10-16-07 Citizens Coordinating Council Meeting

Canyon School, 6:30 PM to 9:30 PM, Cataldo, Idaho

*Attendees**

Brock Baker
Carla Bassemier
Jerry Boyd
Jon Cantamessa
Carol Cannaday
Ted Carder
Bob Colonna
Leslie Currie
Julie Dalsaso
Jeri DeLange
Bonnie Douglas
K. Jon Gress
Terry Harwood
Bob Hoffer
Lori Isenberg
Janice Jackson
John Lawson
Andrea Lindsay
Don Madsen
Marge Madsen
Johnny Marple
Jerry Miller
Paul Mitchell
Susan Mitchell
Ed Moreen
John Osborn
John Snider
Deb Sherbina
Dwight Sjogren
Virginia Sjogren
Jeanie Smith
Don Vernon
Brian Walker
Dr. Jerry Walker
R. Ed White

*This is a list of attendees who signed in or announced themselves; other people attended the meeting but did not sign in and are therefore not listed. Some names may be spelled incorrectly due to the difficultly of transcribing names from the sign in sheets.

Meeting Overview

The October 16, 2007 meeting of the Citizens Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (BEIPC) covered the following topics:

1. BEIPC Updates
2. 2008 One Year BEIPC Work Plan
3. Local Jurisdictions & Contaminant Management
4. East Mission Flats Repository Update and Discussion

CCC Chair John Snider chaired the meeting. He asked those new to the CCC to introduce themselves at the beginning of the meeting and noted that BEIPC Chair John Cantamessa (Shoshone County) was attending the meeting.

BEIPC Updates

Clean Water Act Projects
BEIPC Executive Director Terry Harwood gave an update on the status of Clean Water Act (CWA) projects in the Basin and distributed a handout that summarized expenses and

remaining balances for each project. He said that nine of the 33 projects still have appreciable work left. These projects, which focus on research and demonstration efforts, are intended to help inform cleanup actions in the Basin. He expects all of the projects to be completed by next summer. CCC member Bonnie Douglas asked if the wetlands work on the Schlepp property was a CWA project, and Terry Harwood said it was not.

Lake Management Plan

Terry Harwood gave an update on recent stakeholder meetings regarding the Lake Management Plan (LMP). He explained that, although Coeur d'Alene Lake is part of the Basin Superfund Site, there were no cleanup actions specified for it in the 2002 Record of Decision (ROD), which describes the remedy for the area (Operable Unit 3). Instead, the ROD put the responsibility on the State of Idaho and the Coeur d'Alene Tribe to develop a Lake Management Plan. The State and the Tribe are now engaged in a mediated process to develop the plan. Over the last few weeks, there have been a number of meetings with stakeholders to review and comment on an outline of the plan developed by the State and Tribe. Key issues that have come up in these meetings are:

- How should the lake be managed?
- What will it take to "de-list" the Lake as a Superfund site?
- What federal, state, and local institutional authorities exist over uplands and lowlands around the Lake?

Terry Harwood said that clarifying the relationship between the three counties (Shoshone, Kootenai, and Benewah) and the State of Idaho in the development of the plan is an important issue to be resolved. In the past, the State and counties signed a Memorandum of Agreement regarding how they would work together in developing the Lake Management Plan. Terry Harwood also noted that the State is planning to go to the Idaho Legislature in the next session to get funds for lake monitoring.

CCC Chair John Snider, who has been involved in the LMP meetings, added that he thinks it is very important for the State and counties to figure out what their relationship is going to be in the development of the plan. He noted that there were never any guarantees that the Lake would be de-listed and that delisting depended on how well the lake was managed. John noted that Coeur d'Alene Lake was not doing too badly. However, it was his view that delisting was still a long way off.

CCC member Bonnie Douglas said that the Lake's water quality was affected by the level of dissolved oxygen and the potential for release of metals from the sediment.

Wallace Yard Removal Action

Ed Moreen, EPA, gave a brief update on the Wallace Yard CERCLA Removal Action and distributed CDs of the Engineering Evaluation/Cost Analysis (EE/CA) for the site, which describes various cleanup options. He said that the Wallace Yard was a property near Wallace, Idaho used for railcar storage, switching, and other railroad operations.

Because it is not part of the Basin Superfund Remedial Action, the EE/CA is necessary prior to a CERCLA Removal Action. There will be a public meeting on the EE/CA on November 1 at the Wallace Inn, 100 Front Street, Wallace, Idaho, from 4:30-8:00 PM. The public comment period on the EE/CA document runs until November 23. Comments can be sent directly to Ed Moreen (by mail: 1910 Northwest Blvd, #208, Coeur d'Alene, ID 83814 or by email: moreen.ed@epa.gov).

2008 One Year BEIPC Workplan

Terry Harwood distributed copies of the draft 2008 one year BEIPC workplan. He explained that developing such a plan (and a complementary five year plan) was one of the key responsibilities of the Basin Commission. These plans describe all of the ongoing cleanup activities in the Basin. He said that, in past years, the annual workplan has generally been completed in the Fall. This year, the plan will be based on a workshop to be held by the Basin Commission on November 14, 2007. During the workshop, there will be an opportunity for the CCC and the Technical Leadership Group (TLG) to provide their input on the plan as well as a 1 to 1.5 hour period for open public comment. Following this opportunity for input, the Basin Commission board will discuss the plan and the future of the BEIPC (open to public observation, but not input). Based on the outcome of the workshop, Terry Harwood will work with the TLG to develop a final draft workplan, which will be reviewed by the CCC and go to the Basin Commission board for approval at its meeting in February 2008.

Terry Harwood verbally walked through the main sections of the draft plan. Participants raised a number of issues and questions, including:

- What are the cleanup "action levels" for lead and how clean was the new soil being used to refurbish yards? (CCC member Bonnie Douglas) Terry Harwood said that the action level for recreation areas was 700 parts per million (ppm) and soil is removed from yards at a level of 1,000 ppm. Ed Moreen added that uncontaminated new soil being brought in for yards had 100 ppm or less of lead.
- How many yards will ultimately need to be cleaned up? Terry Harwood answered that the total number of yards wouldn't be known until all of the yard testing was done.
- Why are some properties getting re-contaminated and requiring re-remediation? Terry Harwood said that he thought the number of yards that have needed to be re-remediated was small.
- Why isn't more being done to control run-off as a result of logging operations? Terry Harwood said that this activity is governed by the Idaho Forest Practices Act, which is not administered by the Idaho Department of Environmental Quality or EPA.
- Is there medical intervention available for children that show high levels of blood lead as a result of the Basin blood lead screening program? Terry Harwood said that the Panhandle Health District, which runs the screening program, may have such a program, but he was not sure.

[CCC note: The Panhandle Health District runs a Lead Health Intervention Program. For more information, call 208-783-0707]

Local Jurisdictions & Contaminant Management

CCC member Julie Dalsaso provided an update on her effort related to managing contaminated sediment that may be dredged from Coeur d'Alene Lake and the Spokane River. She encouraged the BEIPC to take a leadership position on the issue. She noted that the BEIPC Contaminant Management Project Focus Team (PFT) has been discussing these issues and that Terry Harwood had produced a white paper on the topic for the Basin Commission Board ("Contaminant Management for Coeur d'Alene Lake and the Spokane River upstream of Post Falls Dam").[1]

Julie said that a number of counties and cities in the Basin (e.g., City of Coeur d'Alene, City of Post Falls, Kootenai County) are reviewing their comprehensive plans, including their ordinances related to contaminant management and soil disturbance. In her discussion with planners, Julie said that many were not aware of key aspects of the contaminant management issue, such as what institutional controls are. She felt that local planners are interested and would like technical assistance to review soil disturbance ordinances, and related policies and management activities. Terry Harwood's white paper on contaminant management was distributed to each local jurisdiction.

Julie said that there are other time-sensitive opportunities beyond revisions of local Comprehensive Plans. For example, the Idaho Department of Lands is taking public comment through October 24 on rule changes regarding excavation and dredging of shorelines and lake bottoms.[2] Proposed language changes relate to some significant overlapping points concerning disturbing sediment with marina excavation, dredging, seawall construction, and driving pilings into submerged lake beds.

Julie also suggested the following:

- Looking at dredging fees as a source of funding for contaminant management;
- Developing a map showing where contaminated areas overlap with local jurisdictions; and
- Examining the Uniform Environmental Covenants Act, which has been enacted in both Idaho and Washington and could be utilized as a bi-state tool to tag public trust resources as contaminated and to promote public record disclosure of contaminants for future land planning.

East Mission Flats Repository Updates and Discussion

[1] For a copy of the white paper, go to: www.basincommission.com/boardpacket/070815/IssuesAnalysis-ContaminantManagement.pdf

[2] For more information, see http://www.idl.idaho.gov/adminrule/rulemaking.html.

A number of meeting participants joined the meeting around 7:30 for presentations and discussion focused on the East Mission Flats Repository.

Terry Harwood provided a short introduction on the Basin Commission and the Superfund cleanup. He noted that the 2002 ROD estimates that the total bill for the 30 year cleanup is estimated to be $350 million (in addition to the $250-300 million spent for cleanup in the Box) and may actually run quite a bit higher. He described how the Basin Commission was established by Idaho legislation. EPA, the states of Washington and Idaho, and Kootenai, Benewah and Shoshone counties signed a Memorandum of Agreement in 2002 to create the Commission with seven commissioners. He said that the Commission was created to increase local involvement in the cleanup, and it is a unique approach. One way that the Basin Commission encourages public involvement is through the Citizens Coordinating Council (CCC).

CCC Chair John Snider welcomed participants and explained the purpose of the CCC as bringing local citizens together to share their views on cleanup issues. These views are then reported to the Basin Commission by the CCC Chair at Basin Commission meetings. He said that the general ideas of what is expressed tonight (although not names and direct quotes) will be presented to the Basin Commission. John emphasized that the CCC is not a voting body. He explained that the CCC is open to all citizens in the Basin and encouraged people to get involved

[CCC Note: for more information on the CCC and how to join, see: www.basincommission.com/CCC.asp)

John Snider then described how the evening's presentation and discussion of the East Mission Flats repository would proceed. He asked that participants keep their questions and comments to three to five minutes so that everyone would get a chance to speak. He asked people to respect those who had the floor and not interrupt each other. John asked people to raise their hands to be recognized and he would call on them.

Ed Moreen, EPA, began with an overview of the cleanup in the Basin, including the extent of contamination, the effort to date to clean up properties and other contaminated areas, and the use of repositories as a way to manage and control contaminated soil removed as part of the cleanup.

- In response to one of the slides, which charted declining soil contamination levels and declining blood lead levels in the Box, a number of participants offered their views, including:
  - The suggested correlation between soil cleanup and blood lead levels is inaccurate and deceptive;
  - Only a small percentage of children have had their blood tested;
  - Most lead exposure occurs in the home (e.g., from lead paint);
  - Lower blood lead levels may mean that the lead has moved elsewhere in the body, such as the bones; and

- The National Academies study critiqued the blood lead testing efforts in the Basin and recommended that every child be tested; EPA hasn't done enough to improve blood lead testing and intervention.

Ed Moreen responded that the slide on soil contamination and blood lead was based on a study of the Box cleanup (chart ended in 2002) where a high percentage of children were sampled, in part because families were paid more for testing. This led to a discussion of how to get more funding for blood lead testing and whether data from the Box should be used to support current cleanup efforts in the Basin.

➢ One participant asked why his neighbor's yard was cleaned up but not his own. He asked how natural processes could possibly result in such different contamination levels in adjoining properties.

Ed Moreen said that only yards that test above action levels are cleaned up. Terry Harwood said that one reason for differences in contamination is that people move contaminated soil around. Another meeting participant who grew up in the area said she remembered people bringing in mine tailings as fill for residential properties.

John Lawson, Idaho DEQ, presented information on the East Mission Flats repository and responses to public comments received to date on the repository's design. He covered issues raised in public comments such as the 30% design effort, the location of the repository relative to the Cataldo Mission, the visibility of the site, what may happen during a flood, and other issues. He noted the following:

- Finding a repository that met the criteria was very difficult (e.g., flat, already contaminated, for sale, not near the river or where people live)
- There is significant contamination in the Lower Basin that will need to be cleaned up, especially from contaminated properties, and moved to a repository
- The repository is located in a flood plain because it needs to be in an area that is already contaminated, which, in the Basin, means it is in the floodplain
- The site is buffered from the river by I-90 and the dredge road; when it floods, the repository area would fill up like a reservoir or bathtub
- DEQ and EPA have sought to get public input through public meetings, comment periods, residential visits, and working through the Basin Commission
- The soil in the area is already covered by three to six feet of contaminated soil from historic dredging of the river
- Over the life of the repository, tree growth and capping and contouring of the site are expected to minimize visual impact

[CCC Note: DEQ's written response to comments is available at: www.deq.idaho.gov/waste/prog_issues/mining/emf.cfm.]

John Lawson described how DEQ had revisited the design of the repository in response to public input, particularly about visibility. He said that DEQ is moving from its original preferred design of 62 feet high (holding 668,000 cubic yards) to a design of 34 feet high (holding 466,000 cubic yards). He noted that the cost of the 30% reduction in

capacity means that another site for a repository will need to be found. If no other sites can be found in the next 10-15 years, DEQ will need to reevaluate whether to increase the height and volume of the East Mission Flats repository. If such a reevaluation occurs, decisions will be taken through the Basin Commission and a public comment process, he said.

During John Lawson's presentation and in subsequent discussion, participants raised the following issues:

- *Concerns about repository height and visibility*. In response to a slide showing the height of a balloon visible from the Cataldo Mission, participants said the balloon wasn't in the right location. One participant asked why all of the concern was about visibility from the Mission rather than people's houses, local roads, and other places that residents spent time.

John Lawson said that he was holding the balloon for the picture and was standing in the middle of the repository site when it was taken. He said that the presentation focused on visibility from the Mission because most of the comments received from citizens focused on that issue; the visibility analysis also looked at visibility from other sites, but some of those pictures weren't yet available for the October 16 CCC meeting.

- *Concerns about the repository displacing water during a flood and causing worse flooding of the surrounding area*. One participant recalled a meeting with the Federal Emergency Management Agency (FEMA) in Cataldo, and said that FEMA wouldn't allow people to put any structures in that area—even structures on stilts. Federal rules, another person said, don't allow restricting a floodplain. Various participants recalled past flood events (e.g., 1974, 1996) when water was over lanes of the highway, and the narrow area along East Canyon Road east of the site was channeling high volumes of water. One participant said she remembered her father and brother riding 6-8 foot waves in that area in a canoe in 1974 to get home during a flood. One participant likened the repository to "building a dam in a dry river bed" and said that narrowing the channel would only speed the flow of flood waters.

John Lawson said that DEQ conducted an analysis of flood impacts on the repository, which concluded that displacement of floodwater due to the repository would be "miniscule" and wouldn't have any impact on the citizens of Cataldo. The analysis is included in the 30% design report available on the DEQ website. The analysis included analyzing how the repository would affect the volume and speed of water in the area. He said that the analysis showed that the repository could withstand water moving at two feet per second and not leach out materials. He said that DEQ went through the whole evaluation with agencies that do flood plain analysis and reviewed the analysis with the Kootenai County Planning Department.

- *Concerns about contamination getting back into the river*. One participant asked whether DEQ could guarantee that contamination from the repository wouldn't infiltrate back into the river—either overland or via groundwater—and asked what

agencies would do if that happened. He said he couldn't understand how adding more contaminated material to the area wouldn't increase the hazard. He asked if there would be a barrier or liner. Another participant said that existing culverts under the highway and access to a boat ramp would allow floodwaters to return back to the river from the area of the repository. In high water, he said, there is a direct flow back to the river.

John Lawson said that no one can make any guarantees. However, he said that there is a lot of existing contaminated material between the repository and the River, including the bed of I-90, which consists of mine tailings, that would block overland flow. Terry Harwood said that the roughly 800,000 tons of material expected to fit in the repository is very small compared to the 35 million tons of contaminated material already out there. He also said that some of the waste coming into the repository in the future would be coming from the river. John Lawson said that various techniques and technologies will be used to maintain the integrity of the site, including silt fences, soil compaction, and a cap of clean material and vegetation. Terry Harwood said that floods flow along the freeway bed, which is contaminated, and it doesn't "dissolve and wash away and go into the river."

- *Concerns about the water solubility of the waste in the repository.* One participant rejected arguments based on the fact that the site is already contaminated, saying that "two wrongs don't make a right." He wondered whether contamination in the new material would be more water soluble than the existing contamination.

John Lawson said that some of the material coming in from yard soil is water soluble and some is held up in organic matter. Terry Harwood added that the contaminated material already at the site, such as the I-90 freeway bed, is water soluble as well. Ed Moreen said that the model used to analyze a high water event showed that high water would only last one day—and possibly 5 days for lower water. Given that, he said that there is not going to be a high volume of materials going into solution during an inundation event.

- *Question about why DEQ and EPA are not working with the Army Corps of Engineers to reduce flooding in the area*. One participant asked why there isn't more effort to reduce floods in the first place; he noted that it seems to be flooding more and more often. Another participant recommended dredging the river above Cataldo.

Terry Harwood said to deal with flooding you would need a levy system along the whole length of the river. The Basin Commission has been analyzing infrastructure for flood control, he said, and it is in poor shape throughout the Basin. He said dredging has been studied, and dredged areas simply fill back in. Ed Moreen said that the ROD does call for some dredging.

- *Concerns about protection of drinking water wells in the region*. Participants said they were worried that contamination from the site would infiltrate groundwater and pollute nearby residential wells. One wondered why a barrier or liner wasn't part of

the design and said that water comes into his well before it hits the area's layer of clay. Another participant asked whether wells would be monitored.

Terry Harwood said that there is no protection now from the historical contamination in the area. He said that a cap over the repository would reduce leaching through historical contaminated material in that area. John Lawson added that wells in the area haven't been contaminated by historical contamination because of the site's geochemistry. He said there are three or four feet of historical contamination at the East Mission Flats site that is not capped or controlled, and it has not contaminated wells in the past. The closest wells down gradient of the area are at the Mission, and water in these wells meet drinking water standards. As you go down in the soil profile, he said, there is less and less contamination, and the layer of uncontaminated soil is holding back infiltration to lower layers.

- *Concern about contamination of the Mission's front lawn from watering*. One participant noted that many people, including many children, lounge on the front yard of the Mission. He was concerned that they may be exposed to contaminants if the lawn watering water is contaminated. He asked if the water or the front yard had been analyzed.

Terry Harwood noted that the water system at the Mission had been tested, and it met drinking water standards. He said he would check on whether the lawn had been tested.

- *Request that EPA should halt work at the site until an Inspector General investigation is completed.* One participant said that local citizens had requested an EPA Inspector General investigation of the repository and reported that he had just heard that the investigation would go forward. He requested that all work at the site be halted until the investigation was completed.

Ed Moreen responded that when EPA receives communication of such an investigation, it will cooperate fully.

- *Concern that DEQ and EPA were ignoring the conclusions of the National Academies of Science (NAS) Study regarding repositories.* One participant said that the NAS study had concluded that there was not a suitable disposal site in all of the river valley. He said that agencies are "sticking their necks out" by ignoring this conclusion.

Terry Harwood said that his interpretation of the NAS report was that a catastrophic flood in the Basin could wipe out much of the cleanup progress, including some repositories. Ed Moreen said that he knew that the NAS wrote that there was a lack of suitable repository sites in the Coeur d'Alene Basin. He said this was the NAS' observation about what sites were known to exist at the time (2003-2004). When the NAS was conducting research on the Basin, the East Mission Flats site had not yet been identified.

- *Concern about why agencies say that the repository has to be built in a flood plain.* Responding to John Lawson saying that one of the criteria for siting the repository is that it needs to be in the flood plain, one participant asked what rule said that. If there was such a rule, he asked, why couldn't it be changed? He said he had worked in government and knew that changing such rules could be done. He asked why the repository couldn't be up on a ridge somewhere. (Another participant said that putting a repository on a ridge would risk having waste erode down into lower elevations during a rain storm.) Kootenai County rules, one participant added, dictate that if you want to build in the county, it has to be above the 100 year flood line. He asked why the repository couldn't be built on a pad of clean fill that would elevate it to that height.

John Lawson explained that EPA Region X policy is that repositories for the Basin cleanup need to be within the "area of contamination." In the Lower Basin, because of historical flooding, the "area of contamination" is largely defined by the flood plain. Therefore, he said, any repository will likely be within the flood plain. He noted that although the site is in the flood plain, it is not in a "floodway"—that is, it is not next to the river bank where a flood may come and wash it away. As for building on a pad that would elevate the repository above the flood line, he said that doing so would either raise the height of the repository (making it even more visible) or seriously diminish the capacity of the repository. He said there were other things that could be done to maintain the integrity of the repository in a flood event and keep the contamination from leaving the site (e.g., compaction, silt fences, etc.).

- *Concerns about poor repository management*. One participant brought in a display showing pictures of the Page repository in Smelterville, including pictures of disposed tires, refrigerators, and other materials that were not part of the cleanup. She worried that the same thing would happen at the EMF repository, no matter how good the intentions were. She wanted to know how DEQ and EPA would prevent this from happening. Another participant was concerned that wetlands were filled in at the Page repository.

Terry Harwood said that the Page repository was not managed by Idaho DEQ, which would manage the EMF site. The cleanup in the Box, which generated the waste stored at Page, was done by the mining companies. He said that citizens should look to the Big Creek site, which is managed by Idaho DEQ, as an example of how the East Mission Flats site would be managed. He noted that it is not legal to haul non-cleanup related waste or garbage into a repository—it is only for "mining-related materials." Terry said that as long as DEQ is controlling the site, this will be enforced. On the issue of wetlands at the Page repository, Terry said that the area in question was an old tailings pond. This area was not considered a wetland because it was so contaminated that animals were coming into the area and dying.

- *Concerns that the EMF repository will be used for waste coming from outside of the area*. Participants asked for assurances that the EMF repository would not be used for waste from outside of the area. Some people were concerned about taking waste

from other areas within the Basin (e.g., Harrison, Dudley), some were concerned about contaminated dredge material from Coeur d'Alene Lake, and some were concerned about taking waste from other States in the region. One participant was concerned that in the future, the financial incentive to bring in waste from outside of the area may become too strong to refuse.

Ed Moreen said that the repository would only accept waste generated in the Basin, including Harrison. Terry Harwood said the repository wouldn't take waste from Coeur d'Alene Lake because there is no CERCLA action on the lake. He said that CERCLA rules say that waste for repositories has to come from CERCLA actions; moreover, the repository is designed to only take the kind of waste generated in the Basin. Terry Harwood and Ed Moreen said that even without such rules it wouldn't make any sense to accept waste from outside of the Basin, because that would take away valuable repository space for waste generated in the Basin.

- *Questions about whether DEQ and EPA had fully evaluated all possible sites.* One participant said that he didn't think the agencies had evaluated all possible sites. As an example, he said he lived on property that might be suitable and no one asked him about it.

John Lawson said that DEQ had enlisted a local real estate agent to assist in identifying properties that were available. They did not go door to door asking if property owners were willing to sell.

- *Concerns about <u>how</u> the repository will be controlled.* One participant said that the agencies were providing reassurances that the repository would be controlled in case of a flood event, but haven't described <u>how</u> it would be controlled.

John Lawson said that the bottom 15 feet of the repository will be designed to be structurally sound and to keep contaminants in the repository in the case of a flood. He said that the engineers have looked at various structural materials could be used to hold the repository in place.

Participants also presented the following additional views and issues:

- *Agencies have not followed up on the NAS report recommendations related to human health.* One participant noted five areas identified in the NAS report where she felt that agencies have not increased their efforts. These were: increased blood lead testing of children, long-term funding for human health interventions, addressing dissolved metals in groundwater, the need for appropriate repositories for contaminated and excavated materials, and addressing contamination and re-contamination from flooding in the Basin.

- *DEQ and EPA have not followed their own siting and design criteria described in the ROD.* One participant listed siting and design criteria outlined in the ROD, including preventing surface and groundwater impacts, complying with all applicable or

relevant and appropriate requirements (ARARs) and community acceptance. She said that none of them had been met. She said that over 500 people signed a petition opposing the repository location.

- *Questions about why all of the other sites evaluated had been rejected.* One participant said that DEQ had told citizens that 400 sites had been evaluated, and only East Mission Flats fit the criteria. But, she said, no information on the 399 other sites is available. She said that the agencies should "go back to the table and look at the other 399 sites" or look at different technologies to deal with contamination.

- *Concern that most local residents didn't know about the site until a newspaper article in April 2007.* One participant said that it was only with an article published in the Spokesman Review that many residents found out about the site. At that time, they found out that the location of the site was a "done deal."

- *Concerns about the adequacy of dust control.* One participant cited an example of "dust rolling in huge clouds" in the area of the Central Impoundment Area (CIA) ponds in Kellogg and she was skeptical that dust control at the repository would work.

- *General opposition to the site.* Some participants called the repository "totally unacceptable," and said "we will do anything in our power to stop this."

- *Concerns that agencies are not using innovative technology, such as phytoremediation.* One participant asked why technologies such as phytoremediation were not being considered. She cited an example of using strawberries to absorb contamination.

- *Concern that the repository will harm adjacent wetlands and the waterfowl that use them.* One participant said she was surprised that others hadn't brought up the issue of harming wetlands and waterfowl. She said that the site is less than a quarter mile from an active wetland used by migratory birds that are "thriving in this area to a certain extent."

- *The picture of the historic dredge pipe was not actually the pipe at East Mission Flats.* One participant said that the historical picture used by EPA and DEQ in their presentations was not actually the dredge pipe used to ferry contaminated sediment from the river to Mission Flats. He said his father-in-law worked on the dredge and he had a piece of the pipe. He said that if the agencies can't get the picture right, how could they be trusted on anything else.

- *Concerns that DEQ and EPA haven't been clear about what decisions have already been made and what influence public input can have.* One participant said that DEQ had said it was accepting comments on the location of the repository and then said that it wasn't accepting those comments—the site had already been selected.

Next Meeting/Upcoming Events

The next BEIPC Board meeting will be held on November 14, 2007.

Presentation of Citizen Comments to the Basin Commission Board

October 16, 2007

Written Comments

There were no written comments submitted.

Verbal Comments

Verbal comments provided at the October 16, 2007 CCC meeting are reflected in the CCC meeting summary and are paraphrased below. The first set of comments was made during the first hour devoted to general CCC business. The second set of comments was made during the discussion of the East Mission Flats Repository. Where possible, comments are attributed to individuals. In many cases, however, meeting participants did not identify themselves and attribution was not possible.

Comments	Commenter
General CCC Business (6:30-7:30 PM)	
The Lake's water quality is affected by the level of dissolved oxygen and the potential for release of metals from the sediment.	*Bonnie Douglas, CCC Member*
The BEIPC should take a leadership position on the issue of managing contaminated sediment that may be dredged from Coeur d'Alene Lake and the Spokane River.	*Julie Dalsaso, CCC Member*
A number of counties and cities in the Basin (e.g., City of Coeur d'Alene, City of Post Falls, Kootenai County) are reviewing their comprehensive plans, including their ordinances related to contaminant management and soil disturbance. Local planners are interested and would like technical assistance to review soil disturbance ordinances, and related policies and management activities. There are other time-sensitive opportunities as well. For example, the Idaho Department of Lands is taking public comment on rule changes regarding excavation and dredging of shorelines and lake bottoms. Other ideas to consider are: • Looking at dredging fees as a source of funding for contaminant management; • Developing a map showing where contaminated areas overlap with local jurisdictions; and • Examining the Uniform Environmental Covenants Act, which has been enacted in both Idaho and Washington and could be utilized as a bi-state tool to tag public trust resources as contaminated and to promote public record disclosure of contaminants for future land	*Julie Dalsaso, CCC Member*

planning.

I am concerned that some properties are getting re-contaminated and requiring re-remediation.	*CCC Meeting Participant*
More should be done to control run-off as a result of logging operations.	*CCC Meeting Participant*
One reason that there is a low response rate for the blood lead testing program is that it isn't clear whether there is medical intervention available for children that show high levels of blood lead.	*CCC Meeting Participant*

East Mission Flats Repository (7:30-10:00 PM)

The following comments and questions are paraphrased from the discussion of the East Mission Flats Repository and categorized by topic. They are not direct quotes, but they do seek to accurately reflect participants' views on the range of topics raised at the meeting. Because most speakers did not identify themselves, the comments are not attributed to any particular individual.

Blood Lead Levels

- The slide suggesting a correlation between soil cleanup and blood lead levels is inaccurate and deceptive because only a small percentage of children have had their blood tested, most lead exposure occurs in the home (e.g., from lead paint), and lower blood lead levels may mean that the lead has moved elsewhere in the body. The National Academies study critiqued the blood lead testing efforts in the Basin and recommended that every child be tested; EPA hasn't done enough to improve blood lead testing and intervention.

Yard Cleanup

- It doesn't make sense that my neighbor's yard was cleaned up but not mine. What natural processes could possibly result in such different contamination levels in adjoining properties?
- Growing up in this area, I remember people bringing in mine tailings as fill for residential properties.

Repository Visibility

- The balloon shown in a picture taken from the Cataldo Mission to illustrate the visibility of the repository wasn't in the right location.
- I don't understand why all of the concern is about visibility from the Mission rather than people's houses, local roads, and other places that residents spent time.

Flooding and the Repository

- I went to a meeting with the Federal Emergency Management Agency (FEMA) in Cataldo, and FEMA said it wouldn't allow people to put any structures in that area—even structures on stilts.
- Federal rules don't allow restricting a floodplain.
- In past flood (e.g., 1974, 1996) water was over lanes of the highway, and the narrow area along East Canyon Road east of the site was channeling high volumes of water.
- I remember my father and brother riding 6-8 foot waves in the area east of the repository in a canoe in 1974 to get home during a flood.
- The location of the repository is like "building a dam in a dry river bed; " narrowing the channel will only speed the flow of flood waters.
- Why isn't there more effort to reduce floods in the first place (e.g., above Cataldo)? It seems to be flooding more and more often.
- Agencies are reassuring us that the repository will be controlled in case of a flood event, but they haven't described <u>how</u> it would be controlled.

Concern About Contamination from the Repository to the River and Nearby Wetlands

- Can DEQ guarantee that contamination from the repository won't infiltrate back into the river? What will the response be if contamination does reach the river?
- I can't understand why adding more contaminated material to the area won't increase the hazard. Why isn't there a barrier or liner?
- Existing culverts under the highway and access to a boat ramp will allow floodwaters to return back to the river from the area of the repository.
- It doesn't matter if the area is already contaminated: "two wrongs don't make a right."
- Will the new material be more water soluble than the existing contamination?
- I am surprised that others haven't brought up the issue of harming wetlands and waterfowl. The site is less than a quarter mile from an active wetland used by migratory birds that are thriving in this area to a certain extent.

Contamination of Drinking Water and the Mission's Lawn

- I am worried that contamination from the site will infiltrate groundwater and pollute my drinking water well. Water comes into my well before it hits the area's layer of clay.
- Will drinking water wells be monitored?
- I am concerned that people may be exposed to contaminants if the water used to water the Mission's lawn is contaminated. Many people, including children, lounge on the front yard of the Mission.

EPA Inspector General Investigation

- Local citizens requested an EPA Inspector General investigation of the repository, and I have just heard that the investigation would go forward. EPA should halt work on the repository until the Inspector General investigation is completed.

Repository Siting and Location

- DEQ and EPA have not followed their own siting and design criteria described in the ROD, including preventing surface and groundwater impacts, complying with all applicable or relevant and appropriate requirements (ARARs) and community acceptance.
- Over 500 people signed a petition opposing the repository location.

Location of the Repository in the Flood Plain and Suitability of Other Sites

- The National Academies study concluded that there was not a suitable disposal site in all of the river valley. Agencies are "sticking their necks out" by ignoring this conclusion.
- What rule says that the repository needs to be build in the floodplain? Why can't it be changed? I worked in government and know that such rules can be ignored or changed.
- Why can't the repository be built up on a ridge somewhere?
- Putting a repository on a ridge would risk having waste erode down into lower elevations during a rain storm.
- Kootenai County rules dictate that if you want to build in the county, it has to be above the 100 year flood line. Why can't the repository be built on a pad of clean fill that would elevate it to that height?
- DEQ said it evaluated 400 sites, but no one has told us anything about the 399 other sites.
- Agencies should go back to the table and look at the other 399 sites or look at different technologies to deal with contamination.

Repository Management

- At the Page repository in Smelterville, there are disposed tires, refrigerators, and other materials that were not part of the cleanup. I'm worried that the same thing will happen at the East Mission Flats repository, no matter how good the intentions are.
- Wetlands were filled in at the Page repository.
- The agencies haven't evaluated all possible sites. I have property that might be suitable, and no one asked me about it.

- I am skeptical that dust control at the repository will work. I saw "dust rolling in huge clouds" in the area of the Central Impoundment Area (CIA) ponds in Kellogg.

Where Will the Waste Come From?
- I want assurance that the repository will not be used for waste from outside of the area.
- In the future, the financial incentive to bring in waste from outside of the area may become too strong to refuse.

Response to the National Academies Study Recommendations
- There are five areas identified in the NAS report where agencies have not increased their efforts: increased blood lead testing of children, long-term funding for human health interventions, addressing dissolved metals in groundwater, the need for appropriate repositories for contaminated and excavated materials, and addressing contamination and re-contamination from flooding in the Basin.

Communication About the Repository
- Most local residents didn't know about the site until a newspaper article in April 2007 in the Spokesman Review. By that time the location of the site was a "done deal."
- DEQ and EPA haven't been clear about what decisions have already been made and what influence public input can have. DEQ said it was accepting comments on the location of the repository and then said that they weren't accepting those comments—the site had already been selected.

General Opposition to the Repository
- This repository is totally unacceptable.
- We will do anything in our power to stop this.

Alternative technologies
- Why aren't technologies such as phytoremediation (e.g., using strawberries to absorb contaminants) being considered?

Picture of the Dredge Pipe
- The historical picture used by EPA and DEQ in their presentations is not actually the dredge pipe used to ferry contaminated sediment from the river to Mission Flats. My father-in-law worked on the dredge, and I have a piece of the pipe. If the agencies can't get the picture right, how can they be trusted on anything else?