

TLG Meeting Minutes
Technical Leadership Group Meeting
May 8, 2006

Coeur d'Alene Inn
414 W. Appleway, Coeur d'Alene, Idaho

Call to Order: The TLG Chair, Brian Spears (USFWS), called the meeting to order and asked everyone to introduce themselves. He then gave a brief overview of the agenda and also mentioned that he wanted to make a suggestion about the weekly TLG conference calls. Spears proposed having the calls every other week instead of weekly because of low participation the past few months. He asked that the TLG consider this recommendation for discussion later in the meeting.

State of Idaho TLG Funding: Terry Harwood (BEIPC) reported that in the last legislative session, Representative Dick Harwood introduced legislation to fund the BEIPC Executive Director's position from the State's General Fund rather than from Superfund or other hazardous waste programs. In addition, Representative Harwood made a provision for a one-time appropriation of \$60,000 for funding the county TLG representatives. The legislation passed and will be funded in FY 2007 (July 1, 2006 – June 30, 2007).

Harwood added that the State of Idaho is required to match 10% of everything the EPA does on Superfund activities in the Box and Basin; and is also required to pay the O & M (operating and maintenance) on the remedy. In order to do so, the State passed legislation a number of years ago to appropriate \$1.5 million per year in matching funds for the Superfund contract that the State has with the EPA. He said that this funding helps to pay for yard remediation and other cleanup work.

In regards to the \$60,000 appropriation for the county TLG reps, Harwood clarified that the funding may be used for more than one year as long as it is obligated in FY 2007 by agreement with the counties. He mentioned that he has been working with the Director of IDEQ, Toni Hardesty, on a MOA (Memorandum of Agreement) between the State and the counties. Harwood suggested that it would be good to get this done as soon as possible because it takes a while to process all of the paperwork. The counties would then be able to use the funds when they become available. He also mentioned that the funding may not be used retroactively.

BEIPC 2006-2010 Five-Year Work Plan: Harwood presented the revised draft 2006-2010 five-year work plan. He said that he developed the draft by taking the approved 2005-2009 five-year work plan and then incorporating what was approved for the 2006 one-year work plan. He then sent the draft to the TLG several times and revised it according to the comments that he received back. Harwood indicated that he separated some of the items which do not fall under either CWA or the CERCLA remedy by placing them in Section III. These include such items as: dealing with the NAS report; the LMP; partial deletion of areas under Superfund that have already been remediated; funding source evaluations; and infrastructure.

Harwood also reported that he awarded a contract to TerraGraphics to start the inventory of the Basin infrastructure for water, sewer, stormwater control, dikes, levees etc. because of concerns related to flooding and damage of the remedy. He is paying for the project with some funding that was available and mentioned that the EPA and the State (IDEQ) may help out with funding the next phase. He said that it will take a while to complete the project because there is a great deal of infrastructure to inventory.

He then asked if anyone had questions or comments about the five-year work plan. Rusty Sheppard (Kootenai County TLG) commented that Kootenai County had objections to the way the ICP (institutional controls program) was currently written and that they would prefer the language from the previous version of the 2005-2009 five-year work plan. He noted that in the previous plan, the language specified that it would only help to protect remediated areas from contamination and areas designated for cleanup actions where no remedy was yet in place. Sheppard pointed out that the proposed draft opens it up to a much larger area that would cover any area that is contaminated or has a potential for contamination. As an example, he said that this could possibly include the lake or the Spokane River because they have not been designated for cleanup, but the current language leaves it open.

Harwood suggested that it was a matter of interpretation and that the language indicates that the only place an ICP would be in effect would be the area where the contamination has come to lie. Sheppard replied that this could mean in the Spokane River and commented that this was the reason why Kootenai County compromised on the five-year plan last year in August. He emphasized that they do not want the lake or river to be included in the ICP. Harwood explained that the lake is not included because there is no remedial action anticipated for the lake. Sheppard added that no remedial action is contemplated for the river either according to the ROD. Harwood clarified that the language in the ROD leaves the river open.

Sheppard reiterated that Kootenai County's position is that they would like the language of the previous five-year plan put back into the current plan, rather than the language that was approved for the 2006 one-year work plan in February. He apologized that the change was not identified sooner. Dave Fortier (BLM) suggested that in respect to the ICP, this may be the wrong issue because this is just a work plan that states we are going to put an ICP together. He added that the actual ICP would contain detailed descriptions for the specific areas where it would apply. He also commented that the five-year plan would set the direction, but should not be made policy. Ed Moreen (EPA) concurred with Fortier in that the five-year work plan is just a generalized plan and should not set policy.

After further discussion, Harwood brought up that one of the struggles with the ICP process is that the first thing people think of with an ICP is that it is there to protect the remedy that has been done. However, he pointed out that it is also there to protect human health and the environment in areas that have not yet been remediated. John Snider (Kootenai County TLG and CCC Chair) asked what the language in the ROD specified in regards to this issue. Harwood answered that the ROD says there will be institutional controls in the Basin and that the ICP in the Box will be used as a model. He remarked that he tried to write the Basin ICP to fit the Basin ROD, rather than just fitting the one for the Box, as this is a different ROD for a different operable unit.

Upon additional discussion of the language in the ROD, Harwood clarified that the ROD states that institutional controls will be required to limit future exposure to contaminated soil that is left in place and ground water not addressed by the selected remedy. He reiterated that the ICP not only protects the remedy, but protects human health and the environment from the contamination that is left in place. Snider asked Harwood for clarification in regards to whether his interpretation of “*where contamination is left in place*” means anywhere within the designated Superfund area of 1500 square miles. Harwood responded that it only applied to areas that have contamination and not clean areas.

Harwood mentioned that when the 2005-2009 five-year work plan was written, it was written to the degree that they did not want the ICP to include areas that were not potentially part of the remedy such as the lake because it was not included in the CERCLA remedy. He indicated that the lake was mentioned in OU-3, but there was no ROD action for the lake. Sheppard commented that he believed the ROD speaks of the Spokane River in the same terms. Spears clarified that the ROD for OU-3 says that the selected remedy for the Spokane River would include future sampling to determine what should be done.

Spears mentioned that the preferred alternative for the lake says that it would include some sort of institutional controls, but that it does not specify what those may be. Then in the selected remedy section, it says that there are no designated remedial actions for the lake. Spears added that it does not talk about whether an ICP is a remedial action for the lake, but that this is slightly different than what it describes for the river. Harwood explained that the language in the ROD for the selective remedy of the Spokane River includes: 1) all the human health remedy upstream of Upriver Dam (Washington State) from the Idaho/Washington border of Upriver Dam; and then 2) additional sampling to determine the need to address areas upstream of the State line for environmental protection, and downstream of the Upriver Dam for human health and environmental protection. He clarified that this means the Idaho section of the river does not have any remedial actions noted in the ROD, but that it is not left out of potential remedial actions because further testing is going to be done for environmental protection.

Harwood brought up another issue in regards to the Basin ICP, that the action level for recreational areas is different than residential areas in the OU-3 ROD. He indicated that he had to modify the language in the ICP as the action level was 700 ppm for developed recreational areas rather than 1,000 ppm (residential properties). Harwood mentioned that he had done a lot of wordsmithing in order to get everyone’s comments incorporated into the document and suggested that maybe a minority position was needed. Spears suggested that the TLG work out the language from the old plan to the new plan.

The TLG discussed the language further without resolution. Spears suggested that for purposes of moving the work plan forward that Kootenai County prepare a minority position. Harwood clarified that the current language for the ICP section would remain the same and that Kootenai County would work on how they want to approach that section.

Harwood asked if there were any other items to discuss. Hearing none, he mentioned that the CWA grants were being audited by auditors from Washington, D.C. He said that they were very

interested in the annual accomplishment report and requested copies for the audit. In addition, he mentioned that the annual report is used by the State each year to report to the Legislature for the \$1.5 million in funding it receives; and that he uses it each year to report to the EPA on the CWA grants because it is a requirement for the grants. He indicated that the annual reports were available on the BEIPC web site.

Other Discussion: Spears commented that he wanted to point out to everyone an item in the work plan (page 16, second paragraph, last sentence) that he and Harwood talked about. It says that the major focus will be to complete the CWA studies and demonstration projects and monitor the effects of already completed sub-grant projects. He remarked that it was a good idea, especially in regards to some of the treatments done because in a few years the funding for the CWA grants will not be available. In addition, he said that it will be good to see if the treatments are still working.

Harwood added that he is working on trying to link some of the infrastructure work with the CWA studies such as Meyer Creek, Osburn, Silver Crescent, etc., as well as working on funding. He suggested that it behooved the BEIPC as an organization to work on finding additional funding to continue the study, so that the information may be used for project work to remediate environmental issues. He stressed the importance of working together in order to get the funding support needed for the communities and the Basin.

Anne Dailey (EPA) made an announcement about a Conservation Easement that was developed by the EPA, USFWS, Ducks Unlimited, and a willing private property owner in the Lower Basin. She indicated that there was a recent press release in regards to it, but that the project actually started 5-6 years ago (before the Basin Commission was set up) using settlement money received from natural resource damages. The project was part of the remedy for the OU-3 ROD to try to address sediment toxicity in waterfowl and reduce the mortality rate by increasing the number of clean feeding areas in the basin. It came together through a collaborative partnership of federal, state, tribal, a non-profit wetland conservation organization and private parties. Dailey added that additional clean agricultural areas will be identified that may be converted for suitable wetland restoration and high quality feeding areas in the coming years. She said that it is an exciting project and that updates will be provided as it moves forward.

Update on Mine/Mill Sites and Water Treatment: Bill Adams (EPA) gave an update on the mine/mill sites and water treatment. He explained that the main reason they are focusing on the sites was to address human health issues, but that they are also trying to address ecological issues as part of the remediation (i.e. metals loading to ground and surface water, etc.) He said that the EPA had talked about setting up a separate monitoring plan for all of the sites, so that everything would be under one plan. New data would be collected and old data would be pulled from the BEMP so that there will be a sub-set of monitoring in order to track results prior-to-work and over a period of time to determine effectiveness.

Adams mentioned that work is continuing at the Golconda site. He said that the tailings from the mill area will be excavated and covered, and then erosion control will be provided. At the Rex mine/mill, design work includes installation of a surface/ground water collection pond, installation of a toe buttress, consolidation of tailings on-site, removal of debris, burial of mine

concentrations at the site, overall grading, and capping of tailings. He indicated that they are still working with BLM to resolve some design issues with the toe buttress. For the Constitution, the design work is completed, the contractor has been selected and construction should start soon.

Jeff Johnson (USDA Forest Service) gave a brief update on the Silver Crescent (Moon Creek) CWA project that was approved several years ago. He indicated that he would have a formal presentation on it later this summer once the contract is awarded. Johnson mentioned that locally the Forest Service has a good team of aquatic restoration people who do a lot of work in the Coeur d'Alene Basin. They received a grant of \$300,000 which they combined with some other funding to develop a comprehensive restoration project at Moon Creek which is the Silver Crescent mine/mill site.

He indicated that the Forest Service previously spent \$2 million to clean up the contamination under a CERCLA removal action. The work was very successful, so they are using it as a springboard to demonstrate what a full habitat restoration plan would look like, what it would take to do, how much it would cost, and to also do some testing. He mentioned that the owners of Silver Mountain (Eagle Crest Corp.) came to them because they heard about the project and needed to do some expansion; so they became partners on the project and provided a significant amount of funding. The funding will be combined into one contract which will be used for wetland enhancement and other habitat restoration work. The design work will be done in-house by the FS and they are hoping to have it out to bid soon with construction starting in August or September.

Other Discussion: Rog Hardy brought up an issue that was discussed previously on a TLG conference call in regards to high flow events and sampling the sediments deposited in a paved area such as an asphalt parking lot to compare the lead concentrations in the sediments that were left after the water dried out. Harwood responded that he had been to the Rose Lake boat launch area after spring runoff and there was quite a bit of sediment deposited in a swale of the parking lot. He took some "clean" samples from the asphalt for testing and reported that the results were:

- Lead: 3,650 ppm
- Zinc: 3,200 ppm
- Cadmium: 26.3 ppm
- Arsenic: 81 ppm

Harwood indicated that this was a good representation of metal loading still coming down the river. He emphasized that it is good that the Rainy Hill parking lot is going to be paved because any contaminated sediment left from a high flow event may be washed back into the river or removed to a repository site. Otherwise, the area would be recontaminated each year. Harwood pointed out that the lead level of 3,650 ppm was five times the action level for clean up.

Water Treatment (continued): Adams gave a brief overview on the water treatment at the Success mine. He said that new Apatite was put in and that the final report should come out in September. At Canyon Creek, he mentioned that the INL's work was to: 1) look at the sediments to assess the rates and mechanisms of the release of metals; and 2) review options for treatment. Because the initial report did not contain the amount of information they wanted to see, they agreed to do some additional work (batch leach testing) at no additional cost to the

CWA project. Adams pointed out that with the investigations in Canyon Creek, they are trying to better understand the interactions between surface and ground water; and look at those issues related to mass flux of zinc, cadmium, and lead. Monitoring wells and piezometers have been installed to record data in order to conduct a hydrological evaluation.

Break

Coeur d'Alene Lake Response Model: Paul Woods gave an update on the lake response model. He informed everyone that he had recently retired from the USGS, but that the model should be ready for calibration and simulation runs this summer. He mentioned that other USGS employees would be taking over his responsibilities as his position would not be replaced. However, a user manual is being developed and additional expertise to run the model may be available through the Australians. Woods suggested the need to optimize this tool for the future by providing funding. He pointed out that it is capable of providing extremely complex modeling results that may be useful in determining trends as well as monitoring the overall health of the lake. The TLG members then discussed the model and various water quality issues associated with the lake. Spears concluded the discussion by thanking Woods for his work on the project.

Lunch

Coeur d'Alene Basin Institutional Control Plan Update and Discussion: Rob Hanson (IDEQ) gave a brief overview and update on the draft ICP for the Basin. He suggested that it needed to be done by the end of the month in order for it to go through formal rule-making and be approved by the Legislature next session. He explained that an ICP is similar to an excavation permit, so that contaminated materials may be disposed of in a proper manner. Issues involving the ICP include implementing the policy and standards, land uses, funding, liability of property owners, disposal locations, and boundaries.

Jerry Mason (PHD Attorney) described the rule-making process for the ICP. He indicated that if it was approved, it would become law on July 1, 2007. Jerry Cobb (PHD) explained the success of the Box ICP. He indicated that they have participated in several hundred disclosures and that the information goes into a database for future use which is extremely important for property owners, realtors, banks, etc. Cobb mentioned that there is currently \$60-\$80 million of economic development occurring in the Box.

Hanson also presented the draft boundary map (that will be part of the Basin ICP) for the TLG's review and comments. Spears brought up that on a TLG conference call a few weeks ago, there was some discrepancy on the boundary and that it was suggested that current regulations may do the same job as an ICP. The TLG then discussed this issue as well as other various issues related to the ICP such as authority, jurisdiction, liability, etc.

After further discussion, Spears remarked that there were other issues going on outside the boundary that some people wanted to talk about. He indicated that the PFT was charged with development of the map. Hanson suggested that people get their comments to him as soon as possible so that he would have them for the next PFT call.

Other Discussion: Before concluding the meeting, Spears asked the TLG whether they wanted to change the weekly conference calls to every two weeks. Hardy commented that it would be good to continue them every week. Spears responded that he would keep the conference calls on a weekly basis for now, but that it may change depending upon participation.

The meeting was adjourned.