

DRAFT
BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
May 20, 2009
8:30 a.m. – 2:30 p.m.
Coeur d'Alene Inn
506 W. Appleway, Coeur d'Alene, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners:

Mr. Chief Allan

Mr. Jack Buell

Mr. Rick Currie (Vice-Chair)

Ms. Toni Hardesty

Alternates Present:

Mr. Grant Pfeifer

Mr. Dan Opalski

Mr. Vince Rinaldi

Staff Present:

Ms. Jeri DeLange

Mr. Dave George

Mr. Rob Hanson

Mr. Ed Moreen

Ms. Rebecca Stevens

1) Call to Order: The BEIPC Vice-Chair, Commissioner Rick Currie (Kootenai County), called the meeting to order at 8:37 a.m. as the BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County), was unavailable. He then led everyone in the flag salute.

2) BEIPC Agenda Changes: Commissioner Currie suggested making changes in the order of the agenda as Commissioner Jack Buell (Benewah County) was unable to attend until later in the meeting. The BEIPC agreed to the proposed changes.

3) Approval of Minutes from February 25, 2009 Meeting: Commissioner Currie asked for a motion to approve the minutes. Commissioner Grant Pfeifer (State of Washington) made a motion to approve the minutes as written. The motion was seconded by Commissioner Toni Hardesty (State of Idaho) and approved unanimously.

4) Upper Basin Record of Decision (ROD) Amendment Process Update: Ms. Anne Dailey (EPA) gave an update about the ROD amendment process for the Upper Basin. She mentioned that the goal for cleanup is to develop a comprehensive approach for an ecological remedy in the

Upper Basin that includes the following:

1) Primary Benefit - Significantly Improve Surface Water Quality

- In combination with natural attenuation, reduce the amount of metals getting into surface water to meet the surface water quality criteria below the South Fork of the CDA River;
- No net gain of pollutants from the Box (OU-1&2) into the South Fork as it passes through;
- Final remedy.

2) Secondary Benefit - Groundwater

- Reduce the contribution of contaminated groundwater to surface water that moves downstream from the Upper Basin to the Lower Basin;
- Reduce groundwater metals levels.

3) Additional Benefits -

- Reduce particulate lead movement in the South Fork and tributaries as well;
- Reduce recontamination potential in the Lower Basin;
- Reduce the risk from contaminated mine waste to humans and wildlife.

Ms. Dailey indicated that EPA has been working on the ROD amendment process through the Basin Commission and Upper Basin Project Focus Team (PFT). A few months ago, all the Upper Basin technical issue PFTs were combined into one as a lot of the issues overlap and it made sense to have one discussion at the same time. Preliminary draft feasibility sections are being provided to the Upper Basin PFT for review on groundwater modeling, etc. All PFT members are invited to participate as well as Citizen's Coordinating Council (CCC) and Technical Leadership Group (TLG) members. Information is also being posted on EPA's website.

5) Update on Upper Basin Remedial Action Priority Setting: Mr. Bill Adams (EPA) provided an update on priority setting for the Upper Basin. He noted that EPA wants to make sure to address source areas as part of the comprehensive remedy. They have been working with stakeholders to set the priority for cleanups; and a priority list of all the sites has been provided to the BEIPC, TLG and CCC. In working through the list, they are bucketing or grouping sites into logical units of work. Then, they are looking at what data goes into the simplified tool (an estimation process using upstream and downstream water quality data at a source area) to make sure they are using the right data set to value the various factors that go into it such as loading potential, etc., and if the remedial costs are appropriate for those areas. They are looking at having a meeting in mid-June to work with everyone.

6) Actions to Protect the Remedy: Mr. Rob Hanson (IDEQ) made a brief presentation on remedy protection and the objective of including this in the ROD amendment. He emphasized the importance of protecting the human health remedy as there is a potential of recontamination

from flood issues. EPA & IDEQ are working on developing a process, but are not that far along yet. It will be used to help prioritize remedy protection projects as follows:

- Similar to process used by Upper Basin ROD amendment group;
- Designed to take into consideration input from Upper Basin, City, County, and utility personnel; and
- Will prioritize projects that directly protect the Superfund remedy and human and ecological health.

Mr. Hanson said he was very encouraged when he heard that EPA wanted to include this in the ROD amendment. Some of the challenges will be to tie the work in with the remedy and come up with partnerships as they want to work with the communities. From the State's perspective, this is a high priority as they want it to be a success for human health and the environment.

Mr. Harwood commented that he was glad this issue was being addressed as it was one of his greatest concerns. This is the reason he worked with the communities on the drainage control and infrastructure revitalization plan which he will be discussing later.

Commissioner Hardesty pointed out the State's six goals for the ROD amendment: 1) cleanup must result in tangible environmental improvements and reasonable costs; 2) protection of the existing remedy; 3) be open to innovative and new ideas for addressing the issues we are dealing with; 4) creating an implementation plan that accounts for cash flow and permanent fixes with low operation and maintenance costs and adaptive management; 5) provide for water reuse and management under the Institutional Controls Program (ICP); and 6) ROD must have active community support. These are the goals the State is keeping in mind as they are moving through the process; and they are working collaboratively to try and come up with some good technical solutions. The number one challenge for the State will be cost.

Commissioner Dan Opalski (EPA) said that he appreciated the comments about remedy protection. He suggested this may be an opportunity to make sure that we are integrating our thinking, so we are looking at multiple objectives at the same time and not splitting them into pieces. As he hears more about remedy protection, it's not just protecting what we've done, but actually having additional protection.

Ms. Dailey then provided information about EPA's outreach efforts and the schedule for the ROD amendment. Additional information may be found on EPA's website at:
<http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/bh+rod+amendment>.

7) Special Announcements: Commissioner Currie introduced the local staff of the congressional delegation - Ms. Karen Roetter (U.S. Senator Crapo), Mr. Sid Smith (U.S. Senator Risch), and

Ms. Shelley Landry (Congressman Minnick); and also Ms. Katie Brodie (Governor Otter's North Idaho office). He thanked them for attending.

8) Update on Upper Basin Infrastructure Revitalization and Flood Control: Before beginning his presentation, Mr. Terry Harwood (BEIPC) said he was pleased with Mr. Rob Hanson's presentation on remedy protection and how it evolved into infrastructure. He then mentioned that the BEIPC and EPA have helped with funding to come up with an overall infrastructure revitalization plan not only for the Box, but the entire Upper Basin area. Tomorrow, he gets the draft document called the Drainage Control Infrastructure Revitalization Plan (DCIRP). He has worked extensively with the community to prioritize what infrastructure is important for the community. Once the final document is published, it will be available for anyone who's interested.

Mr. Harwood also mentioned that FEMA has come out with new flood maps and they are based on the idea that there are no levees at all. The reason they do this is because the levees have to be certified. The flood inundation maps show the whole floor of the valley flooded and this requires many of the local people to have flood insurance. He indicated that Toni Hardesty of IDEQ helped get some funding from the State to have a LIDAR flight flown over the whole Basin from Harrison to the headwaters at Mullan. EPA also provided some funding for this project along with the Bureau of Homeland Security. FEMA has said they will redo the maps based upon the new data, so we will have accurate topographic maps. However, they will still assume the levees are not there since they are not certified. Mr. Harwood said that he funded and had a consultant put together a document on how to protect and certify the levees called the *"Procedures and Actions for Levee System Certification and Accreditation within the Silver Valley."* He provided copies to the mayors, elected officials, etc. This was another project done by the BEIPC.

9) CWA Projects and Financial Report Update: Mr. Harwood said the first grant year closed last year on June 30; and all those projects are done and the final reports are on file in the BEIPC office. The executive summaries are posted on the BEIPC website. The second grant year will be done on June 30 of this year. As he had some funding left over, he asked people to submit proposals since any remaining funding has to be sent back. The Kootenai Shoshone Soil and Water Conservation District (KSSWCD) submitted a proposal for additional streambank stabilization work on the lower CDA River. Their report will be given in August. Remaining work left to be done on CWA projects for the last grant year is getting close to the end.

Break

10) Update on Lower Basin Work Planning and Enhanced Conceptual Site Model (ECSM): Mr. Ed Moreen (EPA) made a presentation on Lower Basin work planning and the ECSM. They are updating their understanding of the processes in the Lower Basin in respect to sediment transport

so they can know how to better address it. The ECSM consists of 11 technical memos on various topics such as hydrology, geochemistry, etc. Issues include how much lead is going into the Lower Basin and how much is coming out. He will continue to provide updates to the BEIPC and make the information available to the public, so everyone will know where they are in the process.

11) Repository Update: Mr. Andy Mork (IDEQ) provided an update about the repository program. He explained the need for repository space as we need a safe place to store the millions of cubic yards of remedial action waste generated through the cleanup process. He also pointed out that repositories are specifically identified in the ROD as part of the remedy for the Basin cleanup. They are designed to minimize the chance of release of the stored material. Mr. Mork then explained a couple of different alternatives. The first is the existing alternative - repositories like Big Creek, East Mission Flats (EMF) and the new Upper Basin site (location to be determined). Another alternative is “fill in the holes” and may mean a lot of different things to different people. This consists of filling in low lying areas with contaminated material and then capping it, so the property may be redeveloped. Although this is a reasonable alternative, it may be difficult to do as there are lots of issues associated with it such as legal issues with respect to CERCLA and the ICP, or if it’s even allowable. Also, issues on who’s responsible, CERCLA liability, etc. will need to be resolved.

Mr. Mork then explained the process for locating a repository in the Upper Basin. 85 potential sites were identified in 2002. They are planning a series of meetings to deal specifically with the siting process to develop criteria and will be gathering input from the public. Then they will perform more site-specific studies in order to identify the top site. If anyone has site recommendations, they can give them to him.

12) Communications PFT Update: Ms. Jeri DeLange (BEIPC) Ms. Jeri DeLange said the BEIPC and Communications PFT helped to sponsor a second session of EPA community involvement training on March 25 which was well attended and received. She thanked EPA for providing the free training opportunities to the Basin community. On April 17, the Communications PFT had a meeting and PFT members received a half day of training in risk communications by Ms. Cathy Cochran of the Washington Dept. of Ecology. She thanked Ms. Cochran and the Dept. of Ecology for providing the training to PFT members. Other issues the Communications PFT has been working on include: 1) Developing ideas and suggestions for increasing participation in the ROD amendment process as EPA requested help from the PFT; 2) CCC revitalization; 3 continuing work on public outreach; 4) updating list of public outreach avenues; and 4) forming a subcommittee to conduct a audience analysis to target new communications pieces.

13) Blood Lead Program: Mr. Harwood mentioned there has been a \$20 incentive (in the past) for parents to bring their children in to Panhandle Health District (PHD) to be tested for blood

lead. This year, the incentive has been raised to \$40 to encourage parents to bring in their children and get a more representative sample to gauge how successful the remedy is.

14) Citizen's Coordinating Council (CCC) Comment and Presentation: Mr. Jerry Boyd (CCC Chair) gave a presentation on the CCC and thanked the BEIPC and Commissioners. He said the CCC had a meeting on April 29 and the summary and comments are included in the handouts. The CCC also conducted an election of officers and he reported that he was elected as the new CCC Chair and Ms. Bonnie Douglas was elected as the Vice-Chair. On May 14, the CCC helped to sponsor a community meeting on repositories and he facilitated.

Mr. Boyd then recognized the former CCC Chair, Mr. John Snider, and thanked him for all his years of service to the CCC (since the group was formed) and BEIPC. Mr. Snider said that he greatly enjoyed serving and thanked everyone. Commissioner Currie also thanked Mr. Snider on behalf of the BEIPC board.

Mr. Boyd said that topics discussed at the April 29 meeting included a discussion of the CCC committee and election process. He will be bringing a recommendation to the BEIPC in August to update the CCC Operational Practices and Procedures.

15) Public Comment: Ms. Julie Van Middlesworth (representing Kootenai Environmental Alliance) said she would like to discuss a private repository being proposed at Blackwell Island. She mentioned several concerns including that it is located on a flood plain and that she feels it is not a good site for a repository. She encouraged people to send comments in during the public comment process.

Ms. Julie Dalsaso (CCC and Communications PFT member) commented on several items including human health aspects and why we're all here. When speaking of protecting the remedy, she pointed out that it's important to see the area as a watershed, and that it's also important to protect human health on the Spokane River. She suggested that maybe the Communications PFT could sponsor a speaker.

Mr. Rusty Sheppard (Spokane River Association) said that he would like to thank IDEQ for helping us to test the quality of water for the last 20 years. He also brought up two concerns regarding the Spokane River: 1) Blackwell Island and storing waste on the site as it's in the floodplain and may release contaminants during flooding; and 2) setting up a stringent monitoring system on the Spokane River (as it's downstream of the wastewater treatment plant), so the association can partially test water to make sure it's clean. He proposed getting immediate funding to help with testing and monitoring to ensure there is no contamination.

Mr. Rogers Hardy (TLG Benewah County rep.) commented on several issues including: 1) he feels the CCC group seems to have lost momentum; 2) he thinks Mr. Mork is doing a good job

with the repository issue; 3) EMF; 4) eminent domain; and 5) UP railroad. He also suggested efforts to get the St. Joe streambanks in a parallel process with CDA River;

Mr. Bill Rust (Shoshone County TLG rep.) wanted to make a suggestion to EPA and asked them to respect the sidebars people bring to various meetings and negotiations. He thinks they will try to do this, but a lot of the repository discussion has to be an examination of assumptions that people bring, so sometimes people do not have very good reasons.

Lunch

16) CDA Lake Management Audit CWA Project: Mr. Glen Rothrock (IDEQ) and Ms. Rebecca Stevens (CDA Tribe) made a presentation on the CDA Lake audit. It also included a powerpoint presentation and slides of photographs taken during the audit process.

17) Presentation and Discussion of Lake Management Plan (LMP) Work Plan Section: Mr. Terry Harwood (BEIPC) presented the draft language for Section 3.2 as this section was held in abeyance until the Lake Management Plan (LMP) was released. He said that he presented the draft to the TLG who helped with it and voted unanimously to send it to the BEIPC for their approval. After this section is approved by the BEIPC, it will be added to the work plans, so both plans are compatible. He then presented the draft language to the BEIPC for their discussion. (*Note: Mr. Harwood made changes to the language as it was discussed*).

18) Public Comment: Mr. Jerry Boyd commented that he has property on CDA Lake and that he is speaking as a property owner and not as the CCC Chair. He has concerns that there is not much information on where nutrients are originating. If there is no enforcement, then we are not going to accomplish one of the main goals of the LMP. From his own observations, he has seen farms with cattle, horses, etc. down in the water. He would like to encourage people to do something about this issue.

Mr. Glen Rothrock said he wanted to make a clarification on bullet #3 regarding the section on contaminant management. It was originally not in the LMP, but based on some of the comments they received, they decided to put it in. The contaminant management white paper was prepared by the Contaminant Management PFT and presented in 2007 to the Board to tackle that problem.

Mr. Bill Rust said that there are a lot of lake management plans in Idaho and they are used for nutrient management, but toxic management is kind of confusing the issue. The ICP addresses part of it, but there are issues everywhere else. He suggested making it clearer and pointed out the LMP is purely voluntary.

Mr. Rusty Sheppard (representing Spokane River Association) said they fully support IDEQ and do not think the LMP is a good vehicle for situations like Blackwell Island. They are putting

their trust in IDEQ and the IDL to do a proper job on permitting for Blackwell Island development.

Mr. Rogers Hardy (private citizen and property owner) said he thinks Ms. Stevens and Mr. Rothrock did a good job on the Lake audit. He brought up the management action tables and brush suppression. Since so much of the Lake is steep slope, people could lose their homes as there are a lot of point sources for fire. He mentioned that he and his wife had arson on their property. He recommended getting the "Fire Smart" program under SEEP (Stormwater Erosion Education Program).

Mr. Hardy also commented that he feels the State and Tribe should have a uniform policy on the Lake for people who own property and docks. He asked Commissioner Hardesty to talk to the Governor. He believes there are good reasons to have a single encroachment policy, especially as some people who own docks pay a one-time fee and others have to pay a yearly fee. Lastly, Mr. Hardy agreed with Mr. Boyd about nutrient monitoring as there may be some significant loaders; and suggested that another item the LMP people should look at (i.e. to reduce nutrient loading) may be options to keep a large portion of their land green.

Ms. Julie Dalsaso acknowledged the expertise of the PFT people regarding contaminant management. She indicated the issue was sort of tabled, but that the contaminant management white paper did make it into the LMP. She feels the agencies are doing the best they can, but she believes that cutting bullet #3 is really offensive and leaves a gap. She brought up the Kootenai County comprehensive plan and said that she was surprised it did not include the contaminant management paper. She also brought up Blackwell Island and the Spokane River and made several suggestions about building in accountability.

19) Vote on BEIPC Work Plan Section 3.2: Commissioner Hardesty made a motion to approve the revised language for Section 3.2 of the Lake Management Activities, but wanted to clarify that what the BEIPC is voting on is going into the BEIPC work plans. Activities for the LMP will occur, but voting today will focus only what is going into the work plans. (She also clarified that bullet #3 would be stricken). Commissioner Buell seconded the motion.

Commissioner Currie called for discussion on the motion. Commissioner Opalski pointed out that formal institutional controls are Superfund response actions selected in a Record of Decision (ROD). Institutional controls are a regulatory process, but do not apply to the Lake and Spokane River.

Commissioner Currie called for the question and the motion passed.

20) Adjourn: As there was no further business, Commissioner Currie thanked everyone for attending and adjourned the meeting at 2:28 p.m.