED THIS 4TH DAY OF MAY, 2010, BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:

Mark Green, Chairman



Ed Fite, Commissioner


Marty Matlock, Commissioner



CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MODIFICATION #6 TO THE

MUNICIPAL SOLID WASTE LANDFILL PERMIT #CNSWP0001

WHEREAS, the Cherokee Nation Environmental Protection Commission (EPC) has regulatory authority and oversight of the Cherokee Nation Sanitary Landfill (CNSL) located on Cherokee Nation Tribal Trust Land in Adair County, Oklahoma, and

WHEREAS, Cherokee Nation Waste Management (CNWM) is the permitted operator of the CNSL, and

WHEREAS the CNSL is situated on a parcel of 223 acres in a portion of the Southeast ¼, of Section 3 and the East ½ of Section 10, Township 14 North, Range 25 East in Adair County, Oklahoma, and

WHEREAS the CNSL was originally permitted for 91 acres in the original conditional permit, and

WHEREAS, CNWM desires to expand the volume of the permitted cells, and has submitted plans for such expansion labeled “Cell 4B” and increasing the total permitted boundary by approximately .13 acres with a vertical cell expansion of approximately 4.9 acres, according to the “Construction Plans and Technical Specifications for Cell 4B Construction”.

IT IS THEREFORE ORDERED that CNWM is issued this minor permit to increase the permitted area as described above using good work practices and at all times following 40CFR Part 258, and CNCA Title 63.

IT IS FURTHER ORDERED that CNWM will follow all aspects of this permit contained herein.

IT IS FURTHER ORDERED that the effective date of this order shall be the 16th day of March 2016.

IT IS SO ORDERED THIS 16th DAY OF MARCH 2016, BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION ADMINISTRATOR AS EMPOWERED BY THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION:


Tom Elkins, Administrator



CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

MODIFICATION #7 TO THE

MUNICIPAL SOLID WASTE LANDFILL PERMIT #CNSWP0001

WHEREAS, the Cherokee Nation Environmental Protection Commission (EPC) has regulatory authority and oversight of the Cherokee Nation Sanitary Landfill (CNSL) located on Cherokee Nation Tribal Trust Land in Adair County, Oklahoma, and

WHEREAS, Cherokee Nation Waste Management (CNWM) is currently the permitted operator of the CNSL, and

WHEREAS Cherokee Nation Principal Chief Baker has seen fit to dissolve the CNWM Board, and

WHEREAS the CNSL was once permitted with the Cherokee Nation as the "Operator", and

WHEREAS, CNSL is now organized as a business entity within the Cherokee Nation, and

WHEREAS, the CNSL must have a permitted Operator to continue as a going concern.

IT IS THEREFORE ORDERED that CNWM is removed as Operator of CNSL.

IT IS FURTHER ORDERED that Cherokee Nation will be entered as Operator of the CNSL and will follow all aspects of this permit contained herein, as well as 40CFR Part 258, and CNCA Title 63.

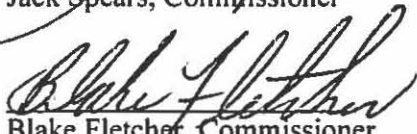
EFFECTIVE THIS 9 DAY OF JANUARY, 2017:


Marty Matlock, Chair



Ed Fite, Commissioner


Lynna Carson, Commissioner


Jack Spears, Commissioner


Blake Fletcher, Commissioner



Witnessed: 
Tom Elkins, Administrator