Message

From: Martinez, Maria [Martinez.Maria@epa.gov]
Sent: 8/27/2021 6:36:23 PM
To: Acosta, Gerardo [Acosta.Gerardo@epa.gov]; Hayden, Keith [Hayden.Keith@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Polk, Jonna [Polk.Jonna@epa.gov]; Durant, Jennah [Durant.Jennah@epa.gov]; Gomez, Salina [Gomez.Salina@epa.gov]
CC: Alvarado, Tina [Alvarado.Tina@epa.gov]; Larsen, Brent [Larsen.Brent@epa.gov]
Subject: RE: Media inquiry--Muscogee Nation permitting requirements
Attachments: RE: Meat Packing Plant in Muscogee Creek Nation

I believe the meeting notes that Gerardo supplied should answer the questions. As far as the question immediately below, I am not sure if it would be confusing to supply that information since as the meeting notes imply the requirement for an NPDES permit is based on whether there are any discharges to Waters of the U.S., i.e., not automatically based on the type of facility. Also, attached is a message file of internal communications between the Water Division and the Tribal Team about the situation.

What tribes in Oklahoma have received permits for building meat processing plants?

From: Acosta, Gerardo <Acosta.Gerardo@epa.gov>
Sent: Friday, August 27, 2021 1:10 PM
To: Hayden, Keith <Hayden.Keith@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Polk, Jonna <Polk.Jonna@epa.gov>; Durant, Jennah <Durant.Jennah@epa.gov>; Gomez, Salina <Gomez.Salina@epa.gov>
Cc: Alvarado, Tina <Alvarado.Tina@epa.gov>; Larsen, Brent <Larsen.Brent@epa.gov>
Subject: RE: Media inquiry--Muscogee Nation permitting requirements

Thanks everyone,

Attached are the notes from our last meeting about this and hope they help. Feel free to let me know if you have any more questions,

Regards,

Gerardo Acosta, Staff Director,
Office of Communities, Tribes, and Environmental Assessment
US EPA Region VI (ORAC)
1201 Elm Street, Suite 500
Dallas, TX 75270

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469.520.7752 (mobile)

Please consider the environment before printing this e-mail.

From: Hayden, Keith <Hayden.Keith@epa.gov>
Sent: Friday, August 27, 2021 11:48 AM
To: Martinez, Maria <Martinez.Maria@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Polk, Jonna <Polk.Jonna@epa.gov>; Durant, Jennah <Durant.Jennah@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Gomez, Salina <Gomez.Salina@epa.gov>

Cc: Alvarado, Tina <Alvarado.Tina@epa.gov>
Subject: RE: Media inquiry--Muscogee Nation permitting requirements

Looping in Tina Alvarado, NEPA attorney.

Here's a news article on the subject.
https://www.news9.com/story/609c38392adbe20bc28158e5/oklahoma-town-to-sue-muscogee-nation-over-environmental-concerns

I am not aware of any NEPA documentation for Muscogee Nation being prepared, sent, or reviewed by our shop.

I do know that EPA is responsible for issuing NPDES permits for tribal lands in Oklahoma, unless the tribe has treatment-as-state (TAS) status for CWA programs.

Tina, does NEPA or tribal law make any distincttion between land that is owned by the tribe versus tribal trust land? The news article insinuates this was private land the tribe purchased.

Sincerely,

Keith Hayden
Environmental Scientist/NEPA Specialist
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USEPA - Region 6
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From: Martinez, Maria <Martinez.Maria@epa.gov>
Sent: Friday, August 27, 2021 11:26 AM
To: Gee, Randy <Gee.Randy@epa.gov>; Polk, Jonna <Polk.Jonna@epa.gov>; Durant, Jennah <Durant.Jennah@epa.gov>; Hayden, Keith <Hayden.Keith@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Gomez, Salina <Gomez.Salina@epa.gov>
Subject: RE: Media inquiry--Muscogee Nation permitting requirements

We would appreciate any context that Gerardo and Salina can share on this inquiry.

From: Gee, Randy <Gee.Randy@epa.gov>
Sent: Friday, August 27, 2021 11:05 AM
To: Polk, Jonna <Polk.Jonna@epa.gov>; Durant, Jennah <Durant.Jennah@epa.gov>; Hayden, Keith <Hayden.Keith@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Gomez, Salina <Gomez.Salina@epa.gov>
Subject: RE: Media inquiry--Muscogee Nation permitting requirements

Adding Gerardo and Salina since they have been in contact with the Nation on this issue.

Randy

From: Polk, Jonna <Polk.Jonna@epa.gov>
Sent: Friday, August 27, 2021 11:01 AM
To: Durant, Jennah <Durant.Jennah@epa.gov>; Hayden, Keith <Hayden.Keith@epa.gov>; Gee, Randy

<Gee.Randy@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>
Subject: RE: Media inquiry--Muscogee Nation permitting requirements

Jennah,

Reading the questions, I believe this should also be sent to WD. Thanks, Jonna

Jonna Polk, Director
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and Environmental Assessment
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From: Durant, Jennah <Durant.Jennah@epa.gov>
Sent: Friday, August 27, 2021 10:55 AM
To: Hayden, Keith <Hayden.Keith@epa.gov>; Polk, Jonna <Polk.Jonna@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>
Subject: Media inquiry--Muscogee Nation permitting requirements

Hello all, I have an inquiry on permitting requirements for a meat processing plant the Muscogee Nation is building. Please see below. Can we answer the reporter's questions (highlighted)? Let me know if I need to loop in someone else.

Thanks,
Jennah

Inquiry:
I got word that the Muscogee Nation is building a meat processing plant in Winchester, Oklahoma in Okmulgee county. The Facilities rest in Section 2-15N-12E of Okmulgee County, Oklahoma. An environmental group is claiming that they have not consulted with federal environmental and has no environmental plan. Since they are a tribal nation, they have claimed sovereignty from the state, but still have to obey EPA requirements, from my understanding.

The group claims:

"They have not applied for ***any*** permits from the State of Oklahoma (claiming sovereignty) nor the Environmental Protection Agency (EPA). In Oklahoma, the EPA oversees the issuance of the National Pollutant Discharge Elimination System ("NPDES") for the Defendants. The Defendants have violated CWA under 33 USC §§ 1311, 1316, and 1342 (40 CFR Parts 122 and 432, and 33 CFR Parts 230 and 232)."

My questions are:

-What is required of tribal nations to build a meat processing plant from the EPA?
-What tribes in Oklahoma have received permits for building meat processing plants?
-Has the Muscogee Nation applied for these permits for their meat processing plant?