Citizens Coordinating Council Meeting
Draft Meeting Summary Notes
April 16, 2014, 4:00 – 6:00 p.m.
Medimont Grange, Medimont, Idaho

Attendees (who signed in and/or announced themselves):
Max Birdsell - (Golder Associates, Inc.)
Carl Blalack - (Property owner in Cataldo)
Jerry Boyd - Chair of CCC
Glory Carlile - BEIPC, note taker
Julie Dalsaso - (CCC member, interested in conservation)
Jack Domit - (Spokane River Association)
Larry Donohue - (Grange)
David Fortier - (Kootenai-Shoshone Soil and Water Conservation Service in CDA)
Rene Gilbert - EPA
Denna Grangaard - IDEQ Kellogg
Bob and Marcella Hanson - (Medimont)
Robert Hanson – (Medimont)
Terry Harwood - BEIPC Executive Director
Andy Helken
Christina Johnson - (lives in the Valley)
Dave LePard - (Harrison)
John McFadden - (3 Mile Road)
Judy Morbeck - (Congressman Labrador office)
Ed Moreen - EPA
Brandi Rollins - (Rose Lake)
Rusty Shepard - (CDA Lake Association, retired)
David Whitcomb - (Whitcomb Excavation)
Randy Wilson - (Wilson's Rock Pit by Willow Creek)

(Please note that these minutes are a summary of reports and presentations. They are intended to capture key topics and issues, conclusions, and next steps and not every detail of the discussions.)

Meeting Overview:
The April 15, 2014 meeting of the Citizens Coordinating Council (CCC) of the Basin Environmental Improvement Project commission (Basin Commission or BEIPC) covered the following topics:

- Agenda Review
- Open Discussion on Basin Cleanup/CCC Issues
- Basin Commission Updates
- Yard Remediation Program process
- EPA Updates (focused on the lower basin)
- Basin Outreach: Upcoming Community Involvement Opportunities

Introductions:
Attendees introduced themselves sharing their affiliations and/or interests for being at this meeting. *(Some of these are listed next to their names above.)*

Questions/Comments
CCC Chair Jerry Boyd opened the meeting for questions and/or comments concerning the cleanup and there were none at this time.

Basin Commission Updates:

Terry Harwood, BEIPC Executive Director, shared a little history about the Basin Commission and some background of the funding and process of work in the Basin:
Environmental cleanup effort was started in what was declared as the Superfund site in 1983 with a 21 square mile area called the Box, Pinehurst, Smelterville and Kellogg. They found that the entire basin downstream into the Spokane River had some areas with some kind of contamination.

There are 3 Records of Decision (RODS), two in the Box and Operable Unit 3 in the Basin from above Shoshone Park, Mullan down into the Spokane River in Washington State. There is also an Upper Basin ROD amendment completed in 2012.

"Superfund" is the fund that in the past funded cleanups at the Comprehensive Environmental Response Compensation and Liability Act, (CERCLA) sites. However, the portion of the act that authorized the tax on certain industries to fund the Superfund expired in 1995 and has not been reauthorized. Ever since that time, cleanups have been dependent on receiving appropriated funds authorized by Congress. The "Liability" portion of CERCLA requires the federal government to pursue those parties responsible for the pollution. The Federal Government and Natural Resource Trustees settled with ASARCO through the Bankruptcy court and received funds which were put into two Trusts, one for cleanup and one for restoration. Hecla also settled and those funds are also being used to fund the cleanup.

Gravel Roads or unpaved roads:
This program includes public roads under the jurisdiction of the Counties or the local towns. EPA has authority to perform cleanup on private or state lands, but not on lands owned or managed by other federal agencies so this program does not include roads on those lands.

He reported that we have 3 contracts for this work. Contract number one is complete and number two is half complete and number three has just been awarded. With these contracts, all of the unpaved public roads in the basin requiring remediation will be complete by the end of this field season.

EPA and Terry Harwood developed the policy process for remediating paved roads, funded by The Trust in the Basin and in the Box by the funds from the Hecla settlement. We are in the 2nd year of the Paved Roads Program. The roads qualified for cleanup if adjacent areas were sampled confirming contamination equal to or above the action level. There are 9 local road jurisdictions and each jurisdiction was allocated funds based on how many lineal feet of those types of roads exceeded the action level and had a pavement life expectancy of 10 years or less. Hope to be done in the next 5 years.

Harwood shared that he took a look at the cost of doing construction business in the Site and played a part in reducing costs by changing the process to a public works type competitive bidding process resulting in a significant savings. He also included a clause in the contracts that required the contractors to be licensed in the state of Idaho and that 95 % of the employees must be Idaho residents in an effort to keep the business in Idaho.

Remedy Protection Program:
IDEQ finished drainage projects in Smelterville and Wardner in 2013 and the Trust completed 2 projects in Mullan and one in Shoshone County last year and is currently working on the Shields Gulch and Meyer Creek projects in Osburn this summer. IDEQ plans to do work in Pinehurst and Kellogg this summer. He explained the flood control design model is based on what would happen if we had a 50 year rain on snow event.

Remaining Remedy Protection Projects include 5 projects in Mullan, 1 in Wallace, 1 in Silverton and some side drainage projects. He stated that there are lots of contracting and lots of work for folks.

Questions/Answers:

- How are the road jurisdictions going to fund future work? Now, and 20 years from now? Answer: Unknown as it is the local jurisdictions responsibility and there are no escrow funds. Harwood added that with the paved roads program we set up the accounts and the local jurisdictions manage the design, survey, etc., and it is written in the funding agreement for the jurisdictions to maintain the projects.
- What is the big connection with the exposure of the roads, paved roads and contamination? Is the paving protected from washouts? The answer included that the drainage projects are to protect the remedy and the roads projects help keep it from re-contamination. Capping the roads helps to keep the roads from water getting through to contaminated subgrades.

Boyd announced that the sign-ups will ensure that you receive information from the CCC by e-mail. Harwood added that you can also go to the Basin Commission website for information at **www.basincommission.com**. The website includes Annual (Accomplishments) Reports and Work Plans throughout the years since 2002, and meeting summary notes of the BEIPC, TLG and CCC.

Boyd also shared that they remediate properties that have been found to be contaminated, yards and driveways, but he suggests that you get ahold of Terry Harwood or him to inquire about getting your property tested and remediated. Boyd added that, the Basin ROD does not include remediation around the Lake. Harwood added that Operable Unit 3 which is the Basin includes Lake Coeur d'Alene but there is no cleanup actions selected for the Lake. The State of Idaho and the Coeur d'Alene Tribe are implementing a lake management plan stops at the mouth of the river at Harrison and the rest of the Lake is managed by the CDA Tribe. There is not any remedial action beyond that area. It was asked if the Spokane River was included and the answer was that no cleanup actions were selected for the Spokane River in Idaho but cleanup of some beaches along the Spokane River in Washington were selected and have been performed by the State of Washington.

At this point, Jerry Boyd, CCC Chair, amended the Agenda to add a report from IDEQ.

Yard Remediation Program:

Denna Grangaard (IDEQ, Kellogg office) noted that they have switched things up by changing from the power point presentation to displays and suggested taking a closer look later at each chart and read more about the information.

She presented a run through of the Property Remediation Program process:

1. Consent form is sent directly to the homeowner to then fill out and return
2. Soil samples are taken, tap water samples are taken if you have a private well
3. Testing results letter goes to the homeowner which is a little technical oriented, so she said to feel free to call

Explained that the Institutional Controls Program (ICP) is managed by the Panhandle Health District She shared that the permits are free and service is free to the homeowner and that there are very helpful people available to answer questions.

Boyd added an aside that the Property Remediation Program basically deals with digging up of soil. If you are doing any excavation of any soil then the ICP is a program that you would want work with.

Grangaard explained that for the property program, they do a walk through with the homeowner to explain the work, and make map adjustments as needed. After that, each of the Contractors schedules their own construction. DEQ work includes a warranty and they offer support afterwards, including addressing vegetation that may have been harmed and drainage problems.

A citizen asked if there is much room for judgment in where this testing is done. Example the property owner took his own samples. DEQ testing affirmed that the property was not contaminated. The homeowner then thought it was a waste of money. Needs to be some judgment as it costs somebody.

Harwood stated that he can understand his point of view but there needs to be some verifiable way to document the testing and results. It is a scientific standard and not a bureaucratic one.

Boyd added that he recommends that you have your property tested and then there is a record to confirm that it is not contaminated. He noted that when you live in a designated contaminated area that although some banks may not be particularly helpful when it comes to loans, it might be helpful when you go to sell to have a record of testing.

A participant shared her concerns about her property being contaminated by flooding. Boyd answered another part of it is that every time the river floods, there is likely to be contamination either by the river or from up stream. Also, that people drive through contaminated sediments on other roads and there is a potential for your property to get contaminated by tracking.

Ed Moreen agreed that "stuff" gets moved around by man. Under CERCLA there is a need to understand that the law applies to the properties within the Site and it is defined as where the hazardous substances (contaminants) have come to be located. He also stated that there is an ICP Administrative Boundary Map designating where property sampling will be done to confirm whether a property is clean or contaminated. As you (the agencies) get more data then you may be able to start pulling those boundaries in.

Discussion continued on the testing and contamination:
Another participant thought that too many holes were made in testing and therefore questioned the sampling process and asked again if there is any judgment about spending the money on testing?

It was asked if there is some property that does not meet the criteria then should it be sampled and if there are properties that do not need all the testing, why is it done? Answer: The determination is made to test by the evaluation of the risk potential there.

Grangaard addressed that sample plans distinguish between agricultural areas versus residential areas. Also, most of the samples in the lower basin have led to action needed on driveways. An issue could be that somehow the material came from an area that had not been previously tested.

Harwood shared a little history about the Lower Basin area covered in the Superfund site and the ICP determination to come up with the boundaries. The court had upheld that the Superfund Site exists anywhere in the CDA Basin where the contamination comes to be present. When the ICP area was determined, he tried to squeeze down the boundaries of the ICP Administrative Area as far as he could in the floodplain as close to the river as possible so everything else could be left out of the process.

He said that the ICP Administrative Boundary map is also available on the Basin Commission website. He then cited an example: When a bank has a problem with a loan in the Superfund site area and they call him, he may find that looking at the map assures that it is not in the boundaries of the area. Or, that it has been sampled and/or remediated. The problem may arise when the property owner refuses to have it sampled.

It was noted that the counties also approved the ICP boundary maps so it is not just the State or the EPA determining the boundaries.

When asked about the properties along the Spokane River being exempt it was clarified that the Spokane River is different than the rest of the Basin and is in another category altogether. Harwood added that ICP Administrative Area stopped at the mouth of the River at Harrison and does not include Harrison.

A question was raised about the new Total Maximum Daily Load (TMDL) being pursued for the Spokane River in Idaho.

> Ed Moreen checked with Kajsa Stromberg, IDEQ and this is what she provided: The Spokane River in Idaho is listed on Idaho's 303d list as impaired by cadmium, lead, and zinc. IDEQ is conducting a 2-year metals monitoring program to characterize loads at various flows in order to begin development of a metals Total Maximum Daily Load (TMDL). Sampling started this spring and samples are being collected near the state line and at the NIC beach. There are also stormwater samples being collected. Ultimately, the data are intended to be used to develop load duration curves and set TMDLs and waste load allocations for the 5 NPDES dischargers on the river. DEQ is early on in this process. There is no Watershed Advisory Group yet, but there will be one to facilitate TMDL development. Questions/clarification should be directed to:
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> Bob Steed and Kristin Larson, DEQ leads for monitoring and TMDL development for the Spokane River. Any questions from the public can be directed to either of them at (208) 769-1422 or via email robert.steed@deq.idaho.gov and Kristin.larson@deq.idaho.gov.

Rusty Shepard, CCC member, added that they also have to test where the sources are. A lot of existing information and a lot of variables is available to address the loading and based and their evaluation they may come up with constraints. They will have to come up with a plan to reduce the loads to meet the water quality standards in the river. Until you go through the process you cannot say what you will or will not be doing. Process is that you have to go through an approval process.

Harwood explained that the reason the area of the CDA Lake and the Idaho reach of the Spokane River are not included in the remedial action under CERCLA was due to the desires of the local residents of the State of Idaho. The governor of each State has to approve of these actions and they did not want the Lake and Spokane River to be included even though they are in the site. Ramification is that those upstream are getting work done with funding, whereas, the folks down the lake and the river below them might have a problem.

It was asked if they change their mind can they tap into the Superfund money for CDA Lake or pay by other means. Harwood answered that one of the conditions of the ROD for Operable Unit 3 was that the State of Idaho and the Tribe had to put together a Lake Management Plan (LMP) to address nutrients and metals management in the lake. If it did not work out then it is speculated that they could ask the EPA to reconsider. The Lake Management Plan is currently being implemented by the State and the Tribe.

Julie Dalsaso, CCC member, asked about the discharge in the areas that are not under the ICP rules such as on steep slopes and added the observation that there is not a need for remediation on slopes or on banks. She clarified that she was referring to the comment about whether the ICP applies to the Spokane River in Idaho and if it could be changed.

With State agreements they are saying they can take care of the issues and they can use their State authority to do what is equivalent to what the EPA has done. Under the Clean Water Act, their main driving force is to meet water quality standards. Another is the health issues. There is a lot of historical data and a lot of ongoing programs. They are still in the process of gathering data.

Boyd explained that the 2 women heading up the LMP were unable to be here today, but that Ed Moreen, EPA, will talk about the work that is being done in the river in his report.

Ed Moreen prefaced his report by introducing himself as a professional engineer that graduated from Washington State University. He then reviewed the RODS that Terry Harwood had mentioned in his report:

- Operable Unit 1 and Operable 2 RODS in the Box. The Box is the area between Pinehurst and Elizabeth Park.
- Operable Unit 3 which is everything outside of the Box where contamination has come to be located. Upstream of Mullan to Long Lake Washington.
- Upper Basin ROD Amendment (supplements the existing OU3 and OU2 RODs). Concentrates on the Upper Basin and Water Quality in the Box. Geographically focuses on Kellogg upstream.
- Lower Basin focuses on the confluence of the North and South Forks down to the mouth of the River at Harrison
- Upper Basin ROD Amendment did not select any new cleanup actions in the Lower Basin.

EPA Updates:

Ed Moreen, EPA, reported that one of their remedial actions selected in the OU3 ROD and that has been completed is the agriculture to wetlands conversion project. Still have over 18,000 acres of lateral lakes and wetlands that are contaminated in the Lower Basin.

Have learned more about the system including wanting to make sure that when we take action, use good judgment and make the best use of funds. He shared that right now we are focusing on understanding this river system, floodplain systems. How sediments are transported etc. We are not right now predetermining what to do.

He referred to the posters; the displays are part of the effort to get people to engage in the issues about cleanup. They do want comments and feedback. People ask why not leave the river alone? But he said we are not doing anything to the river right now except poking holes to better understand contaminated sediments.

Moreen then presented his report referring to the display boards that attendees can look over up close later. He reported that forums were held last year for input for pilot projects and EPA subsequently selected 2 projects. The Pilot Projects are small, relatively simple, but may be expanded later or could be used by others.

- 2 categories: Riverbank Stabilization and water level control project to protect waterfowl including the tundra swans.
- Want to see if we could control water levels at the wetlands site. If controlled they will go to the site to get to the food. If flooded, they will not. They use the typography in place to pursue controlling the site.
- The other project is the riverbank site at Kahnderosa Campground. They sampled it and it was well above the limits. The bank stabilization project was chosen to promote habitat restoration and also be low cost. The site is high traffic site above the Cataldo Mission. The river gradient is steeper where the water has more energy. Property Remediation is also happening at this site and so there is coordination between the programs. The site has a willing partner and easy access. Will be using earth filled fabric wraps – a mattress of willows underlays the wraps which is a key component of the cleanup. Timing is for the low flow in the fall and low use for the RV Park.

Questions:

- It was asked how big a mat is it and Moreen answered that it is 3 tiers. The question was asked because of the cost of willows resulting in a high cost.
- Is there stability over the long term when the fabric wears out? Answer: Tested quite well at other sites in Montana and Alaska.

- What does it cost compared to rock? Answer: Comparison has not been done.
- Why will they go to the extreme costs? Added comment that it could do much more with river rock and costs so much less and is a proven process. Answer: As the vegetation grows they enhance stability, shade for the stream and bugs for the fish. Moreen added that they also want to test the options as a pilot project. Another comment was that there were trees on another bank but the trees fall over do not hold the bank.
- Is there a monitoring data? Are you going to take economics in account or is based on habitat? Answer: Economics is indeed a concern and monitoring will be conducted.
- How long does it take to get established? Answer: In other locations only one season.
- Are you going to wait to see how this project works out before doing more? Answer: More of this type work not likely by EPA.
- A comment was made about the boat wakes and impact on the high banks at Cataldo. Also, that sediment breaks off and dissolves down the river. Boyd added that the banks were saturated.

Moreen talked about the geophysics and coring conducted in fall 2013 and provided an update on findings from the Lower Basin Sampling Project. He said that unfortunately, the geophysical testing did not correlate well with the actual cores pulled from the river so while those technologies could have accelerated river bed mapping they didn't produce the desired reliability.

They chose different bed sites; looked at dunes and scour holes and other formations for targeting coring of the upper 3 layers of sediment and drilled 316 holes from Cataldo Mission to Harrison. They mapped out the concentrations of lead. There are sites that are highly contaminated and get pushed into the Lake. Answers that we sought to understand included: Are there certain formations that are more concentrated than others?

Moreen also reported that they have a lead and sediment budget. They want to know how much is coming into the system and how much is going into the lake and they determine these factors by monitoring the sediment during high flow events and deposited sediment in the floodplain.

- How much is coming out at Harrison to Cataldo?
- Increasing or decreasing in this area? Answer: Increasing.

He commented that they do the same monitoring for lead and continue to keep the budget for these.

- 10% of the lead load at Harrison is coming from the Upper Basin (South Fork), about another 10% from the river banks and the remaining lead is coming from the river bed (about 80%)

Moreen said most of the bang for the buck is dealing with the riverbed.
He shared that EPA has been asked about dredging the river. He said that no decisions have been made but that it's important to understand that it would be a huge and costly undertaking.
He added that before doing a large scale cleanup, need to understand the riverbed. Need to talk about it in a public forum.

- When you have done core samples is that where you getting your high levels of lead? Answer: One of the ways to sample. They try to sample at the peak of level of river.
- Where was the heaviest level of concentration? Answer: There were different sites and events that produced the results.
- How deep do you go with your core samples? Answer: To pre-mining impacted sediments depth.
- Wondering about the wetlands? What good is it to work on the channel if there are still tailings? Answer: there are some wetlands that are more protected than others that might lend themselves to earlier safe feeding habitat.

- Effects of increased wakes and motorized activity? Do we know what the amount from man-made impact? Harwood shared about long discussions at previous CCC meeting about wake control but no one is going to enforce it. It was commented about a number of different designs that have been used to try to curb it. Wish to stabilize the riverbank so what can be done? He shared about the dredging in Cataldo for over 30 yrs.
- Comment that they cannot do anything. Who to talk to about it to address the issue?

David Fortier shared efforts that have been done with Fish and Game by the K-S Soil and Water Conservation District. One concern expressed was about the riprap and what will grow in it. One of the issues is the soil quality. Need to come up with how to address the upper bank to cut down bank erosion and what to do with the material on the banks. Need to come up with a strategy with what to do with the contaminated material. He thinks there is no place to take it. Another key thing with the riprapping is eliminating another area for exposure. Need to do discussions about it. What to do with the riverbed, banks, etc. besides just doing studies.

Moreen said the riverbed is the main source of lead contamination (about 80%). It is transported in flood events and varies greatly depending on flows.

- Wondered if EPA captured the March events? Answer: Yes, were able to collected suspended sediment concentration samples at select locations but not over the entire river given the unpredictable nature of this event and monitoring current potential high run-off because the current snow pack is well above average for this time of year.

Moreen said that if cleanup work is selected in the future that is not in the current OU3 ROD then an additional administrative process would have to be followed in order for cleanup work to proceed and that could include a ROD Amendment. This will have to be decided in the future. Rusty Shepard commented that this was about EPA saying "In the next 5 years EPA would determine if a ROD Amendment is necessary in order to carry out cleanup in the Lower Basin".

Basin Outreach: Upcoming Community Involvement Opportunities:

EPA Community Involvement Plan:
Rene Gilbert, EPA Community Liaison, asked how people heard about the meeting adding that they had advertised in the newspapers, mailers, and flyers in the community. She stated she was asking because we have a community involvement plan and have plans to ask to interview citizens in the week of May 15 to gather feedback. They want to know what are you hearing and do we have a system to address complaints. Do you feel you can talk to us? Boyd added that we are interested in the comments.

Denna Grangaard asked the attendees if there are topics they want us to cover, or issues we should talk about then please let us know for the next CCC meeting.

Announcements: Next BEIPC meeting is on May 14 at the CDA Inn and the summer quarterly meeting will be on August 13 with a field trip. Next CCC meeting will be on July 16 in the Upper Basin. It was agreed that most like the new time of 4:00 p.m. for the CCC meetings.

It was asked if there still is an existing group for the Lower Basin Collaborative. Additional comment stated that it is good to know there is a group even though it is inactive. Terry Harwood said that you should contact him and Jerry Boyd also offered to be contacted for information or concerns.

The CCC meeting was adjourned at 6:00 p.m. and refreshments provided by IDEQ were enjoyed while attendees mingled.