

7-29-09 Citizen Coordinating Council Meeting

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

Attendees (who signed in and/or announced themselves)

Bill Adams	Lorrie Jenicek
Jerry Boyd	Ed Moreen
Jeri DeLange	Andy Mork
Bonnie Douglas	W.C. Rust
Terry Harwood	Fred Traxler
John Hopper	

Meeting Overview

The July 29, 2009 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission or BEIPC) covered the following topics:

- Basin Updates
- Communications PFT Update
- CCC Organizational Practices and Procedures
- EMF Repository and Upper Basin Repository Siting Process
- ROD Amendment, Priority Setting, and Monitoring Plan
- Lower Basin Conceptual Site Model
- Open Discussion/CCC Issues

CCC Chair Jerry Boyd chaired the meeting.

BEIPC Updates

Clean Water Act Projects

Terry Harwood, BEIPC Executive Director, gave an update on the use of Clean Water Act (CWA) Funds for projects in the Basin. He said nearly all of the \$6 million in funding available has been allocated through grants for over 30 projects between 2002 and the present. Around \$86,000 remains. All projects are expected to be completed by December 2009.

CWA project descriptions are available on the Basin Commission website (see: <http://www.basincommission.com/ProjectWork/CWA.asp>). Final reports from completed projects are available in the Executive Director's office. Six projects will be filing final reports soon; in some cases they are waiting for final monitoring results.

Lorrie Jenicek, a resident of Cataldo, asked whether CWA funds had been used for work to "cap" sediments in Lake Coeur d'Alene, which she had heard about. Terry said that there haven't been any projects (CWA-funded or not) to cap Lake sediments. Rather, the strategy for the Lake is to manage water quality via the Lake Management Plan to keep contamination bound up in sediment at the Lake's bottom. Ed Moreen, EPA, said Lorrie may have been hearing about an

effort by the Coeur d'Alene Tribe to control noxious weeds in some parts of the Lake by putting down some sort of covering on the Lake bottom.

Drainage Control Infrastructure Revitalization Plan

Terry said the final report for the work to document infrastructure status and needs in the Basin is nearly complete. The project cost \$150,000 and was funded by EPA and the Basin Commission. Terry said local governments worked constructively together on the report, including prioritizing infrastructure needs for the next 10 years. Some of the findings have already been used to identify candidate projects for federal stimulus funds.

Lorrie asked whether the document acknowledged the infrastructure work that cities and counties have been doing for the last 20 years. Terry said that the report does have an inventory of past efforts to improve infrastructure.

Terry said copies of the report will be provided to all local elected officials in the Basin. Additional hard copies and/or CD's of the report will be available from Terry upon request. Terry noted that the report is long and the electronic files are large—mainly because of the inclusion of numerous color maps—which makes it challenging to produce a large number of copies.

Bunker Hill Superfund Remediation Funding Distribution

Terry distributed a graphic showing the distribution of cleanup funds in the Basin. The graphic broke out the \$14.2 million FY 09/10 funding as follows:

- DEQ, Boise office: 4 employees; \$93,000
- DEQ, Kellogg office: 10 employees: \$386,000
- TerraGraphics (contractor), Kellogg office: 50 employees, \$4.8 million
- Ferguson Contracting (Kellogg), Stewart Contracting (Pinehurst), North Wind, Inc. (Big Creek): 212 employees combined, \$8.9 million

Andy Mork noted that the \$14.2 million doesn't include incoming federal stimulus money, which is expected to come to an additional \$15 million for Basin cleanup. Terry said the stimulus money will allow the cleanup of some large properties, such as the Shoshone County maintenance yard in Osburn, and will increase the amount of waste that will need to go to the Big Creek repository.

Fred Traxler, a resident of Kellogg, asked about other large remediation sites. Terry described the cleanup of two playing fields—Sather Field and Wellman Field in Silverton—that are underway. For these projects, contaminated soil is being controlled on site rather than taken to an off-site repository.

Communications PFT Update

Jeri DeLange, Chair of the Communications Project Focus Team (PFT), provided an update on the work of the PFT as follows:

- The PFT has put on hold a sub-group effort to do an audience analysis for Basin communications pending the return of one PFT member from an extended trip out of the country.

- The PFT has developed a draft update of the Basin Commission brochure, which is being reviewed by members.
- The PFT will meet in person again on September 23, 2009 and may have a conference call before that time.
- On a recent conference call, PFT member Tina Elayer, Idaho DEQ, said that the number of children participating in the blood lead testing program had increased significantly this year.

Jeri said that the PFT spent much time on the July 27 PFT conference call discussing information and misinformation about the East Mission Flats repository and what role the PFT, CCC, and others could play in sharing information and correcting misperceptions. Jeri referenced a recent letter to the editor from the EPA Regional Administrator and the Director of Idaho DEQ on East Mission Flats, which had not been published by local newspapers.¹ (Ed Moreen gave an update that two local newspapers were planning to run the letter as an op-ed this week; Jerry Boyd showed meeting participants a hard copy of the letter.)

Bonnie Douglas, CCC Vice-Chair, said that communications need to be more proactive than reactive. Items like the letter to the editor, she suggested, should be provided early to CCC members and others before they appear in the papers. This would help CCC members answer questions from the public about events in the Basin. (Bonnie also said that all information distributed should have a clear title and date so that members of the public have a better sense of what they are reading.) Following on Bonnie's suggestion, Bill Rust, CCC member, asked whether information about the EPA Inspector General's report on East Mission Flats had been provided to the repository PFT.

Ed Moreen, EPA, said that EPA has an East Mission Flats website that has up-to-date materials on the repository, including the Inspector General's report and the EPA/DEQ letter to the editor (see: http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/east_mission_flats_repository). Terry said that the Basin Commission website also has repository information, and that it links to the EPA site. In response to a question by Bonnie about why complete information about the repository isn't available on the DEQ website, Andy Mork, DEQ, said that it makes more sense to have a "one stop shop" on the EPA site to avoid duplicating information. Other sites, like DEQ's and the Basin Commission's, link to the EPA site.

The CCC discussed how to improve the effort to get information—such as that available on the website—into the hands of Basin residents. Lorrie suggested that the CCC and the Basin Commission need to meet people where they are in the community. The perception, she said, is that people are not listened to and don't know what is going on unless they are already involved in the process. Bill Rust said that some people are actively disseminating misinformation and that makes it harder to get accurate information out to Basin residents.

CCC Organizational Practices and Procedures

Jerry Boyd outlined changes to the CCC Organizational Practices and Procedures, noting that the main changes are:

¹ The letter to the editor and other information on the East Mission Flats Repository are available at EPA's East Mission Flats repository website:
http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/east_mission_flats_repository

- Updating the document to reflect there is now a Basin Commission Executive Director and that the CCC has outside facilitation support;
- Streamlining the election process by allowing nominations for CCC Chair and Vice-Chair to come from any voting CCC member rather than through regional organizations (i.e., the “Small Integration Groups”); and
- Removing some language that made voting rights convoluted (e.g., removing language that allowed the Chair to withdraw voting rights from people who had missed three meetings in a row).

Jerry said that if the changes were acceptable to the CCC, the Basin Commission Board would be asked to approve the changes at its August 19 meeting. Tom Beierle, Ross & Associates, added that he had distributed the revised Practices and Procedures to the full CCC twice via email and regular mail since the last meeting and had not received any additional comments.

Referencing language in the Practices and Procedures, Lorrie asked what “tools” the CCC had to outreach to the community. Bill Rust said that the CCC itself was designed to be a place where people could get information about the cleanup and be involved in decision-making. Lorrie asked how Basin residents can know that the CCC exists. Bonnie noted that the CCC has sponsored repository meetings and had information and sign-up sheets available for the CCC at those meetings. Lorrie said that these approaches aren’t reaching the community who, she said, have a defensive attitude because they feel like they aren’t being involved. On East Mission Flats in particular, she said, people feel like EPA and DEQ haven’t yet given a credible answer to residents’ question about whether the repository will be safe or not. Bill Rust replied that citizens have to have enough interest to come to meetings and be part of the process; if they don’t have that level of involvement, he said, they shouldn’t criticize the process.

Lorrie and Fred said they heard about the CCC meeting in the local paper, but the announcements are frustrating because they come out the day of the meeting. Tom said that he could work with the newspapers to post the meeting announcements earlier.

Ed said that the Basin Bulletin is one method EPA uses to get information out to people. It has a large mailing list.

Lorrie said that it is hard to get local people involved and interested, especially when they feel like they haven’t been heard. She said people aren’t getting answers to questions about “why” things are being done. Lorrie said that she went to the Canyon School repository meeting where people brought up many concerns, and the only information many people got back was from the local papers, which wrote vague things like “community concerns were addressed.” Bonnie noted that during the comment period on the East Mission Flats design, EPA and DEQ wrote and disseminated a response to all of the comments from citizens. And, she said, citizen input was

incorporated into the repository's design (e.g., lower height). Bonnie said that some people oppose any repository, and they are very active and vocal outside of the Basin Commission process. What they don't get, she said, is that the repositories are necessary if the cleanup is going to proceed—repositories are part of the remedy.

Returning to the CCC Practices and Procedures, Bill Rust said the reference to "voting members" as being those who have "completed and submitted the CCC membership application form" might suggest that people have to fill out a form even if they are already CCC members. Bill said that revising the language to read "completed and submitted...form at any time" would be a sufficient edit. Terry said he would work on revised language.

Bill motioned to accept the revisions to the Practices and Procedures, and Bonnie seconded. The vote was unanimous in favor of accepting the revisions and forwarding them to the Basin Commission Board.

EMF Repository and Upper Basin Repository Siting Process

Andy Mork, DEQ, provided an update on three aspects of Basin repositories:

- Upper Basin repository siting,
- East Mission Flats construction, and
- The EPA Inspector General's report on East Mission Flats.

Andy introduced the repository discussion by noting that analysis in the Waste Management Strategy says that over 900,000 cubic yards (cy) of repository capacity will be needed in the next five years to accept waste from yard and other cleanups as well as remedies to restore the ecological condition of the Basin. In the next 6 to 25 years, an additional 1.4 million cy will be needed—for a total of 2.4 million cy. The remaining capacity in Big Creek is only 200,000 cy and roughly 130,000 cy of that capacity will be used this year.

Andy stated that the three strategies for disposal of contaminated materials being considered are:

- Large-scale engineered repositories, such as Big Creek and East Mission Flats, for large volumes of contaminated material;
- A "fill the holes" strategy to use relatively small amounts of contaminated material to create level areas for economic development, and
- Containing waste in place at remediation sites.

Andy said DEQ is working on all three strategies. He noted that there was a recent meeting with local officials, Panhandle Health, and others on a "fill the holes" approach and there are plans to meet again in September or October. In the meantime, Terry is drafting documents on liability issues related to using contaminated material for fill. Fred Traxler, resident of Kellogg, said that he had heard of a bill in Congress that would outlaw using contaminated material as fill; he agreed to send any information he could find to Andy Mork. Even with "fill the holes" and waste containment on site, Andy said, large-scale engineered repositories will still be needed to dispose of the majority of waste from remediation projects.

Turning to the Upper Basin repository siting process, Andy said that after two public meetings and related analysis, the candidate sites had been winnowed from 94 potential sites to eight potential sites. The criteria used for this winnowing were based on input at public meetings (Andy provided these as a handout). EPA and DEQ are now evaluating the eight candidate sites based impacts to a number of criteria such as:

- Wetlands/wildlife
- Surface water and fish
- Floodplains
- Faults and landslides
- People at residences, schools and businesses
- Truck traffic
- Distance from removal areas
- Economic development
- Capacity

DEQ is contacting owners of the eight sites and will be conducting screening site evaluations soon. DEQ has also contacted tribes and state offices about investigating whether any culturally or historically significant artifacts are at the sites.

Andy said there will probably be an initial site ranking in September, which will be presented at a public meeting. Final site selection will be in November 2009, he said.

Bonnie said that the 500,000 cy that may be provided by a new site will not be enough to meet needs and wondered if DEQ was looking at more than one site at this point. Andy said that even 500,000 cy would deal with demand for the next few years, and that DEQ is only looking to site one repository now. However, sites with higher capacity would be given a higher ranking, he said. Bill Rust noted that the volume of waste that may be generated by remedies aimed mainly at ecological restoration (vs. human health) is speculative because that work is just now being planned (i.e., through the ROD Amendment work described later in the meeting).

Regarding the East Mission Flats repository, Andy described the current construction of a bridge and ramp to access the site from I-90. Bonnie asked if the bridge is intended to be temporary. Andy and Terry said the bridge is being built as a permanent bridge to handle the heavy duty traffic. Whether or not to keep the bridge over the long term will depend on whether there is demand for its use. For example, bicyclists may be interested in using it to access the historic mission site. Andy said that access to the bridge could be limited. Terry said he is available to answer any questions about the bridge project.

Lorrie asked whether the amount of capacity available at East Mission Flats is enough to justify building such a robust bridge. Bill Rust said the money saved through lower hauling costs justifies building the bridge. And, it avoids traffic on side streets.

Once the East Mission Flats bridge is done, the next phase will involve placement of up to 20,000 cy of contaminated material for a receiving platform and ramp. Andy said none of this

contaminated material will be brought to the site until the issues with the EPA Inspector General's report are resolved.

Lorrie asked why land west of Dredge Road wasn't considered for the repository. Andy said that the land is owned by Asarco and has been caught up in bankruptcy proceedings. The judge won't let DEQ touch the land until the proceedings are over, he said. Lorrie said Asarco had given her father different information a few years ago.

Regarding the EPA Inspector General's (IG) report, Andy said that the report concluded that there had been adequate public notification about the siting and design of the East Mission Flats repository but called for a technical review of some of the analysis that had been done on the site. Andy said EPA had conducted two technical reviews in response to the IG report. The most recent technical review is now under review by the Inspector General. All of the technical reviews concluded that the repository design was adequate. Andy reiterated that no contaminated material will be deposited at East Mission Flats other than small quantities of Institutional Controls Program (ICP) waste hauled to the site by private citizens until the issues described in the IG's report are resolved. ICP wastes are being temporarily staged at East Mission Flats before being transferred to the Big Creek Repository.

John Hopper asked whether the Page Repository was still taking ICP waste. Andy said it was.

Terry noted at the end of the presentation that the consequences of not having enough repository space was that the cleanup may have to shut down because there will be no place to take contaminated material.

ROD Amendment, Priority Setting, and Monitoring Plan

Bill Adams, EPA, provided an update on the Record of Decision (ROD) amendment process and associated priority setting. This work focuses on identifying which remedial activities in the Upper Basin should be undertaken as part of ecological restoration. The work represents a shift from activities primarily focused on human health (e.g., the yard cleanup) now that many of those projects have been completed. New activities, Bill said, require an update to the ROD. (The next ROD will be considered a "final" remedy; the current ROD is considered an "interim" remedy.) The Lower Basin will be addressed in a separate, future ROD amendment.

The focus of the ecological remedy, Bill said, is on improving surface water quality, which will also reduce loadings to groundwater.

Bill outlined work over the last several months, including updates provided to the CCC, the Basin Commission Board, and the Upper Basin PFT. Over 350 sites have been identified for action, and EPA is analyzing these sites to identify the most cost-effective cleanup options. A tool is being developed to help prioritize sites. It can, for example, identify what sites would need to be cleaned up along river segments to achieve water quality standards or some multiple of those standards (i.e., 3 times the water quality standard, 5 times, etc.) in the segment. The main water quality standard being used is for zinc. The tool identifies the sites that achieve water quality goals most cost-effectively. It also totals up the cost of those activities. EPA is testing the tool on Nine-mile Creek. This work is revealing some necessary tool refinements, such as factoring in the cost of road construction to remote cleanup sites.

Bill said that he plans to have a proposed plan for the ROD amendment for review by winter 2009/10 and a final plan by next summer. This work will also involve developing a comprehensive monitoring plan.

Lower Basin Enhanced Conceptual Site Model

Ed Moreen described progress in developing the Lower Basin Enhanced Conceptual Site Model (ECSM). He said this is essentially a documentation of current understanding about the river system in the Lower Basin. This information will feed into a future ROD amendment process for the Lower Basin.

EPA's contractor has developed eleven draft technical memos and an Executive Summary that together constitute the ECSM. Ed said the drafts will be distributed for public comment in September, and he will notify the CCC and the TLG when they are available. Ed said these are very in-depth scientific documents. For most people, the Executive Summary will be sufficient (although Ed invited anyone to look at the longer documents).

Open Discussion/CCC Issues

Jerry Boyd introduced an email from CCC member Keith Shannon, owner of Harrison Dock, which Keith sent prior to the CCC meeting. In the email, Keith asked for information about who to talk to regarding a cleanup plan for a piece of his property that the City of Harrison was considering annexing for a park and other uses on the south shore of the Coeur d'Alene River. Terry said he had heard about the project from officials in Harrison (in addition to being forwarded Keith's email) and that there were questions about the transfer of contaminated property and who would pay for cleanup. Terry said that there are rules in place that describe the circumstances under which the government would pay for cleanup. He said he would contact Keith to discuss the rules. Ed Moreen mentioned that there was some work on cleaning up recreational areas that might be relevant to Keith's project and suggested that he talk to Mark Masarik at EPA who heads up the Recreation Areas PFT. Terry said that when he follows up with Keith, he will give him Mark's contact information. There was also a suggestion that Keith get in touch with city or county officials (or local Congressional representatives) to see if there are funds available through federal stimulus programs.

Next Meeting/Upcoming Events

The next BEIPC Board meeting will be held on August 19, 2009. Part of the day will involve a field trip to cleanup and repository sites around the Basin. People interested in the field trip should contact Terry Harwood (Terry.Harwood@deq.idaho.gov, 208-783-2528) or Jeri DeLange (Jeri.Delange@deq.idaho.gov; 208-783-2548).

Presentation of Citizen Comments to the Basin Commission Board

July 29, 2009

Written Comments

No written comments were provided.

Verbal Comments

Verbal comments provided at the July 29, 2009 CCC meeting are reflected in the CCC meeting summary and paraphrased below.

In addition to the comments below, there were presentations by the following people and clarifying questions asked by meeting participants:

- Basin Updates (Terry Harwood, BEIPC Executive Director)
- Communications PFT Update (Jeri DeLange, PFT Chair)
- CCC Organizational Practices and Procedures (Jerry Boyd, CCC Chair)
- EMF Repository and Upper Basin Repository Siting Process (Andy Mork, Idaho DEQ)
- ROD Amendment, Priority Setting, and Monitoring Plan (Bill Adams, EPA)
- Lower Basin Conceptual Site Model (Ed Moreen, EPA)

Comments

Commenter

Communications from the Basin Commission and agencies need to be more proactive than reactive. Items like the EPA-DEQ letter to the editor on East Mission Flats should be provided early to CCC members and others before they appear in the papers. This will help CCC members answer questions from the public about events in the Basin.	<i>Bonnie Douglas, CCC Vice Chair</i>
All information distributed to the public from the Basin Commission and agencies should have a clear title and date so that members of the public have a better sense of what they are reading.	<i>Bonnie Douglas, CCC Vice Chair</i>
To communicate more effectively with residents in the Basin, the CCC and the Basin Commission need to meet people where they are in the community. The perception is that people are not listened to and don't know what is going on unless they are already involved in the process.	<i>Lorrie Jenicek, Cataldo resident</i>
Some people are actively disseminating misinformation (e.g., on East Mission Flats), which makes it harder to get accurate information out to Basin residents.	<i>Bill Rust, CCC member</i>
The CCC was designed to be a place where people could get information about the cleanup and be involved in decision-making. (Responding to a question from Lorrie Jenicek about what "tools" the CCC uses to outreach to the community.)	<i>Bill Rust, CCC member</i>
The approaches the CCC has used for outreach (e.g., sponsoring and attending East	<i>Lorrie Jenicek, Cataldo</i>

Comments**Commenter**

<p>Mission Flats public meetings) aren't reaching the community. Basin residents have a defensive attitude because they feel like they aren't being involved. On East Mission Flats in particular, people feel like EPA and DEQ haven't yet given a credible answer to residents' question about whether the repository will be safe or not.</p>	<p><i>resident</i></p>
<p>Citizens need to have enough interest to come to meetings and be part of the process; if they don't have that level of involvement, then they shouldn't criticize the process.</p>	<p><i>Bill Rust, CCC member</i></p>
<p>We heard about the CCC meeting in the local paper, but the announcements are frustrating because they come out the day of the meeting.</p>	<p><i>Lorrie Jenicek, Cataldo resident, and Fred Traxler, Kellogg resident</i></p>
<p>It is hard to get local people involved and interested, especially when they feel like they haven't been heard. People aren't getting answers to questions about "why" things are being done. I went to the Canyon School repository meeting where people brought up many concerns, and the only information many people got back was from the local papers, which said vague things like "community concerns were addressed."</p>	<p><i>Lorrie Jenicek, Cataldo resident</i></p>
<p>During the comment period on the East Mission Flats design, EPA and DEQ wrote and disseminated a response to all of the comments from citizens. And, citizen input was incorporated into the repository's design (e.g., lower height).</p>	<p><i>Bonnie Douglas, CCC Vice Chair</i></p>
<p>Some people oppose any repository, and they are very active and vocal outside of the Basin Commission process. What they don't get is that the repositories are necessary if the cleanup is going to proceed—repositories are part of the remedy.</p>	<p><i>Bonnie Douglas, CCC Vice Chair</i></p>
<p>The reference to "voting members" [in the revised CCC Organizational Practices and Procedures] as being those who have "completed and submitted the CCC membership application form" might suggest that people have to fill out a form even if they are already CCC members. Revising the language to read "completed and submitted...form <u>at any time</u>" would be sufficient.</p>	<p><i>Bill Rust, CCC member</i></p>
<p>I heard of a bill in Congress that would outlaw using contaminated material as fill. I will send information about it to Andy Mork, DEQ.</p>	<p><i>Fred Traxler, Kellogg resident</i></p>
<p>Money saved through lower hauling costs justifies building a "robust" bridge at the East Mission Flats repository. And, it avoids traffic on side streets. (In response to a question from Lorrie Jenicek asking whether the amount of capacity available at East Mission Flats is enough to justify building such a robust bridge.)</p>	<p><i>Bill Rust, CCC member</i></p>