

8-01-07 Citizen Coordinating Council Meeting

Post Falls Library, 6:00 PM to 8:00 PM, Post Falls, Idaho

Attendees (who signed in and/or announced themselves)

Jerry Boyd	Charles Miller
Lloyd Brewer	Glen Rothrock
Bonnie Douglas	John Snider
Terry Harwood	Rusty Sheppard
Jim Hollingsworth	Rebecca Stevens
John Lawson	Mark Stromberg
Mike Mihelich	Brian Walker
Woody McEver	

Meeting Overview

The August 1, 2007 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (BEIPC) covered the following topics:

1. BEIPC Updates (Clean Water Act Projects and Blood Lead Project)
2. Lake Management Plan Implementation Audit Update
3. Mission Flats Repository Update
4. Contaminant Management Project Focus Team

CCC Chair John Snider chaired the meeting.

BEIPC Updates

BEIPC Executive Director Terry Harwood gave an update on the status of the Clean Water Act (CWA) Projects and the Blood Lead Project Focus Team.

Regarding the status of the CWA projects, Terry provided a high-level overview of the financial summary handout and noted that \$1 million is left in the budget. Terry highlighted the success of many of the projects implemented to date and noted that several are nearing completion. Terry added that a listing of final sub-grantee reports will be posted on the Basin Commission website and a number of sub-grantees will make presentations to the Basin Commission at the August 15 meeting.

Terry highlighted the lake modeling project partnership with the University of Western Australia, which he hopes will continue past the report review and finalization process. Terry also noted that a training session will be held for the Coeur d'Alene Tribe and DEQ in September. Terry noted that unused CWA project money has been reallocated to other approved projects. Terry and Mark Stromberg both commented on the success of the Silver Crescent Project where there is now a fish run and where a substitute wetland habitat is being developed. Terry briefly outlined a few additional CWA projects and commented on their overall success. Glen Rockroth added that along with the CDA River Sediment Model final report presentation, a North Fork CDA River report will be presented at the August 15 Basin Commission meeting.

In response to a question from Woody McEver regarding the purpose of the CWA projects, Terry answered that the purpose is to conduct innovative demonstration projects, studies and research. Terry noted that the CWA funds cannot be used for the Superfund remedy. Woody requested further information on the remediation efforts, specifically the dead waterfowl problem along the CDA River. Terry answered that the potential wetland substitution project was meant to address this problem, thereby giving waterfowl an alternative habitat at a nearby location. As far as remediation more generally, Terry noted that many of the CWA project findings will support remediation efforts.

Regarding the status of the Blood Lead Project Focus Team (PFT), Terry provided an update on the current state of the project and noted that Rob Hanson is managing the PFT. Terry said that while blood lead levels have decreased over the years, Panhandle Health is still having problems encouraging families to test children's blood lead levels. One proposal is to pay \$100 per tested family. Terry noted that peeling lead-based paint on older homes may be a problem and source of lead exposure in the Basin. Terry further noted that the PFT is proposing five recommendations to the TLG to bring forward to the Basin Commission, as listed in the *Summary of the Human Health Blood Lead PFT's Work, May 2007* and below:

1. Continue to support the PHD's Health Intervention Program.
2. BEIPC publicly support that children participate in the existing blood lead testing associated with the Health Intervention Program that has a \$20 incentive. The PFT would work with the Executive Director on how best to do this.
3. Decide if the Commission wants to ask agencies with assistance from the Executive Director to figure out ways to come up with money to increase the incentives.
4. Have TLG and PFT provide input to the EPA/DEQ as they develop a blood lead testing plan for the Five Year Review.
5. The PFT could continue evaluating options in identifying ways to increase blood lead testing, but is not likely to come up with anything new. Thus, does the BEIPC want the PFT to continue trying?

The PFT is asking the Commission to publicly support these five proposals. John Snider added that tests eight years ago were coming up with lower blood lead levels.

Woody McEver asked if this project is related to the Clean Water Act Projects. In answering, Terry noted that CERCLA has three legs, which include (1) human health, (2) ecosystem clean-up, and (3) natural resource restoration, and this project relates to the first leg.

Jim Hollingsworth recalled that the Basin Commission already voted to achieve universal blood testing and are on record with this. Jim added that perhaps the PFT and Panhandle Health should explore new strategies to promote the testing (i.e., strategies used in drug campaigns—e.g., children-made art directed at children). Jim stated that the CCC should

be on record supporting the PFT proposal in order to send a clear message to the Basin Commission. He added that the CCC should be on record for encouraging blood testing. Terry agreed that this was a good opportunity for the CCC to voice support on this proposal. In response to a question by Woody McEver, Terry added that if the Basin Commission doesn't approve the proposal, Panhandle Health will continue testing though will not have the stated support behind the campaign.

Jim Hollingsworth made a motion for the CCC to support the Blood Lead proposal. The motion was passed with no member voting against it, a few members abstaining, and a majority supporting the motion.

Lake Management Plan Implementation Audit Update

Rebecca Stevens, Coeur d'Alene Tribe, noted that none of the landowners/citizen's group questionnaires that she and Glen Rothrock, Idaho DEQ, handed out at the last CCC meeting have been returned. Some CCC members noted that they had not received the questionnaire and Rebecca responded that she has extras with her and that she will send the questionnaire to Tom Beierle for CCC email distribution.

Rebecca noted that she and Glen provided an update on the Lake Management Plan (LMP) Implementation Audit to the Basin Commission at the May 2007 meeting. Rebecca added that over the past months, she and Glen have been reaching out to stakeholders and interested parties and holding interviews, and have begun to address the action tables from the 1996 LMP. Rebecca noted that the project is scheduled to end in June 2008, but they hope to complete the audit in advance of this deadline. Glen added that the project has two parts, (1) the 1996 LMP audit and (2) recommendations for revising the 1996 LMP. Glen continued, noting that the questionnaire feeds into both parts and specifically addresses the action tables. Rebecca followed by noting that the product will be a final report and revised action tables (from the 1996 LMP).

Glen noted that he and Rebecca were a bit behind schedule on the outline and that all products will likely be available in late 2007 or early 2008 and will be available to the CCC. Jim Hollingsworth raised the question of whether implementing agencies knew what their implementation responsibilities were and Rebecca answered that these agencies were involved in developing the tables initially so their actions should not come as a surprise. Glen closed by noting that this is a public process and that they will share a draft with the CCC when it is available.

Repositories Update

John Lawson, Idaho DEQ, provided an update on the East Mission Flats Repository. John noted that the 30% design study will be presented at the Basin Commission's August meeting. John stated that DEQ requested comments on the design and received upwards of 93 comments related to the design, the general location, and the overall proposal. John noted that the biggest set of comments related to the location, which was

already decided upon during an earlier project phase (with public input). John further added that the site location decision is bound by several stipulations including (1) an already contaminated area, (2) away from the Coeur d'Alene floodway, and (3) meeting the standard requirements of the Clean Water Act sections 402 and 404. John continued by noting that the site location also was limited by the land available (e.g., it was not possible to acquire BLM, Forest, or Tribal lands, so the site had to be a private purchase or state land). John acknowledged the controversy around this project and site and explained that his team has done outreach with affected parties and held public forums for citizens and others to voice concerns.

In response to a question from Jim Hollingsworth regarding the Coeur d'Alene Tribe's position on the repository site, John Lawson answered that he has worked with Tribal archeologists since 2002 and they found that as long as the digging didn't exceed a specified and agreed upon depth, the cultural site would not be disturbed. In response to a question from Jim regarding the road district's concerns, John Lawson answered that DEQ has worked with the road district though has not addressed all of their issues, as they are fundamentally opposed to the project. Terry Harwood explained also that the roads will not be torn up and that the fuel taxes that haulers pay are available for all public roads maintenance and improvement projects.

John Lawson provided a brief history of the public comment process. John pointed out that the timeframe driven by the legislature's passing of the institutional control program mandated a quick turnaround time for the design study release and public comment. Terry added that there was some confusion during the public comment process around the intent of the process, which was asking for comments on the 30% design study, not the location.

Bonnie Douglas read the memo that accompanied the 30% design study and noted that the memo asks for comments on the "*location and orientation* of the repository." Terry and John confirmed this and answered that it was a misunderstanding. The introductory paragraph states that comments are on the East Mission Flats repository design location and orientation (not comments on the location in general).

Bonnie said that, living in Coeur d'Alene, the first she heard about this was in a newspaper announcement and that many citizens don't fully realize the location and impact that this will have. Bonnie added that she was at the site today and that there was no protective cover to contain the contaminated soil, which was being dispersed by the wind. Bonnie announced that she was adamantly opposed to this site and that there is a lot of opposition behind her.

In response to a question by Jerry Boyd regarding the publicity of the repository, John Lawson answered that advertisements have been printed in all local newspapers and added that public forums have drawn considerable attendance. Bonnie added that she was concerned about the lack of public engagement and added that there should be public participation throughout the decision making process.

In response to a question by Jim Hollingsworth regarding a biological assessment of the area, John Lawson answered that this has been deferred to an EPA attorney, as this is under Federal jurisdiction. And, in answer to Bonnie's question regarding the final wetland delineation, John Lawson said that this will be conducted in later phases, as this is only a 30% design study.

Jerry Boyd and Bonnie raised a question regarding the physical design and asked if there was a way to hide the structure or blend it to the natural surroundings. John Lawson answered that this is all still under discussion and that he would be willing to further discuss this in another forum. John closed by noting that the design study would be presented to the Basin Commission on August 15.

Jim Hollingsworth thanked Bonnie for attending this meeting and for voicing her concerns. Jim added that the individual that has submitted a petition regarding the repository doesn't participate in this process or come to the Basin Commission meetings, which is a public forum for voicing concerns. Jim closed by noting that while he was not in favor of a repository, he doesn't know of any alternatives for removing and treating contaminated sediment in the Basin.

John Snider closed the discussion by thanking the group for their comments on this project.

[Participants returned to the repository issue at the end of the CCC meeting. The discussion is reflected below]

In response to Bonnie's earlier question about the contaminated dust problem at Mission Flats, John Lawson said that he would look into mitigating this problem immediately. John further encouraged continued dialogue and volunteered to continue these discussions in additional forums. Terry emphasized the lengths that DEQ and EPA took to include the public voice, going door-to-door, setting up public forums, etc. Terry and John Lawson both expressed surprise by the amount of outrage. Rebecca Stevens added that the CCC is an important place to voice these concerns, which will be brought forward to the Basin Commission. John Lawson added that all citizens who signed the petition will have an opportunity to be added to the Basin Bulletin mailing list.

Contaminant Management Project Focus Team

Terry introduced the report handout on the Contaminant Management PFT which he will present at the next Basin Commission meeting. Terry added that report is a result of the Commissioners' request for a report that captures all the feedback received. Terry noted that the handout is a result of numerous review cycles and that he is not accepting additional comments before the Basin Commission meeting. The paper represents Terry's recommendations, versus that of the PFT, as the PFT could not agree on a process for finalization. Terry further noted that many of these issues are extremely polarized, and that some unlikely partners have formed.

Terry emphasized the need to deal with contaminate management around the lake. He noted that while the anticipated property devaluation hasn't been a problem thus far, these problems must be dealt with and a solution presented. Terry read the final paragraph from the *Issue Analysis: Contaminant Management for Coeur d'Alene Lake and the Spokane River Upstream of Post Falls Dam*, as follows:

Although the PFT could not come to consensus on all of the conclusions and recommendations above, the PFT and Executive Director are requesting that the BEIPC review the discussion presented and provide direction. If the BEIPC desires that development of a contaminant management/institutional controls process for the Lake and River continue to be pursued at this time, then by working through the PFT, TLG and the CCC processes, a plan could be drafted for further review and endorsement. This plan would also include recommendations of how the responsible agencies might administer the plan and how it would be funded and implemented.

Terry said that he is asking the Basin Commission for direction and added that any money that might come from the EPA for a repository for contaminant management around the lake may result in funding being directed away from the Upper Basin, and Superfund funding cannot be supplemented with other types of federal funding.

Jim Hollingsworth suggested that as this moves forward, PFT funding is critical. Jim also applauded Terry's paper. Terry noted that he doesn't know what will happen at the Basin Meeting, but he noted that this is an important issue and that it ties directly to the work that Glen and Rebecca are doing related to the LMP.

General Comments

Mark Stromberg, Idaho DEQ, provided a quick state update on the yard remediation work. He noted that there were approximately 202 remaining, meaning that the work is about 50% complete.

Next Meeting/Upcoming Events

The next BEIPC Board meeting will be held on August 15, 2007.

Presentation of Citizen Comments to the Basin Commission Board

August 1, 2007

Written Comments

One set of written comments was submitted by CCC member Vinetta Ruth Spencer on August 16. The comments accompanied resignation from the CCC and are included below.

Verbal Comments

Verbal comments provided at the August 1, 2007 CCC meeting are reflected in the CCC meeting summary and paraphrased below.

Comments

Commenter

I need to resign from CCC for the following reasons:

*Vinetta Ruth Spencer,
CCC member (written
comments)*

1. I continue holding to my belief that the large expenditure of public funds for yard and other soil remediation is unnecessary and therefore a waste of public funds. (I wrote many pages concerning this issue when I was an active member and realized it was impossible to make any difference in the set program.)
2. I find the time and effort to increase blood lead testing in the area's children to be misguided and inappropriate. I believe it is only a political agenda, and an embarrassment to all common sense considering the actual current test results.

The CCC should be on record supporting the Blood Lead Project Focus Team (PFT) proposal in order to send a clear message to the Basin Commission that this campaign is important. Perhaps the PFT and Panhandle Health should explore new strategies to promote blood lead testing.

*Jim Hollingsworth, CCC
member*

The memo that accompanied the 30% Mission Flats design study directly asks for comments on the "location and orientation of the repository." That language is misleading if DEQ didn't intend to consider comments on the location of the repository.

*Bonnie Douglas, CCC
member*

I live in Coeur d'Alene and the first time I heard about the repository was in a newspaper announcement recently. Many citizens don't fully realize the location and impact that this will have. I was at the site today and there is no

*Bonnie Douglas, CCC
member*

protective cover to contain the contaminated soil mound, which was being dispersed by the wind. I am adamantly opposed to this site and there is a lot of opposition behind me.

I am concerned about the lack of public engagement around the Mission Flats repository. There should be public participation throughout the decision making process.

Bonnie Douglas, CCC member

The design of the Mission Flat repository should be reconsidered so that it incorporates more naturally with the natural surroundings.

*Jerry Boyd, CCC member
Bonnie Douglas, CCC member*

I am not in favor of a repository but I don't know of any alternatives for removing and treating contaminated sediment in the Basin.

Jim Hollingsworth, CCC member