

10-8-03 Citizen Coordinating Council Meeting

Kootenai County Administration Building, 6:30pm, Coeur d'Alene, ID

Attendees (who signed in and/or announced themselves)

Neil Beaver	Jana McCurdy
Bret Bowers	Woody McEvers
Jerry Boyd	Mike Mihelich
Lloyd Brewer	Ed Moreen
Bill Carter	Suzan Scott
Roland Craft	Rusty Sheppard
Jack Domit	John Snider
Frank Frutchey	Kristy Reed Johnson
Rose Frutchey	Luke Russell
Rog Hardy	Kathy Zanetti
Toni Hardy	Nick Zilka
Terry Harwood	

Meeting Overview

The October 8, 2003 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission) covered the following topics:

1. CCC Draft Operating Practices and Procedures
2. Proposed projects (recommended to the TLG) for 2004 Clean Water Act (CWA) funding
3. Proposed draft CERCLA workplan (prepared by EPA for CCC/TLG consideration)
4. Basin Environmental Monitoring Plan
5. Other Basin Commission activities and updates

Opening

John Snider, CCC Chair, welcomed participants to the meeting. He asked attendees to introduce themselves and state whether they are commenting on behalf of themselves or a larger organization or group.

CCC Organizational Practices and Procedures

Woody McEvers, CCC Vice-Chair, opened discussion of the CCC Organizational Practices and Procedures document by asking Neil Beaver to explain wording changes being recommended by the Lands Council. [These recommended changes are reflected in the September 23 draft of the document that was circulated to the CCC on October 1] Neil communicated a number of concerns, including:

- Members may have conflicts of interest related to Basin Commission activities and decisions (e.g., when being asked to react to or vote on proposals for activities from which they stand to gain financially);
- The CCC needs additional procedures for removing the Chair and/or Vice-chair; and
- CCC members are having non-public meetings with Basin Commission commissioners immediately before Basin Commission meetings and without the knowledge of other CCC members. Neil expressed a related concern that such meetings are resulting in presentations by CCC members to the Board that are not previewed by the rest of the CCC.

Meeting participants discussed these concerns and offered the following related comments.

Re: Conflict of Interest Language

- Who determines when a conflict of interest exists and what constitutes personal gain (e.g., financial, political...)?
- Isn't conflict of interest an individual perception?
- Possibly, add a paragraph suggesting that if a CCC member perceives that another property owner may realize a personal gain from any specific outcome or decision (and therefore have a conflict of interest), a meeting should be called between interested parties.
- Anyone is free to point out a perceived conflict of interest. There is no need to meet about such specific concerns.
- Citizens who choose to participate in Basin Commission activities do so because they have a strong interest in the outcomes of the Commission's actions. Therefore, all participants will likely have a perceived conflict of interest at one time or another.
- To be successful, the CCC will have to govern itself. Adding language to the protocols is not the right approach.

NOTE: At one point during this discussion, a CCC member made a motion to excuse all participants who were being paid to attend the meeting (and therefore, were benefiting financially). The motion was seconded. Another member called for a point of order, at which point the Chair accepted the point of order and tabled the motion.

Re: Non-public meetings

- The Basin Commission commissioners are political appointees. The first Amendment to the Constitution entitles citizens to petition their political representatives. Therefore, individual CCC members should not be required to notify the rest of the CCC when contacting any of the commissioners.

General

- Any proposal presented to the Basin Commission Board (by CCC members) should first be put out for comment to the CCC.
- Certain CCC members work (e.g., those who serve as TLG members) at the pleasure of Basin Commission commissioners. The CCC has nothing to say about that or anything the commissioners ask their representatives to do.
- The Basin Commission should set up a “graphic organizer” on email or the Basin Commission website for the purpose of posting information about upcoming meetings, field trips, comment review deadlines (or other major milestones) and to facilitate information-sharing.

CCC Show of Support

A motion was made and seconded to accept the 7-17-03 version of the Operating Procedures and Practices. Woody called for a show of hands to determine how many were in favor.

Nine (9) CCC members voted to advance the original (7-17-03 version) Operating Practices and Procedures document.

Five (5) CCC members voted against.

The CCC Chair will present this information to the Basin Commission Board at its next meeting.

Clean Water Act Proposals

Next, Luke Russell, Idaho DEQ, reviewed the 12 proposals that have been proposed for CWA funding. Luke reminded the CCC that approximately \$1.8M was appropriated under CWA 104(b)(3) to support demonstration (education/pilot-test/experimental) projects in the Coeur d’Alene Basin. The TLG is responsible for recommending to the Basin Commission Board which of these proposals receive CWA funding. Luke then reviewed a “project evaluation and rating matrix” that TLG members will use to rate and prioritize the various projects at their October 21 meeting. The matrix considers several different factors, such as “Project Scope” and “Implementability.” CCC members are encouraged to fill out this matrix as well (one for each project) and are asked to pay special attention to the “Community Interests” factors (section 4). Citizens’ matrices will be tabulated by the EPA contractor (Ross & Associates) and shared with the TLG at their October 21 meeting. The TLG’s priority list will go forward to the Board for discussion on November 12. The CCC’s ratings (tabulation plus original comments) will also be circulated to the Board at that time.

CCC members offered the following comments:

- Focus on projects upstream (e.g., at the headwaters) first. Otherwise, we run the risk of recontamination (when upstream contaminants move downstream in later years).

- Think about these projects as presumptive remedies that are being tested for possible later use.
- Think about projects accepted for funding as treatability studies.
- Several of the proposed projects seem to intersect/work together. Possibly, propose these together as phased projects.

The project descriptions and project evaluation and rating matrix were handed out at the meeting (or mailed to CCC members) on October 9. Please return completed evaluation matrices to Anne Dettelbach, anne.dettelbach@ross-assoc.com (or, fax to 206.447.0956) no later than October 17, 2003.

Please contact Phillip Cernera, TLG Chair, 208.667.5772, with any questions about the proposed projects or evaluation process.

Descriptions of the project proposals can be found on the Basin Commission website at: <http://www.basincommission.com/TLGCWA.asp>.

CERCLA Proposed Workplan

Luke Russell then reviewed the proposed 2004 CERCLA workplan. This workplan was prepared by USEPA at the TLG's request and includes pipeline funding requests (to cover remedial design projects) and remedial action projects (to cover on-the-ground work). EPA Region 10 will compete nationally for funding dollars.

Meeting participants offered the following comments:

- Does DEQ expect to have an institutional controls plan in place by December? [A: This is an optimistic projection. However, developing an ICP is important to help control blowing dust and human exposure to contaminated soils.]
- The location and readiness of the repositories is of great concern to citizens. If contaminated soils are not carefully managed, then recontamination is likely and the problems will expand. Prioritize funding to secure locations for and design repositories. [NOTE: The Panhandle Health District is trying to establish criteria for evaluating potential repository sites, including depressions around the Coeur d'Alene Basin. They are examining at how liability would be assigned and what types of institutional controls will be necessary to protect human health.]
- Is EPA pursuing removal action monies for Coeur d'Alene Basin projects? [A: Not at this time.]
- If USFS projects cannot be funded under CERCLA, why are they mentioned in the ROD Implementation Plan Summary? [A: Including their projects on the EPA Implementation Plan Summary helps convince the USFS funding committee that this project is important because it dovetails with CERCLA activities in the Basin.]
- The Basin Commission should consider applying treatment on repositories to tie up heavy metals (so that they are no longer water-soluble). This approach may be viable in the Upper Basin and elsewhere and may be a useful approach where total removal

is not viable. Several meeting participants supported developing a proposal to explore this option. Others cautioned that such an approach is useful on an emergency basis but should not be seen as a remedy or substitute for an ICP.

National Academy of Sciences (NAS) Study Status

Ed Moreen, USEPA, reported that the NAS committee has not yet been finalized (and therefore have not begun their analysis). The NAS is planning to conduct a site tour in the next several months. The CCC is interested in regular updates on the NAS study.

Basin Environmental Monitoring Plan

Next, Luke Russell reminded the CCC that the Record of Decision (ROD) calls for the establishment of a Basin-wide environmental monitoring program (or, BEMP) to monitor long-term environmental trends in the Basin and support assist with CERCLA-mandated five-year reviews. Approximately \$300,000 will be allocated annually to support these efforts. Luke then described a draft BEMP prepared for the TLG's consideration (and currently under review by the CCC and the TLG) that describes a plan for monitoring surface water quality, sediment quality, and biological resources. Luke reminded the group that the BEMP does not cover lake monitoring and does not address groundwater quality.

The TLG will discuss the proposal on October 16 and include a copy of its final proposal in the October 29 Board packets.

Citizens are invited to comment on the proposed BEMP. Please send comments to Anne Dailey, USEPA, dailey.anne@epa.gov, or 206.552-2110 (phone). Comments are due by October 15, 2003.

Executive Director Hiring

Luke Russell reported that he had received several comments on the Executive Director job description and would work with the core staff group to distill the comments and revise the job description for the Board's review. The core staff will also continue to work with IDEQ to prepare a proposal for establishing the Basin Commission's fiscal structures and policies (so that it may directly hire the Executive Director and any other needed staff). Once the Board approves the job description, the position will be advertised and the Board will form a hiring committee (possibly to include CCC and TLG representatives). Hiring may take place as soon as February 2004. Initial staff funding is expected to come from grant monies and, possibly, an Idaho state appropriation.

Meeting participants were interested to know whether coordination was anticipated to be an important part of the Executive Director's job [A: Yes, definitely] and how this person would interface with the core staff group. The group noted that the Executive Director would need to bring a broad range of expertise to the position.

Miscellaneous

Frutchey Streambank Stabilization Project: Nick Zilka (IDEQ) indicated that the project is undergoing a regulatory review by the agencies involved. Rose Frutchey expressed some frustration with the USFWS' findings that cow traffic is a major concern (given that cows fall outside the USFWS' jurisdictions). Frank Frutchey indicated that he had invited USEPA to visit the site but had been unable to persuade them to do so. The Frutcheys asked Nick to assist them in getting EPA staff to their property.

Bulltrout: Toni Hardy asked for an update on whether the bulltrout that had been collected was confirmed (via DNA testing) to be a bulltrout. No one at the meeting could confirm this for the group.

Next Meeting/Upcoming Events

The next Basin Commission Board meeting will take place in Council Chambers, 408 Spokane Street, Post Falls, ID on **November 12, from 10 AM to 3 PM.**

The next Technical Leadership Group meeting will take place on October 21.

The CCC asked Anne Dettelbach to check with Luke Russell about the timing for finalizing the TLG's recommendations on how to expend the CWA monies. Meeting participants might want to meet before the Board meeting (assuming the recommendations can be prepared quickly after the TLG's October 21 meeting) but were concerned about securing a date well-enough in advance of the Board's meeting. John Snider and Woody Evers will determine whether such a meeting can be scheduled and let the CCC know. Otherwise, the CCC will plan to meet in early December to discuss what support the group will need to be sustainable and productive over the long-term. Either way, John Snider and Woody McEvers will be in touch to select a date for the CCC's next meeting.

[NOTE: Luke Russell indicated that does not expect to finalize the TLG's recommendations until around October 28. Anne Dettelbach will work with John Snider and Woody McEvers to determine the next CCC meeting date.]