

BEIPC MEETING MINUTES

Basin Environmental Improvement Project Commission

February 25, 2009

Wallace Inn, Gold Room

100 Front St., Wallace, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners:

Mr. Jack Buell

Mr. Jon Cantamessa (Chair)

Mr. Rick Currie (Vice Chair)

Ms. Toni Hardesty

Alternates Present:

Mr. Phillip Cernera

Mr. Grant Pfeifer

Mr. Dan Opalski

Staff Present:

Ms. Jeri DeLange

Mr. Rob Hanson

Mr. Ed Moreen

Ms. Rebecca Stevens

1) Call to Order: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County), called the meeting to order and led everyone in the flag salute.

2) Approval of Draft BEIPC Meeting Minutes from November 19, 2008: Commissioner Cantamessa asked if there were any corrections or additions to the draft minutes. He noted that he had two corrections to make: 1) on page 10, Mr. Fred Traxler's name was incorrect (i.e. Traxley); and 2) on page 6, bank pens should be changed to "bank pins." Mr. Dan Opalski (EPA) indicated a correction on page 6, starting with "In the meantime..." to strike the whole sentence in that paragraph. He also pointed out a correction on page 8 (second paragraph), for "eco-remedy" review process." He clarified that it pertains to all remedies, so the "eco" part should be deleted and it should read... go through "remedy" review process. Mr. Phillip Cernera (CDA Tribe) brought up page 6 (second paragraph, last sentence) and said that the word "an" needed to be inserted before "avenue." Commissioner Jack Buell (Benewah County) made a motion to approve the minutes as corrected. The motion was seconded by Commissioner Toni Hardesty; and approved unanimously.

3) 2008 BEIPC Annual Report: The BEIPC Executive Director, Mr. Terry Harwood, presented the annual accomplishment report. He provided copies of the document to the Basin Commissioners, alternates and staff; and he will post it to the BEIPC website. Mr. Harwood

noted that there was no reporting on the first Clean Water Act (CWA) grant year as it's closed, only on the two remaining CWA grant years. Commissioner Cantamessa asked for a motion to accept the report. Mr. Grant Pfeifer (WA Dept. of Ecology) motioned to approve the 2008 BEIPC annual report and it was seconded by Commissioner Toni Hardesty (IDEQ). The motion was approved unanimously.

4) CWA Final Report for the Silver Crescent Habitat Restoration Project: Mr. Jeff Johnson (USFS) made a presentation on the CWA demonstration project for habitat restoration at the Silver Crescent mine and mill site. He provided a brief history of the site and indicated that it was contaminated with lead, zinc, cadmium, copper, mercury, and arsenic from the former mine/mill. Remediation work (on the 20 acre site) included cleanup of the following areas: jig mill; waste rock dumps; flotation mill; tailings impoundments; part of the Moon Creek residential area; and 1.5 miles of the East Fork Moon Creek downstream. An on-site repository was constructed and contains about 130,000 cubic yards of contaminated material. The CERCLA removal action was completed in 2000. After the site was reclaimed and the human health risks abated, the remaining challenges for natural resource restoration included:

- Improving fish habitat quality and quantity;
- Adapting the stream for habitat restoration along the repository;
- Eradicating noxious weeds;
- Revegetation;
- Improving wildlife habitat; and the
- Re-establishment of riparian and wetland areas.

Partners in the work for the habitat demonstration project were the U.S. Forest Service (\$75,000), BEIPC - CWA Project #B406 (\$315,730), Silver Mountain Resort (\$85,974), and NRDA Trustees (\$70,000 seed money and \$25,000 for the next 3 years for monitoring). Mr. Johnson indicated that the vegetation restoration was the single most important component as the restoration goal was to reduce erosion for protection of the remedy along with improving fish and wildlife habitat. Monitoring will continue for a total of 5 years, and has already shown that a number of habitats have improved. Information on electro-fishing transects, habitat surveys, water quality, etc., will be given to Mr. Harwood.

Mr. Johnson acknowledged that it was a good idea to coordinate a cleanup and natural resource restoration project together. He commented that the partnerships were excellent, especially in providing local knowledge (about the lessons learned so far) and commitment. He thanked the BEIPC and offered to provide additional field trips in the future. Mr. Cernera congratulated Mr. Johnson on the good job and noted that it was a tribute to what can be done under the CERCLA law. Mr. Harwood pointed out that the project was done as a model and agreed that it was a good idea to marry the remedy with the natural resource process. However, he suggested that it would be best to do both at the same time. For the final CWA report, Mr. Harwood said he will wait until the end of the project, so they can gather as much data as possible. Commissioner Cantamessa added that he feels the project is a huge success story and that it's one of the best the BEIPC has done.

5) Final CWA Report on Mica Creek Nutrient Reduction Project: Mr. Glen Rothrock (IDEQ) made a presentation on the final CWA report for the Mica Creek nutrient reduction project. This was a demonstration project on stream bank and stream bed stabilization to reduce sediment and nutrient loads into CDA Lake. The project was funded through a CWA grant with contract oversight by IDEQ and project oversight by the Kootenai-Shoshone Soil and Water Conservation District (KSSWCD). The willing landowner previously participated in a state water quality program for agriculture (i.e. cattle exclusion, fencing, off-site watering, and stabilization of eroding banks). A 10-minute DVD was produced as part of the project for training and education. Copies of the DVD will be given to ranchers and farmers within the CDA Basin who have streams running through their property that are tributaries to CDA Lake (including the CDA River, St. Joe and St. Maries Rivers) to show components of the project and encourage them to participate in State of Idaho and USDA agricultural cost-share programs to reduce runoff of pollutants into surface waters. Mr. Rothrock also noted that the project accomplished some TMDL implementation goals for the recovery of beneficial uses in Mica Creek.

He then introduced Mr. Bob Flagor (KSSWSD) to talk about some of the bank stabilization work. Mr. Flagor spoke about the costs and applications of BMPs (best management practices) as well as the various options. He noted that work on the creek was done during late summer to reduce turbidity and help with sediment control. When the work was completed, a field tour was conducted with other farmers and ranchers to provide them with information on how they can do work. If anyone would like a copy of the DVD, Mr. Flagor said to let him know. (*Note: The DVD was also shown to everyone at the BEIPC meeting*).

Commissioner Cantamessa remarked this was a good example of partnership and suggested that we need to promote this kind of cooperation to get this type of project done. Commissioner Currie asked why more landowners do not participate as some of them will lose part of their land due to erosion problems. Mr. Flagor suggested that he may need to do more outreach on this issue as a conservation district, but that he is the only employee. However, he will work on this. Mr. Harwood said that he is hoping that people will see what was done and want to do work on their land. Mr. Cerner asked about the stream bed load and actual loads of sediment reduction. Mr. Rothrock said the whole watershed is a TMDL (total maximum daily load) watershed and will include monitoring of Mica Creek. Mr. Dan Opalski (EPA) remarked on how much can get done when people work together. Commissioner Jack Buell (Benewah County) brought up stream bank erosion along the St. Joe River as he is extremely concerned about sediment loading as some areas may be losing 30 to 40 feet. Mr. Harwood said he walked that whole region to check whether it was mass failure, or occurring on agricultural land. He found that it's agricultural land, and also took photos to record the damage.

6) Update on Upper Basin ROD Amendment: Ms. Anne Dailey (EPA) provided background on the ROD amendment process. EPA is trying to set priorities for ecological cleanup of the Upper Basin, but human health continues to be the first priority. EPA will continue to implement the existing decision documents. In moving forward, they want to develop a better and more comprehensive plan for the Upper Basin that reflects greater understanding of the Box and Basin processes. It will address NAS recommendations to look at sites holistically, groundwater and

metal flux, and recontamination issues. The process will be consistent with the Basin Commission MOA (Memorandum of Agreement).

Ms. Dailey noted that the area of coverage does not include the Lower Basin. The goals of the ROD amendment for the Upper Basin include the following:

- Prioritize Upper Basin/Box area for source control;
- Move forward on OU-2 Phase II cleanup;
- Address change in water treatment;
- Focus on particulate lead in Upper Basin;
- Infrastructure projects to protect the remedy;
- Reduce human health exposure risks;
- Coordinate with restoration activities;
- Establish implementation plan; and
- Adapt cleanup based upon site data and other information.

She also discussed actions to protect the remedy. This includes evaluation of remedy protection needs on where cleanup is most susceptible to recontamination and what projects will provide the greatest potential for Superfund dollars invested. Ms. Dailey brought up Mr. Harwood's work on the DCIRP (drainage control infrastructure revitalization plan) and mentioned that approval for infrastructure projects using Superfund money has historically been difficult. EPA is limited on methods of using funding and infrastructure can mean a wide range of projects such as roads, curbs & gutters, culverts, local drainage control, etc. She said that Ms. Anne McCauley (EPA) is working with Mr. Harwood and others to talk to communities to see if there are opportunities where they may partner.

On January 28, Ms. Dailey said that EPA held a technical workshop for the ROD amendment after the TLG meeting in CDA. She gave a recap of the meeting which included 2008 Upper Basin field activities, an update on the prioritization tool, geochemical aspects, and Upper Basin groundwater modeling. EPA's next steps will be to further assess possible cleanup and evaluate implementability, effectiveness, costs and other factors of options. EPA will come to the BEIPC, TLG and CCC with technical information and ask for input to support EPA's decision making process. Then a focused feasibility study will be developed and the proposed plan will be provided for public comment. Funding and implementation agreements will also need to be developed. Ms. Dailey provided a handout with information on the schedule, and it will also be posted on EPA's website. EPA is planning to issue the ROD amendment in the spring/summer of 2010. She emphasized that it's an aggressive schedule, but EPA will provide opportunities for public comment with the BEIPC. They are also trying to use other different tools such as a specific webpage focused on the ROD amendment that includes fact sheets, FAQs, and powerpoint presentations for all the meetings. They welcome everyone to give feedback. She pointed out that Mr. Harwood has it linked to the BEIPC web page.

Commissioner Hardesty asked about the process and said that she is concerned that people may be inundated with lots of information and may not be clear about what we are doing at the end. She asked if there were any suggestions on what the BEIPC Commissioners can do to help. Ms.

Dailey indicated that she welcomes suggestions from everyone, so that people will not be surprised. She will be speaking to many organizations about the process; and information will be in the EPA Basin Bulletin and other publications. She also noted that the Communications PFT worked on it at a recent PFT meeting per EPA's request.

7) Update on Upper Basin Priority Setting: Mr. Bill Adams (EPA) provided an update on priority setting for the Upper Basin. He mentioned that the number of locations that may need cleanup is over 300 (i.e. includes mine and mill sites). EPA will be looking at recontamination potential to determine where to start and will need to take a comprehensive approach across the Basin to do the most complete cleanup for the available funding. In addition, they need to continually make use of the lessons learned from cleanup actions and incorporate into future cleanup decisions.

Mr. Adams discussed the steps in the priority setting process: 1) development of an estimation process called the simplified tool which uses upstream and downstream water quality data at source areas to predict improvement of water quality if the site were cleaned up; 2) development of a multi-attribute utility (MAU) model that takes the input from the simplified tool and applies other factors such as costs, human health risk, etc.; and 3) consider other relevant factors such as construction efficiency to group sites into buckets (i.e. bucketing process) and develop implementation plans. He noted that it's extremely important to have input by the stakeholders and community. The priority list will be used to guide future cleanup actions as funding becomes available as well as to get the most value.

The BEIPC Commissioners then discussed various aspects of the prioritization process such as expectations of measurable results, how to quantify, cost and value comparisons on habitat, reductions in loading, etc. Commissioner Cantamessa suggested that maybe there should be some kind of report from the TLG coming out, so the Basin Commissioners are not just getting a review from the TLG rep. Ms. Dailey suggested a one-page list and that if people want additional details, they can look further.

8) 2008 Blood Lead Testing Results: Mr. Jerry Cobb (PHD) made a presentation on the 2008 Bunker Hill Superfund Site CDA Basin blood lead levels. For the annual blood lead surveys and cleanup activities, he noted that remediation is not based on blood lead data. It is based on the risk of exposure to metals contamination in dust and soil for children and women of child-bearing age. The program began in 1985 and has changed very little. However, they no longer pay a cash incentive in the Box, but do offer the testing free for children between 6 months and 9 years of age.

In the Basin, they still pay an incentive of \$20 for children between 6 months and 6 years of age. Screening for the blood test is done by finger stick. If the blood lead is greater than 8 µg/dl, then they do a venous draw. Mr. Cobb provided informational handouts for everyone. In 2008, only 18 children in the Box came in for testing. The PHD is still doing advertising, but they are not seeing large turnouts with the cleanup program for residential yards, playgrounds, and parks. In the Basin, 73 children came in for testing, but it's not representative of the group (even though they pay the \$20 incentive to encourage people to come). Mr. Cobb mentioned that average

blood leads are down although one child tested over 10 µg/dl. PHD contacted the parents of the child who believe the child was exposed on a sustained camping trip in the Lower Basin.

Lunch

9) Update on LMP Activities: Commissioner Cantamessa reported that the Counties had three meetings with the Tribe and IDEQ, and agreed on language to be inserted in the LMP. They had positive conversations and are moving forward.

10) Lower Basin Work Planning, Enhanced Conceptual Site Model (ECSM): Mr. Ed Moreen (EPA) provided a handout of the "ECSM - Overview of the Lower Basin of the CDA River." The ECSM is an effort to better define and quantify the sources, mobility, and deposition of sediment in the CDA Basin and support strategies and remediation plans that effectively reduce risks to people and the environment. He also gave a powerpoint presentation which included some photographs of past flooding events. The ECSM will help to focus understanding of the contaminant transport and deposition mechanisms in the CDA River including key sources. Future technical memos on ECSM components will be prepared as separate deliverables and shared with the BEIPC, PFTs, TLG, and CCC.

11) Citizens Coordinating Council (CCC) Comment & Presentation: Mr. Jerry Boyd (CCC Vice Chair) reported that the CCC held a meeting on February 4. One issue that was brought up concerned the CCC election process. He suggested that the CCC election process is probably not working the way it was meant to. When the CCC was formed in the past, the expectation was that small integration groups (SIGs) would have a representative who would attend the CCC meetings. However, it has not worked out that way in who attends. The people who currently attend are the ones interested in the CCC and they should be nominated for election. He noted that Mr. Rusty Sheppard makes sure that his people are notified who are directly involved. Mr. Boyd said that he does not know how things are going to work with the current election process. One suggestion that was made at the meeting was to have the members at large who participate in the CCC meetings be nominated for office, rather than nominations from the SIGs. There will be a proposal to discuss this at the next meeting. He expressed appreciation to the individuals who attend meetings regularly as well as the individuals who provide information. He also encouraged people to attend as there is lots of good information and the agencies are very responsive.

12) Public Comment: Mr. Kenny Hicks (Shoshone County citizen and TLG Chair) said he wanted to make some comments on his own. He brought up eco-prioritization and pointed out that he recognizes more effort on the part of the agencies to give citizens more opportunities to comment. As a TLG representative, he has been asked by Shoshone County to also comment. He noted that Mr. Andy Mork (IDEQ) has been good about getting input from people on repositories. In addition, there has been more effort made by the agencies for input than from years past. He commented that to an average citizen who had never been involved in mining, the punitive approach was not good. Shoshone County is very interested in being involved in the opportunity to provide input and suggested that with socio-economic impacts, you can do a better job.

Mr. Bill Rust (Shoshone County TLG rep.) commented that in listening to people today discuss Superfund issues, people are good about listening now and that it's changed a lot from what it used to be. He indicated that it was a good step, especially as Mr. Hicks talked about the feelings coming from the punitive side. Mr. Rust noted that people from the Silver Valley, EPA and IDEQ represent a large organization. For example, he said that Hecla had a problem last year with its tailings pond and spilled less than 1,000 lbs. However, they were charged \$85,000 for this and it affected two families who lost jobs. He pointed out that Mr. Harwood had once talked about washing recontamination off boat ramps into the CDA River down at Rose Lake, and that it seems unfair. He said that these are people you are talking about.

Commissioner Hardesty mentioned that there was a rumor that IDEQ was going to fire all of the yard remediation contractors. However, she stated there was no basis to that rumor whatsoever. They are retaining the same contractors as last year.

13) Update on CWA Financial Report: Mr. Harwood gave an update on the CWA financial report. He mentioned that the first year of CWA grants was closed. The second grant year will close this year on June 30. For the third year, he has about \$200,000 in funding remaining. Mr. Harwood pointed out that almost every project turned out well, and that a lot of the information will be used for other projects in the Basin.

14) Update on Upper Basin Infrastructure Revitalization and Flood Control: Mr. Harwood provided an update on the Upper Basin infrastructure revitalization plan. He has been working on potential sources of funding and done a complete analysis on all infrastructure (i.e. sewer lines, water, etc.) as well as a study on storm water drainage and flood control to protect the remedy. He will be submitting a request for stimulus funding. He has also been helping Shoshone County with the process of developing a hazard mitigation plan, so that FEMA funding may be spent. All of the communities are working together with a consultant. Mr. Harwood indicated that the LIDAR flight was not flown over the whole River Basin last year and that it cannot be done during high flow events. IDEQ and EPA provided funding to help do it, but it will need to be done when the snow is gone and there is no flooding. Since every community is assumed to be in the flood area, it causes problems for homeowners requiring insurance. He has been working on what it will take to certify the levees. He has a consultant working on this report and it should be done this spring. He requested an earmark in the COE's budget for \$360,000 to do the work. However, he heard there were 8,600 earmarks in the bill, so he's not sure about the possibility of getting funding. He mentioned that the COE did say they would accept our engineering work.

Mr. Harwood made a special announcement as he wanted to thank Commissioner Hardesty for the funding on LIDAR and the DCIRP. He pointed out that people do not recognize all the things that IDEQ is doing for us; and he appreciates all the help.

Ms. Angela Chung (EPA) commented that she thinks LIDAR is a good partnership and is a win-win for everyone.

15) Repository Update: Mr. Andy Mork (IDEQ) gave an update about the East Mission Flats (EMF) repository. The final design draft was sent to EPA and the COE for review. They will incorporate comments and finalize the design by May. Construction will begin in July.

Mr. Mork then provided an overview of the repository siting process for the Upper Basin. He stressed that a new location is needed as there is only about 200,000 cubic yards capacity remaining at Big Creek. They will be looking at all the existing information and the previous survey of sites that may be suitable. IDEQ is scheduling two meetings to provide public comment opportunities for input. Although there is no formal response period, Mr. Mork invites anyone at any time to give him or Mr. Harwood a call as IDEQ wants to work with all the stakeholders.

Commissioner Cantamessa brought up some issues in regards to repositories. His first concern was about the last repository meeting that was held in CDA. He suggested that there will be a problem if the next meeting is not held in the Upper Basin as people want to be involved in the process. On the matrix site selection process, his viewpoint is that it is not acceptable to Shoshone County as no one wants to have a repository in their backyard. Commissioner Cantamessa advised that it would be good for the whole community to get the County involved. He feels resistance, and has been involved for the last 20 years. The community has indicated to IDEQ that they want to be involved, but it has not happened yet. He reiterated that the County needs to be involved in the process.

Commissioner Currie inquired about the list of 85 possible locations for repository sites identified previously. Mr. Mork indicated that his understanding was that it had been distributed to the Counties and other interested parties. Ms. Rebecca Stevens (CDA Tribe) mentioned that it had also been distributed to the TLG. Commissioner Currie asked if the list was available for Kootenai County. Mr. Mork answered yes and suggested that there was also a need to include the public other than just in Shoshone County, so that other voices are heard as well (such as the Kootenai County Alliance as he does not want to exclude anyone). Commissioner Cantamessa pointed out that he was talking about land use in Shoshone County.

Shoshone County Commissioner Vince Rinaldi suggested that there are all kinds of land uses that may possibly be used as economic tools, and that it should be something to consider. Mr. Mork said that he had a repository PFT meeting where there was an initial discussion about multiple use repositories. He would like to keep the discussion much more open and look at a flexible approach. They are currently doing meetings through the BEIPC process while working on developing the repository siting process, but he recognizes the need to talk to Silver Valley mayors and other local officials. He also plans on going to other stakeholder meetings to increase the process with the public. Mr. Mork pointed out that there is a repository link on the BEIPC website, so people can get information. Mr. Moreen added that he thinks the EMF web page that was created when there was lots of concern was very effective, as the concerns were able to be vetted.

Commissioner Cantamessa said that he had not received a response from IDEQ about the letter that was sent, and nothing has been communicated to the Counties. Shoshone County

Commissioner Rinaldi said that he took part in the pilot study program in 2002, and that they did take the message to mayors and other officials throughout the County. In 2007, that no longer seems very feasible as the area is very topographically challenged for development sites.

Commissioner Cantamessa said there has been more interest in this than there has been in the past as it affects one end of the valley to the other. He believes the community will be supportive if they are included. However, he does not feel the matrix or numerical rating system are good choices to use in repository site selection. Mr. Cernerla suggested that the Repository PFT get on a bus to look at each site and see whether it's good (i.e. based on filling it up). Commissioner Currie said that it's extremely important to include local involvement and suggested that it should not be up to the locals to travel to CDA for meetings. Mr. Mork replied their intention is to hold meetings in the Upper Basin. They will hold a public meeting in Shoshone County, so people can express their viewpoints. As part of the first meeting, Mr. Mork will explain the framework and what they need to go through. Then they will get input on other relevant issues. The information will be used to identify candidate sites; and the best location to meet the needs of the project will be the overall number one choice. Commissioner Cantamessa reiterated that Shoshone County does not want mountains built on flat ground for repositories and suggested they look at more creative approaches such as filling in some of the holes.

16) Status of BEIPC Work Plans: Mr. Harwood indicated that the one and five year work plans were approved at the last BEIPC meeting in November with the exception of a Lake management section. He suggested that the BEIPC wait until the May meeting to come up with language for Section 3.2. Then, if the BEIPC wants lake management in the work plan, they can produce that section. Mr. Harwood will be working through the TLG, CCC and BEIPC process for the May meeting.

17) Communications PFT Update: Ms. Jeri DeLange (BEIPC) provided an update on the Communications PFT. She said that the PFT held a meeting last week on February 20 to outline its plans for the coming year. Some of the topics discussed included: ideas for increasing involvement at ROD amendment meetings (per a request from EPA); public outreach and education; additional workshops/training opportunities; dealing with miscommunications; ideas for CCC revitalization; and formation of a subcommittee to conduct an audience analysis (i.e. to target new communications pieces).

Ms. DeLange informed everyone that EPA was providing a second session of free training on "Building Trust and Resolving Differences" on March 26 at the CDA Inn. The BEIPC and Communications PFT will be helping to sponsor the training. In April, training on risk communications will be provided to Communications PFT members by Ms. Cathy Cochrane of the Washington Dept. of Ecology. Commissioner Cantamessa suggested that maybe the Communications PFT could help the BEIPC by keeping the Basin Commissioners updated on the ROD Amendment meetings. Possibly with a one-page summary to keep them informed of what is happening at the meetings.

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