

Basin Environmental Improvement Project Commission

Draft - Quarterly Meeting Summary Minutes

February 14, 2018, 10:00am – 3:30pm

Panhandle Health District Conference Room, 35 Wildcat Way, Kellogg, Idaho

These minutes are summary notes of the reports and presentations and are intended to capture key topics and issues, conclusions, and next steps and not every detail of discussions or individual quotes.

Attendees included the following:

Commissioners and Alternates present:

Marc Eberlein (Kootenai Co.), Mike Fitzgerald (Shoshone Co.), Rob Hanson (IDEQ alternate), and John Tippets (IDEQ).

Staff present:

Glory Carlile (BEIPC Assistant to E.D., note taker), and Dan McCracken (IDEQ)

Meeting started at 10:15

Earlier in the morning, due to the stormy bad weather and road conditions, the meeting was at first considered cancelled. However, since it was impossible to communicate the late notice to the public, presentations, discussion, input, and information sharing of most of the topics on the BEIPC meeting agenda were held with approximately 30 attendees that showed up. Terry Harwood, BEIPC Executive Director, facilitated the face to face meeting in a non-formal meeting style. He noted that decisions could not be made without a quorum of the BEIPC Commissioners present. Motions and voting would be tabled for a later scheduled time.

Listing of Input, Questions, Concerns and Discussions from the last three CCC and BEIPC Meetings

Harwood reviewed the list included in the meeting packet and went over the outcome and/or answers to the questions and issues from previous CCC and BEIPC meetings. He reported the following:

- A new BEIPC website is going to be created with more interaction and the ability for the office to access in order to update and post documents and reports. A survey has been distributed for input on the use and suggestions for a better web site. Feedback will help us redesign the website to make sure it is a valuable resource for the community for useful and easier to find information.
- At BEIPC meetings we will be reporting back to the public in general with feedback to issues and how they were dealt with.
- We have implemented the recommendation to have county representation on staff calls. Jamie Sturgis has been named one of the Kootenai County TLG representatives and Harwood shared that Jack Buell said that as long as Harwood is Executive Director that he considers Harwood as the rep for Benewah County. We are still looking for a Shoshone County TLG representative.

Harwood answered the question that frequently comes up about why can't we dredge CDA Lake or dredge out Mica Bay and haul the contaminated waste to put in the East Mission Flats Repository

(EMF) by stating that there are not Superfund actions on the CDA Lake included in the ROD for the Basin and therefore no material from the Lake can be disposed of in EMF.

Concerning requiring water rights on the projects; some you have to have permits and some of them you don't. Bill Rust added that CERCLA also says that whoever is doing the projects must comply with all the substantive requirements of other environmental and project statutes.

Harwood pointed out the following:

- The work plan implementation and process is the same each year. At the beginning of the year we share plan of what we are going to do and then at the end of the year we report of what has been done in the annual accomplishments report.
- CDA Lake water quality with trends that people are concerned about are managed with the Lake Management Plan (LMP) and implementation that is reported on at Basin Commission meetings.
- Restoration Partnership – 2 parts to CERCLA 1) remedy cleanup and 2) restore natural resources.
- Update on the Central Treatment Plant (CTP) work is reported in ongoing status reports and also shared in articles in the press.
- He reviewed a summary of how the Trust works noting that they are under the auspices and direction of the EPA.
- The request for feedback and input is an example of what we are doing at this meeting and we will continue the process.

In further discussion it was agreed that reports on the estimated cost and actual expenditures for projects has merit and should be put in place. Rob Hanson commented that a good suggestion would be to report on the goal and how it was met. Rene Gilbert added to include lessons learned.

Harwood reported on what he has been working on or projects he is involved in.

Analysis of the 50 year rain on snow event vs FEMA 100 year flood hydrology was completed.

Remedy Protection projects at Rosebud Creek in Osburn and projects in Mullan.

Presentation of Request from Upper Basin Jurisdictions for Assistance from the BEIPC to Address Flood Issues in the Upper CDA River and Pine Creek.

Terry Harwood led the discussion regarding the local jurisdiction's request for the BEIPC assistance on flooding issues. The local flood group plans to come up with what should be done and work together on how to approach the flood issue.

Harwood said that the local flood group petitioned us to have another BEIPC meeting very soon after the topic was tabled from the December 6, 2017 meeting to consider their request. They are missing grant opportunities with FEMA and do not have a one voice and contact agency to deal with FEMA.

Mike Fitzgerald (Shoshone County) clarified that the county is on board with the flood issue to move it forward for action. To do so requires an agreement for a partnership to strengthen the status and also to

combine it with the remedy protection movement seems a logical pattern. He added that there was a misnomer in the use of the word “District” in their request letter for assistance from the BEIPC and they want to emphasize asking for help and having a partnership as a community not a flood control district.

Fitzgerald noted that in the Annual Report in the Executive Summary: “The BEIPC also participates in guiding and coordinating infrastructure in the upgrades and improvements to protect the environmental cleanup remedy and enhance living conditions in the communities of the Basin.” He considers that his statement includes multi agency addressing potential flooding.

Bill Rust commented that in the proposal plan back in 2010 that there was a proposed plan to remediate the bed and banks of the CDA River but that work has not been done yet. The EPA laid out a plan to dig up various channels and to construct stable channel morphology but had some problems with the technical side of how to do this. There was also no consideration about flooding in doing this work. He noted that Executive Order 11198 by Bill Clinton (regarding floodplain management) states that if any federal agency is involved in a project it must design it to meet the 100 year flood requirements. Rust said so then it appears that EPA had plans to address this issue, but EPA says that they cannot do it legally. It seems that EPA needs to figure out how they can do what they said they will do or share with locals what they can or cannot do. He feels that EPA has a responsibility to take a long hard look at the ROD and provide the information and explanation. His opinion is that he does not see how locals can do the flood control.

Fitzgerald added that the local flood group is seeking to get help as a flood control group and create partnerships. They are trying to be very broad in their approach.

Harwood explained that EPA believed that at one time that they could perhaps dredge out the river but he commented that then they may do more harm than good and they are not in the levee business. In the Remedy Protection Program side drainage flood control projects are included in the remedy program. The storm water runoff analysis brought this up and ways to address it. He commented that the community needs to make a commitment to get some things done and he is positive that there can be influence on this project.

Bill Rust then suggested that EPA should start the engineering on their projects and come up with a detailed plan of what they intend to do, how they would implement it or if they cannot do it. They should talk with the locals to share information and get input. Harwood noted that they have other projects already lined up and it would be years before they look at this issue of addressing flooding.

Outreach Activities during the last quarter

Valerie Wade (PHD) reported that there are 4 community outreach coordinators that work on community outreach and communication. EPA publishes a newsletter called the Basin Bulletin 3 times a year and keeps in contact with the newspapers with articles and placing ads and they distribute flyers. They also have a new website and host a Facebook page.

They will be giving health education to about 900 students and continue to be involved in the community attending meetings such as Chamber of Commerce.

Marc Eberlein asked Bill Rust about the 2010 study regarding levees and EPA changing of their mind about implementing the project. Rust explained that the difficulty was based on the technical side with the concern that it would make more flooding in trying to address the channels in a dredging cleanup process.

Fitzgerald emphasized that the flood group wants to act as a community and advocate a partnership.

Eberlein asked if the Commission agrees can we move forward. He suggested a conference call to discuss and approve the flood issue since there was not a quorum of Commissioners present to vote.

John Tippets said that he supports this flood group action and Fitzgerald again noted that it would be a partnership. Harwood shared that we would be sensitive to the open meeting law and that he would schedule another BEIPC meeting.

Introductions were made by attendees.

Discussion of IDEQ's recommendation for the Executive Director to consult with the BEIPC Chair for the E.D. to represent the BEIPC on special tasks outside normal CDA Basin issues

John Tippets clarified that they wanted to make sure the E.D. will distinguish from representing BEIPC or only himself.

Discussion about EPA recommendation about CCC meeting on same day.

Terry Harwood reported that it had already been decided to have CCC meetings in the evening so that hopefully more working people could attend.

Update on Billboard issues at CTP/groundwater project

Don Carpenter (IDEQ) talked about the billboards issue providing an update. He reviewed the Central Impoundment Area (CIA) walls plan alongside of I90. IDEQ owns the property. They need to remove 8 billboards. 5 billboards are on EPA property. He shared the communication efforts made about the December 1 deadline.

2nd issue is design and installation of reinstalled billboards.

2017 Blood Lead Report

Andy Helkey (PHD) presented 2017 blood lead level report. Testing is a public health service offered by the State. He said that lead basically can affect every system in your body. There is no safe level of lead. At risk population is children because they are affected at a lower level. Latent effects can be seen in adults. There is correlation between the recreational seasons with exposure.

Jamie Sturgess asked if the \$30 incentive payment to be tested has helped and Helkey confirmed that it has. Participation was up about 20% last year. Social media has helped to get the message out and to reach a higher economic group.

John Tippets asked about environmental exposure. Helkey said it is referring to nutrition and schooling.

Karen Roetter from Senator Mike Crapo's office asked if you can paint over lead based paint on antique furniture. Helkey answered that you can use latex paint but cautioned to get all peeling leaded paint off first so that it does not peel again.

John Tippets said that there are still people that do not understand the risk. He asked if realtors share the information about properties for sale. Helkey said yes.

Valerie Wade (PHD) commented that there is a big gap of those being educated. There is a huge population that do not know about the risks and who do not note signs in the recreational areas. Tippets commented that there has been an attitude and wondered if it is diminishing that there is really no big deal.

Helkey said they are going to revise their signs with health messaging combined with the history and will put more signs on recreational sites. He shared that they are working with the University of Idaho on a video game being developed about lead exposure. Last year PHD had a pediatric workshop to raise awareness in the northwest.

Glory Carlile (BEIPC) wanted to verify that there is a disclosure law regarding the sale of property. Although the answer was yes that there is a State and Federal requirement, Illya Cline (realtor) commented that the Silver Valley is really good about it but some Coeur d'Alene realtors do not know.

Helkey added that most dentists encourage removal of old lead fillings.

Announcement

Michael McCurdy (IDEQ) announced Rob Hanson will be retiring before the May BEIPC meeting after 29 years with IDEQ. Dana Swift will move into his position. John Tippets, IDEQ Director, added that Rob will be greatly missed.

Some attendees stayed for further discussion on the billboards issue. Don Carpenter (IDEQ) made himself available for those who may have missed his presentation and/or wished to have the information again and to ask questions.