

BEIPC/Citizen Coordinating Council (CCC) Meeting
October 26, 2016, 3:00 – 5:00 p.m. Meeting Summary Notes
IDEQ Office “Osprey” Rm., 2110 Ironwood Parkway, Coeur d’Alene, Idaho

Meeting called to order by Jerry Boyd, CCC Chair at 3:05 p.m.

Introductions of Attendees:

The following attendee introduced themselves:

Bill Adams (EPA), Jerry Boyd (CCC Chair), Glory Carlile (BEIPC note taker), Phillip Cernera (CDA Tribe), Jack Domit (Spokane River Assn.), David Fortier (Citizen), Rene Gilbert (EPA), Terry Harwood (BEIPC), Ed Moreen (EPA), Dan Redline (IDEQ), Bruce Schuld (IDEQ), Rusty Shepard (Kootenai County citizen), Rebecca Stevens (CDA Tribe), Ron Streeter (Mine Ventures), Valerie Wade (PHD), Pat Ward (Citizen), Kevin Yrjana (Citizen), Nick Zilka (retired IDEQ).

Citizen Discussion of Issues and Concerns:

Boyd opened the discussion for issues and concerns by asking for any input, comments, or questions. David Fortier (citizen) began the discussion by asking about the future of the CCC on the Agenda.

Terry Harwood, BEIPC Executive Director, gave background of the assessment that was made by Wendy Lowe, consultant hired by EPA. She came up with a draft report of observations and recommendations that has just been distributed to the Basin Commissioners and to BEIPC Staff. This report will be reviewed and discussed at the February 2017 BEIPC Meeting after the Commissioners discuss it at the November 16, 2016 meeting during the executive session.

Harwood gave a summary history of when the Basin Commission was formed and noted that the funds for cleanup began with the Clean Water Act (CWA) grants and then the Mine settlements and also appropriated funds through the State and Federal governments.

About the Basin Commission: The Commission became operational in March of 2002 with the execution of the order from the director of the Idaho Department of Environmental Quality and participation of the Coeur d’Alene Tribe, Benewah, Kootenai, and Shoshone Counties, and the State of Idaho. In August 2002, the State of Washington and Federal Government joined the Commission through the execution of a Memorandum of Agreement (MOA) agreed by the seven governments.

This MOA affirmed the dual roles of the Basin Commission to exercise certain State authorities as set forth in the enabling legislation, and to coordinate the Commission’s activities and authorities with those of other entities operating in the Basin to achieve a similar purpose. The intent of MOA was also to define the roles pertaining to the authorities involved in the Comprehensive Environmental Response Compensation Liability Act (CERCLA). Under the MOA, the Commission was established to implement, direct, and/or coordinate environmental remediation, natural resource restoration, and related measures to address water quality and heavy metal contamination. This includes coordinating the implementation of the 2002 Record of Decision (ROD) and the 2012 Upper Basin ROD Amendment approved pursuant to the CERCLA.

Who is on the Basin Commission: Harwood stated that the Basin Commission is made up of representatives of the State of Idaho, the three Idaho counties, Kootenai, Shoshone, and Benewah in the Basin, the Coeur d’Alene Tribe, the State of Washington, and the United States of America. He added that the only really elected officials are the County Commissioners. Commissioner Phillip Cernera was appointed by the Tribal Council.

How the CDA Trust fits in: Bill Adams (EPA) stated that the EPA role is to address the risks of the site including selection and implementing the remedy. There is also a statute for public input for comment periods in the process. They also provide information separately or distinct and/or overlapped with BEIPC. They implement the funds that were put in the Trust. They set up a budget and the work is done as directed by EPA with constant communication. They also use funds from the HECLA settlement and through IDEQ and have a cooperative agreement with the Tribe. United States Geological Survey (USGS) and Fish and Wildlife also do work and EPA also works with the Corps of Engineers. There is also outreach and education with a cooperative agreement with IDEQ and with a community liaison.

Boyd asked if EPA consults with the BEIPC before making decisions. Adams said they do and used the work plans as an example. He also noted that EPA is a member of the Commission representing the Federal component. He also added that they provided the assessment consultant, Wendy Lowe, as support of the BEIPC/CCC as an independent evaluation.

Comments/Questions:

Adams said that if citizens ask for certain information then they receive it. Those actually involved in projects get the information as it happens.

Boyd provided a bit more history about the role of the CCC noting that in the past that there was great attendance when there was an issue about the repositories. EPA took into account the input by the citizens. He also shared that they have tried different times of meetings to provide more participation opportunities because the idea of the CCC is to be a conduit to and from the BEIPC.

What is the ROD: Adams explained it is the cleanup. Harwood added that the cleanup area was in the original 21 sq. mile “Box” and laid out what the work is that is being done the more information about the cleanup area in the OU 2 and 3. He explained what the MOA covered and the action to be taken.

Cernera commented on the Lowe assessment and feels it should go out to all the CCC membership. He said that there are a lot of views of how the Basin Commission functions and what the Commission should do. He shared that there have been changes over 15 years of the issues that come and go. His personal view is that he feels that the BEIPC is not doing what maybe the State envisioned and thinks the public wondered what the influence is in this process.

Boyd again shared his observation that when there are major issues that involve the citizens like the repositories then they are interested.

Harwood said that the assessment report is a public document but that he wanted the Basin Commissioners to see it first. Adams further explained the assessment process of gathering the information and the plan to share it. Harwood confirmed that the final report will be available to the public. It will first be reviewed at the next CC meeting and then at the February BEIPC meeting. Cernera agreed CCC can go over it later but again emphasized that he wants this report to go out to the public.

Rebecca Stevens (CDA Tribe) commented that the staff members here at this meeting suggest to their Commissioners that they read the assessment report before the November BEIPC Meeting.

Good Time for Meetings:

There was further discussion on times of meetings. David Fortier said being retired means he can come to day meetings but the location of the meeting is more of a concern because of the driving distance and especially during the winter. He said he is the one who proposed “double” meetings in his interview.

He also said that he is concerned about getting young people to attend meetings but understands that they probably are at work during the day. Travel and location is a hindrance.

Cernera commented that there are two general themes of the assessment report document. One is about more participation and the other is how to get the Basin information to and from the CCC and other interested parties.

Harwood added that there was confusion in the assessment report of the role of the Technical Leadership Group (TLG), noting that the TLG has a completely different role and process than the CCC.

Dan Redline (IDEQ) suggested a blog perhaps on Facebook. Ed Moreen (EPA) shared that there was a blog in 2002 but it blew up. It seemed to be an avenue for negativity.

Valerie Wade (PHD) asked about the process of any communication that goes to the Basin Commission Executive Director via phone or e-mail. Harwood answered that there are instances that are often behind the scenes and is not shared with everyone when it is personal as it is usually a request for clarification and/or a complaint affecting an individual. He also receives direct communication from government officials on behalf of a citizen inquiry. He made it clear that he always follows up on any queries, complaints, or information requests. Cernera and Boyd both confirmed that these are shared at the next meetings.

Fortier commented that he feels that there are generalized issues or concerns that do not get resolved or are lost. He said that EPA could not really respond so people got burned out trying to find out information. He is frustrated that in the plans like the 10 year plan, he does not see the responses in it because it is too generalized. He added that he does not know how to obtain the response that he wants. He also feels there is not the feedback from the Basin Commissioners that he wants. Although he pointed out that Wendy Lowe did not know what had been done and the history, now he feels that the assessment report has given feedback to the Commissioners and he hopes to get feedback in return from them. Harwood said it is helpful to bring up all these points and he appreciates Fortier's input. Boyd agreed and suggested to bring the issues brought up even anonymously to the CCC meetings with a report of the follow up and how it was addressed.

BEIPC Work Plans for 2017 – Terry Harwood, BEIPC Executive Director:

Harwood reviewed the Work Plans and Boyd asked for any additional input to be sent by e-mail before the next BEIPC meeting in November.

Harwood shared the history of the Paved Road program in regards to coming up with the road segments. He noted the coordination with the jurisdictions and the O & M and the dispersed recreation efforts.

Boyd wondered if the word "dispersed" could be in the title but Harwood said that it is not likely.

Fortier asked about the comment time on the Recreational Strategy but was informed that it closed on October 20. Rene Gilbert (EPA) said they will still take comment. However, Fortier said that the public needed to have some public forum about the strategy to know what to comment on.

Bruce Schuld (IDEQ) said he brought this up on the assessment interview saying that the particular issue needs to be the discussion item at a CCC meeting.

Gilbert said that their process includes doing this kind of thing in the spring. Boyd agreed that if EPA wants CCC to help out then we need to know in advance of a meeting.

Harwood continued reviewing the Calendar Year 2017 Work Plan and Stevens asked to delete the word “late” out before 2017 on page 5 in the Fish Tissue Sampling section 1.1.7.

Harwood acknowledged that Schuld had developed the concept of Limited Use Repository (LUR). Schuld said a lesson learned was that the Paved Road Program waste put in the LUR’s saved a lot of space in the repositories.

Ed Moreen (EPA) gave an update on the pilot project at the Lane Marsh area. He said that soil layering is being done and that right now they are in the early stages. One of the objectives is to provide natural vegetation in a safe eating habitat.

Nick Zilka (retired IDEQ) asked about the dimensional models. Moreen explained.

Harwood added that they monitor the site in order to see if they are successful or not in remediation. He added that it is frustrating to try to educate the public when they ignore the warnings that are posted.

Stevens said that regarding the release of the draft Natural Resource Restoration Plan and Programmatic Environmental Impact Statement for public comment that is scheduled for mid-November, there will be a 60 day comment period.

Harwood reviewed the 5 year Work Plan. The document format is in columns noting the objectives, scope, and lead agencies.

A change was made pertaining to the CDA Tribe and agreement to take CDA Trust out in the “Lead” agency columns.

Comments and Questions on the 5 Year Work Plan:

It was asked that any additional comments or questions to be submitted to Glory for the minutes by Wednesday, November 2 in order to be in the packets to be sent to the Board of Commissioners.

Review of 2016 Cleanup Work as an agenda item was tabled as a report will be in the accomplishments reports compiled in the 2016 Annual Report to be reviewed at the February BEIPC meeting and that a draft also will be presented at the CCC meeting before the BEIPC meeting.

Gilbert suggested the next CCC meeting be in a central location like in Kellogg instead of in Wallace. Afternoon meeting would be better with the meeting to be held in January.

Adams announced that Gilbert has copies available of the Superfund Cleanup Implementation Plan dated October 2016 in CD form.

Fortier commented that key water quality projects should be considered as a priority to come into compliance. He also added that he wishes accomplishments to be acknowledged and Adams responded that it is a good comment.

Schuld also suggested having two CCC meetings in January: One in the Upper Basin and one in the Lower Basin. Boyd agreed and suggested Medimont in the Lower Basin.

Meeting adjourned at 4:55