

BEIPC MEETING

Basin Environmental Improvement Project Commission
November 7, 2012, 9:30 a.m. - 4:30 p.m.
Coeur d'Alene Inn, 506 W. Appleway
Coeur d'Alene, Idaho

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners Present:

Mr. Rick Albright
Mr. Jack Buell (Vice-Chair)
Mr. Jon Cantamessa (Chair)
Mr. Phillip Cerna
Mr. Curt Fransen
Mr. Dan Green
Mr. Grant Pfeifer

Alternates Present:

Mr. Rob Hanson

Staff Present:

Ms. Jeri DeLange
Mr. Ed Moreen
Ms. Rebecca Stevens
Mr. Bruce Schuld

1) Call to Order/Welcome: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County) welcomed everyone and called the meeting to order at 9:40 a.m., followed by the flag salute.

2) Approval of BEIPC Special Meeting Minutes from October 5, 2012: Commissioner Cantamessa asked if there were any changes or corrections to the minutes. Ms. Jeri DeLange (BEIPC) indicated two corrections. On the first page, under staff present, that Ed Moreen was listed in error as he was not in attendance. On page 6, to delete the text in the first sentence as it was a duplication from the previous page (bottom of page 5). Commissioner Grant Pfeifer (State of Washington) made a motion to approve the minutes as corrected. Commissioner Dan Green (Kootenai County) seconded the motion; and it was approved unanimously.

3) Update on Coeur d'Alene Lake Management Plan (LMP) Implementation: Mr. Glen Rothrock (IDEQ) and Ms. Laura Laumatia (CDA Tribe) provided an update on the LMP. This included a presentation by Mr. Rothrock on the State and Tribe's nutrient source inventory on the St. Maries and St. Joe Rivers. He indicated that these areas contribute high loadings of sediment, nitrogen and phosphorus to Coeur d'Alene Lake. Sampling data is being evaluated

and they should have the results in January 2013. Ms. Laumatia presented information about some of the public outreach activities for the LMP such as a catalog of outreach opportunities is being developed for local schools (K-12), the Lake*A*Syst manual for CDA Lake is almost completed and a copy should be available for the next meeting, and the link for the LMP Facebook page is: <https://www.facebook.com/LakeCoeurAlene>). Commissioner Phillip Cernera (CDA Tribe) also provided a brief update on the weed management program detailing various treatments to deal with the milfoil issue.

4) 2012 Blood Lead Testing Program Report: Mr. Jerry Cobb of the Panhandle Health District (PHD) made a presentation on the results of the Lead Health Intervention Program (LHIP) surveys for 2012. This program is a public health service offered by the State of Idaho. There is a \$20 incentive for children tested in the Basin between the ages of 6 months to 6 years, but no cash incentive in the Box. In mid-May, the Center for Disease Control (CDC) reduced the blood lead level of concern to 5 ug/dL (i.e. previously 10 ug/dL) as there is no level of lead exposure that has yet been identified, with confidence, as clearly not being associated with possible risk of harmful health effects.

Mr. Cobb explained that in the early 1970s, children's blood lead levels in the Silver Valley were averaging around 40 ug/dL. However, this level has dropped to a range of 2-3 ug/dL with the Bunker Hill closure and yard remediation program. In 2012, 83 children (ages 0-6) were tested in the Basin. Five children had blood lead levels greater than 5 ug/dL, but no one had a level greater than 10 ug/dL. Mr. Terry Harwood (BEIPC) asked where the children with high blood lead levels may have been exposed. Mr. Cobb replied that there is still a lot of lead in the Lower Basin and suggested that it may be a combination of lead paint from older houses in the Box and Basin, recreational activities along the river in the Lower Basin, railroad right-of-ways that were not remediated, or hillsides that children used to play on. However, he indicated that the railroad right-of-ways have been cleaned up and most of the hillsides are vegetated now. Next year, they are looking at expanding the blood lead testing in the Box and increasing the incentive from \$20 to \$30 in both the Basin and the Box.

Break

5) Community Involvement Coordinators Update: Ms. Denna Grangaard (IDEQ), Ms. Rene Gilbert (EPA) and Ms. Jeri DeLange (BEIPC) provided updates on their respective public outreach and community involvement efforts during the year.

6) BEIPC Executive Director Update: Mr. Terry Harwood provided an update on BEIPC activities and programs he was asked to provide assistance on. These include the roads program which deals with contamination issues in roadways for paved and unpaved (dirt or gravel) roads. Last year, they started sampling the unpaved roads in the Basin and had expected to find a lot of potential contamination from flooding. However, they found that the contaminated roads were the ones built out of mine waste. He will be working with TerraGraphics this fall and winter on a complete inventory of the gravel roads that need to be remediated. For the past several weeks, they have been working on a pilot project in the Basin to remediate Beacon Light Road (Mullan), Patterson Road (Osburn), South Doyle Road (Kootenai County) and Ninemile Cemetery Road. The project for Woodland Park is currently being designed and should be done in about a month.

Then they will take all of the pilot project data and present a package to the State and EPA on how best to contract and deal with contamination issues in gravel roads.

For the paved roads program, Mr. Harwood said that they have the policies and strategic plan in place and will be meeting separately with the nine local road jurisdictions beginning next week. A Roads Board has been created comprised of Mr. Craig Cameron (EPA), Mr. Bruce Schuld (IDEQ) and a technical expert, Mr. Jon Harwood (IDEQ). For remedy protection projects in the Box and Basin, there are two types (i.e. urban areas and side drainages). The State of Idaho will be taking the lead for remedy protection projects in the Box and the CDA Trust will be doing the work in the Basin. They will be using the public works contract process to award the work. All of the affected property owners will need to be approached for easements and an agreement negotiated with the local jurisdictions to take over maintenance once the projects are completed.

Mr. Harwood added that there is a lot of community involvement going on and that he had the CICs provide an update to let everyone know the amount of work we are doing to keep the public involved throughout this whole process.

7) Presentation and Discussion of EPA 10-year Superfund Cleanup Implementation Plan (SCIP): Mr. Bill Adams (EPA) made a presentation on EPA's Draft SCIP. The SCIP identifies actions for the next 10 years in moving forward with cleanup work. He also reported on the work that was completed in 2012 which included the following:

- *Property remediation - 189 properties completed;*
- *Remedy protections designs;*
- *Roads strategy completed;*
- *Design work on the Central Impoundment Area (CIA) drain and Central Treatment Plant (CTP) upgrades;*
- *Designs started for the Ninemile Waste Consolidation Area (WCA), Interstate Callahan, and Lower Burke Canyon (LBC) repository design; and*
- *Page Wetland mitigation.*

Mr. Adams informed everyone that the draft SCIP was released today for a 30-day public review. EPA is asking for comments by December 6, 2012. There is a fact sheet on the back of the document and it's being distributed electronically. If anyone wants a hard copy or CD, please contact him or EPA's Community Liaison, Ms. Rene Gilbert. It may also be downloaded from EPA's website at: <http://go.usa.gov/igD>.

Then he explained that EPA will be doing a summary of the SCIP comments received and the changes that they will be making to the document, rather than a line-by-line response. The SCIP will be updated on an annual basis and will form the basis for the one and five-year work plans that come through the BEIPC process. This will not be the only time to provide input on the SCIP as people will have the opportunity to weigh into the implementation process on a regular basis. Local residents will also be informed for specific actions on those most affected for particular projects.

Commissioner Cantamessa said that he is going to urge everyone to take part in the 30-day public comment process. He thinks that adaptive management is an exciting approach to the

SCIP, but has some concerns about spacing the funding as to what involvement the Basin and local communities will have to drive some of the decisions. He hopes that there will be an opportunity to provide valid input regarding funding decisions.

8) Update on Page Repository Expansion: Mr. Bruce Schuld (IDEQ) gave a brief update on the Page repository expansion. The expansion did not need to go through a permitting process, but they did use a procedure to evaluate all the technical and siting alternatives for ICP waste. Open houses were then held to discuss the options. The expansion is going to cover approximately 25 acres and will provide for ICP storage operation for about fifty years.

Lunch

9) BEIPC Discussion on EPA's SCIP: The Basin Commissioners discussed various issues related to the SCIP including the following:

- *Project timeline and projected spending over the 10-year period;*
- *Special Account (SA) and Trust funding;*
- *Water treatment projects;*
- *Central treatment plant upgrades;*
- *Access agreements for remedy protection projects;*
- *Mine and mill sites requiring additional engineering data for design;*
- *Accelerating some of the projects to get a better return based on lower construction costs;*
- *EPA looking at stable, steady return and not swings in the investment;*
- *Work should be driving the funding, rather than letting the investment scenario drive the work;*
- *EPA not wanting to cut into Trust principle right off the bat;*
- *Financial planning targeted for return on investment - is it better to do some of this work now with current economic situation;*
- *EPA looking at making adjustments, still lot of fluctuations in investment strategy;*
- *Plan for Trust to ramp things up over time and not be constrained by investments per se, but need to keep eye on;*
- *Relook at investment strategies that may provide more stable return, rather than swings getting now;*
- *Potential for increased investment fees by stretching it out over time;*
- *EPA trying to be cautious, so there is money remaining for Lower Basin work;*
- *EPA increasing work at a measured pace that seems to match the projects coming up and getting a number of things completed in a relatively short time period that are of a particular interest to the local community; and*
- *Clarification of costs for oversight, administration and supporting activities.*

Commissioner Cantamessa commented that as the Basin Commission works on the adaptive SCIP process, there will be a lot of information to digest. Since the BEIPC meets quarterly, he's not sure if that will work. He suggested that the Commission may need to meet more often, or provide another communication source electronically to be effective. There is a lot more

information to be concerned about and he's concerned about financing and the interaction with the communities.

Commissioner Fransen (State of Idaho) brought up the transition and indicated that there is a lot of preliminary planning work to be done, particularly with development of the SCIP. His sense from the State's perspective in terms of input into the implementation plan was somewhat less than what we have been involved with in the past in terms of planning efforts. He thinks that Mr. Adams has described how the EPA will try to move the input into the plan quicker in the future. That would be helpful, but it's important to think about how the commission will contribute to this process. Is it just a public involvement process, something interactive, or with the entire process? He would also like to see something from the State's perspective on the SCIP.

Secondly, he understands the need to balance priorities. There are legitimate health issues in the LB and he continues to feel human health remedies should not be balanced against the investment. He thinks that we need to move forward.

Further discussion by the Basin Commissioners included some of the following topics:

- *Opportunities for the BEIPC to be involved in the planning process;*
- *Lower Basin studies and stabilizing the CDA River banks downstream;*
- *Vetting technical issues through the TLG and providing comments to BEIPC;*
- *Opportunities for the BEIPC Executive Director to brief County Commissioners;*
- *Adaptive management and how the BEIPC can influence the annual work plan;*
- *Opportunity for the ability to influence funding; and*
- *More flexibility to schedule additional work.*

Commissioner Rick Albright (EPA) said his role is a bit confusing as he has two distinctive roles that could occasionally conflict, one as a decision maker for EPA, the other as a member of the BEIPC board. He would emphasize from EPA's perspective that they are interested in what the BEIPC has to say as well as the comments from the general public. There are a lot of things they need to balance. In the future, he thinks that there is room for adjustments. Commissioner Cantamessa added that he still has an interest in how EPA will spend SA funds.

10) Citizens Coordinating Council (CCC) Comment and Presentation: Mr. Jerry Boyd (CCC Chair) gave a presentation on the October 17th CCC meeting. He indicated that the meeting was held the same day as the TLG meeting and that it worked well to have the TLG meeting during the day and the CCC meeting that evening. He would recommend doing it again as there was good attendance at both meetings. *(The summary of the CCC meeting notes and comments are included in the board packet information).*

Mr. Boyd also brought up some concerns expressed at the CCC meeting pertaining to roads, remedial actions, repositories and public input. He suggested that some people in the Lower Basin (LB) would like the opportunity to provide input on pre-design concepts at an early stage before decisions are too far down the track to make any changes as it would create more buy-in. Others have concerns that all of the funding (i.e. settlement) may be spent before the Lower

Basin is taken care of; and whether a certain amount of funds could be set aside for LB cleanup. Commissioner Cantamessa commented that when you begin to set aside money for the LB, you are questioning where the real needs are. Mr. Boyd voiced another concern from the CCC meeting regarding whether a health assessment should be done for the LB to establish priorities for work. Commissioner Cantamessa responded affirmatively that the request was made.

11) Presentation of 2013-2017 BEIPC Five-Year Work Plan: Before the presentation began, Commissioner Cantamessa informed the BEIPC that if the plan is adopted today, it could be amended at any time if there were concerns later. Mr. Harwood and Ms. Rebecca Stevens then presented the draft five-year work plan to the Commissioners for their review and approval. During review of some of the work plan sections, the Commissioners discussed proposed revisions to some of the language in various sections. Following the presentation, Commissioner Cantamessa opened the discussion to the public.

12) Public Discussion: Ms. Julie Dalsaso (CCC and LBC Member) inquired if there was a mechanism in place to check for damage or deterioration of signage (i.e. for human health risk) at boat launches and recreational areas after flooding; and whether there were any fish consumption advisories in these locations. Mr. Harwood replied that there was a fish consumption guide in the Basin Commission's "Our Gem" Coeur d'Alene Lake maps. However, he was not sure how the BEIPC could direct each of the various agencies with authority over specific recreational areas to keep their signage up. He suggested that Ms. Dalsaso had a good point; and that maybe it could be a cooperative process.

Commissioner Cernera suggested that maybe some of the signs along the river trail (i.e. as part of EPA's process) could be checked by doing a quick inventory to see if any need to be put up again. He also wanted to propose another revision to the five-year work plan because he does not want the BEIPC being involved in the recreation management business. However, he would like the BEIPC to be cognizant of, and coordinate with the remedy in the LB. Ms. Stevens added that the trail goes into the Upper Basin as well. The Basin Commissioners agreed to make the proposed language changes in both the LB and UB remedy sections. Commissioner Cantamessa noted that they would take the sign comment although it would not be part of the five-year plan.

Ms. Stevens suggested that the Community Involvement Coordinators (CICs) for EPA and IDEQ provide an update at the next BEIPC meeting on new signage for the repositories that the agencies are working on.

Mr. Nick Zilka (Citizen) said that he wanted to comment that the signage along the Trail is inspected monthly by a UP (Union Pacific) contractor.

13) Approval of BEIPC Five-Year Work Plan: A motion was made by Commissioner Jack Buell (Benewah County) to adopt the five-year work plan as amended. The motion was seconded by Commissioner Cernera; and unanimously approved.

14) Presentation of 2013 One-Year Work Plan: Mr. Harwood and Ms. Stevens presented the one-year work plan to the Basin Commissioners. After the BEIPC's review and discussion, Commissioner Cantamessa opened the discussion to the public.

15) Public Discussion: Ms. Jeanna Paluzzi (Citizen) provided some information to the BEIPC regarding stormwater treatment facilities. She said that alum treatment has been found effective in urban stormwater management in terms of pollutant removal efficiencies and also 50-80% for heavy metals. For anyone interested, she would be happy to provide contact info for Mr. Eric Livingston about this topic. Secondly, Dr. Doug McKenzie-Mohr (Canada) is working on community based social marketing which is a critical component of watershed management in encouraging stewardship behaviors. The website address is: www.cbsm.com.

Mr. Bill Rust (Shoshone County TLG Rep.) said that he has been participating in the Lower Basin Collaborative (LBC) meetings, but has concern that information regarding potential human health risk from recreational use in the LB based on possible exposures to lead is being left out. He thinks that it would behoove IDEQ and PHD to give some thought to what kind of program they might do. First, take a look at potential risks, then maybe conduct some blood lead sampling in the LB to get a better handle on at what kind of risks those people face. They are doing an enormous amount of studies in the LB and spending a lot of money on the ecological side of the remedy, but not paying too much attention to the human health side.

Additional discussion included the following items:

- *Recreational uses along the Trail and CDA River;*
- *Additional signage and better education;*
- *Potential risks for short-term recreational exposures to lead;*
- *Blood lead sampling on recreational users in the LB for a cross section;*
- *Review the results of the Trail of the Coeur d'Alene's Risk Assessment that was done previously (i.e. different kinds of recreational uses);*
- *Staying on the Trail to prevent potential risk to any short-term exposures to lead;*
- *Looking at other information on past risk analyses; and*
- *Update of current health risks.*

Commissioner Pfeifer said that he recalls attending a Basin Commission meeting and hearing about a family at one of the campgrounds in the LB. They were from out of town and camped for several days. Their child became sick and had a high blood lead level, so it is a concern. However, he's not sure how to frame this as an addendum and suggested that maybe we do a review of what we know as a possible agenda topic in the near future.

Mr. Harwood responded that the TLG could handle that for the BEIPC. Ms. Stevens said that she has been hearing no more studies the last few years and that people want to get the work done. She questioned if their efforts should go to design a LB project near a recreation site or do another study.

After additional discussion, Commissioner Pfeifer suggested that maybe an update at a future BEIPC meeting may be appropriate without launching new investigations.

Ms. Jeanna Paluzzi brought up infrastructure improvements for flood control and suggested using other types of practices to manage stormwater runoff. She offered to provide additional information for anyone interested. She also suggested that it depends on what you do at a county

level in your planning and development committees, so there is a strong leadership role in the county.

Mr. Larry Yergler (Shoshone County Commissioner) inquired about the Grouse Creek remedy protection project. After the designs are completed, he wanted to know if EPA was going to seek some input from the people who live in that area. Mr. Harwood answered that it's part of the process. They are going to be involved because you need to get easements from them to cross their properties. Plus, the local jurisdictions will need to sign an O & M agreement with the State of Idaho before the projects will be done.

Mr. Bill Adams said that he wanted to address a few issues related to the LB. He does not think it will require a new risk assessment. EPA is looking at those properties in the LB and the risks are the same as the other smaller communities in the Basin. On the signage, they are looking at those and want to refresh them. They are also very interested in recreation sites and perhaps looking into doing a pilot project in the LB and looking at some fixes that could be applied.

Ms. Julie Dalsaso (CCC and LBC Member) said that she wanted to dovetail on what Ms. Puluzzi brought up about strong leadership at the county level regarding development and risk factors, slope failures, and other factors that affect water quality. In the October 5, 2012 BEIPC minutes, page 7, point #8, she referenced that when people who live around CDA Lake want to do any work on their bank and they find out the material is hot, there is no place to take contaminated soil as there is not any strategy or guidance on contaminant management. Then on page 8, she noted that Mr. Harwood said we need some leadership from the Commissioners to revisit contaminant management. She commented that it does not matter how many examples of non-point discharges that happen at the county level, we're not getting leadership. She is going to leave this on the table.

Commissioner Cantamessa clarified that it's part of the work plan and that it's up to Mr. Harwood if he wants to revisit this issue right away.

16) Approval of BEIPC 2013 One-Year Work Plan: Commissioner Pfeifer made a motion to approve the one-year work plan and take care of any amendments that might be necessary with the completion of the SCIP at the next meeting in February. Commissioner Green seconded the motion; and it was unanimously approved.

17) Special Announcements and Discussion of BEIPC Officers for February 2013 Meeting: Commissioner Cantamessa noted that there will be election of BEIPC officers at the next meeting. Mr. Harwood then presented a plaque and certificate to Commissioner Albright to acknowledge Commissioner Dan Opalski's service on the BEIPC from 2008-2012. Commissioner Albright thanked the BEIPC on Dan's behalf. Mr. Harwood indicated that EPA sent a letter to designate Rick as Dan's replacement and the alternate for the BEIPC. Mr. Harwood said that the BEIPC will have to deal with the change in elected officials for the counties. If there are changes, he will need a letter from the Governor. At the February meeting, he will handle the election of officers.

18) As there was no further business, Commissioner Cantamessa adjourned the meeting early at 3:13 p.m.