

3-10-04 Citizen Coordinating Council Meeting

Kellogg Middle School, 6:30pm, Kellogg, ID

Attendees (who signed in and/or announced themselves)

Bill Adams	Barbara Miller
Bret Bowers	Ron Sauer
Jerry Boyd	Mary Sauer
Lloyd Brewer	Rusty Sheppard
Phillip Cernera	Randy Siemers
Bob Colonna	Mitch Silvers
Mark Compton	John Snider
Frank Frutchey	Ruth Spencer
Lisa Hardy	Dave Suhr
Terry Harwood	Luke Russell
Steve Hicks	Bill Rust
Jim Hollingsworth	Jim Vergobbi
Kristy Reed Johnson	Kathy Zanetti
Sherry Krulitz	Nick Zilka
Jana McCurdy	

Meeting Overview

The March 10, 2004 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission) covered the following topics:

1. Basin Commission Board Update
2. TLG Update
3. Lake Stewardship Outreach Presentation
4. CCC Cleanup Priorities/Concerns
5. Basin Commission Website Calendar Function
6. Benthic Flux Theory
7. Information Repositories Update

Opening

John Snider, CCC Chair, welcomed participants to the meeting. He asked attendees to introduce themselves and state whether they are commenting on behalf of themselves or a larger organization or group. He also reminded participants to stay on topic and be concise when making comments.

John then informed the group that two DEQ staff members are leaving DEQ to pursue other activities. Jana McCurdy will be leaving the agency to take care of family responsibilities. She will continue to stay involved in Basin Commission activities, including as a Small Integration Group member. DEQ plans to fill her position. Luke

Russell will leave DEQ to work for the Coeur d'Alene Mines as their Environmental Director. Luke also will stay involved in the CCC. DEQ also plans to fill Luke's position in the near future. John and the group thanked Jana and Luke for their excellent support of the Basin Commission and the CCC.

Board Update

Executive Director Hire

Luke Russell, IDEQ, provided an update on the Executive Director¹ hiring process. Luke reminded the group that the Board voted at their last meeting to begin the hiring process for this position and tasked IDEQ with locating a recruiter to advertise and screen candidates for the position. Because the recruiter previously identified to support this hiring process is no longer available, DEQ will have to locate a new recruitment firm.

Luke noted that DEQ's task is somewhat complicated by the Basin Commission's reluctance to accept money (due to conflicts of interest for the federal representative). To deal with this, IDEQ may recommend that the Basin Commission be formalized as an independent division within the state of Idaho. Employees of the Basin Commission, including the Executive Director, would be employed "at-will" and would be hired, fired, and supervised by the Board (and not by another agency or program director). Basin Commission employees would be able to take advantage of state benefits, including health benefits, and would be tied into the state payroll system. Luke indicated that EPA may contribute funding to support the Basin Commission's first year of operations (IDEQ has already offered \$146k), after which, hopefully, the Basin Commission will be funded through direct/indirect charges on federal grants for remediation projects managed by IDEQ. The Executive Director job announcement, once finalized, will be posted in newspapers and on the Basin Commission website. Interested candidates can apply at that time.

Annual Report

Luke then gave an update on the draft Basin Commission 2003 Annual Report. The Basin Commission is required by law to prepare an Annual Report describing activities and accomplishments of the previous year. Luke distributed copies of the comments received on an earlier draft and indicated that an updated version of the Report will be included in the Board packets. Citizens are invited to comment on the updated draft at the March 29 Board meeting.

Labor Practices Committee

Randy Siemers, speaking on behalf of the Northeastern Washington-Northern Idaho Building and Construction Trades Council, reminded participants that the Basin

¹ The Basin Environmental Improvement Act calls for the Basin Commission to appoint an Executive Director to oversee the day-to-day operations of the Commission. To date, the Commission has not yet appointed anyone to this position.

Commission voted at its last meeting to establish a Labor Practices Subcommittee (Commissioners Steve Allred (IDEQ), Chuck Matheson (Coeur d'Alene Tribe), and Jack Buell (Benewah County)) to address worker standards on Basin Commission projects. The subcommittee has not yet met but hopes to before the next Basin Commission meeting. Randy expressed his appreciation of the Basin Commission's willingness to explore worker standards issues and noted that the Basin Commission, as an independent political entity, may have additional flexibility to support and establish worker standards. Randy then outlined the key points his organization hopes the Basin Commission will address (and that are captured in a proposed Community Protection Agreement Randy distributed to participants).

1. Contractors agree to pay workers a living wage, including the maximum benefits (rather than additional compensation in lieu of benefits), overtime, and holiday pay.
2. The Basin Commission establishes a bid preference (3%) for local hires.
3. Project contractors are required to provide certified training and apprenticeship opportunities.
4. Project contractors are required to provide employer-paid family health coverage and retirement benefits.
5. Establish a formal grievance procedure.

Technical Leadership Group Update

Phillip Cerner, TLG Chair, opened this session by providing a quick update on several Project Focus Teams (or PFTs).

The Repository PFT will be meeting on March 16, 2004 at the Idaho Health and Welfare Building, 35 Wildcat Way, beginning at 6:30pm. The meeting, which is open to the public, will cover the following topics:

- Repository identification, selection, and acquisition;
- Establishing an Institutional Controls Program;
- Planned activities for 2004;
- Discussion of the Big Creek Repository; and
- Land acquisition.

The Human Health-Residential PFT reports that homeowners will again have the opportunity to have their yards sampled for lead and arsenic. Priority will be given to households with young children or expectant mothers (the so-called high risk properties). Under the current (tentative) plan, the remediation efforts will begin at the Blue Anchor trailer park in Osburn and other high risk properties in Osburn. The effort will then focus on high-risk properties in Wallace and Silverton, and then in Mullen. Next, the effort will move back down to Polaris/Leisure and Lower Basin high-risk areas. The target is to remediate 250-300 properties, including rights-of-way, in 2004.

Lower Basin Recreational Area PFT—In-water work is completed at the East of Rose Lake boat launch. Protective barriers in place at the historical school house will be replaced with fencing when the project nears completion. Other work will be completed this Spring. Work at the Highway 3/Trail of the Coeur d'Alenes will also be completed in the next few months. **A Lower Basin Rec Area field trip is planned for March 30.** Field trip participants are asked to meet at 8:45am at the White House Restaurant parking lot (near the Rose Lake exit off I-90). Sites to be visited may include: Anderson Lake Boat Launch, Thompson Lake Boat Launch, Rainy Hill, and Medimont. The field trip will wrap up at 12:00noon. Please contact Anne Dailey, dailey.anne@epa.gov or 206/553-2110, for more information.

The Monitoring PFT reports that the Coeur d'Alene Basin Environmental Monitoring Plan (BEMP) will be issued in late-March. IDEQ, Ecology, the Coeur d'Alene Tribe, the Spokane Tribe, USFWS, USGS, and EPA have all concurred on the Plan (a signature page is circulating). CD-ROM and hard copies of the Plan, which was endorsed by the Board in February, will be available soon. Please contact Anne Dailey, dailey.anne@epa.gov or 206/553-2110, if you would like to receive a copy.

Lower Basin Forum—The Lower Basin Forum was established to address issues of interest pertaining to projects in the Lower Basin. The Forum met about a month ago and needs to schedule another meeting. The group would like to involve more experts (e.g., USGS staff with knowledge of river hydraulics) and is waiting for EPA's contractors (URS) to complete a database of information related to the Lower Basin. The Forum hopes to develop a workplan to guide project development and implementation. The Forum will pay special attention to the balance of studies and on-the-ground work and will carefully justify any studies it proposes. [NOTE: EPA may provide funding to support the involvement of USGS experts from the Spokane area. The cost of this effort—estimated to be two weeks of staff-time for two experts—is not known.]

Basin Information Forum—The Basin Information Forum will likely organize a meeting (possibly in conjunction with the Lower Basin Forum) to address other technical issues of interest. The group may focus on benthic flux, lately the subject of much email discussion.

Water Treatment PFT—Bill Adams, EPA, provided an update from the Water Treatment PFT. One of the group's areas of focus is Canyon Creek, for which the ROD sets a goal of reducing zinc loading by 50%. The ROD also identifies passive treatment as being a treatment option to be explored. Passive treatment options, if effective, are often preferable to active treatment approaches—especially in remote areas—because their ongoing operation and maintenance costs are often lower. In passive treatment, the medium itself performs the treatment.

Bill noted that some research indicates that passive treatment techniques have problems, especially at high flows (such as those which characterize Canyon Creek). At this time,

an EPA-funded treatability study is being undertaken to understand treatment options. This study will evaluate current and innovative treatment technologies, conduct laboratory testing of groundwater and stream waters under various flow conditions, and consider lifecycle costs (i.e., setup plus long-term maintenance) associated with different treatment approaches. The treatability study includes an evaluation of hydrogeological data for Lower Canyon Creek (including groundwater monitoring using existing wells). The analysis will result in the preparation of a paper critiquing different technologies and pilot studies. Data should be available within a month.

Bank Stabilization—Nick Zilka, IDEQ, reported that the second draft of the bank stabilization workplan has been sent to interested parties and will be open for review over the next few weeks. The workplan targets 2000 feet (north and south slopes) of bank downstream of the Schlepp property for action. IDFG has given conditional approval to the project. EPA is checking with its attorneys to ensure that landowners who participate in streambank stabilization efforts are held-harmless (assuming they take no actions to exacerbate any erosion/contamination). The draft workplan will also be included in the Basin Commission packets. Please contact Nick Zilka, 208/783-5781 or nzilka@imbris.net, for more information.

Lake Stewardship Outreach Plan

Next, Phil Cernera made the draft lake stewardship outreach presentation. Development of this outreach presentation was funded by the Basin Commission and is being prepared by the Coeur d'Alene Tribe and Kootenai-Shoshone Soil and Water Conservation District. The presentation includes a standardized script to enable several different individuals to make the presentation. The Tribe will ask the Basin Commission to adopt the presentation at its next meeting.

Participants offered the following comments after the presentation:

- Slide 5: Add more of WA state to this slide. It is part of the affected watershed.
- Slide 19: Pick another property to highlight on this slide.
- Slides 31-42: Are counties obligated to enact these activities? [A: No. These are recommendations to individuals. The presentation is purely educational.]

Comments on the draft presentation are welcome. Please send them to Anne Dettelbach, anne.dettelbach@ross-assoc.com or 206/447-0956 for compilation. Phillip will bring extra copies of the slides (on CD-ROM) to the Basin Commission meeting.

CCC Cleanup Action Priorities and Concerns

Meeting participants were then asked to identify cleanup actions or ideas they want the Basin Commission Board to prioritize for action.

Rusty Sheppard, speaking on behalf of the Coeur d'Alene Lake and River Owners SIG, reviewed citizen-collected water quality monitoring data that the SIG feels demonstrate that nutrient/metals concerns in Coeur d'Alene Lake and along the Spokane River are

not serious enough to justify the projects approved at the February 2004 Basin Commission meeting. Sampling data from two sampling sites, Cedars (across from the NIC) and the Spokane Street Bridge sites on the Spokane River, indicate no nutrient problems between May and October 2003. [IDEQ's water quality criterion for phosphate is .002-.009 micrograms/liter. The drinking water standard for Zn is 2000 micrograms/liter; the aquatic life standard for Zn is 38 micrograms/liter.] Rusty also submitted written comments on behalf of the Coeur d'Alene Lake and River Owners SIG. (Attached at the end of this summary) Key points from that handout include the following.

- The SIG supports using Clean Water Act monies to support on-the-ground projects using a local hire preference.
- The Basin Commission should put less emphasis on study programs.
- Most of the Basin Commission's approved projects are located in the lower Coeur d'Alene River and Lake Coeur d'Alene.

The handout further states the SIG's preference that the Basin Commission:

- Prioritize an on-the-ground project in the Upper Basin (Silver Valley) to design and build a Demonstration Facility in Canyon Creek to remove metals from the groundwater;
- Go on record to support acceleration of work in the Box;
- Conduct feasibility studies in the South Fork of the Coeur d'Alene River to isolate sources of high nutrient loading, especially phosphates;
- Include the Idaho Reach of the Spokane River in any action taken with respect to the Lake; and
- Provide Clean Water Act funding support to the municipal sewage facilities near the Coeur d'Alene Lake/Spokane River (e.g., Plummer, St. Maries, Hayden, Coeur d'Alene, and Post Falls) if such monies are used for nutrient management programs.

John Snider also underscored the associations' commitment to working in the Upper Basin and to getting work going on-the-ground. He noted that the associations have recently sent letters stating their concerns.

Bret Bowers, speaking on behalf of the Lakeshore Owners Association, also expressed his support for accelerating completion of the Box, especially as it relates to groundwater issues. He further expressed hope that issues related to EPA's control of Superfund dollars and the Basin Commission's control of Clean Water Act monies will be quickly resolved. Bret expressed some concern that riverbank stabilization discussions involve talk of dredging and underscored the association's belief that metals are the primary concern for this project (with nutrients and sediments being of secondary importance). Bret expressed hope that the benthic flux debate among TLG members not hold back the Lake's partial delisting and noted the association's concerns with the pace of delisting more generally (e.g., in the Box). Bret indicated that he was pleased that the State and the Coeur d'Alene Tribe are working to resolve their differences on the Lake

Management Plan and anticipated the Basin Commission's oversight of the plan/its implementation.

Frank Frutchey, CCC member, provided a historical perspective on efforts to oversee and manage cleanup activities in the Basin, including the effort by which the current Basin Commission came into existence. He contrasted the effectiveness of the "original Commission"—which moved most project money into on-the-ground efforts—with the current Commission, which he characterized as including some members who may be less "careful about how the money is used" and more willing to authorize spending on less valuable projects. He encouraged the citizens to work with and through their elected officials on the Commission to encourage them to be "good stewards of the public money" and to help ensure that the best projects are approved and implemented.

Ruth Spencer spoke next. After expressing appreciation for Frank's comments, Ruth questioned whether the current focus on yard remediation represents a responsible use of the cleanup monies available. Ruth commented that she is unconvinced that yard remediation (already \$6M) is a wise use of the taxpayers' money and does not believe the health risk has been proven. She suggested that the money for Osburn would be better spent building a swimming pool (which would provide a great recreation opportunity for children and help remove contaminated dirt) or supporting the local St. Jude's Hospital. Ruth indicated that she looks forward to the National Academy of Sciences study and its findings related to the health risk.

Kathy Zanetti urged that cleanup actions be prioritized in the Upper Basin. She noted that the Basin Commission Board, at its last meeting, did not approve a single project upstream and focused too heavily on studies and pilot projects (vs. on-the-ground efforts). Kathy indicated that it is difficult to "sell" the Basin Commission's ideas in the Upper Basin because the Upper Basin is seldom mentioned by the Commission. Kathy urged the Commission to complete the cleanup in the Upper Basin (including Phase II in the Box and Box delisting activities) and then move on to other communities.

Terry Harwood cautioned against moving immediately to on-the-ground projects. He emphasized the importance of studying/pilot-testing ideas before investing too much money in any given approach/construction project. Terry then counseled that the Basin Commission be patient and recognize that the science is not yet fully developed. He also suggested that this type of process will necessarily take longer because more individuals are involved in the decision-making process (vs. the traditional model whereby one agency is in the lead). Terry expressed a hope that the various interests will continue to work together toward solutions. He also suggested that the Basin Commission should clearly outline how EPA/DEQ can spend money appropriated under Clean Water Act, Superfund, or other sources.

Website Calendar

Jana McCurdy, IDEQ, reviewed the expanded functionality of the Basin Commission website. The Basin Commission is trying to post all meetings and field trips, including agendas where available) on its website calendar. The calendar now has a print-page

function, so that individuals can print down a monthly calendar of activities. Please check it out at: <http://basincommission.com/Calendar/>.

Benthic Flux Presentation

Bill Rust, CCC and TLG member, presented on the benthic flux concept. Bill explained that benthic flux does occur across the bottom sediment-water boundary in Coeur d'Alene Lake but that there is disagreement as to what extent benthic flux contributes metal loading to the greater Coeur d'Alene Lake water column. He noted that it is not clear how much zinc and other heavy metals in Coeur d'Alene lake water are found as ions and how much is associated with a colloidal iron particulate. These two forms of the metals can affect wildlife and others differently. Bill believes that answering that question using ultrasensitive analytical techniques will help quantify the benthic flux contribution to Coeur d'Alene Lake and will enable experts to select appropriate management techniques in the Lake Management Plan and elsewhere.

Information Repositories

Anne Dettelbach informed the CCC that the Information Repository at Harrison City Hall may be moved. EPA has held preliminary discussions with the St. Maries Library and may relocate the information repository to that location. EPA would like to hear from citizens who have concerns with or ideas for improving any of the information repositories located around the Basin. Specifically, EPA would like to hear about information repositories that are poorly located or that need to store the information in alternate media (e.g., CD-ROM or hardcopy) to improve citizen access. Please send your ideas to Anne Dettelbach, dettelbach.anne@ross-assoc.com or Marianne Deppman, deppman.Marianne@epa.gov.

Next Meeting/Upcoming Events

The next Basin Commission Board meeting will take place in at the Wallace Inn, Wallace, ID on **March 29, 2004 from 10 AM to 4 PM.**