

## TLG CONFERENCE CALL MEETING MINUTES

*(Note: Conference Call Held in Lieu of Face-to-Face Meeting)*

**January 22, 2010**

**8:00 a.m. - 10:00 a.m.**

Rebecca Stevens, CDA Tribe (TLG Chair)  
Sandra Raskell, CDA Tribe  
Dan Meyer, IDEQ  
Scott Peterson, IDEQ  
Bill Hudson, IDEQ  
Andy Mork, IDEQ  
Bill Adams, EPA  
Brian Prisock, IDEQ  
Anne Dailey, EPA  
Ed Moreen, EPA

Terry Harwood, BEIPC  
Bill Rust, Shoshone County TLG rep.  
Kenny Hicks, Shoshone County TLG rep.  
(TLG Vice-Chair)  
Vera Williams, CCC member  
Dave George, WA Dept. of Ecology  
David Fortier, BLM  
Randy Connolly, Spokane Tribe  
Jeri Delange, BEIPC (Note-Taker)

This summary provides the salient issues. These notes are intended to capture key topics, conclusions, and next steps and not the nuances of the discussion.

**Agenda Items:** Approval of October 16, 2009 TLG Meeting Minutes; Yard Cleanup Program Update; Repository Siting; Update on 2009 BEIPC Annual Report, CWA Projects, and Flood Control Issues; Update on ROD Amendment Process; Draft Focused Feasibility Study (FFS) Schedule and Upper Basin PFT Meetings; Update on Communications PFT; Implementation Survey of 1996 Lake Management Plan (LMP) Final Report; TLG Discussion on New Technology Presentations; Other Items.

**Welcome/Introductions:** The TLG Chair, Rebecca Stevens, welcomed everyone to the TLG meeting conference call and asked participants to introduce themselves.

**Approval of TLG Meeting Minutes for October 16, 2009:** Ms. Stevens asked if anyone had any corrections or additions to the minutes. Ms. Sandra Raskell brought up one correction to delete a duplicate name as Mr. Rusty Sheppard's name was listed twice under the attendees list. As there were no other changes, she made a motion to approve the minutes as corrected. The motion was seconded by Mr. Bill Rust; and approved unanimously.

**Yard Cleanup Program Update:** Mr. Dan Meyer provided an update on the Basin Property Remediation Program (BPRP). A total of 547 properties were remediated in 2009. This included 254 that were funded through a cooperative agreement by the EPA and State of Idaho; and 293 that were funded by "Stimulus" funding through the American Recovery and Reinvestment Act (ARRA). The additional Stimulus funding enabled the program to remediate a number of larger properties that were not included in previous years due to funding constraints such as Sather Football Field and Wellman Baseball Field in Silverton and other large commercial and residential properties in Osburn and Ninemile Canyon.

Nearly 6.5 million sq. ft. of property was remediated in 2009 for the BPRP. This was about three years worth of cleanup work in comparison to the approximate 2.5 million sq. ft. of property remediated each year in 2006, 2007, and 2008. Contaminated material from the BPRP and Institutional Controls Program (ICP) was disposed of in the Big Creek or East Mission Flats (EMF) repositories. For 2009 figures, see table below:

<b>Repository Site</b>	<b>BPRP Truckloads</b>	<b>ICP Truckloads</b>
Big Creek	15,025	1,307
East Mission Flats	3,755	62

Mr. Meyer also noted that they were able to do a large amount of cut and fill within some of the properties such as Sather Field. This resulted in an overall reduction in the number of loads hauled to the repositories as well as a big cost savings. The focus of the cleanup program is public health. Forty-eight of the properties remediated in 2009 were considered high risk due to the presence of small children and/or pregnant women.

In 2009, almost 340 contractor employees worked on the BPRP during the construction season and 81% were local employees. (For reporting of Stimulus funding jobs, there were 55 full-time equivalent (FTE) jobs in the fourth quarter. This is calculated by the number of FTEs working on the Stimulus portion of the project; then dividing the total number of Stimulus man hours by the number of man hours a full-time employee would work during a quarter). Remediation of property is still based on sampling results and the top priority is for property occupied by children under six and/or pregnant women. Mr. Meyer indicated that he had been asked why some residential and commercial areas are not completely finished before they move on. The reason is that some property owners in an area are not responsive.

TLG members then discussed the percentage of property cleanup refusals and the impacts associated with this issue such as the ability for the property to be bought and sold. IDEQ will continue to work on making personal contact with people. In addition, it's important to inform people about the ICP rules as some people believe that it only affects them if their property has been remediated.

**Repository Siting Update:** Mr. Andy Mork provided an update on the following: 1) EMF is an active repository and 26,000 cubic yards were hauled there during the 2009 construction season. The site was closed in November for the winter, but the east side entrance is still receiving ICP waste. People can access this entrance with a key card from the Panhandle Health District (PHD). 2) An additional monitoring well was installed at EMF in December for the Enhanced Monitoring Plan (EMP) and two more will be installed this spring. Quarterly monitoring on the site has been done since 2007. No groundwater samples in the area of EMF have tested above the drinking water standards. IDEQ will post the results on their website. 3) An expansion of the Big Creek repository is being looked at on the existing north slope. (The property is already owned by the State). If the repository site is expanded, it may be able to hold an additional 100,000-200,000 cubic yards of material and extend the disposal capacity by 2 to 3 years. They are in the preliminary planning process and since it will be only a design modification, there will be no formal public hearing. IDEQ will send an email and/or postcard to communicate the information to the public, so that people are aware of what they are doing. 4) The siting process

for a new Upper Basin repository has been narrowed down to two potential sites, Osburn Tailings Ponds and Star Tailings Ponds in the Canyon Creek drainage. The Citizen developed ranking system was used in the process; however additional criteria will be considered to make the final decision. The agencies are now ranking the two sites in relation to costs, ease of access, and a number of other issues. After the final ranking is made, they plan to take public comment.

TLG discussion followed on this topic regarding various issues such as land acquisition, storage capacity, timeframes, costs, etc.

Mr. Mork then gave an update on the status of the “Community Fill” policy (i.e. formerly called fill-the-holes). The idea is to allow contaminated soil to be used as fill to create level sites for development. This would be conducted by local and private parties under the existing ICP. The draft plan was submitted to the Bunker Hill Task Force and Silver Valley elected officials for review and they are taking comments from stakeholders. Even though there is no community involvement required, they think it’s important to include the public before they issue the policy and release the schedule. They hope to have it by spring. Mr. Mork indicated that there is no word yet on the review by EPA.

**Update on BEIPC Draft Annual Report, CWA Projects, and Flood Control Issues:** Mr. Terry Harwood said that he sent the draft annual report to the BEIPC commissioners, alternates and staff for review. He received a few changes and will be publishing the final report for the February 17 BEIPC meeting. There is an extensive section on the ROD amendment and he expressed appreciation to the EPA for providing the information. On the CWA projects, he indicated that there will be final reports made on the Pine Creek Revegetation and Pinehurst Flood Control projects at the February meeting. He also has the final report of the CDA Lake Management Plan audit and will be posting an executive summary on the BEIPC website. If anyone would like a CD copy, let him know. The remaining third-year CWA grant projects will need to be completed by June 30, 2010.

Mr. Harwood said that he has been working on flood control issues with the Idaho Bureau of Homeland Security, FEMA, Corps of Engineers (COE), Shoshone County, IDEQ, and EPA. He is hoping to set up a meeting with all the parties, but pointed out there is no funding available to work on these issues. Regarding the LIDAR flight, he received the data on an external portable hard-drive and made a copy for the BEIPC. However, the State of Idaho does not have the software to access the information, so a copy was also provided to TerraGraphics for verification of the data. Mr. Harwood mentioned that they wanted to have FEMA correct elevation errors in the flood inundation maps for the Silver Valley utilizing the topography from the LIDAR data. FEMA maps also reflect no existing levees because the levees are not certified.

**EPA ROD Amendment Update, Draft Focused Feasibility Study (FFS) Schedule, Upper Basin PFT Meetings:** Ms. Anne Dailey and Mr. Bill Adams provided an update on the ROD amendment, draft FFS schedule, and Upper Basin PFT meetings. The draft FFS evaluates a range of cleanup options for the Upper Basin. The Proposed Plan will present the draft cleanup plan and will be open for public comment later this year. The final remedy will be selected in a Record of Decision Amendment. See schedule and information below:

**Upcoming review period for the Draft Upper Basin Focused Feasibility Study (FFS)**  
- Review period Feb. 1 – Feb. 19

- At most Superfund sites, a Draft FFS is not normally provided for review but EPA is doing it at this site given the high level of interest
- Given size of the draft FFS, it is too large to place on the web page and reasonably expect people to download, so EPA will:
  - Place an Executive Summary on the ROD Amendment webpage,
  - Send CDs to local libraries and the BEIPC office in Kellogg and
  - Provide CDs upon request
- CDs will be sent via overnight mail for Feb. 1 delivery to Upper Basin PFT members and others who requested a CD
- If you have not already signed up and want a copy of the draft FFS, send Anne Dailey or Bill Adams your street mailing address (not PO Box for quick delivery)

### **Next Upper Basin PFT meeting on the Draft FFS**

- Wednesday, Feb. 10 (10 AM - 4 PM) at the Wallace Inn, Gold Room, Wallace ID
- Public invited to participate
- Mid-way through the Draft FFS comment period
- Opportunity to ask questions about the Draft FFS

### **Feb. 17 Basin Commission Meeting**

- About two hours of the meeting will be devoted to the Draft FFS and there will be ample opportunity to ask questions

### **Comments due on the Draft FFS on Feb. 19<sup>th</sup> to EPA**

#### **Additional Outreach**

- To help ensure that the community beyond the Basin Commission, TLG, CCC and Upper Basin PFT are aware of the Draft FFS, EPA is also announcing that the Draft FFS is available and inviting the public to the 2/10 Upper Basin PFT technical meeting.
- This information will be conveyed by:
  - Sending an announcement to the Basin Bulletin mailing list (~1000)
  - Placing ads in the following newspapers: Shoshone Press, CDA Press, Spokesman Review, and St. Maries Gazette
  - Emailing a notice to our interested parties email list (~300)
  - Jeri DeLange offered to place “flyers” in Upper Basin gathering spots (grocery stores, library, etc.)

### **Upper Basin PFT Implementation Plan Development Workshop**

- Feb. 24th; location tbd – likely Shoshone Room.

### **EPA’s National Remedy Review Board (NRRB)**

- EPA’s NRRB is an internal EPA technical and policy review group comprised of senior EPA staff members who have broad experience with Superfund
- Reviews are only conducted for high cost cleanup decisions
- NRRB makes recommendations and does NOT make decision on the cleanup plan -- this is the EPA Region's responsibility

- EPA R-10 will be going in front of the NRRB in late April
- Concise written material from state, tribal, the bankruptcy Trustee and other key stakeholder groups will be provided to Board members as part of the Board package
- Opportunity for verbal input at this internal EPA session is very limited

**Proposed Plan** (draft cleanup plan) will be available for a 45 day public comment beginning in late May. A public meeting will be held.

**TLG Discussion:** TLG members discussed other issues related to the ROD amendment process and FFS. Mr. Bill Rust commented that most of the discussion on the process should wait until the draft FFS is released and then review the process. He suggested that EPA do a reality list of projects as there is not enough funding to do all of the projects and some do not make any sense. Mr. Adams said that he agreed with Mr. Rust in regards to the list being large and that it's likely EPA may not be able to do all of the projects. However, EPA does not want to eliminate anything on the list.

After further TLG discussion, a question was raised about the ROD amendment going through the EPA Remedy Review Board process. Ms. Dailey explained that the board is comprised of EPA senior staff members who review high cost cleanup decisions and conduct a short technical policy review. It will be a closed meeting and the board will look at whether EPA Region 10 did the right thing technically, and if they followed EPA policy. The State and Tribe will have an opportunity to provide written recommendations. Based on comments at the last BEIPC meeting (in November) about EPA providing an opportunity for County input, Ms. Dailey clarified that she needs the County's written information by March 12. She suggested that recommendations be focused on technical and policy issues.

**Communications PFT Update:** Ms. Jeri DeLange gave a brief update on the Communications PFT meeting that was held on January 12.

**Implementation Survey of the 1996 CDA Lake Management Plan (LMP):** Ms. Stevens provided an update on the final CWA project report for the Lake audit that was done by the State (IDEQ) and CDA Tribe. A powerpoint presentation of the findings was provided at the May 2009 BEIPC meeting and the final report was completed in January 2010. Copies of the report can be obtained by going through the BEIPC Executive Director, Terry Harwood. The project was to conduct a survey of implementation of the 1996 LMP Management Action Tables (MATs) and to evaluate what Best Management Practices (BMPs) are in place to protect water quality. High nutrient loading was identified in the St. Maries and St. Joe watersheds, therefore the State and Tribe have decided to conduct joint water quality monitoring at six sites within the St. Maries and St. Joe watersheds. IDEQ is also working on hiring a consultant to conduct a needs assessment for an education outreach program. Ms. Stevens also informed everyone about an annual lake conference on February 6 that will be held in Liberty Lake. For more information, please let her know.

**TLG Discussion on New Technology Presentations:** TLG members discussed this issue and agreed that if members receive calls, they will forward the calls to the TLG Chair.

**Schedule:** The next TLG conference call is scheduled for 2/4/10. Thank you for your participation.