

11-8-06 Citizen Coordinating Council Meeting

Spokesman Review Building, 6:30 PM to 9:00 PM, Coeur d'Alene, Idaho

Attendees (who signed in and/or announced themselves)

Anne Dailey	Glen Rothrock
Jeri DeLange	John Snider
Terry Harwood	Brian Spears
Jim Hollingsworth	Rebecca Stevens
Woody McEver	Mark Stromberg
Mike Mihelich	Brian Walker

Meeting Overview

The November 8, 2006 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission) covered the following topics:

1. CCC Vice-chair Update and CCC Elections Schedule
2. BEIPC Updates
3. Lake Management Plan Implementation Survey Project
4. Contaminant Management PFT Update
5. Draft 2007 Workplan
6. Other Updates

CCC Vice-chair Update and CCC Elections Schedule

CCC Chair John Snider informed participants that Kathy Zanetti stepped down from her position as Co-chair due to family issues. Because there will be CCC elections in the spring of 2007, John said, there isn't a need to fill the position for now. He said he would probably be away for the next CCC meeting and BEIPC board meeting and asked for volunteers to fill in. Brian Walker (Lands Council) volunteered, and John said he would also speak with CCC members who had indicated interest but were not in attendance.

Tom Beierle outlined the steps for electing the CCC Chair and Vice Chair as specified in the CCC Policies and Protocols. The basic steps are:

1. Small Integration Groups make regional nominations of candidates.
2. All nominated candidates are introduced to the CCC (either at a meeting or via a written bio).
3. Registered CCC members vote for two candidates via mail or email. The candidate with the highest number of votes becomes the CCC Chair and the candidate with the next highest number becomes Vice-Chair.

Tom said he would send around a more detailed note outlining the procedures and target dates for the election process.

Anne Dailey, EPA, reported that funding for Ross & Associates support for the CCC had been extended through February 2008.

BEIPC Updates

Remaining Sections of 2006-2010 Five Year Plan

BEIPC Executive Director Terry Harwood handed out a draft section on the Institutional Controls Program approved for inclusion in the 2006-2010 Five Year Plan. This is the one section of the 2006-2010 Five Year Plan that has not yet been approved by the BEIPC board, and it will be taken up at the November 29, 2006 board meeting. Responding to a question from Jim Hollingsworth, Terry clarified that the Panhandle Health District would administer the ICP.

Basin Institutional Controls Program (ICP)

Terry outlined the Basin ICP and the process underway to pass it into law. As specified in the ROD, the Basin ICP is similar to the ICP in the Box (OU2), although it is tailored to the specific circumstances of the Basin. The Basin ICP extends from Harrison up to the headwaters (institutional controls below Harrison were discussed later in the meeting during the Contaminant Management PFT agenda item). Public hearings are currently being held by Panhandle Health District to review and comment on the ICP prior to it going to the State legislature. Although requirements for institutional controls in the Basin are somewhat different from requirements in the Box, Panhandle Health District is combining them under the same State law. Responding to a question from Jim Hollingsworth, Terry clarified that the boundaries of the Basin ICP are well defined and codified in maps in the appendix to the proposed Basin ICP. Jim also asked why the Basin ICP ends at Harrison, and Terry said that it was in recognition that institutional controls issues for the lake and Spokane River were controversial, and that including the entire area may have delayed progress on getting institutional controls in place to protect ongoing remedial work in the Basin.

Clean Water Act Project Status and Other Basin Project Updates

Terry handed out two documents describing the financial status of projects supported by Clean Water Act funds, noting that some are complete and some are close to complete. Terry has project reports from all completed CWA projects in his office if anyone would like to see them.

Mica Bay Nutrient Reduction Project Completion Amendment

Terry handed out a document detailing a proposed change to the CWA-funded Mica Bay project. The original proposal had called for enlisting wetland delta landowners in nutrient reduction efforts, but not enough landowners were interested in participating. Another landowner, who is upstream on the North Fork Mica Creek, indicated interest in stream bank and bed stabilization. The project amendment focuses on this upstream

project as a demonstration project on how stabilization can reduce sediment and nutrient impacts on the Mica Creek Delta. The proposal has been approved by the TLG and will be proposed to the BEIPC board at its November 29 meeting.

Jim Hollingsworth asked whether some sort of indemnification or liability exemption could be used to encourage property owners to participate in such projects; Terry said that he thought indemnification wouldn't be possible. John Snider asked whether the original Mica Bay project proposal involved stream meanders, and Terry said that it did and that the new project focuses on stabilizing meanders. In a response to a question from Jim Hollingsworth, Brian Spears confirmed that beavers will return to restored areas.

Infrastructure Needs and Funding

Terry provided an update on an infrastructure study he has been spearheading with authorization provided by the BEIPC last year. The project documents all of the utility, flood control, and other infrastructure in the Box and Basin, with accompanying maps, which were shared during the meeting. The project was motivated by recognition that some infrastructure is in bad shape and is affecting aspects of the cleanup (e.g., water inflow from leaky sewer collection pipes is reducing the ability of the Page wastewater treatment plant to effectively treat wastewater before release to the South Fork of the Coeur d'Alene River). Terry reported that EPA had just funded a related study looking at where flooding might jeopardize cleanup remedies, an issue raised in last year's National Academies Study on the Basin cleanup.

Jim Hollingsworth asked if anyone is helping communities coordinate and look for grant money. Part of the study, Terry said, involves documenting grant money opportunities, and he and others will meet with municipalities to help them make progress on updating infrastructure. Woody McEver mentioned that in and around Coeur d'Alene there is a quarterly mayors' coalition meeting in which local mayors get together; he suggested this might be a model for getting municipalities in the Basin together to talk about infrastructure projects.

In response to a question from Jim Hollingsworth, Anne Dailey clarified that the Page treatment plant does not treat for metals and that the problem of infiltration is that it produces more water for the treatment plant to have to process. Anne and Glen Rothrock said that studies have shown a decline in contamination in groundwater, the river, and the lake from remedial activities.

Lake Management Plan Implementation Survey Project

Glen Rothrock, Idaho DEQ, and Rebecca Stevens, Coeur d'Alene Tribe, provided an overview of the background and current activities of the Lake Management Plan implementation survey project.

Glen began with background on lake management efforts generally. A key driver for the lake management work, he said, was EPA's decision in the 2002 Record of Decision for OU3 (which includes the lake) not to select a CERCLA cleanup remedy for the lake but instead to give the Coeur d'Alene Basin community the opportunity to demonstrate that they could collectively manage the lake. Idaho DEQ and the Coeur d'Alene Tribe were to "coordinate and facilitate" the lake management effort, recognizing that many other parties would implement lake management activities. The State and Tribe produced a Lake Management Plan in 1996, and a draft State-only plan was developed but not adopted in 2004. Current efforts are aimed at updating the 1996 plan.

Before describing the lake management survey project, Glen gave a brief status report on the ongoing Lake Management Plan mediation between the State of Idaho and the Coeur d'Alene Tribe. He said that the mediation was still under way to determine whether the State and Tribe could come to agreement that would allow them to jointly produce a Lake Management Plan. The decision would be made in 2007, he said, about whether there would be one joint plan or two separate State and Tribal plans. Participants in the CCC meeting discussed the implications of having two plans and, in particular, whether EPA would consider two plans sufficient to meet the expectations in the 2002 ROD. Terry noted that even if there were two plans, DEQ and the Tribe could work together. Jim Hollingsworth stated that "two plans are better than none" and noted that effective lake management is a key aspect of Washington's participation on the Basin Commission. Glen noted that if DEQ and the Tribe agree to go forward with one plan, then the process of developing the plan will be opened up to a broader group of stakeholders.

DEQ and the Tribe have agreed on a joint routine monitoring plan for the lake (a USGS monitoring program that has operated for the last three years is now coming to an end).

The Lake Management Plan Implementation survey project is a joint effort by DEQ and the Tribe to identify what actions called for in the 1996 plan have actually been implemented. Since last March, they have met with many agencies to ask them what actions have been undertaken, what actions have not been undertaken, what problems have been encountered, etc. In addition to generating valuable information about lake management, Glen and Rebecca feel that the interviews have helped create partnerships with the many institutions with a role in lake management. Glen and Rebecca are also working on two committees to review, revise, and educate people about site disturbance rules that affect the lake. CCC meeting participants discussed how staffing shortages are affecting the ability of some institutions to monitor and enforce site disturbance rules. Jim Hollingsworth said he was skeptical that staffing issues were to blame; he cited as an example his experience at Priest Lake, where there is only one person in charge of permitting and monitoring land disturbance on one side of the lake. Jim also said that voters have demonstrated widespread environmental values (e.g., by rejecting laws like I-933 in Washington), and those who resist things like adequate lake management and institutional controls are far out of the mainstream.

Glen and Rebecca passed around a survey they have put together for private citizens and asked participants to fill it out and return it to Rebecca. Tom Beierle said he would send an electronic version out to other CCC members as well.

Contaminant Management PFT Update

Terry Harwood described the work of the Contaminant Management PFT, which is discussing institutional controls for the lake and Spokane River (this area is outside of the area of the Basin ICP described above). He clarified that the ROD for OU3, which includes the lake and Spokane River, says there will be institutional controls as part of the remedy. The diverse PFT group is focused on what these rules should be to deal with disturbance and/or removal of metals-contaminated sediments originating in the Basin. For example, what happens if someone dredges a bay and gets into sediment contaminated by metals that came down the Coeur d'Alene River? Terry handed out the PFT's agreed-on problem statement, purpose, and discussion issues. Terry says there is widespread agreement in the PFT that current rules and jurisdictions are inadequate to provide clarity on how contaminated material in the lake and Spokane River should be handled. (Woody McEver, speaking from the perspective of the Coeur d'Alene City Council, said these issues had come before the Council, and he agreed that it was unclear who had jurisdiction and what the rules are). Terry noted that the lack of rules created uncertainty and liability on the part of those who might be disturbing contaminated sediment. With institutional controls in place, there would be concrete and consistent steps that people could follow, which would give them the protection of following the rules. Terry has been working on a more site specific "straw proposal" on institutional controls, which is being debated by the PFT. Jim Hollingsworth asked why the rules from the Box and Basin can't just be used for the lake and Spokane River. Terry and others noted some differences (e.g., there aren't remedies on the lake, repositories are farther away, etc.). At the same time, Terry said, he had pulled much material from the Basin and Box ICP's for his straw proposal. Jim Hollingsworth raised the question of who would pay for institutional controls. Terry said that the potentially responsible parties (PRPs) pay in the Box and EPA and the State of Idaho are working out who pays in the Basin. He said that it was still unclear who would pay for institutional controls on the lake and Spokane River.

Draft 2007 Workplan

CCC members reviewed copies of the draft 2007 workplan, and Terry Harwood walked through the various sections. He said the TLG is comfortable with the document, and there are no TLG minority reports going to the BEIPC board about it. CCC members were asked to provide comments by Friday.

Other Updates

Terry Harwood said that he was working on increasing the payment amount that parents receive when they bring their children in for blood lead testing. The current amount is around \$20, and only around 10% of the children in the Upper Basin get tested.

Mark Stromberg said that DEQ met its yard remediation goals for the year and is looking forward to another successful year next year. Meeting participants discussed issues around people's willingness to have their yards cleaned up. Terry clarified that if people inside the Box decide not to have their yards cleaned up the money goes into escrow for later cleanup. In the Basin, however, if people decide not to clean up their yards, there is no money set aside for future cleanup and the land owner (or heirs) may have to pay for it themselves. Anne Dailey reminded everyone that local companies are hired to do the yard cleanups.

Next Meeting/Upcoming Events

The Next BEIPC board meeting will be held on November 29, 2006 starting at 9:30 AM at Centennial Distributing in Hayden, ID (701 W. Buckles Ave.). Agenda items are likely to include the remaining language for the 2006-2010 Five Year Plan, the 2007 Workplan, and Clean Water Act project updates.

More information on the meeting (including driving directions) is available at:
<http://www.basincommission.com/>