

**TLG CONFERENCE CALL SUMMARY**  
**October 18, 2007**

**Participants:**

Kenny Hicks (Chair)  
Anne Dailey  
Brian Spears  
Mark Masarik  
Terry Harwood  
Dave George

Rebecca Stevens  
Lloyd Brewer  
Randy Connolly  
David Fortier  
Jeri DeLange (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:** Draft BEIPC Work Plan

At the start of the call, Kenny Hicks (TLG Chair) asked if there were any additional items to discuss besides the work plan.

**Other Discussion:**

**Harwood:** Gave a brief update of the draft agenda for the upcoming BEIPC workshop/meeting on November 14. He said that John Snider (CCC Chair) would be making the CCC's presentation at the beginning of the workshop. Then he and Hicks will present the draft 2008 work plan and ideas for future BEIPC issues. Harwood noted that an hour will be provided for public comment to the BEIPC for a brainstorming session; however, he pointed out that each person's time will depend upon how many people wish to speak.

After lunch, he said that the BEIPC will have a brainstorming session to discuss the direction and future of the BEIPC. Then the regular BEIPC meeting will begin after the workshop is finished. He stated that the BEIPC agenda includes the following presentations:

- Alluvium sorting project - Geoff Harvey (IDEQ);
- OU-2 Phase I remedial action assessment - Nick Zilka (IDEQ) and Anne Dailey (EPA);
- Update on mine/mill work - Bill Adams (EPA);
- Update on the waterfowl project – Brian Spears (USFWS) and Anne Dailey (EPA); and
- Wallace Rail Yard CERCLA removal action - Ed Moreen (EPA).

Harwood also informed everyone that the EPA will be holding a public meeting on the Wallace Rail Yard and Spur Line on November 1.

**Stevens:** Asked if the date of the BEIPC meeting was going to be changed. Harwood indicated that BEIPC Commissioner, Rick Currie (Kootenai County) would not be able to attend, but that he had called him about designating an alternate.

Stevens gave a brief overview of the three days of LMP meetings and said that the State and Tribe worked on a new draft outline. She indicated that they still have some differences, but are

working on issues; and that the Tribe will wait until the State works out the positions with the counties. Stevens also reported that she has been working on the lake management action tables with Glen Rothrock (IDEQ). She explained that this work is for the lake audit which is a CWA project and will not be completed until 2008.

**Harwood:** Brought up that he was concerned about contaminant management and that he would try to work on getting it into the LMP.

### **Work Plan Discussion:**

**Harwood:** Commented on the draft work plan and indicated that he was dividing it into three sections: 1) Superfund; 2) CWA; and 3) other BEIPC actions and responsibilities. For repositories, he noted that the Big Creek site will eventually be filled up and that there is a lot of discussion back and forth on the EMF repository site. He briefly discussed the two EMF (East Mission Flats) repository meetings which were held recently that included presentations on the 30% EMF design. Harwood said that the first was a public meeting sponsored by the CCC at their meeting on October 16 at the Canyon School; and the second was sponsored by St. Pius X Church on October 17 as over 500 of their members were signers on a petition. He also reported that the last CWA grant was extended by the EPA from June 30, 2008 to June 30, 2010.

**Hardy:** Asked if the EMF issues would affect the project moving forward. Harwood replied that it would still move ahead.

**Harwood:** Mentioned that he wrote the work plan section on recreational areas because Mark Masarik was out for a few weeks. (Masarik expressed his thanks). He pointed out the need to look at developing recreational sites where there are no facilities and emphasized that private property rights need to be protected from people using private property without permission. Then he commented about the drinking water source (Mill Creek) in Mullan. He noted that the water is higher in metals than the NPDES permit for the waste water treatment plant allows (after water is processed through wastewater treatment). Harwood also mentioned that logging is going on in the watershed of the Mill Creek drainage.

**Hardy:** Inquired if any mines (old sites vs. new) were opening up. Harwood replied that one mine wanted to haul waste to Big Creek, but was told no; and that they needed to remediate the site themselves. He said that the company bought old sites, cleaned up the mess, and then started mining again. Hardy suggested that it would behoove the mine/mill PFT to know this information. Harwood responded that there was also something going on at the Jack Waite site up the North Fork of the CDA River and that he would let people know if he finds out any information.

**Hardy:** Inquired about EE/CAs (Engineering Evaluation/Cost Analysis) for environmental cleanup of the railroad and asked if there were any on the main stem of the UP (Union Pacific). Harwood answered that the Ninemile Spur goes all the way to Burke and that it lies in some people's backyards that have already been remediated through the yard program. He suggested that it would be a problem to figure out how to dovetail cleanup work.

**Harwood:** Asked Dailey if there were EE/CAs posted anywhere.

**Dailey:** Answered that if they were not currently posted, they would be. However, she was not sure if public comment had started yet. Dailey reminded everyone that the Wallace Yard and Spur Line public meeting would be held on November 1 at the Wallace Inn. The link for information is: <http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/cda>.

Additional issues were discussed by the TLG regarding the UP railroad line and the Trail of the Coeur d'Alenes; continued blood lead testing for human health; and Upper Basin water treatment (i.e. ways to treat groundwater at Canyon Creek and the selection of alternatives).

**Harwood:** Stated that any work on Canyon Creek water treatment would be dependent upon funding. He said that the State and EPA would negotiate the contract for work as it will be under Superfund, but that people will have input. Then, after a plan is developed for the selected treatment, the State Legislature and U.S. Congress will have to appropriate the funding to implement it. Harwood pointed out that the funding may be difficult to get since it's for ecological cleanup rather than human health.

**Dailey:** Emphasized that there are a number of steps to go through in order to do funding on a Superfund site; and that there is also a 10% State match. Harwood added that you also have to separate the remedy and maintenance of the remedy to determine the source of funding.

**Harwood:** Mentioned that Nick Zilka could not be on the call as he was working on Denver Creek, but that he had reviewed the work plan sections. He pointed out that for the East Fork revegetation project, the BLM is planting different sizes and species to find out what is best to plant.

**Fortier:** Said that he was in the process of finishing the cap on the Nabob tailings and that the work should be completed this year. He indicated that he had been very busy during the summer and was not able to participate on the TLG calls.

**Harwood:** Brought up that the Forest Service was working on revegetation at Moon Gulch this summer; and that it was a big project with a lot of riparian improvement. Dailey suggested that it would make a good field trip next summer. Harwood also gave a brief update on some of the CWA projects and the status of the grant funding. He said that he monitors the financial report very closely as some people wait until the end to return any remaining funding. He is concerned that there may be about \$100,000 from CWA project under-runs and that he would like to work on a plan just in case. He talked with Tamara Langton of the EPA about transferring any remaining grant funding to other projects in the same grant year. Harwood explained that people have done a good job of managing the funding and that is why there are under-runs.

Harwood also indicated that he is really concerned about the future vision for the BEIPC. He said that there have been lots of good work accomplishments, but questioned what direction the BEIPC goes from here. He suggested that he would like to get everyone's input.

**Hicks:** Inquired about Section 3.3 of the work plan for infrastructure needs. He asked if there

was adequate funding, or the ability to work through the prioritization of flood control and municipal infrastructure. Harwood answered affirmatively and added that the next step would be prioritization to try to come up with the funding as it would be easier for several entities (i.e. cities, communities, etc.) to work on sources of funding (such as grants) than it would be for one. Hicks also offered to help on this issue.

**Hardy:** Mentioned that he previously sent information to Harwood on two points for the work plan which included: 1) monitoring on the main stem of the St. Joe; and 2) coordination of EMF (East Mission Flats) and MF (Mission Flats).

### **Special Acknowledgement:**

**Stevens:** Asked the TLG for a moment of silence to acknowledge Rob Spafford. She expressed her sorrow in losing a good friend and colleague; and felt that it was appropriate for the TLG to recognize him for all of his efforts and contributions to the group. She mentioned that it was Rob's wish not to have a service; however, there will be a celebration of life observance next year. She said that she will keep people posted.

**Hicks:** Remarked that Rob's voice was a voice of reason.

**Hardy:** Commented that Rob did a lot for the Museum of North Idaho in Coeur d'Alene and that he was liked and respected by the Board.

**Harwood:** Said that he was a good friend of Rob's from working with him previously in the Forest Service and also as a member of the Idaho Society of Professional Engineers. He indicated that he was deeply saddened and that Rob will be greatly missed.

### **Work Plan Discussion (continued):**

**Harwood:** Gave an update on the EMF repository process and pointed out that it was run through the TLG, CCC, and general public. He said that John Lawson (IDEQ) had asked for comments on the 30% design report and that some people were upset. Harwood emphasized that Lawson made an honest effort to get everyone informed.

**Hardy:** Suggested that there should be a timeline of when the property was purchased because some people felt that it was already a done deal at the meeting that was held at the Mission State Park. He feels that the purchase may have closed later, but believed that the MOA was before. Harwood responded that he would send out the timeline.

**Harwood:** Commented that some people feel the EMF repository may dissolve during a high flow event or contribute to flooding in Cataldo even though there are culverts that run underneath I-90. Other people believe the repository may cause water contamination in drinking wells and one man felt that CDA Lake would be contaminated for drinking water. He said that another person suggested that other hazardous waste in Region 10 could be hauled to the EMF site. Harwood clarified that this is misinformation. He encouraged people to become better

informed and that they could find information on the BEIPC web site.

**Hardy:** Remarked that recent concerns on the EMF were addressed by the response to comments, but that he felt there was a lack of response in a more benign manner earlier.

**Dailey:** Responded that the EMF information is on both the EPA and BEIPC web sites.

**Hicks:** Commented that this issue is no different than other land use issues he has worked on for the county as people do not pay attention to the legal notices or participate in the initial process. However, then they get upset when construction starts. Hicks suggested that people need to pay attention and believed that it was too late to be posting comments now.

**Hardy:** Reiterated that he feels it was a done deal at the beginning.

**Harwood:** Informed everyone that he needed to leave the call early, but if anyone had questions or comments on the LMP or repository, to call him tomorrow. He also reminded everyone that he would be in Boise next week (October 22-24), but would be available by cell phone.

### **Round Table:**

**Dailey:** Mentioned that she and Nick Zilka have been working on the OU-2 RA (remedial action) assessment. She indicated that work on the Jack Waite mine would start soon depending upon the weather. Dailey also reminded everyone about the Water PFT meeting on October 30.

**Fortier:** Reported that all the major work had been completed on the Rex and that now it would be in a maintenance and operation mode.

**Hardy:** Brought up Section 1.4.2 of the draft work plan for Lower Basin Ecological Remedies. He commented that Harwood's summary about the involvement of Ducks Unlimited and the USFWS to establish safe feeding areas for waterfowl did not mention that some of the ducks are shot by hunters. He suggested that this information be added to the section.

**Spears:** Responded to Hardy that as part of the process for the conservation easement, the property owner will retain property rights, but an allowable hunting scenario was worked out. He also explained that when hunting is allowed during the fall, the waterfowl migration is not as significant as in the spring when it is not allowed. Hardy said that he appreciated the information, but that he believed it should be included in the work plan summary. Spears remarked that the issue of the property owner retaining rights is a very small part of this. Dailey suggested that this area will have low metal concentrations so that the waterfowl can feed and be safe from metals contamination. Hardy noted that the issue was portrayed as a safe haven for waterfowl, but feels there should be no hunting in that case.

There was additional discussion on this topic by various TLG members which focused on property rights, conservation easements, hunting, etc. Spears concluded his comments by saying that the easement was a compromise that was good for both parties.

**Stevens:** Gave a brief update on the LMP mediation. She said that the EPA, State, Tribe and mediator have drafted documents for the outline and tables. Stevens mentioned that the LMP tables were updated from information that she and Glen Rothrock (IDEQ) have been working on for the lake audit. She said that copies of the draft documents were given to the people who are scheduled for the next meetings so that they can provide feedback. In addition, they may also provide written comments. Stevens indicated that she will email the information to anyone who is interested. She also mentioned that they are trying to draft the LMP plan now. Dailey asked if any information had been posted to the web. Stevens answered that the only document that had been agreed upon at this time was the "State of the Lake."

**Hardy:** Inquired about the status of the RAMP (Response Action Maintenance Plan) for the Trail. Stevens replied that she had not heard anything yet.

**Masarik:** Reminded everyone that the Recreation PFT meeting will be held on October 25. He said that it would be a good opportunity for people to discuss various issues such as: 1) if there needs to be a comprehensive rec. inventory developed; 2) what the process will look like; and 3) short and long-term goals.

**Spears:** Commented that he will be going out to sample some property west of Dudley because the metals level is very high.

**George:** Nothing to report.

**Brewer:** Informed everyone that he will not be able to attend the PFT meetings on water quality or recreational sites due to other commitments, but that Bill Reichart will be attending.

**Connolly:** Nothing to report.

**Fortier:** Said that he was doing work at the Rex mine/mill site on re-grading and finishing up work at the tailings pile. He mentioned that Bill Adams was heading up work on the BLM site; and that a PVC cap would be put on the Nabob tailings pile in the next few weeks. Fortier also reported that Mike Stevenson was doing stream restoration to improve fishing in the West Fork of Pine Creek.

**Hicks:** Indicated that he attended the LMP meeting and that he was in agreement there needs to be additional discussion. He pointed out that there are various parties with different views and that it's difficult to reach consensus. Hicks then asked the TLG for direction. He said that he has ideas, but feels that his first role is to the County and Commissioners. He suggested that he would like to get more active in certain things and that he does have some items he would like to bring to the TLG. He also indicated that he would like to be more involved in infrastructure and flood control; and that he believed it should be a higher level of priority. He stated that even though there is no firm budget, the CWA project studies for I/I show clear reduction in metals flow which translates into lower blood lead levels. He emphasized that flood control is needed to protect the remedy.

**Spears:** Suggested that the TLG Chair and Vice Chair may take off their agency hats as they see

fit. He added that the TLG would like to continue to hear Hick's views as it helps the TLG process in a productive way. He advised Hicks to make his ideas known and to be objective.

**Fortier:** Responded to Hicks that he still needed to speak his own opinion as long as he is able to bring TLG objectives up when needed.

**Hardy:** Remarked that Hicks is wearing two hats and suggested that he just summarize.

**Stevens:** Agreed that being objective is the name of the game. She recommended to Hicks that he continue to express his views, but to preface his comments as the county rep. or TLG Chair.

**Hicks:** Commented that he feels a more holistic approach is needed than recognizing socio-economic opportunities. He believes that each agency has certain objectives to meet within the cleanup and that they do not look at objectives holistically. He suggested that it would be good to use the holistic approach as the cleanup funding will be gone in 30 years.

**Spears:** Suggested that he feels the sort of thing Harwood wants to try for is vision.

**Hicks:** Indicated that the LMP may be closer to fruition than what people think; and that word-smithing is a minor issue. He feels that people are closer on issues than they realize as they would not be involved if they did not care. He plans to start on a white paper and then expand it over time.

**Fortier:** Said that what Hicks was saying has not been unheard before. He commented that it was good to hear that he wants to make things better.

**Hardy:** Mentioned that he read the EE/CA for the Wallace Yard & Spur Line. He suggested to Hicks that he look at contamination issues downstream from Canyon Creek as a flash flood could recontaminate the whole railroad switch-yard.

**Hicks:** Replied that Harwood brought this issue up previously; and that he is also concerned to be this far forward in the cleanup process and not have flood control measures to protect the remedy. He suggested that there will be a major flooding event in the future and reiterated that it is extremely risky not to have flood control measures implemented, especially with how much funding is invested. Hicks said his white paper will include information on preventive versus prescriptive methods. He asked the TLG members about the next conference call scheduled for the day after the BEIPC meeting. Stevens indicated that they usually cancel the call in this case.

**Schedule:** The next TLG conference call will be scheduled 11/1/07.

Thank you for your participation.