

Repository PFT Meeting Minutes
August 20, 2009, 9:00 a.m.
Panhandle Room, Idaho Parks & Rec./Fish & Game Building
2885 W. Kathleen Avenue, Coeur d'Alene, ID

Attendees:

Andy Mork, IDEQ (**Repository PFT Chair**)
Ed Moreen, EPA
John Perfect, ITD
Don Vernon, TG
Dan Pitzler, CH2M Hill
Jerry Cobb, PHD
Jeri DeLange, BEIPC (**Note Taker**)
Bill Rust, Shoshone County TLG Rep.
Jerry Boyd, CCC Chair
Sandra Raskell, CDA Tribe
Randy Connolly, Spokane Tribe
Kenny Hicks, Shoshone County TLG Rep.
Bonnie Douglas, CCC Vice-Chair
Corey Millard, U.S. Silver

Abbreviations:

EPA=Environmental Protection Agency
IDEQ=Idaho Department of Environmental Quality
TG=TerraGraphics
ITD=Idaho Transportation Department
PHD=Panhandle Health District
BEIPC=Basin Environmental Improvement Project Commission
CCC=Citizens Coordinating Council
PFT=Repository Project Focus Team
TLG=Technical Leadership Group
EMF=East Mission Flats (repository site)
CH2M Hill=Consulting Company (for EPA)

Call to Order and Introductions:

Andy Mork (Repository PFT Chair) called the meeting to order and asked everyone to introduce themselves. He reviewed the meeting objectives - The primary purpose of the meeting is to discuss the Upper Basin repository siting criteria that was developed in the two previous citizen meetings (i.e. held in Wallace on May 14 and June 24) and receive input on the criteria by the agencies. As a result of today's meeting, Mork indicated that the existing criteria may be modified or new criteria may be added; and that it's an opportunity for everyone to provide input into the process.

Repository Search and Criteria Development Input:

The nine criteria for selecting a repository site (i.e. developed as a result of input from the public at the community meetings) include the following factors:

1. Minimize potential for impact to wetlands and related wildlife;
2. Minimize potential for impact to surface waters and fish and wildlife;
3. Minimize potential for impact to floodplain;
4. Site is not near a mapped fault or likely to be affected by a landslide;
5. Site not likely to result in impacts to persons living or working near the repository;
6. Truck route from I-90 to the repository not likely to affect existing persons or businesses;
7. Minimize trucking costs by locating site close to removal areas;
8. Site preserves potential economic benefits by not using land that would otherwise be readily developable; and
9. Site can accommodate large quantity of material.

Mork stressed the urgent need for repository space as cleanup is moving forward by 150% with stimulus funding. He said that the Big Creek repository will be full next year, and that 800,000 cubic yards of waste capacity is needed in the near term in the Upper Basin. They started with a list of 94 possible repository sites (i.e. 84 sites identified in 2002 by TerraGraphics, 4 sites in 2005 as a supplement to the 2002 report, and 6 sites in 2009 identified from the public and other agencies). The geographic area ranges from Mullan to Pine Creek. They have pre-screened the 94 sites to come up with 8 sites by using two of the criteria to do the first-cut (see below).

- ***Must be greater than 500,000 cubic yards capacity; and***
- ***Currently inactive.***

The 8 possible repository site locations from the first-cut include:

- Willow Creek;
- Cole & Larson Roads;
- Hecla Star Tailings Pond;
- Atlas Tailings Pond (Osburn Ponds);
- Government Gulch;
- Vacant RV Park & Gun Range (2 sites); and
- Burns-Yaak.

For the reconnaissance summary, Mork said that Don Vernon of TerraGraphics took the 9 criteria and rated each site in accordance with the criteria. Mork then reviewed the information in an open discussion with PFT members using the 9 criteria to identify siting challenges and other issues. One question that was raised pertained to whether or not the property was already contaminated. Mork answered that it was not considered as part of the “first-cut” screening process, but will factor in later. He also passed out an aerial photograph of the 8 sites for people to review. During the open discussion, other issues were identified by PFT members including the following:

- Costs would increase dramatically if freeway interchange modifications were recommended;
- Need to look at traffic data available;
- Some areas may have sub-standard access;
- Existing water and power lines may need to be relocated; and
- Potential for leaching.

Kenny Hicks asked for clarification on whether repository sites have to be already contaminated. Ed Moreen replied that the Record of Decision (ROD) does not say, but that EPA's preference is to locate repositories on property that is already contaminated. They would also be required to do additional evaluation and weigh risk.

Another issue that was brought up by PFT members concerned the Silver Valley Natural Resource Trustees (SVNRT) repository pile in the Woodland Park area of the Upper Basin and problems with leaching and groundwater. He suggested that the reason people are seeing a huge groundwater influx downstream is because it is situated in a drainage.

Ed Moreen pointed out that the Star ponds are not located in the side-drainage occupied by the SVNRT repository. Bill Rust commented that he does not have confidence in the long-term for repositories. He mentioned that the Natural Resource Trustees included mining companies and IDEQ, but that work on the SVNRT site stopped when the funding ran out. He does not believe that it is a drainage problem (as the site was designed), but thinks it just needs a cap.

Don Vernon presented the details for the next steps in the repository siting process. It will include selecting one site based on the criteria ranking, then walking it and gathering data on the ground.

Mork clarified that in this decision tool process, they will just be ranking the sites using the citizen criteria (not as the ultimate decision), but to identify site preference based on these criteria. Then the agencies will discuss the rankings, so that they can focus their resources on one or more sites they want to commit resources to; and feasibility studies will shape the repository siting decision. He noted that as announced at the very beginning of the repository siting process during the May meeting in Wallace, the initial site ranking will be based on citizen criteria.

Hicks brought up a previous comment made by Bonnie Douglas (at yesterday's BEIPC meeting), about suggesting that we need to look at waste storage capacity for the future. Mork replied that a larger capacity site will be rated higher in the process.

Jerry Cobb discussed the issues with hauling contaminated waste long distances, and that he does not want to discourage people. He suggested that we need to remember that Superfund is for perpetuity and that we need to have a place to put commercial and individual waste for the ICP program.

Mork recommended the need to move forward based on the planning documents that we have now as we do not know what will happen with ecological issues or the ROD amendment. Sandra

Raskell suggested looking at 3 smaller sites, rather than one large repository site. Mork responded that it is better to have fewer sites as there is less need to go through the planning process. He clarified that for 3 sites, it costs 3 times the funding, and 3 times the costs for operation and maintenance (O & M), so having one site where we can get maximum capacity is preferable. Rust agreed that we need to get one site done first before trying to do others.

Bonnie Douglas asked why Burns-Yaak is still on the list as there is significant opposition from the public. Mork reiterated that it is based on the criteria for the first-cut. He suggested that future ranking of the site may not rate very well (during the next steps), but that you cannot remove a site just because someone does not like it. He also suggested that one thing to keep in mind is that CERCLA gives authority; and that if Burns-Yaak is hypothetically the number one best site, then it will have to be. He understands that there may be public opposition.

Douglas commented that the issue of eminent domain may result in lots of controversy. Rust added that he has a better answer to that issue. He stressed that: 1) there is going to be a repository in the Upper Basin; 2) it's EPA mandated, so you do have to pick a site; and 3) it's a process of elimination.

Mork said that he talked to the City of Osburn and that he hears the opposition loud and clear; so it will not be a surprise if there is lots of controversy should that site be selected as the next repository. Douglas proposed that a public relations move would be to eliminate it as a potential site. Moreen pointed out that EPA already owns the site. Douglas stated that she was aware of this. However, she suggested that if the site were selected, it may reduce the value from adjoining properties, and that the issue is a lot more complicated than just that. Hicks brought up socio-economic issues and said that he has never seen where this has impact in the decision-making. Mork commented that everyone will have an opportunity to give input on the relative weighting and that Burns-Yaak has met the first two criteria.

PFT members continued their discussion on the challenges of the remaining sites. It was noted that Government Gulch was remediated previously and there was the potential of refilling it up to road elevations which may make it more desirable for future development. Also, if it were to be developed in stages, then one section could be done before moving onto the next.

Break

After the break, Mork passed handouts to everyone on the new Upper Basin repository siting criteria and performance measures. The goal statement is to select a repository site for development for material excavated during remedial actions and from ICP projects in the CDA Basin. There are 7 key assumptions as listed below:

- 1. The repository will be sited in the Upper Basin, the drainage basin of the South Fork of the CDA River;*
- 2. The site must have at least 500,000 cubic yards of capacity and currently be inactive;*
- 3. The site preferably will be located in an area already contaminated with metals from mining and ore processing wastes;*
- 4. All sites will be designed to minimize the potential for groundwater contamination;*

5. *After closure, the site must be able to be secured and maintained to prevent contaminant release;*
6. *The site must be reasonably flat; and*
7. *The site must be accessible from existing roads.*

Moreen made a brief presentation to the PFT about the siting process, and expressed appreciation for the PFT's help. He commented that EPA is cognizant of the public's concerns. They have difficult decisions to make and some communities may not accept certain areas as repositories. They have to site a repository in the Upper Basin; and the challenges get more difficult. In looking back at the EMF site, they are using the lessons learned along with input from the community meetings to try and incorporate what they heard into the siting criteria to use as a tool. He suggested that if the worst site becomes the number one prioritized site, then they will have to do a lot of evaluations and have discussion with the community. There will always be opposition to some sites, but they have to make a decision.

Moreen then explained the details of the citizen siting criteria in the handout and how the ranking pertains to the worst and best performance of the top 8 sites. He also brought up the cost implications for the sites if they have to build access or mitigate things for the community such as flooding, etc. EPA pays 100% of the design costs. For construction, EPA pays 90% of the costs and the State 10%; and the State pays 100% of the costs for O & M.

Dan Pitzler discussed the next steps in the siting process. They will be working on narrowing the list of 8 sites down to 2-4 sites by doing some further evaluations on how each site meets the criteria established. In addition, they will be using weighting or value modeling with the Multi-Attribute Utility (MAU). The MAU results communicate why one action is preferred to another. Then the results will be graphed, and there will be discussion later. Pitzler indicated that they will also be using the same process in the eco-prioritization process as well.

To give PFT members an example of how the value modeling will work, Pitzler passed out copies of the handout and asked PFT members to rank each of the 9 criteria in the order they felt was the most important on a scale of 1-100%. He reviewed the ranking of the participant's responses and averaged them together. Douglas inquired about the criteria ranking and brought up a public interest law. She feels that it may be very important and suggested that it should be used as a point in the ranking process. She also questioned if weighting should be based on whether or not people live in the Silver Valley.

PFT members then discussed the different weighting scores and the various aspects of how you weigh ranking. Pitzler pointed out that it's a subjective process based on the criteria. Mork commented that it was good to see how people's views vary. He noted that it was very interesting and that there was lots of good discussion.

“Fill the Holes” Update:

Mork explained the concept of “Fill in the Holes” and pointed out that it's linked to economic development. They met with the Bunker Hill Task Force to discuss the idea on June 18, and Terry Harwood (BEIPC) drafted three documents to create a process for “fill the holes” disposal. The next meeting with the Task Force will be in September or October. He mentioned that

everyone has different ideas about the concept and that they need to identify problems such as CERCLA liability, property ownership issues, and other concerns involving the process.

Jerry Cobb commented that he has been a member of the Bunker Hill Task Force since it was formed in 1985. He discussed the “fill in the holes” concept and mentioned that Shoshone County is looking at this as they have lots of land with holes. If some of the holes could be filled up (i.e. using contaminated material) and then capped with asphalt, it will help with economic development within the community.

Update on the Office of Inspector General (OIG) Report for the East Mission Flats (EMF) Repository:

Moreen gave an update about the EPA’s Office of the Inspector General (OIG) report. He mentioned that in August 2007, there was a citizen complaint filed to the OIG related to inadequate public notification. In June 2009, the OIG issued a final report that said they fully endorsed the public notification and outreach done, but had some concern about floodwater and leaching.

An independent (outside) reviewer by Dr. Rick Wilkin said that he felt there was adequate analysis for concerns and did think there may need to be additional monitoring. EPA hired a second, independent scientist to conduct further review. On August 12, the OIG accepted EPA Region 10’s action plan for the EMF. EPA is installing two additional monitoring wells and modifying the monitoring plan for EMF and they are comfortable with moving forward on the EMF site. Moreen pointed out that the EPA is still monitoring the Central Impoundment Area (CIA), etc., and that it’s customary to conduct additional monitoring on these disposal sites. He stressed that the OIG never disapproved of the EMF repository, nor did they call for a moratorium.

Moreen also announced that Mathy Stanislaus, Assistant Administrator of EPA’s Office of Solid Waste and Emergency Response (OSWER) from Washington D.C. visited the area recently and met with a number of stakeholders on Tuesday evening (August 18). The following day, Stanislaus met with a citizens group and briefly attended the BEIPC meeting. Moreen noted site preparation activities have begun at EMF and that Stanislaus reserved the right to stop development at the EMF site if Stanislaus saw a need to do so in the future.

EMF Construction Update:

Construction will continue on the EMF repository site work now that the OIG’s concerns are resolved. Mork indicated that the IDEQ is in the process of revising the monitoring plan with input from the EPA. The OIG’s recommendation is to monitor the moisture content of the waste material, so they will put some instruments into the waste itself as the repository is being built to monitor it. He noted that groundwater monitoring will continue for the active life of the repository and beyond. Jerry Boyd stressed that the groundwater monitoring is extremely important to the local citizens.

Other Discussion:

Mork will follow up with weighting information on rating values in the next few weeks. He thanked everyone for their participation.