

Basin Environmental Improvement Project Commission
Meeting Summary Minutes
March 11, 2020 9:30 AM – 3:30 PM
Panhandle Health District Office, 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 discussion or individual quotes

Attendees included the following:

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

Jack Buell (Benewah County), Brook Beeler (Washington State), John Tippets (IDEQ), Leslie Duncan (Kootenai County), Mike Fitzgerald (Shoshone County), Phillip Cernera (CDA Tribe), Ed Moreen (EPA), Michael McCurdy (IDEQ)

Staff present:

Gail Yost (BEIPC, Assistant to E.D., Note taker), Dan McCracken (IDEQ), Sandra Treccani (Washington State), Dana Swift (IDEQ), Jamie Sturgess (Kootenai County), Rebecca Stevens (CDA Tribe)

Call to Order and Pledge of Allegiance

The meeting was called to order by Commissioner Chair Jack Buell at 9:30 a.m. followed by the Pledge of Allegiance.

Approve Minutes from the November 20, 2019 Meeting. (Action Item)

John Tippets moved to approve the November 20, 2019 meeting minutes; Brook second, all approved M/S/C

Terry introduced the new congressional representatives from Fulcher and Risch's office

Review and Discuss Draft 2019 Annual Report

Terry presented the annual report of accomplishments made in 2019. This process includes putting together reports submitted from various agencies on how well they have done during the calendar year on projects that were outlined in the approved work plans.

Terry will present the CCC updates as Jerry Boyd is absent today. EPA will be conducting their 5-year review as well this year, as required, to ensure cleanup actions are protecting human health and the environment.

Specific accomplishments included: IDEQ and PHD community involvement activities; Lead Health Intervention program; BPRP Yard Remediation program; Remedy Protection projects; and Paved Roadway Surface Remediation program.

Terry stated the Remedy Protection program was completed in 2019 in the Box and Basin. Rebecca asked about the remedies proposed in the Lower Basin in which Terry answered they will not be Remedy Protection projects in the Lower Basin.

Paved Roads program has only Kellogg and Shoshone County roads left and a final report should be completed by 2022.

A short overview was given of the repositories in the Box and Basin. Phillip asked Terry about the closure of Big Creek and how much additional capacity would there be in the Big Creek Annex if Sunshine Mine were to start up operations. Terry answered that the capacity left in these repositories were for remedial action waste, not tailings. Ed Moreen clarified that each mining company has to have their own waste disposal facility and that the tailings would not go into the repository. He further explained that Sunshine still owned the tailings pond south of the repository, but wasn't sure of its capacity. Jack wondered if there were any other ways to dispose of waste instead of putting everything in the repository – Terry said in some past experiences there was value in reprocessing but usually not cost effective. Jack is worried that we may run out of room and Terry explained that we will have enough disposal places.

Terry continued to present Upper and Lower Basin remedies, State of Washington projects, Recreational sites, Basin Environmental Monitoring, Lake Management, Flood Control & Infrastructure Revitalization, and Restoration Partnership activities.

Dan Redline made a comment that the Annual Report is silent on budgets and costs spent for individual projects listed in the report. Terry said they decided not to detail these costs anymore, asked the Board what they thought. Dan McCracken stated this was easier to do when everything was federally funded and one source, much easier to summarize. Now there are several funding sources and adds a layer of complexity to summarize all in one place, this may be why the report was changed.

Ed asked if this information was of value to the Board, let us not task the people who have to put together this information additional work. If it's not of value then let's not put that effort together. Brook can see the value but at the same time not sure what the use would be other than a summary. John said that he could see the value as well and maybe there could be information added as it would be helpful to know what was estimated and spent.

Jack asked if the Board would like to make this change or leave it the way it is now. Terry agreed with Ed that it would take a lot of work – probably two months. Ed stated the difference between the ROD estimates vs. the contract bid amounts, the change orders along the way and trying to gage how successful the project is – what is the metric we are looking for that's a measure for financial success. Phillip agreed that a remedy starts off with a ballpark figure, and the difference of what that project's final cost ends up can't be our goalpost for success.

Phillip made a motion to accept the 2019 Annual Report as is, Ed 2nd - all approved
M/S/C

CDA Lake Update – Jamie Brunner, IDEQ; Rebecca Stevens, CDA Tribe

Rebecca showed a video from the Our Gem Symposium (view it on www.basincommission.com under Meetings – BEIPC Meeting Presentations – Our Gem Basin Commission Meeting Video)

Jamie Brunner, CDA Lake Management Coordinator, commented on the Our Gem Symposium video. They had a really good dialogue with the community and feel that more people want to start working on this proactively. There will be a series of articles coming out in the CDA Press including information on CDA Lake water quality issues and what people can do to help. This first one will be released on March 15th which will be a reintroduction to the concept of the Our Gem/CDA Lake Collaborative, and LakeASyst materials as a resource for people in the basin to know what they can do to help.

Rebecca stated the importance for all of us to embrace what is going on right now. The LakeASyst materials that will be rolling out were developed by all regulating agencies involved. These guidance materials on how to be better stewards of the land were not just developed by them. Keep this in mind as they move forward in their call to action.

John said it was interesting to listen to the comments from members on the panels from the Symposium, and it seems there is a heightened awareness and concern with the Lake. He wanted her or Jamie to talk more about their perception of the attitudes from the general public – are they seeing a trend towards more awareness or concern? Jamie answered they are getting an influx of requests for presentations on the data from public groups so they can better understand what is going on. She also added that it is gaining momentum in the public as well. Rebecca stated that the county commissioners went back and shared information with their staff – informing the public thru these different forms and to the leadership in the community is also happening.

Jack wanted to know where the problem was – with the boaters, property owners or who? Rebecca answered collectively we are loving our watershed to death. There is an unbridled growth in Kootenai County in particular and a lot of pressure on our waterways. Jack said not only Kootenai, but Benewah County as well, so what is our answer. Rebecca said be smart boaters and manage yourselves. Jack said maybe there should be information given as they register their boats to what they should and shouldn't be doing.

Phillip said this should be everybody's problem, instead of finger pointing the problem to other people. We all have a role to play in the solution – we need a complete holistic solution to occur if we are going to deal with the nutrients in the basin. What are the potential technologies for stabilizing the pollution in the bottom of the lake, can we stabilize? Maybe it's not so urgent to deal with the non-point source problem of the nutrients pouring into the basin. We need to come up with a different solution to stabilize the sediment in place. Jack said their sediment problem falls back on forest management. They are looking at the practice of clear cuts, setbacks – things that cause the sediment.

Bob Steed from Coeur d'Alene IDEQ stated that they participate in Forest Practices Act (FPA) in the audits they perform and give advice back to an advisory committee who builds the rules for FPA. They are focusing on the cumulative effect of multiple timber sales going on at the same time in the same watersheds. An audit will be conducted this year.

John provided a quick update on the National Academy of Science study the state requested. The NAS has provided a draft proposal that both IDEQ and the Tribe agreed upon, then it was forwarded to EPA to look and see if they felt there were any omissions. All three parties are close to agreeing to the scope of work for submittal back to the NAS. The questions we wanted them to answer are there risks of the lake going anoxic, and if so, help us identify what we need to do to resolve it. We still need to move forward with appropriate measures, but need to understand what is driving the situation in the lake. Hopefully we will get some answers and recommendations as they are highly credible and experts in their field of science. Phillip stated the Tribe does support this NAS study but feels it doesn't need to be re-done. In 2001, NAS did a study that was published in 2005 that would probably be sufficient to move forward with. He wonders where the funding will come from after NAS spends a couple of years on this, especially if they come back with more questions. Let's keep the pressure on and not wait for this study to be completed.

John added that he isn't expecting the NAS study to be the silver bullet, but hopefully they can give us a better idea of the urgency of when or if the lake will go anoxic. He agrees that we need to do what we can to manage nutrient loading now. How we address the problem will be different if it's 5 to 10 years away or 50 years, the study will help in our approach. John thinks the Lake Management Plan has helped us get to this point where we recognize we have concerns. He referenced the LMP section on how trends have reached a trigger level; this will prompt a comprehensive review to identify the causes of the trend and guide development of a corrective management response. He thinks we will get some credible information from the NAS study to help understand the severity and urgency of the problem.

Rebecca – please save the date for the Youth Water Summit happening on May 19th at NIC. They will work with 450 high school students throughout the entire Panhandle, in the field hands on science and research.

IDEQ CDA Regional Office Topics including Point Source Permitting, 303d Listing of Water Bodies for Mercury and SFCDA River WAG – IDEQ

Dan Redline from IDEQ gave an overview on permitting and water quality issues. The State has taken over the Point Source Permitting program, and each year are adding incremental permitting responsibilities. Each region has their own compliance officer – Wes Green is the officer in the Coeur d'Alene office. Previously, EPA would issue permits and IDEQ would certify them thru their 401 Certification Program, now the State builds that whole process into their program. Dan went through several examples of different permitting issues on Lucky Friday, US Silver, SF Sewer District at Page and SF CDA River.

Bob Steed from IDEQ spoke on the studies of mercury concentrations in fish in Idaho, and their additional findings in surrounding lakes (CDA, Harrison slough, Swan Lake, and Thompson Lake). A combined agency effort collected samples and data for fish consumption advisories in 2016, and found those fish did exceed the criteria for mercury. These findings will be added to the 2018-2020 integrated report which will go out for public comment.

John asked if the mercury found was slight or pretty significant amounts, and what impact will it have on the fish consumption recommendations. Bob mentioned that the fish consumption has been modified for CDA, Swan & Thompson Lake, it wasn't a huge exceedance of our criteria but there is not a lot of flexibility for metals. This is a statewide issue not just specific to CDA Lake; a lot of our mercury is airborne in watersheds rather than other sources. John wanted to know how the mercury in fish in CDA Lake compared to other water bodies and Bob answered these three lakes were comparable with each other. Rebecca added a difference on this second effort for the fish advisory, they included the lower river and portion of the Spokane River in Idaho that wasn't included in 2002. They also worked with the Tribe request to sample whole Kokanee. She said the advisory will come out similar to the last one, not a lot of big changes and will be reflected on the revised Our Gem map.

Bob continued – another element is the TMDL's - once they get waters on their 303D list, they are required to put together a Total Maximum Daily Load (TMDL) which is a valuation of how much pollution that water can take and how much reduction would be required to bring it back to full support. The South Fork Watershed Advisory Group was just started – this is a public process of getting input and guidance throughout the development of the TMDL for the SF CDA River. They first will review the sediment TMDL that was already written, and then develop TMDL's for the temperature issues.

Matt Nykiel wondered with the nutrient issue in the lake, and the SF CDA River being one of the primary contributors, would the advisory group be directed to try to come up with solutions for this issue. Dan Redline commented that the North Fork is a bigger contributor – The SF and NF come together to the main CDA River – the CDA River and St. Joe are the big contributors, about 80% of the loading coming from these two rivers. Dan continued that the SF may not have a TMDL driven effort but possibly LMP effort. Bob agreed – they have other plans that protect rather than the TMDL. Matt stated with the Basin being so big, he thinks it will take a coalition of different groups working together on this. Dan Redline agreed that would be ideal.

Phillip asked if IDEQ had a report card that would tell us of the TMDL limited stream segments in North Idaho, how many have been fixed and removed from the list and where do we sit coming into compliance with beneficial uses. Dan Redline said there is a lot of water bodies listed; EPA puts out a success story list on the TMDL program. Most of the successes are in the CDA region and CDA River drainage. There have been several streams delisted off the North Fork area from efforts from the Forest Service and their planning.

Bill Rust, local citizen, talked about the Remedial actions and hopes that EPA will participate in the SFCDA River and its tributaries action to make major improvements in the sediment and temperature TMDL's.

Restoration Partnership Update Including RP BEIPC Work Plan Section for 2020 Philip Cernera, CDA Tribe

Phillip gave an explanation on the Restoration Partnership plans for projects to be implemented in 2020. Some of these projects took quite a bit of time, from getting the final settlement with Hecla to the development of the Restoration Plan. The individuals from the Partnership were asked for project ideas that were shovel, out the door ready. There are 12 - these projects are listed in the packet – some will be quick, others 1-3 year projects. The general public was also asked for ideas, which thru the process, was narrowed down to six – also listed in the packet. Some of these projects deal with reduction of nutrients; others target water quality and fishery resources.

John commented that he was very impressed with the work of the Partnership. There was cooperation from several agencies and a lot of good quality projects came out of this. Phillip added that he hopes for a field trip to show people what we're doing with the remedy activities. They will be coordinating their restoration opportunities with EPA with a meeting on April 20th.

Approve of RP 2020 Work Plan Section as addendum to approved 2020 BEIPC Work Plan (Action Item)

Leslie moved to have the work plan section added, Phillip 2nd - all approved M/S/C

Outreach Activities during the last quarter – Terry Harwood; Val Wade, PHD

Val Wade gave an update on outreach activities and the continuation of informing the public about the site history and preventing exposure. Highlights include: handwashing education at area schools; information at Galena mine on how to prevent exposure; job shadowing with student from CDA; preparing for the Environmental Health & Science Fair. She also reported on EPA outreach activities such as the Basin Bulletin and the Reuse Framework report.

Terry spoke on the activities he has been working on – they include: working with the Corp of Engineers and local Flood Group for discussions on flood map revisions; concerns and discussions on the condition of CDA Lake; working with SVTT and paved road program; remedial actions in Nine Mile; and briefings with new congressional representatives.

Brook and Ecology staff met with representatives from several environmental and health advocacy groups including Silver Valley Community Resource Center to discuss the basin clean up from Washington's perspective in November. She was able to use a lot of the information from previous presentations prepared for commissioners on Recreation Sites and Blood Lead Screening. Brook shared the same information with Washington's Governor's office.

BEIPC/Local Flood Group, COE and FEMA Flood Analysis and Mapping Update – Terry Harwood

Terry presented on the flood analysis and mapping updates for the SFCDA River. Multi agencies have been working to show FEMA the difference current data indicates in hydraulic loadings vs. their flood maps based on a 2002 study. He provided these numbers for both Elizabeth Park and Pinehurst. A summary was provided to FEMA in August 2019, and a conference call concerning this summary took place in November. A final report was supposed to come out in February 2020. Next steps will include preparing and securing funding for a LOMR request so that it can be submitted to FEMA for action. A levy upgrade in the vicinity of the Bunker Avenue Bridge will also need funding.

Central Treatment Plant/Ground Water Collection System Update – Ed Moreen, EPA

Ed gave a presentation on the CTP/GWCS upgrade – many times he has presented on planning, design and their procurement process; they are now in the testing mode. This project was started in 2012 and is one of the major success stories. The intercept wall that was constructed for ground water collection still has three gaps that will need to be filled in the next couple months. Wells that are in place will pump the ground water to the upgraded CTP. All of the flow that is treated now is acid mine drainage that comes from the Bunker Hill Mine. This was an Operate/Design/Build contract which means they still had to operate the CTP, while they designed the new plant, ground water system, new sludge impoundment and the wells. Ed explained and showed the differences on how the plant looked and the changes made through a series of slides, to how it looks now. Phillip asked if the lime used was powder form or liquid and Ed said it is prilled lime that is mixed with the mine water to create slurry. Terry and Ed both commented that the concrete for the 30ft tall reactor was a monolithic pour, so to not have any cold joints, no water leaking out. Some of the old buildings will still be used with new equipment and upgrades installed. Ed explained all the testing that is currently being conducted; everything is up and running on the new system except the filters which have not been tested yet. They are only treating mine water at this time and will incorporate the ground water collection system flow.

Rebecca was curious as to where they would be testing and monitoring the phosphorus they had previously talked about – and Ed answered that testing is happening at both the influent and effluent locations for metals and phosphorus. Dan Redline asked if the filters were in parallel or series in which Ed answered parallel – 6 of 7 operating at any one time to treat the entire flow. John wondered what the filter media is and Ed said multi-media which will be sand based with other media. Mike McCurdy wanted to know how many gallons a day they would be treating with the ground water wells – Ed said the CTP is sized to treat full flows at 5,000 gpm (gallons per minute), base flow from the mine about 1,300 gpm, and estimated flows from the GWCS will be about 2,000 gpm; when the CTP goes through optimization, the flow rate could be adjusted as necessary. Joe from the Sewer District wondered if they would be changing the static water level during the summer around the GWCS wall, he's concerned about the sewer line there, would the level be lowered – Ed explained that since there are still gaps in the wall and

no pumps running yet, they will want to maintain an optimum water level when the gaps are closed – will remain to be seen. Joe also wanted to know if they would have a published discharge permit they can view – Ed stated they went thru a technical evaluation of compliance with all parties concerned and would be happy to share this information. Another question came up - if the State would eventually regulate the discharge from this plant – Ed said the plan is to transfer the CTP to IDEQ – they will eventually be the plant owner and operator. Jamie Sturgess asked if the chemistries were similar within all the wells - Ed answered yes, high zinc levels. Rebecca wanted to know if this was the first of its kind in a Superfund site where you see a bentonite wall with its length and depth adjacent to a historic tailings pile – and he answered that a cutoff wall was not unique in Superfund remedies, not sure how it measured up to other sites. Ed added the unique thing about it is there is 26 million cubic yards of waste built in a river floodplain that continues to bleed.

Discussion on BEIPC Meetings and Tour for 2020 – Terry Harwood

Terry opened up a discussion to get the public’s input on what they might like to see on the tour this year; give the people an idea on how much work has been done and what’s left to do. Brook appreciates seeing the scope and scale in the Basin but would like to see more of the Lower Basin work and Restoration projects. Terry asked if there was enough to see and Rebecca answered not yet; a lot of them are still in the permit & design phases and would not warrant a tour. Brook clarified and suggested looking at some non-point issues that we keep talking about, what is working and what isn’t. Ed suggested that we could take a walkthrough the Treatment Plant as it will be up and going by August; since we haven’t been able to do so due to construction. Terry will discuss more with staff and come to a decision.

CCC and Public Input Session and Discussion – Jerry Boyd, CCC Chair

Jerry is absent at today’s meeting so he asked Terry to present on his behalf. He would like to have a CCC meeting in April in the Lower Basin; he was encouraged at the Lower Basin Project Focus Team meeting that was held last week. Projects discussed were the Wetland Conversion Project; pilot project at Dudley Reach; and working with the Recreation Project Focus Team on recreational spots along the river.

Citizen Input and Discussion

Mac went on the on record to say that communications with all agencies involved is going good – the process to go over issues and problems are getting resolved – for the City of Kellogg and the other mayors in the coalition, and are making things work together.

Josef Dregg, a citizen and veteran, voiced his concerns – always told to fish the North Fork of the CDA River and not the main body. Terry stated that the fish advisories are out there – Dana said on the Idaho H&W website – you can still fish on the South Fork, just follow the guidelines.

Ed made a motion to adjourn the meeting, Brook 2nd, all approved **M/S/C**