

BEIPC MEETING MINUTES

Basin Environmental Improvement Project Commission

February 17, 2010, 8:30 a.m. - 4:00 p.m.

Wallace Inn (Gold Room)

100 Front St., Wallace, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners:

Mr. Jack Buell

Mr. Jon Cantamessa (Chair)

Ms. Toni Hardesty

Alternates Present:

Mr. Phillip Cernera

Mr. Curt Fransen

Mr. Dan Opalski

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), called the meeting to order at 8:35 a.m. He welcomed everyone, followed by the flag salute.

2) Approval of November 18, 2009 BEIPC Draft Meeting Minutes: Commissioner Cantamessa asked if there were any changes or corrections to the draft minutes. Ms. Jeri DeLange (BEIPC) brought up a correction to make. She noted that Commissioner Rick Currie (Kootenai County) was listed in error as he was not able to attend the November 18 meeting, and that Commissioner Rich Piazza (Kootenai County) needed to be added to the attendee list. Commissioner Dan Opalski (EPA) made a correction to delete the language “(Phase 2)” on page 8 under the comments by Mr. Ed Moreen. A motion to approve the minutes as corrected was made by Commissioner Grant Pfeifer (WA Dept. of Ecology) and seconded by Commissioner Jack Buell (Benewah County). The motion was approved.

3) 2009 Blood Lead Testing Results: Mr. Rob Hanson (IDEQ) introduced Dr. Ian von Lindern (TerraGraphics) who made a presentation on the blood lead testing results for 2009. The testing is conducted through the Lead Health Intervention Program (LHIP) by Panhandle Health District (PHD). The purpose of the program is to identify children with high blood lead levels, so that intervention can be done and to monitor the effectiveness of the Superfund cleanup. In 2002, the incentives for testing children in the “Box” stopped when the remedial action objectives were met, but continued for children in the Basin. Last year, the incentives for the Basin were doubled from \$20 per child to \$40. This increased participation by two-and-a-half times more children tested and was one of the largest annual turnouts in the Basin. Dr. von Lindern gave a powerpoint presentation on the history of the LHIP, blood lead standards, health effects of lead, property remediation program, and decreasing blood lead levels over the years. The 2009 blood lead testing results are listed below:

- 175 children tested between the ages 0-6;
- Blood lead levels ranged from 1.4 (i.e. detection level) to 10;
- 3 children had blood levels of 10; and
- No children tested higher than 10.

Dr. von Lindern explained that children get lead from a lot of different sources, but the biggest source is contaminated soil and dust. In the Basin, the property remediation program also involves driveways, parking areas, and right-of-ways because these areas are significantly more contaminated than in the Box. Another source may be lead paint in some older homes.

Ms. Susan Mitchell (Cataldo citizen) asked about blood lead testing and whether it can be done in the schools. Dr. von Lindern answered that the surveys have been done a few times in the schools. However, there are two problems with this as they want to test children in July or August when exposures are the highest, and they are very concerned about pre-school children.

Mr. Hanson brought up that there is still concern about increasing participation in the testing program, so EPA and IDEQ are thinking of having a workshop to provide information. Mr. Hanson introduced Ms. Denna Grangaard, the new public outreach person for IDEQ in Kellogg who is going to help him organize the workshop. He suggested that people inform others about the upcoming workshop and to contact him or Ms. Grangaard if they have questions. Commissioner Cantamessa added that part of the problem in getting more participation is that the population is shrinking, so there are not a lot of people to test. He believes that hygiene and socio-demographics also play into the health questions as well.

4) CWA Sub-Grant Final Report Presentation East Fork Pine Creek Project: Mr. Mike Stevenson (BLM) made a presentation on the final report for the East Fork Pine Creek Re-vegetation project. He displayed photos of past flooding events, followed by photos of what was done to stabilize the sites with test plots of various plantings. The project started in 2004; and the strategy used was to place the plantings where they would do the most good. He reported on the results of the work that was conducted at Douglas Creek, Highland Creek, Gilbert Creek, and

Denver Creek. Mr. Terry Harwood (BEIPC) said that he will have copies of the final report in his office and that the executive summary will be posted on the BEIPC website.

5) Pine Creek Sediment Reduction Presentation: Mr. Nick Zilka (IDEQ) thanked Mr. Harwood and Mr. Jay Huber (Mayor of Pinehurst) for their help with the project. Then he introduced Mr. Andy Heitmann (TerraGraphics) who was the project engineer. Mr. Heitmann gave a brief overview and said that the project started as a pilot study. They were mainly going to focus on Little Pine Creek and then move onto a bigger system. The project looked at sediment transport, water quality, flood control, streambanks, etc. Tasks included doing an existing condition hydraulic model for both Little Pine Creek and Pine Creek. When Little Pine Creek modeling was done, they moved onto a design, construction phase, and looked at the model results. The four main areas in Little Pine Creek they focused on were: 1) the General Mine waste dump; 2) Fairview Avenue culvert replacement; 3) Pinehurst golf course; and 4) Avista property just upstream of park in Pinehurst.

6) Update on CDA Lake Management Plan (LMP) Implementation: Ms. Rebecca Stevens (CDA Tribe) said that about a year ago, there was a request made to provide an LMP update at each Basin Commission meeting. She would like to ask the BEIPC for 15-20 minutes. Ms. Stevens then reported that IDEQ and the Tribe completed the LMP audit and presented it at the BEIPC meeting in May 2009. The final report is available through the BEIPC office and a CD copy is also available. She said that IDEQ is working on hiring a consultant to help with the needs assessment for an education outreach program for the Basin. They are also finalizing a work plan for a three-year nutrient source inventory. The State and Tribe decided to look at the St. Joe and St. Maries watersheds due to the known phosphorus and nitrogen inputs they are seeing on the St. Joe from unknown sources. Six sites have been selected to be sampled.

Ms. Stevens indicated that the 2007-2008 water quality monitoring report written by the State of Idaho and the Tribe will be complete in a few days. She and Mr. Glen Rothrock (IDEQ) thought it would be a good idea for the TLG to review the document and provide comments to satisfy coordination needs with the BEIPC identified in the LMP; and that this would be a good way to do so. Mr. Harwood said that he will post a link to the report on the BEIPC website.

Commissioner Phillip Cernera (CDA Tribe) clarified that this is not a public review process, but a technical review in coordination with the BEIPC.

For public outreach, the State and Tribe are looking at reproducing the "Our Gem" Lake maps. There will be some updates made and then 10,000 copies will be printed. Copies will be distributed within the Basin using the same distribution list as before. Ms. Stevens said that she is hoping to have a Lower Basin PFT meeting on March 10.

7) Update on BEIPC Annual Report, CWA Projects and Flooding Issues: Mr. Harwood gave an update on the CWA financial report. He mentioned that the last two CWA reports will be presented in May; and that he will make efforts to spend all the CWA funding. The annual 2009 BEIPC report has been published and copies will be made available to the congressional delegation and committee chairs. The report will also be posted to the BEIPC web. Mr. Harwood pointed out that the annual report is a compilation of reports from all the various

agencies and groups working in the Basin. It's a good product as it relays all the information about what is going on in the Basin, how the funding is being spent, and what is being accomplished. He appreciates all the help from the agencies in putting together the report.

Regarding flooding, Mr. Harwood stated that remedy protection (i.e. side drainages, stormwater runoff, etc.) will be brought up later in the meeting addressing the ROD amendment. At the last BEIPC meeting, the Commissioners chose to be involved in major flooding in the South Fork and Pine Creek. He has been in the process of contacting the Idaho Bureau of Homeland Security, FEMA, Corps of Engineers (COE), and the Idaho Dept. of Water Resources. He is still working on meeting with them to figure out the best way to approach major flooding issues. Another problem is that the levees cannot be certified as they were not engineered. This is a big issue across the U.S. and not just in our community. Commissioner Cantamessa suggested that maybe the Shoshone County Commissioners could help Mr. Harwood in hosting a meeting of the various agencies to make a coordinated effort to make this happen.

Break

8) Repository Update: Mr. Andy Mork (IDEQ) said that he would be reporting on four items: 1) the East Mission Flats (EMF) repository; 2) expansion of Big Creek repository; 3) Upper Basin repository siting process; and 4) the Community Fill Policy. Regarding EMF, Mr. Mork indicated that it opened in August 2009 and a total of 26,000 cubic yards (cy) of material was received. About 2,500 cy was engineered fill used to construct the bridge and the balance of 23,500 cy was contaminated soil from the property remediation program. He said that EMF closed for the season in November. The site was winterized by stabilizing the slopes and using Best Management Practices (BMPs) for managing stormwater. Regular inspections of EMF show that the waste soil is not eroding and not moving. In December, they installed one of three wells approved in the Enhanced Monitoring Plan (EMP). The monitoring plan was developed in response to the concerns the EPA's Office of the Inspector General (OIG) had about the location of the site. The other two wells should be installed in May. Upon approval of the EMP, the OIG closed the repository investigation. They agreed that there were no outstanding issues with the design or siting of EMF. IDEQ monitors the performance of the repository quarterly and groundwater samples are collected and analyzed. To date, there have been no releases of metals from EMF. The monitoring results are posted on the EPA's EMF website and the BEIPC's website. During the winter, the Institutional Controls Program (ICP) disposal area remains open to receive waste.

Mr. Mork then provided an update on the Big Creek repository expansion. They may consider adding more waste soil on the north side if they can maximize the existing site to safely store contaminated waste. Currently, they are reviewing the plans to see if whether the expansion is technically and financially feasible. They are also checking on potential impacts the expansion may have on a number of different resources including wetlands, surface and groundwater, cultural resources, soil conditions, and other site features. One thing to keep in mind is that IDEQ already owns the land and a decontamination facility is operational and monitoring wells are installed. Although public comment is not required for a design modification, they want to

keep the public informed. Commissioner Cantamessa commented that the expansion was a good idea to utilize space.

Regarding the site selection process for locating another repository site in the Upper Basin, Mr. Mork reported that the top two ranked sites were the Osburn and Star tailings ponds. They plan to present the findings on March 25 at the Wallace Inn. After a brief discussion of various issues related to this process, Commissioner Cantamessa suggested that the County Commissioners would be happy to be involved to help make something work as it's important for the community from a land use standpoint.

Mr. Mork also updated everyone about the Community Fill Policy. It was formerly called fill the holes; and the objective is to transfer contaminated soil from one property to another for use as fill for property development. It's difficult to do this in CERCLA due to the liability issues. In order to qualify, the soil must be contaminated with metals from historic mining and milling practices. However, no principal threat waste (i.e. very high levels of metals contamination) will be allowed. Also, no other contamination will be allowed in this material. For example, no petroleum products, no chlorinated solvents, no pesticides, etc. Once the legal and technical issues can be resolved with the various agencies, then there is a good possibility that the policy may be approved.

Mr. Ed Moreen (EPA) added that there is a lot going on with repositories; and that EPA recognizes it's very important to everyone. They are going to keep the community, elected officials, and board members apprised of what is going on. On March 25, a public comment period will start on the next two potential repository sites. Please contact him or Mr. Mork if you have any questions or concerns. They appreciate everyone's input.

9) Stormwater Education Erosion Program (SEEP): Mr. Kenny Hicks provided an update on the Stormwater Erosion Education program. Development of the program began five years ago and they have conducted three years of training. He explained the purpose of the program and said that they are having great success. They are now working on an advanced class. For more information, SEEP has a website at: <http://www.plrcd.org/SEEP/index.htm>

Ms. Stevens added that she wanted to acknowledge the ICP program as they promote the SEEP classes. With the ROD amendment process and remedy protection, this is a good way to get the education and knowledge on how to protect the remedy as they go hand-in-hand together. Commissioner Cantamessa expressed appreciation and thanks to Mr. Hicks for the good job that SEEP is doing.

10) 2010 Bunker Hill Five Year Review and ASARCO Settlement Issues Update: Ms. Angela Chung (EPA) gave a powerpoint presentation on the five-year review process. EPA has a statutory requirement to do a five-year technical review for projects where contamination is left on site to ensure that actions are protecting human health and the environment as they intended them to do. She clarified that a five-year review is not a decision document, but basically an update, or progress report about how they are doing. The review does not include a review of the upcoming ROD amendment actions because those actions have not yet been selected. The

information will be publically shared, but they will not be doing a public comment period on this five-year review. They did do one the last time because it was the first time they were doing it for the Basin. They are trying an alternative approach as they did not get a large amount of participation in 2005. She invited people to contact her if they have any questions. PH: 206-553-6511.

Ms. Chung then reported on the ASARCO settlement which came through in December. The CDA Basin project received almost \$500 million in settlement from the ASARCO bankruptcy. The majority of the funding went into a work trust which is focused on doing cleanup work in the Basin. They also received some settlement money for work (in addition to the State) for some cleanup work in the Box. Another related project is the Jack Waite site in the North Fork CDA River which received some funding. Ms. Chung indicated that the work trust (with about \$420 million of the settlement) is being managed by a Trustee, Mr. Dan Silver, who is based in Olympia, Washington. Mr. Silver asked her to convey that he will be coming here for the May BEIPC meeting and that he is very interested in meeting the various stakeholders. She clarified that for the work trust, Mr. Silver is basically stepping into the shoes of ASARCO. He is a separate entity from EPA. However, the work that he performs has to be approved by EPA before he can implement it every year. She noted that the details of the work are not resolved right now. EPA is looking at how to maximize the settlement funding. They want to make sure they reserve enough funding to take care of the priorities throughout the Basin including the important Lower Basin work. Mr. Harwood pointed out that the Trustee does have the responsibility and authority to make some careful investments with the money.

Commissioner Cantamessa commented to Ms. Chung that when EPA talks about maximizing what you get for the investment, he thinks that it involves pulling in other partners. He hopes that the BEIPC and its process can be involved in some way as there are a lot of potential partners at the table. Commissioner Cantamessa stated that they are also fortunate to have Mr. Harwood who has the previous experience to understand this process. He reiterated that he thinks the BEIPC should have an opportunity to be a part of it.

Commissioner Cernera said that he would agree with this and asked EPA about the remedy review board meeting coming up. He inquired what the BEIPC could do to help, and if there was some way to utilize the investment. He has looked at the spending in the Basin over the last decade, and it's less than what the interest would be on the total investment (i.e. about \$15 million) per year. If it's extended over fifty years, then it allows the principal to grow. Mr. Cernera asked if there was anything the BEIPC can do to get EPA to move in that direction as he is hearing mixed signals that EPA headquarters is saying to spend the money you have, so you don't come to us asking for money. But, as he sees it, that's shortsighted. If you use the interest, then you may not have to go back to them for money.

Ms. Chung responded that EPA has clearly been looking at different funding scenarios. They have had some discussions with headquarters. The assumptions that are used heavily impact how long the money will last. For example, if the financial markets do well, then Mr. Cernera's scenario could be a possibility. If they do what they have been doing the last few years, then they are still looking at the actual interest earned being less than what is being spent in the Basin.

She stated that it's very important on how you weigh the different assumptions. They would like to get together annually the next few years to evaluate the performance of the trust in a given year, and make a decision on how much you would be spending. Hopefully, over time, a trend will be seen. People are going to want to know and this has been an issue for the project for a while. Ms. Chung commented that it's clearly better to have a known number as you can do much better planning if you know you're going to have a definite amount per year spent out of the trust.

Commissioner Dan Opalski (EPA) indicated that the ASARCO bankruptcy settlement does not just affect the CDA Basin. It did get the largest portion as a single site, but there are a number of sites across the county. So, as EPA headquarters was trying to figure out what to do, they are feeling a lot of pressure from a lot of other communities who for years have been standing in line for funding and have not been getting even what the CDA Basin has been getting. However, even as EPA is having conversations among themselves, they have a mutual desire to optimize the settlement and how to spread out the benefits of appropriated dollars. Mr. Opalski clarified that this is the perspective from the national program. Ms. Chung added another important message to consider. This site is one of the oldest in the county, so there is some impression that the work should be almost done. Although EPA has already been here for more than 25 years, there is clearly more work to be done.

Commissioner Cernera commented that if they spend for 20 years, this amount of money, when EPA resurfaces and says that they are not nearly at the end, he believes that it will be far more difficult to get back into the funding stream. He is urging the BEIPC to act as the unique national model that it was set up to be years ago; and suggested that it help to make some changes for the better. Commissioner Opalski informed everyone that as a federal official he will have to abstain from any funding matter.

Mr. Jerry Boyd (CCC Chair) questioned whether the settlement funding is segregated; and if the funds will stay with this project, rather than be subject to pleas from other people. Ms. Chung answered yes. Commissioner Opalski brought up that the answer was more complicated. While the funds cannot be moved (if you think of it as an overall pie); other monies can go somewhere else. Mr. Boyd then asked about who decides the projects, and to what extent the Trustee is involved. Ms. Chung said that these issues will have to be worked out with the Trustee. EPA is working on some FAQs that they will post to their website along with the two different trust related agreements, so that people will see where the funding is designated. The agreements do not define how the work is going to be approved, or what work is approved. This is what they are focusing on for the first year and will be working out with the Trustee. Commissioner Cantamessa reiterated that the BEIPC sees this as an opportunity to involve the BEIPC. He knows that the Trustee and the EPA do not have to do this, but he thinks it's important from the BEIPC's perspective to ask this question.

Commissioner Grant Pfeifer made a motion to go into executive session to discuss personnel issues. The motion was seconded by Commissioner Cernera and unanimously approved.

Lunch

Commissioner Pfeifer made a motion to go back into regular session. It was seconded by Commissioner Cerner and unanimously approved.

11) Upper Basin Record of Decision (ROD) Amendment Update: Ms. Anne Dailey (EPA) made a powerpoint presentation about the ROD amendment process for the Upper Basin. She explained that the RODs are cleanup plans to guide implementation of the remedies. The goal of the proposed Upper Basin ROD amendment plan is to come up with a comprehensive plan for the Upper Basin that reflects improved knowledge of the Box and Upper Basin to address the groundwater and surface water quality issues associated with the area as well as addressing the NAS recommendations in the 2005 report.

The new cleanup plan is intended to provide a path for achieving water quality standards in the Upper Basin as the current RODs do not provide that path to achieve site specific criteria in the South Fork. They have also included actions to protect human health remedies primarily in the Upper Basin from tributary flooding and heavy precipitation events. Human health remains their top priority. Ms. Dailey said that the structure of the cleanup plan and draft focused feasibility study is divided into two parts: 1) remedial actions; and 2) remedy protection actions. She clarified that the Lower Basin is another important part of this site, but the proposed ROD amendment is not focusing on the Lower Basin. There is a process underway that Mr. Ed Moreen will be speaking about on work that is going on in the Lower Basin to better understand how sediment transport works and recontamination issues.

At the end of her presentation, Ms. Dailey displayed a slide on the costs and time for the remedial actions being proposed in the draft ROD amendment. The costs range from \$1.2 billion to \$2.1 billion depending upon what remedial action is selected and the time (40-120 years) it takes to accomplish the work. She said that the funding stream is very important as they want to preserve the monies. Mr. Harwood pointed out that these cost amounts and timeframes are only for the cleanup as we decide to do it, and that it's not a total cleanup. Ms. Dailey added that they will be carefully looking at all they are doing and that possibly not all of the cleanup actions will be necessary over time. The actual timeframe will depend upon what alternatives are selected.

Ms. Dailey informed everyone that the draft feasibility study is out and that it's quite a large document. Copies have been provided for comments, but if people need more time to review the document, please let her know. The draft cleanup plan will be out this summer and there will be a public meeting as well as a workshop. The EPA will be making changes based on comments to the final draft feasibility study and that document will be available at the same time as the draft cleanup plan.

Mr. Rob Hanson (IDEQ) gave a presentation on remedy protection. He said that the human health remedy is basically the barrier that has been placed in the Box and Basin, and that is what they are trying to protect. The project team includes him, Ms. Anne McCauley (EPA), Mr. Dan Meyer (IDEQ), and Mr. Derek Forseth (TerraGraphics). The remedy protection need has been known for a long time, particularly in the Box, as you have side drainages that may flood and wipe out some of the cleanup that has been done. Evaluation of the needs on this issue has been

a BEIPC priority with Mr. Harwood working on the Drainage Control Infrastructure Revitalization Program (DCIRP) with funding from the State and EPA. The goal of the program is to create barriers that are durable and last for a long period of time in order to protect the remedy in the communities. There are two alternatives. One is no action and the other is to do these projects. The cost to do these projects in the eight communities for remedy protection is about \$18 million dollars. If they are not done, the cost of letting it flood and then fixing things up is about \$33 million dollars. Mr. Hanson indicated that the objectives are to keep clean areas clean, and minimize erosion of clean barriers and deposition at these sites from fast moving water scouring out barriers and depositing contaminated material on places that have already been remediated, or places that may be clean.

Mr. Hanson relayed that one thing that is not in the ROD remedy protection plan is roads. If there was an asphalt road in the community, they did not tear it up and put a new one in because it was already serving as a barrier. As roads wear out over time (particularly with large trucks running over them), then they are no longer serving the purpose of a barrier anymore. He mentioned that the existing ROD already has roads and rights-of-ways in it as items that can be addressed. So, they are working on a plan now to figure out what the cleanup project can do to help communities deal with roads in terms of making them barriers for the contaminants underneath. The next steps for remedy protection will be to prioritize projects and develop an implementation plan.

Next, Mr. Bill Adams (EPA) reported on the EPA's remedy review process. He indicated that there is an internal process that they go through whenever any cleanup site costs more than \$25 million. For the Upper Basin ROD amendment, they are in the process of preparing a package for the remedy review board as they will be making a presentation to them at the end of April. He explained that it's more of an internal evaluation to make sure that the actions are consistent with what is done at other sites relating to all the laws, regulations, and policy. Primarily, EPA managers that are familiar with Superfund site work will be conducting the evaluation. Then they will make a recommendation, but they are not the final decision maker.

Mr. Adams clarified that as long as an individual site is in the decision document, then they can take action at that site. Otherwise, they have to come back and do another ROD amendment. So, this gives EPA the flexibility as they are working in areas to take actions where needed. The plan is a prioritized plan for the cleanup and identified by increments of work either by five or ten years depending upon a few different funding scenarios. They have put together a \$15 million and a \$20 million scenario. An important issue will be how far can you go with the money and what can you get accomplished. He informed everyone that the next Upper Basin PFT meeting will be sometime in March. There will be a 45-day public comment period on the proposed ROD amendment. He will give an update at the next BEIPC meeting and provide more detail about the preferred alternative and the results of the remedy review board. The goal is to get the ROD amendment issued by fall. They have been reaching out to the community by holding a large number of technical meetings and sharing all the documents which is not something that EPA typically does at this stage in the process.

12) Lower Basin Enhanced Conceptual Site Model (ECSM) Update: Mr. Ed Moreen (EPA) gave a brief update about the Lower Basin ECSM. He provided copies of the draft ECSM document and suggested that people read the synopsis and executive summary. The ECSM will provide a tool for moving forward in the Lower Basin in the Superfund process. However, they are not ready for a focused feasibility process yet. They anticipate that it may lead to another ROD amendment, but they need to go through the process to determine what this may be, and it may take several years.

Mr. Moreen also gave an update about the Wallace Yard consent decree. The Dept. of Justice (DOJ) opened a public comment period for 30 days on the consent decree that was reached by the DOJ and the railroads. The comment period will be open until February 25. Mr. Moreen said that if anyone would like to comment, he has CD copies of the document, or you may go online through the website of the Dept. of Justice.

13) Communications PFT Update: Ms. Jeri DeLange (BEIPC) gave an update on the January 12 Communications PFT meeting. She reported that the PFT has been busy the last few months to improve public participation in the BEIPC process. There are two new members: Ms. Denna Grangaard (IDEQ, Kellogg) and Ms. Tracy Meyers (IDEQ, CDA). The next meeting will be held on March 4. The Communications PFT is coordinating efforts with IDEQ for a joint North Idaho Fair booth in August. Ms. DeLange also provided an update on the Recreation Education Subcommittee that is being chaired by Ms. Tina Elayer (IDEQ). Mr. Mark Masarik (EPA) is serving in an advisory capacity.

14) Citizens Coordinating Council (CCC) Presentation: Mr. Jerry Boyd (CCC Chair) provided an update on the April 21 CCC meeting and noted that there were a few newer people who attended. He believes that the public is well informed because of all the information sent out to people on the CCC email list, and suggested that this may be an indication of why there are not more people at the meetings. Reports made at the CCC meeting included: 1) a presentation by Mr. Mork about repositories. There were comments about EMF and questions about groundwater monitoring; 2) Big Creek expansion and questions about how the expansion would look from the Trail of the Coeur d'Alenes. Mr. Boyd thinks that this may be a big issue and that attention should be paid during the summer when the construction is going on, so that it does not harm the visual impact from the Trail; 3) the Upper Basin repository siting process; 4) the Asarco settlement and questions about who will decide how the Trust money will be used and what role the BEIPC will play in the process. A comment was made that it's hoped that the BEIPC will have a significant role in the process; 5) Upper Basin ROD amendment presentation by Mr. Moreen along with updates on the Lower Basin and Wallace Yard; and 6) CCC members discussed communications and what they can do to ensure that the CCC is hearing from the public.

15) Public Comment: Ms. Margo Gil Lynn Scott (Burke Citizen) mentioned that she thought yard remediation would be discussed, but that she did not hear anything about it.

Mr. Dan Meyer (IDEQ) responded with a summary of last year's yard cleanup work. In 2009, they remediated 547 properties. About 293 were done with stimulus funding and the remainder

with regular funding through EPA and IDEQ. The result was that they remediated a total of six and a half million square feet of property. This was about two and a half times more than a normal yard remediation season and it was due in large part to stimulus funding. They do have some additional stimulus funding that they are going to be using this year, but the 2010 program will be back to a more normal season. They employed about 335 people through the yard remediation program. It was a big boost to the economy in the Silver Valley in terms of employment, and a lot of material was purchased as well through the program.

Mr. Meyer also reported that 130,000 cubic yards of material was hauled to the repositories last year. About 23,000 cubic yards went to EMF and the remainder went to Big Creek. One of the things that they were able to do with the stimulus funding was to remediate some of the large properties between the Ninemile area and Silverton and Osburn. They were also able to complete Sather Field in Silverton. They did not have to haul all of the large amounts of material to the repositories for some of this work as they utilized the excavated materials in fills on site and then capped the site. This saved a lot of remediation cost as well as repository space which is very valuable. Mr. Meyer said that he will be looking to start the yard program in May and they are currently are in the rebidding process for contractors.

Mr. Jerry Boyd (CCC Chair) encouraged the members of the public to attend a CCC meeting as it's a good opportunity to get information and ask the agencies direct questions.

Mr. Ivan Linscott (Wallace citizen) commented that this winter brings a concern to mind that he's had for awhile. With the long time scheduled for action and remediation (i.e. 40 years or more), he inquired whether potential scenarios have been evaluated regarding the climate if it's no longer stable. He suggested that it could have a significant impact on future plans and questioned whether that has been taken into consideration.

Ms. Anne Dailey (EPA) responded that when developing the Focused Feasibility Study (FFS), they did not directly address the local climate change, or North Idaho's climate, but that is an aspect that they may need to look into. They do monitoring for surface water, groundwater, and soil sediment as well as biological resource monitoring throughout the Basin. As they move forward to designs and implementation and monitor those actions for changes, then they can use adaptive management to be effective. They will keep an eye on potential impacts.

Ms. Rebecca Stevens (CDA Tribe) asked for clarification of 15-20 minutes on the BEIPC agenda for LMP updates. Commissioner Cernera said that he would recommend it be on the agenda.

16) Adjourn: Commissioner Cantamessa thanked everyone for attending and adjourned the meeting at 2:55 p.m.