

BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
November 18, 2009, 9:00 a.m. - 4:00 p.m.
Gonzaga Law School (Barbieri-Moot Court Room)
721 N. Cincinnati St., Spokane, WA

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners:

Mr. Jack Buell

Mr. Jon Cantamessa (Chair)

Ms. Toni Hardesty

Ms. Michelle Pirzadeh

Alternates Present:

Mr. Phillip Cerner

Mr. Grant Pfeifer

Mr. Rich Piazza

Mr. Vince Rinaldi

Staff Present:

Ms. Jeri DeLange

Mr. Dave George

Mr. Rob Hanson

Mr. Ed Moreen

Ms. Rebecca Stevens

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

2) Changes to the Agenda: Commissioner Cantamessa said that the presentation for the final CWA report on the East Fork Pine Creek Revegetation project will be rescheduled for the BEIPC meeting in February 2010 as the presenter was not available for the meeting today.

3) Approval of August 19, 2009 BEIPC Draft Meeting Minutes: Commissioner Cantamessa asked if there were any changes or corrections to the draft minutes for the August 19 meeting. A motion was made by Commissioner Grant Pfeifer (State of Washington) to accept the minutes as written; seconded by Commissioner Phillip Cerner (CDA Tribe). The motion was unanimously approved.

4) Final CWA Report Plummer Creek Watershed Project Presentation: Mr. Dave Lamb (CDA Tribe) made a presentation on the final CWA report on the Plummer Creek watershed project. The purpose of the project was to develop a nutrient management plan for the watershed to help focus restoration efforts and extend habitat correction projects. The objectives were:

- Characterization of nutrient (nitrogen and phosphorus) and sediment concentrations and transport throughout the Plummer Creek watershed and into Chatcolet Lake through a two-year monitoring effort;
- To use the Generalized Watershed Loading Function (GWLf) or similar model to establish nutrient loadings from sources and land uses throughout the watershed;
- To review previously developed nutrient control project options and develop an updated set of recommended projects; and
- To prepare a Watershed Nutrient Management Plan for use by the Tribe, the City of Plummer, Benewah County and other environmental resources agencies. The management plan was to also contain watershed assessment and nutrient control implementation information to help provide the basis for a TMDL (Total Maximum Daily Load) and associated implementation plan.

Mr. Lamb gave an overview of the watershed characteristics, monitoring methods, modeling methods and results. He also displayed a series of maps showing different loading areas across the Plummer Creek watershed. The management plan that was produced will be used in the implementation of conservation and stream channel stabilization practices.

5) CWA Financial Report Update: Mr. Terry Harwood (BEIPC) provided an update on the CWA projects. He highlighted that there is an executive summary on each of the CWA projects on the BEIPC website. The first grant year closed last year. The second year grant closed June 30 of this year and there was about \$1,500 in funding left that was returned to the federal government. The remaining CWA projects should be completed about March 2010.

6) Other Announcements: Ms. Rebecca Stevens (CDA Tribe) mentioned that Mr. John Snider (TLG rep. for Kootenai County and former CCC Chair) passed away; and that there is a card for people to sign to send condolences to his family.

Commissioner Michelle Pirzadeh (EPA) inquired about the order of the BEIPC agenda and public comment periods. She stated that she wants people to know that EPA understands their concerns and they will have an opportunity to comment.

7) Repository Update and Discussion: Mr. Andy Mork (IDEQ) asked Mr. Ed Moreen (EPA) to provide an update on the EPA Inspector General's (IG) report. Mr. Moreen informed everyone that the IG released its report on the East Mission Flats (EMF) repository on August 12. The Office of the IG endorsed that EMF was in compliance with CERCLA, but that they had some technical concerns about groundwater and the possibility of metals leaching. As a result, they asked the agencies to do additional analysis and the agencies agreed to an Enhanced Monitoring Plan (EMP). He indicated that Mr. Mathy Stanislaus, Assistant Administrator of EPA's Office

of Solid Waste and Emergency Response (OSWER) visited the site in August and announced his decision on September 28 that the site should proceed.

Then Mr. Mork gave a power point presentation on the construction of the EMF repository site and displayed some photographs of the process. He also expressed appreciation to Mr. Harwood for doing a good job as the construction supervisor.

Discussion followed on related items including: final elevation of waste pile; potential flooding; monitoring wells; and BMPs (best management practices) such as silt fencing, rip rap, etc. Mr. Mork pointed out the locations on the map for the monitoring wells in the Phase 2 plan. He also noted that they have two additional wells located some distance from the repository that are monitored on a quarterly basis. In five of the six wells, the water meets drinking water standards, but one well exceeded the standards for arsenic. However, he explained that EMF is not the cause of the contamination since the well is up-gradient and so far away. Mr. Harwood brought up that the well in question is very close to where the Mission flats are covered with dredged mine waste from the CDA River. Mr. Mork asked people to contact him if they have any questions.

On October 28, the agencies hosted an open house on the Enhanced Monitoring Plan (EMP) for EMF where they answered questions from the public. They also had a 30-day public comment period, but received no comment. They will issue the final EMP on November 30.

Mr. Mork provided an update on the Big Creek repository and noted that there is about 90,000 cubic yards of capacity remaining. For the Upper Basin repository siting process, he indicated that two potential sites were identified (Osburn Ponds and Star Ponds). The screening was done by using the repository site scoring results of 9 citizen criteria developed by Silver Valley elected officials and Repository PFT members over the summer. The scoring does not include agency concerns such as access considerations, site acquisition costs, operations and maintenance issues, etc. Once a decision is finalized, the agencies will host a public meeting to announce the results of the location process; and then there will be a 30-day public comment period.

Mr. Terry Harris (Kootenai Environmental Alliance) commented that he feels they have essentially taken the public out of the middle of the process due to the steps involved. He asked if they would consider changing the process at this point. Mr. Mork answered that there are many opportunities to get involved and provide input on the repository site selection process such as the BEIPC, CCC, and Repository PFT meetings. He said that they have to make a decision and that people may be upset no matter what site is selected. Mr. Harris proposed separating process concerns from the procedural; and suggested that there may be a trust problem.

Commissioner Toni Hardesty (IDEQ) suggested that there should be an opportunity to send a draft out saying now that we have seen that criteria and weighed it against our criteria, here's what we believe the best proposals are, here are the alternatives, so that people have an opportunity to see and comment on it before a final decision is made. She thinks that we should

do this as agencies and that IDEQ should talk about incorporating something like this into the process.

Commissioner Cantamessa said that in his opinion it's a land use issue in Shoshone County and that becomes another part of the question - How do we best utilize the land to solve this problem? Mr. Kenny Hicks (Shoshone County TLG rep.) brought up socio-economic impacts regarding land issues and indicated that people in the Silver Valley have to move on with their future at some point. He suggested that through discussion they may get closer to solutions that will meet the needs of both sides, but that socio-economic impacts need to be included.

8) Community Fill the Holes Update and Discussion: Mr. Mork provided an update on the efforts to develop a draft plan for a waste disposal alternative called community fill the holes. The objective is to develop policy to allow third parties to use contaminated soil as construction fill, and the policy must be consistent with the Institutional Controls Program (ICP) rule. The process included meetings with the Panhandle Health District (PHD), Bunker Hill Task Force, public works officials, etc. Once the draft is finalized, it will be presented to the Task Force and other groups for their review. Mr. Mork hopes to have the final community plan ready for implementation by the next construction season. The draft will be available to anyone who would like to see it.

Mr. Jerry Boyd (CCC Chair) asked about the process for where the public fits in. Mr. Mork responded that they have a process for the public. It includes the task force, public works folks, repository PFT members, representatives from Shoshone County, interested private citizens, agency reps, etc. So rather than canvassing the public, they thought that this would be an appropriate process.

Questions were asked about the objectives, concepts, and how it would be regulated. Mr. Mork answered that it would fall under the ICP. Contaminated fill would be tracked on where it comes from, where it goes, and development would have to follow ICP rules. Commissioner Cantamessa said that the idea was to use contaminated fill to fill some of the holes in the community that are already contaminated. Then the land could be developed as the Silver Valley is short of places to put contaminated waste material. Ms. Rebecca Stevens (CDA Tribe) suggested modifying the objective for fill the holes as it was not very clear.

Mr. Bill Rust (Shoshone County TLG rep.) brought up concerns regarding soil monitoring and suggested that people need to raise their concerns now at the beginning of the process. Commissioner Cantamessa commented that the fill the holes concept has been discussed for many years in the Upper Basin and should involve everyone.

Commissioner Michelle Pirzadeh (EPA) suggested that given the number of questions regarding this issue to build in a comment period in addition to sharing with the task force and other groups, so that there is openness in the overall process.

Lunch

Commissioner Cantamessa reconvened the meeting at 1:00 p.m.

9) Discussion on Community Fill the Holes (continued): Additional questions were raised about the policy for fill the holes and the ICP. Mr. Mork clarified that it was not the agency's intent to rewrite the rules at all and that they wanted to make this policy consistent with the ICP rule. Mr. Harwood commented that he used fill the holes on Sather Field to keep some of the contaminated soil in place and then capped it. He also wrote a strawman for the fill the holes process and believes that they can work out everything under the existing Idaho Administrative Procedures Act (IDAPA) rules.

10) Public Comment: Mr. Bill Rust (Shoshone County TLG rep.) suggested that if people have concerns with Osburn Ponds and Star Ponds being repository sites, they need to come to meetings and express their concerns.

Commissioner Cantamessa commented that they have been studying repository sites for many years and that Osburn Ponds and Star Ponds seem to be logical sites. He agreed that if people have concerns they need to express them, so that solutions can be found.

Ms. Bonnie Douglas (CCC Vice-Chair) brought up repository meetings being referred to as public meetings by Mr. Mork. She objects to that term as she feels that it's very difficult for the public to find out about the meetings. If it's a public meeting, there should be public notice if you want people to know about it. She wants to make a public statement to suggest different alternatives to inform everyone; and recommended that the Communications PFT could help to develop a mix of public venues. She does not believe that open houses are well received by the public.

11) Natural Resource Trustees Accomplishments: Mr. Jeff Johnson (Forest Service) made a power point presentation on the accomplishment report produced by the CDA Basin Natural Resource Trustees. He gave an overview of the restoration work and displayed photographs of the various project sites at Sherlock Creek, East Fork Moon Creek, Pine Creek, Lower CDA River, and Hepton Lake. Copies of the report were provided to the Basin Commissioners; and a link to the report will be posted on the BEIPC website.

12) Upper Basin ROD Amendment Process and Other EPA Issues Update: Ms. Angela Chung (EPA) provided an update about the ROD amendment process and Lower Basin work. EPA is moving forward to complete a comprehensive plan for the CDA Basin. However, because of funding limitations, EPA will continue to look at other sources of funding. She mentioned that there may be a settlement soon with the Asarco bankruptcy. If there are no issues, EPA may receive significant funding, possibly \$500 million dollars. The funding will go into a trust that would be a stand-alone entity and have its own Trustee, staff, and contracting. (EPA will need to work together with the Trust). She explained that the settlement funding is only a quarter of the money they will need for the cleanup, so it's important to make the funding last. EPA is also continuing to work on the Lower Basin and they want to make sure they have adequate

resources. These are all things that need to be ironed out over the next several months. The public may be hearing about what the settlement may mean for the government and specifically the CDA Basin. EPA will continue to work with everyone and share public information with a broader audience as well.

Ms. Chung also commented on the interest in the community liaison position that EPA announced in September. They are looking to re-establish this position that existed from 1999-2003. The position would be based in Coeur d'Alene and would work on community relations issues. It would be a community based person (more of a linkage to EPA) to serve community interests and help the agencies better understand how to improve public involvement activities. She does not have a lot of specifics at the present time, but had been asked about the status.

Mr. Harwood expressed appreciation to Ms. Chung as she worked very hard to keep the cleanup work going this summer. He indicated that without her efforts, EMF may have been shut down for a while. He also noted that the local EPA staff worked very hard and he wants to thank them.

13) Remedy Protection Update: Mr. Rob Hanson (IDEQ) said that the remedy protection piece in the ROD amendment will be focused on protecting the human health remedy that has been installed. The main objective is to keep the clean areas clean by managing the stormwater and other drainage. He discussed various methods that may be used, but the goal will be to keep operating and maintenance (O&M) costs low. The work on remedy protection will include the area within the Silver Valley from Kingston upstream, tributaries to the South Fork and drainages, and will consist mainly of stormwater actions. The remedy protection piece does not include the South Fork of the CDA River or Pine Creek. There will be more discussion on the larger flooding issue later today. They will also not be addressing the sanitary sewer lines (i.e. inflow/infiltration) in terms of remedy protection, or existing roads. However, the current ROD does allow the agencies to deal with and install remedies on gravel and dirt-type roads. Based upon some sampling data from the PHD, some of the potholes in the community are releasing contaminants at high concentrations. They have a separate group working on this issue (i.e. Mr. Dan Meyer (IDEQ, Kellogg, and Mr. Bill Ryan, EPA). Mr. Hanson indicated that they will continue their work and discussion with Shoshone County public officials; and that remedy protection will be a part of the ROD amendment. Mr. Harwood commented that he was glad to see that the Drainage Control Infrastructure Revitalization Plan (DCIRP) product was included in the remedy protection process.

14) ROD Amendment Update and Schedule: Ms. Anne Dailey (EPA) reported that they have been providing updates to everyone about the ROD amendment process at BEIPC, TLG, and CCC meetings. At the Upper Basin PFT meetings on September 9 and 10, they shared information on OU-2 and Woodland Park on groundwater and surface water modeling, cost effectiveness results, road access costs, etc. They will continue working on the bucketing or grouping process of remedial actions and eco-prioritization to help identify projects to get the most bang for the buck. The next Upper Basin meeting will be scheduled in December. EPA is continuing to work on the draft feasibility study (FS) and they hope to have the draft completed in early February. In late April 2010, it will go to the EPA National Remedy Review Board.

This is a group that was set up within EPA to ensure that Superfund projects (i.e. typically large funding projects over \$25 million) are making a smart decision in the use of resources. It's a broad group with expertise from all the different EPA regions and different EPA laboratories are represented on the Board. They will be making a presentation to that board on what our cleanup plan is likely to be and then will be getting information back from them, so that changes may be made if appropriate. Ms. Dailey also explained that within the internal EPA, there is a process for states and tribes and a requested opportunity for Trustees given their importance at this site to participate in.

EPA will continue to have Upper Basin PFT technical meetings as well as providing updates at TLG, CCC and BEIPC meetings. She noted that what they are doing here is way beyond what happens at a lot of Superfund sites, and beyond what is required of EPA to do. However, she thinks it's totally appropriate at this site given the level of interest from the community. EPA is required to put out the proposed plan which is essentially the draft cleanup plan for a public comment period. That will be available in late spring or early summer. In addition to this, they would like to have a large amount of time at the next BEIPC meeting in February to review the FS with everyone. Then at the May BEIPC meeting, which will be about the same time that the proposed plan comes out, EPA will share information in good detail. They will have other sessions as well. She thinks that it's very important for this group to have a robust understanding of what EPA is talking about doing.

Ms. Dailey also brought up that she wanted to be sure that people are aware of the outreach activities that EPA is doing. They have had a number of meetings with the Silver Valley mayors and Shoshone County commissioners about remedy protection activities and have gotten a lot of good information out of those sessions. She reiterated about the meetings with the CCC, TLG, and BEIPC. They have been meeting with other groups such as the Shoshone Natural Resource Committee (SNRC), Kootenai Environmental Alliance (KEA), CDA Chamber Natural Resources committee, Audubon Society meeting, North Idaho Flycasters, etc. As they get close to the proposed plan next year, they anticipate talking to additional community groups. If anyone has a group that would like information, please let Ms. Dailey know. All of the information is being posted to EPA's webpage and there is a link on the BEIPC webpage as well. If people have problems downloading any of the files, let EPA know and they will provide hard copies.

Mr. Hicks asked if there will be an opportunity for the general public to provide comment with the EPA Review Board. Ms. Dailey said no, not typically. She indicated that there is an opportunity for the state and tribes to provide input; and depending upon the situation, the Trustees. Mr. Hicks questioned why IDEQ and the CDA Tribe can provide comments, but the Shoshone County commissioners could not. Ms. Dailey suggested that they could go through IDEQ as this would be a way. Commissioner Pirzadeh said that EPA could certainly provide a way to provide input. Ms. Dailey added that they had also talked about getting some input from the Basin Commission. Mr. Jerry Boyd (CCC Chair) asked if Upper Basin concerns could be addressed in a summary to EPA's review board. Ms. Dailey suggested possibly (i.e. in writing) and Commissioner Pirzadeh agreed.

15) Communications PFT Update: Ms. Jeri DeLange (BEIPC) provided an update on the activities of the Communications PFT. The last meeting was October 29, and discussion focused on different approaches for public education and outreach. For 2010, the PFT is planning to work on the following:

- Fair booth at the North Idaho Fair;
- New communications displays/information; and
- Alternatives for communications such as video training, public service announcements (PSAs), etc.

The PFT also formed a subcommittee to help the Recreation PFT educate people in a positive manner about the possible risks of recreational activities in contaminated areas. Ms. DeLange then congratulated Ms. Elayer on her newspaper column “Straight Talk about Superfund,” and thanked Ms. Bonnie Douglas for distributing the Sesame Street videos on lead to all of the local Head Start programs. The Communications PFT will continue public outreach on upcoming events such as the ROD amendment and increasing participation at BEIPC and CCC meetings.

16) Update on the Enhanced Conceptual Site Model (ECSM) for the Lower Basin: Mr. Ed Moreen (EPA) provided an update on the status of the ECSM. The draft 11 technical memos have been shared with the PFTs, CCC, and BEIPC. He pointed out that the information is important in trying to understand how sediment is transported in the Lower Basin. They have received some comments and will be working on revising the draft documents. Then they will share an executive summary with the Board and anyone else interested. The information will be used to figure out the next steps of work in the Lower Basin which will include modeling, prioritization, and then selection of remedies. However, he indicated that it will be a few years before any decisions are made.

Mr. Harwood commented that one of the key issues here is that people in the Lower Basin are worried that there will be no funding left for the Lower Basin work as it is somewhat behind the Upper Basin ROD amendment. They are concerned with the millions of cubic yards of contaminated sediment moving around in the River; and worry that most of the funding will be spent in the Upper Basin. As an example, he emphasized the large amount of sediment transport that occurred from flooding in 2008, and that almost a foot of contaminated sediment was deposited on the new paved parking lot at Rainy Hill that had to be removed. He wanted people to understand that the funding is not going to be all used up before they get to the Lower Basin. Mr. Moreen recapped that Ms. Chung said that there will be funding available for the Lower Basin work.

17) Presentation and Discussion Concerning BEIPC Involvement in Major Flooding Issues in the South Fork CDA River and Pine Creek: Mr. Harwood explained the process and language (i.e. State statute) that established the Basin Commission. The language stated that the purpose was to implement the ROD for OU-3. There were also caveats in the language of the Memorandum of Agreement (MOA) that said the BEIPC could vote to get involved in other issues such as the North Fork of the CDA River. He brought up some of the activities the BEIPC has been

involved in such as the DCIRP. In the DCIRP, there is a section on funding sources, how to deal with major funding, remedy protection within the ROD amendment, roads, stormwater runoff, etc. In addition, Mr. Harwood saw the need to deal with major flooding as it would wipe out remedies. He raised the question - What are we going to do if we have a major flood and it wipes out the levees on the South Fork and on Pine Creek? Subsequent to all this, he indicated that the BEIPC has worked with FEMA and the Bureau of Homeland Security; and that EPA helped pay for part of the LIDAR flight along with the BEIPC. Now we are trying to figure out what to do about flooding. We have flood inundation maps and none of the levees meet FEMA standards. He said that State Senator Joyce Broadsword was trying to help last year through an organization, but that it is now no longer funded. So there is no one taking the lead to deal with major flooding in the South Fork and Pine Creek.

Mr. Harwood said that he included information in the BEIPC board packets regarding the question that he posed - Should the BEIPC take a leadership role in dealing with major flooding in the South Fork and Pine Creek as it pertains to the Superfund remedy? He also added general community protection as people are required to purchase flood insurance and this is a major issue for the community. However, before the BEIPC takes this leadership role, he said that the BEIPC needs to vote on getting involved in a permanent and more official manner. He noted that this process does pose a problem for the federal partner in the BEIPC and asked Commissioner Pirzadeh to clarify.

Commissioner Pirzadeh said that EPA supports what Mr. Harwood is trying to do for the BEIPC. However, as the federal representative on the BEIPC, she is not able to vote on things that pertain to seeking federal funding. Although EPA supports this in concept, she would have to abstain on the vote (i.e. for this issue) for that reason. Mr. Harwood emphasized that a federal person could not vote on anything having to do with funding as federal law prohibits this.

Commissioner Phillip Cernera (CDA Tribe) said that when he looks at the question on this issue, that he would say the BEIPC should take a role. However, he is not certain what the vote would be today. He knows that in the statute or MOA for the BEIPC, it talked about flood districts and the ability to do so. He questioned whether we already are tacitly saying yes to that question, and inquired what the vote would be on. He has some concerns about moving into a flood district and suggested that there may be legal issues that would need to be discussed. Even though legal counsel (Attorney Curt Fransen) had mentioned that it fits within our authorities, what does that really mean.

Mr. Harwood clarified that there is not any intent for the BEIPC to operate as a flood control district. What they are asking for is the approval of the Basin Commissioners for the BEIPC Executive Director's office to pursue taking a leadership role in this and sitting down with all the parties, pulling them together, getting together with the COE, FEMA, Bureau of Homeland Security, etc. about what we can do and what should be done to deal with this issue. He added that it fits in with the remedy protection in the ROD amendment and all the other issues.

Commissioner Cantamessa said that the original legislation did say that the BEIPC, shall have within the Basin, the authority of a board of commissioners of a flood control district. However, it did not say that the BEIPC would be a flood control district. He noted that part of this conversation started in Shoshone County in two places. The first was flooding problems concerning the South Fork (not only remedy protection) as they wanted to pull together all the different agencies that may be able to help with this issue. They went to Idaho Rural Partnerships who had helped in the past, but they no longer exist. The mayors in the Silver Valley asked if Mr. Harwood could fill this void in organizing these entities. Commissioner Cantamessa said that he did not want to do this on his own and wanted direction from the BEIPC. Secondly, flooding of Milo Creek in May 1996 did tremendous damage to the remedy in Kellogg. They formed a watershed taxing district, but have not been effective in maintaining that district. The mayors asked if there was anything the BEIPC could do to help with that district. Those two things are why this issue was brought up today. For the conversation the BEIPC is having today, Commissioner Cantamessa suggested that the BEIPC needs the same kind of coordination for the entire Basin in trying to get FEMA, COE, etc. involved in putting together a project to protect the remedy and whatever else is needed. He would like to see Mr. Harwood be involved in that coordination.

Commissioner Cantamessa stressed the need for direction in the ROD for flood control. He has heard several times that Pine Creek and the South Fork of the CDA River are not part of it. He stated that they will not be able to support a ROD amendment that does not at least deal with these problems. They want language that identifies the problems, the need for a solution, and states in the ROD what it will be responsible for. They believe that this language will help them bring in other agencies if needed.

18) BEIPC Discussion and Vote on Flooding Issue: After questions and additional discussion about funding, time, resources, etc, Mr. Harwood said that he is willing to work on this, but that he is not sure if he can fulfill everyone's expectations. However, he believes that it does not make sense to spend the funding for remedies if the remedies are not protected.

Commissioner Cerner moved to appoint the BEIPC Executive Director to seek a coordinated approach to address major flooding issues in the South Fork and Pine Creek as it pertains to protection of the Superfund remedy and general community protection. If the motion moves forward, he suggested that Mr. Harwood provide updates to the BEIPC. Commissioner Jack Buell (Benewah County) seconded the motion; and Commissioner Cantamessa called for discussion. Commissioner Hardesty said that she agrees with the motion, especially after Idaho Rural Partnerships dissolved. Commissioner Pirzadeh said that she supports the motion, but because it involves federal funding, she recused herself from the vote. The motion was approved with the exception of Commissioner Pirzadeh abstaining.

19) Presentation of Final Draft BEIPC 2010 One-Year Work Plan: Mr. Harwood explained the BEIPC work plan process and presented the one-year plan. He also pointed out that there are no CWA projects as they are over with. Ms. Stevens mentioned that what is being presented was approved by the TLG to recommend to the BEIPC as their annual program. Mr. Harwood

indicated that the final draft had also been presented at the CCC meeting. CCC comments were incorporated into the document and then it was sent out again to the TLG.

After additional discussion and a minor change in language, Commissioner Buell made a motion to approve the revised one-year work plan. Commissioner Cernera seconded the motion; and the motion was unanimously approved.

20) Presentation of Final Draft BEIPC 2010-2014 Five-Year: Mr. Harwood presented the five-year work plan. He brought up a statement in a section that said the governmental entities are supposed to work together on the BEIPC, but that he wanted to point out to everyone that every single governmental entity on the BEIPC serves their entity first before the Basin Commission. He clarified that they have their own authorities, and that the BEIPC does not step on any of the authorities of the counties, states, tribe, and federal government.

As there were no questions, Commissioner Hardesty made a motion to approve the five-year work plan. The motion was seconded by Commissioner Pirzadeh; and unanimously approved.

21) Special Announcements: Mr. Harwood mentioned that there will be an executive session at the February meeting to discuss personnel issues. He also relayed information about the annual accomplishment report that should be published by the February meeting.

22) Citizens Coordinating Council (CCC) Presentation: Mr. Jerry Boyd (CCC Chair) made a presentation on the CCC meeting held on October 28. He said that the meeting summary was included in the BEIPC board packet information. He also acknowledged with sadness the loss of Mr. Snider who was the former CCC Chair for many years (i.e. since its inception).

Regarding public involvement with the CCC, he reported that one of the problems is that there have not been many citizens who attend the meetings. He is not sure of all the reasons. For citizens who do attend the meetings with comments or questions, the CCC is a good place. For example, approximately two years ago in October 2007, the CCC had a huge meeting and quite a large turnout. (There were a lot of reasons for that). Nonetheless, the public raised some significant issues at that meeting and those were passed on and the agencies did respond and changed some of the parameters for EMF. He said that attending and participating in the CCC process is a good way to get public comments made and he wants to encourage people to attend. If people cannot attend the meetings, he asked that they send him the information they would like to comment on and he will present it. He indicated that a CCC member, Ms. Julie Dalsaso, had notified him that she wanted him to present her comments to the BEIPC as she could not be at today's meeting. However, he did not receive it in time. When he does get the information, he will send it to Ms. Jeri DeLange (BEIPC) to send out to the Basin Commissioners.

Ms. Rebecca Stevens suggested that the Communications PFT work with the CCC directly to increase citizen participation at the CCC meetings. Mr. Terry Harris (KEA) echoed Ms. Stevens comments. He suggested a complete overhaul for the Communications PFT and CCC as they are not working. In looking at the work plans, he noted that there is a lot of work going on and that

it looks the same. One example is the blood lead program. He does not feel that the program is working as they are not getting the participation of people. He thinks that there needs to be a critical review for some of the programs and suggested that it may help to have guidance.

Commissioner Cantamessa said that he would respond to the comments about citizen's involvement in the blood lead program. He said that there is a high level of apathy in the Silver Valley about the program and that IDEQ has put a tremendous amount of energy into it as well as the EPA and PHD. He does not know how to change it. Mr. Harwood suggested that Mr. Harris visit with him about some of these issues as he can reiterate the efforts that have gone on in the past. There are things that he does not understand such as families living on contaminated property and that they will not allow the property to be remediated or their children tested.

There was also some additional discussion on various topics such as the ROD amendment, South Fork flooding, repositories, sediment transport, new meeting venues, trust funding, implementation plan, and flood control.

Ms. Chung stated that she wanted to reiterate that EPA and IDEQ are not including the South Fork flooding issue in this ROD amendment. She is saying this not because they don't think there's merit to this problem, but there is a need to talk about it. That's why they are involved and will continue to be involved in those conversations. She would ask that they have another conversation with the County to talk about the suggested language that they are looking for to see what they are thinking about. From her perspective about the South Fork flooding and the language being specific, it would be difficult for EPA to address this because they are in a timeline to get the document done. To generate the level of information that would be needed to get support for EPA to get any activities done in the ROD amendment such as for South Fork flooding would be difficult. They are moving forward with the remedy protection work that has been a concern that the communities have raised over the years. They are including some of the road work such as potholes, etc. even though it's not part of the ROD amendment. She hopes that people see that they are trying to take steps to address community concerns. She suggested that maybe EPA could address some of the other issues in the future. They would like the opportunity to talk and share what they are thinking. Commissioner Cantamessa said that he appreciated her comments and that they would like the opportunity to talk more as they want to be part of the process.

23) Adjourn: Before the meeting was adjourned there was a moment of silence in honor of Mr. Snider. Commissioner Cantamessa acknowledged Mr. Snider for his energy and commitment to the BEIPC process and said that he will be greatly missed.