

TLG CONFERENCE CALL SUMMARY
April 20, 2006

Participants:

Brian Spears (Chair)	Bill Rust
Terry Harwood	David Fortier
Nick Zilka	Lloyd Brewer
Dave George	Randy Connolly
Rusty Sheppard	Jeri DeLange (Note Taker)
John Snider	
Bill Adams	

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 ICP Position Papers for OU-3

Brian Spears indicated that the positions are confirmed with the agencies and counties (except Kootenai) for the draft ICP. He suggested a round table to discuss TLG comments.

ICP Discussion:

Spears: Mentioned that he read the ICP positions for Shoshone and Benewah counties, and then the EPA's. He pointed out that he believes the EPA addressed everything brought up in OU-2.

Sheppard: Commented that as far as Kootenai County is concerned, EPA's paper concerns the Upper Basin and not the Lower Basin. He mentioned that much of the land in the Lower Basin is agricultural and State-owned.

Spears: Indicated that the EPA's desire for the ICP is consistency and that all the properties should be treated the same. He indicated that there should be no difference between State-owned and agricultural land.

Sheppard: Said that he believes residential properties should be treated the same, but not agricultural land.

Spears: Discussed that the major issue in regards to the ICP is contaminant migration. He believes that there is no difference between people digging dirt on residential property or agricultural. He also pointed out that there seems to be a discrepancy between the federal land management agencies with ICP consistency.

Harwood: Responded that the land management agencies have their own authorities on public lands. Harwood also explained that in regards to Sheppard's comments about treatment for other property owners, the State considers both State-owned and private land to be treated the same if it falls under an ICP; and does not differentiate.

Adams: Asked when the next PFT meeting would be held in order to discuss these issues.

Harwood: Answered that the PFT meeting was not scheduled yet because comments were still being solicited. Harwood expressed his view that he is hopeful that the PFT and TLG will be able to come up with a product to present to the BEIPC; and that there will not be several minority positions.

Spears: Inquired about the status of the ICP map. Harwood indicated that Rob Hanson (IDEQ) was the contact person for the map. He also mentioned that there may be a few more versions of the map until all of the mine sites in the Upper Basin are identified. He offered to get copies of the latest version. Spears asked if electronic copies were available. Harwood said that they were not because they contain GIS information and have a CAD overlay. He mentioned that he would get copies from Rob Hanson for the TLG meeting on May 8.

Rust: Indicated that it may take some additional time in order to get Kootenai County's position on the ICP as their meetings were scheduled close to the same time as some of the other meetings in May.

Harwood: Agreed that it would be a tough situation to get the work done on the ICP, but stressed that it needs to be ready for the BEIPC meeting on June 21 in order to have the final rule written by August. He pointed out that the ICP needs to go through the State Legislature for approval. If the ICP is not completed in time for next year's legislative session, then it will have to wait until 2008.

Spears: Recommended that the TLG would first discuss the position papers; and then work on developing a position for the May 8 meeting.

Harwood: Proposed that TLG members forward all of their comments to Spears. Then Spears could put them together to give to Hanson.

Sheppard: Inquired about the PFT's comment to the PHD prior to revision. He believed that the draft language allowed the PHD to have a lot of discretion to do anything they wanted to.

Harwood: Responded that each individual project has its own merits and that there needed to be some discretion (depending upon the situation) as it is too difficult to write one document that would cover every circumstance.

Spears: Indicated that it would be better if TLG members specifically addressed their comments to the draft rather than formulate positions at this time.

Harwood: Suggested that TLG members review the other positions to see if their concerns may already be addressed.

George: Asked why the draft ICP did not cover the Spokane River. Harwood answered that it was because there were no remedies designated in the ROD; and that an ICP can only be in effect where remedies are to be done under the ROD. Spears said that this would need to be

worked out with the EPA under the CERCLA process. George indicated that he has concerns over this issue.

Adams: Mentioned that this issue is part of the ROD, but gets overlooked. He commented that because of the need to protect human health and the environment, it is necessary to figure out how to do this. Adams said that a lot of people think the ICP program will be good way to deal with these issues. However, he explained that the ICP covers only a part of a set of activities in the Basin; and that anyone trying to craft everything into the ICP would end up being disappointed. Harwood agreed. Adams indicated that we have the model used in the Box that deals with residential properties; and that we need to sort out what the differences are and how to address them for the Basin.

Harwood: In regards to the lake, he suggested that there needs to be “institutional controls” rather than a program.

Spears: Agreed that the ICP is not designed for the lake, but that it’s extremely important to establish controls for the sediments in the bottom of the lake.

Sheppard: Suggested being careful in this regard as CWA and CERCLA overlap significantly.

Spears: Mentioned that the one issue he believes that George was alluding to concerns not having an ICP on those areas; and then someone would be able to dredge the shallow bays. He indicated that this would also create issues the USFSW would have to deal with.

Snider: Commented that some states and counties have already enacted CWA actions that duplicate what an ICP implements. He indicated that Kootenai County is already doing a lot of this compliance by the land ordinances it has established.

George: Suggested that all of the entities need to dovetail their efforts.

Snider: Inquired how to interface these actions.

Sheppard: Mentioned that the Army Corps of Engineers is already doing a lot of coordination and not duplicating efforts.

Harwood: Remarked that these were all good comments and suggested that they be put together and forwarded to Hanson.

George: Asked how areas along the river that have contamination will be addressed if they present a threat to human health. Snider reiterated that he believes Kootenai County is already doing a lot in regards to this. George said that there may be other issues of concern not addressed under the CWA. Snider suggested that an assessment of the contaminated areas could be prepared. George agreed that this would be a good idea.

Upon further discussion, it was determined that it may be helpful to have a few different agencies at the upcoming TLG meeting explain where they are at in terms of addressing actions

and problems with the ICP; and then how efforts could be coordinated. Harwood indicated that he would contact Hanson to make arrangements.

Round Table:

Zilka: Nothing to report.

George: Nothing to report.

Sheppard: Nothing to report.

Snider: Nothing to report.

Fortier: Nothing to report.

Adams: Mentioned that work is continuing on the Rex and that water sampling is being conducted on Pine Creek.

Brewer: Nothing to report.

Connolly: Nothing to report.

Spears: Asked if the yard program was up and going. Harwood indicated that it was and that this was the reason that Mark Stromberg was not on the call.

Harwood: Mentioned that WalMart is doing ground work on-site in the Smeltonville flats area and excavating contaminated soil. Zilka indicated that the material is being hauled to the Page repository for disposal.

DeLange: Nothing to report.

Schedule: The next TLG conference call will be scheduled 4/27/06.

Thank you for your participation.