

5-17-06 Citizen Coordinating Council Meeting

Avista Utilities, 6:30 PM to 9:00 PM, Kellogg, Idaho

Attendees (who signed in and/or announced themselves)

Jerry K. Boyd
Dave Enos
Terry Harwood
Sherry Krulitz
Ed Moreen

Glen Rothrock
John Snider
Rebecca Stevens

Meeting Overview

The May 17, 2006 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission) covered the following topics:

1. Lake Management Plan implementation survey project;
2. BEIPC updates;
3. Institutional Controls Plan development; and
4. Repository update.

Lake Management Plan Implementation Survey Project

Description of survey project and status

Glen Rothrock, Idaho DEQ, and Rebecca Stevens, Coeur d'Alene Tribe, provided an overview of the background and current activities of the Lake Management Plan implementation survey project. Resources for this project come from Clean Water Act funds allocated by the BEIPC last year (the official name of the project is "Review and Audit of Management Actions Identified in the 1996 Coeur d'Alene Lake Management Plan"). The State and Tribe are jointly implementing the project. Glen and Rebecca began joint activities in March, 2006, and they now meet every week.

In the project, Glen and Rebecca will survey the estimated 30 to 40 entities identified as "lead groups" in a table of management actions contained in the 1996 version of the Lake Management Plan (the 1996 plan was adopted by the BEIPC). Glen and Rebecca see the survey as an important and necessary step in the process of developing and implementing a future management plan for the Lake. Their goals for the project are to:

- Survey lead groups about accomplishments and project information (e.g., location, costs, and dates) related to implementation activities in the 1996 plan;
- Find out why some projects have not been implemented or have only been partially implemented;
- Identify what it would take to undertake needed management efforts; and
- Establish (or re-establish) partnerships to get buy-in into the plan and encourage implementation activities.

Glen and Rebecca will solicit information through a questionnaire followed by face-to-face meetings. Currently they are identifying the right people to talk to at the many entities involved. As the work proceeds, Glen and Rebecca will keep the TLG and CCC updated.

John Snider noted that there was a great deal of local resistance to the 1996 Lake Management Plan at the time, but that it did have some impacts. For example, it helped guide Kootenai County's land disturbance program around the lake. He recommended that Glen and Rebecca contact the Kootenai County Planning Department about its efforts.

Participants discussed the management of farming practices around the lake, identifying the Idaho Soil Conservation Commission as one of the key entities involved in assistance to landowners in conducting conservation practices. Ed Moreen noted that EPA regulates Concentrated Animal Feeding Operations (CAFOs) through a program administered by the Idaho Department of Agriculture.

In response to a question, Glen and Rebecca said that their lake management plan survey work will not include any physical sampling, but many of the implementation activities in the 1996 plan include monitoring.

Lake Management Plan mediation update

Glen gave a short status report on the Lake Management Plan mediation between the State of Idaho and the Coeur d'Alene Tribe. Currently, the third party neutral, Michael Hardy, is interviewing people in the Basin, and that effort (Phase 1) is expected to conclude in June with a meeting of top DEQ, Tribe, and EPA officials. If the parties agree to go forward with mediation at that point, then many more stakeholders will be involved in Phase 2 of the effort.

John Snider noted the existence of a Memorandum of Understanding between Idaho and the three counties concerning the counties' involvement in developing the Lake Management Plan. He emphasized that it is very important to the counties. Terry Harwood noted that the draft 2006-2010 Five Year Plan includes language about all of the relevant agreements.

BEIPC Updates

2006 Workplan

Terry Harwood distributed hard copies of the final 2006 BEIPC Workplan, which was approved by the BEIPC board in February following revisions to the sections on the Institutional Controls Program (Section 1.3.1) and Blood Lead Screening in Children (Section 1.3.5)

BEIPC Board Membership

Terry Harwood gave an update on BEIPC membership, focusing on the Tribe's selection of Phil Cernera as its BEIPC Commissioner.

2006-2010 Five Year Workplan

Terry Harwood handed out hard copies of the final draft 2006-2010 Five Year Workplan, which will go to the BEIPC board for approval at its June 21, 2006 meeting.

Institutional Controls Plan Development

Terry Harwood outlined the current status of the draft Institutional Controls Plan (ICP), which has been developed by the Human Health Project Focus Team (PFT) with input from the Technical Leadership Group (TLG). He noted that the Record of Decision (ROD) for Operable Unit 3 (the Basin) says that there should be such a plan and that it should be modeled on the program operating in Operable Unit 2 (the Box).

Terry handed out hard copies of a five year review of the ICP program in the Box done by Terragraphics. Terry also handed out a set of letters from the mayors of Wallace, Osburn, and Mullan describing their respective city councils' designation of the Panhandle Health District as the administrator of the Institutional Controls Program.

Participants mentioned some of the positive aspects of having an ICP in place, such as providing some certainty for bank lending. Terry related the story of WalMart, which recently disposed of thousands of yards at no disposal cost under the Box's ICP.

A hard copy map of the ICP boundary was available at the meeting. Given that the ICP is to apply to anywhere contamination "has come to lie," the ICP boundary on the map covered the CdA River floodplain and some Upper Basin mine sites. The draft ICP does not cover lands under the "jurisdiction, custody, and control" of the Couer d'Alene Tribe and does not apply to Lake Coeur d'Alene. The ICP will be implemented within the boundary as well as in areas outside of the boundary that need to be remediated. There is still some disagreement over whether the ICP will apply to untested land outside of the ICP boundary.

The Tribe and the State are working through how institutional controls will be managed for the Trail of the Coeur d'Alenes.

As the draft ICP stands now, if an untested piece of property is within the ICP boundary, the permit applicant will need to do testing before conducting any land disturbance or other regulated activity. If property has only been tested to 18 inches, and a project will disturb deeper soil, that deeper soil will have to be tested. The Panhandle Health District will provide guidance on the testing but will not actually conduct it. If a piece of property has tested hot, but it has not yet been remediated, projects can still go forward, and the State and/or EPA will remediate the property later.

Once the BEIPC has approved an ICP, the Panhandle Health District will still have to develop a version they are legally comfortable with, and then the plan will go to the Idaho legislature. PHD will likely enter into a Memorandum of Agreement with EPA and the State on funding. The goal is to have an ICP ready by June 2008.

Dave Enos asked why the *de minimis* amount in the ICP is one yard. Terry said that this is the *de minimis* amount in the Box, and it is approximately the amount of soil that can be moved in a personal vehicle. In response to another question from Dave, Terry clarified that the ICP covers only human health, not ecological health. Dave suggested that the sections of the ICP listing “engineer, land surveyor, architect, professional planner, landscape architect or contractor” (Sections 520.03.a.i and 520.03.b.i) should also include “geologists.”

CCC members interested in providing comments on the draft ICP (draft #4) should provide them to Terry Harwood as soon as possible. [Note that this draft was sent to CCC members via email on 5/12/06.]

Repository Update

Ed Moreen, EPA gave an update on the East Mission Flats repository. EPA and the State are currently conducting technical evaluations of the site. Residents nearby have raised the issue of flooding in the repository area; subsequent flood modeling work by the Army Corps of Engineers estimated that there would likely be some low velocity flooding in a 100 year flood event. Ed said EPA feels that the repository could be engineered to handle such flooding.

The State is going ahead with the purchase of the property. The hope is to be able to start moving material to the repository by next spring. The repository may start with small cells and expand over time. The State and EPA are looking into other potential sites as well. Current capacity may be used up by 2009.

Jerry Boyd noted that much of the Mission Flats area is already fill. Other participants said that the fill is up to five feet thick in places and some is more contaminated than the soil likely to be brought to the repository.

Ed also said that EPA is looking into alternatives to make it more convenient to dispose of contaminated soil from small projects covered under the ICP through approaches such as a combined transfer station for solid waste and contaminated soil. Jerry Boyd suggested having designated contractors for disposing of contaminated soil.

Next Meeting/Upcoming Events

The Next BEIPC board meeting will be held on June 21, 2006. Agenda items are likely to include the 2006-2010 Five Year Plan, the ICP, and Clean Water Act project updates.