

Meeting Minutes

5/3/2002

Notes for the May 3, 2002 Basin Environmental Improvement Project Commission

Meeting Location: USFS CDA River Ranger District Office, Silverton, Idaho

Commissioners Present: Steve Allred, DEQ

Jack Buell, Benewah County

Sherry Krulitz, Shoshone County

Chuck Matheson, CDA Tribe

Dick Panabaker, Kootenai County

Observers Present: Tony Grover, Washington DOE

Mary Jane Nearman, EPA

Staff Present: Phil Cernera, CDA Tribe

Luke Russell, DEQ

Note Taker: Rob Hanson, DEQ

Notes

Sherry Krulitz opened the meeting at 1:20 pm with introductions of those at the discussion table and those in the audience.

Agenda Items

Commission Governance Consideration

Election of Interim Chairman – Dick Panabaker made the motion that Sherry Krulitz serves as the interim chairman. Jack Buell seconded the motion. Steve Allred called the question. Motion was passed unanimously with Sherry Krulitz abstaining.

Interim Staffing – Steve Allred seconded Luke Russell to the Commission. DEQ will pay all of Luke's salary costs. Chuck Matheson indicated that Phil Cernera will provide staff support to the Commission on behalf of the Tribe. Clerical

support for the Commission will be funded by EPA through the DEQ and the Tribe. Dick Panabaker moved to accept the offers to provide staffing. Chuck Matheson seconded and called the question. Motion was passed unanimously.

Operating Procedures and Procedures Development – Sherry Krulitz identified concerns about language in the Statue (39-8106.9) that excluded the County Commissioners from fixing and determining priorities, budgets and the annual work plan. Steve Allred indicated that the intention was for the County Commissioners to be fully involved. Steve Allred will ask the Attorney General's Office to provide a legal opinion. Curt Fransen of the AG's Office indicated that a possible interim fix would be to address this concern in an agreement between the Counties and State and other Commissioners. The legislature would need to make the change in the language of the statute. Both Chuck Matheson and Mary Jane Nearman indicated that they would support full participation by the County Commissioners.

The discussion then moved to the financing authorities for projects in the Basin. Steve Allred described that there are two sources of money - two million dollars from EPA and \$1M from the State of Idaho. The EPA money would be provided to the Commission through an EPA Clean Water Act grant. It is thought that this grant money needs to be obligated by September of 2002. The State money needs to be obligated July 1 for the year that it was appropriated. The projects have not gone through any public comment. Today's meeting to the Commission is the first time the projects have been brought forward publicly. The State money would be spent through the DEQ process since the Commission at this time has no means to accept money. The \$2M will also likely need to go through an existing process so that the money can be provided to the Commission. There was discussion about letting the EPA money go through DEQ.

Steve Allred moved that Staff develop draft polices and procedures based upon the index provided the Commission. Chuck Matheson seconded and called to question. Motion passed unanimously. Luke Russell indicated that it would take several months to complete draft policies.

Meeting Location and Frequency – The next meeting will be June 5, 2002 in Kellogg. It was discussed the meetings should be located in the area where work is to be done. It was proposed that monthly meetings would be appropriate at least for now.

Funding Request for Commission

DEQ proposed to be the fiscal agent for the Commission in regard to the EPA CWA grant. DEQ will not charge any overhead for acting as the fiscal agent. All of the \$2M would go to the Commission. Phil Cernera asked if some of the money could go to the Tribe. No motion was made in regard to DEQ proposal or the Tribe's request for some funding.

Initial Project List Consideration

The Commission was referred to the Proposed 2002 Project Plan. There was discussion about the proposed yard sampling and remediation work. Ron Roizen of the Shoshone Natural Resource Coalition expressed concern that this work is being proposed despite the negative comments submitted to EPA on yard remediation. Steve Allred responded that the work is a voluntary program and that yard cleanup of yards with high lead levels will help with HUD disclosure requirements and DEQ wants the communities to get completed first so that they will not be part of the ROD work areas. Mr. Roizen indicated that the property owners didn't have the scientific knowledge to make the decision about their property and that making the program voluntary does not address the scientific and fiscal issues. The Commission also discussed the Rex mine project. Chris Pfahl of Asarco indicated that he is part owner of the site and is in favor of the work. The question arose about whether this Basin money could be spent in the Box to do yards there. Steve Allred indicated that the work in the Box is to be done by the Upstream Mining Group as their obligation under a consent decree. This issue is currently in court. It was also discussed that the Commission may not be able to take on some of the work in the Box. This will need to be worked out in the future. Sherry Krulitz indicated that it was important for the Commission to be clear on its scope so that the public will also know the scope of the Commission work. Luke Russell presented the rest of the tasks in proposed project plan. The Commission decided to hold a public meeting to get feedback on the projects. This will be done on an expedited schedule to facilitate submittal of the grant application to EPA. It was decided that Luke Russell will coordinate with Sherry Krulitz to set up a time and place for the public meeting prior to the next Commission meeting.

Basin Record of Decision

Mary Jane Nearman of EPA indicated that the ROD is expected in June.

Lake Management Plan Revision

Phil Cernara indicated that the process is underway. The purpose of the revision is to look at what parts of the plan are being or have been implemented. A meeting will be held May 15th for the forestry and agricultural people. The question of the role that the Commission would play was brought up. It could serve as a forum for public input. Ed Tulloch of DEQ indicated that he thought the July 1 schedule was attainable. The timeframe for deletion of the Lake from the Superfund Listing was also discussed. Mary Jane Nearman indicated that the Tribe and State needed to concur that the Lake Management Plan was acceptable and being implemented. Once that occurs, EPA will initiate the deletion. This process can take six months or longer.

Advisory Group Formation Process Consideration

Chuck Matheson had to leave to attend another meeting.

Policy Development Process – Steve Allred indicated that there needed to be two components to groups. One group would be technical but not only made up of staff. The other group would be a public group. Sherry Krulitz suggested the Commission might want to have an upper and a lower Basin group. Jack Buell and Dick Panabaker agreed with that suggestion. Ron Roizen recommended developing a Commission web page. There was agreement that there would be new groups established for the Commission. Staff was directed to talk to the various groups and brief the Commission on their findings.

Public Comment Opportunity – Sherry Krulitz indicated that public comment had been taken as they go. Additional comments were taken. Ron Roizen asked if the State were going to put off its pilot yard remediation program. Steve Allred said no it would not. Kathy Zanetti asked if the proposed projects required a ROD to be implemented. The answer was no.

The meeting was adjourned at 4:10 pm.