

BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
May 22, 2013, 10:00 a.m. - 4:00 p.m.
Wallace Inn (Gold Room)
100 Front Street, Wallace, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners Present:

Mr. Rick Albright

Mr. Jack Buell (Chair)

Mr. Phillip Cerner

Mr. Curt Fransen (Secretary)

Mr. Dan Green (Vice-Chair)

Mr. Caj Matheson

Mr. Grant Pfeifer

Mr. Larry Yergler

Alternates Present:

Mr. Jim Best

Mr. Rob Hanson

Staff Present:

Ms. Jeri DeLange

Mr. Dave George

Mr. Ed Moreen

Mr. Bruce Schuld

Ms. Rebecca Stevens

1) Call to Order/Introductions: Commissioner Jack Buell (Benewah County) called the meeting to order at 10:03 a.m., followed by the flag salute.

2) Approval of February 20, 2013 BEIPC Meeting Minutes: Commissioner Buell asked if there were any corrections or changes to the draft BEIPC meeting minutes for February 20, 2013. Commissioner Larry Yergler (Shoshone County) indicated a correction on Page 6, last paragraph, second sentence, delete the word “of” between South Fork of Pine Creek and replace it with “and”. A correction was also noted to change the meeting date listed in the footer. Commissioner Yergler moved to approve the minutes as corrected. Commissioner Grant Pfeifer (State of Washington) seconded the motion, and it was unanimously approved.

3) EPA Update on Work in Progress: Mr. Bill Adams (EPA) first provided a brief overview and then updates on work in progress for the following projects:

- ***Property Remediation***
- ***Paved Roads in Box and Basin***
- ***Repositories - Ninemile Waste Consolidation Area (WCA), Lower Burke Canyon***
- ***Central Treatment Plant (CTP) and Central Impoundment Area (CIA) Design Work***
- ***Superfund Job Training Initiative (JTI)***
- ***Lower Basin Pilot projects (presented by Ed Moreen)***
- ***Remedy Protection and Unpaved Roads (presented by Terry Harwood)***

Mr. Adams indicated that property remediation is a large component of the cleanup work and includes 1.5 million sq. ft. or approximately 120 properties for 2013. EPA is also sampling 125 properties to identify if any additional properties still need to be cleaned up. In the Lower Basin, water samples are being collected at 30-40 properties to check water quality as many people have private wells. This year, EPA will be working on the five-year review of the Box in documenting the effectiveness of the remedy. It includes some additional effort in blood lead sampling and they will be doing some door-to-door sampling collection of 1,240 dust samples (i.e. mats and vacuum bags) of approximately 350 homes in the Box. This will provide data on what levels of lead they are seeing the homes. The CDA Work Trust is also doing some property remediation on larger parcels.

For the Paved Roads program, Mr. Adams mentioned that this is a new program they are doing this year, so there is a significant learning curve involved. The actual design and construction will be done by the local jurisdictions and EPA is providing the funding. A 1% funding allocation for engineering planning will be included in the 10% of the total allocation for all the local jurisdictions, so they can use it for planning purposes. In the Basin, the Trust has completed the necessary contracts with the local jurisdictions and defined the process for the Trust to fund the paved road projects. For the Box, a Paved Road Remediation Cooperative Agreement has been approved between EPA and IDEQ to fund the paved road projects and they are working on a system to disburse those funds.

The Trust has also taken over repository operations. They picked up operations at the EMF and Big Creek repositories in May 2013 as EPA is moving more work to the Trust to save the Special Account (SA) dollars. Another big project that the Trust is working on is the East Fork Ninemile Waste Consolidation Area (WCA) that will provide capacity for all the waste in the Nine Mile Creek area. It has been designed for 1.3 million cubic yards (cy) of mine waste and can be expanded to 2-million cy capacity. It will be built as a phased development and they plan to begin constructing this season. They should be ready to place waste next year in 2014. At the Interstate-Callahan rock dumps, construction is planned for summer 2014 and the Trust is doing water quality monitoring to establish a baseline. The Trust is also developing the Lower Burke Canyon repository. There is a 30% design based on investigations done last year and the current design capacity is for 800,000 cy of waste. There will be an Open House on June 4th at the Wallace Inn to present the 30% design. It will be a phased development and they anticipate construction starting in 2014.

Mr. Adams then provided information on the CIA groundwater collection system and CTP upgrades and said that work is moving forward. Graduation for the JTI program was held

recently and the program was very successful. He expressed appreciation to Ms. Rene Gilbert for doing a great job in working with the community. In addition, she follows up with the graduates and helps them with job placement. Seventeen candidates were originally selected for the program, but they lost three due to drug testing requirements.

4) CDA Trust Budget Update: Mr. Adams said that the EPA approved \$19 million in the 2013 budget for the Trust as they wanted to increase the amount of work and save the SA dollars. He conveyed that the Trust has built up capacity to take on additional work. The value of the Trust has increased \$21 million during the quarter with the quarter end account value at \$500 million (original account balance \$433 million). In terms of the investments, the account is doing well because the stock market is doing well.

For the SA account, approximately \$18 million will be spent this year on the following:

- Remedy Protection in the Box
- CTP and CIA Design
- 1% of paved road allocation to local jurisdictions for Paved Road Planning
- Lower Basin Data Collection
- Property Remediation in the Basin except for the larger Trust remediation properties and Repository Operations

The current balance in the SA is \$58 million (i.e. this amount represents some of the work that has been obligated). He provided a breakdown of the 2013 funding by cost element:

- Administration, 8%
- Planning and pre-design, 14%
- Design, 11%
- Construction, 61%
- O & M, 6%

For the 2014 budget, EPA will be looking at the performance of the Trust and work they are able to get done this year. EPA will present the proposed 2014 workplan and budget for discussion at the August Basin Commission meeting.

Regarding remedy protection projects, Mr. Adams said that the agreements have been signed for the Grouse Creek project in Smeltonville by the local residents affected by the projects and the city for O & M. He remarked that Ms. Anne McCauley (EPA) and Mr. Terry Harwood (BEIPC) have been instrumental in getting this done.

5) Lower Basin Update: Mr. Ed Moreen (EPA) provided an update on the two Lower Basin Forums that were held on March 20th for pilot project proposals. (Pilot projects are smaller-scale cleanup actions that help evaluate the effectiveness of larger-scale cleanup actions that may be taken in the future). The first forum was sponsored by the Lower Basin PFT in Rose Lake and over 65 people attended. The second forum was hosted by the Citizens Coordinating Council (CCC) in Medimont with about 35 people.

As a result of the forums, 46 pilot project proposals were submitted from 24 different individuals. These included citizens, consultants, agency reps, land owners and farmers. Next steps include reviewing the proposals and selecting potential projects by July 1st. EPA will be posting those projects on their website along with updates as they move forward.

6) Update on BEIPC Activities: The Executive Director, Mr. Harwood, said that he is thinking of having a field trip in August because of all the projects going on such as the Trust work in Ninemile. He commented that some people have been concerned that the federal government will take funding away from the Superfund site with the current economic status and budget sequestration. However, the settlement funding cannot be taken away by the government and spent somewhere else as it's a court settlement. He wanted to clarify the concerns of some folks so they can understand it. As far as the Basin Commission is concerned, he said that there have been a lot of things accomplished. The ROD Amendment is done, EPA has their 10-year plan, and we are coordinating the work of the Trust in the BEIPC work plans and reporting its actions in the annual accomplishment report, so the process of working together from his standpoint is working very well.

Mr. Harwood also mentioned that the BEIPC voted for him to provide assistance (if necessary) to the seven governmental entities within the Basin Commission. In the past, he has assisted IDEQ with some work on various projects. Currently, he is working on the unpaved roads program for both EPA and IDEQ. In the Box, all the gravel roads have been remediated as well as all the properties. They anticipated about a \$15 million unpaved roads program in the Basin and that program would have been funded from the SA. They have been surprised by how few road segments are contaminated above the action level. They estimate now that the total cost will be approximately \$3 million, so the savings can be spent on other types of work. In addition, once they developed the process and specifications on the gravel road program, the engineering costs have been reduced as the same specs and standard details can be reused. The same thing is true for the remedy protection projects. Before work may begin, local jurisdictions must agree to O & M when the project is done and sign off on the final design documents for the plans.

Then he provided information on the two kinds of remedy protection projects (i.e. urban areas and side drainages). In the Box, the only funding available is the SA. Construction should start soon for the Sierra Nevada project in Wardner. The State (IDEQ) asked him to take over all the remedy protection projects in the Box including the design, contract preparation and management of the construction. He will need some assistance from IDEQ on hiring the contractors. These are all bid contracts and the winning contractor has to provide a performance bond. It's not a negotiated contract, but is awarded to the low qualified bidder. The contractor must also be licensed in the State of Idaho and there is a clause in the contract that 95% of the workers must be residents of the State of Idaho. For the Grouse Creek remedy protection project, he acknowledged that there has been excellent cooperation from the City of Smeltonville, especially the mayor.

Regarding the Trust, Mr. Harwood said that he normally does not do work for the Trust, but he is providing assistance with development of the legal documents (i.e. access agreements,

environmental covenants and O & M agreements), so that the Trust can move forward with work.

7) Restoration Partnership Update: Commissioner Phillip Cernera provided a brief update on the Restoration Partnership. He indicated that the Natural Resource Trustees reached settlement agreements with all the mining companies for approximately \$140 million. The Trustees are now called the Restoration Partnership and representatives include governmental entities from the BLM, US Forest Service, US Fish & Wildlife Service, IDEQ, ID Fish & Game and the CDA Tribe. By law, the settlement money has to be used for restoration, replacement or acquisition of equivalent resources that were injured due to mining operations. They are now in the beginning stages to develop a programmatic EIS (environmental impact statement) and restoration plan. They will be following the National Environmental Policy Act (NEPA) process and there will be significant public input to develop the restoration plan. A Notice of Intent is being sent to the Federal Register that will set the timeframe for public participation. There will be 4 open houses scheduled throughout the Basin on the following dates:

- ***June 18 - Silver Valley***
- ***June 20 - Harrison/Medimont area***
- ***June 25 - Coeur d'Alene***
- ***June 27 - Plummer***

Break

8) Lower Basin Recreation Public Service Announcement (PSA): Ms. Denna Grangaard (IDEQ) provided an update on the "*Riley Raccoon*" activity book. She indicated that Riley has been in the public's eye through the Panhandle Health District (PHD). The Community Involvement Coordinators (CICs) have been working with PHD on developing a new activity book and PSA about lead awareness and simple ways to reduce lead exposures while recreating in the Lower Basin.

Lunch

9) CDA Lake Management Plan (LMP) Presentation: Ms. Jamie Brunner (IDEQ) introduced herself as the new LMP Coordinator for IDEQ. She mentioned that the 2011 CDA Lake monitoring plan report was provided to the TLG for review and comment. The public comment period is now closed. This year, some of the work that the State and Tribe are doing includes: data collection; monitoring; sampling; nutrient source inventory; sediment reduction projects; and early detection of water milfoil for rapid response. Ms. Laura Laumatia (CDA Tribe) reported that the Tribe has identified six sites on the St. Joe where they are continuing to work with Avista on bank stabilization projects. IDEQ is also continuing to work with Avista on a riverbank stabilization project near the Shadowy St. Joe Campground in cooperation with the NRCS, Benewah Soil and Water Conservation District and the Idaho Soil and Water Conservation Commission. She also gave an update on LMP outreach and education efforts including the recent release of the Lake*A*Syst manual which is a landowner's guide to protecting water quality.

10) Waste Stream Coordination for Box and Basin Repositories: Mr. Bruce Schuld informed everyone that even though the repository operations have moved to the Trust for implementation, IDEQ is going to continue to coordinate the waste streams that are generated as a result of the yards program and the ICP in the Box and Basin. They have found that this is producing a very cost effective way of handling lots of waste. For example, by coordinating the waste stream at the Page repository they are able to segregate a lot of material out of the waste stream and use it for construction material instead of burying it within the repository as waste.

11) Roads Program Update: Mr. Bruce Schuld (IDEQ) gave an update on the roads program. He mentioned that Terry Harwood and Bill Ryan (EPA) started devising the roads program a few years ago and IDEQ and EPA began developing it last August. There are 9 local road jurisdictions involved in the program. There is approximately \$6 million worth of funding from the Trust and SA to rebuild or repair roads in the Box and Basin in the next year. The projects have been approved by a Roads Board comprised of EPA and IDEQ staff. The board has been meeting weekly to review the technical and economic aspects of projects that have been proposed by the local jurisdictions on priorities that they have established. For contract administration, they will also provide an additional 5% for documentation (i.e. quality assurance), so that all documentation will be in order for audit purposes.

He explained that the Roads Board first validates if the project proposals are in the remedial strategy for the paved roads program. Then they review whether the proposals are consistent with the estimated cost that was provided in the original scoping of the work and whether the local road jurisdiction is approaching the program from a remedial standpoint (i.e. as capping waste in place). Secondly, they are trying to provide encouragement to each of these communities to define joint venture opportunities between themselves for construction work, procurement, or working on infrastructure grant proposals. The Board also tries to provide an educational component that identifies cost savings to them. However, it's not a recommendation or requirement, but to demonstrate savings that could translate into additional pavement.

12) Citizen's Coordinating Council (CCC) Presentation: Mr. Jerry Boyd (CCC Chair) provided an update on the CCC. He mentioned that Troy Lambert (CCC Vice-Chair) has moved and that the CCC will be seeking a replacement for his position. For the April 20th CCC meeting, Mr. Boyd was pleased to have Shoshone County Commissioner Larry Yergler at the meeting. He then presented information about the meeting and citizen comments. (***Note: The CCC meeting summary and comments are included in the BEIPC board packets.***)

Mr. Boyd informed everyone that the next CCC meeting will be held on Thursday, July 25th at the Medimont Grange. On July 19th, there will be a presentation made to the Idaho State Bar Association concerning the Bunker Hill Superfund Site. Presenters include: Terry Harwood (BEIPC), Curt Fransen (State of Idaho), Jerry Cobb (PHD), Ted Yackulic (EPA), Phillip Cerna (CDA Tribe) and the panel will be moderated by Jerry Boyd. They will be discussing CERCLA law and what's going on in the Basin.

13) North Fork CDA River Cleanup: Ms. Kajsa Stromberg (IDEQ Watershed Coordinator) and Ms. Claire Pitner (USFS) made a presentation on the "Respect the River" program. This is new

program for the North Fork of the CDA River corridor and focuses on the lower 35 miles of the CDA River from Enaville upstream to Shoshone Creek. Copies of the plan are available on CD.

14) Special Announcements: Mr. Boyd reiterated that former CCC officer, Troy Lambert, has moved from the area. He expressed appreciation and thanks for Troy's service as the CCC Vice-Chair for the last few years. Next, Mr. Harwood personally acknowledged Mr. Dave George for his service to the Basin Commission and thanked him for all his help over the years. Dave served on the BEIPC staff as a representative from the State of Washington and will be retiring from the Washington Dept. of Ecology. Commissioner Buell also recognized former Shoshone County Commissioner Jon Cantamessa who was in attendance. He expressed appreciation for the good job he did as Chair of the Basin Commission and commented that he was an asset for Shoshone County.

15) Adjourn: As there was no further business, Commissioner Green moved to adjourn the meeting. The motion was seconded by Commissioner Yergler and was unanimously approved. The meeting adjourned early at 2:32 p.m.