

# 04-21-10 Citizen Coordinating Council Meeting

Veterans Memorial Hall, 6:30 PM to 9:00 PM, Kellogg, Idaho

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## ***Attendees (who signed in and/or announced themselves)***

Jerry Boyd  
Julie Dalsaso  
Jeri DeLange  
Denna Grangaard  
Terry Harwood

Lorrie Jenicek  
Ed Moreen  
Andy Mork  
Amy Wheelless  
Vera Williams

## ***Meeting Overview***

The April 21, 2010 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission or BEIPC) covered the following topics:

- CCC Vice-Chair Nomination
- Basin Commission Updates
- Yard Cleanup: 2009 Season Accomplishments and Plans for 2010
- Repository Updates
- ASARCO Trust, ROD Amendment, EPA Five Year Review, and Wallace Yard Consent Decree
- Communications Project Focus Team (PFT) and Recreation Education Subcommittee Update
- Open Discussion on Basin Cleanup/CCC Issues

CCC Chair Jerry Boyd chaired the meeting.

## ***Open Discussion on Basin Cleanup***

The CCC began this meeting by addressing open discussion and any CCC issues at the start of the meeting and for a short time at the end of the meeting, rather than solely at the end of the meeting. This new format seemed to work well for participants and will likely continue for future meetings.

CCC member Julie Dalsaso said that her original intent for attending and joining CCC meetings was to influence land use decisions and help minimize public health impacts. She said that the regular information updates at CCC meetings are interesting, but if there is not a way to show that the information is affecting change, then she is not sure she was realistic in her involvement in the CCC. Terry Harwood, BEIPC Executive Director, responded that land use decisions are affected in some counties by the clean-up. For example, in Shoshone and Kootenai Counties within the ICP Administrative Boundary, no one can get a building or construction permit without also getting an ICP permit. In addition, Terry said the major public health issue in the Basin is addressed through the property cleanup program and a focus on recreational use near the CDA River, though there is an ongoing effort to get more children's blood lead tested as well.

Julie mentioned that the Idaho Department of Health and Welfare maintains the fish advisory information for the region on their website, rather than on the Department of Fish and Game or

Basin Commission websites, which is where she would have thought to look initially. Terry said that the Basin Commission could add that information under the FAQ section of the website. Julie added that, in areas around Lake Spokane, there is a high Russian population with a large proportion of fish in their diets, and so there could be an opportunity to conduct outreach to this population around the potential human health effects of consuming fish in the area.

Lorrie Jenicek, a citizen, brought up the issue of people four-wheeling on sites awaiting cleanup near Cataldo. Ed Moreen, EPA, said that the new ASARCO trustee, Dan Silver, is also concerned about this issue and is considering putting up a fence or some other access control to the property.

Julie said that when she attended the last TLG meeting, she was impressed with how the Chair was able to deflect some misinformation about the cleanup efforts during the meeting. Julie wondered whether there was a better way to address misinformation about cleanup efforts more generally in Basin activities.

- Terry Harwood, BEIPC Director, said that he and EPA have written op-eds for the local papers, and it is not clear whether or not these articles help inform the public, inflame the detractors, or both. Terry also takes time to speak at meetings of local organizations, such as the Kootenai Environmental Alliance and the local Democratic Party to get information into the community.
- Jerry Boyd, CCC chair, said that the CCC and Basin Commission have been trying to respond to misinformation for years, though he feels like he is hearing less of the misinformation now.
- Denna Grangaard, DEQ, said that one of the ways DEQ is addressing this issue is with the “Superfund Straight Talk” column that Tina Elayer is writing. This column does not call out any particular group, but adopts a Q&A format for getting information into the community. Currently, it is running in the Shoshone Press. DEQ is also looking to put more information on the DEQ website related to the cleanup.
- Andy Mork, DEQ, mentioned that a lot of the misinformation out there is coming from blogs and it can be difficult to not respond, though that is often not productive or conducive to a helpful discussion.
- Vera Williams, CCC Member, asked whether the Basin Commission or DEQ had considered developing a Superfund Facebook account to disseminate information. She also suggested the idea of working with the Coeur d’Alene Press to get more information available on the online version of their paper. Denna Grangaard, DEQ, said she would look into working with the Coeur d’Alene Press.

Julie said she was impressed with the presentation that Brian Spears, U.S. Fish and Wildlife Service gave at the last TLG meeting on bird health. She suggested inviting him to a future CCC meeting and possibility inviting a local birder society.

Denna reported that she attended the Silver Valley Chamber of Commerce Business Expo the previous week and had a table on yard remediation. She had a number of questions from participations, as well as some comments and criticisms. Lorrie suggested someone from DEQ or Panhandle Health District attend the Women’s Health Fair and Conference on May 7 in Smelterville, as it could be a good outreach opportunity for mothers to learn about blood lead testing. Denna said she would look into that conference.

Denna said she is also participating in a multi-group endeavor between a Lower Basin Citizens' Group DEQ, and EPA to generate a working relationship and increase community involvement and input. She said she could see progress coming out of this effort. Terry expressed that the relationships with the community seem to have improved, but there also seems to be concern about the ROD amendment and the resulting inheritance of the remedy and its impact on Idaho's budget. Jerry asked Lorrie whether she feels that those in her community are getting the information they want about the cleanup and repositories. Lorrie said that if people want information, they are going to find it, but they may question the validity of the information after they receive it. She related the story of a family who had their property tested and daughter tested for blood lead – both tests came back high. The family's grandchildren still play in the most contaminated portion of the property, but the property has not been remediated and the family has not taken action themselves. Although the family is aware of the contamination, they have not taken any action and have not seen action from DEQ. Jerry suggested that the family contact Dan Meyer about getting on the remediation list.

### **CCC Vice Chair**

Vera Williams was nominated and accepted as the new CCC Vice-Chair. The main responsibility of the Vice-Chair is to chair CCC meetings in the absence of the Chair.

### **BEIPC Updates**

Terry Harwood, BEIPC, provided two handouts for those in attendance to review:

- A summary of frequently asked questions answers about the ASARCO settlement and the Bunker Hill Superfund cleanup  
([http://yosemite.epa.gov/R10/CLEANUP.NSF/6ea33b02338c3a5e882567ca005d382f/206406bd92837f158825714f005ae054/\\$FILE/Asarco%20Trust%20faqs%20final%20Mar%2016%202010.pdf](http://yosemite.epa.gov/R10/CLEANUP.NSF/6ea33b02338c3a5e882567ca005d382f/206406bd92837f158825714f005ae054/$FILE/Asarco%20Trust%20faqs%20final%20Mar%2016%202010.pdf))
- Part of the information sheet on the residual sites settlement agreement  
(<http://www.epa.gov/compliance/resources/cases/cleanup/cercla/asarco/residual-infosht.html>).

### **2010 Cleanup Season**

The official cleanup season for 2010 will begin in the middle of May. East Mission Flats (EMF) has received a few ICP truckloads already from the East Side Highway District. East Side had some road repair work resulting from flooding in the Bull Run area and requested to dispose of the soil waste material. Lorrie asked whether it was confirmed that the soil was contaminated before it was deposited. Terry responded that, all soil within the flood plain of the South Fork and main stem of the CDA River is assumed to be contaminated. Jerry asked whether EMF has a hauling vehicle decontamination facility yet. Terry responded that there is not, but East Side's hauling vehicles can access EMF through the ICP waste disposal area and will not require decontamination. Decontamination of ICP waste hauling vehicles is not provided.

### **Other Updates**

Terry is working with the Milo Creek Watershed District to make sure that the Milo Creek Diversion Structure is maintained properly and that problems upstream will not interfere with the operation of the structure. Terry is working with EPA, the Army Corps, DEQ, FEMA, Idaho Bureau of Homeland Security and Shoshone County to address flood control and levee

operations in the South Fork CDA River and Pine Creek. Currently, maps that combine the FEMA 100 year flood plain, the levies, and all remediated properties are being developed.

Terry explained that the role of the Natural Resource Trustees in receiving ASARCO settlement money. The Federal Natural Resource Trustees (U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, as well as Coeur d'Alene Tribe and in consultation with Idaho) received about \$80 million as part of the settlement for natural resource restoration. The Trustees will develop a plan to address the documented natural resources damages and guide restoration efforts. In addition to these natural resource restoration funds, federal agencies who manage public lands within the Basin also received funds to contribute to site cleanup.

Terry mentioned the possibility of new federal legislation addressing re-mining of contaminated sites that may allow someone to re-mine a site under reduced or special environmental considerations. This issue was previously considered as a Senate bill in 2005 and did not pass. The previous bill was SB1848 (<http://thomas.loc.gov/cgi-bin/query/z?c109:S.1848>); Terry will continue tracking this activity to see if it is entered as another bill.

### ***ASARCO Trust, Upper Basin ROD Amendment, EPA Five Year Review, Wallace Yard Consent Decree***

Ed Moreen, EPA, provided an update on the ASARCO Trustee, the Upper Basin ROD amendment, the EPA Five Year Review, and the Wallace rail yard consent decree.

#### **ASARCO Trust**

In December, ASARCO settled claims nation-wide. For the Coeur d'Alene Basin, this settlement resulted in \$494 million for cleanup. Some of the money has gone into a trust, managed by Dan Silver. EPA is developing a plan for allocating the funds to cleanup based on the ROD amendment process. The estimated cleanup for the whole Basin is more than \$2 billion, so the ASARCO settlement money needs to be invested and spent wisely. The ASARCO trustee plans to open an office in the Silver Valley around Fall 2010. The Trust is interested in hiring locally and will conduct an open and competitive bidding process once specific projects are identified.

#### **Upper Basin ROD Amendment**

Ed distributed a handout on what is expected to be included in the ROD amendment, the benefits of the amendment, the community involvement plan, and the expected schedule for the amendment.

The ROD amendment will include additional contamination source areas such as mine sites, mill sites, and contaminated floodplain tailings that are not in the OU3 Interim ROD. It would also include changes in water treatment and actions to protect remedies from tributary flooding and heavy precipitation. Among other benefits, the ROD Amendment would provide a final remedy for human health protection for surface water, ecological protection for surface water, and human health and ecological protection for soil, sediments, and source materials in locations where remedial actions are taken. It would also reduce the contribution of contaminated groundwater to surface water and reduce metals levels in ground water.

The current schedule is to release the proposed plan on June 1 for a comment period until mid-July, with that plan finalized in the summer, and then issue the ROD amendment in late summer

or fall 2010. However, EPA has received letters from the Idaho Governor and the Shoshone County Commissioners requesting that EPA delay the schedule a bit to allow more time for the public to learn the issues, so the schedule may be put on hold. Julie asked whether this delay was caused by general concern about federal work in the Basin from the public. Terry noted that the State may be concerned about the costs of operation and maintenance associated with the site and is looking for ways to fund it, which may be a reason for wanting to delay the process. Jerry said that there have been many public meetings over the past two years on this amendment, including extensive meetings with the Upper Basin Project Focus Team (PFT).

Jerry asked whether the remedies under the Upper Basin ROD amendment would do anything to affect the swan kills that have been happening in the Lower Basin. Ed said that the remedies would reduce the contaminants in the water that is running downstream, but that there are still many contaminants in the lower river basin that could contribute to these ecological effects.

For more information, see EPA's website on the ROD amendment:  
<http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/bh+rod+amendment>.

### **EPA Five Year Review**

EPA is required to perform a five year review when the agency leaves contaminants in place at a Superfund site to review the remedies, as is the case in the Coeur d'Alene Basin. EPA has conducted two five year reviews in the past and is currently working on the 2010 review, which will be more extensive than past reviews due to expanded remediation in the Basin. EPA will be conducting site visits, looking at data, and talking with people to assess remedies in place. This review is not a decision document and thus EPA will not be taking formal comment. However, EPA will be holding public open houses to conduct outreach with the public on this review.

### **Wallace Yard Consent Decree Update**

Ed provided an update on the Wallace Railroad Yard Cleanup Consent Decree. As related at the January 2010 CCC Meeting, in 2007, EPA and the state issued an EE/CA (Engineering Analysis/Cost Analysis), which is the document that precedes a consent decree) for Wallace Yard. Following this release, EPA hosted a public hearing in Wallace and a public review period. Since then, EPA was able to negotiate a consent decree with BNSF Railway and Union Pacific Railroads. That consent decree was opened to public comment and is now entered into the court as official. It is expected that the railroads will begin cleanup activities this summer.

Lorrie asked how work would be done such that the creek near Wallace Yard is protected. Ed responded that best management practices are used to ensure that protection. Generally, contaminated mud is kept from going into the creek with a silt fence or curtain. However, it is not expected that this work will have impacts on the waterways. Lorrie followed up with a question about whether the work that would be done under the ROD amendment should be done at the same time at Canyon Creek and Nine Mile to save costs. Terry responded that the work is covered under different liabilities, and the affected areas are generally finite (i.e., rail beds versus embankments).

### ***Repository Updates***

Andy Mork, IDEQ, provided updates on the Upper Basin repository siting process and the Big Creek Repository.

## **Upper Basin Repository Siting Process**

Andy discussed the Upper Basin Repository Siting Process, which concluded last month. DEQ decided to move forward in acquiring two sites: Osburn Ponds and Star Ponds, with the plan to begin on Osburn Ponds first. DEQ took public comment on this selection and plan through April 26. DEQ recently had an open house in Wallace and heard concerns from the public that there would be increased noise, traffic, and dust associated with the Osburn site. For this CCC meeting, Andy provided a map that shows a proposed road for the Osburn that would divert repository, as well as mining, traffic from the nearby neighborhood.

## **Other Repository Updates**

Andy related that the repository plan for the summer was to begin remediation work in the Upper Basin and haul to the Big Creek repository while continuing the Phase 2 construction work at EMF (e.g., office, employee hut, decontamination facility). Lorrie asked for clarification about whether EMF was intended for Lower Basin waste; Andy responded that the intention was for EMF to accept Lower Basin Waste and Upper Basin waste to go to Big Creek. Terry clarified that there might be instances where there are cross-overs for the waste, but EMF is primarily for Lower Basin waste.

DEQ is still evaluating the expansion of the Big Creek Repository. DEQ owns the land under and around the repository, and would add waste soil to the north side of the existing repository. Expansion of the repository could allow the repository to store up to an additional 200,000 cubic yards of soil, which would expand the life of the site by two to four years. DEQ will be conducting assessment at the site over the summer and preparing a design modification report to be ready in Winter 2010 or Spring 2011.

## ***Communications Project Focus Team (PFT) and Recreation Education Subcommittee Updates***

Jeri DeLange, Communications PFT Chair, provided an update on the activities of the Communications PFT and the Recreation Education Subcommittee.

### **Communications PFT**

The Communications PFT is thinking of ways to increase participation at CCC meetings, such as increased advertising and notification through different online sources. The PFT is also working on a survey that would gather information on ways to increase participation and information exchange to interested citizens. This survey would ask about interests and needs, and the best formats for meetings. The plan is to have a survey ready for the EPA Five Year Review open house (anticipated in June) and distribute it there at a CCC table. The survey would also likely be sent to current CCC members and others on the CCC mailing list. The PFT has drafted questions; and one of the PFT members, Cathy Cochrane of the Washington Department of Ecology has volunteered her help along with another staff member, Brook Beeler, to refine the questions and overall survey flow to produce a quality survey. Brook will also be making a presentation at the next Communications PFT meeting (in June) on surveys. After the PFT finalizes its draft of the survey, Jeri will send it to Jerry Boyd for review.

The PFT has updated the CCC brochure and will be distributing it at outreach events. Some of those at the CCC meeting expressed that the new brochure was much improved over the

previous version. The PFT is still accepting comments on the brochure. Julie suggested including some language that would tell people “what’s in it for me” – for example, learning about dangers of recreation in the Basin, new developments in the Basin, and blood levels in children.

Jerry asked the citizens in attendance how they had heard about the CCC meeting. Julie and Lorrie receive mailings about the meetings, and Vera receives email. Lorrie also mentioned she had seen a notice in the paper. She also expressed that it would be helpful to receive a calendar or other listing of scheduled meetings in a mailing (e.g., CCC meeting, TLG meeting, BEIPC meeting), so she can better track the dates.

### **Recreation Education Subcommittee (RES) Update**

The Chair of the Recreation Education Subcommittee (RES) is Tina Elayer, DEQ, with Mark Masarik, EPA, playing an advisory role. The goal of the subcommittee is to strengthen communication and education about taking precautions and playing safe while visiting recreation areas where contamination may be a concern in the Basin.

The RES has decided to work on two areas for this year:

1. Act as a clearinghouse for recreation and education guidance publications: The Subcommittee will create an FTP site that will include a spreadsheet of publications for all RES members to access. The subcommittee will work with other agencies and groups in gathering this information. The Subcommittee will also continue to add agencies, groups, and other points of contact into the Avenues of Outreach spreadsheet.
2. Use “Riley the Raccoon” (name may change) to help promote messages to children ages 5 to 12. For example, “Riley” could answer questions about recreation on websites, or could show up at events to promote healthy use of the Basin, such as events for 4-Wheelers.

In addition, the Communications PFT will be working at the North Idaho Fair, distributing information about the BEIPC and CCC. The Fair is the last week of August from Wednesday to Sunday. CCC members are encouraged to volunteer for a shift.

### ***Next BEIPC Meeting***

The next BEIPC Board meeting will be held on May 19, 2010 at Templin’s in Post Falls.

### ***Adjourn***

The CCC meeting was adjourned at 9:00 PM.