

BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
November 19, 2008
Centennial Distributing
701 W. Buckles, Hayden, Idaho

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners:

Mr. Jack Buell
Mr. Jon Cantamessa (Chair)
Mr. Rick Currie (Vice Chair)

Alternates Present:

Mr. Phillip Cernera
Mr. Curt Fransen
Mr. Grant Pfeifer
Ms. Michelle Pirzadeh

Staff Present:

Ms. Jeri DeLange
Mr. Rob Hanson
Mr. Dave George
Mr. Ed Moreen
Ms. Rebecca Stevens

1) Call to Order: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County), called the meeting to order at 8:45 a.m. He announced that Commissioner Elin Miller (EPA) was unable to attend, but had designated an alternate, Ms. Michelle Pirzadeh. He introduced Ms. Pirzadeh and welcomed her to the BEIPC; and led everyone in the flag salute.

2) Approval of Minutes from May 14, 2008 Meeting: Commissioner Cantamessa indicated the BEIPC did not have a meeting in August because of the BEIPC field trip. He asked if anyone had additions or corrections to make to the draft minutes from the May 14 BEIPC meeting. Commissioner Rick Currie (Kootenai County) suggested waiting until Mr. Phillip Cernera (CDA Tribe) arrived before approving the draft minutes. The other BEIPC Commissioners agreed.

3) Discussion and Approval of BEIPC Meeting Guidelines Amendment: The BEIPC Executive Director, Mr. Terry Harwood, provided background information for the amendment on the BEIPC meeting guidelines. He said that two motions were made at the last meeting to make changes to the language. One pertained to technical presentations at BEIPC meetings and that they should be presented to the TLG first, so members would have the opportunity to brief their respective principles (i.e. Commissioners). The other was to give the Executive Director more

flexibility to move things around on BEIPC agendas based on the type of discussion and to allow an adequate period of time for public input. Mr. Harwood said he wrote a draft and three or four reiterations that he shared with the TLG on conference calls. However, it became evident the one motion requiring a 3 week time period for the TLG to look at all issues of a technical nature prior to a BEIPC meeting was going to be a problem. The amended #5 draft is the one the TLG came up with and voted on. It was not unanimous, but was approved as a compromise to deal with the two motions. Subsequent to that, Kootenai County had a minority position on one topic. He suggested reviewing that section as the rest was approved by the TLG.

Mr. Harwood indicated that Kootenai County wanted to change the last sentence in the third bullet to read, "... that if the item is of a technical nature, ED (i.e. Executive Director) will submit the technical proposal to the TLG for information only prior to the BEIPC meeting." They feel the change is necessary to ensure the public's right to free speech is not violated. He thinks Kootenai County's position is that "review" makes it sound like they have the authority to say no, this technical paper cannot be presented to the BEIPC, so that's why they are saying for information only. That is the point of contention, whether or not the interpretation of the word review means the TLG could somehow trump someone's ability to make that technical presentation to the BEIPC.

Mr. Cernera said that when he put forth the previous motion, he did not mean to pre-empt or trump anything, merely to do what the TLG is responsible to do to vet technical information. He's a little concerned with the concept of information only versus review because it may potentially trump anything that might follow as the result of a position coming before the technical paper getting in front of the BEIPC. They may want to make some decisions based on that paper. So, his concern is that "information only" may confine or restrict what may happen for a post review of that document or presentation.

Commissioner Cantamessa emphasized the idea is to allow someone to bring something before the BEIPC and for the Commissioners to have some prior knowledge of it, so they may participate in the discussion. Mr. Curt Fransen (IDEQ) said the information only language assumes it is not intended to prevent the TLG from considering the proposal. Mr. Harwood noted that it allows the TLG to review presentations of a technical nature, so if there is something you need to talk about to your principals, then it's done. Mr. Fransen asked for clarification that the idea of "information only" language will basically ensure that the TLG will not veto or stop it. Mr. Harwood said correct.

Commissioner Cantamessa suggested that if the language makes Kootenai County more comfortable, that it be adopted that way. Mr. Harwood suggested that review is somewhat necessary, and that we say for review and information both. Mr. Cernera said with that in light, say review and information; and that if Kootenai County feels it's important to codify the fact that this review will not dictate the ability to not present, then add a sentence to codify the intent. Commissioner Currie suggested a motion with that language. Mr. Grant Pfeifer (Washington Dept. of Ecology) said he had some language he thought may work. He brought up that the word "submit" suggests approval, so to replace it with the word "provide" and then drop the word "only" so we're not restricting the responsibilities of the TLG. The sentence would read, "If the

item is of technical nature, the ED will provide the technical proposal to the TLG for their information prior to their meeting". Mr. Pfeifer said he would make that as a motion and asked for a second from Commissioner Currie if he was comfortable. Mr. Cernera seconded the motion. The motion failed with three in favor (Cernera, Pfeifer, Pirzadeh) and four opposed (Buell, Cantamessa, Currie, Fransen).

Mr. Fransen suggested that to make everyone comfortable with the language, another sentence be added to the amended motion (i.e. from the previous motion) to read, "TLG consideration of the proposal shall not prevent this presentation from coming to the BEIPC". Commissioner Cantamessa asked if any of the Commissioners wanted to change their vote on the amendment. The amended motion was approved with five in favor (Cernera, Currie, Fransen, Pfeifer, Pirzadeh) and two opposed (Buell, Cantamessa).

Mr. Harwood clarified the amended language for the motion. "If the item is of a technical nature, the Executive Director will present the technical proposal and/or presentation to the TLG for information and review prior to the BEIPC meeting. TLG consideration of the proposal shall not prevent its presentation to the BEIPC." He indicated the amended BEIPC meeting guidelines will be posted to the website.

4) Approval of May 14, 2008 BEIPC Draft Minutes: Mr. Cernera brought up a correction on Page 4, 3rd paragraph, misinterpretation of language in the second sentence for "private docks". Private docks should be "project ops" and the sentence should read, ".... the judge determined that 50% of the erosion on the St. Joe within the Tribe's waters is caused by project ops (i.e. operations)." Commissioner Currie made a motion to approve the minutes as corrected, seconded by Mr. Pfeifer. The motion passed.

5) Final Report Presentation on CWA Project for CDA Lake Monitoring: Ms. Molly Wood (USGS) made a presentation on the CWA project final report for CDA Lake monitoring titled, "*Recent USGS Studies in Coeur d'Alene Lake*." She indicated that a large study was done by Paul Woods and Michael Beckwith that was published in 1997 based on an extensive monitoring program conducted in 1991-92. The purpose of the CWA project was to develop a mass balance of metals and nutrients, and then compare the conditions in the Lake water quality in the earlier study to the later study. She pointed out that having a long term record of a consistent group of parameters at the same locations in the Lake would improve trend analysis and tracking of changes in the Lake. Future needs are also outlined in the report.

Mr. Cernera brought up that people have inquired how the Lake Management Plan (LMP) can be put out without having this critical USGS information in hand. He asked Ms. Wood and Mr. Glen Rothrock (IDEQ), if they believe any significant changes need to be made in the LMP. Mr. Rothrock said he was surprised by some statistical tests; and that some agreements have been made with IDEQ and the county governments. He noted the LMP is putting a low priority on implementation with groups that are working with stream and riverbank stabilization. Overall, he indicated there were no surprises and that he did not see much to be changed.

Mr. Cernera said that his understanding is that only about 4% of the inputs in the sediment loads are coming from the streambanks and that most of it is coming from the river channel itself. He thinks the BEIPC should look into this to understand how they came up with those quantities and questioned whether it was something to put a priority on especially with limited funding. He asked Mr. Harwood to see about getting the USGS to speak about it to the BEIPC.

Mr. Harwood responded that he is already looking into this issue. He is not sure about sediment load inputs, but thinks the greatest metals loading is in the river bottom itself. He discussed that there may be two different types of loading situations and that we may have to deal with the banks and overland flow for nutrient loading and the river bottom from a metals loading. He thinks the TLG should work on this and said it was a good suggestion.

Break

6) Update on LMP Activities: Mr. Curt Fransen (IDEQ) provided an overview of the LMP process. He mentioned there was a 30-day public comment period that was later extended to 60 days per request. During the summer, the State and Tribe had meetings with various groups and organizations. The comment period closed on August 25. He noted that a major issue raised was considerable criticism about the process to come up with the draft LMP by the EPA, State and Tribe. Other issues raised by comments include the following:

- Some concern about exclusion of data;
- USGS report not being available and that it may change the scope of the LMP;
- Concern the LMP would expand, alter, or vary the authority of responsibilities of the State and Tribe and local governments and other governmental entities who have responsibilities;
- Management action tables in some way not prioritized;
- Concern the draft focuses too much on studies and not enough on actual processes in the Lake;
- Education/outreach component should not be a focus as much as other activities of the plan;
- Some concern the primary goal of the water quality plan was to avoid mobilization of metals;
- Some concern there needs to be more accountability in the future;
- Oversight and input by local entities into the actual implementation; and
- Funding levels and staffing.

Mr. Fransen said that IDEQ met with the County Commissioners on November 12 regarding concerns of including input by the USGS report. They recognized that some county technical reps were not present at the meeting, so they set up a meeting for November 24. He also mentioned there was a discussion on how or whether the counties would support funding for IDEQ's attempt to obtain funds from the Idaho Legislature for implementing the LMP and thinks there was general agreement in some of the cases, and there was general support for that funding.

IDEQ agreed to another meeting on December 9 with the Counties regarding the LMP as they go over the response to comments, and further discussion about future advisory or oversight in implementation of the plan as it moves forward. As far as the funding issue, Mr. Fransen noted there is limitation about what he can say today. IDEQ developed and submitted a budget proposal. However, with their understanding of the shortfall in revenue projections, they are focused on the core program and what is doable. The budget request will be submitted to the Governor's office, but they will not know anything until the Governor releases his budget to the State Legislature. Mr. Fransen commented that it will be a difficult year with the shortfall, but he is hopeful the Governor will support the LMP and the core elements of it. He understands the LMP is a priority in the Governor's office because they do not necessarily feel the Superfund process is an appropriate tool to manage lake water quality. Mr. Fransen then informed everyone the target date for the response to comments package is late December, and the target for releasing the plan is January 2009.

Mr. Cernera said that he would like to add one other comment as the State and Tribe met with U.S. Senator Crapo a few weeks ago. Although the federal government is in an economic crunch (i.e. the same as the State), he mentioned that Senator Crapo did provide some valuable information on potential avenues of funding and that he was still trying to secure some federal funding. Mr. Cernera indicated that the State cannot lobby, but the Tribe can. The Tribe has provided Senator Crapo with a letter about funding some work that may become a job program and put people to work by implementing projects. They will try to figure out some approaches and work with the Senator's staff to move forward with the possibility of some federal funding. However, he is not sure if it will happen.

Commissioner Currie agreed with Mr. Cernera that the State cannot lobby, but asked if the Tribe's funding request letter was for work on the ground or continuing studies. Mr. Cernera said that he thinks it would be work on the ground, but that it may include necessary monitoring components. However, he added that the more bulldozers, the better. He also mentioned that hopefully there will be other avenues such as grants, etc.

7) Update on CWA Financial Report: Mr. Terry Harwood (BEIPC) gave a brief update on the CWA financial report. He noted that all of the 2002 CWA grant projects are completed. The second grant year has only one project remaining and he moved \$30,000 from remaining funding in FY 2003 for additional CDA River streambank work. IDEQ and Kootenai Shoshone Soil & Water Conservation District (KSSWCD) are doing the work and will make the final report next spring. For the Mica Creek project, a DVD was produced which was presented at the State Conservation District convention. He said that it was a good project and a lot of work was done on stabilizing banks and preventing erosion. However, the idea was to produce a process to encourage other private landowners to stabilize for drainages and watersheds that flow through their property. In this case, the landowner did all the work. The final report will be presented at the February BEIPC meeting.

Mr. Cernera asked about the CWA project the \$30,000 was moved to. Mr. Rothrock answered that IDEQ and KSSWCD are doing a river boat survey and working from Cataldo to Harrison on ranking the riverbanks for priority of stabilization potentials. They have taken a lot of samples

for metals content, but are also taking samples for phosphorus in an effort to predict nutrient load from sloughing banks. He indicated the project also ties into the sediment TMDL requirement with the EPA on the lower CDA River. Ms. Rebecca Stevens (CDA Tribe) pointed out they are placing bank pins for future identification of where sloughing is occurring. Mr. Harwood explained this is for setting controls (i.e. like benchmarks), so they can see what it looked liked and how much erosion there was.

Mr. Cernera brought up that in his discussion with Senator Crapo, he mentioned we were very grateful for the CWA funding and the initiative to bring forth that money to the Commission; and he urged him to reconsider bringing forth some more of that money and earmarking it. Mr. Cernera mentioned that Senator Crapo seemed open to that suggestion if there is an avenue to do so.

Mr. Harwood noted there were about 70 proposals for the CWA projects and that we ended up funding about 30. He is pleased with the results and said that most, if not all, are going to be applicable to the things we are doing. The BEIPC ended up with a lot of good data, and we can show the ranchers like the Mica Creek project that it makes sense to stabilize the creek on their property and how it can be done. He feels the money was well spent as we move forward with some of the things the EPA is going to be talking about concerning Superfund remedies.

8) Update on Asarco Bankruptcy: Ms. Michelle Pirzadeh (EPA) provided an update on the Asarco bankruptcy. She said they are trying to renegotiate that deal, but are not certain when they may reach settlement. They are hoping to reach agreement soon. EPA will keep people posted as more details are provided. She also mentioned that people are probably familiar with the “de minimus” parties and that EPA is in settlement negotiation with many of those and currently in litigation with one which they hope to resolve within the next year. Ms. Pirzadeh emphasized that what Mr. Bill Adams will be talking about next regarding ecological planning is very important to refine ecological remedies. EPA is looking at funding from additional resources, not only from enforcement cases, but also from EPA headquarters where they have to have some specific plans in place to compete for the money nationally. They are still working on it, but are optimistic they will get some funding.

9) EPA Ecological Planning Update: Mr. Bill Adams (EPA) said that questions were raised at the May BEIPC meeting about ecological work. For his presentation, the first part will be about ecological planning work and the second part will be about the decision document process which will implement the planning piece. He gave an overview about the interim remedy which identified a large number of sites, but made no effort to prioritize those sites. Some of the sites had a human health risk associated with recreational use, but it was difficult to consider all the possible factors and where you start first for the large number of sites. The Mine and Mill project focus team (PFT) looked at these sites to identify where actions were needed, and also looked at ecological risk in order to not have to come back to sites in the future. The primary focus for ecological work is on water quality.

Mr. Adams pointed out that whatever they get out of settlement and whatever resources EPA has they need to use it efficiently, so they will be dealing with the worst sites first. They also need to

have flexibility in terms of their approach, so they can adjust priorities as they move along and learn from the actions they take (i.e. what is the most effective, and where do we need to take the action) and make those adjustments over time. The first step is development of an estimation process called the “simplified tool” that allows for sorting of sites based on relative loads of zinc and lead and potential benefit of remedial action. The tool can be easily modified and updated over time as additional data becomes available. It also helps to narrow a large number of sites to a more manageable number for further prioritization and action. Mr. Adams said the second step will be a spreadsheet based tool to help make decisions. They will take input from the simplified tool and then apply other factors.

Commissioner Cantamessa asked if they would have projects in place for the next work season. Mr. Adams replied they will identify projects through the decision process and it will be an amendment to the ROD. EPA does not anticipate where they will be implementing these projects next summer. However, once they get the decision document in place, then they will be able to do so. Commissioner Cantamessa asked if the current language in the ROD does not allow EPA to select projects over this next summer. Mr. Adams answered that if it was a high priority project under the current ROD, they would be able to take action at that time dependent upon funding.

Mr. Harwood made a special announcement about the ROD amendment meeting. It will be held on December 4 at Silver Mountain Resort in the Shoshone meeting room. EPA will be inviting the TLG and other technical people. He clarified that it is not a regular TLG meeting, but a special meeting for the purpose of the ROD amendment. Mr. Adams indicated there will be a number of ROD amendment meetings and the TLG, CCC, and the public are welcome to be involved.

10) Enhanced Conceptual Site Model (ECSM) and Overview of the Lower Basin of the CDA River: Mr. Ed Moreen (EPA) made a presentation on the Lower Basin and ecological planning. He displayed some photographs and slides of past flooding which is a problem in the Lower Basin. Because of this, it makes the Lower Basin very susceptible to recontamination as flood waters are high in turbidity and metals content. He also talked about other issues related to the Lower Basin and then brought up the ECSM. It is being developed to help guide effective decision making regarding remedial actions for the Lower Basin. Potential exposure pathways will be identified and evaluated to better understand sources and how the sources are transported. The ECSM will include the following components:

- Compilation of existing data and knowledge;
- Identification of data gaps and recommendations to address them;
- Identification of key parameters and associated levels of uncertainty; and
- Numerical modeling to evaluate and prioritize remedial actions.

Mr. Moreen will be providing updates on the ECSM to the Lower Basin PFT at their January 20 meeting and to the CCC in late January. There will also be additional opportunities for the BEIPC.

11) Additional ROD Amendment Discussion: Mr. Adams brought up one other aspect for the ROD amendment which will be to coordinate activities with the Natural Resource Trustees. He indicated part of the overall goal in the ROD is to reach certain fishery tiers and this cannot be achieved with just cleanup. You have to have habitat as well, so it's important to work with the Trustees on efforts to establish some additional habitat and reach long term goals.

He then informed everyone that the EPA will be working with lots of people on the ROD amendment process. They will be asking for input and will need to go through a remedy review process (i.e. for remedies over \$25 million). There will be a public comment period and response to public comments. Funding implementation agreements will also need to be developed to implement actions. EPA's goal is to issue the decision document by late 2009.

12) Executive Session: Mr. Fransen made a motion to go into Executive Session during lunch to discuss personnel issues. Commissioner Currie seconded the motion; and it was approved unanimously.

Lunch

Mr. Fransen made a motion to come out of Executive Session and return to regular session, seconded by Commissioner Currie. The motion was approved unanimously. Commissioner Canatamessa called the meeting back to order.

13) CCC Comment and Presentation: Mr. Jerry Boyd (CCC Vice Chair) made the CCC presentation as the CCC Chair, Mr. John Snider, was not available. He mentioned that the CCC meeting on October 29 was well attended, and that copies of the minutes and summary of comments are included in the handouts. There was also a letter submitted by Mr. Rusty Sheppard (Kootenai County TLG rep) from the CDA Lakeshore Property Owners and it was submitted as comment as well. He indicated that several concerns were expressed by citizens. One was about the ROD amendment and how may the CCC get involved with the prioritization of the areas to be dealt with under the amended draft. He noted there is a special meeting on December 4 and the members of the CCC are invited to that meeting. He asked that a significant effort be made to try to get the word out to CCC members and suggested the BEIPC Communications PFT may be of help. Mr. Boyd said that Mr. Harwood did an excellent job covering flooding and infrastructure issues. Recreation sites were also discussed by the CCC, and it was suggested that efforts be made to coordinate with state, federal, or other agencies involved (as well as the Recreation PFT), so that the efforts of different agencies are consistent across the board in dealing with the issues of the recreation sites, particularly with contaminated sites and what to do about them.

Mr. Boyd indicated that the LMP response to comments was presented. The CCC has an issue dealing with some concern about the lack of involvement of the counties in the original development of the plan and he noted this comment keeps coming up. He knows that those who were outside of the process have expressed concern about it every time he has talked to them.

Another CCC issue is streambank erosion as 4% of the metals in the CDA River are coming from the bank and the rest are coming out of the bed. He explained that high water events deposit contaminated metals in the sediment of the banks. Then there is usually bank erosion and sloughing, and the sediment ends up on the bottom. He hopes there will be further looking into this issue, but also suggested looking at aerial photography to compare before and after high water to see if high water does not cause a lot of the problems as you always hear about boats and wakes.

Mr. Boyd related that other presentations made to the CCC included a Communication PFT update by Ms. Jeri DeLange (BEIPC) and a Repository PFT update by Mr. Andy Mork (IDEQ). Mr. Mork is currently working on locating additional sites for repositories and would like people to provide suggestions on possible locations. Mr. Boyd said the CCC members who were at the meeting appreciate the opportunity to hear from the different agencies and appreciate their efforts to inform the CCC.

14) Presentation of 2009 Draft One Year Work Plan: Mr. Kenny Hicks (TLG Chair) mentioned the TLG had a meeting on October 14 and members discussed both the one and five year work plans. He indicated that one work plan section led to a minority position that is being presented to the BEIPC today. The TLG also reviewed OU-2 sampling, eco-prioritization, and updates from various PFTs (i.e. Communications, Recreation, and the Lower Basin). Mr. Hicks noted that the LMP was a hot topic and there was lots of discussion. Mr. Harwood then gave an overview of the BEIPC work plan process and reviewed the work plan sections. He pointed out that the TLG agreed to the whole plan except for the LMP section which is under consideration for some changes in wording and will be presented as a minority report.

Commissioner Cantamessa made a comment regarding the section on repositories and suggested that an emphasis be made to work closely with the communities to try and develop repositories that enhance the community and minimize the long term cost of managing those repositories. He believes that it's possible, but that it will take some coordination and compromise on all parts to make that come together.

15) TLG Minority Position on LMP: Mr. Rusty Sheppard (Kootenai County TLG rep) made a presentation on the TLG minority position. He noted the areas of the LMP section that Kootenai County specifically objects to relate to the first paragraph, second sentence, and the last sentence. In the second sentence, it says that the Tribe and the State will prepare an updated LMP and come to the rest of the group to implement it. Since the State of Idaho has been given legal responsibility for land use action in the uplands, Kootenai County feels it is extremely important for the counties to be in agreement with the LMP before it is completed as it is much easier to change the LMP before it is issued, then after. Regarding the last sentence, it says they are going to ask for funding to implement the LMP, and that it was his understanding from what Mr. Fransen said today that a budget request was already submitted and they are asking for funding for implementation of the LMP. He suggested that this means they are asking for the LMP to be accepted sight unseen.

Mr. Sheppard noted that Kootenai County and the rest of the Counties are strongly objecting to certain aspects of the draft LMP. The main thing they are asking for is that there needs to be some sort of approval, or understanding of what the LMP says before Kootenai County can really accept it. If the LMP is released in the January timeframe, then it does not give the Counties an opportunity to support it when they go to the Legislature and ask for funding. There are three areas they object to:

- 1) As proposed, the LMP does not provide the degree of nutrient management that they feel is necessary for the Lake;
- 2) The proposed LMP does not provide implementing any nutrient management procedures for projects; and
- 3) The LMP is described by the Tribe and State as reserving final determination on what priorities will be worked on in the LMP.

Mr. Sheppard emphasized that Kootenai County's position is that the County Commissioners have to be involved in the decision making process and not after the decisions have already been made. Commissioner Cantamessa said the Counties had discussed these issues and are in the process of discussing them with IDEQ.

16) Public Comment on Work Plan: Mr. Fred Traxler (Citizen of Kellogg) made a presentation on prepared comments that he read. These included some of the following issues: Public awareness; economic downturn; governmental actions; EPA; possible future increases in taxes and utility rates; unemployment; Superfund/CERCLA actions; funding; lack of funding sources; additional bond indebtedness; environmental projects; yard remediation; Lake management plan; sediment and nutrient loading; high water events; additional regulations; TMDLs; contaminants; quantification of potential sources of nutrients or contaminants; infrastructure revitalization; repair of roads and streets damaged by excess heavy traffic; OU-2 remedy; ROD amendment; infrastructure improvements; cost estimates; limitations on private property use; planning and zoning restrictions; discouragement from new industry; ICP; resolution of flood control issues; and the importance of being selective.

17) BEIPC Vote on 2009 One Year Work Plan: Mr. Harwood explained that Commissioner Currie had needed to leave earlier in the meeting, but would try to be back later. Commissioner Cantamessa said that normally the BEIPC could proceed without one Commissioner without any problem, but that most of the issues being discussed are very critical to Kootenai County. Mr. Harwood suggested going ahead with the rest of the agenda to see if Commissioner Currie would be back in time to finish the discussion on the work plan.

18) Presentation of Final Draft 2009-2013 Five Year Work Plan: Mr. Harwood made a presentation on the draft five year work plan. He mentioned that it has a lot of the same information as the one year plan, but shows the scope and objectives for the next five years and the agencies involved in the process. He indicated the TLG voted to approve the five year plan with the exception of the LMP section as there was a minority report. Mr. Harwood said that he wanted to clarify with Mr. Sheppard that his minority report for Kootenai County was the same for both work plans. Mr. Sheppard agreed.

19) Public Comment on Five Year Plan: None

20) Update on Communications PFT Activities: Ms. Jeri DeLange (BEIPC) provided an update on the Communications PFT. The PFT has been working on several projects including producing a BEIPC brochure which was used at the East Mission Flats (EMF) 60% design community open house in July and the BEIPC field trip in August. Copies are available at the BEIPC office in Kellogg; and other promotional materials have been developed for public presentations. She mentioned that PFT members, Ms. Bonnie Douglas and Mr. Brian Walker, met with Mr. Harwood to discuss ideas for website improvements. Mr. Harwood will use the suggestions to make some modifications to the website over the next few months. The PFT has also been continuing work on its communications strategy, list of issues of concern, and outreach avenues. During the summer, the PFT helped to promote the BEIPC field trip and invited local legislators to attend from District 2 (Senator Broadsword, Representative Shepherd, and Representative Harwood). The field trip was well attended with the BEIPC providing two buses and the EPA one (she thanked the EPA for providing the third bus). The PFT has also published two articles in the EPA Basin Bulletin and a third article will be published soon.

Ms. DeLange brought up that the PFT is helping to sponsor EPA community involvement training, "*Building Trust and Resolving Differences.*" The all-day training session will be held tomorrow. She thanked the EPA for providing the free training and expressed special appreciation to Ms. Andrea Lindsay and Ms. Debra Sherbina for their work in helping to make it happen. Ms. DeLange noted that it is an excellent opportunity and the class is completely full (40 people). She suggested that if there is enough interest, there may be a possibility for the EPA to offer a second session next year. The Communications PFT will also be working on trying to hold a series of other workshops/training next year. In addition, the PFT is willing to provide assistance to BEIPC groups and staff in making verbal or written public presentations on issues such as information sessions, op-eds, news articles, public releases, and display ads. Ms. DeLange noted this is strictly at the discretion of the various groups and agencies. Mr. Fransen commented that the BEIPC appreciated the PFT's efforts to professionalize the materials and has made good improvement.

21) Update on OU-2 Activities: Mr. Nick Zilka (IDEQ) made a presentation on OU-2 activities. He mentioned the Upper Basin team is considering OU-2 and the Upper Basin as one unit since they are very much interrelated. He suggested that since they share some of the same problems, it's likely they may share some of the same solutions. They also have been working on collecting data for water quality to have a better understanding of the following:

- Contaminants nature and extent;
- Contaminants release mechanisms;
- Ground overflow and preferential pathways; and
- Ground water and surface water interactions;

Mr. Zilka pointed out that they need to understand the geochemistry before they perform any additional actions. During the summer, they used the EPA geoprobe to collect sample cores and installed temporary monitoring wells (i.e. piezometers) for water sampling. OU-2 pilot studies include work to evaluate benefits of reducing surface water losses from Bunker Creek. Ground water and surface water sampling is ongoing. Field activities include ground and surface water interaction in Osburn, and installing additional wells and stream gages. Currently, they are developing ground water flow models for OU-2 and the Upper CDA Basin. For those following the water treatment PFT work, he said there has been a lot of discussion about the Canyon Creek model since there is a heavy focus on key source areas. The next steps will be to incorporate the results of these investigations, do a mapping data base, and then use the model to evaluate alternatives. They will provide updates to the PFTs, TLG, CCC, and BEIPC at future meetings and keep everyone continually informed.

22) Upper Basin Repository Discussion: Mr. Andy Mork (IDEQ) gave an overview of his role in the process to provide repository siting and design. He explained that repositories are necessary to store the soil waste generated by the remediation of mine/mill waste contaminated soils generated in CERCLA/Superfund cleanup. The repository at Big Creek has capacity for 500,000 cubic yards, but currently contains about 300,000. He noted there is about 3 to 4 years capacity left at Big Creek, so they will need to locate another repository in the Upper Basin. However, they are limited in locations. In an effort to identify some potential sites, IDEQ had a subcontractor do a survey in 2002 and they identified about 250 potential sites with varying degrees of suitability for use as a repository. In order to evaluate the sites, they would like to invite members of the public and public agencies to provide a list of candidate sites they think would be good to be considered. Mr. Mork discussed the criteria in the selection process. Each site is rated according to a number of factors: size; presence of existing contamination; access to I-90 and paved roads; cultural resources; natural features such as wetlands, floodplains, and critical habitat; reuse potential; and local political sensitivity.

Mr. Mork will be scheduling a Repository PFT meeting in January 2009 to discuss the process further. He encouraged people to contact him or Terry Harwood if they have any ideas or questions. Mr. Jerry Boyd asked about criteria examples. Mr. Mork briefly identified some qualifications:

- Size, 20 acres plus (capacity of half million cubic yards or more);
- Flat ground;
- Prefer location in existing area of contamination;
- Good access;
- Not adjacent to residential areas;
- Willing to sell landowners; and
- Manage into perpetuity.

He is sensitive that local agencies may have some opposition to repository sites in some areas over others. To that extent, he can work with other public agencies on reuse potential and will factor this in as well. Mr. Kenny Hicks pointed out there is not much flat ground in the Silver

Valley; and suggested that Mr. Mork do a brief summary to make it easier for the public to understand the description of land type and use. Mr. Mork agreed it will be a challenge and said that's why he encourages public input in the process.

Ms. Bonnie Douglas (CCC Member) brought up that Repository PFT meetings are not public meetings, and asked if there would be public meetings so the public can participate. She said that some people have wondered in the past why the material cannot be put down an empty mine shaft since there is a lot of capacity. Ms. Douglas suggested that Mr. Mork come up with a document that would answer basic questions because those are the kinds of questions people may ask. She also suggested that maybe the Communications PFT could help with this. By including the public, she agreed you are going to get the best results.

Mr. Mork indicated that the PFT meeting is technically not a public meeting, but that the public is encouraged to participate. He also commented that it's a real opportunity to think creatively at this time and do some good things for both the cleanup process and the local community. However, he pointed out that we need to recognize we're operating within the constraints of a CERCLA cleanup project, but he is willing to explore alternatives.

Commissioner Cantamessa commented that the Shoshone County Commissioners have been tasked for a number of years to find repository space, but they are reluctant to get involved in the process because it becomes a political and divisive process. They met with Mr. Mork a few weeks ago and told him they are not interested in building mountains in Shoshone County on flat land. He related that Shoshone County's belief would be to put some energy into finding depressions that can be filled for some future developments, rather than building mountains and putting fences around them. He encouraged everyone to think creatively about how to solve the repository problem, especially in an area that is vertically challenged.

23) Other Discussion: Commissioner Cantamessa brought up that he mentioned at the February meeting that Shoshone County was pursuing some rewording on an earmark they had from prior years. Their intention was to try to do some work on inflow and infiltration (I/I) problems in the Silver Valley. They believe the primary problems are in Wallace and Kellogg. They were successful in getting the wording changed and they have a \$1 million available to do I/I work in Shoshone County. It requires a 45% match, so they have to go out and find money to match. He would ask the BEIPC to consider directing Mr. Harwood to help find some funding. Commissioner Cantamessa knows that the cities in Shoshone County are committed to participate, but that it will be difficult for them as it will for everybody. However, if they can come up with enough pieces to begin this project, it would be a tremendous benefit to the downstream ecology as the sewer plant is overwhelmed at times with I/I that is bringing metals with it and other contaminants. If that problem can be solved, it would also solve a lot of downstream problems. He noted the money is available and ready to be spent.

24) BEIPC Discussion and Vote on 2009 One Year and 2009-2014 Five-Year Work Plans: Commissioner Cantamessa suggested to the BEIPC that they deal with the two work plans together; or asked if there was a reason to separate the two. He indicated that Commissioner Jack Buell (Benewah County) suggested approving the work plans without the LMP section

since there was controversy, but that he wanted to check with Mr. Harwood first. Mr. Harwood clarified that this had been done in the past, and then later the exempted section was brought up for discussion at the following meeting. Commissioner Cantamessa said that the reason he brought it up was because the Counties are currently working with IDEQ and have many issues that they would like to get resolved including the ones that Mr. Sheppard raised. Commissioner Cantamessa added that it was probably not the appropriate time to try and resolve these issues when they have not even all sat down to fully discuss them.

Mr. Harwood commented that he's glad the Commissioners have volunteered to work this out because it's difficult for him to get the right language. He said that the TLG worked on it and voted to present it to the BEIPC, but that he thinks we're going to need help from the County Commissioners and the State and EPA to get the right language. Mr. Harwood said that he can work with Mr. Fransen (IDEQ), but reiterated that he thinks they will need help. Mr. Fransen pointed out that they have work sessions lined up for November 24 and December 9 for the LMP issues. He suggested seeing how far they can get on the LMP and funding; and then they can come back to see if we need to address, or add material to the one year work plan. Mr. Fransen asked whether that included everything; and indicated that he would support it. Commissioner Cantamessa called for the question. Commissioner Buell made a motion to approve both work plans with the exception of Section 3.2 on the LMP. The motion was seconded by Mr. Pfeifer; and approved unanimously.

25) Yard Remediation Program Update: Mr. Mark Stromberg (IDEQ) provided a brief update about the yard program. He said that the goal was to remediate 350 properties this year. Even though fuel prices for diesel were high during the summer and the season was shorter because of the weather last spring, the contractors got everything done despite of that. They also sampled about 700 properties, but there are still some people refusing to have their yards remediated. Overall, he noted that it was a good year and they got a lot done.

26) Adjourn: As there was no further business, Commissioner Cantamessa adjourned the meeting.