

TLG Meeting Minutes
Technical Leadership Group Meeting
May 1, 2007
Kootenai County Administration Building
451 Government Way, Coeur d'Alene, Idaho

Call to Order: The TLG Chair, Brian Spears (USFWS), called the meeting to order. He welcomed everyone and asked people to introduce themselves.

Special Presentation – “Smart Disposal”: Spears passed out handouts and made a brief presentation on Smart Disposal. This program is a joint public-private partnership by the USFWS (U.S. Fish & Wildlife Service) and the American Pharmacists Association to help protect our nation’s fish and aquatic resources from improper disposal of medication. Spears mentioned that the presence of prescription drugs is showing up in many of our rivers, streams, and drinking water as well as some food sources. He indicated that this may cause abnormalities in fish such as male fish producing eggs and that no one is sure of what other adverse effects may be caused to aquatic organisms, fish, wildlife, and possibly humans due to some chemicals that may interfere with the hormonal system and reproduction. Anne Dailey (EPA) pointed out that these are referred to as endocrine disruptors. Spears said that he wanted to make people aware of this issue and then explained the proper methods for disposing of medications safely.

Rob Spafford (CDA Tribe) commented that he recently took a tour of Blue Water Technologies in Hayden and that they have been working on some technology that shows good promise in the removal of these kinds of things (i.e. endocrine disruptors). A question was asked about what type of treatment this was and Spafford replied that it was both a chemical and physical process.

Changes to TLG Protocol: Spears brought up two changes that he was proposing to make to the TLG protocols at the next BEIPC meeting which included the following items:

1. Changing the specified schedule for the weekly TLG conference calls to allow for flexibility as they are now held every other week; and
2. Changing the term for the TLG Chair and Vice Chair positions from two years to one year.

Spears asked if anyone had discussion or objections to the proposed changes. As there were no objections, he indicated that the proposed TLG protocol changes would be presented to the BEIPC for final approval.

TLG Chair and Vice Chair Nominations: Spears mentioned that there was one volunteer for the position of Chair which was Mike Beckwith. He then extended an open period for nominations. Hearing none, he suggested that Beckwith be the new Chair. Harwood clarified that the people who represent the agencies for the seven governments on the BEIPC would need to vote for the TLG Chair and Vice Chair positions; and that each entity would only get one vote even though they may have two TLG representatives. He clarified that all of the other TLG

members would not be able to vote for the TLG Chair and Vice Chair positions, although they may vote on everything else. Spears called for nominations for the position of Vice Chair. After discussion, Kenny Hicks volunteered. Spears indicated that the vote would be taken later in the meeting.

LMP Section for the 2007 One-Year Plan and New Five-Year Work Plan: Terry Harwood informed everyone that at the Basin Commission meeting in November, the BEIPC approved the 2007 one-year work plan with the exception of the LMP section. The BEIPC then directed that a proposal be presented at the March meeting with what needed to be done for the LMP. At the March meeting, Harwood noted that the BEIPC voted that language for lake management activities be drafted to put in the 2007 annual work plan (for approval by the BEIPC in May). The proposed draft language was added under Section 1.9, Lake Management Activities.

Harwood said that he planned to schedule time for the CCC and public comment before the BEIPC takes a vote on Section 1.9 and the new draft five-year work plan. He asked the TLG members for their position, or any further comments on Section 1.9. John Snider (Kootenai County TLG rep.) asked Harwood about the change to the last sentence of “*as appropriate*” with other stakeholders. Harwood replied that he had taken input from Rusty Sheppard and the CDA Tribe. Snider said that his only concern was what Commissioner Rick Currie brought up at the last BEIPC meeting regarding county involvement in the LMP.

Rebecca Stevens (CDA Tribe) pointed out that in the first paragraph regarding the LMP audit, it states that the study will be completed in 2007. She suggested changing the date to January 2008 because the contract date goes to December 30, 2007. Harwood indicated that he would make the change.

Harwood then asked the TLG if anyone would have a problem with deleting “*as appropriate*” in the last sentence of the last paragraph for Section 1.9 per Snider’s comments, so that it would now read, “*If the second phase is successful the State and Tribe anticipate approving the LMP and coordinating adoption and implementation ~~as appropriate~~ with other stakeholders, including local governments and the BEIPC.*”

Mike Beckwith remarked that the LMP was a mediated process between two sovereign governments and that it would be occurring at an appropriate time. He emphasized the need to make sure that the State and Tribe (with the assistance of the EPA) are moving forward on the process, and that this is the direction the LMP will head at first. He indicated that the stakeholders would be involved as appropriate and at an appropriate time. Harwood suggested to Beckwith that the language was talking about the second phase and not the first phase. Beckwith said that it was still the same thing and that he wanted to make it clear.

After further discussion, Harwood clarified that after reviewing all of the previous documents, there have been some commitments and promises made that the stakeholders would be involved at the appropriate time. He suggested to Spears that a vote be taken as the TLG could not reach agreement. Spears mentioned that the only issue was whether “*as appropriate*” needed to be in the language. Mark Stromberg made a motion to delete “*as appropriate*” in the last sentence of

Section 1.9. Spears asked whether the CDA Tribe had a problem with deleting that language. Beckwith commented that the Tribe did not, but that a lot of time had been spent on this and that there had been plenty of dialogue and discussion on this issue. Spears said that his point was taken and asked if it would be a problem for the Tribe if “*as appropriate*” was deleted. Beckwith indicated to go ahead. Lloyd Brewer seconded the motion.

Spears asked if there was further discussion. Ed Moreen asked for clarification of who was objecting to the language “*as appropriate*”. Spears answered that it was Kootenai County. Rog Hardy asked for clarification of who was allowed to vote. Harwood explained that each agency that was represented on the TLG (dealing with land management issues) was allowed one vote. He suggested that each agency make sure which representative would vote even though they may have two representatives at the meeting. He volunteered to assist Spears in counting the votes. After additional discussion, Spears called for the question. The motion to remove “*as appropriate*” in the last sentence of Section 1.9 passed with nine (9) votes in favor and two (2) votes against.

Before proceeding with a vote to change the LMP audit date from 2007 to January 2008 (per the previous suggestion made by Rebecca Stevens), Spears asked if there were any other changes to Section 1.9. Nick Zilka pointed out that “*Division*” in the second sentence, should be corrected to “*Department*” as IDEQ is the Idaho Department of Environmental Quality. Spears then asked who was in favor of making the two corrections and accepting the rest of the language in Section 1.9 as written. The vote was unanimous with eleven (11) votes in favor. Harwood pointed out that he would change Section 3.4 (Lake Management Activities) in the five-year plan to read identical as the revised Section 1.9 for the annual plan that was approved by the TLG.

(2007-2011) Revised Draft #2 Five-Year Work Plan: Harwood asked if anyone had comments about the second draft of the revised five-year work plan. Dailey brought up that on page 11, Section 1.4 Environmental Restoration, that “*restoration*” should be changed to “*remediation*”. Harwood responded that there was environmental restoration going on and suggested that maybe it should read remediation and restoration. After some of the TLG members brought up various concerns with this issue, Harwood said that he was talking about the idea that the BEIPC should be dealing with more than just CERCLA remedies.

Dailey commented that environmental restoration was occurring under the Natural Resource Trustees Interim Restoration Plan. Harwood clarified that not all of the restoration was and that this is a problem because people have a narrow focus for some of this work. He said that it makes it difficult for him to try to get funding for environmental restoration work outside of CERCLA activity, such as actions against the PRPs for restoration, if he cannot put it in the BEIPC program of work. As an example, he indicated that he cannot go out to get a grant from someone to do wetland restoration work, or possibly CWA funding, if it is not in the BEIPC work plan; or look for funding something outside of what the EPA or Trustees are funding if there is not backup in the language.

After additional discussion, it was proposed that the heading for Section 1.4 would be listed as “*Environmental Remediation and Restoration Issues*”. Harwood noted other comments and

suggestions regarding the language in that section and said that he would incorporate the recommendations into the final document.

Dave Fortier (BLM) pointed out that if remediation does not bring the natural resources back, then restoration is a method to try to bring back or compensate the public for the loss of public uses. He indicated that the interim restoration plan was recently signed off by the federal trustees and suggested that it could possibly be added in the work plan now that it is finalized. Harwood said that if the trustees agree, then to send him some language to put in the work plan.

Ed Moreen brought up the repository section on page 7 (first full paragraph, second sentence) and suggested inserting the following language “*and other cleanups that may require disposal capacity*” at the end of the sentence that reads: “The plan, the Basin Waste Management Strategy, called for a new repository to replace BCR in order to provide disposal capacity in the Upper Basin for the Basin Property Remediation Program *and other cleanups that may require disposal capacity.*” He then suggested changing the word “consultants” to “*representatives*” on the same page (third paragraph, first sentence) so that it would read “... Shoshone and Kootenai County *representatives*”.

Harwood asked the TLG whether they would like to handle the revisions by a third draft, or to move forward with a consensus on record. Spears indicated that he would like to see the revisions for Section 1.4 before approving it. Dailey suggested that the TLG could do a verbal vote on the next conference call. Snider said that he would like the TLG to approve the plan today with the recommended changes rather than by phone. Dailey offered her assistance to make the revisions for a third draft of the document (which was projected overhead with the laptop computer) while the TLG worked on the wordsmithing. After the revisions were made, Spears asked the TLG to accept the change to the heading for Section 1.4 as “*Environmental Remediation and Restoration Issues*” and the text leading into 1.4.1 as follows, “*Environmental remediation and restoration issues under consideration by the BEIPC include environmental work in the Upper and Lower Basin. Remediation work is described in the ROD for OU-3. Environmental restoration will be addressed as opportunities arise.*” The revisions were approved unanimously with eleven (11) votes in favor.

Beckwith then made a motion to accept the rest of the five-year plan with the accepted repository changes as “.... other cleanup capacities as needed.” Fred Kirschner seconded the motion. The motion passed unanimously.

Financial Update on CWA Projects: Harwood reported on the financial status of the CWA projects and passed out copies for the most recent update (April 24). He indicated that there was approximately \$1.1 million in grant funding remaining. He also pointed out that it was interesting that the last grant year for 2004 had the same cut-off date (June 30, 2008) as the second grant year for 2003. Harwood suggested that he may have to make a formal request to the EPA to extend the date for the 2004 CWA grant because he believed that some of the projects would not be completed by then.

Bill Adams suggested that it would be good for Harwood to put a listing of the CWA projects

that have been completed on the BEIPC web and indicate whether an executive summary was available. Harwood replied that hard copies of the final reports were available at the BEIPC office in Kellogg for anyone that was interested. He explained that an executive summary was usually not included unless it was specified as part of the deliverables. Dailey suggested that maybe more people would take the time to do an executive summary if they knew that people would be willing to read them. Harwood indicated that he would put a listing of the completed CWA projects on the BEIPC web site.

Spokane River Fish Sampling: Fred Kirschner (Spokane Tribe) made a presentation on fish sampling results for the Spokane River. He said that he wanted to stress the importance of clean water, clean sediments, and the resulting clean fish, so that people can consume them. He talked about the Tribe, its culture and fishing; and then discussed the concentrations of metals found in the tissue and bones of some of the fish sampled. Kirschner explained exposure factors and criteria used to develop risk assessments as metals contamination in fish may be harmful to human health when consumed in large amounts. He said that the information is used to provide recommendations for fish consumption advisories. He also gave a presentation on other cleanup areas that he had been involved with over the years including various mining sites as well as a brief overview and history for each site.

TLG Chair and Vice Chair Election: As there was only one nomination for each officer position, Spears asked for a show of hands to elect Mike Beckwith as the new TLG Chair for a one-year term. Rog Hardy suggested that it be for a two-year term unless the TLG protocols are modified by the BEIPC at the May 23 meeting for the proposed one-year term. Spears indicated that out of the seven agencies eligible to vote for the TLG officer positions, that the State of Washington was not represented (* **see note below**). The vote was unanimous to elect Beckwith as the TLG Chair with six votes in favor. Spears then asked for a show of hands to elect Kenny Hicks as the new TLG Vice Chair. The vote was unanimous with six votes in favor.

(***Note:** The State of Washington recorded their votes by email in favor of Mike Beckwith as Chair and Kenny Hicks as Vice Chair).

Break

TLG Call Schedule: Dailey suggested to Spears that it may be a good idea to cancel the TLG conference call scheduled for May 3 as there should not be anything to discuss so soon after the TLG meeting. Spears agreed and indicated that the next TLG call would be held on May 17.

Water PFT Activities: Bill Adams (EPA) gave a brief update on the status of the work for the mine/mill sites before he made his presentation on water PFT activities. He reported that the current water treatment projects include:

- Canyon Creek pilot-scale lime lagoon treatment system;
- Success Mine apatite evaluation;
- INL Canyon Creek;
- Canyon Creek treatability study, hydro investigation, modeling, and alternative evaluation;

- MSE passive media evaluation; and
- OU-2 water quality monitoring and evaluation

In general, Adams noted that if Canyon Creek groundwater is collected and treated, metals loading in Canyon Creek surface water would decrease proportionately. Mark Stromberg commented that the least expensive method for treating the water would be to divert it. Adams said that with the latest analysis, they believe that it may be possible to approach the ROD benchmark of 50% reduction through treatment of groundwater alone when combined with source control and water management measures. Then they would need to decide whether to use active or passive technology (or a combination) for treatment. Adams mentioned that another alternative would be to build a pipeline to the CTP and treat it there as the volumes of approximately 1,500 gallons per minute could be easily handled at the CTP with very small incremental cost for the chemicals to treat the water. He pointed out that there would be a high capital cost associated with a pipeline, but then the O & M (that the State would be responsible for) would be a small increase as opposed to a separate treatment system up in Canyon Creek (either somewhat passive or a lime-based system).

Other discussion included: 1) funding issues; 2) system design; 3) sludge; 4) water collection; and 5) groundwater vs. surface water treatment. Adams clarified that by treating the water at the mouth of Canyon Creek, you have to treat both ground and surface water. He believes that the focus will be on groundwater treatment and suggested that a final report may be available in November.

Bureau of Mines Mine and Mill Site: Bill Ryan (EPA) made a presentation about the Bureau of Mines site located west of Osburn in the mouth of Terror Gulch. He mentioned that the primary purpose of the mine/mill work will be to reduce the risk of human health exposure to heavy metals contamination (such as lead, arsenic, etc.) as there is heavy use of ATV vehicles at the site. Ryan said that they need to finalize the design and are hoping to start construction this fall so they will not have to worry about plants drying out after the site is revegetated. He indicated that they will also be looking at impacts to groundwater.

Lunch

BEMP (Basin Environmental Monitoring Plan) Overview: Anne Dailey (EPA) gave an overview of the BEMP and indicated that the goal was to monitor and evaluate the progress of the Superfund cleanup from implementation towards improving the environment. Data objectives include assessing the long-term status and trends within the Basin surface water, soil, sediment, and biological resource conditions in the Basin. She noted that groundwater is not included in the monitoring because the OU-3 interim ROD does not address groundwater. However, groundwater is a key component in the monitoring for the OU-2 ROD.

Dailey added that they are trying to evaluate the effectiveness of the selective remedy in the ROD, evaluate progress towards cleanup benchmarks in the ROD, and provide data for the five-year reviews that EPA is required to do. She indicated that the next five-year review will be in 2010. She also pointed out that the BEMP monitoring will help them to get a better

understanding of the Basin processes and variability, so that the cleanup may be enhanced with adaptive management. Mike Beckwith commented that continued BEMP monitoring will be crucial for any continued monitoring on the Lake for the State and Tribe as the basis for what is coming into and going out of the Lake.

CDA Basin Water Quality Monitoring and 2008 Benchmark & Sentinel Stations: Greg Clark (USGS) made a presentation on the Basin water quality monitoring. He reported that annual sampling is conducted from 8 sentinel stations, 8 times each year, at key Basin locations which are:

- 1) CDA River at Harrison
- 2) St. Joe River at Chatcolet Lake
- 3) North Fork at Enaville
- 4) South Fork of Pinehurst
- 5) Smeltonville
- 6) Kellogg
- 7) Elizabeth Park
- 8) Mouth of Canyon Creek

He said that instead of a fixed schedule, they try to target specific events such as rain on snow, winter base, peak snow melt off, etc. Next year, they will be starting up benchmark stations at Stateline, Cataldo, Pine Creek, Ninemile Creek, and the South Fork in Mullan which is essentially their background station.

Future Water Quality Monitoring: Dailey provided information on future water quality monitoring; and commented that more resources and funding were needed for sampling next year.

CDA Basin Environmental Monitoring Program Updates: Brian Spears and Kate Healy of the USFWS made a presentation on the Basin Environmental Monitoring Program which included a report on the 2006 biological resource monitoring for OU2. Spears mentioned that some of the sampling was conducted on amphibians in the wetlands area of Smeltonville Flats. He explained that amphibians are tested because they are a good indicator to the ecological health of a wetland; and that the sampling provided an opportunity to develop bio-assessments.

East Mission Flats (EMF) Repository 30% Design: John Lawson (IDEQ) provided information on the EMF repository 30% design report. He said that he developed the design report as information for the stakeholders that was supported by technical facts. Lawson pointed out that he did this in order to solicit comments before the final design. He indicated that the repository was needed because of legislation that was passed on institutional controls for the Basin so that landowners in the Lower Basin would not have to take contaminated soil all the way to the Big Creek repository. He then provided background information on the geotechnical and hydrological analyses for locating the repository at the EMF site, as well as outlining the public process and outreach efforts that were conducted. Harwood commented that it was important to note that the location is not a RCRA waste site.

Lawson indicated that copies of the 30% design report will be available for distribution on May 15 and that he planned to leave the comment period open for six weeks until July 30. On September 10, the comment resolution table will be made available. He informed everyone that information on how to obtain copies of the report will be posted on the BEIPC website and would also be mailed.

After discussion of various other issues related to the EMF repository 30% design report, Lawson asked people to send their comments to him or Terry Harwood.

Adjourn: There being no further business, Spears adjourned the meeting.