

Basin Environmental Improvement Project Commission  
Meeting Summary Minutes  
February 27, 2019, 9:30– 3:30pm  
Centennial Distributing, 701 W. Buckles, Hayden, 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:**

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

Jack Buell (Benewah Co.), Leslie Duncan (Kootenai Co.), Sheryl Bilbrey (EPA), Sandra Treccani (State of WA), Phillip Cernera (CDA Tribe), Mike Fitzgerald (Shoshone Co.), John Tippetts (IDEQ), Michael McCurdy (IDEQ)

Staff present:

Gail Yost (BEIPC, Assistant to E.D., note taker), Dan McCracken (IDEQ), Jerry Boyd (CCC Chair), Sandra Raskell (CDA Tribe, TLG Chair), Rebecca Stevens (CDA Tribe), Jamie Sturgess (TLG Rep)

**Call to Order and Pledge of Allegiance**

The meeting was called to order by Commissioner Chair Jack Buell followed by the Pledge of Allegiance.

Phillip Cernera and Terry Harwood had a discussion, and Terry made a motion to add on the agenda a report on the settling of Interstate 90 opposite the CIA in the valley. Phillip made a motion and John 2<sup>nd</sup> all approved in favor of adding the “dip” topic. This will follow the approval of minutes on the agenda.

**Introduction of New BEIPC Commissioners and BEIPC Staff**

Terry introduced his new assistant Gail Yost.

Jack Buell has a new Alternate in Benewah County – Phil Lamper who is newly elected, but not present at today’s meeting.

Leslie Duncan introduced as the new Commissioner in Kootenai County, her alternate is the same Chris Fillios, who is also not present today.

Grant Pfeifer, State of Washington is retiring, he’s been on the board since 2006. Both Grant and his replacement were in Olympia, Sandra Treccani is filling in for today’s meeting. Brook Beeler has been designated by the State of Washington as Grant’s replacement. Rebecca Stevens presented a gift to Grant (official lake water) and was given to Sandra to pass on to him. Terry also presented a BEIPC plaque in appreciation for his service from 2006-2019. Grant had perfect attendance in his service with the commission.

Tim Kastning introduced himself as the newly appointed Regional Director for Congressman Russ Fulcher.

**Election of BEIPC Board Officers – Terry Harwood (Action Item)**

Chair – nomination for Jack Buell by Mike Fitzgerald, Sandra Treccani 2<sup>nd</sup> all approved.

Vice Chair – nomination for Mike Fitzgerald by John Tippets, Leslie Duncan 2<sup>nd</sup> all approved.

Secretary/Treasurer – nomination for John Tippets by Jack Buell, Phillip Cerner 2<sup>nd</sup> all approved.

**Approve Minutes from the November 7, 2018 Meeting (Action Item)**

Jack asked for approval of minutes from November 7<sup>th</sup> meeting. Phillip pointed out a minor typo on page four of six – two periods instead of one. There were no further corrections. John second – all approved minutes with corrections. **M/S/C**

**Insert topic of I-90 settling:**

Jeff Phillip introduced himself as EPA Unit manager for the remedial cleanup program, which includes the CDA Basin. He presented a brief history of what they observed on I-90 between Smeltonville and Kellogg. Starting in mid-December, staff began noticing sediment in the river across the freeway from the CIA. This was not a new occurrence as they have seen this type of activity before. The federal furlough put off any investigation, so by the time the furlough was over I-90 had subsided about 4-6 inches. EPA's emergency response program immediately brought in more resources and agencies to examine the "dips" in the road. No one was quite sure if recent construction near the CIA was a potential cause, still not sure as they continue to find a remedy for the situation. As of now, ITD has paved the depressions in the road in all lanes, but it has subsided a little more since then. Sediment continues in the river, monitoring wells have been installed along the road side as well as the river side. Pump tests were started in the extraction wells and they're waiting for those results.

John Tippets said everyone is being careful making statements about the cause as assumptions are being made relating it to the construction. With no data at this point, is EPA ready to make any statements? Jeff answered that there is nothing conclusive but they are proceeding as if it is due to construction from last year. Their utmost importance is to protect the freeway and the people driving over it. They are finding a remedy as they don't know what's causing it yet. John asked if the highway was continuing to subside, and Jeff stated it was a little bit. He drove over it for the first time yesterday, and apparently the road was flat when they paved, now it's a dip again.

Phillip asked if they were planning on developing a monitoring plan for the water as you proceed prior to getting to the CTP, sounds like these test vats – the water will be conveyed to them but ultimately going out into Bunker Creek, what sort of monitoring plan would be developed and how may they participate and help in what they might monitor? Jeff stated they are looking at options until they can get the pumped ground water to the CTP, which may include pumping into Bunker Creek to protect the road. They will work together and monitor water discharge. Phillip stated that the CDA Tribe would participate in weekly calls and updates.

Jamie Sturgess wondered if there is any indication if the cutoff wall is working or not? Jeff stated there were gaps left in the wall for further construction so they don't know if the problem is being caused on

the river side of the wall. If it is being caused with flows on the south side of the wall it's getting funneled somewhere where they didn't expect, otherwise going as planned – no further data yet. Jerry Boyd asked if the sampling indicated what is in the plume. Yes they have been sampling, as well as the State, with no results at this time. Dan McCracken added there have been a lot of samples taken; the water quality is very similar to the river. Again, not all data is available yet. Dave Fortier stated he worked in Silver Valley for over 30 years and wondered if the subsiding area is the same as subsiding area in the 80's? Dan said some subsiding is the same, some areas are different. Dave believed there are historic pictures of the fence line or guardrail dipping. Phillip asked about the historic CIA seeps, are these dips more westerly, with Jeff's answer yes. There is a new subsidence not quite 500 yards west of the seeps that were previously repaired quite regularly.

### **Lake Management Plan Implementation Update – Jamie Brunner, IDEQ; Laura Laumatia, CDA Tribe**

Jamie Brunner, CDA Lake Management Coordinator (IDEQ), presented a slide show on the Lake Management Plan activities. They are currently gearing up for field season with water quality monitoring, two stations at Tubbs Hill & University Point, also doing some work in Rockford Bay as well as Wolf Lodge creek. The draft inventory review is underway, data gaps; tributaries to CDA Lake. Other projects include working with Benewah soil and conservation district on the St Joe river bank stabilization. Eroding banks have been treated, and the log landing owned by Avista was taken out and revitalized.

Upcoming Outreach include the following activities:

The Confluence Project, Snow Science field trips, Spokane River Forum in April, Youth Water Summit in May (which received additional funding to include groundwater component), and Our Gem Symposium at a later date in September in CDA.

Laura Laumatia stated that data and trend reports will be at Spokane River Forum- including 2017 data. She gave an overview on LMP – the Tribal Council met in 2018 with IDEQ/EPA to share concerns on declining trend data with Lake CDA. The Tribe no longer supports current interpretation of the LMP and they are looking for more action. EPA held separate meetings with the State– now moving forward. They are waiting for responses to information provided – conversations beginning, weighing options. With the end of the availability of Hecla settlement dollars, Laura's position is no longer supported so she is taking a different job with the Tribe. With a lack of awareness and urgency, she feels very little has been done as more metals are showing up, urgency trends are increasing. Action falls on land use regulators and individual property owners. We don't want to lose our Gem. The tribe is finalizing a critical review of the LMP implementation effectiveness for protecting lake water quality and will be sharing with EPA and IDEQ in the next couple weeks.

### **2018 Blood Lead Report – Andy Helkey, PHD**

Andy Helkey presented results for 2018 Annual Blood Screening based on information taken in August during recreation season. The numbers were much higher last year as it was the first year doing testing in August; 2018 second year and numbers were off significantly.

Comparisons from 2017 to 2018:

Temperatures were 3 to 5 degrees cooler throughout the summer; river flows at Cataldo and Elizabeth Park were lower in 2018, not as much recreation in the South Fork; additional education was provided to middle and high school age individuals; new and additional health signs have been installed in the Box and Basin. Lead awareness education game based on Mine Craft designed by the University of Idaho; hoping to demo it at the Environmental Science & Health Fair April 11<sup>th</sup> in Kellogg.

### Lead Health Intervention Program (LHIP)

The LHIP is a Public health service offered by the State to those that live within the Box (since 1974/1985) or the CDA River Basin (since 1996) and are between 6 months and 6 years of age. Currently there is a \$30 cash incentive for participants. Also opened it up to anyone who lives within the Superfund site, they can come in and be tested. Encourage everyone to be tested.

### LHIP Procedures

Screening is done by skin puncture with results provided to participant or parent immediately after analysis. If the results are over 5 µg/dl a venous draw is collected and sent off for laboratory confirmation. For adults, results are over 10 µg/dl. Free home consultations are available to try to find the source, as there is no safe level of lead exposure. Helkey reported that there is decreasing blood lead levels, they were as high as 67, now the average as low as 2.4.

### Source Areas

The Silver Valley was impacted by over 100 years of mining – until 1968, 2200 tons/day of mine waste were discharged to South Fork CDA River. Primary source areas remain in the Upper Basin, most adjacent to streams with imminent potential of mass wasting into surface water. Estimated over 100 million tons of mine waste dispersed over 1,000's of acres.

Airborne pollution lead emissions came from the Lead smelter, which operated from 1917 to 1981. In 1973 a baghouse fire burnt through the smelter's primary pollution control resulting in uncontrolled emissions. Particulate emissions went from 10-20 tons per month up to 160 tons per month, containing 50-70% lead. In the 1970's blood lead monitoring began, 99% of children tested in 1974 had a blood lead level of 40 or greater (high of 164 µg/dl) average was 67.4. The smelter shut down in December 1981, and levels dropped significantly as there was no longer the smelter, but levels still extremely high.

Helkey showed a slide that shows Kellogg in 2004 after yard remediation completed above the barriers, and what still lies below the barrier level. Another picture shows water and sewer work being done in Kellogg in 2015, mine waste all the way down 14-16 feet. OU-1 is still not complete as they regularly encounter Principle Threat Material (PTM), which is material that has high enough metal levels that it is acutely toxic to human health; so remedial action is done and material identified. Comparison pictures show how successful the program has been -Kellogg in 1958 – no grass, nothing on the hillsides – Kellogg in 2016 grass and timbered hillsides. The South Fork to CDA River used to run gray year round – now runs clear.

### Route of exposure:

Ingestion is the most common exposure route as children absorb at a rate of 20-60%.

Inhalation is another exposure route – almost all lead that is deposited in the lungs is absorbed into the body. Blood serves as the initial receptacle of absorbed lead and essentially distributes throughout the body making it available to all soft tissue organs.

At risk populations:

Children are more affected by lead due to behavior & physiology.  
Pregnant women – readily crosses the placenta adversely affecting the fetus.  
Adults with cumulative exposure – generally occupational or hobby related.  
Genetically - pre-disposed individuals.

Health effects:

Lead basically affects every system in your body. Children suffer effects from lead exposure at much lower levels. No safe blood lead threshold for the adverse effects of lead in an infant or child, neurodevelopment has been identified. Because lead exposure often occurs with no obvious symptoms, it frequently goes unrecognized. A blood lead test is the best tool for identifying lead exposure.

Box Remedial action objectives is to have no more that 5% of children in each community with blood lead levels  $\geq 10$   $\mu\text{g}/\text{dl}$  , and less than 1% with levels  $\geq 15$   $\mu\text{g}/\text{dl}$  .

Basin Remedial action objectives is to reduce soils with concentration greater than risk-bases levels.

Lead:  $\geq 700$  mg/kg; Arsenic:  $\geq 100$  mg/lg

Reduce exposures to lead in house dust, cumulative exposures do not exceed USEPA's health risk goals lead: <5% chance that a typical child at an individual residence does not exceed 10  $\mu\text{g}/\text{dl}$ .

Comments/Questions:

Jerry Boyd asked about identifying the source for high levels in kids. Helkey believes the source is mostly recreational and occupational, also lead based paint in the house. The top 3 occupations to all be aware of – mining, construction and recycling (especially in electronics)

Matt (from the Idaho Conservation League) wanted to know the percentages of the total children in the Box that it represents? Helkey said he is re-working those numbers, last time in 2016 estimated 37% kids in the box participated, 17-20% in the Basin, he hopes to have updated numbers in next couple months.

Karen Roetter from Sen. Crapo's office wondered if there is a program available when lead based paint is found, like the yard remediation program. Helkey said unfortunately not in the state of Idaho. Other organizations like Community Action will help – most of the time can be painted over unless peeling really bad.

Tim Kastning with Fulcher's office asked if you can't get proper test you automatically register that person as high, what level do you register that person? And how much do you think that could be skewing your results? Helkey said they will register what the finger prick comes back as. It is a very minute number – not enough to skew results.

Jerry wanted to know if fish were tested from the rivers and identify whether or not that could be a problem? Helkey stated a fish tissue sampling was done a couple years ago; Morgan will be making a presentation on that today with more information.

Rebecca asked if there was a correlation between finger stick and serum to see how representative that finger stick is. Helkey told her they started using new machines a couple of years ago and they are pretty accurate.

Tom Moorhouse wondered what type of recreational activities cause the most exposure? Helkey said especially in the Lower Basin, all recreational activities - swimming, fishing, and boating.

Karen Roetter from Senator Crapo's office introduced herself – 20 years' service.  
Sid Smith from Senator Jim Risch's office introduced himself – 10 years' service.

### **Restoration Partnership Update and Public Process for Project Proposals – Natural Resource Trustees**

Phillip named trustees: Kim Pearson, Dave Leptich, Rebecca Stevens and Dan Redline. They engaged in litigation with mining company to bring in money to do restoration actions to return services back to the public, for the injury due to the hazardous substances that were released in our basin. Once all settlements were finalized, they received about 140 million. An environmental restoration plan was developed showing impact statement, analyzing the proposed alternatives and ultimately signing the ROD in May 2018, which gave us the go ahead to move forward and implement the plan. Prior to that, we implemented some restoration actions under an interim plan with some earlier settlement money; some internal solicitation of projects among the partnership governments, found some out of the gate projects that we thought were appropriate to begin our process. We felt it necessary to start off slow and internally to see how well our process of looking at our selection criteria, analyzing incoming proposals and ultimately selecting projects. Our goal was to bring in public ideas and projects the public might want implemented. We also had to make sure projects were legal under CERCLA law; does your project actually restore natural resources, exact details, numeric ranking. Ultimately came up with 9 projects we deemed appropriate to move forward with implementation.

Two were purchasing conservation easements – the lower CDA basin is a focal point as it relates to water fowl, migration corridor and the injury to water fowl. Our thought is to conserve those lands and work with EPA, who will hopefully be doing remedy on those properties, and collaborate with habitat restoration. Permission also came from Dept. of Interior Fish & Wildlife who will be sponsoring these two projects, doing site characterization and pre-design work for restoration.

Black Lake Ranch project is sponsored by Idaho Fish & Game. It's a large wetland in the lower lateral lakes area, lots of wildlife usage and great potential for remedy and restoration.

Salmon harvest taking place in the Hangman drainage – a fishery for culturally sensitive historic native Chinook salmon. It's a put and take fishery, hopefully implement project this spring/summer. We are developing an access point for cars to park to allow people to access the stream. It involves a mile of the creek system, and we are working with other tribes to determine if and how many Chinook salmon we'll

be able to bring into the system. There is an issue bringing Chinook salmon over Chief Joseph and Grand Coulee Dams. The tribes involved there developed a compact where you can't move fish over the dam unless they go thru quarantine and are proved to be disease free. We are working with Spokane Tribe to have a pan area to isolate x number of fish, to do the disease study, hold them in quarantine and ultimately pass them up to Hangman Creek. Hopeful, but runs might be pretty small this year so might be nominal amount of fish.

Native plant nursery project would plant willows and riparian species necessary for restoration projects up and down basin. There is 17 acres of land on the St. Joe towards St. Maries that we plan on planting soon.

Hepton Lake projects along the St. Joe are part of the migratory corridor for birds. The levy that wraps around the whole lake currently has breach in it, which creates habitat as the St. Joe moves in and out of the breach. We are looking at breaching it more and allowing nature to move sediments in to slowly create natural habitat. Another proposal is to start the engineering for doing work in Hepton Lake, which is now very homogeneous. This would include engineering designs that would add complexity to the wetland making it attractive to birds, utilizing that area instead of the lower basin of the CDA that is highly contaminated.

Another project aimed to restore culturally significant plants on Hangman creek – bring back camas species as well as a lot of native plants that were used for medicinal purposes, as well as gathering purposes. The Tribe is bringing back cultural canoes, utilizing the Riparian species used for cultural building of these canoes and other activities. Riparian zone ecological project for culturally based services is a multiple year project – 5 years. Tribe owns the land so it would be a minor project from a cost standpoint.

Cougar Bay stream enhancement and wetlands restoration project sponsored by BLM – on Hwy 95 out of CDA to Cougar Creek. The stream rehab would include getting it back in order and getting rid of invasive species.

We will be continuing with lake water quality monitoring – They feel it critical to continue long term monitoring for the database, and also the calibration of the 3D model for next two years. More public outreach and education - Our Gem Symposium, re-do Our Gem map and revise the fish consumption advisory. Looking forward to implementing good amount of work, starting to get quarterly reports, make sure fiscal accountability correct for expenditures before going out to the public.

The Partnership news release on Feb 6<sup>th</sup> included an email blast and posted live on their website! They are looking forward to receiving project ideas – descriptions – ends March 20<sup>th</sup>, for further scrutiny and development of proposals. Public submits project ideas, ultimately needs a project sponsor – need to be one of the partnership entities, contact sponsor and take to next step and weather to proceed.

Jamie asked if they have maximum funding guideline for projects – Phil answered no, hopefully developing 3-5 year plan.

Jerry Boyd questioned if on the website there are guidelines on what kind of projects you're interested in. Phil answered yes.

Rebecca highly advised them to review Restoration Plan.

Terry added this is an opportunity for everyone.

Lower Basin remedy meeting scheduled for May 15<sup>th</sup>.

**Listing of Input, Questions, Concerns and Discussions from the public, CCC and government officials since the last BEIPC meeting**

Terry assisted Paved Road Board and Shoshone County on issues concerning the County program.

He continued to support the work of the COE and the local Flood Group concerning the COE Grant to develop hydraulic loading data for flood control on the South Fork CDA River. What happens if we have a major flood on the SF, not to wipe out remedies already completed in the valley. COE gave a report, their analysis of the flood flows in the Basin are much less than what FEMA is using. Analysis from Elizabeth Park to Pinehurst, additional funding will study the flow from Wallace down to Pinehurst. Another meeting scheduled for March for total overall analysis, will report back to group with results. More levy work, possible reduction in homeowners flood insurance.

Terry assisted IDEQ and EPA concerning public questions and concerns about delisting areas from the Superfund Site.

Coordinated IDEQ, PHD, EPA efforts with the school district for a career fair booth at the Gear Up Career Fair in Plummer. Rene and Val helped, get young people interested in careers.

Assisted the City of Mullan in their application for a wastewater collection system block grant.

Assisted Idaho Department of Water Resources on their tour of the Bunker Hill Site for the Western States Water Council. Others involved, IDEQ and Rob Hanson came back to help.

ED accepted nomination by EPA to be a member of the EPA National Advisory Council for Environmental Policy and Technology for a two year term.

ED forwarded citizen question concerning lead in household carpets to PHD for action.

Presented a Q&A lecture on environmental and Superfund issues at the Human Rights Institute in CDA

**Outreach Activities during the last quarter – Terry Harwood, Rene Gilbert, EPA**

Rene not able to attend meeting – Val Wade from PHD gave outreach update.

Lead Health education outreach thru IDEQ - presentations have been given to organizations, clubs and schools. Also gave a history on mining in the Silver Valley.

PHD and the University of Idaho partnered for Science and Health Fair happening April 11<sup>th</sup>. There will be lots of booths and information available to the public, 10-4 in Kellogg.

More presentations planned for community library network, helps explain to visitors to the area where people recreate and helps explain history.

More lead health education at elementary schools – hand washing.

Booths at Safety fest, Leadman, and at the Spokane River Forum.  
EPA keeps current activities on their webpage.

Lunch Break – Commissioners, Alternates, CCC and TLG Chairs and Staff  
Break at 11:25 – return at 12:45.

**Review, Discussion and Approval of 2018 Annual Accomplishment Report – Terry Harwood**  
**(Action Item)**

Terry Harwood presented the annual report of accomplishments made in 2018 adding throughout the review some background and additional details of activities that have been done. The process includes putting together the reports submitted from various agencies on how well they have done during the calendar year.

There was also some discussion on all the work completed with the Basin Commission website. BEIPC staff is now able to update and make changes as necessary.

Phillip asked if the Sludge pertaining to the CTP/CIA was considered Principle Threat Material (PTM). Terry not sure, he didn't think the concentrations of the sludge was that low. Phillip asked where this material went and Terry replied that it went up on top of the CIA in a lined sludge pond.

Phillip moved to approve the 2018 Annual Report as presented and Sheryl 2<sup>nd</sup>. M/S/C

**Fish Tissue Study Results – Morgan Wilming, Idaho Department of Health**

Idaho Fish Consumption Advisory Program (IFCAP) goal is to protect the public from adverse health risks associated with consuming contaminated fish from Idaho and Tribal waters.

Multi agency stakeholder group members include IH&W, IDEQ, IF&G, IDA, USGS, and EPA, and also worked with the CDA Tribe.

Public advisories on their website for the public to find: [www.fishadvisory.dhw.idaho.gov](http://www.fishadvisory.dhw.idaho.gov)

They also have a hotline available 1-866-240-3553 for any questions.

Clickable map on water body by region for waters interested in for any advisories.

Expansion of previous sampling that was done in 2002 only for Lake CDA for bass, bullhead & kokanee. EPA Record of Decision for BH Superfund Site health advisories to manage the potential for metals exposure through consumption of fish – in 2016 expanded geographical area and species, tissue analysis was completed in 2017.

Multi-agency and Tribal coordination – about 290 total fish collected. Some contaminants of concern were Arsenic, cadmium, lead and mercury. The advisory goal: Determine recommended meals per month for contaminants of concern.

9 sampling zones which also targeted not only trout, kokanee and bullhead, but also panfish (black crappie, bluegill, yellow perch, large & small mouth bass) attempted collection of 10 fish per species at each location. Some advisories issued for Lake CDA for kokanee and bullhead, and statewide bass advisory based on EPA recommended screening values for recreational fishers. Greatest concern for driving consumption advisories is mercury. Other metals did not exceed screening values. Lead from fish is not the main source of lead exposure, soil is main source.

John Tippetts asked if mercury tends to accumulate in bass more than trout and was answered with a yes. They bio-accumulate because they eat other fish. A very common advisory as lead does not bio-accumulate.

Terry asked if they ever tested mercury in the tuna fish from the store, it's not great. Don't substitute tuna for bass.

Tim Kastning wondered if they have done the research between bringing in the heavy metals by breathing or congesting versus eating a fish, what percentage, and how that asimulates into our body. Morgan answered that lead and mercury act very differently into the body. He asked if absorbed more readily or just passed thru...concern on effects of pregnant women as could cross into the placenta. Lead can have those impacts to, but we don't see that much lead in fish.

Rebecca Stevens asked when do you think you'll have this revised table available so we can include it in our new Our Gem map – answer that information is pretty much ready, Morgan will send it to Rebecca.

The projected timeline to finalize CDA Basin Advisory report and the Public Advisory Document update by April/May 2019, just in time for fishing season.

Jamie Sturgess asked if the advisories for maximum meals per month then were based on mercury than the other metals, yes!

Matt Nykiel - Is there going to be an explanation of cumulative effects – Morgan answered that they tried to get 10 of each species, but trout were combined into a group, all the contaminant concentrations in trout were generally very low. No advisory issued that's why it wasn't listed in the final document. In terms of cumulative exposure it is very challenging to do a lot of the metals. They have different health effects so you can't just add it all up, but it was looked at.

### **Silver Valley Transportation Team Update – Mac Pooler, Kellogg Mayor**

Mayer of Kellogg, 27years Water district – 38 years - retired

Mayor coalition formed to address roads in the Silver Valley

Study showed every street throughout the valley, what was needed and money received.

Coalition helps to communicate with government agencies.

They received money for asphalt paving. Also bonds for water and sewer, \$8M bond, \$31M total water/sewer.

Committee made up of cities, mayors, street supervisors, county commissioners, so all on the same page. All agencies stepped up and made improvements, very appreciated.

Philip asked if being in the Superfund site was a benefit. Mac said it was not much fun in beginning being a superfund site, extra effort. But they have seen growth, property selling, mines on strike – still growth and fought through the issues.

### **Public Discussion on Delisting Portions of the Superfund Site – Jann Higdem**

Terry Harwood gave an update on what is going on currently. There is a process where you can delist a superfund site. Operable unit 1 (OU1) is complete with the exception of a few properties. The State takes care of O&M when site is complete. Do not want to delist too soon. Jann made a previous

presentation before the BEIPC meeting. Took to local legislative representative and they introduced into committee in state legislature and went thru the process.

Sheryl EPA statement – will entertain proposal, need local, state, community support, which is not where we are at yet. RA completion report not done yet, Closed out consent decree, but still work to be done. Not done in OU1, Will not delist at this time, still contamination and want support from those who work and live in the area.

Terry - Consent Decree with Upstream Mining Group – they have not closed the ROD.

Mike Fitzgerald - House resolution went before Resources and Conservation Committee 15-2, did not pass thru committee.

Terry - Why address at Basin commission, to allow public to bring issues forward. The BEIPC mandate does not include anything to do with OU1. We wouldn't have had any paved roads in the box if site would have been delisted.

Jack said we could wait 15-20 minutes for Jann to show \*\*

Tim Kastning wondered how much money was spent on the paved roads program, set up to 54M – 30M box – 24M basin.

Tim – do they still have funds in that account? Yes there are still funds available, made adjustments between jurisdictions if some had money left. Still projects left to do this year.

Rebecca – clarification on request for delisting, if portion partially deleted, if property owner has natural occurrence and it re-contaminates if partially delisted?

Terry – property owner would not be responsible.

Sheryl – if remedy failure, EPA still responsible even if delisted.

There is still contamination under the barriers.

\*\*Jann emailed prior to the meeting that she was unable to attend due to illness, but the email had not been read at this point in time.

### **Public Questions, Issues, Discussion and New Topics of Concern – Commissioners**

Dan Redline – NPDES permits for Lucky Friday mine, discharge permits issued to US Silver Permits are out for draft, comments out for next 30 days

Sandra Raskell – All sang happy birthday to Philip!

Motion to Adjourn at 2:40 **M/S/C**