

**Interim
Record of Decision (ROD) Amendment,
Upper Basin of the Coeur d'Alene River**

**Bunker Hill Mining
and Metallurgical Complex
Superfund Site**

**Part 3 Section 4.0
Responses to Individual Comments**

United States
Environmental Protection
Agency Region 10

August 2012

Responses to Individual Comments

This section presents EPA's responses to individual comments received on the Proposed Plan. EPA received comments in various forms including letters, emails, and oral testimony at community meetings. The comments and EPA's responses are organized into the following attachments (the attachments are provided in electronic format):

- **Attachment A:** Index of Commenters and Responses
- **Attachment B:** Master Comment List
- **Attachment C:** Responses to Federal Agency Comments
- **Attachment D:** Responses to State Agency Comments
- **Attachment E:** Responses to Native American Tribe Comments
- **Attachment F:** Responses to Local Jurisdiction Comments
- **Attachment G:** Responses to Local Community/Special Interest Organization Comments
- **Attachment H:** Responses to Business Comments
- **Attachment I:** Responses to Individual Comments

Attachment A presents an Index of all comments sorted in two methods. First, all commenters are listed alphabetically by the last name of the person or the organization providing the comments. It provides the locations (Attachment and page number) of the comments and EPA's responses. Second, all comment are listed alphabetically/numerically by the comment number, along with the locations of the comments and responses.

Many comments address similar issues. In these cases, the response for a given issue is provided once. Responses to later comments on the same issue refer to the master comment list where this response is provided. These responses are referred to as "master comment responses" and are found in Attachment B. When using Attachment B, the user may find that the referenced response addresses more issues than he or she raised. In these cases, it is expected that the user will be able to identify those parts of the referenced response that apply. In other cases, a comment may raise multiple issues. In such cases, the user may be referred to several master comment responses for a complete response to all issues raised. An overview of the issues raised and EPA's responses is provided in Part 3, Section 3.0, Responsiveness Summary.

In Attachments C through I, the comments and responses are sorted alphabetically by the last name of the commenter. Each comment letter, email, and oral testimony comment was assigned a unique identification number (e.g., 1365213). Each comment was assigned a unique comment number (e.g., LJ36-1). Many commenters submitted more than one comment letter. In these cases, a separate identification number and comment number were assigned for each set of comments. This approach helped EPA ensure that all comments were addressed.

In Attachments C through I, an image of the original comment is shown on the left side of the page and includes EPA's delineation. The right side of the page presents EPA's response to that comment.

A number of commenters' names were illegible, and these commenters are listed as "Unknown." EPA has included their comments in Attachment I and has responded to the comments where possible.

As provided in the CERCLA statute, Section 117(b), EPA is only responsible for providing responses to each of the "significant" comments, criticisms, and new data. Comments not meeting this statutory criterion have nonetheless been recorded in this section, and responses have been provided to the extent possible.

ATTACHMENT F

Responses to Local Jurisdiction Comments

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Benewah County, LJ38, Letter 1365217

Board of
County Commissioners
245-2234

Clerk District Court
Auditor and Recorder
245-3212

Treasurer and
Tax Collector
245-2471



County of Benewah
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Assessor *11/23/10*
245-2821
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245-2555
Coroner
RECEIVED
NOV 26 2010
Environmental
Cleanup Office

November 23, 2010

Coeur d'Alene Basin Team, EPA
1200 6th Avenue, Suite 900, MS ECL-113
Seattle, WA 98101

RE: Comment on the Proposed Plan – Upper Basin of the Coeur d'Alene River, Bunker Hill
Mining and Metallurgical Complex Superfund Site

Benewah County has reviewed the comments submitted by Shoshone County. All of the
proposed work will be done in Shoshone County.

LJ38-1 We have been concerned for many years that the remediation has not consistently been
focused on the highest priority projects where the remediation produces the highest benefit for
money spent. We have also voiced our concern about the EPA's determination for a 50 to 90
year plan. We are opposed to the 50-to 90 year plan and would support a more focused plan of
LJ38-2 10 years. It is our understanding that the Water Quality Criteria for the upper basin is
LJ38-3 recognized as being unattainable by nearly everyone including the National Academy of
Sciences. It is time to use common sense and establish reasonable water criteria.

LJ38-4 Shoshone County, like Benewah, has high unemployment and a depressed economy. Cleanup
jobs are a help, but what is really needed is a Record of Decision (ROD) that helps mining and
logging along with environmental goals.

LJ38-5 My time on the Basin Commission, as well as my discussions with Shoshone County, raise many
concerns about the ROD amendment. Benewah County concurs with the comments submitted
by Shoshone County. We are hopeful that the Basin Commission will be very involved as EPA
proceeds with the cleanup.

Sincerely,

Jack A. Buell, Chairman, Board of Benewah County Commissioners

JAB:jmr

Response to comment LJ38-1

See response to Comment No. I822-14.

Response to comment LJ38-2

See responses to Comment Nos. I58-1 and I474-2.

Response to comment LJ38-3

See response to Comment No. SA4-11.

Response to comment LJ38-4

See responses to Comment Nos. I58-5 and I474-1.

Response to comment LJ38-5

Thank you for your comment.

USEPA SF
1365217

Board of Kootenai County Commissioners, LJ58, Letter 617578

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Superfund ROD Amendment
Lori Cogley
to:
CDABasin
11/23/2010 03:51 PM
Show Details

23 November 2010

Coeur d'Alene Basin Team
U.S. Environmental Protection Agency
1200 6th Avenue Suite 900
MS ECL-113
Seattle, Washington 98101

To Whom It May Concern:

Kootenai County is pleased to submit comments on the Proposed Plan for a **ROD** Amendment for the Upper Basin of the Coeur d'Alene River, Bunker Hill Mining and Metallurgical Complex Superfund Site.

EPA's Proposed Superfund ROD Amendment contains some parts that we support and those areas we oppose and the priorities for both cases. We also believe that the cost of the proposal is excessive and the time for completion should be reduced. Following are the efforts that Kootenai County supports and opposes:

- LJ58-1
- Support
 - Remedy Protection;
 - Excavation of contaminated sediment from the South Fork and tributary stream channels including those in the Box and placement in secure repositories;
 - Collection and treatment of contaminated groundwater to improve stream water quality.
 - Stabilization of streambanks provided it is demonstrated that the remedy will reduce the severity of flooding in adjacent developed areas.
 - Consolidating and capping of mine wastes in the upper drainage's of tributaries if the piles contain contaminants of concern above action levels particularly those that are leaching or actively eroding.
 - Oppose:
 - Selection of ROD Remedies calling for construction or installation of features in the stream channels of the South Fork and its tributaries adjacent to houses or other development until after a detailed analysis, including of the effects of remedies on floodwater routing and the effects of floods on the remedies is done;
 - Selection of ROD Remedies calling for impervious caps or slurry walls on or around leachable materials in the area where groundwater collection for treatment will be done unless it can be demonstrated that the overall cost of remediating will be less with the cap and/or slurry wall than it will be with groundwater collection and treatment alone;
 - Selection of ROD Remedies (other than groundwater collection and treatment) for active mine sites;
 - Selection of ROD Remedies (other than groundwater collection and treatment) for sites that have already been remediated such as The Hercules Millsite, The Coeur d'Alene Millsite, The Gioconda Millsite, the Rex Area, Rails to Trails or any area where the yard program has installed an adequate cap;
 - Selection of EPA remedies for waste piles or adits on Federal lands controlled by the BLM or USFS;
 - Selection of remedies for waste piles where EPA has no analytical data to show if contaminants of concern are present;
 - Water treatment of adit flows unless it can be demonstrated that it will provide significant improvement to fish and aquatic life habitat.

Following is the rationale that we used in arriving at our conclusions:

- LJ58-6
- In our opinion, a lot of the proposed Rod Amendment has not been developed in enough detail for either the public or EPA to really evaluate the probable impacts in the Silver Valley and beyond. EPA waived their own or other Executive Branch procedures in developing the Rod Amendment. EPA procedure 40CFR300.430 states "The development and evaluation of alternatives shall reflect the scope and complexity of the remedial action under consideration . . ." and Executive Order 11,988 states "In carrying out the activities described in Section 1 of this order, each agency has the responsibility to evaluate the potential effects of any actions it may take in a Flood plain. . . .". The waiver was granted because EPA claimed the superfund area was far too large and not enough "technical data" was available to make informed decisions. This fact can clearly be illustrated. We believe by waving these key procedures it allows EPA to write most any cleanup action in the affect area into the document with very little or any supporting documentation to accomplish their cleanup actions. The National Academy of Science (NAS) agrees with this position (i.e., page 136 in their report on the CDA Basin "Lessons Learned from the CDA Basin") #11 "EPA has not adequately characterized the substantial hydrologic and climatic variations that can occur in the Basin".

- LJ58-7
- A good example to illustrate our point about the ROD Amendment is the proposed action of dredging, placement of a liner in the channel
- 617578
- file:///C:/Documents and Settings/mcapple/Local Settings/Temp/notesBAA25/~web1047.... 11/24/2010

Response to comment LJ58-1

Comment noted and appreciated.

Response to comment LJ58-2

During site characterization and remedial design of remedy protection, source control, and water quality projects, EPA will continue to coordinate with local communities and flood control authorities, the Basin Commission, the U.S. Army Corp of Engineers, and the Federal Emergency Management Agency. This coordination will ensure that cleanup actions do not exacerbate flooding concerns along the SFCDR and Pine Creek, and will leverage future work by the various entities involved in SFCDR and Pine Creek activities. In addition, EPA will implement the Upper Basin Selected Remedy in compliance with applicable or relevant and appropriate requirements (ARARs) and will refer to information "to be considered" (TBC), including official documents that address flooding such as Executive Order 11988, Protection of Floodplains. Among other things, Executive Order 11988 requires federal agencies performing actions within a floodplain to minimize potential harm to or within the floodplain and to avoid long- and short-term adverse impacts caused by floodplain modifications. Thus, as cleanup work is carried out within the floodplains of the SFCDR and Pine Creek, efforts will be made to comply with the mandate of that Executive Order.

Response to comment LJ58-3

In response to comments, EPA has significantly reduced the scope of the Selected Remedy and is not including all the remedial actions that were identified in EPA's Preferred Alternative for the Upper Basin in the Proposed Plan. As to selection of exact details regarding remedial techniques, these are appropriately reserved to the remedial design phase. However, there certainly will be locations where mere groundwater collection and treatment will be insufficient to adequately control problems over time, and more permanent measures will be appropriate. As to active mine sites, the Selected Remedy no longer includes remedial actions at active facilities. As to remediation at sites that have already been remediated, there are a number of sites within the Upper Basin where cleanup actions have previously been conducted as a removal action or as part of the 2002 Record of Decision for OU 3 (EPA, 2002; www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf), but the effectiveness of those cleanup actions is still being evaluated through routine

monitoring and the Five-Year Review process. Most of these sites were included in the Preferred Alternative, but are not included in the Selected Remedy. The potential need for additional cleanup actions at these sites will be evaluated through the Five-Year Review process, consistent with the National Oil and Hazardous Substances Pollution Contingency Plan. If it is determined that more actions are needed, they will be implemented by EPA under the existing authority of the 2002 ROD.

Response to comment LJ58-4

See responses to Comment Nos. LJ39-5 and I58-1.

Response to comment LJ58-5

See response to Comment No. I899-7.

Response to comment LJ58-6

In selecting the remedy in the ROD Amendment, EPA did not provide any waivers as the commenter suggests. On the contrary, the remedy selected in the ROD Amendment is based upon, among other things, an evaluation of remedial alternatives that satisfies the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan. In addition, as described in Section 13.2 of the ROD Amendment, EPA will consider Executive Order 11,988 as it designs and implements components of the Selected Remedy in areas within the floodplain. This will ensure that, to the extent possible, adverse impacts on the floodplain will be avoided as a result of cleanup actions undertaken in the floodplain. See Responses to Comments Nos. LJ39-5 and LJ27-8.

Response to comment LJ58-7

See response to Comment No. I828-10 regarding water treatment actions (including liners and drains) along the SFCDR. See response to Comment No. LJ36-3 regarding flooding issues in the Upper Basin.

- LJ58-7 of the South Fork of the CDA River (SFCDA) between Wallace and Kellogg, and French Drains. The stream channel designs as proposed in the ROD Amendment for the SFCDA in the proposed plan will result in increased flooding in the area of Wallace. EPA, in public meetings in Wallace, has stated that they don't possess the technical expertise or the regulatory authority to accomplish this task described in the Draft Rod Amendment. The work on the stream channels requires more engineering development, coordination with other Federal and State Agencies and official approval by the Army Corps of Engineers (COE) before incorporating into any Rod Amendment. COE has the regulatory Authority and Technical expertise to develop a Supplemental Feasibility Study that adequately evaluates all the potential effects including floodwater routing through the Silver Valley. Additionally, French Drains will not accomplish their task in this or any other proposed use and should be replaced by extraction wells which are more economical and efficient in accomplishing the task of collecting contaminated ground water. Kootenai County's conclusion is that this work should not be included in the current Rod Amendment.
- LJ58-9 Kootenai County supports the work for surface and/or groundwater treatment (i.e., Bunker Hill Groundwater, Woodland Park Ground Water including Water from the Gem Portal), with the exception of the use of "French Drains". Along with the collection and treatment of surface/ground water in Canyon and Nine Mile Creeks, Kootenai County believes that this work will have the largest effect in reducing the soluble zinc in the lower basin and CDA Lake for the lowest expenditure of money. EPA should assign the highest priority to this work.
- LJ58-10 However, Kootenai County believes even after the work pertaining to surface and/or ground treatment, the SFCDA will not meet the current Water Quality Standards. We believe the SFCDA, whose beneficial use is as a trout fishery, has a far to conservative Idaho Site Specific Water Quality Standard. Idaho DEQ should negotiate with EPA to change the standard from chemical derived standards to Biological monitoring. NAS recommended this approach (i.e., using Biological Monitoring) in their report (i.e., "Lessons Learned from the CDA Basin"). On page 363 paragraph of the NAS report they state "... is that contaminated water is only one of the threats facing the native species of fish ...". Later on in paragraph 4 they continue "Thus, in the case of fish, the ARARS represent a clear, measurable indicator of when the cleanup is successful. However, it may not be possible to achieve the ARARS, and even if they are achieved, improved water quality alone may not be sufficient to ensure the viability of the fish population of concern." Continuing on paragraph 2, page 364 "EPA could exempt the cleanup from meeting water-quality standards if the agency could demonstrate that fish and aquatic life can be protected without achieving these standards." It continues to state "The approach of using biological indicators rather than chemical concentrations to evaluate water quality is well-established in scientific literature. ...". The cost of the proposed cleanup appears to be excessive and driven by the conservative Idaho Site Specific Water Quality Standards. In the Proposed Rod Amendment, Figure 16 demonstrates that much of the overall cost of the cleanup is driven by EPA's attempt to meet the Idaho Water Quality Standards. EPA also acknowledges the proposed program will not meet the standard. Kootenai County proposes that EPA and ID DEQ negotiate an equally protective Site Specific Water Quality Standard based on Biological monitoring. The current Site Specific Standard was negotiated in 2000 and was suppose to protect the use of the South Fork of the Coeur d'Alene River (SFCDA) as a trout fishery. However, currently the SFCDA has a trout fishery as Silver Valley residents catch cut throat regularly and as acknowledge by EPA in Figure F-9 of the proposed plan. Figure F-9 clearly states that the SFCDA has a Tier 3 fishery which has a moderate trout fishery. Kootenai County believes by accomplishing the Box's ground water program, the Canyon creek effort and removing the contaminated sediment in the SFCDA, there is a good chance for the SFCDA to advance to a Tier 4 fishery. Another approach to obtain a realistic standard is that since Idaho DEQ is the Regulatory Agency, the Clean Water Act provides for States to do a Use Attainability Analysis (UAA) to evaluate what can really be achieved and the cost-benefit trade off. Idaho DEQ could do a Use Attainability Analysis (UAA) for the SFCDA and change to Biological indicators in place of current chemical indicators. If EPA rejects these suggestions, a third viable alternative is to waive the applicable ARARS on the SFCDA as suggested by NAS as quoted from their report above.
- LJ58-12 In the ROD Amendment, many of the projects listed provide very little benefit for the cost. An example of this fact is the approximately 22 mill sites where EPA proposes "Site mini-treatment facilities" which are propose to reduce metal content in the surface water. Work done in the Pine Creek drainage in recent years by BLM showed this method to be costly and inefficient. Also, many of the proposed water treatment sites are in drainages where there is not even a problem (i.e. they meet water quality standards).
- LJ58-13 We also believe that including active mine facilities in the cleanup plan is stretching EPA's authority, and has never before been done by EPA. Selection of remedies for active mine sites such as KLE 053, KLE 026, KLE 035, KLE 055, KLE 064, KLE 061, KLE 062, KLE 095, WAL 020, WAL 036, MUL 019, MUL 038, and MUL 053. If EPA really intends to encourage the continuation of mining in the Silver Valley we do not see how the decision maker can select a remedy at this time for a facility that may be significantly be altered in the course of mining operations. Mine waste dumps may be added to or hauled away to construct other facilities. Tailings ponds may be expanded or capped with structural fill to allow construction of other facilities. These facilities should also have NPDES and Stormwater Permits that are defined as not being a release under CERCLA. It is only when operators wish to terminate those permits that a suitable closure plan must be developed. If the permits are terminated without addressing continuing problems then those discharges can become releases under CERCLA and EPA has jurisdiction to develop and impose a remedy. Until then remedies for those possible source areas should not be included in a ROD Amendment.
- LJ58-14 Kootenai County's final comment regarding the Rod Amendment is that we have some concern about EPA's use of Adaptive Management. EPA's justification for presenting remedies that are not adequately developed is that they are going to use "adaptive management" as recommended by the National Academy of Sciences. EPA will collect more information and develop more detailed plans after the ROD is issued during the Remedial Design / Remedial Activities phase of the cleanup. However, our reading of "40CFR300.435 (b) RD/RA Activities. (1) All RD/RA activities shall be in conformance with the remedy selected and set forth in the ROD or other decision document for that site." tells us that EPA does not have much latitude for adaptive management after selecting a remedy and issuing a ROD. Can EPA ignore this guidance and substantially change a remedy without issuing an Explanation of Significant Differences document or another ROD Amendment? Are the details of specific source area remedies presented in the cost estimate an integral part of the remedy description by which to judge RD/RA activity conformance? Given EPA's publicly expressed reluctance to doing ROD Amendments it appears to us that adaptive management should precede formal selection of a remedy in a ROD. Presenting well developed plans supported by real data would also greatly improve relations with the local community by giving them the opportunity to evaluate and comment on remedies EPA really intends to implement. The present Typical Conceptual Design approach has the
- LJ58-15 file:///C:/Documents and Settings/mcaple/Local Settings/Temp/notesBAAA25/-web1047.... 11/24/2010

Response to comment LJ58-8

Lining streams with a synthetic geomembrane to reduce surface water flow into contaminated subsurface material, then collecting contaminated groundwater using drains before it flows into a stream, is a technology approach called "hydraulic isolation." Since the NAS review, EPA has conducted studies to evaluate groundwater-surface water interactions and characterize aquifer properties in key areas of the Upper Basin, conducted pilot studies for groundwater treatment, and evaluated the cost of implementing various groundwater treatment technologies. This information has enabled hydraulic isolation actions to be refined. For example, as a result of this work it was determined that though active water collection options (extraction wells) have relatively low estimated capital and 30-year net present value (NPV) costs compared to the passive water collection options (French drains), the number of wells needed to replace the function of the drains is relatively high. For example, an estimated 41 wells would be needed in Woodland Park to replace the planned French drain in that location. These wells would need to be constantly monitored and adjusted to maintain the desired hydraulic control with seasonally fluctuating flows. French drains will be tested at the site prior to implementation. Information collected during testing will be used to inform decisions about groundwater collection methods to be used throughout the Bunker Hill Superfund Site. Specific groundwater collection methods will also be evaluated on a site-by-site basis during remedial design, when more site-specific information will be available. If the results of drain testing and site-specific design activities indicate that an alternative groundwater collection method (such as wells) would be most appropriate for a given site, then those alternative methods will be used. This approach is consistent with EPA's adaptive management strategy for the site.

Response to comment LJ58-9

Comment noted. EPA agrees and is identifying the groundwater and adit collection actions in Canyon Creek, Ninemile Creek, Osburn, and the Bunker Hill Box as a high priority to reduce metals loading to the Lower Basin and CDA Lake.

Response to comment LJ58-10

See responses to Comment Nos. SA4-11 and SA4-13.

Response to comment LJ58-11

See responses to Comment Nos. SA4-11 and SA4-13.

Response to comment LJ58-12

See responses to Comment Nos. SA4-11 and SA4-13.

Response to comment LJ58-13

See responses to Comment Nos. I899-7 and I822-14.

Response to comment LJ58-14

As described in the ROD Amendment, Part 2, Section 14, EPA has removed active facilities from the Selected Remedy.

Response to comment LJ58-15

Adaptive management does not mean that EPA can change the Selected Remedy without meaningful public participation. In fact, if EPA determines in the future that significant changes to the remedy are necessary, then EPA is legally obligated by CERCLA to address these changes through either an Explanation of Significant Differences or another ROD Amendment. Within the context of the Selected Remedy, adaptive management simply means that EPA will implement specific cleanup actions included in the remedy, monitor the effectiveness of those actions to determine whether cleanup goals are being achieved, and make adjustments to future cleanup actions to benefit from the information gained through the effectiveness monitoring. If these adjustments require significant changes to the Selected Remedy, EPA will prepare a new decision document that will be submitted for public comment. Adaptive management does not relieve EPA of these obligations under law and policy, or of its commitment to work with the affected communities. EPA anticipates that changes from the typical conceptual designs specified in the ROD Amendment to the site-specific remedial designs will be small and primarily related to quantities (e.g., the volume of soil requiring excavation) rather than to remedial technologies. However, it is possible that some significant decisions will need to be made after the ROD Amendment is issued. EPA will determine whether these warrant separate decision processes, such as another ROD Amendment or an Explanation of Significant Differences. In any event, the public will have the opportunity to review implementation plans, site-specific remedial design documents, and any future decision documents.

Response to comment LJ58-16

See responses to Comment Nos. I58-1 and I58-2.

LJ58-15 practical effect of denying the local community that opportunity.

LJ58-16 In summary, Kootenai County supports some of the technical work to be done by EPA as proposed in the ROD Amendment, but most importantly it opposes the \$1.39 billion cost and its extreme time duration. By our analysis the cost of the Rod Amendment could be approximately \$500 million with a duration of approximately 20-30 years. Kootenai County has summarized those portions of the Rod Amendment we support and those portions we oppose in this letter (i.e. para. 3). Also include is our rationale and suggestions on how EPA can reduce the programs cost (i.e. ID DEQ conducting a UAA and or waiver of applicable ARARS on the SFCDAR) and hence the program will not take as long to complete based on the lower cost of the program. We also implore EPA to find sufficient funding to immediately start the surface water/groundwater work in the "BOX " and Canyon Creek, which would immediately reduce the soluble zinc in the SFCDAR by up to 60 percent. That program yields the largest reduction in the whole Rod Amendment at the lowest cost. Kootenai County stands ready to answer and questions that EPA may have regarding their rationale.

Very truly yours

Board of Kootenai County Commissioners

cc- Toni Hardesty Director ID DEQ
Congressional Delegation
Kootenai Co Legislators

Broadsword, Senator Joyce, LJ8, Letter 616015-7

Sen. Joyce Broadsword: We would like to: shorten the proposed timeline of the plan; reduce the overall cost; focus on the protection of areas that have already been remediated; focus on storm water runoff prevention to protect populated areas which have already been cleaned up; plan for 100-year flood event not a 50-year flood plan event as is in the plan; specifically protect current and future mining opportunities in the Silver Valley; determine the best way to treat surface water without dewatering the tributaries to the Coeur d'Alene River; extend the comment period to the end of the 2011 legislative session; provide numerous opportunities for meaningful public input without – she's holding up the 30-second sign, out of time, but I do so appreciate you being here tonight and listening to what our people have to say about this issue. Thank you.

LJ8-3 LJ8-2 LJ8-4 LJ8-5 LJ8-6 LJ8-7

Sen. John Goedde: I'd like to read excerpts of the Senate Concurrent Resolution 127 as passed in the 2010 session. "Concurrent Resolution stating the findings of Legislature and resolving that the citizenry in the state of Idaho have ample opportunity to provide substantive review and comment on any Records of Decision or amendment proposed by the United States Environmental Protection Agency for the Bunker Hill Superfund site. Whereas, the state of Idaho has certain national obligations related to the cost of the cleanup under the Records of Decision; and whereas, the Idaho State Legislature is responsible for appropriating funds to provide for the state of Idaho's contribution to the cleanup effort; and whereas, any amendments to the existing Records of Decision will have direct and significant impact on the citizens, businesses and local communities in the area and the Environmental Protection Agency may seek additional financial commitments from the state of Idaho; and whereas, the Idaho State Legislature desires to ensure cleanup efforts in the Coeur d'Alene Basin under any proposed amendments to prior Records of Decision proceed only after the state of Idaho has adequate opportunity to review and analyze the impacts of the proposed amendments on the state of Idaho, its businesses, its local communities and citizens. Now, therefore, be it resolved by members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that citizens, business owners, local governmental entities within the Coeur d'Alene Basin and

Idaho – Lower Cost, More Convenient Contributions
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Response to comment LJ8-1

See response to Comment No. I58-1.

Response to comment LJ8-2

See responses to Comment Nos. I58-1 and I58-2.

Response to comment LJ8-3

See response to Comment No. I54-5.

Response to comment LJ8-4

The 50-year flood event was used as the basis for developing remedy protection actions and estimating costs to remain consistent with, and in some cases more protective than, design engineering standards developed for the Bunker Hill Superfund Site (Welch, Comer & Associates, Inc., March 2, 1994, *Bunker Hill Superfund Site, Stormwater Management Plan, Criteria and Engineering Standards. Final Draft*), the State of Idaho Transportation Department (Idaho Transportation Department, 2009, *Idaho Design Manual*), and the Washington State Department of Transportation (Washington State Department of Transportation, 2008, *Highway Runoff Manual*). It is important to note that the remedy protection actions included in the Selected Remedy are not final designs. Additional design and analysis will be completed prior to implementation, and the protectiveness of each remedy protection action will be determined based on design engineering standards.

Response to comment LJ8-5

See response to Comment No. I58-5.

Response to comment LJ8-6

See response to Comment No. I54-6.

Response to comment LJ8-7

See response to Comment No. I54-6.

Response to comment LJ8-8

Thank you for your comments.

Broadsword, Senator Joyce, LJ51, Letter 619651-6

EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

Page 13

1 I would also say as we go forward, if you're
2 representing a group, please identify, and we would like
3 everybody to identify themselves when they start to talk
4 even if I've done it, which helps the transcriptionist.
5 So thank you, Senator.

6 SENATOR BROADSWORD: Thank you, Mayor Vester.
7 I am Senator Joyce Broadsword. I do represent this
LJ51-1 8 area. I would also like to echo the good governor's
9 words. His comments are very concise and I stand behind
10 his positions.

11 I'd like to thank the mayors for putting this
12 meeting together. Every opportunity that we have as
LJ51-2 13 citizens to say what our feelings are about this process
14 is incredibly important. I'd like to thank the EPA for
15 extending the comment period.

16 The unity of this valley is never something
17 that I've doubted. You have stood together through
18 thick and thin, and this is no exception. But it is
19 wonderful to see all those mayors in one location. I
20 think that Mayor Pooler, who spoke wisely about the
21 flood control issues and the levies, this is something
22 we really need to focus on so that we do not
LJ51-3 23 recontaminate.

24 As Mayor Groves has said, areas that have
25 spent hundreds of millions of dollars of taxpayer

Response to comment LJ51-1

Comment noted.

Response to comment LJ51-2

Thank you for your comment.

Response to comment LJ51-3

See responses to Comment Nos. I54-5 and LJ36-3.

EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

Response to comment LJ51-4
See response to Comment No. I58-1.

LJ51-3

Page 14

1 dollars to clean up, we don't want to have to redo work
2 that's already been done. There are important things
3 that need to be cleaned up, but they need to be within
4 reason and within reasonable length of time and done and
5 over with and on with our lives. So I think the length of
6 of the ROD is still very disturbing to me. I will put
7 more in-depth comments into the record in the future for
8 the ROD itself, and I thank you for this opportunity.
9 Good evening.

10 (Applause.)

11 MAYOR VESTER: State Representative Mary Lou
12 Shepherd followed by State Representative Dick Harwood.

13 MARY LOU SHEPHERD: At least I have a podium I
14 can stand up and be seen and now a microphone that
15 adjusts for me.

16 Thank you, Mayor. Thank you all for being
17 here tonight. I can't imagine what it would take to get
18 all of you together in the same room at the same time.
19 Thank you for doing that. This reminds me of a meeting
20 long ago at the old Wallace High School in the gymnasium
21 there. I proudly stood with then Governor Kim Thorn at
22 his side on the stage at the gymnasium as he pounded his
23 fist I don't know how many times that night on the
24 podium saying, "EPA, I'm just about ready to tell you to
25 leave and don't you ever come back." Well, had he done

Broadsword, Senator Joyce, LJ60, Letter 610097-18

68

1 SENATOR JOYCE BROADSWORD: I appreciate
2 that, but I hope you will allow me just a little
3 bit of latitude as I am speaking not only for
4 myself but for Representative Harwood, who
5 couldn't be here this evening due to a health
6 issue, and Representative Shepherd.

7 I'm hearing from the back I have to pick
8 up both mics. Okay. I didn't know my friend Hap
9 was a stand-up comedian.

10 We represent thousands of constituents
11 throughout Benewah, Bonner, Kootenai and Shoshone
12 Counties. Like our constituents, we live and work
13 around the Upper Basin. We greatly appreciate the
14 opportunity to comment on USEPA's Proposed Coeur
15 d'Alene River Basin Cleanup. But we have some
16 serious questions and concerns.

17 Anne, you don't have to write all this
18 because I'm going to give you my written comments.
19 Just saving your fingers.

20 We're concerned with the Plan's 50- to
21 90-year implementation time. This figure is
22 enormous and it is our feeling that the Plan of
23 this extensive length is not in the best interest
24 of the citizens of the Silver Valley.

25 We are concerned that a plan of this

Response to comment LJ60-1

See response to Comment No. I58-1.

Response to comment LJ60-2

See responses to Comment Nos. I474-1 and I58-5.

LJ60-1

LJ60-2

LJ60-2

1 length could potentially have serious impacts on
2 the economy in terms of not only natural resource
3 extraction and related jobs but our growing
4 tourism sector.

5 The Silver Valley is consistently one of
6 the counties with the highest unemployment rates
7 in the nation, and it's our feeling that a
8 prolonged, extensive Cleanup Plan will do more
9 harm than good.

10 The Proposed Plan also comes with an
11 inflated price tag. A \$1.3 billion cleanup
12 strikes us as unconscionable, particularly in our
13 present economy. We agree that clean is an
14 admirable goal, but the State of Idaho is facing a
15 budget crisis of unprecedented proportions. We
16 cannot be expected to foot the bill for certain
17 aspects of this Plan.

LJ60-3

18 The Superfund Cleanup efforts require a
19 10 percent match from the State. We understand
20 that the Asarco funds don't have to be matched,
21 but the \$1.3 billion price tag includes more than
22 the Asarco funds. We're concerned that the
23 operations and maintenance costs of that funding
24 in the future will be detrimental to the State, to
25 Shoshone County, and to the citizens who live

Response to comment LJ60-3

During the planning for remedial action implementation, the consideration of adequate funding for operation and maintenance (O&M) of remedial actions is critical. A preference for implementation of low O&M remedial actions, where practicable, will be included in the implementation planning process. As the commenter noted, some settlement monies can potentially fund O&M costs. Also see responses to Comment Nos. I58-1 and I58-2.

LJ60-3

1

here.

2

Furthermore, we are concerned that the majority of the funding in this plan does not include protection for the remediated yards and home sites in the populated areas of the Valley.

3

In our collective estimation, this work has already occurred at a high cost and should be protected and stabilized with available funding.

4

We are concerned about the possibility of a 100-year flood event and the potential impacts on the Valley.

5

We would respectfully ask you to address the impact of a major flood event on the South Fork of the Coeur d'Alene River and the potential disaster waiting to happen if steps are not taken to repair and protect the current levy system.

6

Both Kellogg and Pine Creek are possible breaking points for the levies, and they would wash through their towns and wipe out all the remediation work that has been done to date.

7

This Proposed Plan can also be interpreted as a threat to current and future mining jobs in the Silver Valley. EPA's language in this plan states that mining activity is, quote, likely to continue. We feel that language is vague and does

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Response to comment LJ60-4

Comprehensive flood control is a complex multi-jurisdictional issue that exceeds the expertise and regulatory authority of EPA's CERCLA cleanup program. EPA is eager to ensure the long-term performance of the Selected Human Health Remedies. EPA is therefore committed to working with local, state, and federal entities with an interest in SFCDR flood issues and, consistent with EPA's authority, to help craft solutions. EPA can and will contribute to efforts to understand SFCDR flooding and, if these efforts identify actions that will meet Superfund remedy requirements, EPA will define and select these activities in future decision documents. CERCLA requires that EPA's contribution to flood control work must have a direct connection to the CERCLA remedy.

Response to comment LJ60-5

See response to Comment No. I58-5.

71

LJ60-5

1 not provide any certainty or security to the
2 mining industry, which is hugely important to the
3 Silver Valley and to the State of Idaho. 23.3
4 percent of mining in the State of Idaho happens in
5 Shoshone County, and our mining represents over 11
6 percent of the jobs in the county. Mining is a
7 part of our heritage, and these jobs pay well, are
8 year-round, and provide an economic engine for the
9 area. We need this to continue.

10 We strongly request that EPA reconsider
11 the language in the Proposed Plan with regards to
12 the mining industry and any other industries which
13 stand to be affected by the Proposed Plan.

14 And I'm getting real close.

LJ60-6

15 Additionally, we are highly dismayed to
16 learn that there is only one 45-day comment
17 period. The Proposed Plan is a massive document,
18 and it is our feeling that the citizens of the
19 Valley, especially those who have only recently
20 come to the area, need more than 45 days to learn
21 the history of the EPA process in the Valley as
22 well as to consider the Proposed Plan and its
23 potential ramifications. We respectfully request
24 an extension to the current 45-day comment period.

LJ60-7

25 We're also concerned that the Proposed

Response to comment LJ60-6

See response to Comment No. I54-6.

Response to comment LJ60-7

See response to Comment No. I54-8.

	1	Plan will reduce the amount of water in the
	2	Coeur d'Alene River and its tributaries. We have
	3	concerns about any amount of water that is removed
LJ60-7	4	from the upper reaches and not replenished back
	5	into the same area from which it was removed. The
	6	potential ecological ramifications of this course
	7	of action, particularly in years of bad drought or
	8	fire danger, are potentially staggering.
	9	It is our official position that as
	10	elected representatives of this region, the EPA
LJ60-8	11	should shorten the proposed timeline, reduce the
	12	overall cost of the Plan, focus on the protection
LJ60-9	13	of areas that have already been treated, focus on
	14	storm water runoff prevention to protect populated
	15	areas which have already been cleaned up,
LJ60-10	16	specifically protect current and future mining
LJ60-11	17	opportunities in the Valley, determine the best
	18	way to treat surface water without dewatering the
	19	tributaries to the Coeur d'Alene River, extend the
LJ60-12	20	comment period, and provide numerous opportunities
	21	for meaningful public input.
	22	We appreciate the opportunity to provide
	23	these comments. Thank you.
	24	BOB WHEELER: Thank you, Senator. Again,
	25	Terry Harris. And we have seven pages left to go,

Response to comment LJ60-8

See responses to Comment Nos. I58-1 and I58-2.

Response to comment LJ60-9

See response to Comment No. I54-5.

Response to comment LJ60-10

See response to Comment No. I58-5.

Response to comment LJ60-11

See response to Comment No. I54-8.

Response to comment LJ60-12

See responses to Comment Nos. I54-6 and LJ11-2.

Central Shoshone County Water District, LJ19, Letter 1308804



Written Comments

BBWSF
21,53
11/03/10

The U.S. Environmental Protection Agency (EPA) invites your comments on its **Proposed Plan** for cleaning up contamination in the **Upper Basin of the Coeur d'Alene River**. Your comments are encouraged to help shape the final cleanup plan. EPA will consider all comments received during the public comment period from **July 12, 2010 to November 23, 2010**.

NAME	ADDRESS and/or E-mail	AFFILIATION	Are you interested in future mailings? Check Here.
------	--------------------------	-------------	--

DENNIS (BARNEY) NORRIS	MANAGER@CSC.WATER.DISTRICT.CO	CENTRAL SHOSHONE CO. WATER DIST. + KOLLEGE CAMP COUNCIL	<input type="checkbox"/>
---------------------------	-------------------------------	--	--------------------------

YOUR COMMENTS
AS A TASK FORCE MEMBER, CITY COUNCIL MAN, AND WATER DISTRICT MANAGER, I WANT TO SEE ALTERNATIVE #15 + 16* + 17* FILLED FIRST. WE HAVE A 12" WATERLINE IN PLACE TO SUPPLY INDUSTRIAL GROWTH AND MAKE NEW JOBS FOR OUR VALLEY. SECONDLY WE NEED TO FILL EAST + WEST PAGE REPOSITORY FOR GROWTH AND USEABLE FLAT GROUND. BUT NOT TO TALL TO CAUSE PROBLEMS TO SFCRSD TREATMENT PLANT

If you would like more time to consider your comments, please take this with you. To mail it from home, please fold it twice (see the markings on the back), staple or tape it shut. Add a postage stamp and mail it **not later than November 23, 2010**.

Or, e-mail your comments to cdabasin@epa.gov



Response to comment LJ19-1


Comment may be referring to a range of possible Box Institutional Controls Program (ICP) repository locations evaluated by IDEQ and EPA in 2010. The agencies subsequently determined that expanding the existing Page Repository into the West Page swamp provided the best tradeoff of benefits and costs to meet long-term Box ICP disposal needs. Alternatives 15, 16, and 17 involved use of Government Gulch as an ICP repository. While the Government Gulch location was not the selected location for a long-term Box ICP repository, EPA is open to use of Government Gulch for disposal of ICP waste with appropriate design, operation, and maintenance considerations and is consistent with the Selected Remedy.

Response to comment LJ19-2

Thank you for your comment. EPA has appreciated the input received from both the South Fork Sewer District and Bunker Hill Task Force on the siting and conceptual design of the long-term Box ICP repository. EPA and IDEQ look forward to continuing to work together on the Page Repository expansion design.

Chadderdon, Marge, LJ42, Letter 1365278

MARGE CHADDERDON
DISTRICT 4
KOOTENAI COUNTY
HOME ADDRESS
109 LAKEVIEW DRIVE
COEUR D'ALENE, IDAHO 83814
(208) 769-8309
(208) 699-8133
EMAIL: mchadder@house.idaho.gov



**House of Representatives
State of Idaho**

RECEIVED
NOV 22 2010
Environmental
Cleanup Office

COMMITTEES
BUSINESS
EDUCATION
LOCAL GOVERNMENT
BBWJF
21.5.3v2
11/22/10

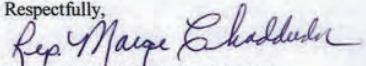
EPA, ECL-113
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Greetings,

My comments to you today are brief. As a Citizen Legislator from Idaho my first responsibility is to the citizens in Idaho. Once elected we meet for a three month legislative session and return home and maintain close ties to our communities and listen to the concerns of those that elect us.

LJ42-1 During my tenure as a legislator I have followed the EPA's work in the Silver Valley. Recently I attended the open hearing on the proposed 50 to 90 year expansion of the EPA's work in the Silver Valley. This expansion has been met with much opposition and questions as to the best way to accomplish the EPA's mission.

As Legislators we are responsible for translating the public will into public policy for the state. There are many recourses, opinions and plans on how the clean up the Silver Valley should continue. I suggest we all work together on an alternative plan that can ensure a wise and productive use of all our resources and leave the Silver Valley a premier community for citizen to live, work and play in for years to come.

Respectfully,

Representative Marge Chadderdon

USEPA SF
1365278

Response to comment LJ42-1

Thank you for your comments. EPA shares the goal of conducting a cleanup that will benefit the local residents and economy. EPA has been, and will continue to be, committed to meaningful community participation throughout the Superfund process in the Coeur d'Alene Basin.

City of Coeur d'Alene, LJ13, Letter 616015-20

Response to comment LJ13-1

See responses to Comment Nos. I54-6 and LJ39-5.

Wendy Gabriel:

LJ13-1

Wendy Gabriel, City Administrator for the City of Coeur d'Alene. On behalf of the Mayor and City Council, thank you very much for your diligence and efforts working on this very important issue. I represent the Mayor and Council tonight and request for an extension for the period of time within which to comment. In any decision of a significant public nature, a flaw in the process is generally a reason for failure in the outcome. Please allow, in this process, an adequate period of time within which to do a substantive review and provide comment and I would request a minimum of 180 days but because I'm going to be asking our Legislature for something this legislative session, I'll concur with them in say at the end of this session.

Sandy Patano:

For a 2,000-page document, a 50 to 90-year plan and a multibillion-dollar price tag deserves the vote of Congress, not a bunch of bureaucrats from Seattle. They've asked the public to respond in 45 days. After two weeks of decision-making, they decided that they will extend it. They just don't know how long. They want the public to digest it and they want them to approve it. Many years ago when they were deciding whether they should make the Coeur d'Alene Lake a Superfund site, we said that maybe we should have a sign or place an ad in major newspapers across America that said, "The EPA would like to spend the next 30 years here, wouldn't you?" Now, I think we might need signs coming to the – for RV-ers and people driving through the Silver Valley that says "The EPA would like to spend the next 90 years, wouldn't you?" [Audio Gap] give me this opportunity. I've sat through many meetings in the last twenty years and the majority of those meetings had bureaucrats and people from government agencies telling people what should happen in this valley. There was very little input from the people that live here, from the industries that employ people that create real jobs and generate real wealth for America. Is this just one more industry that we're going to view like we do the oil industry where we become dependent on foreign suppliers, foreign nations jeopardize American productivity and ingenuity, drive costs up so that people have a lower standard of living? This is not the way America should be. Our elected officials simply must say, "This plan has to go start over."

City of Osburn, LJ3, Letter 1357408

No comments

City of Osburn

Phone (208)752-0001
Fax (208)753-8585

August 12, 2010

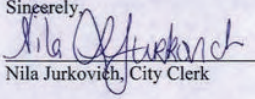
Cd'A Basin Team
US Environmental Protection Agency
1200 6th Ave, Suite 900
ECL-113
Seattle, WA 98101

Dear Sirs:

I have enclosed for your file written comments on the proposed ROD amendment. These two documents are from the City Council:

- 1) Letter approved by the Council; and
- 2) Resolution #2010-01 passed at the regular meeting of the City Council on August 10th.

Thank you for considering these comments.

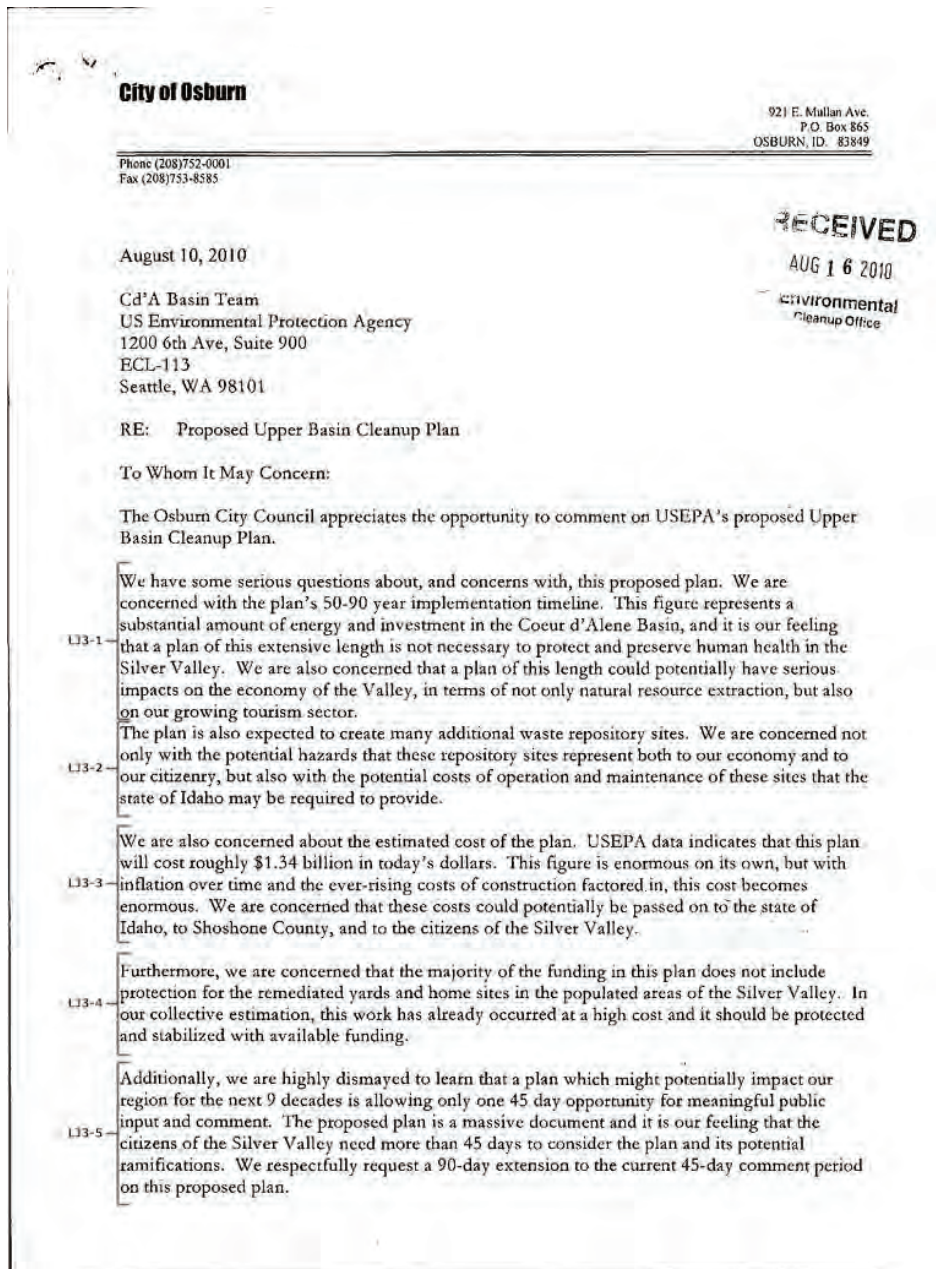
Sincerely,

Nila Jurkovich, City Clerk

Enc.

BBSF
21.5.3
08/12/10
921 E. Mullan Ave.
P.O. Box 865
OSBURN, ID. 83849

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Cleanup Office

USEPA SF
1357408



Response to comment LJ3-1

See responses to Comment Nos. I58-1, I295-1, I54-2, and I58-5.

Response to comment LJ3-2

See responses to Comment Nos. I54-3 and I295-3.

Response to comment LJ3-3

See responses to Comment Nos. I58-1 and I295-3.

Response to comment LJ3-4

See responses to Comment Nos. I295-3 and I54-5.

Response to comment LJ3-5

See response to Comment No. I54-6.

LJ3-6 USEPA's plan proposes a concept of "adaptive management"—meaning that EPA can change the plan every 5 years without additional public input. We feel that this is a mistake and we would ask USEPA to consider the acceptance of public comment on this proposed plan at 10-year intervals. It is our feeling that the citizens of Shoshone County, many of whom are environmental specialists, have good input and solid science credentials to offer to USEPA as the agency progresses with this plan.

LJ3-7 We are also concerned that the proposed plan will reduce the amount of water in the Coeur d'Alene River and its tributaries. It is our understanding that USEPA's estimates of the amount of water which will be removed from the upper reaches of the Basin are based on a flawed model which considers a percentage of average river flow when it would be more appropriate to consider a percentage of *low* flow. It is our understanding that hundreds of pounds of zinc are estimated to be removed from the river daily, and while this is an admirable goal, it remains to be seen how USEPA intends to achieve this while also removing what is estimated to be an insignificant amount from the tributaries to the South Fork of the Coeur d'Alene River. Additionally, we have concerns about any water that is removed from the Upper Basin and not replenished back into the Upper Basin. The potential ecological ramifications of this course of action, particularly in years of bad drought and/or high forest fire danger, are potentially staggering.

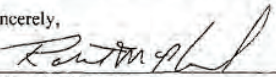
LJ3-8 This proposed plan can also be interpreted as a threat to current and future mining jobs in the Silver Valley. USEPA's language in this plan states that mining activity is "likely to continue" in the Upper Basin and we feel that this language is vague and does not provide any certainty or security to the mining industry, which is hugely important to the entire Silver Valley. We strongly request that USEPA reconsider the language in the proposed plan with regards to the mining industry and any other industries which stand to be affected by this proposed plan.

It is our official position as a City Council that USEPA should:

- LJ3-9 ♦ Extend the comment period an additional 90 days
- ♦ Release an accurate estimated cost of the plan, allowing for inflation and cost increases over time
- ♦ Implement the plan in 10-year increments under separate ROD amendments, and provide numerous opportunities for meaningful public input
- ♦ Address our concerns with the proposed numerous additional repository sites throughout Shoshone County
- ♦ Specifically protect current and future mining opportunities in the Silver Valley
- ♦ Focus on storm water runoff prevention to protect property already cleaned up
- ♦ Determine the best way to treat surface water without de-waterting the tributaries to the Coeur d'Alene River

We appreciate the opportunity to comment on this important issue. Please do not hesitate to contact us if you have any questions or comments on this issue or on our comments.

Sincerely,


Robert McPhail, Mayor

Response to comment LJ3-6

See response to Comment No. LJ11-2.

Response to comment LJ3-7

See response to Comment No. I54-8.

Response to comment LJ3-8

See response to Comment No. I58-5.

Response to comment LJ3-9

See responses to Comment Nos. LJ32-2 to LJ32-8.

No comments

CITY OF OSBURN
RESOLUTION NO. 2010-01

BE IT RESOLVED, this 10th day of August, 2010, by the Osburn City Council and the City of Osburn as follows as our official position as a City Council that United States Environmental Protection Agency (USEPA) should:

- 1) Disclose, in detail, all of its plans and needs for water use and diversion.
- 2) Extend the comment period past the 2011 Idaho Legislative Session.
- 3) Release an accurate estimated cost of the plan, allowing for inflation and cost increases over time.
- 4) Implement the plan in 10-year increments under separate ROD amendments, and provide numerous opportunities for meaningful public input.
- 5) Address our concerns with the proposed numerous additional repository sites throughout Shoshone County.
- 6) Specifically protect current and future mining opportunities in the Silver Valley.
- 7) Focus on storm water runoff prevention to protect property already cleaned up.
- 8) Determine the best way to treat surface water without de-watering the tributaries to the Coeur d'Alene River.

Dated this 10th day of August, 2010.


Robert McPhail, Mayor



George Clapp, Councilmember

absent
Randy Cloos, Councilmember


John Howard, Councilmember


Liz Stanley, Councilmember

City of Wallace, LJ41, Letter 1365275

 **CITY OF WALLACE**
STATE OF IDAHO
703 Cedar Street
Wallace, Idaho 83873-2396
(208) 752-1147
Fax (208) 752-7741

RECEIVED B BWS
21, S. 3
NOV 22 2010 11/19/10
Environmental
Dr. Dick L. Vester
Certified Municipal
Clerk/Treasurer
Joanne McCoy Jaggard, C.M.C.

November 19, 2010

Dennis McLerran
Regional Administrator
USEPA Region 10
1200 6th Ave., Suite 900
Seattle, WA 98001-3140

RE: Proposed Record of Decision Amendment - Upper Coeur d'Alene River Basin

Dear Mr. McLerran:

I Appreciated your meeting with me and the other mayors and elected officials from the Silver Valley on the evening of November 16, 2010. However, I am very disappointed in your statements made to the local elected officials at the meeting that EPA will not consider a 10 year approach to addressing the environmental issues in the upper basin. Of particular concern is that your statements were made prior to end of the comment period for EPA's proposed plan without the opportunity for you and EPA to consider all the comments that EPA has publicly stated are so important to your decision making process. It is apparent from your comments that EPA has predetermined the outcome of decision making on its proposed plan prior to considering what the Silver Valley communities and citizens have to say about the plan. We are clearly not being heard and our concerns appear to be of no consequence to EPA.

I and the other local elected officials have listened to our citizens and have heard the consistent message that EPA's plan is unacceptable to the people of the Silver Valley and that a 10 year plan is a better alternative to address the remaining environmental issues in the upper basin. In support of this position, I am enclosing the following information:

1. Official transcript of the testimony from the town hall meeting held by all Silver Valley mayors on October 20, 2010;
2. Letter to you dated November 1, 2010 signed by all seven Silver Valley mayors; and
3. Resolution #2010-180 adopted by the Wallace City Council on September 21, 2010 setting forth the official position of the City of Wallace on EPA's proposed plan.

USEPA SF
1365275

Response to comment LJ41-1

EPA, as a federal agency, is obligated to make sound scientific decisions. EPA is dedicated to its mission and mandate to protect people's health and the environment, even if our actions are unpopular. EPA takes public input seriously and always considers the information and comments provided by citizens. EPA may, at times, make decisions that some people do not agree with. This does not mean that the agency is not listening to concerns or is carelessly disregarding public input. In these instances, the agency is listening but has not heard or seen information which would cause a change in conclusions. In the case of this cleanup plan, EPA has made many significant changes in response to public comments. The remedy selection process was conducted in a manner consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, as required by CERCLA. See responses to Comment Nos. I474-2, I58-1, and I295-2.

Response to comment LJ41-2

Comment noted. See response to Comment No. I474-2.

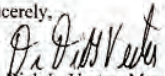
Response to comment LJ41-3

Thank you for your comments.

LJ41-3

By copy of this letter, I have submitted this letter and its attachments as comments to the administrative record on EPA's proposed plan. Notwithstanding your statements to the Silver Valley local officials on November 16, I hope and expect that this information will be considered by EPA in its decision making process to amend the current ROD for the upper basin.

Sincerely,



Dr. Dick L. Vester, Mayor - City of Wallace

Enclosures

Cc: EPA Coeur d'Alene Basin Team (with attachments)



CITY OF WALLACE
STATE OF IDAHO
703 Cedar Street
Wallace, Idaho 83873-2396
(208) 752-1147
Fax (208) 752-7741

COPY
Mayor
Dr. Dick L. Vester
Certified Municipal
Clerk/Treasurer
Joanne McCoy Jaggard, C.M.C.

November 1, 2010

Dennis McLerran
Regional Administrator
USEPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Dear Mr. McLerran:

LJ41-4 We, the mayors of the seven Silver Valley cities jointly hosted a town hall meeting on the evening of Wednesday, October 20th in Wallace which gave local citizens an opportunity to provide additional public comments on the EPA's proposal plan. We believed that it was important for the residents of the Silver Valley and nearby areas to be able to publicly share their views about EPA's proposed cleanup plan once they had more time to review the plan and understand what EPA is proposing with the upper basin ROD amendment.

LJ41-5 Based upon our review of EPA's proposed plan and the unanimous testimony at the October 20th town hall meeting opposing EPA's plan, we mayors are deeply concerned that EPA is proposing to implement a complicated, unproven remedy over a 50-90 year timeframe that will seriously impact local land use, including mining and economic development in the Silver Valley. EPA's proposed Amendment also comes with an astronomical \$1.3 billion price tag. This plan is too big, too wasteful and takes the wrong approach. LJ41-6

LJ41-7 We do support an alternative 10 year plan that accommodates development in the Silver Valley, addresses remedy protection, funds a flood control study, uses proven technology to addresses key historic box and upstream source areas without diverting major water flows and sets realistic biologic metrics tied to improving the fishery. This plan will allow work to proceed with an opportunity to review the advisability for a further ROD amendment at the end of the 10 year period.

LJ41-8 We invited you to attend as EPA's representative and you chose not to attend, but sent lower ranking representatives from your agency instead on this very important matter. You also failed to attend any of the three open houses that your own agency held in the Silver Valley between August 4th and October 6th. In addition, you did not attend the EPA-hosted tour of local remediation sites and you did not attend the August 9th town hall meeting chaired by Senator Mike Crapo. We are profoundly disappointed in your failure to attend any

Response to comment LJ41-4

Comment noted.

Response to comment LJ41-5

See responses to Comment Nos. I58-1, I58-5, and I54-2.

Response to comment LJ41-6

See responses to Comment Nos. I58-2.

Response to comment LJ41-7

See response to Comment No. I474-2.

Response to comment LJ41-8

The authority for making Superfund cleanup decisions has been delegated from the EPA Administrator to the Directors of the Superfund cleanup programs around the country. Regional Administrator McLerran was pleased to have the opportunity to discuss EPA's proposed cleanup plan with local elected officials on November 16, 2010, in Wallace. As a Basin Commissioner, Regional Administrator McLerran has also attended many Commission meetings in support of site cleanup work and regularly receives updates on site work, issues, and public input from EPA staff. Other EPA senior executives including Deputy Regional Administrator Michelle Pirzadeh and Director of the Office of Environmental Cleanup Dan Opalski have also attended many meetings in the Silver Valley related to the Upper Basin ROD Amendment and other important issues. In addition, EPA has provided a wide range of opportunities for community participation in selection of a remedy for the Upper Basin. Since late 2008, EPA has hosted and/or attended over 70 meetings to share information and gather input about development of the Focused Feasibility Study Report and Proposed Plan. EPA has engaged local residents, elected officials, community groups, and many other stakeholders in the decision process. This outreach included working with the Basin Commission, its Technical Leadership Group (TLG) and the Citizens' Coordinating Council (CCC). EPA also submitted drafts of the Focused Feasibility Study Report to stakeholders and the Basin Commission for review and comment to assist EPA in preparing a final report. Based on requests from the public after the Proposed Plan was issued, the comment period was extended 90 additional days, for a total of 135 days for comment on the Proposed Plan and Draft Final Focused Feasibility Study Report. During the

comment period, EPA held three informal open houses, hosted a formal public comment meeting that was transcribed, attended numerous community meetings, and hosted a public tour of some of the sites included in the Proposed Plan. EPA also participated in U.S. Senator Crapo's Town Hall meeting in Kellogg and the Wallace Town Hall meeting sponsored by the Upper Basin mayors.

LJ41-8

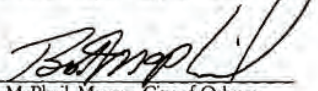
of the public meetings and comment sessions that have been held here regarding EPA's proposed Amendment to the Record of Decision for the Upper Coeur d'Alene River Basin.

LJ41-9

As the Regional Administrator, surely you must recognize that you have the responsibility to make a decision on a reasonable cleanup plan that does not seriously impact the economic future of the Silver Valley. We believe that you should devote significantly more time and attention to the concerns of the Silver Valley, its communities and citizens.

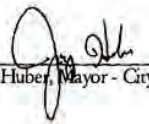

Dick Vester, Mayor - City of Wallace


Mac Pooler, Mayor - City of Kellogg


Bob McPhail, Mayor - City of Osburn


JoAnn Groves, Mayor - City of Wardner


Mike Dunnigan, Mayor - City of Mullan


Jay Huber, Mayor - City of Pinehurst


Tom Benson, Mayor - City of Smelterville

cc: Governor Butch Otter
Sen. Mike Crapo
Sen. Jim Risch
Rep. Walt Minnick
Rep. Mike Simpson
Local State Senators and Representatives
Shoshone County Commissioners

Response to comment LJ41-9

Due in part to extensive public concern about the duration of cleanup as expressed in this comment, EPA has decided to reduce the scope of the Selected Remedy by prioritizing the remedial actions that were identified as EPA's Preferred Alternative in the Proposed Plan. The Upper Basin Selected Remedy is an interim remedy which identifies the priority remedial actions that are expected to provide the greatest reduction of contamination in the SFCDR and its tributaries and protection of in-place human health barriers. EPA's goal is to complete cleanup in the Upper Basin as quickly as possible and with minimal disruption. Most of the cleanup work will be in the areas of greatest contamination, which are generally in less populated areas higher in stream drainages. Implementation of the Selected Remedy is expected to take about 30 years, depending on funding rates.

EPA believes that the cleanup will benefit the local economy in a variety of ways. The Selected Remedy will boost economic growth by significantly improving the environment for residents and tourists, creating jobs with the money that will be spent on the Upper Basin cleanup, and providing opportunities for formerly contaminated land to be redeveloped. Cleanup of additional properties in the Silver Valley will provide opportunities for development that do not currently exist. EPA is committed to working with the mining industry and all Silver Valley businesses and landowners to conduct the cleanup in ways that are consistent with the current and future land uses desired by the community.

ORIGINAL

COPY

RESOLUTION NO. 2010-180

**A RESOLUTION ESTABLISHING AN OFFICIAL POSITION
BY THE CITY OF WALLACE, IDAHO, ON THE PROPOSED
EXTENSION OF THE RECORD OF DECISION (R.O.D.) OF
THE ENVIRONMENTAL PROTECTION AGENCY (E.P.A.) FOR
AN ADDITIONAL 50-90 YEARS.**

A resolution of the City Council of the City of
Wallace, Shoshone County, Idaho.

WHEREAS, the City of Wallace, Idaho, in order to
protect its citizens and provide for their health, safety
and welfare hereby submits in this resolution an official
position with regard to the proposed extension of the EPA's
Record of Decision for an additional period of 50-90 years,

WHEREAS, it is the City Council's position that this
extension is not in the public's best interest, will not
promote tourism, provide for incentives for new businesses
in the Wallace community, nor provide encouragement to
individuals and/or families to relocate to Wallace, Idaho,

WHEREAS, the City Council, believes this action
proposed by the EPA is in direct conflict with the best
interests of its citizens of Wallace, Idaho, and its
business community.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND
CITY COUNCIL OF THE CITY OF WALLACE, SHOSHONE COUNTY,
IDAHO, as follows:**

Section 1. The R.O.D. should not be authorized to go
on indefinitely. The EPA should implement a plan to
complete the R.O.D. within a ten year period.

Section 2. The EPA should provide for and solicit
numerous opportunities for meaningful public comment and
input throughout the period of the amended R.O.D.

Section 3. This resolution provides for a specific
protest against a long term cleanup plan that will
adversely affect current and future mining opportunities in
the Silver Valley.

Section 4. This resolution provides for specific
objection to the provisions for additional repository sites
throughout the Silver Valley.

RESOLUTION - 1
8/17/10

Response to comment LJ41-10

Please see Document LJ33 for full responses to this resolution.

LJ41-10

No comments

Section 5. This resolution respectfully requests that the EPA specifically focus on storm water run-off prevention throughout the Silver Valley to prevent recontamination of property already remediated.

Section 6. This resolution requests that the EPA be respectful of and follow closely all current legal requirements involving surface water rights and shall not adversely affect any existing waterways or tributaries.

PASSED by the Wallace City Council on this 21st day of September, 2010.

CITY OF WALLACE
Shoshone County, Idaho:

By: Dick Vester
HONORABLE DICK VESTER, O.D.
Mayor

ATTESTED TO BY:

Judith Morin
Judith Morin, Deputy Clerk

APPROVED AS TO FORM:

Hollis J. Anderson
HOLLIS J. ANDERSON
Attorney for the City of Wallace

* * * * *

RESOLUTION - 2
8/17/10

No comments

IT WAS MOVED by: Dean Cooper and

SECONDED by: Chase Sanborn to

pass the foregoing Resolution No. 2010-180.

CITY COUNCIL MEMBERS	YES	NO	ABSTAIN	ABSENT
(1) WILLIAM DIRE, JR.	X			
(2) CHASE SANBORN	X			
(3) DEAN COOPER	X			
(4) JOANN BRANSTETTER	X			
(5) LYNN MOGENSEN				X
(6) JAMIE WINTERSET				X

* * * * *

STATE OF IDAHO)
) ss.
County of Shoshone)

I, JUDITH MORIN, Deputy Clerk of the City of Wallace, Idaho, do hereby certify that at the special meeting of the council of said City of Wallace held the 21st day of September, 2010, the foregoing resolution was unanimously passed by the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of my office this 21st day of September, 2010.



JUDITH MORIN, Deputy Clerk

* * * * *

RESOLUTION - 3
8/17/10

EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

Page 2	Page 4
<p>1 October 20, 2010; 6:07 p.m. 2 PROCEEDINGS 3 --OO-- 4 MAYOR VESTER: We're going to get started, 5 folks. On behalf all the Silver Valley mayors, I would 6 like to welcome everybody tonight. We really appreciate 7 people for taking their time on a busy night to come out 8 and either speak or listen to comments by other 9 speakers. 10 As we all know, this is a very important issue 11 that could impact all of us for many years. I'd like to 12 get started by introducing the head table. This meeting 13 is being hosted by the seven Silver Valley mayors. 14 Myself, I'm Dick Vester, the mayor of Wallace. We have 15 Mike Dunnigan from Mullan, Bob McPhail from Osburn, Mac 16 Pooler from Kellogg, JoAnn Groves from Wardner, Tom 17 Benson from Smelterville, and Jay Huber from Pinehurst. 18 Thanks a lot, fellas and lady, for helping us host this 19 thing. 20 Now, I can't say with 100 percent certainty, 21 but I'm almost positive that this is the first meeting 22 in Silver Valley history that's been hosted by all seven 23 mayors, and I think that speaks to the importance of 24 this issue and it speaks to the passion that we all have 25 about this issue. So it's going -- we're interested and</p>	<p>1 some elected officials and the problem -- or their 2 representatives. And the problem with that is, I'm 3 going to leave somebody out. So when I get done, if 4 I've left any elected officials out, I would like you to 5 stand up and introduce yourself and tell us under what 6 capacity you serve. We have with us Katie Brodie who is 7 representing Governor Butch Otter. Katie, if you could 8 stand up. Thank you. 9 We have Sid Smith from the office of Senator 10 Jim Risch. Thank you for coming. Karen Roetter from 11 the office of Senator Mike Crapo. Thanks very much for 12 coming. We have Mark Williams from the office of 13 Representative Walt Minnick. Thanks for coming. We 14 have with us State Senator Joyce Broadword. Thanks, 15 Joyce. Some of these people will be making comments for 16 the record and some of the people won't, and that's 17 their choice. 18 State Senator Mary Lou Shepherd. Thank you, 19 Mary Lou. State Representative Dick Harwood. And all 20 the way up from Kootenai County State Representative Bob 21 Norini. Thank you for coming. 22 Is there any other elected officials that I 23 didn't -- we didn't have a list of all the Shoshone 24 County elected officials. If there's somebody else, 25 we'd like to have you stand up and be recognized.</p>
Page 3	Page 5
<p>1 the EPA folks are going to be interested in hearing the 2 comments tonight. 3 We also have with us tonight at the head table 4 Jon Cantamessa, county commissioner, and also chairs the 5 Basin Commission Committee. And on our far right is 6 Serena Carlson, who will be the timekeeper. And looking 7 at the number of people that are speaking, I think we're 8 going to have about a three-minute limit, which is a 9 little longer than some of the other town hall meetings. 10 It still gets us done in a reasonable time. 11 We also have at the head table the 12 Environmental Protection Agency's representative Cami 13 Grandinetti. I've got it right. I didn't practice that 14 a little bit, but welcome. 15 Before I get to introducing the other elected 16 officials and guests that are here, I would like to say 17 that -- make a request that people's public comments are 18 about the issue and I hope will be respectful of our 19 guests from the EPA. We all feel passionate about the 20 issue, but there are guests here this evening and we 21 want to have positive comments about this issue. 22 I would like also to point out that this will 23 be transcribed, so it's part of the public record that 24 will be furnished as part of this process before the 25 record of decision is done. So I'm going to introduce</p>	<p>1 RICK CURRIE: Rick Currie, Kootenai County 2 Commissioner. 3 MAYOR VESTER: Thanks very much for coming. 4 Rick. With that, we're going to continue the sign-up 5 sheet for probably another 20 minutes outside. We're 6 going to start the comment period with just the mayors 7 from the head table, and I'm not sure if anybody's 8 speaking. Mayor Pooler was going to speak and then 9 we'll go to the rest of the people. 10 MAYOR POOLER: Thank you, Mayor Vester. I'm 11 going to sit down. My comments will be brief. Back 12 when the Superfund site clean-up in the Kellogg area was 13 called the Box and I was mayor through that period 14 working with EPA and DEQ, we learned some valuable 15 lessons. As the ROD, or ROD that they're trying to get 16 approval on, still holds some areas that I feel the 17 citizens in the valley should know. They spent a lot of 18 money in Kellogg in the Box to do the remediation. 19 The problem lies within the levees that run 20 through Kellogg. The potential for flood in that area 21 would decimate all the rehabilitation they've done 22 through the Kellogg area down into Smelterville. I 23 don't know what the final figure. I don't know if 24 anybody knows what it was on the clean-up in Kellogg 25 area. I've heard 230,000,000. I've heard on up.</p>



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The hearing transcript for the EPA Comments Public Meeting held on October 20, 2010, was attached to Document LJ41. Comments received during the October 20 meeting have been addressed individually in Letter 619651-1 through 619651-40.

EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

No comments

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<p>1 My stand as a mayor representing the people is 2 for a small amount of the new money coming in, we need 3 to address the river and the dike area not only in 4 Kellogg but down through the valley. The other issue is 5 for the time period it didn't clean up in Kellogg, our 6 roads got beat up with heavy equipment and trucks. What 7 we're seeing now as we go there is, is where it's 8 breaking apart and we get a lot of rains, the rain water 9 is going down into the bed which, basically, a lot of 10 road work that Kellogg has done with the minefield, 11 we're getting tremendously high lead levels again. 12 So those two areas, I'm very adamant about 13 that they have kind of, sort of, maybe addressed it in 14 the new ROD, but I want it so it's separated out and we 15 know that we can take that problem. It's a good 16 investment. For a small amount of money, you can take 17 away the problem in the future. 18 The new ROD, the time period 50 to 90 years, 19 well, 50 years to me, I'll be 115 years old and I 20 probably couldn't find a car to get there. So I think 21 that has to be looked at in the amount of money and I 22 will not support the new ROD. Thank you. 23 MAYOR VESTER: Thank you, Mac. And I think, 24 JoAnn, you had some comments you wanted to make? 25 MAYOR GROVES: I have to support what Mac has</p>	<p>1 comments have had much impact on what they have done. 2 Shoshone County and the Basin Commission both. And 3 Shoshone County has serious concerns with this ROD. We, 4 too, cannot support it the way it has been laid out. 5 I was very disappointed with the comments from 6 the region 10 director, Mr. McLennan, at the last Basin 7 Commission meeting about the impact of local comments 8 and how the EPA was going to use local input and local 9 comments. 10 I brought with me tonight the National Academy 11 of Sciences' report that they did, and I've been reading 12 this thing for the last two days and I can tell you that 13 there's some very interesting information in there that 14 was recommended by this committee of scientists. And I 15 think they were pricing somewhere between 800,000 and a 16 million dollars. 17 I'm just going to read you two sentences out 18 of it tonight and leave it at that. I'm here to listen 19 tonight. I think we've been vocal enough in Shoshone 20 County that you know what our opinions are, but this 21 is -- these are two of the things that the National 22 Academy of Sciences said that I think apply to this 23 meeting tonight. 24 In our conclusions and recommendations at the 25 end of this report, one bullet point recommended a</p>
Page 7	Page 9
<p>1 said. As you know, Kellogg is a suburb of Wardner, and 2 we are at a higher level. And there has been a 3 situation at the end of our trough in the mine area 4 since '97 when we had the marsh out at Milo Creek. 5 EPA has stated they are responsible for this 6 area, but yet nothing has been done in these 13 years 7 since. Should we have one of the 100-year catastrophes 8 that they talked about and the pipes that are supposed 9 to be taken care of, should they become flooded and 10 these waters start washing out the mine dumps, where's 11 everything going to go? It's going to come right down 12 into Wardner and right down Milo Creek, right down our 13 main street, and we're just going to sandbag our 14 driveways and send it all right into Kellogg and right 15 into the river. So all of the remediation that has been 16 done will be undone because it will all be covered with 17 mine tailings, mine dumps. So I support Mac and also not 18 supporting the ROD. 19 COMMISSIONER CANTANESSA: Thank you, Mayor 20 Vester. And thank you all the mayors for hosting this 21 meeting in Wallace. We appreciate having this meeting 22 up here. I'm not going to make a long comment, but I 23 would say that Shoshone County has been commenting for 24 years on the EPA's processes in the valley, and I would 25 think that over the years we have not felt that our</p>	<p>1 stable management structure which includes federal, 2 state and local representation. 3 The second bullet point says, "State and local 4 involvement in defining remediation, restoration goals, 5 considering present, future desired land use." The EPA 6 needs to work with the local community in developing 7 this and they need to do it in a meaningful manner. 8 Thank you. 9 MAYOR VESTER: We're going to now start with 10 the public comment from the people that aren't up here 11 at the head table, and we'll read out two names at a 12 time and so the person that's next in line can be ready 13 to go and we just have one spot at the podium. And once 14 again, the time period is three minutes, and we're not 15 going to chop it off right there, but we would hope that 16 you would try to keep it within that time, and our timer 17 is down at the end. Do you have somewhat of a sign that 18 you can show? 19 SERENA CARLSON: Thirty seconds, 15 seconds, 20 and a stop. 21 MAYOR VESTER: Okay. So with that, we'll get 22 started, and our first speaker from the audience 23 representing Governor Otter is our friend from Hayden 24 Lake, Katie Brodie, followed by representative Joyce 25 Broadsword.</p>



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EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

No comments

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<p>1 KATIE BRODIE: Well, thank you. First off, I 2 wanted to thank mayors of the Silver Valley and our 3 commissioners for hosting this meeting tonight. I 4 apologize that the governor is not here and that you 5 have the second string, but it's a busy time in our 6 governor's life, and as second string goes, I'm not bad. 7 These are his comments, so that should make 8 you feel a little bit better. First let me assure you 9 that the governor is engaged and has taken to heart 10 where he heard from the citizens of this valley when he 11 was in Kellogg in July. He understands that this is a 12 huge issue for everyone involved and he too wants 13 realistic resolve. 14 The governor and his staff will continue to 15 review the ROD with the DEQ and appreciated the extra 16 time granted by EPA for the comments. At this point in 17 time, his comments and concerns are as follows: A 18 successful clean-up is not possible without a healthy 19 community and a vibrant local economy. Unless the 20 clean-up supports the health and viability of the Silver 21 Valley, the Silver Valley of the state of Idaho will not 22 support the clean-up. 23 The clean-up must focus primarily on 24 completing and protecting the work conducted for human 25 health. The clean-up must also enhance and support a</p>	<p>1 reasonable public review and input. 2 Open-ended remedies for this implementation 3 beyond the 10- to 15-year time period are not realistic 4 and are not prudent. Provisions for public input 5 through the Basin environmental -- whoops -- Commission 6 are imperative. Commitment that flood control work for 7 the South Fork of the Coeur d'Alene River and Pine Creek 8 will be performed as part of the remedy in cooperation 9 with the state and federal flood control agencies. 10 Imperatively, also, is a commitment to cash 11 flow and management of the resources of the Asarco trust 12 to ensure operation and maintenance funds will be 13 available to sustain future costs and not burden local 14 communities in the state. 15 Can I conclude? It's two seconds. The 16 governor can support a clear, concise, logic-based time 17 and budget-constrained ROD that is drafted to protect 18 human health and the remedies already in place. To that 19 end, we will work diligently with the residents of the 20 Silver Valley. Thank you. 21 (Applause.) 22 MAYOR VESTER: Thank you. Senator Joyce 23 Broadword followed by Dick Harwood -- or followed by 24 Senate Representative Mary Lou Shepherd, then 25 Representative Dick Harwood.</p>
Page 11	Page 13
<p>1 strong and diversified local economy that includes 2 mining, local businesses, tourism, and in short-term the 3 clean-up work itself. 4 The governor does not support an open-ended 5 process that amounts to a blank check for the EPA. The 6 governor does not support any provision of the ROD that 7 inhibits existing or future mining. The governor 8 supports the employment of local contractors, vendors 9 and workers to the greatest extent possible. The 10 governor supports the protection of past human health 11 clean-up work by completion of water run-off control 12 projects and local drainages in the communities and site 13 watches. The governor supports the prioritized 14 remediation of contaminant-sourced areas to improve 15 water quality. 16 Going forward, Governor Otter would like to 17 see the following commitments clearly defined in the 18 record of decision. Commitment that clean-up work will 19 not impede existing or future mining, clear 20 identification of work to be implemented with clear 21 endpoints over a defined and limited time period. The 22 ROD cannot be open-ended, indefinite, or so general that 23 EPA has a blank check to spend public resources. This 24 clean-up has to come to a logical conclusion. It can't 25 go on forever. The work must be performed with</p>	<p>1 I would also say as we go forward, if you're 2 representing a group, please identify, and we would like 3 everybody to identify themselves when they start to talk 4 even if I've done it, which helps the transcriptionist. 5 So thank you, Senator. 6 SENATOR BROADWORD: Thank you, Mayor Vester. 7 I am Senator Joyce Broadword. I do represent this 8 area. I would also like to echo the good governor's 9 words. His comments are very concise and I stand behind 10 his positions. 11 I'd like to thank the mayors for putting this 12 meeting together. Every opportunity that we have as 13 citizens to say what our feelings are about this process 14 is incredibly important. I'd like to thank the EPA for 15 extending the comment period. 16 The unity of this valley is never something 17 that I've doubted. You have stood together through 18 thick and thin, and this is no exception. But it is 19 wonderful to see all those mayors in one location. I 20 think that Mayor Pooler, who spoke wisely about the 21 flood control issues and the levies, this is something 22 we really need to focus on so that we do not 23 recontaminate. 24 As Mayor Groves has said, areas that have 25 spent hundreds of millions of dollars of taxpayer</p>



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No comments

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<p>1 dollars to clean up, we don't want to have to redo work 2 that's already been done. There are important things 3 that need to be cleaned up, but they need to be within 4 reason and within reasonable length of time and done and 5 over with and on with our lives. So I think the length 6 of the ROD is still very disturbing to me. I will put 7 more in-depth comments into the record in the future for 8 the ROD itself, and I thank you for this opportunity. 9 Good evening. 10 (Applause.) 11 MAYOR VESTER: State Representative Mary Lou 12 Shepherd followed by State Representative Dick Harwood. 13 MARY LOU SHEPHERD: At least I have a podium I 14 can stand up and be seen and now a microphone that 15 adjusts for me. 16 Thank you, Mayor. Thank you all for being 17 here tonight. I can't imagine what it would take to get 18 all of you together in the same room at the same time. 19 Thank you for doing that. This reminds me of a meeting 20 long ago at the old Wallace High School in the gymnasium 21 there. I proudly stood with then Governor Kim Thorn at 22 his side on the stage at the gymnasium as he pounded his 23 fist I don't know how many times that night on the 24 podium saying, "EPA, I'm just about ready to tell you to 25 leave and don't you ever come back." Well, had he done</p>	<p>1 I have read that there may be new regulations 2 for mining in the area, but that they are not clear. 3 Now, I feel that any changes must be made very clear, 4 very clearly laid out and very clearly explained. I 5 think that's only fair. 6 And please let me remind you of the situation 7 with the THDL. Their limits can simply never be met 8 that this is a naturally occurring substance in the 9 soil, which was here and beyond before there was any 10 mining going on at all and it will always be with us. 11 Let us discontinue putting money into 12 something that cannot be solved. 13 Thank you for letting my voice be heard 14 tonight and please now heed what you have heard and will 15 be hearing in the rest of the meeting. Again, thank you 16 so much for being here. 17 (Applause.) 18 MAYOR VESTER: State Representative Dick 19 Harwood followed by Luke Russell. 20 DICK HARWOOD: Mayors, good to see you all. 21 Thank you for having me and letting me speak a little 22 bit tonight about this. It's good to see the EPA here, 23 too. I had five points that I want to bring up tonight 24 that I said I feel are pretty important, but I'm going 25 to condense it to three because of the time. But my</p>
Page 15	Page 17
<p>1 that, perhaps we wouldn't be all here tonight, would we? 2 (Applause.) 3 MARY LOU SHEPHERD: Now we enter another stage 4 of the term. One can only hope that this time it will 5 come out with a good ending with satisfied partners. 6 Being a Superfund clean-up site brings on a 7 statement of sorts and tends to put a damper on 8 businesses, businesses that are looking to locate or 9 relocate in our area. 10 There's a huge need for the county to return 11 to the (inaudible). Shoshone County paid a month the 12 highest taxes to the state of any Idaho county. We 13 simply cannot do that without our mining and industry 14 jobs and jobs that's on everyone's list. We simply must 15 have and create more good-paying jobs. 16 It comes up that the EPA brings jobs to the 17 community. And I admit that does, but most are 18 seasonal. And what about the mining industry jobs 19 that are lost because of it? Do they not supply 20 good-paying jobs? Once that also makes for many more 21 jobs, but there's a trickle-down effect, like more 22 educators, teachers, more office jobs, more supply 23 people, just to name a few. 24 These mines have kept this county alive and 25 prosperous for many, many years and can do so again.</p>	<p>1 first point would be that the EPA plans on taking a huge 2 amount of groundwater out of the South Fork and out of 3 the tributaries, and the South Fork and the tributaries 4 are going through an adjudication process right now and 5 takes years for it to get done with the way the funds 6 are. And we in Idaho -- you need to know, we in Idaho 7 classify water as a property. It's just like having a 8 piece of ground out here when you own a piece of 9 property and you have a (inaudible) that's adjudicated 10 to you, that's your property. 11 Now, if the EPA takes this water without just 12 compensation to the people that own it, that's a 13 violation of the Fifth Amendment. There's a Fifth 14 Amendment -- on the last part of the Fifth Amendment, 15 that says, "... nor shall private property be taken for 16 public use, without just compensation ..." 17 So whoever owns that prop water or that 18 property needs to be paid for if they're going to take 19 out of there. The other thing I see that is bad with 20 this is that they have not applied for a permit from the 21 Idaho Department of Water Resources as of yet. And I 22 think they have to comply with that, as well. That 23 would be my thought. 24 And the other thing that bothers me about this 25 is that the EPA's not done an EIS, or environmental</p>



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No comments

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<p>1 impact study or statement on what that would do to our 2 water or to our cricks and stuff if they -- because 3 they're planning on a 10-mile (inaudible) in the South 4 Fork and 50-something miles of piping, and they haven't 5 done that -- that study to see what that's going to do 6 to the fish habitat, the microorganisms, how that's 7 going to work for flood control. There's so many things 8 that they have not really studied about before they made 9 this plan. And I think that's an important thing. 10 One last thing I would like to say is that 11 last year in the state of Idaho, Senator Broadsword was 12 the sponsor of the bill. I was the sponsor on the house 13 side of this bill and it was Senate Concurrent 14 Resolution 127. And basically what it says is that 15 state of Idaho needs an ample amount of time to review 16 what's -- what the thing is saying, what -- excuse me, 17 what the ROD is -- what the amendment to the ROD is 18 saying, and then it says also being (inaudible), then it 19 says, "The legislators shall have the opportunity to 20 consider the amendment to any existing ROD," so we 21 have -- we won't be able to have a chance to do that 22 because they haven't been to the station. So the 23 next -- this next station we should have a chance to 24 look at that, and the EPA has kind of made it pretty 25 clear in some of their meetings that Idaho has nothing</p>	<p>1 environment and for the Silver Valley. Our economists 2 today cite Obamacare and some 500 regulations yet to 3 come under Obamacare and the Economic Reform Act, and 4 the uncertainty around that act is why businesses today 5 are sitting with millions of dollars in their pocket 6 because they don't know what the future's going to 7 bring. 8 The plan amendment, as we all know, adds a 9 great deal of time to the remediation and also a great 10 deal of cost. All of that adds tremendous uncertainty 11 to the business community to make investments here in 12 the Silver Valley. The plan states that once the 13 clean-up is complete, then economic development will 14 follow, and they cite the ski-lift and the golf course 15 in the Box. 16 I think those are the right facts but maybe 17 drawing the wrong conclusion. It was when the goalposts 18 in the Box were firmly established and the rules of 19 engagements were clear that business to come in and make 20 investment into the site. And on behalf of Heda 21 Mining, that's what we think the plan lacks and needs is 22 clear sideboards, guidelines, and goal posts so that 23 business can work within that environment. 24 The plan is not intended to prohibit mining, 25 and, as most of you know, mines -- half the mines are</p>
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<p>1 to do about this or nothing to say about it, and I think 2 that's -- we'll have to see about that. I think it's an 3 important issue. 4 I'm really opposed to what's going on here. 5 I've -- when I got elected, I felt like -- the reason I 6 ran was because I felt like we were run over by the 7 federal government and I'm really feeling that. 8 Thank you again for letting me speak and thank 9 you for all being here. Great to see you all together. 10 (Applause.) 11 MAYOR VESTER: Thank you, Representative. 12 Next up is Luke Russell followed by Mark Compton. 13 LUKE RUSSELL: Thank you. My name is Luke 14 Russell. I'm with the Coeur d'Alene Mines. But many of 15 you probably remember me from my days with Idaho DEQ 16 back in 2000 when the 2002 ROD was signed in the 17 information of the Basin Commission. 18 I also sit on the board of the Idaho Mining 19 Association and it's in that capacity that I'm here 20 today. I know mining does have a lot of concerns of 21 this in the plan amendment and many of the points I'm 22 sure others will make here tonight. 23 I just want to share a couple of points on 24 behalf of the Idaho Mining Association. Clearly, the 25 ROD amendment adds continued uncertainty to the business</p>	<p>1 where the minerals are and they are often redeveloped as 2 technology changes and economic conditions change. 3 In 2000, I think silver was about \$5. Today I 4 think it closed over 23. There's some 300 sites that 5 are identified in this plan for source control. Many of 6 them are very promising mineral properties for future 7 development. Unfortunately, because of that 8 uncertainty, the money is sitting on the sidelines. 9 The plan states that it will consider current 10 and future mining, but what that consideration means is 11 not clear. And any plan must have clear guidelines that 12 will allow for mineral exploration, mining and mineral 13 processing. The Idaho Miners Association does agree, 14 however, that there are additional clean-up activities 15 that are warranted. The mayors already talked about 16 some remedy protection that seems to make a lot of 17 sense. 18 So we agreed that there are -- the industry 19 has proposed a plan which is more focused, ten years, 20 and then evaluate that plan with its adaptive management 21 approach which we support. And finally, we do support 22 the local control that would help make more certainty in 23 the process and work together with industry, agencies, 24 the tribe, environmental and community state holders can 25 effect that needed additional clean-up but still have</p>

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<p>1 economic development. Thank you. 2 (Applause.) 3 MAYOR VESTER: Mark Compton followed by Bret 4 Bowers. 5 MARK COMPTON: Good evening. Thank you for 6 providing this forum for us. My name is Mark Compton. 7 I am representing the Northwest Mining Association and 8 our nearly 2,000 members in 40 states. I want to 9 reiterate a point we made before that the EPA has an 10 opportunity with this ROD to heed the advice of the 11 National Academy of Sciences and correct some mistakes 12 from the original ROD. 13 When the NAS reviewed the EPA's plans in 2005, 14 they noted that breaking the site down into more 15 manageable units may have been preferable given the size 16 and complexity of the site. The NAS stated that a more 17 rational approach might have been to make one Operable 18 Unit, protection of human health; and the second operable 19 unit, protection of environmental resources, or maybe 20 even multiple OUs within those categories based on the 21 subwater sheds of the basin. 22 Segmenting the basin into more manageable 23 units and quickly delisting cleaned-up units from 24 Superfund is practical and will provide the certainty 25 needed to enhance economic development in this valley,</p>	<p>1 January 1980. 2 A disturbing aspect of the EPA's newspaper ads 3 selling the proposed plan is a statement that clean-up 4 and responsible mining can continue together. The term 5 responsible mining is redundant. According to the 6 environmental laws and regulations of the United States, 7 the most stringent in the world, irresponsible mining 8 cannot occur. A permit to mine would never be issued 9 for any mine that cannot demonstrate compliance with all 10 applicable federal and state environmental laws and 11 regulations. 12 Part of the apprehension for the mining 13 industry regarding EPA's expansion plans is the 14 uncertainty surrounding what the EPA defines as 15 responsible mining. Bottom line, a strong domestic 16 mining industry is critical to our nation's future. A 17 strong Silver Valley mining industry is an important 18 component of that and is critical to the economic 19 success of this region and its people. Silver Valley is 20 blessed with significant mineral resources. EPA can and 21 should manage the clean-up in a way that protects and 22 enhances current and future mining opportunities. Thank 23 you, again. 24 (Applause.) 25 MAYOR VESTER: Bret Bowers followed by State</p>
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<p>1 including more future mining. Mining is the ultimate 2 sustainable business. It creates new wealth and 3 provides the high-paying, family wage-level jobs with 4 good benefits our country and this valley desperately 5 needs. 6 Moreover, the indirect employment multiplier 7 for the mining industry is twice the national average. 8 Unfortunately, according to a recent report by Behre 9 Dolbear, the U.S. is tied with Papua New Guinea for the 10 longest permitting approval process among the top 25 11 money countries in the world; consequently, the U.S. has 12 seen fewer investment dollars for new projects and an 13 increased reliance on the foreign sources to meet our 14 metal and minerals needs. 15 In fact, the U.S. currently attracts less than 16 7 percent of worldwide exploration dollars. A 50- to 17 90-year Superfund designation for the entire basin would 18 only exacerbate this problem. The Silver Valley and the 19 state of Idaho already has seen the negative effects of 20 the current Superfund designation on mining investment. 21 Imagine the activity that should be occurring 22 here with the significant increase in commodity prices 23 we are now seeing. The highest gold price on record and 24 the highest silver price since the Hunt Brothers 25 manipulated the market between September '79 and</p>	<p>1 Representative Bob Nonini. 2 BRET BOWERS: Good evening, Mayors. Thank you 3 very much. My name is Bret Bowers. I'm here on behalf 4 of the Coeur d'Alene Lakeshore Property Owners 5 Association. I want to thank you for giving us the 6 opportunity to comment. We all understand it's a very 7 complex issue. We applaud the very heart and soul of 8 not only each of you, but certainly everybody in the 9 room continues to turn out year after year to make their 10 voices and their wishes and their concerns be known, 11 just as all of us have down, you know, around Lake Coeur 12 d'Alene. 13 We've listened to our neighbors over the years 14 and we've heard you complain and have concerns. It's a 15 confusing exercise we've all been put through. You more 16 so than those of us downstream. Whether it's been EPA, 17 parties to the natural resource damage lawsuit, DEQ, the 18 legislature, the mining companies, even out-of-state 19 agencies who are having some issues, that leaves the 20 rest of us wondering how to use, develop and enjoy the 21 property and the great outdoors of Northern Idaho. And 22 certainly try to expand on that with future economic 23 opportunities for anybody that wants to live or invest 24 here. 25 To me and to the people I work for, the</p>



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<p>1 members around the lake, and the business community in 2 Coeur d'Alene, I can certainly say that this is an issue 3 of trust. Can we trust the EPA? Have they earned your 4 trust or ours downstream? The last time in the EPA that 5 there was a survey done on public trust, the headline 6 in the Spokesman Review read, "EPA Survey Finds Lack of 7 Public Trust." And this was dated August 31st of 2001. 8 I had no fun up that the Smelterville public hearing 9 that said this article didn't make it on EPA's Web site. 10 I talked about the chase for money, a 11 billion-three in natural resource damage lawsuit in '97. 12 EPA's proposed plan in 2002 -- or in 2000, and then the 13 natural resource damage litigation in 2004. It's always 14 been about a billion-three and a chase for money. 15 The 2002 ROD predicted a 16 percent reduction 16 in dissolved metals as a result of a \$359 million plan. 17 I made that comment to the National Academy of Sciences. 18 They called me back saying, "How could that be that 19 we're going to spend all that money?" Makes me wonder 20 now in this new proposed ROD amendment exactly what will 21 the resolve metals reduction be and can they guarantee 22 it. I doubt not. So we're back into the possibility of 23 1.3 or if you amortize how things might look in the long 24 term, we're concerned. Billions, 3.4, \$5.4 billion. 25 We're not quite sure.</p>	<p>1 back and watch EPA come up here and dig up everything? 2 All the streambeds? All the riverbanks? And let them 3 continue on with their plan? We're with you. We're 4 simply asking you to hold your ground. We appreciate 5 everything you're doing to try to keep EPA from really 6 dramatic overkill, once again. Thank you for the 7 opportunity to comment. 8 (Applause.) 9 MAYOR VESTER: Representative Bob Nonini 10 followed by John Magnuson. 11 BOB NONINI: Thank you, Mayor Vester. Thank 12 all you mayors for hosting this event tonight and 13 Commissioner Cantamessa, good to see you up at the head 14 table. When I got here tonight and saw the campaign 15 signs and started recognizing some names -- and I'll 16 make this quick because I know I only have three 17 minutes -- but I saw some names I recognized. And then 18 parked over here and walked over here to 207 River 19 Street where I grew up. The old house looks pretty 20 good. And although this isn't my legislative district, 21 I have some deep roots here, obviously, and I'm here to 22 give the fight with all of you against the EPA because 23 we are fighting the EPA down in Coeur d'Alene/Post Falls 24 area where I live now, and I want to take the remainder 25 of my time and share some figures with you, because</p>
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<p>1 Today EPA is even upholding the state of 2 Washington's water regulations which compounds things 3 for all of us upstream who have to deal with property 4 taxes, utility bills, and how -- what that's going to 5 mean for all of us. Commissioner Cantamessa and some 6 others have already talked about submitting conclusions. 7 I won't reiterate those. I did have some different ones 8 that people haven't expressed yet, so there are more in 9 there. 10 I don't think EPA can be trusted when they 11 continue to ignore the will of you, the people you 12 represent, and the elected leaders throughout the state 13 and business community. Well, we're not going to allow 14 EPA to ignore our water rights. And for the most part, 15 here is the most confusing issue, and I'll end on this 16 point. Around the lake they say that we are -- have the 17 opportunity for partial release from the Superfund site; 18 yet, I don't think anything ever up here has been 19 deleted yet. We have the opportunity for partial 20 deletion through the Lake Management Plan. 21 The driving force in the Lake Management Plan 22 for all properties around Coeur d'Alene is a 25-foot 23 setback rule. We can't have our members develop their 24 property, improve it in ways that you think would be 25 consistent with nature, but yet, we're supposed to sit</p>	<p>1 we've heard this \$1.3 billion thrown around quite a bit 2 for quite a few years. 3 The 2002 ROD was the final remedy to address 4 human health issues here in the valley. There are no 5 human health risks here today, as this work is largely 6 complete. And the reason I can say that is because less 7 than \$3 million of the proposed \$1.3 billion additional 8 money will be spent on new human health issues. So 9 obviously the EPA themselves feel that the human health 10 issues are primarily resolved. 11 Since there's no human health issues to 12 address, the new massive expansion plan must be about 13 something else; namely fish and water. Big surprise, 14 EPA. EPA says the price tag to protect fish and water 15 is \$1.3 billion, which is unreasonable to begin with, 16 but the real cost is going to be much higher. EPA's 17 \$1.3 billion cost estimate ignores construction costs to 18 increase over time and is based on a 7 percent discount 19 rate which is unrealistic. 20 Using more accurate construction costs and a 21 realistic discount rate of two and a quarter percent, 22 the real costs are as follows: Plan costs of 65 years 23 are used to implement the plan, 3.4 billion. Plan cost 24 of 90 years are used to implement the plan, 25 \$5.4 billion. But not accounting for cost increases and</p>



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<p>1 using an unrealistic discount rate, EPA's \$1.3 billion 2 cost is off by as much as 200 percent, and we as 3 legislators, my colleagues who are before me tonight, 4 they know the state of Idaho's on the hook for a lot of 5 money. Well, you know, where do they get that money, 6 folks? It comes right out of your pocketbook, too. 7 Absolutely crazy.</p> <p>8 There is a better way, though. The EPA should 9 pull back this massive plan in favor of a more 10 reasonable ten-year approach that will meet clean-up 11 goals more effectively, efficiently, and in small enough 12 pieces so that the local people can remain involved in 13 the future of the valley in a meaningful way.</p> <p>14 How am I doing on time? I have 30 seconds 15 left. That's a first, I think, that I had a little 16 time. Well, in those last closing, then, the seconds 17 that I have, you know, I came in tonight. I saw Herbert 18 Zanetti and Jim Sabala and Jeff Cantamessa you know, 19 guys that I grew up with, went to high school with. You 20 know, Joanie and Jon, few years older. Dick with my 21 older brother. And, you know, the Silver Valley, we 22 talked about lead cracking. And when I came up through 23 Kellogg and you can see how clear the water is, you 24 know, how many of you guys know Pete Leffler (phonetic)? 25 I think a lot of you know Pete Leffler.</p>	<p>1 participated in another public comment session in 2 Kellogg. As a result of what I heard after the comments 3 that were made at that, I've come to four conclusions 4 about this process. First, this is not an exercise 5 primarily about the human health. The media reception 6 and the comments were greeted by some of what was said 7 passionately by members and citizens of this valley, but 8 would seemingly have some indicate that we all suffer 9 from some toxicity of a cerebral nature. Nothing could 10 be further from the truth.</p> <p>11 How these non-residents (inaudible) would be 12 against a billion-dollar clean-up aimed at helping us. 13 What they don't know and what we do know, is it's not 14 about human health. As Bob Nonini indicated, that was 15 addressed in the 2002 ROD. That was supposed to be the 16 final human health remedy. The new ROD identifies no 17 new human health risk. And as Bob indicated, there's no 18 more than \$3 million in this billion-dollar plan to 19 address human health activities. If there were human 20 health risks remaining, I presume they would have been 21 addressed in the 2002 ROD.</p> <p>22 The second thing I learned is that this 23 process today should not have been called a public 24 hearing process. A public hearing process presupposes 25 that someone is listening. It should have been called a</p>
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<p>1 When Pete Leffler came here 30 years ago, Pete 2 and I used to go fish up here past Zook's (phonetic). 3 It was that addition. I can't think of the name. Help 4 me, you guys. There's a few houses up past Zook's 5 there. We used to catch those fish and go back to 6 Pete's and fry them up and, you know, nothing was wrong 7 with that stuff.</p> <p>8 I mean this valley has taken care of itself. 9 Now people are going to say, yeah, Nonini, you were 10 always crazy, but my point is that this valley has taken 11 care of itself, the mining companies operate efficiently 12 and effectively, and we need to keep this valley 13 vibrant. The population sign says 930. It used to say 14 2700 people, and with the price of metals and what the 15 mining companies want to do in this area, the EPA needs 16 to let them move forward and be reasonable about what 17 we're doing. Thanks. I went over a little bit. 18 (Applause.)</p> <p>19 MAYOR VESTER: John Magnuson followed by Jim 20 Sabala.</p> <p>21 JOHN MAGNUSON: Thank you, Mayor Vester and 22 mayors. My name is John Magnuson. I live in Coeur 23 d'Alene. My heart is with Wallace, always has and 24 always will. 25 On August 9, at the request of Mayor Vester, I</p>	<p>1 public talking process. While we appreciate the EPA 2 representative here tonight and we thank you for your 3 time, where has the head of region 10 been? To my 4 knowledge, he has not been at a public meeting and he, 5 as the one with ultimate authority, is not here to 6 listen to our comments, to hear that we don't have three 7 sizes on the back of our head and that we are passionate 8 and knowledgeable about what we are dealing with.</p> <p>9 Third, it's supposed to be a plan for the 10 public and not over the public. I recognize that the 11 federal government has Asarco money burning a hole in 12 its pocket. If that money must be spent and if it must 13 be spent here, then the following should be considered: 14 Collaborative discussions with community property 15 owners, residents and leaders aimed at taking a final 16 plan for the final residents so that our 25-year 17 houseguest knows when it's time to leave. Listen to the 18 comments from Mayors Groves and Pooler. These are the 19 people with knowledge about what we really need and we 20 don't need 90 years as a bureaucratic occupation. And 21 please don't tell us to participate in a process that 22 essentially appears to some to be a fool's errand while 23 we have a media program conducted at taxpayer expense 24 seemingly indicating that the proposed ROD is already a 25 (inaudible) complete.</p>



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<p>1 The fourth thing I would like to note is that</p> <p>2 the observations and brief comments from members of the</p> <p>3 Silver Valley hearing today, when those comments emanate</p> <p>4 from outside of this valley, they don't understand the</p> <p>5 perspective that comes from here. And until you live</p> <p>6 here and until you walk in these streets and until you</p> <p>7 live and breathe the history that is who we are, you</p> <p>8 just don't understand.</p> <p>9 We have a history with the federal government.</p> <p>10 It has not always been a mutually beneficial history.</p> <p>11 We recognize that you will be here and you will be here</p> <p>12 for some time and you will be undertaking some tasks.</p> <p>13 We would ask only that you work with us, not for us. We</p> <p>14 would ask that you work with us and not against us.</p> <p>15 Thank you.</p> <p>16 (Applause.)</p> <p>17 MAYOR VESTER: Jim Sabala followed by Mike</p> <p>18 Dexter.</p> <p>19 JIM SABALA: Good evening, Mayors and</p> <p>20 Commissioner Cantamessa. I'm Jim Sabala. Thank you for</p> <p>21 the opportunity to provide comments on behalf of Hecda</p> <p>22 Mining Company on the EPA's proposed amendment of the</p> <p>23 record of decision for the upper Coeur d'Alene River</p> <p>24 Basin. I offer these comments not only on behalf of</p> <p>25 Hecda but on behalf of the Sabala family, who first came</p>	<p>1 technologies at a reasonable price with minimal</p> <p>2 long-term operation and maintenance costs and maximum</p> <p>3 benefit to the upper basin fishery. This remedy will</p> <p>4 not deplete flows but will restore Canyon Creek instead</p> <p>5 of destroying it by diverting flows.</p> <p>6 This program, plus central treatment plant</p> <p>7 work which will address the Box, Canyon Creek and 9 Mile</p> <p>8 drainages which currently contribute 80 percent of the</p> <p>9 zinc load to the South Fork system.</p> <p>10 Four, water will be treated by semi-passive or</p> <p>11 passive systems in the upper drainages instead of being</p> <p>12 piped for miles and miles for treatment in a massive</p> <p>13 treatment plant in Kellogg with the valley ripped up and</p> <p>14 impacted by years of construction issues.</p> <p>15 And No. 5, clean-up will be driven by</p> <p>16 realistic biologic metrics tied to the achievement of an</p> <p>17 acceptable fishery. The benefits of this plan are many.</p> <p>18 Namely, the ten-year plan will address much of the issue</p> <p>19 associated with low-flow zinc loading. The ten-year</p> <p>20 plan is based on basic and straight-forward</p> <p>21 interpretation of real data over time and not on</p> <p>22 theoretical model that ignores the data and that the</p> <p>23 National Academy of Science found to be seriously</p> <p>24 flawed.</p> <p>25 That model, by the way, creates mythical</p>
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<p>1 to Shoshone County in the 1920s.</p> <p>2 I have previously spoken out about the</p> <p>3 problems with EPA's proposed plan. It is too big, too</p> <p>4 wasteful, and takes the wrong approach. It looks at the</p> <p>5 basin from somewhere around 30,000 feet in the air and</p> <p>6 models its preferred outcome. Clearly, there has to be</p> <p>7 a better way to approach this issue. So what we at</p> <p>8 Hecda did was ask a group of well-respected</p> <p>9 environmental engineers and scientists to develop a</p> <p>10 realistic plan that looks at the problem and the</p> <p>11 site-specific data from the ground up and is responsible</p> <p>12 to local needs and concerns. The result of that</p> <p>13 undertaking is a ten-year plan with the following key</p> <p>14 components.</p> <p>15 No. 1, remedy protection in accordance with</p> <p>16 EPA's recommendation at a cost of \$34 million, plus an</p> <p>17 additional \$2 million for a corps of engineers FEMA</p> <p>18 flooding study to address the mayor's articulated</p> <p>19 concern.</p> <p>20 No. 2, central treatment plant upgrade and</p> <p>21 water collection system to treat groundwater in the Box</p> <p>22 at a cost of \$39 million, which contributes 45 percent</p> <p>23 of the zinc loading in the South Fork system.</p> <p>24 No. 3, clean-up of key historic source areas</p> <p>25 at a cost of 75 to \$100 million using proven</p>	<p>1 massive sources of zinc to the system and then takes</p> <p>2 credit for fixing them. The ten-year plan can</p> <p>3 accommodate development needs because it is only a</p> <p>4 ten-year plan. It does not lock anyone into the 50- to</p> <p>5 90-year commitment and can much more readily respond to</p> <p>6 changing needs of Shoshone County's communities and</p> <p>7 further development of its resources. It is consistent</p> <p>8 with CERCLA's requirements for meaningful, and I</p> <p>9 reiterate meaningful, public participation and ensures</p> <p>10 the public a continuing role in defining the basin's</p> <p>11 future.</p> <p>12 It is exactly what the NAS had in mind when it</p> <p>13 endorsed an adaptive management approach to basin</p> <p>14 clean-up. The ten-year plan preserves tailings pond</p> <p>15 capacity and flat ground for future development. And</p> <p>16 the ten-year plan does not ignore groundwater</p> <p>17 contribution of zinc to surface loading. The ten-year</p> <p>18 plan defers addressing groundwater loading except in the</p> <p>19 Box where the need and benefit is obvious. The ten-year</p> <p>20 plan instead, as first noted, prioritizes the</p> <p>21 stabilization and clean-up of key historic upstream mine</p> <p>22 sites which could be completed efficiently and</p> <p>23 effectively in ten years.</p> <p>24 Then the groundwater issues can be reexamined</p> <p>25 and hopefully addressed more efficiently to the extent</p>



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<p>1 necessary and appropriate relative to the quality at 2 that point of the upper basin fishery. 3 Thank you for the opportunity to comment. I 4 encourage the mayor, the commissioners, and other 5 political leaders and citizens of Shoshone County to 6 support this alternative ten-year plan for basin 7 clean-up. Thank you very much. 8 (Applause.) 9 MAYOR VESTER: Mike Dexter followed by John 10 Jordan. 11 MIKE DEXTER: Good evening. My name's Mike 12 Dexter. And it's not my intent this evening to insult 13 the EPA or the people who represent the agency, but I'm 14 compelled to do what I believe to be the right thing. 15 And sitting idly by is not the right thing. 16 EPA has in the past several weeks resorted to 17 cheerleading in the newspaper in their latest effort to 18 promote their plan. A plan that would cost 19 \$1.34 billion, places a 90-year Superfund stigma on the 20 Silver Valley, and make it even more difficult for the 21 already stressed mining industry to survive. 22 Time allowed this evening will only allow me 23 to scratch the surface of the issues I find troubling 24 regarding these advertisements. Even though I will 25 only speak to the first two of four EPA topics, another</p>	<p>1 into those nasty details about how much certainty we can 2 expect from a 90-year plan that incorporates what they 3 call adaptive management. Put this into context. A 4 90-year plan that would be winding down today would have 5 been started in 1920. Now, how much comfort should we 6 get that this 90-year plan provides certainty? 7 Another bullet in topic No. 1 and I quote, "By 8 considering the big picture, EPA will spend fewer 9 taxpayer dollars and more wisely spend money set aside 10 for the clean-up. This approach allows clean-up funds 11 to be managed for the long term. It is time-intensive 12 and costly to amend RODs," end of quote. 13 Now, many of us here tonight have been witness 14 to the decades of EPA activities in the Silver Valley. 15 And without airing a very long list of examples, we 16 understand just how disingenuous it is that the EPA now 17 pretends to be wise stewards of taxpayer dollars. 18 Then on September 22nd, they gave us topic 19 No. 2. And again, I quote, "EPA's mission is to protect 20 human health and the environment, and we also want the 21 clean-up to reflect local priorities and needs," end of 22 quote. The truth is, there's very little proposed plan 23 that focuses on human health and the community's 24 priorities are not well-served by Superfund stigma for 25 90 more years.</p>
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<p>1 commenter will speak to topics three and four. 2 On September 15th, they gave us topic No. 1. 3 In this topic, the EPA takes credit for replanting 4 barren hillsides. Ed Portermeier can easily take credit for 5 this success. As an employee of Bunker Hill Mining 6 Company, it was Ed who first planted several species of 7 trees on the hillsides with saplings that were grown 8 underground in the mine. I've talked with Ed and this 9 is what he told me. Between 1991 and 1993, he was 10 responsible for planting nearly 1 million trees. The 11 cost for growing trees was 2 cents per tree and the cost 12 for planting was 6 cents per tree. 13 EPA planted shrubs, not trees. Even though Ed 14 told them planting shrubs was a waste of time because 15 mother nature would not allow the shrubs to grow where 16 the trees were planted, Ed estimates that EPA spent over 17 \$5 per shrub. 18 In Ed's current job, he continues to travel the 19 areas where he and EPA have both attempted 20 revegetation. Ed's words: "But there are literally 21 thousands of empty 1-gallon planter jugs left on the 22 hillsides where EPA attempted to plant shrubs. The jugs 23 are empty because the shrubs died." EPA should have 24 listened to Ed. Then they talked about certainty under 25 topic No. 1. This might be my favorite. They don't get</p>	<p>1 Now, to be fair to EPA, I would say, yes, 2 there is work to be done, but be honest. No more 3 propaganda. Let commonsense guide your plan. Ninety 4 years is certainly not commonsense. \$1.34 billion is 5 certainly not commonsense. Run it like a business. 6 Prioritize the requirements, plan ten-year increments 7 and take advantage of what you have already learned in 8 preparation for any additional work beyond ten years if 9 it is truly required. 10 In closing, I want to express my appreciation 11 to the mayors of the Silver Valley for their work and 12 dedication of time in making this town hall meeting 13 possible. We have been offered relatively little time 14 to prepare for a plan that is expected to last for 90 15 years and meetings like this one provide more 16 opportunities for our voice to be heard and for that I 17 want to thank you. 18 (Applause.) 19 MAYOR VESTER: John Jordan followed by Mike 20 Clary. 21 JOHN JORDAN: Thank you, Mayors. I appreciate 22 the opportunity to speak. My name is John Jordan. I'm 23 a graduate of Wallace High School. I'm a long-term 24 resident of the Silver Valley. I'm a mining 25 professional who lives in this location because I love</p>



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<p>1 It.</p> <p>2 I'd like to follow-up with a couple more of</p> <p>3 the topics that the EPA has been giving us to think</p> <p>4 about. On September 29th, they gave us topic No. 3.</p> <p>5 And I quote, "As clean-up in Kellogg, Wardner,</p> <p>6 Smeterville, and Pinehurst has brought dramatic</p> <p>7 improvements, hillsides have increased and plants grow</p> <p>8 again, highly contaminated mining water successfully</p> <p>9 treated and contaminated soil removed so it's away from</p> <p>10 residents and recreational places," unquote.</p> <p>11 You've already heard about Ed Pommerening, the</p> <p>12 Bunker Hill-inspired improvements to the hillside, so I</p> <p>13 won't belabor that point. No. 2 is the contaminated</p> <p>14 water be successfully treated. There are a lot of very</p> <p>15 intelligent people who would take issue with the claim</p> <p>16 that the EPA's discharge to the South Fork of the Coeur</p> <p>17 d'Alene River is being successfully treated.</p> <p>18 The claim that contaminated soil has been</p> <p>19 removed so it's away from residents in recreational</p> <p>20 places probably does not sit very well with those who</p> <p>21 have been adamantly opposed to the location in the East</p> <p>22 Mission Flats repository.</p> <p>23 On the 13th of October, they gave us topic</p> <p>24 No. 4. Again, I quote, "The EPA is confident that</p> <p>25 clean-up and responsible mining can continue together.</p>	<p>1 don't think any of us are to the need for continued</p> <p>2 work, but I just don't have any faith whatsoever in a</p> <p>3 process – in the process that EPA is proposing. I have</p> <p>4 no faith that it will proceed with what's truly needed</p> <p>5 or provide anything that's close to a cost-effective</p> <p>6 solution. \$1.34 billion over 90 years is preposterous.</p> <p>7 We need to establish what should be done in the next ten</p> <p>8 years and move ahead, and when more work is done, more</p> <p>9 work can continue. When this work's been accomplished,</p> <p>10 we can assess the results, prioritize that next level of</p> <p>11 work and continue. Once again, Mayors, I thank you for</p> <p>12 the opportunity to speak.</p> <p>13 (Applause.)</p> <p>14 MAYOR VESTER: Next up is Mike Clary followed</p> <p>15 by Byron Bratten.</p> <p>16 MIKE CLARY: Thank you, Mayor Vester, and</p> <p>17 fellow mayors for this opportunity to speak this</p> <p>18 evening. My name is Mike Clary and I'm currently an</p> <p>19 attorney at Hecla Mining Company. In recent months the</p> <p>20 EPA has claimed that it's proposed massive work plan</p> <p>21 will create jobs and economic benefit for the</p> <p>22 communities of the Silver Valley. While creating jobs</p> <p>23 and economic development is a laudable goal, it is</p> <p>24 certainly not a role EPA is qualified to play, nor is it</p> <p>25 part of CERCLAS mandate.</p>
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<p>1 Where clean-up is planned in areas that are being mined,</p> <p>2 developed or expanded, the EPA would coordinate</p> <p>3 investigation designed to clean up with the property</p> <p>4 owners. This approach would allow EPA to work with</p> <p>5 mining companies as clean-up is implemented. Clean-up</p> <p>6 is not expected to restrict future mining and</p> <p>7 exploration in the Silver Valley. The EPA knows that</p> <p>8 the mining is an important part of the history and</p> <p>9 future of the Silver Valley. The EPA also understands</p> <p>10 that mining companies need certainty for planning and</p> <p>11 investing. We're committed to completing clean-up</p> <p>12 actions in ways that would allow responsible mining</p> <p>13 operations to continue in compliance with environmental</p> <p>14 regulations," unquote.</p> <p>15 First off, why do we – they insist on the</p> <p>16 word responsible mining. Why not just say mining.</p> <p>17 Mining can continue. We already understand that mining</p> <p>18 operations have to deal and comply with environmental</p> <p>19 regulations. Second, instead of saying clean-up is not</p> <p>20 expected to restrict future mining and exploration in</p> <p>21 the Silver Valley, why not just say clean-up will not</p> <p>22 restrict mining in the Silver Valley.</p> <p>23 As to certainty, I can't think of anything</p> <p>24 less certain than EPA's plan for 90 years for the</p> <p>25 promise of adaptive management. I'm not blind to and I</p>	<p>1 The Silver Valley economy depends on</p> <p>2 stable family-wage jobs. The economic strength comes</p> <p>3 from the contributions healthy businesses make in our</p> <p>4 communities. For instance, for the five-year period</p> <p>5 from 2006 through 2010, Hecla will have spent</p> <p>6 approximately \$400 million to run its Lucky Friday mine</p> <p>7 in Mullan, Idaho. A significant percentage of that four</p> <p>8 hundred million dollars has been spent in the Silver</p> <p>9 Valley, including expenditures for payroll, exploration,</p> <p>10 development, and the purchase of goods and services from</p> <p>11 local vendors.</p> <p>12 Hecla employs approximately 267 men and women</p> <p>13 at the Lucky Friday and in addition pays over 100</p> <p>14 contractors to provide additional services such as</p> <p>15 welders, construction workers and engineers. This is</p> <p>16 real employment and economic development as opposed to</p> <p>17 the seasonal jobs typically provided by EPA's past</p> <p>18 work in the Silver Valley.</p> <p>19 I spent my first ten years at Hecla serving as</p> <p>20 personnel manager at the Lucky Friday mine. And during</p> <p>21 that time, I recall countless occasions when people who</p> <p>22 had been working for EPA-related contractors in the</p> <p>23 Silver Valley came into my office looking for full-time,</p> <p>24 nonseasonal family-wage jobs that included benefits.</p> <p>25 The average job at the Lucky Friday valued at</p>



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<p>1 approximately \$100,000 for the past two years. That</p> <p>2 number consists of \$70,000 in wages and \$30,000 in</p> <p>3 benefits, including full medical/dental plans, a defined</p> <p>4 benefit retirement plan, 401(k) plan, and a generous</p> <p>5 vacation package.</p> <p>6 Rather than advertising that EPA's proposed</p> <p>7 work plan may create jobs in the Silver Valley, the EPA</p> <p>8 should instead adopt a more reasonable approach to its</p> <p>9 work plan by implementing a ten-year strategy that</p> <p>10 protects areas already cleaned up, focuses on primary</p> <p>11 sources of loading above Wallace, uses real data and</p> <p>12 proven technologies to achieve goals, embraces the</p> <p>13 National Academy of Science's advice, and ultimately</p> <p>14 reduces the cost of the plan. Thank you again for this</p> <p>15 opportunity to speak.</p> <p>16 (Applause.)</p> <p>17 MAYOR VESTER: Byron Bratten followed by Hap</p> <p>18 Butler.</p> <p>19 BYRON BRATTEN: Good evening. My name's Byron</p> <p>20 Bratten. I was born here in this valley. I've lived</p> <p>21 here my entire life. I worked in the mine since I was</p> <p>22 18 years old and, you know, I chose that profession</p> <p>23 because college wasn't going to be my thing. Mining</p> <p>24 provides an excellent living. It provides an excellent</p> <p>25 economy for this valley. We got good -- paid good</p>	<p>1 I think the EPA uses that as a scare tactic to try to</p> <p>2 buffalo everybody here in the valley that they need to</p> <p>3 be here. I mean what are they going to say, that it</p> <p>4 stunted my growth? Well, we can all see that's</p> <p>5 ridiculous.</p> <p>6 Just like their 90-year plan is ridiculous.</p> <p>7 You know, it's ridiculous to try and implement a 90-year</p> <p>8 plan that, you know, in say 50, 70 years was my</p> <p>9 great-grandson saying to my great, great grandsons, Hey,</p> <p>10 Dad, why are they digging up this 3-foot chunk of dirt</p> <p>11 along this section of the road over here and then</p> <p>12 skipping over here and ended up over here, and hauling</p> <p>13 it somewhere in the valley? You know, his response will</p> <p>14 be, "Well, they're digging up the dirty dirt and moving</p> <p>15 it from one spot in the valley to the other spot in the</p> <p>16 valley, so when it floods again it can all be washed out</p> <p>17 and it will all be dirty dirt again, according to the</p> <p>18 EPA."</p> <p>19 So I guess in closing, what I hope is that the</p> <p>20 elected officials that are here tonight or represented,</p> <p>21 you know, they all have good things to say and they all</p> <p>22 sound like they're for us or with us just like -- you</p> <p>23 know, I've been to three of these meetings now and</p> <p>24 every -- the majority -- you know, I think there's been</p> <p>25 one or two people that are for the EPA, you know, at</p>
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<p>1 wages. We have good benefits. And this valley -- I</p> <p>2 mean it's -- it's the cornerstone of what the valley was</p> <p>3 developed and, you know, without it, what are we going</p> <p>4 to be? We're going to be a bunch of seasonal workers</p> <p>5 with no benefits. And the EPA says that they want to</p> <p>6 work with the mining companies, but I don't believe it.</p> <p>7 You know, I represent, I guess, the working man. The</p> <p>8 guy that's underground breaking the rock. And all the</p> <p>9 people I work with -- I work at the Lucky Friday -- all</p> <p>10 the people I work with, all my friends that work at the</p> <p>11 other mines in the valley, we all feel the same way.</p> <p>12 We've had enough.</p> <p>13 The -- you know, the -- the \$25 amount of</p> <p>14 silver and dollar lead and a thousand-dollar-an-ounce</p> <p>15 gold, this valley should be thriving right now. We</p> <p>16 shouldn't be having issues with our schools on trying to</p> <p>17 decide what programs we got to cut because we don't have</p> <p>18 the money to -- going to have sports or band or</p> <p>19 whatever. The mining provides that money.</p> <p>20 And I guess, you know, I grew up in Pinehurst</p> <p>21 fishing, swimming in the South Fork of the Coeur d'Alene</p> <p>22 River back in the '70s when the Bunker Hill and the</p> <p>23 smelter and the zinc mill were all running full bore,</p> <p>24 and I -- I ate the fish, swam in the water. I went</p> <p>25 through lead screening in high school. I wasn't leaded.</p>	<p>1 these meetings that I've heard.</p> <p>2 I hope that they're not just paying us lip</p> <p>3 service so that they can get a vote because the</p> <p>4 elections are coming up here in another month. I hope</p> <p>5 that they actually stand up and they actually hear what</p> <p>6 we're saying and are our witness. Thank you.</p> <p>7 (Applause.)</p> <p>8 MAYOR VESTER: Hap Butler followed by Robin</p> <p>9 Lake.</p> <p>10 HAP BUTLER: I'm Hap Butler. I live in</p> <p>11 Pinehurst. I represent myself and absolutely nobody</p> <p>12 else. This the third time I've been at one of these</p> <p>13 events and started back in July. And I noticed</p> <p>14 something unusual as I sit here listening to everybody</p> <p>15 else talking about this. It's amazing to me that we've</p> <p>16 been allowed about 90 days to comment on a plan that's</p> <p>17 supposed to go on for 90 years. Somebody else mentioned</p> <p>18 if today we were at the end of a 90-year program, that</p> <p>19 would start in 1920. I don't know if there's any</p> <p>20 historians in here, but did any unusual events happen</p> <p>21 between 1920 and today that might have impacted an</p> <p>22 adaptive program? Let's see. There was the Great</p> <p>23 Depression. There was the second World War. There was</p> <p>24 the Cold War. There was Vietnam. Oh, wait, I forgot</p> <p>25 Korea. Do you think there's anything that can change a</p>



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<p>1 program that went on for generations? There's not a 2 soul here whose kids are going to be alive at the end of 3 90 years. 4 You got to go out another decade or two to 5 have kids born that will be alive 90 years from now. 6 Give me strength. That's not a practical program. I've 7 said that before and I'm delighted that the number of 8 people have come before me tonight have picked up points 9 that I made previously. Make this plan a business plan. 10 Get some parameters in here. Get something that you can 11 measure. I think that's a great idea. And I think it 12 ought to be done. 13 But folks, there's a lot of elected 14 representatives in here that represent us and at the 15 U.S. government level, and I'm going to encourage every 16 one of you who's here on behalf of us, like the 17 representatives, those of you who have direct pipelines 18 to our elected representatives, the EPA is absolutely 19 totally out of control. They're unelected and our 20 elected officials need to rein them in. They need to do 21 that with the budget. They need to do that. 22 (Applause.) 23 HAP BUTLER: You're cutting into my time. 24 They need to recommend. I want to tell you a story. 25 Anybody know who Peak Adventure is up there in Cataldo?</p>	<p>1 (Applause.) 2 MAYOR VESTER: Robin Lake followed by Peter 3 Cooper. 4 ROBIN LAKE: Ladies and gentlemen, thank you 5 for the opportunity to be here this evening. Hap got 6 ahold of my script, but I'm going to go over part of 7 what he just said anyway. I'd like to talk a little bit 8 about perspective. Shoshone County in 1910 had a 9 population of 13,000. It ramped up to a peak of about 10 23,000. About the time the EPA began administering to 11 us, it plummeted. We're back down to 13,000 where we 12 were a hundred years ago. 13 Between 1860 and 1980, that's 120 years, we 14 have already 27 years of attention from the EPA. 15 They're talking about 90 more. That's 120 years. 16 America was involved in those years in the war between 17 the states, the Spanish-American War, World War I, World 18 War II, the Korean War and Vietnam. Life-changing, 19 cataclysmic events over a 120-year span. The Panama 20 Canal was built between 1907 and 1914. If our valley -- 21 the box as it was originally described was 7 miles long, 22 if we take our valley and assign an average width of a 23 quarter mile and we excavated it to a depth of 3 feet, 24 you would have to make that excavation 400 times to 25 equal the Panama Canal and the Panama Canal was taken</p>
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<p>1 I know the folks that used to own that. They sold it 2 recently. And I think they're real happy they did 3 because the people that bought it from them went to the 4 EPA and said, "Look, are we going to be able to operate 5 this way it's been operating?" EPA said, "Oh, yeah. 6 Absolutely no problems," until they have to drink water 7 and a new EPA director came in, and now those people who 8 took their life savings and (inaudible) now being told, 9 Oh, because of wolverine territory. We aren't 10 necessarily going to -- oh, thank you, sweetheart. Why 11 didn't you tell me 30 seconds ago. 12 You won't be able to do what -- they now stand 13 to lose their entire life savings and the buyers are 14 pretty mad, because EPA doesn't seem to feel that it's 15 bound by what a prior director of that organization 16 said. 17 Now, if we're going to go out 90 years, do you 18 think there's going to be a few more directors between 19 now and then? Folks, I said it the first time I ever 20 spoke before most of you in this audience and up there. 21 I'm here for the government and I'm here to help you. 22 That's one of the promises you just can't believe in. 23 Folks, rein them in to the best of your extent. All you 24 elected representatives hold them accountable. Keep 25 them in check. Have a great night.</p>	<p>1 care of in seven years, not 120. 2 The Transcontinental Railroad was begun in 3 1863. It was completed in 1869, six years. 1800 miles 4 of brand-new through virgin prairie across the Sierra 5 Nevada mountains, tunnels, bridges, trestles, all of that 6 in six years, to span two-thirds of a continent. 7 In 1960, John Kennedy stood on national live 8 television and said, "This decade we choose to go to the 9 moon." In 1969, Neil Armstrong stepped off a lunar 10 landing and said, "One small step for man kind." That 11 entire process was nine years. The technology had to be 12 invented. I brought some of these little binders this 13 evening that I'm going to leave with you mayors. It 14 talks about a process called coordination and it is an 15 avenue by which we can regain some say in what's 16 happening in our community. Thank you very much. 17 (Applause.) 18 MAYOR VESTER: Peter Cooper followed by Corey 19 Millard if he's here. I didn't see Corey. If Corey is 20 not here, Peter Cooper is up. 21 PETER COOPER: I'm Peter Cooper with the Pan 22 American Railway. That's my railway company. I have 23 two issues here. One is, of course, how to do this plan 24 effectively. I've heard quite a few new ideas this 25 evening that I haven't heard before and I'm glad to hear</p>



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<p>Page 54</p> <p>1 that people are thinking about trying to do this 2 effectively instead of just (inaudible) on the EPA and 3 time to go home. 4 I have experience with concrete and 5 (inaudible) contractor versus the railroad business. I 6 understand how to do things real quick because when you 7 have a railroad, you need to; otherwise, you're out of 8 business. 9 Milwaukee refilled its fire-ravaged line over 10 the summit in two weeks after the 1910 fire. In two 11 weeks they were back and running. I have two issues 12 with the EPA's ROD plan. I think it is a joke in terms 13 of the 90-year plan. I heard the comments made by 14 others and my notion of finding an alternate way of 15 disseminating contaminated water into the ecosystem is 16 by damming up or plugging up unused adits, mines. 17 I'm working with a company that has products 18 for this via concrete and urethane foam liner that can 19 be easily placed into the mines at the points of the -- 20 the aquifer in respect to the mine. This can be done 21 easily, can be easily monitored. You don't have the 22 constant lazy costs associated with the Bunker Hill bit 23 where we're spending a million dollars a year to watch 24 dirty water go around on the ground. 25 And I implore the EPA to listen to me on this,</p>	<p>Page 56</p> <p>1 It's Resolution 2010-180. The resolution 2 establishing an official position by the City of 3 Wallace, Idaho, on the proposed extension of the record 4 of decision of the Environmental Protection Agency for 5 an additional 50 to 90 years. Whereas, the City of 6 Wallace, Idaho, in order to protect its citizens and 7 provide human health, safety and welfare hereby submits 8 in this resolution an official position with regard to 9 the proposed extension of the EPA's record of decision 10 for an additional period of 50 to 90 years. We're 11 asking, as the city council's position, that this 12 extension is not in the public's best interest, will not 13 promote tourism, provide for incentives for new 14 businesses in the Wallace community, nor provide 15 encouragement to individuals and/or families to relocate 16 to Wallace, Idaho. Whereas, the city council believes 17 this action proposed by the EPA is a direct conflict of 18 the best interests of its citizens of Wallace, Idaho, 19 and its business community. 20 Now, therefore hereby resolved by the mayor 21 and the city council of the City of Wallace, Shoshone 22 County, Idaho, as follows: The ROD should not be 23 authorized to go on indefinitely. The EPA is to 24 implement a plan to complete the ROD within a ten-year 25 period. The EPA should provide for and solicit numerous</p>
<p>Page 55</p> <p>1 and I invite comments and I would like to work with the 2 mayors on promoting this kind of thinking in, you know, 3 creating a plan for this. And I welcome them trying to 4 contact me and discuss the issues with me and so they 5 can have a united front on this. 6 And the second issue is economics. Folks, the 7 Silver Valley spent a disproportionate amount of their 8 expendable income on transportation. Adaptive 9 rail-trail corridor would give me, my company, the funds 10 to fix the clean-up of the trail corridor properly 11 instead of as it is now, a band-aid solution, because I 12 would have a passenger rail service on the next -- next 13 to the trail and you have an economic benefit as well as 14 a recreational benefit. Thank you. 15 (Applause.) 16 MAYOR VESTER: Dean Cooper followed by Chuck 17 Reitz. 18 DEAN COOPER: Dean Cooper with the Wallace 19 City Council. Great to see all the mayors together and 20 obviously it's an important matter if we're all here 21 spending our nights working on this. And on 22 September 21st, the Wallace City Council met in a 23 special meeting and finalized our resolution, how we 24 feel about this ROD for our citizens, so I'd like to 25 read that into the record.</p>	<p>Page 57</p> <p>1 opportunities from many people for public comment and 2 input throughout the period of the amended ROD. 3 This resolution provides for specific protest 4 against a long-term clean-up plan that will adversely 5 affect current and future mining opportunities in the 6 Silver Valley. This resolution provides for specific 7 objection to the provisions for additional repository 8 sites throughout the Silver Valley. The resolution 9 respectfully requests that the EPA specifically focus on 10 stormwater run-off prevention throughout the Silver 11 Valley to prevent recontamination of property already 12 remaining. 13 Section 6 of this resolution requests that the 14 EPA be respectful and follow closely all current legal 15 requirements involving surface water rights and shall 16 not adversely affect any existing waterways or 17 tributaries. It was passed unanimously by the members 18 at the city council on the 21st day of September, 2010, 19 and signed by Honorable Dick Vester. Thank you. 20 (Applause.) 21 MAYOR VESTER: Chuck Reitz followed by Todd 22 Goodson. 23 CHUCK REITZ: Seems to me I come to every one 24 of these and make a statement, but on that -- of course 25 my word isn't flawless. I'm here to ask everyone,</p>



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<p>Page 58</p> <p>1 especially the mayors and our county commissioner, 2 consider this coordination. Don't turn your back on it. 3 Don't look at it like it's something that won't work. 4 It has worked in 50 communities. It has not stopped the 5 EPA, but at least it lets you put your input in. How 6 much input have you had? None. 7 I keep getting all these things from them. I 8 got one of these today. If you're on city council, you 9 did. And I look in the paper and I -- every other day, 10 there's an ad telling me how great they are and what 11 they're going to do. Well, I'm sorry, but that does not 12 put bread on miners' tables ten years from now when 13 these mines close. 14 I'm going to read you a little something. 15 Once a plan is completed, citizens and elected 16 government review and provide input into it. After 17 making changes, the county commission or city council or 18 any other entity, it can be a school district, a sewer 19 district, accepts a plan by resolution of ordinance. 20 Once accepted, the federal government must -- 21 do you hear what I said? -- must accept the elected 22 government's plan and coordinate it with their federal 23 plan. How long have they been planning this? 24 Five years? Don't you think we should have at least 25 five years to plan ours? We got brains in this valley.</p> <p>Page 59</p> <p>1 We can figure this out. 2 Now, do we need Basin Committee people? No. 3 Here's a list of over 80 environmental agencies that 4 have declared that they want this valley turned into a 5 wildlife. Fifty of them -- 70 of them, excuse me. Into 6 a wildlife corridor. They don't want humans in the 7 valley. What's it say at the bottom here? Integrating 8 our wildlife network designs and mapping into their 9 wildlife management plans connectively becomes part of 10 local and national items agency programs, okay. What's 11 that mean? Well, we can sit down and come up with a 12 plan. It doesn't have to be elaborate. With that -- 13 with the coordinating status once a registered letter is 14 sent to the government, they have to, they shall sit 15 down. They'll tell you no, that we've given you plenty 16 of chances. No. That's collaboration. That's telling 17 you. 18 We have an equal status under this 19 coordination. And if you're not going to do it, I 20 guarantee you, there are going to be citizens in this 21 county are going to do it. We're going to force them. 22 We're not going to have this valley die. Thank you. 23 (Applause.) 24 MAYOR VESTER: Todd Benson followed by Larry 25 Yergher.</p>	<p>Page 60</p> <p>1 TODD BENSON: Good evening. My name is Todd 2 Benson. I'm a resident of the city of Kellogg. And my 3 company is a local contractor for the DEQ on the yard 4 for remediation program. I also serve on the Kellogg 5 City Council at this time. 6 Mr. Dexter, I planted the last 70,000 trees 7 for Mr. Pommerening, and the mayor can attest that we 8 have, of course, a big mix-up going on at the cemetery 9 because he had an 80 percent chance of -- 80 percent and 10 only expected 20 percent to grow. 80 percent grew. 11 That was Ed Pommerening. 12 I would like to start by giving you some 13 background on the Bunker Hill site. Bunker Hill was 14 always a company town where the company supported the 15 community as much as the employees supported the 16 company. When Gulf Resources took over the Bunker Hill 17 company, the president at the time was Charles Schwab. 18 Mr. Schwab was a man who walked through the plant and 19 knew his employees by name. Mr. Schwab left the Bunker 20 Hill company when Gulf Resources took over the company 21 for one reason and one reason only. That was because 22 Gulf Resources was more concerned about the money than 23 doing things right. 24 It is a proven fact that after the baghouse 25 fire, so there would be no downtime to operate the</p> <p>Page 61</p> <p>1 baghouse without bags, health and safety of the 2 community was not their top priority nor where the 3 dollar was. When things began to crumble around Gulf 4 Resources, EPA allowed Gulf to take their money overseas 5 to do dealings to buy properties, leaving the people of 6 this community and the workers of this company to suffer 7 in the long run. 8 In 1994, when I served on the Kellogg City 9 Council for the first time, Mr. Earl Liverman from EPA 10 attended the city council meeting at my invitation. I 11 had over one page of questions for Mr. Liverman, but 12 there was one question that I will never forget. I 13 questioned Mr. Liverman in regards to EPA's plan to take 14 over the Bunker Hill site. 15 Mr. Liverman replied, "That next week on such 16 and such a day and time, I expect to have the keys 17 turned over to me and I expect to have complete 18 cooperation from Gulf Resources. That is in the minutes 19 of 1994 in the city of Kellogg minutes. 20 The thing that struck a cord me was the use of 21 his words that he expected complete cooperation. 22 Remember this was back in the mid '90s, and they 23 expected complete control with their government takeover 24 of an American corporation. Leading up to the final 25 week, EPA and employees of EPA toured the office of Gulf</p>
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<p>1 Resources, which is now Kellogg City Hall, making it 2 quite known what offices they wish to occupy. This was 3 a big game for them as they laughed in the hallway as 4 they claimed upper management offices on their way -- as 5 their own before the keys were ever turned over to them. 6 The following week, like clockwork, upper 7 management handed the keys over to Mr. Liverman without 8 incident. Looking back at this now, I feel this was a 9 setup for EPA to gain more control of the company and 10 the people of this community. I have mixed emotions as 11 of today how EPA's handling things. I feel they have 12 been good stewards for us in the clean-up of human 13 health issues along with DEQ; however, with this new 14 ROD, I'm dramatically concerned about increasing the 15 scope of questionable human health issues and 16 liabilities of mandates for the city of Shoshone County 17 and the state of Idaho. 18 There are two things I find disturbing in the 19 ROD. First, liabilities we face; and second, 20 revenue-generating issues. The liabilities to all of us 21 are going to be huge. Once these mandates are in place, 22 who is going to take care of them? If we have a 23 100-year old food and it takes out some of the work EPA 24 has done, are we on the hook for unfunded mandates? Who 25 is going to pay for this? Nothing is being done about</p>	<p>1 I have one question for every mayor and 2 commissioner, how many people have a copy of this ROD at 3 their city hall? I would strongly recommend that EPA 4 extend its comment period for the ROD and that copies of 5 this ROD are distributed to all elected officials in 6 Shoshone County and in Kootenai County, as well as the 7 governor, lieutenant governor, Idaho attorney general, 8 and the state finance and budget committee. 9 I would also like just to be extended until 10 the legislators are back in session and have the 11 opportunity to read this ROD. We are talking about 12 something that is going to be with the Silver Valley and 13 the state forever. It should be clear to us with the 14 federal government unable to properly fund itself, that 15 we as citizens will have unfunded mandates that will 16 require more Idaho taxpayer dollars to fund these 17 mandates. Thank you. 18 (Applause.) 19 MAYOR VESTER: Larry Yergher followed by James 20 McMillan. 21 LARRY YERGHER: Thank you, Mayors and County 22 Commissioner Cantamessa. Larry Yergher, life-long 23 resident, business owner in the valley and current 24 candidate for county commissioner. I'd like to start 25 with a story. Trans-Texas Corridor was a super highway</p>
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<p>1 the levies if they should fail. Are the cities, county 2 and state on the hook to fix the problems? 3 Over the long term, who is going to manage the 4 liability of these projects and when do they come back 5 into the city, county or state to manage? 6 Second, revenue generation. The language in 7 this ROD appears to be a victorial power by EPA. The 8 ROD increases the reach by EPA, which is clear to me 9 because I have seen nothing -- seen anything in it to 10 protect our industries or recreations such as mining, 11 ATV recreation, boating on the Coeur d'Alene River, 12 logging, and the list goes on and on. 13 A very well financed company has financed the 14 sunshine. Do we want people like this to be run off and 15 put their money into other economies like Romania? I 16 got to finish. Sorry. There needs to be rules in this 17 ROD that say we, what is expected of mining and 18 exploration in the valley and addresses both recreation, 19 as well. 20 This should be administered by DEQ where 21 people can talk at local levels. The Coeur d'Alene 22 Basin is a nice place to describe -- nice phrase to 23 describe the area of Mullan, the Harrison and Lake Coeur 24 d'Alene area; however, the fact remains it is labeled by 25 EPA under its designation as a Superfund site.</p>	<p>1 that was supposed to go through Texas from Mexico to 2 Canada with 16 lanes, express lanes, truck lanes, didn't 3 even have to stop at the border. Was going to go 4 through four small towns in Texas. Would wipe it out 5 completely. It's a quarter mile wide. 6 The four towns as an entity became a joint 7 power's entity, stopped the Trans-Texas Corridor. They 8 formed a committee, went to court. The court ruled that 9 because the four cities had -- the plan had been working 10 for 15 years, the four cities got 15 years to study the 11 plan and come up with their own plan. 12 My speech tonight is on coordination. Folks, 13 we all know the public comment has done nothing to halt 14 the activities of the EPA. What most people do not know 15 is that they are also required by law, mandated by 16 Congress through the NEPA Act, the National 17 Environmental Protection Act, and the National Forest 18 and Land Management Protection Act to work coordinately 19 with local government. 20 Coordination in the process is mandated by 21 federal law that requires federal agencies to coordinate 22 their plans, programs and management activities with 23 local governments. It's a powerful tool and can be used 24 to protect private property rights, productive uses of 25 land and local economies through burdensome government</p>



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<p>1 regulations. With coordination, local government has an 2 equal position at the negotiating table with federal and 3 state government agencies. Equal position. 4 Implicit in the mandate of coordination is the 5 duty of the governmental representative to work together 6 an effective relationship to seek, to reach agreement on 7 consistency between federal, state and local plans and 8 policies. I believe we need a plan. Shoshone County 9 has already signed on, the commissioners have signed on 10 a coordination policy, but we need to continue on with 11 that and build a natural resource plan. And that plan 12 in place would handle all of our resources. Once the 13 plan is in place and an agency comes in, it has to fit 14 in with our panel. (Inaudible) counties adopted a plan 15 and they're already activating it. Other neighboring 16 counties are looking at the plan and they're in the 17 process of trying to adopt it. 18 Once again, within accepted definitions relied 19 on when local government asserts coordination authority 20 granted to it by statute, it can and should expect to 21 sit at the negotiating table as equals with state and 22 federal agencies. That means you the mayors or the 23 county commissioners could sit down with the EPA and 24 negotiate our plan. So if we can build the plan, we can 25 ask the EPA if they've been working on this plan for ten</p>	<p>1 the best government subsidized Toast Masters Club in the 2 country. It's been said over and over. We've heard 3 representatives from the mining companies and from 4 residents, gentlemen who appears to have left was 5 sitting here, proposed a perfectly reasonable ten-year 6 plan. And he's a representative from a mining company. 7 As Mike Dexter mentioned and others have 8 mentioned, Ed Pomeroy as an employee of a mining 9 company, Bunker Hill, revegetated the hillside. We see 10 a theme here. These -- the mining companies know what's 11 going on. They know how to mine responsibly. They 12 don't need the federal government telling them what to 13 do. 14 We can -- if we feel that this area needs to 15 be cleaned up, we can do it. We have the brain power, 16 we have the know-how and the knowledge in this valley to 17 do it and come up with it ourselves. 18 Chuck Reitz and Larry Yerghier mentioned the 19 idea of coordination. I'll admit this is -- I hadn't 20 known that much about it until this issue had come up. 21 I've been starting to look into it. And as mayors, as 22 county commissioners, that's something that we should 23 certainly look into and look into seriously. If you 24 haven't done it, do it now and see what we can do. You 25 know, I've spoke at both these meetings. You've heard a</p>
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<p>1 years, we need to get ten years to develop it. 2 Coordination works in 54 of 54 cases. They 3 have won all court battles. So let's get together in a 4 coordination effort. We don't have much time, but I 5 believe that we can successfully be a negotiable partner 6 of this plan. Thank you. Oh, by the way, the salmon 7 that migrate out of the lake are up the South Fork last 8 week by the airport. That's how bad the river is. 9 (Applause.) 10 MAYOR VESTER: James McMillan followed by Ron 11 Wilhite. 12 JAMES McMILLAN: I'm James McMillan. I am 13 the -- I'm a resident of Wallace. I'm also the vice 14 president of the Historic Wallace Chamber of Commerce. 15 Of course, if there's anything anybody finds 16 controversial, anything I say today, those will be on my 17 own behalf, not on behalf of the chamber; however, I 18 think most of my remarks will also reflect the sense of 19 the business community. 20 As others have said, you know, they call these 21 public hearings, but in a sense it's public talking. 22 This is the third public meeting. We've heard some very 23 eloquent, very entertaining speeches according to -- 24 over the course of these past three meetings. 25 Basically, we have probably, if not the only,</p>	<p>1 lot of people probably more knowledgeable and more 2 eloquent than I. I don't think there's much more that I 3 can say. I mean ideally we would get the EPA -- we 4 would get the EPA out. They would be gone today. 5 However, we all know that's not going to happen. 6 They're going to push this through regardless of what we 7 say. 8 Look at the Mission Flats Repository. No one 9 was in favor of that thing. Even the environmental 10 groups, everybody was opposed to it, but they did it 11 anyway. However, we need to explore our options. 12 Whether it be coordination and speaking to our state 13 representatives that are present, the state is -- the 14 state is to contribute 10 percent of this -- of the 15 money that goes to this thing; however, I encourage 16 every state representative to not contribute -- If the 17 EPA pushes us through, don't contribute one dime of 18 state money to this thing. And if you vote to 19 contribute a dime to this, then I will tell everybody I 20 know in this legislative district and non-legislative 21 districts, that we need to send somebody new to Boise. 22 I appear to be out of time. Thank you for the 23 opportunity to make these remarks and I hope our 24 comments here and at the last two meetings at least get 25 through to somebody and something will happen. Thank</p>

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<p>1 you.</p> <p>2 (Applause.)</p> <p>3 MAYOR VESTER: We're moving along pretty good.</p> <p>4 We're about two-thirds of the way through. So if you're</p> <p>5 still interested in additional comments and thanks for</p> <p>6 the people that have sat patiently waiting for their</p> <p>7 time to talk. Ron Willhite followed by Leslee Stanley.</p> <p>8 RON WILLHITE: My name is Ron Willhite. I'm</p> <p>9 from Spokane, Washington, and I also live half time in</p> <p>10 the city of Gem, Idaho. And by the way, the fish up</p> <p>11 Canyon Creek are edible. I have been for a couple years</p> <p>12 and I've had them tested and I caught a ten-inch one the</p> <p>13 other day. It was great to eat.</p> <p>14 I can't really add much to what was said</p> <p>15 tonight. I agreed with everything that was said. It</p> <p>16 looks to me as though as I read the Spokesman Review</p> <p>17 here lately, especially, that really the EPA is giving</p> <p>18 us a didactic; that is, they have somebody who told them</p> <p>19 what it is they're going to do, and they go out and</p> <p>20 repeat it and really isn't a conversation. And we</p> <p>21 really don't and haven't had any input into that.</p> <p>22 And as we heard here tonight, we really need</p> <p>23 to have a communication between us, you the mayors and</p> <p>24 the county commissioners, and our representatives with</p> <p>25 the EPA. So far it's just them telling us what it is</p>	<p>1 would be ever the intent of Congress under CERCLA to</p> <p>2 give the EPA the authority to set a 50- to 100-year plan</p> <p>3 in place that could potentially leave the EPA in the</p> <p>4 Silver Valley for seven generations, where signs show no</p> <p>5 real health threats exist.</p> <p>6 Instead of leaving our great-grandchildren a</p> <p>7 remediated valley, we will be committing them to a</p> <p>8 legacy of Superfund and clean-up projects. Instead of</p> <p>9 leaving our great-grandchildren a legacy of hope and</p> <p>10 opportunity in our valley, we are leaving a legacy of a</p> <p>11 slow economic starvation with hard times, summer</p> <p>12 employment with no benefits.</p> <p>13 Rather than shoving their ROD down our throat</p> <p>14 and providing themselves a job for the next hundred</p> <p>15 years and destroy our economy, the EPA needs to develop</p> <p>16 a ROD in harmony with the economy of this community,</p> <p>17 including the mining and the logging industries.</p> <p>18 Our county commissioners and mayors need to</p> <p>19 provide the leadership, and this community needs to</p> <p>20 stand arm in arm to force the EPA do what CERCLA</p> <p>21 requires they do and truly listen to the voices of our</p> <p>22 community, work with our community in developing a</p> <p>23 legitimate ROD, and implement what is best for the</p> <p>24 Silver Valley and not what's best for EPA, Seattle or</p> <p>25 Washington DC.</p>
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<p>1 they're going to do. I admonish you, those of you in</p> <p>2 authority, to take authority and make them meet with us</p> <p>3 in whatever fashion we can do. And I appreciate your</p> <p>4 time. Thank you.</p> <p>5 (Applause.)</p> <p>6 MAYOR VESTER: Leslee Stanley followed by</p> <p>7 Robin Stanley.</p> <p>8 LESLEE STANLEY: Hi, I'm Leslee Stanley. I</p> <p>9 was born and raised in the Silver Valley. I want to</p> <p>10 thank the mayors for taking the leadership in putting</p> <p>11 this forum on together – forum together tonight.</p> <p>12 An interpretation from the Idaho State</p> <p>13 Attorney's Office states that several court cases have</p> <p>14 confirmed that the EPA does not need concurrence from</p> <p>15 the governor or the people of the state of Idaho to</p> <p>16 implement a ROD under the rules of CERCLA. This is an</p> <p>17 appalling example of the erosion of our Tenth Amendment</p> <p>18 and a shift of the people's rights to the federal</p> <p>19 government. However, that does not leave our valley</p> <p>20 without some hope.</p> <p>21 The CERCLA rules also state that EPA is</p> <p>22 required to consider state (inaudible) acceptance as a</p> <p>23 nonbinding, modifying criteria in selecting a remedy.</p> <p>24 In summary, the EPA should consider our input.</p> <p>25 Furthermore, I do believe the court would concur that it</p>	<p>1 The EPA needs to spend \$500 million of Asarco</p> <p>2 settlement money cleaning up what needs to be cleaned</p> <p>3 up, supporting our economy by making good-paying,</p> <p>4 family-supporting jobs, get 'er done, delist it, and get</p> <p>5 out. Thank you.</p> <p>6 (Applause.)</p> <p>7 MAYOR VESTER: Robin Stanley followed by</p> <p>8 Jerome Bunde.</p> <p>9 ROBIN STANLEY: Tough act following my wife,</p> <p>10 Robin Stanley, superintendent of schools of Mullan</p> <p>11 School District. I also represent the Stanley family,</p> <p>12 which is six generations that have been born and raised</p> <p>13 in the Silver Valley. We've never known anyone that</p> <p>14 suffered from lead poisoning.</p> <p>15 That being said, there are many instances in</p> <p>16 history that record when the cure was actually worse</p> <p>17 than the disease; for example, bleeding people was used</p> <p>18 to help make people healthy, even when the illness was</p> <p>19 anemia. Victorian-era women took arsenic to give</p> <p>20 themselves a fashionable pale complexion. And binding</p> <p>21 feet was used to give women dainty feet but cripple them</p> <p>22 before they were 30.</p> <p>23 The EPA needs to take a good look at their ROD</p> <p>24 because their proposed cure is significantly worse than</p> <p>25 the problem they're attempting to solve. I do not</p>



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<p>1 believe it was ever the intent of Congress to authorize</p> <p>2 the EPA to develop a plan that would allow them to squat</p> <p>3 in our valley for 50 to 100 years.</p> <p>4 More importantly, how serious can the problem</p> <p>5 really be if they're allowing themselves up to 90 years</p> <p>6 to fix it? What is a real and serious problem is</p> <p>7 finding good-paying jobs that will support a family.</p> <p>8 The Lucky Friday employs 267 workers with good-paying</p> <p>9 jobs with benefits. In addition, Meda pays</p> <p>10 approximately 58 percent of our school taxes and out of</p> <p>11 those \$300,000 a year to the Mullan School District.</p> <p>12 The EPA needs to not just go through the</p> <p>13 motion of having public hearings and soliciting public</p> <p>14 input, but instead needs to truly listen to the voices</p> <p>15 of these communities and develop an amended ROD in</p> <p>16 harmony with the natural resource industries of our</p> <p>17 community and allow for the natural metal background of</p> <p>18 the Silver valley. The EPA needs to commit the</p> <p>19 resources necessary, finish the job as quickly as</p> <p>20 possible, get us delisted and get out. Thank you.</p> <p>21 (Applause.)</p> <p>22 MAYOR VESTER: Jerome Bunde followed by Kenny</p> <p>23 Hicks.</p> <p>24 KENNY HICKS: Thanks for the opportunity but</p> <p>25 my points have been made.</p>	<p>1 backdoor and working together with DEQ, EPA and</p> <p>2 Panhandle Health to put in illegal drain fields up there</p> <p>3 to take care of their sewage system and they are</p> <p>4 illegal. The EPA will even admit to it now. I</p> <p>5 understand we didn't use any EPA funds, did you, Jon, or</p> <p>6 just state funds?</p> <p>7 COMMISSIONER CANTAMESSA: It was federal</p> <p>8 funds.</p> <p>9 JEROME BUNDE: You used state funds up there,</p> <p>10 so you used taxpayer's money to put in illegal drain</p> <p>11 fields. Anyway, then they had money left over because</p> <p>12 they didn't use it for what they were supposed to and</p> <p>13 they agreed to. The only thing is we didn't have an</p> <p>14 attorney up there with us. But anyway, the surplus</p> <p>15 money they gave to Central Shoshone Water, Kingston</p> <p>16 Water District, and to the sewer district.</p> <p>17 So now we did put in a plant. We've got a</p> <p>18 filtration plant in Burke, but we still would like to</p> <p>19 bring the water system down. But they also put in a</p> <p>20 basin restriction on any more construction up to Burke</p> <p>21 Canyon, which today we know and can realize for the</p> <p>22 price of metals, there's going to be more people wanting</p> <p>23 to live and there's a lot of space up there. And we'd</p> <p>24 love to bring the water system on down.</p> <p>25 And by law they should bring the sewer system</p>
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<p>1 MAYOR VESTER: Okay.</p> <p>2 JEROME BUNDE: Okay. I'm Jerome Bunde. I'm</p> <p>3 the chairman of the board of the Shoshone County Water</p> <p>4 District. We certainly furnish water for Wallace,</p> <p>5 Mullan, Silvertown and Burke. Now, we bought the system</p> <p>6 in '93, signed a compliance agreement to bring it up to</p> <p>7 service water standards and move forward and have</p> <p>8 been -- have put in a filtration plan to take care of</p> <p>9 Wallace, then Mullan, then the last one we had was</p> <p>10 Burke, and it was a problem because Burke only had</p> <p>11 between 17 and 19 customers up there and the sewer</p> <p>12 system, which this involves EPA, was out of compliance</p> <p>13 20 years before the water. And that -- it's been out of</p> <p>14 compliance for 40 years now. But anyway, we thought</p> <p>15 that we could work together with the county, EPA, DEQ,</p> <p>16 and Panhandle Health, and have a sewer line run down,</p> <p>17 and we could run the water line down from Burke to our</p> <p>18 other connection on the Woodland park, so we met at the</p> <p>19 county commissioner's consult chambers up there. Jon</p> <p>20 Cantamessa was one of them. And we had, I thought and</p> <p>21 all of us thought, we had an agreement. And the county</p> <p>22 applied for a grant and got the grant so much for water</p> <p>23 and so much for sewer.</p> <p>24 So we were willing to move forward and little</p> <p>25 did we know that the officials were working out the</p>	<p>1 because it's not in compliance, and anybody wants to get</p> <p>2 up and argue it and state your point, I'd love to listen</p> <p>3 to it. If we spend 600,000 bucks, not all of it ours,</p> <p>4 we got a grant for, I think, 45 percent or so, and we</p> <p>5 thank the commissioners for that. But the thing was, we</p> <p>6 still would like to have the water system, and I hope</p> <p>7 that the county commissioners will look back and see the</p> <p>8 mistake they made in going against compliance and redo</p> <p>9 their thoughts and work together with us. We're still</p> <p>10 available. Thank you very much.</p> <p>11 MAYOR VESTER: Shannon McMillan followed by</p> <p>12 Dr. Keith Dahlberg.</p> <p>13 SHANNON McMILLAN: My name is Shannon</p> <p>14 McMillan. I'm in Silvertown. Been in the Silver Valley</p> <p>15 for about 13 years now. I don't believe in this ROD. I</p> <p>16 think that it's wrong. It's like an open-ended</p> <p>17 agreement with that -- or we're being told. We're not</p> <p>18 even getting to agree to it. We're being told that we</p> <p>19 have to -- for 30 to 90 years, we have to have EPA here</p> <p>20 telling us what to do, how to do it, when to do it, and</p> <p>21 where to do it.</p> <p>22 I think we're -- like has been said before me,</p> <p>23 the mining companies have been here for a long time.</p> <p>24 They know how to treat the valley in order for people to</p> <p>25 live here because if they don't have -- if the valley's</p>



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<p>1 too bad for people to live here, well, then they don't 2 have any workers. If they don't have any workers, then 3 they don't have any mines, they don't make any money, so 4 it's not in their best interest to not be looking out 5 for their employees. 6 The other thing is, it is like what has been 7 said here earlier, is ten years is a more reasonable 8 thought to it, because the way technology is growing in 9 leaps and bounds, who's to say that in five years 10 something might not come up that needs -- that would 11 work a heck of a lot cheaper, more efficiently, and with 12 less impact on our environment? 13 They say they're out there looking for 14 environment but -- looking out after it, but how are 15 they looking out after it when they got big machinery, 16 trucks and stuff going up and down in the -- out there 17 in the woods, tearing up the land, that they're telling 18 the rest of us we're not allowed out there to do it. 19 How are they -- they supposedly fixed around Kellogg, 20 and we've heard from the mayor of Wardner and Kellogg 21 that there's still problems there. So how can we 22 believe that they're going to fix the problems in the 23 future that they haven't fixed now? And all it's doing 24 is costing us extra money to go back and redo it over 25 again. Everybody in this auditorium, Jim knows that we</p>	<p>1 practiced medicine in the valley here for 35 years. My 2 concern is that the EPA is not -- doesn't have to follow 3 its own regulations in proving that it's not going to 4 make things worse instead of better. 5 I've talked with EPA and DEQ, miners and 6 public health about the filtration system and the 7 central treatment plant there in Kellogg. Now, this 8 treatment plant now only processes the wastewater from 9 the Bunker Hill mine at about 100 -- about 1,000 gallons 10 per minute, and it's done this for the past ten years. 11 It mixes it with calcium oxide to take away the acid and 12 it settles the metal contaminants by seeping them 13 together with sludge by adding alumina. The purified 14 water is returned to the Coeur d'Alene River, of course, 15 And so that 5 percent of the river that the new pipeline 16 from Burke Canyon is supposed to take will get back in 17 the river eventually. Just won't be Shoshone County. 18 My concern is the sludge that contains all the 19 metals. If the pipeline is going to bring all of the 20 upper basin contaminants down to the treatment plant, 21 the water processed by that plant is going to increase 22 by ten times, about 30,000 gallons per minute. It's 23 piping up to a sledge pond on top of the central area. 24 That's the old Bunker Hill mining tailings. They sealed 25 that off about ten years ago by laying a thick coating</p>
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<p>1 all have to live on a budget. 2 Now, if the EPA only has, I hear \$500 million, 3 why can't -- why are they not held to that amount of 4 money? Where do they think this extra money is going to 5 come from? It can't grow on trees. We're not even 6 allowed to go up in the woods and take down the trees to 7 make the money if that's where it's supposed to grow on. 8 We're not allowed out there. So it's ridiculous that we 9 can't trust them. They haven't proved through their 10 track record that they can be trusted. I think they 11 need to be more forthcoming, and ten years -- and then 12 after ten years listen to us again. 13 Like I said before, they're probably not going 14 to listen to us now. They're just giving us lip 15 service. They're going to do what they want, but at 16 least if we're going to go down, let's not go down 17 without a fight. Let's fight every step of the way that 18 we can and make them know that if we can win the battle, 19 at least it costs them to fight us. Thank you. 20 (Applause.) 21 MAYOR VESTER: Keith Dahlberg followed by 22 David Sherman. 23 KEITH DAHLBERG: I want to thank all you 24 people who are calling this meeting. I'm a 40-year 25 resident in Kellogg. My name's Keith Dahlberg. I</p>	<p>1 of plastic over the whole 200-acre area and with sod and 2 grass on top of that, but the 2-acre sledge pond has no 3 protection at all. No plastic either over it or under 4 it, and there is -- there's no way of getting any 5 figures from the EPA on how much metal is still in that 6 when it seeps down into the -- into the ground below. 7 It has no other place to go, and underneath 8 that pile is the aquifer and right next to it is the 9 Coeur d'Alene River. If the metals are recycled back 10 into the aquifer, we accomplish nothing by the 11 \$1.3 billion. 12 Metals are no longer an injury to humans. EPA 13 says they're a danger to the fish and some of the birds, 14 but if we have no idea of the content of that water that 15 seeps down in, don't know how much metals are in there, 16 what's the \$1.3 million supposed to protect besides the 17 jobs of the EPA themselves? 18 (Applause.) 19 MAYOR VESTER: David Sherman followed by Duane 20 Jerome. 21 DAVID SHERMAN: Hi, I'm David Sherman. I'm a 22 Wallace resident and property owner and licensed 23 professional engineer, and I'm speaking for myself 24 tonight. I apologize for my rather rough-looking 25 appearance. There's a saying that good judgment comes</p>



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<p>1 from experience and experience comes from bad judgment, 2 and I have more experience now. But it occurs to me 3 that this whole process that we're going through with 4 this grand vision of 50 to 90-year plan of unspecified 5 details is another thing that's going to give us a lot 6 of experience, both those of us who live here and those 7 on the planning side of it. I hope that it's -- I hope 8 that they come out of it with good judgment. 9 I'll hit the basics which I think I'll 10 mention. In fifty years from now, another formal review 11 of any sort is way too long. It makes no sense. We 12 would not want to be stuck with a plan that was written 13 50 years ago for anything. There's no public health 14 risk anymore. That's widely recognized and so there's 15 no great urgency. People are not dropping dead. We 16 have time to think about things before we do them. 17 I don't see anybody that can make more jobs 18 now. I used to hear the phrase Dave is making wages all 19 the time, and that doesn't seem to be so attractive 20 now that we have no jobs. And, of course, there has to 21 be an endpoint to this. At some point, it has to be 22 fixed. We can't be under Superfund designation. 23 So I've got two specifics. One that I 24 mentioned before is the 300 source sites that have been 25 sited in many places. Basically, what they did was took</p>	<p>1 adding an alkali to it. It's not all that 2 sophisticated. 3 So I would suggest one alternative to look 4 into instead of running all this plumbing, you can dig 5 the trenches for the interception of the groundwater. 6 How about looking into a system where you just fill 7 those trenches with something alkaline, like limestone. 8 Crush limestone. The groundwater seeps through it. It 9 becomes alkaline. It precipitates the metals out in 10 situ. 11 If the rules say you need to dig it out once 12 every ten years and haul it somewhere, then fine. If 13 not, maybe just, you know, the zinc sulfate that's in 14 the water reverts back to the zinc carbonate that it was 15 in nature and it stays there. Something like that would 16 last for 90 years and would require no ongoing 17 maintenance. If the whole government went away, you'd 18 still keep working. So I just mention that. I'm not 19 trying to design your system for you, but I'm mentioning 20 that as an alternative to be looked into. Thank you. 21 (Applause.) 22 MAYOR VESTER: Folks, we have five more on the 23 list, and then we'll ask if somebody missed -- if we 24 missed somebody. We have Duane Jerome followed by 25 Dennis, and I can't read the writing, but I think it's</p>
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<p>1 the BPA -- or not BPA -- the BLM database of mine sites, 2 the GPS coordinates, marked them all on a map and said 3 those are source sites. Those are not source sites. 4 That's a list of every place that there was historically 5 a historical mine. Most of them, if you go up and look 6 at them, and I know many of them in person, are what you 7 call kayak holes. You know, some optimist a hundred 8 years ago dug a hole 10 feet into the ground hoping to 9 sell stock or who knows what. There's, you know, no 10 drainage, no portal. Half the time you couldn't even 11 find them. So it's misleading to call those source 12 sites until somebody has gone and visited them in person 13 and sampled them. They're not sources for anything 14 until you find something coming out of it. 15 The main -- the other thing I was going to hit 16 on is this giant project. You know, I'm an engineer and 17 there's a concept called elegance and this is not how 18 elegance is. This has been over-engineered grand 19 vision. We don't know what the details are yet. 20 The idea apparently is intercept groundwater. 21 There's high metals content before it gets into the 22 rivers, pumping through some complicated plumbing 23 network with lots of moving parts to the central 24 treatment plant and treat it. As the previous speaker 25 said, treating just means precipitating the metals by</p>	<p>1 Houyman. Something along that. Duane Jerome here? Is 2 Duane here? 3 DENNIS HUOYMAN: Dennis Houyman. I live up in 4 Silverton. Pretty much what I wanted to say has already 5 been said. Just attounds me that the EPA doesn't know 6 things that you learn in kindergarten. Water flows 7 downhill. I tried to get my property remediated for the 8 last six years. Nothing's been done yet. But yet, all 9 around me, if you go to Silverton, it's tiered. Ninth 10 Street is here, Eighth Street is 50 feet down, Seventh 11 Street is 50 feet down, so water flows downhill. 12 Well, they've done my neighbors. They've 13 remediated each of the places at least three times and 14 yet they still come back and are redoing theirs again; 15 yet, mine is still contaminated. I'm right in the 16 middle of it. So they remediated those and then 17 (Inaudible) all the contamination in my yard washes 18 downhill, and then they come and redo the other ones. 19 Why doesn't the EPA realize that water's 20 flowing downhill? There's no coordination in how they 21 do it. Up in Silverton, even the contractors are up 22 there and say why do they do one place here on Third 23 Street, then we jump up to Ninth Street, and then over 24 to Second Street. There's no coordination on how 25 they're doing this remediation at all.</p>



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<p>1 So like I said, what I've got to say is, I</p> <p>2 learned in second grade or kindergarten, the water flows</p> <p>3 downhill. And coordinate this thing.</p> <p>4 (Applause.)</p> <p>5 MAYOR VESTER: Bert Burkart followed by</p> <p>6 Laurel Christopher. Bert must have left. Laurel</p> <p>7 followed by Ron Dorchuck.</p> <p>8 RON DORCHUCK: Thanks for the opportunity.</p> <p>9 I'm Ron Dorchuck, local submission here, and I have yet</p> <p>10 to hear from the EPA a clear purpose for their existence</p> <p>11 in this valley. And without purpose, you do not have</p> <p>12 clear reason to do what you're doing, and I think we</p> <p>13 need to know what a defined purpose the EPA is doing.</p> <p>14 If it is the health of the children, then when</p> <p>15 was the last time we had a lead child? We don't have</p> <p>16 a lead child for -- I mean since the beginning. And</p> <p>17 so we look for that. No one wants to screen the</p> <p>18 children, so then we revert to paying an impoverished</p> <p>19 valley to screen children and so parents who lost their</p> <p>20 jobs at the mine are now looking for any way to get</p> <p>21 money, and they go to these little lead screening</p> <p>22 clinics that's never once shown a positive lead screen,</p> <p>23 to listen to the child scream to draw blood. That's</p> <p>24 morally wrong in my opinion.</p> <p>25 Also, we can look at lead levels of vegetables</p>	<p>1 valley know what's best for them. We're not stupid</p> <p>2 peasants who are all leaded and we don't need you to</p> <p>3 presuppose that you know what is best for us. Thank</p> <p>4 you.</p> <p>5 (Applause.)</p> <p>6 MAYOR VESTER: Laurel Christopher was</p> <p>7 preempted. So, Laurel, back to your spot. And we</p> <p>8 don't -- if there's somebody else that we missed as we</p> <p>9 went through the list or wants to follow Laurel, we</p> <p>10 still have time for somebody to sign up, so Laurel.</p> <p>11 LAUREL CHRISTOPHER: I'm always so nervous</p> <p>12 anymore. I used to be a very good public speaker. But</p> <p>13 I have sat here tonight and I get angry. I'm sorry.</p> <p>14 But I want to thank everyone for taking the time to come</p> <p>15 here tonight and to listen to what we have to say, and I</p> <p>16 want to thank the citizens that have been to all three</p> <p>17 of the meetings and have spoke from their hearts.</p> <p>18 Sometimes other -- some speakers are better than others,</p> <p>19 but we all speak from our heart and that means the world</p> <p>20 to me.</p> <p>21 My name is Laurel Christopher and I have had</p> <p>22 the privilege of working for Robert Harper since 1991 at</p> <p>23 the Bunker Hill mine. And I'm very interested in</p> <p>24 speaking to Mr. Goodson before he leaves because #1 in</p> <p>25 1991 Earl Liverman told him in the city hall of Kellogg</p>
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<p>1 in this valley. We find that tomatoes here have less</p> <p>2 lead content than they do in the San Joaquin Valley.</p> <p>3 The other thing is the way I look, I</p> <p>4 apologize. I've been out in the hills, and I've been</p> <p>5 taking pictures of some of the ghost towns in the mining</p> <p>6 areas. To me, that has historical significance. I</p> <p>7 don't feel it refreshing or invigorating or fun to take</p> <p>8 a picture of a clean-up area. There is some historical</p> <p>9 significance to this valley that in other parts of the</p> <p>10 country would be preserved as an icon. Some of the</p> <p>11 buildings around Burke, et cetera, that we're just</p> <p>12 bulldozing down at the old weigh stations or this or</p> <p>13 that, that to me had a certain amount of historical</p> <p>14 significance and I cherish those, so I take pictures.</p> <p>15 Also, we looked at what we did in the 40's</p> <p>16 here. We mined this valley with the full consent and</p> <p>17 blessing of the U.S. government. It was people in this</p> <p>18 valley that helped win World War II. It was here that</p> <p>19 we made a big difference and we kept this country free.</p> <p>20 Will the EPA allow that to happen again if we</p> <p>21 are called on again? Also, it is morally wrong, I</p> <p>22 believe, to impose another person's world view on this</p> <p>23 valley. I think the citizens of this valley --</p> <p>24 (Applause.)</p> <p>25 RON DORCHUCK: I think the citizens of the</p>	<p>1 that any day he was walking up and taking away the keys</p> <p>2 of the Bunker Hill mine, it was not from Gulf Resources.</p> <p>3 We had been at the Bunker Hill mine for over two years</p> <p>4 before Earl Liverman ever came to this valley.</p> <p>5 When Mr. Harper presented at the last -- when</p> <p>6 Helen Chenoweth came to town and we had a very special</p> <p>7 meeting, and when she presented that fact, Earl Liverman</p> <p>8 said it was a lie and it had never happened, and we had</p> <p>9 a written plan from the EPA on how they were going to</p> <p>10 take over the Bunker Hill mine.</p> <p>11 Now, I have the rest to read. That was just a</p> <p>12 preempt, but since I'm last ... I've been up since 4:30</p> <p>13 and all of you had have very long days. Every day is a</p> <p>14 long day. But when I first heard about this meeting, I</p> <p>15 was really encouraged. After 20-something years of</p> <p>16 collective mayors are actually interested in what the</p> <p>17 people had to say and maybe we can figure out something</p> <p>18 to benefit the valley together. I was looking forward</p> <p>19 to the mayors telling us where they stand, and thank you</p> <p>20 very much. I appreciate that knowing where your</p> <p>21 interests are, not in what somebody tells us your</p> <p>22 interests are. Thank you.</p> <p>23 But I was hoping you would start with the</p> <p>24 necessity to be the government officials who are going</p> <p>25 to stand up to EPA/DEQ and tell them, No. 1, finish the</p>



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<p>1 Box and sign off. And then you would turn to us, the 2 citizens, and say the next time we gather it would be 3 for the biggest EPA/DEQ farewell party we have ever had. 4 We all know the facts, at least our mayor 5 should know the facts. The EPA/DEQ have been here way, 6 way, way too long without successfully completing and 7 signing off on a single project. 8 Then I remembered the governor's meeting in 9 August. Such great hopes we had. The governor was 10 coming to listen to what the people had to say. That 11 week the two meetings were very well attended by the 12 local citizens. And again, I would say they spoke from 13 their heart. 14 Overwhelmingly, the message from us to the 15 governor, congressman, county commissioner, tribes, EPA 16 and DEQ was, we have had enough. Haven't you had 17 enough? Aren't you tired of selling your souls for the 18 deals you have made? Disappointingly, we found the 19 meeting was arranged by the EPA and DEQ team in order 20 for them to say they have collected public comments as 21 they must regarding their new proposed plan, and here we 22 are again tonight. 23 Our government representatives listened very 24 well, with their only promise being they would request 25 the 90-day extension, then the EPA representative</p>	<p>1 expertise for solutions. 2 EPA/DEQ are too arrogant to think that anyone 3 but them could have the answers. They are wrong. Many 4 times, they are wrong. So they make deals with our 5 government representatives and they force all of us to 6 take the breadcrumbs they offer instead of finding 7 workable solutions. 8 Now, Kellogg and Wardner really does not have 9 to worry nearly as much about the runoff from the Silver 10 Mountain through the mine property because thanks to 11 EPA/DEQ, it now runs into the mine and through the mine 12 to be treated in their water treatment plant at 13 Mr. Harper's expense, not theirs. 14 Last week I watched the most spectacular event 15 unfold that I have ever seen since we watched men walk 16 on the moon. The Chilean president had all the power. 17 He was there all through the 59-day ordeal and the 18 people's respect for him grew each day. Yet, he was 19 intelligent enough to know that mining people had the 20 expertise and ingenuity to rescue the 33 trapped miners. 21 NASA officials have publicly admired mining 22 industries' expertise, ingenuity and integrity during 23 and since the 33 miners rescue. 24 I just have one more thought. Thank you. 25 Please.</p>
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<p>1 announced DEQ/EPA would extend the comment period 90 2 days. Once again, the dignitaries had made a deal with 3 the EPA/DEQ before the meeting, just so that they could 4 close the meeting with that placating announcement. 5 Then they left town again, leaving it for us 6 to deal with. EPA/DEQ, on our own, except this time it 7 is forever. This time it really is forever. 8 Mr. Harper tried to tell you 20 years ago 9 don't let them in and no one wanted to hear that. You 10 all just had already made deals. Not naming you 11 individually, but the people that asked them to come 12 here could already make the deals. 13 This industrious productive mining camp has 14 become let's-make-a-deal valley. When are you ever 15 going to learn that when they finally open the door, a 16 big gotcha is all you have ever gotten. Are you going 17 to let that happen again, this time for another 50 to 90 18 or forever? 19 Their latest propaganda sheet claims mining 20 environmental clean-up can happen together. I can 21 personally tell you they can make it happen, but they do 22 not work together with mining. When I read it, I said 23 just another EPA/DEQ lie. Their failing, illegal 24 projects on the Bunker Hill mine private property have 25 not worked nor did they rely on the mine owners'</p>	<p>1 Are we to accept the EPA/DEQ with their lack 2 of expertise, lack of ingenuity and lack of integrity to 3 implement their plan to clean up our waterways for 4 Spokane? It's not for us. We don't drink the river. 5 Their outrageous water standards are cleaner than God's. 6 Does that make sense? Go clean up the Potomac. 7 Make a deal with us tonight, not them. Just 8 say no to the EPA. And I know that sounds simplistic, 9 but Mr. Harper has presented everybody with the 10 coordination plan. He's presented -- I've heard many, 11 many thoughts tonight that come from him and the other 12 mining companies. They're there for everybody. But who 13 asked them? When you have a meeting with the EPA, do 14 you say what did the mining companies say? Do they have 15 solutions? 16 I honestly wish that there were ways to work 17 with the EPA because they have all the mining companies' 18 money anymore, but they aren't here to work with us. 19 They aren't here to do things for us. They're here to 20 do things to us. And I don't appreciate them. 21 And I have respect the hard work each of you 22 have working with them, but just what would happen if 23 you just said no to the EPA? You don't have to make 24 deals. You don't have to clean up yards that are out of 25 the Box. My goodness, my dog lives in the dirt and I</p>



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<p>1 had his blood tested by a veterinarian in the valley, 2 but I sent it out of the valley to be analyzed. My dog 3 has less than six. Now, does that make sense that our 4 children are licking their hands and feet and groveling 5 in it more than the dog does? 6 MAYOR VESTER: Laurel, thanks for your time. 7 LAUREL CHRISTOPHER: Thank you, sir. 8 MAYOR VESTER: Not fair for you to have too 9 much time. 10 LAUREL CHRISTOPHER: Thank you very much. I'm 11 sorry. I thought that I was the last one. 12 MAYOR VESTER: I appreciate hearing your 13 remarks. 14 (Applause.) 15 LAUREL CHRISTOPHER: Thank you. 16 DAN THOMPSON: Could I have a moment? 17 MAYOR VESTER: You didn't -- yes, if you'd 18 like to say your name and if you're representing a 19 group. And please respect the three-minute time frame. 20 DAN THOMPSON: My name is Dan Thompson from 21 the Silver Valley Group. I'd like to hand one of these 22 to each of you. 23 MAYOR VESTER: You have some testimony, Dan? 24 DAN THOMPSON: My son's here in the audience 25 tonight. Has three beautiful children. Works at the</p>	<p>1 time is up. I hope you really take this to heart and 2 give it serious prayer and thought. Good luck to you 3 all. 4 MAYOR VESTER: Thank you very much everybody 5 that spoke and thank you very much for everybody that 6 sat through the time. We're done with the people that 7 are speaking tonight. I would mention that 8 November 23rd is the end of the comment period. We have 9 some postcards out front and there is -- has the address 10 to make written comment. I'd like to thank the high 11 school Principal Matt Coleman for allowing us to use -- 12 yes? 13 JONATHAN PLATE: Can I speak for three 14 minutes? My name is Jonathan Plate and I live in 15 Mullan. 16 MAYOR VESTER: Okay. And you didn't sign up? 17 JONATHAN PLATE: No, I came in late. I didn't 18 find out about this meeting until -- 19 MAYOR VESTER: That would be fine. Please 20 respect the three minutes and we're going to hold things 21 to three minutes apiece if there's anybody else that's 22 going to speak. And since I already started my dosing 23 remarks -- 24 JONATHAN PLATE: I'm sorry. 25 MAYOR VESTER: That's okay. You're fine to</p>
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<p>1 Lucky Friday mine. He's worried about the future of his 2 family and of our communities. We elect you folks and 3 all the rest on up. You're supposed to be serving we 4 the people, not the EPA. And at this point, not the 5 federal government. There is a crime being committed 6 against the American people and right here in the Silver 7 Valley. This whole business of the EPA being here is 8 fraud. I've spent the last 11 days, 14, 16 hours a day 9 on the computer, on different search engines searching 10 all over the world about the EPA. 11 I've compiled some very serious documents that 12 have me even more concerned as to who this EPA is and 13 what they're truly all about. You have the authority, 14 the constitutional authority to say no to these folks. 15 What the administrator said about the people 16 asking the government to step in and remove the EPA, 17 they retain that and said that the government doesn't 18 have any authority. By God, why do we elect governors 19 and county commissioners and mayors and presidents if 20 they don't matter? That an unelected official can take 21 charge of our valley? What's going to happen when the 22 mines close? You'll all be looking for work elsewhere 23 and most likely it will be in the larger cities. 24 You need to start thinking about the people 25 that put you in office. We're very concerned. I see my</p>	<p>1 speak. Well, I'll say a couple words after you've done. 2 Go ahead, please. 3 JONATHAN PLATE: My name's Jonathan Plate and 4 I live in Mullan. I run a business that travels all 5 over the Pacific Northwest. I have five cell phones. 6 Two of them are registered in Moscow and three of them 7 are registered in the Silver Valley. I was actually 8 given one of the calls for the survey. They did the 9 survey, find out how people were reacting to these 10 plans, and what they thought of these plans. Not one of 11 the phone calls that I received for surveys that might 12 need more of the other people who work for me have the 13 phones were on my Pinehurst numbers. All of them were 14 596 numbers. I took a little bit back on that. Why is 15 it that they're asking for public opinion and they're 16 giving me a laundry list of environmental groups 17 saying -- I hate to admit in this crowd, but I actually 18 know a lot of environmentalists and I have not heard one 19 of the environmental groups that they've listed that was 20 for this project. And I know a lot of environmentalists 21 and please forgive me for that one. 22 But I want to know why the EPA did their call 23 survey and didn't ask the people in the Silver Valley. 24 If you needed the phone numbers for the people in the 25 Silver Valley, I would be more than willing to hand you</p>



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<p>1 over as many phone books for the Silver Valley as you 2 possibly could use. 3 The other question I have for you is, is that, 4 has the EPA looked into lowering the requirements on the 5 surety? There are companies out there that are willing 6 to go through mixing piles and take out the heavy metals 7 at a profit to themselves with very little cost to the 8 government to go through and take out these heavy metals 9 and process them. The problem is that with the 10 liability laws that are put into place by the government 11 and by the EPA standards is, is that if you break it, 12 you buy it. And no company can find surety, which is 13 the insurance and bonding processes, that they need to 14 do to be able to go in there and should -- they can turn 15 a profit doing this, and yet, why is it that that isn't 16 what's done? 17 I mean if they've got \$500 million, couldn't 18 they bond these companies to go in through the tailing 19 piles and take out the heavy metals, then you wouldn't 20 have any more source rocks going into the river? You 21 wouldn't have any more zinc. And these companies could 22 actually process it and turn it back into the metals or 23 make it inert, but the fact is that if need .01 percent 24 of the heavy metals or loaded discharge, they cannot get 25 the insurance or surety to be able to do it. And that's</p>	<p>1 this magnitude and this amount of time and the 2 administrator that's going to be in charge in signing 3 off decides that that's not important enough to come, 4 that's what causes some of the strong feelings that the 5 people relayed to you tonight. So I hope that you will 6 relay that message to Mr. McLerran how profoundly 7 disappointed we are that he did not find his way to 8 attend one of these meetings. In closing, asking any of 9 the other mayors if they have anything to say. 10 MAYOR HUBER: I think your three minutes are 11 up. 12 MAYOR VESTER: My three minutes are up. My 13 people in Wallace know that I can never say something in 14 less than three minutes. But thanks again everybody for 15 coming and I would encourage everybody to make their 16 written comments. Thank you. 17 (Proceedings adjourned at 8:37 p.m.) 18 19 20 21 22 23 24 25</p>
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<p>1 all I had to say. 2 (Applause.) 3 MAYOR VESTER: Thank you, once again, for 4 everybody sitting through the -- making the comments and 5 listening to the comments. I appreciate all the mayors 6 coming tonight. I appreciate the folks from EPA coming. 7 Like several of you, I attended all three 8 public meetings. I also went to one of the EPA's 9 meetings of explaining the plan that was held here in 10 the high school. The message that I would hope that you 11 folks would take from this is that there might be 12 varying opinions about whether there's still work to be 13 done. 14 There's varying opinions on the good that's 15 been done in the past, but what has been universally 16 said by almost every person at all three public meetings 17 is that the people in the Silver Valley, and I know all 18 seven mayors, do not want a 50- to 90-year plan. I 19 think that the biggest concerns are the costs and the 20 time frame and the stigma of having EPA here for that 21 long. 22 I would also, in closing, relate that we are 23 profoundly disappointed that Mr. McLerran chose to not 24 attend any of three public meetings or either of the two 25 meetings that you folks put on. When you have a plan of</p>	



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1 STATE OF IDAHO }
2 } SS: REPORTER'S CERTIFICATE
3 COUNTY OF KOOTENAI }
4 }

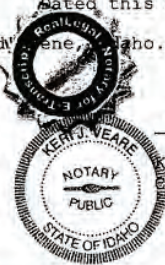
5 I, KERI VEARE, do hereby certify:

6 That I am a notary public for the State of
7 Idaho, that I am a Certified Shorthand Reporter of the
8 State of Idaho, License No. 675; of the State of
9 California, License No. 11220; and of the State of
10 Washington, License No. 3033;


11 That the foregoing pages 1 through 100 are a
12 true and correct transcription, to the best of my
13 ability, of the proceedings dated October 20, 2010,
14 except where noted "inaudible."

15 I further certify that I am not interested in
16 the outcome of said matter nor connected with or related
17 to any of the parties of said matter or to their
18 respective counsel.

19 Dated this 25th day of October, 2010, at
20 Coeur d'Alene, Idaho.



21
22
23 KERI VEARE, Court Reporter
24 CSR 11220, CSR 675, CCR 3033, RPR
25

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Commissioner Cantamessa, LJ49, Letter 619651-4

Response to comment LJ49-1

See response to Comment No. I295-2

EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

Page 7

1 said. As you know, Kellogg is a suburb of Wardner, and
2 we are at a higher level. And there has been a
3 situation at the end of our trough in the mine area
4 since '97 when we had the marsh out at Milo Creek.

5 EPA has stated they are responsible for this
6 area, but yet nothing has been done in these 13 years
7 since. Should we have one of the 100-year catastrophes
8 that they talked about and the pipes that are supposed
9 to be taken care of, should they become flooded and
10 these waters start washing out the mine dumps, where's
11 everything going to go? It's going to come right down
12 into Wardner and right down Milo Creek, right down our
13 main street, and we're just going to sandbag our
14 driveways and send it all right into Kellogg and right
15 into the river. So all of the remediation that has been
16 done will be undone because it will all be covered with
17 mine tables, mine dumps. So I support Mac and also not
18 supporting the ROD.

19 COMMISSIONER CANTAMESSA: Thank you, Mayor
20 Vester. And thank you all the mayors for hosting this
21 meeting in Wallace. We appreciate having this meeting
22 up here. I'm not going to make a long comment, but I
23 would say that Shoshone County has been commenting for
24 years on the EPA's processes in the valley, and I would
25 think that over the years we have not felt that our

LJ49-1

EPA Comments Public Hearing October 20, 2010		EPA Comments Public Hearing-Revised
		Page 8
LJ49-1	1	comments have had much impact on what they have done,
	2	Shoshone County and the Basin Commission both. And
	3	Shoshone County has serious concerns with this ROD. We,
	4	too, cannot support it the way it has been laid out.
	5	I was very disappointed with the comments from
LJ49-2	6	the region 10 director, Mr. McLerran, at the last Basin
	7	Commission meeting about the impact of local comments
	8	and how the EPA was going to use local input and local
	9	comments.
	10	I brought with me tonight the National Academy
	11	of Sciences' report that they did, and I've been reading
	12	this thing for the last two days and I can tell you that
LJ49-3	13	there's some very interesting information in there that
	14	was recommended by this committee of scientists. And I
	15	think they were pricing somewhere between 800,000 and a
	16	million dollars.
	17	I'm just going to read you two sentences out
	18	of it tonight and leave it at that. I'm here to listen
	19	tonight. I think we've been vocal enough in Shoshone
	20	County that you know what our opinions are, but this
	21	is -- these are two of the things that the National
	22	Academy of Sciences said that I think apply to this
LJ49-4	23	meeting tonight.
	24	In our conclusions and recommendations at the
	25	end of this report, one bullet point recommended a

Response to comment LJ49-2

See response to Comment No. I295-2.

Response to comment LJ49-3

See response to Comment No. I295-2

Response to comment LJ49-4

In 2002, Congress instructed EPA to ask the National Research Council (NRC) to conduct an independent evaluation of the Bunker Hill Superfund Site. The NRC established the Committee on Superfund Site Assessment and Remediation in the Coeur d'Alene Basin to evaluate the 2002 ROD for OU 3 (EPA, 2002; www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf) and supporting documents, and to examine EPA's scientific and technical practices at the Site. NAS issued its resulting report in 2005 (National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>). The report's conclusions and recommendations cover the remedial investigation, human health risk assessment, and ecological risk assessment of the Coeur d'Alene Basin, and remediation objectives and approaches. Many of the recommendations relate to EPA's approach to protection of the environment presented in the 2002 ROD for OU 3 and the 2001 Feasibility Study (FS) Report (EPA, October 2001, *Final [Revision 2] Feasibility Study Report, Coeur d'Alene Basin Remedial Investigation/Feasibility Study*). The NAS review validated much of the 2002 ROD for OU 3, and the recommendations for areas of improvement primarily focused on ecological protection. EPA carefully considered the NAS report and its recommendations, and conducted studies and evaluations to address the major recommendations. The results of those efforts are reflected in the actions identified in the Upper Basin Selected Remedy. EPA believes the Selected Remedy presented in the ROD Amendment addresses the NAS report's recommendations, while recognizing EPA's statutory obligations under CERCLA. Since the ROD for OU 3 was issued in 2002 and the NAS report in 2005, EPA has continued to collect environmental data and conduct additional studies throughout the Coeur d'Alene Basin, particularly in the Upper Basin. The additional data and studies have improved EPA's understanding of the Upper Basin, and enabled EPA to address key NAS recommendations involving: the fate and transport of dissolved metals in the subsurface; the role that groundwater plays in contaminant loading to surface water; approaches to groundwater

treatment; the development of predictive tools to assess the effectiveness of remedial actions; evaluation of the SFCDR Watershed as a whole, including the Bunker Hill Box; and improving the use of the adaptive management approach. Also see response to Comment No. I295-2

No comments

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Page 9

1 stable management structure which includes federal,
2 state and local representation.

3 The second bullet point says, "State and local
4 involvement in defining remediation, restoration goals,
5 considering present, future desired land use." The EPA
6 needs to work with the local community in developing
7 this and they need to do it in a meaningful manner.
8 Thank you.

9 MAYOR VESTER: We're going to now start with
10 the public comment from the people that aren't up here
11 at the head table, and we'll read out two names at a
12 time and so the person that's next in line can be ready
13 to go and we just have one spot at the podium. And once
14 again, the time period is three minutes, and we're not
15 going to chop it off right there, but we would hope that
16 you would try to keep it within that time, and our timer
17 is down at the end. Do you have somewhat of a sign that
18 you can show?

19 SERENA CARLSON: Thirty seconds, 15 seconds,
20 and a stop.

21 MAYOR VESTER: Okay. So with that, we'll get
22 started, and our first speaker from the audience
23 representing Governor Otter is our friend from Hayden
24 Lake, Katie Brodie, followed by representative Joyce
25 Broadsword.

Dunningan, Mayor Michael and Council Members, LJ30, Letter 619512

RESOLUTION 8052010

BE IT RESOLVED, this 6 day of August, 2010, by the Mullan City Council and the City of Mullan as follows as our official position as a City Council that USEPA should:

- LJ30-1 1. Extend the comment period past the 2011 Idaho Legislative Session.
- LJ30-2 2. Release an accurate estimated cost of the plan, allowing for inflation and cost increases over time.
- LJ30-3 3. Implement the plan in 10-year increments under separate ROD amendments, and provide numerous opportunities for meaningful public input.
- LJ30-4 4. Address our concerns with the proposed numerous additional repository sites throughout Shoshone County.
- LJ30-5 5. Specifically protect current and future mining opportunities in the Silver Valley.
- LJ30-6 6. Focus on storm water runoff prevention to protect property already cleaned up.
- LJ30-7 7. Determine the best way to treat surface water without de-watering the tributaries to the Coeur d' Alene River.

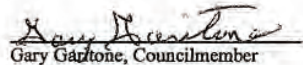
Date this 6 day of August, 2010.


Michael Dunnigan, Mayor


Chuck Reitz, Councilmember


Ron Hayes, Councilmember


Sam Davis, Councilmember


Gary Garzone, Councilmember

Response to comment LJ30-1

See response to Comment No. I54-6.

Response to comment LJ30-2

See responses to Comment Nos. I58-1 and I54-12.

Response to comment LJ30-3

See responses to Comment Nos. I58-1 and I295-2.

Response to comment LJ30-4

See response to Comment No. I54-3.

Response to comment LJ30-5

See response to Comment No. I58-5.

Response to comment LJ30-6

See responses to Comment No. I54-5.

Response to comment LJ30-7


See response to Comment No. I54-8.



619512

Goedde, Senator John W., LJ59, Letter 1308972

JOHN W. GOEDDE
DISTRICT 4
KOOTENAI COUNTY


Idaho State Senate
State Capitol
P.O. Box 83720
Boise, Idaho 83720-0081

11/11/2010

EPA Coeur d'Alene Basin Team
1200 6th Avenue, Suite 900
ECL-113
Seattle, WA 98101

RE: Proposed Record of Decision Amendment - Upper Coeur d'Alene River Basin

Gentlemen

While I read part of SCR 127, a concurrent resolution from the 2010 Idaho Legislature dealing with the EPA expansion plans for the Silver Valley, I would also like to go on record with my concerns. Please also note that I have enclosed a copy of SCR127 for your review as well.

LJ59-1 1. A 50 to 90 year plan is unmanageable. The EPA has no way to control costs over that period of time and results of forecasting tools that far out are not accurate. A 10 year plan provides more certainty to businesses in the Silver Valley and allows the EPA to work on a project whose scope is much more manageable.

LJ59-2 2. My understanding of the primary focus of the ROD has been human health. Work done to date has significantly reduced blood lead levels and generally improved human health. The proposed amendment focuses more on zinc which is not a human health hazard.

LJ59-3 3. Diverting water to the water treatment plant will impact flows in traditional streams, disturbing fish populations and destroying recreational opportunities. I question the right of the EPA to take water whose control is a right given states when they joined the union.

LJ59-4 4. The EPA proposal ignores work done by the National Academy of Sciences, esteemed scientists, whose proposed cleanup recommendations remain unanswered and unmet.

LJ59-5 5. To proceed, the State of Idaho must accept their portion of the cost and we have no way to meet that obligation at this time. The State has already assumed the operating costs of the water treatment plant and can ill afford additional treatment costs as the EPA significantly expands the plant's capacity.

LJ59-6 6. The EPA continues to assert that cities and Shoshone County are in agreement with their proposed changes and the prioritization of them. From the handful of mayors and the three county commissioners I have talked with, I cannot find one

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COEUR D'ALENE, IDAHO 83814
(208) 660-7663
EMAIL: jgoedde@senate.idaho.gov

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1308972

Response to comment LJ59-1

See responses to Comment Nos. I58-1 and I474-2.

Response to comment LJ59-2

EPA is required under CERCLA, the Superfund law, to address risks to human health and the environment at the Bunker Hill Superfund Site. While significant cleanup has taken place in the Basin, there is still contamination in site soil, sediments, groundwater, and surface water that poses risks to people, wildlife, fish, and the environment. The levels of contamination significantly exceed acceptable state and site-specific water quality standards. Contaminants include lead, zinc, cadmium, arsenic, and other metals.

Response to comment LJ59-3

See responses to Comment Nos. LC33-10 and SA4-12.

Response to comment LJ59-4

See response to Comment No. LJ27-8.

Response to comment LJ59-5

The State of Idaho is not required to provide funds for remedial actions funded by monies EPA recovers from settlements. Settlement funds can be used to reduce both federal and state costs associated with cleanup. EPA has received approximately \$691 million from its settlements with ASARCO Inc. and the Hecla Mining Company, and is committed to careful use of these funds to protect human health and the environment over the long-term. However, when cleanup costs exceed the money recovered, the federal government pays directly for cleanup, and the state is required to fund 10 percent of the construction costs and 100 percent of the O&M costs. To date the State has never assumed the operating costs of the water treatment plant. EPA continues to operate this plant using either federal dollars or money from settlements. In addition EPA has allocated money from the settlement with Hecla to operate this plant in perpetuity. This money could be used by either the State of Idaho upon successful negotiation of a State Superfund Contract or by EPA.

Response to comment LJ59-6

Comment noted.

- LJ59-6 — in support nor can I find official support from any public entity in the Silver Valley.
- LJ59-7 — 7. The Idaho Legislature needs to engage on the proposed changes to the ROD and, under the current timeframe, that process cannot happen.

Thank you for the opportunity to provide comment.

Sincerely,



John W Goedde

Response to comment LJ59-7

See response to Comment No. LJ39-5.

No comments

LEGISLATURE OF THE STATE OF IDAHO
Sixtieth Legislature Second Regular Session – 2010

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 127

BY FINANCE COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND RESOLVING THAT THE CITIZENRY
AND THE STATE OF IDAHO HAVE AMPLE OPPORTUNITY TO PROVIDE SUBSTANTIVE
REVIEW AND COMMENT ON ANY RECORD OF DECISION OR AMENDMENT PROPOSED BY
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE BUNKER HILL
SUPERFUND SITE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the United States Environmental Protection Agency issued
Records of Decision in 1991 and 1992 related to the 21 square mile Bunker Hill
Superfund Site Box and issued an Interim Record of Decision in 2002 for the
site which was expanded to the Coeur d'Alene Basin; and

WHEREAS, the State of Idaho has certain financial obligations related
to the cost of the cleanup under the Records of Decision; and

WHEREAS, the Idaho State Legislature is responsible for appropriating
funds to provide for the State of Idaho's contribution to the cleanup effort;
and

WHEREAS, the Idaho State Legislature recognizes and acknowledges that
citizens, businesses and local governmental entities of the Coeur d'Alene
Basin are directly impacted by cleanup activities in the region under the
Records of Decision; and

WHEREAS, the federal Comprehensive Environmental Response, Compensation,
and Liability Act (CERCLA) mandates a substantial role of the state,
and those members of the public impacted by CERCLA activities, and the State
of Idaho is committed to the continuance of these efforts using best management
practices for positive long-term outcomes; and

WHEREAS, documented progress continues to be made with respect to improving
environmental quality and public health in the region under the existing
remedies; and

WHEREAS, the Environmental Protection Agency is proposing to amend the
existing Records of Decision; and

WHEREAS, any amendments to the existing Records of Decision will have
direct and significant impact on the citizens, businesses and local communities
in the area and the Environmental Protection Agency may seek additional
financial commitments from the State of Idaho; and

WHEREAS, the Idaho State Legislature desires to ensure cleanup efforts
in the Coeur d'Alene Basin under any proposed amendments to prior Records of
Decision proceed only after the State of Idaho has an adequate opportunity
to review and analyze the impacts of the proposed amendments on the State of
Idaho, its businesses, its local communities, and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
Session of the Sixtieth Idaho Legislature, the Senate and the House of
Representatives concurring therein, that citizens, business owners and
local governmental entities within the Coeur d'Alene Basin and the State

No comments

1 of Idaho should have ample opportunity to review and provide substantive
2 comments on any proposed amendments to the existing Records of Decision.

3 BE IT FURTHER RESOLVED by the Second Regular Session of the Sixtieth
4 Idaho Legislature that the Idaho Legislature have an opportunity to consider
5 any amendments to the existing Records of Decision prior to the State of
6 Idaho entering into any commitments for additional funding over and above
7 historic appropriation levels for the Bunker Hill Superfund Site.

Goedde, Senator John, LJ9, Letter 616015-8

Response to comment LJ9-1

Thank you for your comment. See response to Comment No. I54-6.

Sen. Joyce Broadsword: We would like to: shorten the proposed timeline of the plan; reduce the overall cost; focus on the protection of areas that have already been remediated; focus on storm water runoff prevention to protect populated areas which have already been cleaned up; plan for 100-year flood event not a 50-year flood plan event as is in the plan; specifically protect current and future mining opportunities in the Silver Valley; determine the best way to treat surface water without dewatering the tributaries to the Coeur d'Alene River; extend the comment period to the end of the 2011 legislative session; provide numerous opportunities for meaningful public input without – she's holding up the 30-second sign, out of time, but I do so appreciate you being here tonight and listening to what our people have to say about this issue. Thank you.

Sen. John Goedde: I'd like to read excerpts of the Senate Concurrent Resolution 127 as passed in the 2010 session. "Concurrent Resolution stating the findings of Legislature and resolving that the citizenry in the state of Idaho have ample opportunity to provide substantive review and comment on any Records of Decision or amendment proposed by the United States Environmental Protection Agency for the Bunker Hill Superfund site. Whereas, the state of Idaho has certain national obligations related to the cost of the cleanup under the Records of Decision; and whereas, the Idaho State Legislature is responsible for appropriating funds to provide for the state of Idaho's contribution to the cleanup effort; and whereas, any amendments to the existing Records of Decision will have direct and significant impact on the citizens, businesses and local communities in the area and the Environmental Protection Agency may seek additional financial commitments from the state of Idaho; and whereas, the Idaho State Legislature desires to ensure cleanup efforts in the Coeur d'Alene Basin under any proposed amendments to prior Records of Decision proceed only after the state of Idaho has adequate opportunity to review and analyze the impacts of the proposed amendments on the state of Idaho, its businesses, its local communities and citizens. Now, therefore, be it resolved by members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that citizens, business owners, local governmental entities within the Coeur d'Alene Basin and

LJ9-1

No comments

LJ9-1 the state of Idaho should have ample opportunity to review and provide substantive comments on any proposed amendments to the existing Records of Decision." Thank you and I will have this available for the record.

Sen. Mike Crapo: Thank you, Senator.

Rep. Bob Nonini: I will submit my testimony – a copy for you, sir, when I'm done but I'd like to touch on a couple of points in this letter submitted as a commentary for Legislative District 5, Representatives Henderson, Senator Hammond and myself. We know that the existing Basin cleanup plan officially granted Idaho concurrence in the letter addressed to the EPA dated September 8, 2002 and signed by Idaho Governor Dirk Kempthorne. This letter provided Idaho concurrence with most aspects of the Basin cleanup plan and the Governor's consent for implementation of the plan when there was agreement but with specific limitations. Following receipt of this approval from Idaho's Chief Executive Officer, the EPA and local jurisdictions were authorized to move ahead with the Basin cleanup plan. Consequently, we believe that any amendments to the Basin cleanup plan also required the concurrence and consent of the Governor. The proposed plan will affect Idaho public health, Idaho air and water quality, the viability of Idaho natural resource industries, the economic success of Idaho businesses and the overall quality of life for all Idaho citizens. We believe decisions on the scope and subjects to these considerations are fully contained within the rights reserved to the states in the Tenth Amendment of the US Constitution. One of our specific concerns in this group of issues is the proposal to collect and divert ground water to a processing plant located miles away for nonconsumptive purposes. Is that a minute and a half already? Wow and I was skipping over a lot of parts, young lady, but okay, we've [all been] through these, Senator and again, I will submit this for written – the Idaho Legislative body will look to the Idaho Chief Executive Officer for leadership on the proposed amendments to the Basin cleanup plan. In return, we know the Governor will rely upon the Legislature for recommendations to help ensure the most appropriate final decision. We estimate it will be at least mid-2011, sir, before an evaluation of all issues and

Groves, Mayor JoAnn, LJ48, Letter 619651-3

EPA Comments Public Hearing
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1 My stand as a mayor representing the people is
2 for a small amount of the new money coming in, we need
3 to address the river and the dike area not only in
4 Kellogg but down through the valley. The other issue is
5 for the time period it didn't clean up in Kellogg, our
6 roads got beat up with heavy equipment and trucks. What
7 we're seeing now as we go there is, is where it's
8 breaking apart and we get a lot of rains, the rain water
9 is going down into the bed which, basically, a lot of
10 road work that Kellogg has done with the minefield,
11 we're getting tremendously high lead levels again.

12 So those two areas, I'm very adamant about
13 that they have kind of, sort of, maybe addressed it in
14 the new ROD, but I want it so it's separated out and we
15 know that we can take that problem. It's a good
16 investment. For a small amount of money, you can take
17 away the problem in the future.

18 The new ROD, the time period 50 to 90 years,
19 well, 50 years to me, I'll be 115 years old and I
20 probably couldn't find a car to get there. So I think
21 that has to be looked at in the amount of money and I
22 will not support the new ROD. Thank you.

23 MAYOR VESTER: Thank you, Mac. And I think,
24 JoAnn, you had some comments you wanted to make?

25 MAYOR GROVES: I have to support what Mac has

LJ48-1

Response to comment LJ48-1

The Milo Creek drainage and diversion structures were reconstructed by FEMA and the U.S. Army Corps of Engineers following the 1997 Milo Creek flood event. This drainage and diversion structure was designed to handle a 100-year flood. Additional work was conducted of the diversion system to convey flows safely across the Reed Landing and surround mining areas. That work was conducted initially along with the diversion project and later supplemented by EPA. Currently EPA is funding Operations and Maintenance (O&M) of the Reed Landing conveyance system. The Milo Creek Watershed District is responsible for O&M of the remaining Milo Creek drainage and diversion system.

EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

No comments

Page 7

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24 years on the EPA's processes in the valley, and I would
25 think that over the years we have not felt that our

Idaho House of Representatives, Idaho State Senate, LJ37, Letter 1365215

DISTRICT 31
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Idaho State Senate
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November 16, 2010

Dennis McLerran
Regional Administrator
U.S. EPA, Region 10
Regional Administrator's Office, RA-140
1200 Sixth Avenue, Ste. 900
Seattle, WA 98101

EPA Coeur d'Alene Basin Team
1200 Sixth Avenue, Ste. 900
ECL-113
Seattle, WA 98101

RE: Comments for the Coeur d'Alene Basin EPA Proposed ROD Amendment

Dear Administrator McLerran:

LJ37-1 We appreciate the opportunity to provide formal comments regarding the above-referenced amendment to the Coeur d'Alene Basin Record of Decision (ROD). We would first like to draw your attention to State of Idaho Senate Concurrent Resolution 127 (copy attached) which asserts the Idaho State Legislature's resolve to "...have an opportunity to consider any amendments to the existing Record of Decision prior to the State of Idaho entering into any commitments for additional funding historic appropriation levels for the Bunker Hill Superfund Site." We are greatly disappointed to see the United States Environmental Protection Agency (EPA) move forward in an effort to amend the ROD with such reckless abandon and complete disregard for the concerned unanimous voice of Idaho's 2010 State Legislature, particularly in light of the enormous controversy surrounding the EPA proposed remedy.

LJ37-2 In its current form, the amendment sacrifices jobs, negatively impacts expansion and development in the Silver Valley and compromises our economic strength while chasing unrealistic and flawed objectives. It is inconsistent with many of the recommendations contained in the 2005 report prepared by the National Academy of Sciences concerning this issue. It presumes collection, transport and treatment of the State's groundwater resource without considering the ramifications of water law. It projects a century or more of unwanted federal
LJ37-3
LJ37-4
LJ37-5

USEPA SF
1365215

Response to comment LJ37-1

EPA's decisionmaking process was a careful and collaborative effort consistent with the National Oil and Hazardous Substances Pollution Contingency Plan and included input from state and local governments, Tribes, other federal agencies, the Basin Commission, and the public. EPA has been, and will continue to be, committed to meaningful community participation throughout the Superfund process in the Coeur d'Alene Basin. Over the years, EPA has spent considerable time and energy to engage the public through all phases of our work. Most importantly, we have encouraged the public to provide comments and input on remedy selection. As required, EPA received public comments on its Proposed Plan and is now selecting a remedy. An initial public comment period of 30 days is required by CERCLA for Proposed Plans. Anticipating high public interest, EPA set the initial public comment period for the Upper Basin Proposed Plan at 45 days. In response to requests for an extension, EPA extended the comment period an additional 90 days, for a total of 135 days. During that time, some members of the Idaho State Legislature reviewed and submitted formal comments on the Proposed Plan.

Response to comment LJ37-2

See response to Comment No. I54-2.

Response to comment LJ37-3

See response to Comment No. LJ27-8.

Response to comment LJ37-4

As it implements the Selected Remedy EPA intends to satisfy State water law as required by CERCLA. See response to Comments No. SA4-12 and the ROD Amendment, Part 3, Section 3.7.4.

Response to comment LJ37-5

See responses to Comment Nos. I58-1 and I295-1.

LJ37-5

intrusion and government invasiveness that is neither desired nor warranted. Further, the proposed scope and projected costs (over \$1.3 billion) go far beyond what is even remotely necessary to address the remaining issues in Idaho's Silver Valley and squanders scarce public resource dollars. Actually, we believe flawed assumptions in the EPA cost estimate significantly underestimate the likely costs by perhaps as much as 200%.

LJ37-6

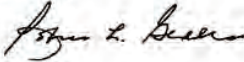
An adaptive 10 year plan designed to produce positive and measurable outcomes has been presented as the more reasonable alternative to the EPA proposed amendment. We support this approach for a number of reasons. It focuses on priority sources of zinc loading; presents a clear management strategy to protect areas that have already been cleaned up; respects existing private property rights, water rights and states' rights. It also provides for meaningful public input. Equally important is the much more effective use of clean up funds than the proposed EPA amendment at a much lower cost. Finally, it is consistent with the National Academy of Sciences recommendations.

LJ37-7

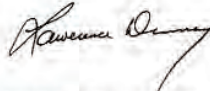
LJ37-8

We strongly urge EPA to abandon the proposed EPA amendment to the Coeur d'Alene Basin Record of Decision and focus your efforts instead on the 10 year plan alternative as proposed.

Sincerely,



Senator Robert Geddes
Idaho Senate Pro Tempore¹



Representative Lawrence Denney
Idaho Speaker of the House

Cc: Governor C.L. Butch Otter
Lt. Governor Brad Little
U.S. Senator Mike Crapo
U.S. Senator Jim Risch
U.S. Congressman Mike Simpson
U.S. Congressman Walt Minnick
Idaho State Legislature
IDEQ Director Toni Hardesty

Response to comment LJ37-6

See responses to Comment Nos. I58-2 and I54-12.

Response to comment LJ37-7

See response to Comment No. I474-2.

Response to comment LJ37-8

See response to Comment No. I474-2.

LEGISLATURE OF THE STATE OF IDAHO
Sixtieth Legislature Second Regular Session – 2010

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 127

BY FINANCE COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND RESOLVING THAT THE CITIZENRY AND THE STATE OF IDAHO HAVE AMPLE OPPORTUNITY TO PROVIDE SUBSTANTIVE REVIEW AND COMMENT ON ANY RECORD OF DECISION OR AMENDMENT PROPOSED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE BUNKER HILL SUPERFUND SITE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the United States Environmental Protection Agency issued Records of Decision in 1991 and 1992 related to the 21 square mile Bunker Hill Superfund Site Box and issued an Interim Record of Decision in 2002 for the site which was expanded to the Coeur d'Alene Basin; and

WHEREAS, the State of Idaho has certain financial obligations related to the cost of the cleanup under the Records of Decision; and

WHEREAS, the Idaho State Legislature is responsible for appropriating funds to provide for the State of Idaho's contribution to the cleanup effort; and

WHEREAS, the Idaho State Legislature recognizes and acknowledges that citizens, businesses and local governmental entities of the Coeur d'Alene Basin are directly impacted by cleanup activities in the region under the Records of Decision; and

WHEREAS, the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) mandates a substantial role of the state, and those members of the public impacted by CERCLA activities, and the State of Idaho is committed to the continuance of these efforts using best management practices for positive long-term outcomes; and

WHEREAS, documented progress continues to be made with respect to improving environmental quality and public health in the region under the existing remedies; and

WHEREAS, the Environmental Protection Agency is proposing to amend the existing Records of Decision; and

WHEREAS, any amendments to the existing Records of Decision will have direct and significant impact on the citizens, businesses and local communities in the area and the Environmental Protection Agency may seek additional financial commitments from the State of Idaho; and

WHEREAS, the Idaho State Legislature desires to ensure cleanup efforts in the Coeur d'Alene Basin under any proposed amendments to prior Records of Decision proceed only after the State of Idaho has an adequate opportunity to review and analyze the impacts of the proposed amendments on the State of Idaho, its businesses, its local communities and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that citizens, business owners and local governmental entities within the Coeur d'Alene Basin and the State

Response to comment LJ37-9

EPA acknowledges receipt of this resolution and understands that it was introduced for consideration by the Idaho legislature but not acted on.

Response to comment LJ37-10

See response to Comment No. LJ39-5.

No comments

2

L137-10

1 of Idaho should have ample opportunity to review and provide substantive
2 comments on any proposed amendments to the existing Records of Decision.

3 BE IT FURTHER RESOLVED by the Second Regular Session of the Sixtieth
4 Idaho Legislature that the Idaho Legislature have an opportunity to consider
5 any amendments to the existing Records of Decision prior to the State of
6 Idaho entering into any commitments for additional funding over and above
7 historic appropriation levels for the Bunker Hill Superfund Site.

Idaho House of Representatives; Bob Nonini, Frank Henderson, Jim Hammond, LJ57, Letter 1357189

FRANK N. HENDERSON
DISTRICT 5
KOOTENAI COUNTY

HOME ADDRESS
362 S. PONDEROSA LOOP
POST FALLS, IDAHO 83854
(208) 773-2269
EMAIL: fhenders@house.idaho.gov

BBWSF
21.5.3
08/09/10

COMMITTEES
APPROPRIATIONS
BUSINESS
LOCAL GOVERNMENT

**House of Representatives
State of Idaho**

Environmental Protection Agency
Coeur d'Alene Basin Team
1200 6th Avenue, Suite 900, ECL-113
Seattle, WA 98101

August 9, 2010

To whom it may concern:

LJ57-1 [This letter is submitted as our commentary on the EPA proposal to amend the Upper Coeur d'Alene River Basin Cleanup Plan. We fully agree with the comments of our Idaho legislative colleagues Senator Joyce Broadsword and Representatives Mary Lou Shepherd and Dick Harwood as contained in their letter presented in the public meeting Wednesday, August 4, 2010 in Smelterville, Idaho. Further, we maintain our approval of Senate Concurrent Resolution No. 127 adopted in the Second Regular Session of the Sixtieth Idaho Legislature for which we all voted in the affirmative.

LJ57-2 [We have subsequently studied the 3-15-10 Idaho Department of Environmental Quality (IDEQ) technical review of the Focused Feasibility Study for the Upper Coeur d'Alene Basin and have also read the 5-12-10 Memorandum on this subject issued by the National Remedy Review Board (NRRB). The IDEQ review pointed out that Idaho's first two goals – (1) protecting the existing remedy and (2) cleanup must result in tangible environmental improvements at a reasonable cost – are the most germane to the questions before the NRRB. The undersigned support these priorities and also approve the other goals enumerated by IDEQ on the first page of their letter.

LJ57-3 [The IDEQ letter emphasized that their review did not address ROD concurrence or State Superfund Contract issues. In our opinion, the IDEQ review thus properly separated the technical issues from the approval/disapproval of final decisions to be made by the person having the authority to do so. In the case of EPA's proposed expanded cleanup plan for the Upper Coeur d'Alene River Basin, this authority resides in the office of Idaho's chief executive officer, the elected Governor of the state.

We note that the existing Basin Cleanup Plan was officially granted Idaho concurrence in the letter addressed to the EPA dated September 8, 2002 and signed by Idaho Governor Dirk Kempthorn. This letter provided Idaho concurrence with most aspects of the Basin Cleanup Plan and the Governor's consent for implementation of the plan where there was agreement but with specific limitations. Following receipt of this approval from Idaho's chief executive officer, the EPA and local jurisdictions were authorized to move ahead with the Basin Cleanup Plan.

USEPA SF
1357189

Response to comment LJ57-1

Thank you for your comments.

Response to comment LJ57-2

Comment noted. EPA responded to IDEQ's 3-15-10 technical review of the Focused Feasibility Study (see responses to IDEQ Comment Nos. SA4-23 through SA4-27).

Response to comment LJ57-3

Comment noted.

LJ57-4 Consequently, we believe that any amendments to the Basin Cleanup Plan also require the concurrence and consent of the Governor. The proposed plan will affect Idaho public health, Idaho air and water quality, the viability of Idaho natural resource industries, the economic success of Idaho businesses and the overall quality of life for Idaho citizens. We believe decisions on the scope and subjects of these considerations are fully contained within the rights reserved to States in the 10th Amendment of the U.S. Constitution.

LJ57-5 One of our specific concerns in this group of issues, is the proposal to collect and divert ground water to a processing plant located miles away for non-consumptive purposes. Has the Idaho Department of Water Resources approved this diversion? Has the Idaho Department of Fish and Game evaluated the affect on Idaho flora and fauna resulting from lower stream flows? Will any Idaho aquatic creatures be adversely affected? How will this diversion of water affect the North Idaho Water Adjudication Program? Will this diversion of water adversely affect any of the Basin Cleanup remedies already instituted? By what lawful "right" of ownership can the EPA divert Idaho water for any purpose?

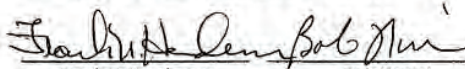
LJ57-8 Another consideration of critical importance is the financial capacity of the State of Idaho to incur additional fiscal responsibility to the Basin Cleanup Plan. Under Idaho law, only its legislature can appropriate money and that body will not meet again until January of 2011. In instances where revenue and projected obligations are uncertain, an appropriation is often withheld and deferred to a subsequent legislative session as we are constitutionally prohibited from enacting deficit spending. As experienced participants in the budgeting process, it is our opinion that the current economy will cause the legislature to act with great caution.

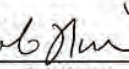
The Idaho legislative body will look to Idaho's chief executive officer for leadership on the proposed amendments to the Basin Cleanup Plan. In return, we know the Governor will rely upon the legislature for recommendations to help assure the most appropriate final decision. We estimate it will be at least mid-2011 before an evaluation of all issues and considerations can be finalized.

LJ57-9 The current Basin Cleanup Program has a foundation for continuing success. We urge that sufficient time is taken to protect all the existing remedies and environmental gains and to identify additional technologies that will contribute to even greater progress.

Respectfully submitted,

Members of the Idaho Fifth Legislative District –


Frank N. Henderson,
Representative


Bob Nonini,
Representative


Jim Hammond,
Senator

CC: Gov. Butch Otter; Sen. Mike Crapo; Sen. Jim Risch; IDEQ

Response to comment LJ57-4

Selection of a remedial action by EPA does not require concurrence by the Governor of the state in which the remedial action will occur. Nevertheless EPA has worked closely with the State in developing the Selected Remedy and seeks concurrence from the Governor. EPA's issuance of the Selected Remedy does not violate the 10th Amendment of the U.S. Constitution.

Response to comment LJ57-5

See response to Comment No. SA4-12.

Response to comment LJ57-6

See response to comments LC33-10 and SA4-12. EPA will work with the State of Idaho to comply with the substantive requirements of the North Idaho Water Adjudication Program as they apply to implementation of the Selected Remedy. The collection of contaminated water for treatment will have no effect on existing remedies in the Upper Basin.

Response to comment LJ57-7

EPA believes that the collection and treatment of contaminated water is a beneficial use of water and is permissible use under federal and Idaho law. See response to Comment No. SA4-12, and the ROD Amendment, Part 3, Section 3.7.4.

Response to comment LJ57-8


Comment noted. Regarding funding of the Selected Remedy, see response to Comment No. I295-3.

Response to comment LJ57-9


Comment noted. The remedy protection component of the selected remedy will specifically provide protection for actions that have already been taken in community areas. Also see response to Comment No. I58-1. As part of the adaptive management process additional information and new technologies will be considered as the cleanup moves forward in order to provide the most efficient and effective cleanup.

Idaho State Senate, LJ39, Letter 1365230

BBWSF
21.51302
11/17/10



STEVE VICK
IDAHO SENATE, DISTRICT 3



November 17, 2010

EPA Coeur d'Alene Basin Team
1200 6th Avenue
Suite 900
ECL-113
Seattle, WA 98101

RECEIVED
NOV 22 2010
Environmental
Cleanup Office

RE: Proposed Record of Decision Amendment – Upper Coeur d'Alene River Basin

To Whom It May Concern:

LJ39-1 Thank you for giving me an opportunity to comment on the proposed cleanup plan for the Coeur d'Alene river basin also known as the Silver Valley. As a resident of the area I urge you to look hard at what you are proposing and the effect it will have on this area.

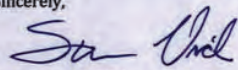
LJ39-2 It is my understanding that the proposed plan is estimated to cost \$1.3 billion and will take as long as 90 years to complete. If this is correct I would strongly encourage you to look at other options.

LJ39-3 In these difficult times we need to be very aware of the costs of any program as well as the impact it will have on the local community. The proposed plan does not address either of those impacts.

LJ39-4 But there is a 10 year plan, that I am sure you are aware of, that will cost much less, that does address those issues that is a much better option.

LJ39-5 I also believe that any option should be reviewed by the state legislature because we will be asked to authorize funding for the State's share of implementation.

LJ39-6 I support a less costly plan that will be completed in a much shorter time frame. I hope that you will do the same thing

Sincerely,

Senator Steve Vick

USEPA SF
1365230

Response to comment LJ39-1

EPA has been working on the development of the Selected Remedy since 2008. During this time, input from stakeholders and the community has been carefully considered, and the Remedy has been modified in response. EPA believes that the Selected Remedy will improve conditions in the Silver Valley by providing a cleaner environment for residents and tourists, creating jobs, and returning currently contaminated land to the community for beneficial use and development.

Response to comment LJ39-2

See responses to Comment Nos. I58-1 and I58-2.

Response to comment LJ39-3

EPA agrees that this is a considerable amount of money and reduced the scope of the Selected Remedy so that the total cost is decreased. EPA's implementation planning process will also ensure that money is spent wisely to protect human health and the environment. EPA will pay for much of the proposed cleanup with funds from legal settlements between mining companies and the federal government. See responses to Comment Nos. I58-2 and I54-2.

Response to comment LJ39-4

See response to Comment No. I474-2.

Response to comment LJ39-5

Under the Superfund law, EPA has a responsibility and the authority to take actions to protect human health and the environment. EPA's decisionmaking process has been a careful, National Oil and Hazardous Substances Pollution Contingency Plan-consistent, and collaborative effort, which included input from state and local governments, tribes, other federal agencies, the Basin Commission, and the public. During the Focused Feasibility Study for the Upper Basin, EPA met regularly with the Basin Commission's Upper Basin Project Focus Team (PFT), a group focused on technical issues related to cleanup and primarily composed of interested citizens and representatives from the State of Idaho, Shoshone County, the U.S. Bureau of Land Management, the U.S. Fish and Wildlife Service, the U.S. Forest Service, the Coeur d'Alene and Spokane Tribes, and the State of Washington. Additional stakeholders participated in some of these meetings, including mining industry representatives. During the 135-day

Proposed Plan comment period, some members of the Idaho State Legislature reviewed and submitted formal comments on the Proposed Plan.

Response to comment LJ39-6

See response to Comment No. I474-2.

Idaho State Senate, LJ20, Letter 617286

Page 1 of 2

Comments on the CDA Basin ROD Amendment
Senator Joyce Broadword
to:
CDABasin
11/19/2010 08:15 AM
Show Details



Senator Joyce Broadword
590 Heath Lake Rd
Sagle, ID 83860
208-332-1338

November 18, 2010

Coeur d'Alene Basin Team
Environmental Protection Agency
1200 6th Ave. Suite 900
ECL-113
Seattle, WA 98101

CDA Basin Team Members,

Please accept these comments on the proposed ROD amendment for the CDA Basin Superfund Site.

LJ20-1 Let me begin by saying, the work done to date has improved the health of the citizens of my district in the Silver Valley. While I agree human health concerns are of the highest priority, those health concerns have now been addressed by work already completed or scheduled to be completed in the next 2 years.

LJ20-3 The ROD amendment proposes to extend the cleanup for up to 90 years. This is totally unacceptable not only for the citizens of the valley but for Idaho as a state. The Silver Valley was once the leading tax generator for the state and it could be again, but only if the EPA finishes their work and moves on to other locations. Mining is necessary to the health and safety of our country and to the economic vitality of the county and state. The environmental protections already in place ensure mining is done in an environmentally sound manner and will help to ensure mining continues in Shoshone County. Any efforts to diminish the ability of mining to continue will be met by the state with strong resistance. Any amendment to the ROD needs to:

LJ20-5 Follow the NAS recommendations outlined in their 2005 report, which did not include the massive water treatment proposed in the ROD amendment. Follow the NAS recommendation for a phased approach which will allow for reassessment of priorities on a regular interval.

LJ20-7 Protect areas already remediated, especially in areas affected by flooding or in areas subject to floods should be the highest priority. The EPA should join with the Army Corps and FEMA to address flood control issues and help with the recertification of the levees to protect the remediation in place. The EPA should also help plan for storm water run-off to assure it is not going to cause recontamination.

LJ20-8 Address the breakdown of city, county and state roadways caused by heavy loads from past remediation efforts.

LJ20-9 Remedial action should be no more than a 10-12 year period rather than the 50-90 years in the proposal. EPA must recognize there is very little developable land in the Silver Valley and turning what little land



617286

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Response to comment LJ20-1

Thank you for your comment.

Response to comment LJ20-2

See response to Comment No. I295-1.

Response to comment LJ20-3

See responses to Comment Nos. I58-1 and I54-2.

Response to comment LJ20-4

See response to Comment No. I58-5.

Response to comment LJ20-5

Water treatment is a key part of the Selected Remedy because it will (1) address subsurface materials too deep or impractical to be removed, (2) generally provide a high degree of metals load reduction for a relatively low cost, and (3) achieve immediate improvements to water quality. Much of the infrastructure and numerous communities within the Upper Basin have been built on top of significant amounts of mine waste, which is a major source of groundwater contamination and ultimately leads to surface water contamination. This underlying mine waste cannot be removed without disrupting the populated communities in the Upper Basin. The NAS review recommended that groundwater "be addressed directly if loading to the groundwater is determined to stem from subsurface materials too deep or impractical to be removed" (National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>). In addition, the NAS review urged EPA to continue research into low-cost innovative groundwater treatment systems. Since the NAS review, EPA has conducted studies to evaluate groundwater-surface water interactions and characterize aquifer properties in key areas of the Upper Basin (CH2M HILL, 2007, *Draft Remedial Component Screening for the Woodland Park Area of Canyon Creek*; CH2M HILL, 2009, *Technical Memorandum: OU 2 Direct-Push Field Investigation Summary*; *Technical Memorandum: Bunker Creek Pilot Study Summary*; *Technical Memorandum: OU2 2008 Groundwater/Surface Water Interaction Monitoring Data Summary*; *South Fork of the Coeur d'Alene River Watershed: Basinwide Groundwater Flow Model Documentation*; *Technical Memorandum: Osburn Flats Subsurface Exploration and Well Installation Summary, Upper Coeur d'Alene*

*Basin Field Investigation, Osburn, Idaho, October 2008; 2008 High-Flow and Low-Flow Surface Water Study Report, Upper Basin of the South Fork Coeur d'Alene River, Bunker Hill Superfund Site, Shoshone County, Idaho; Technical Report, Osburn Flats Groundwater-Surface Water Interaction Study, Upper Coeur d'Alene Basin, Osburn, Idaho; Groundwater Monitoring Report, Upper Basin Field Studies, Phase 1 and Phase 2 Investigations, Bunker Hill Mining and Metallurgical Complex Superfund Site; Technical Memorandum: Operable Unit 3 Direct-Push Field Investigation Summary, Bunker Hill Mining and Metallurgical Complex Superfund Site; Technical Memorandum: Osburn Flats Aquifer Testing Summary, Upper Coeur d'Alene Basin Field Studies, Phase 2 Investigation, Bunker Hill Mining and Metallurgical Complex Superfund Site; Technical Memorandum: Conceptual Site Model, Osburn Flats in Operable Unit 3, Bunker Hill Mining and Metallurgical Complex Superfund Site; Draft Data Summary Report for the Coeur d'Alene Basin Remedial Action Monitoring Program); conducted pilot studies for groundwater treatment (CH2M HILL, 2006, *Technical Memorandum: Canyon Creek Preliminary Design Data Review*; McCloskey, L., February 8, 2005, *Presentation at the Coeur d'Alene Basin Project Focus Team Meeting, Coeur d'Alene, Idaho, MSE Technology Applications, Inc.*); and evaluated the cost of implementing various groundwater treatment technologies (EPA, 2007, *A Predictive Analysis of Post-Remediation Metals Loading*). These studies found that for some areas within the Upper Basin, collection of groundwater and treatment at the Central Treatment Plant (CTP) in Kellogg is the lowest-cost treatment option. Contaminated groundwater is one type of water that will be collected for treatment under the Selected Remedy. Contaminated adit discharges are another. Some of the adit discharges will be treated onsite, near the point of collection from the adit, and the treated water will be discharged to the nearest surface water body. Others will be collected and conveyed to the CTP for treatment. The decision to treat a specific contaminated water onsite or at the CTP was made based on lowest cost. In general, the more remote sites will be treated onsite and the contaminated groundwater at sites nearer to major roadways will be treated at the CTP.*

Response to comment LJ20-6

Adaptive management is a critical component of the Selected Remedy because it is not possible for physical and chemical conditions to be fully defined and known for this large and complex area. Uncertainty is unavoidable, and the Selected Remedy must be managed and put into action taking this uncertainty into account. The adaptive management process will provide valuable information to prioritize cleanup actions so the greatest amount of effective cleanup is achieved for the lowest cost. EPA previously identified the need to adaptively manage cleanup activities in the Coeur d'Alene Basin in the ROD for OU 3 (EPA,

2002; www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf) and through the phased approach used to implement the remedy for non-populated areas of the Bunker Hill Box (OU 2) following bankruptcy of the potentially responsible party. In addition, the NAS agreed with EPA's decision documented in the 2002 ROD to perform the cleanup through the "establishment of a rigorous adaptive management process" for the planning, implementation, and management of environmental cleanup activities at the Bunker Hill Superfund Site (National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>). EPA is committed to using an adaptive management framework to manage and carry out the Selected Remedy for the Upper Basin, in accordance with its previous decision documents and the recommendations of the NAS.

Response to comment LJ20-7

See responses to Comment Nos. I54-5 and LJ36-3.

Response to comment LJ20-8

The RODs for OUs 1, 2, and 3 address cleanup of rights-of-way (ROWs) in the Bunker Hill Box and the Coeur d'Alene Basin, as appropriate, to respond to risks to human health. The RODs allow ROWs to be cleaned up such that they provide barriers to underlying metals contamination. Many ROWs have been cleaned up as residential and commercial properties have been remediated in the Box and Basin communities. However, EPA and IDEQ recognize that some pre-existing paved roadways may not provide adequate long-term barriers to underlying contaminated material, and that local and state entities are responsible for the long-term road development and maintenance efforts. As a result, the agencies are developing an approach under the existing RODs to address this issue collaboratively with local, county, and state entities responsible for providing and maintaining roadways in their communities. The objective of this effort is to develop and implement a strategy that ensures the long-term effectiveness of barriers installed in ROWs, and also aligns with the transportation and maintenance needs of the Box and Basin communities.

Response to comment LJ20-9

See responses to Comment Nos. I58-1 and I54-3.

LJ20-9 could be used for development into repositories will be devastating to the economic health of the area. Working to clean up mine and mill sites should be a priority but EPA should be sure the sites chosen are truly contaminated.

LJ20-10 Trying to achieve water quality standards which are set too high is neither smart nor in the best interest of the community. The high background concentrations naturally evident in the Silver Valley make the case for adjusting the standards to a more realistic level and EPA should begin that process immediately.

LJ20-11 EPA's proposal leaves the decision on how to balance mining and cleanup in the hands of the EPA instead of the state and local officials. I see this is a direct subjugation of state's rights.

LJ20-12 The EPA needs to acknowledge significant water quality improvements have been achieved through natural attenuation of metals and cleanup efforts may not be needed in many areas.

LJ20-13 It makes sense for the EPA to focus on areas of concern like Nine Mile and Canyon Creeks but no sense to undertake an extensive water treatment program as outlined in the ROD amendment. The enormous infrastructure required for EPA's groundwater proposal will negatively impact my constituents and their private property rights.

LJ20-14 The state of Idaho at my instigation passed legislation in the 2010 session stating that we will not support funding levels higher than the historic \$1.5 million we have paid in the past.

In conclusion, I cannot support the ROD Amendment as proposed and hope the EPA will take the comments received seriously and revise their plan to a more realistic and much shorter proposal.

Sincerely,

Joyce M. Broadsword

Senator Joyce M. Broadsword

Response to comment LJ20-10

See response to Comment No. SA4-11 regarding water quality standards. See response to Comment No. LC33-8 regarding background concentrations.

Response to comment LJ20-11

See response to Comment No. I58-5.

Response to comment LJ20-12

EPA is required under CERCLA, the Superfund law, to address risks to human health and the environment at the Bunker Hill Superfund Site. Although significant cleanup has taken place in the Basin, there is still contamination in site soil, sediments, groundwater, and surface water that poses risks to people, wildlife, fish, and the environment. The No Action Alternative was evaluated as part of the recent Final Focused Feasibility Study (FFS) process (EPA, August 2012, *Final Focused Feasibility Study Report, Upper Basin of the Coeur d'Alene River, Bunker Hill Mining and Metallurgical Complex Superfund Site*). However, evaluation results indicate the No Action Alternative would not be protective of human health and the environment.

Response to comment LJ20-13

See responses to Comment Nos. I58-1, LJ20-5, I899-7 and SA4-12.

Response to comment LJ20-14

Comment noted. See responses to Comment Nos. I58-1 and I58-2.

Mayor of Wallace, LJ12, Letter 616015-18

law and according to science and recognize that the Lower Basin still needs work. Thirty seconds. We understand the difficulty of the timeframe but we understand that this ROD properly and honestly describes the scope and scale of this problem. We're going to recommend procedures that will give input and collaboration so that the process moving forward is fair and reasonable and we get meaningful involvement but let's understand that this needs to become the - that the Lower Basin needs to be dealt with and...

Mayor Dick Vester:

LJ12-1

LJ12-2

LJ12-3

Senator Crapo, Governor Otter, members of the head table, other elected officials, friends and neighbors, I'm Dr. Dick Vester. I'm the Mayor of Wallace. I wish everybody could've been at the meeting last Wednesday in Smelterville. It was very enlightening. There were doctors and lawyers, hard rock miners and mining executives, retired people and college kids, Democrats and Republicans, yet the message sent to the EPA was almost unanimous and universal. The message sent was, "We don't want this thing to go on forever and we need a longer time to digest the information." I would ask our elected officials to use your clout and influence with the EPA for two things. It sounds like you've already accomplished one and that's to extend the comment period so that we have - our citizens have enough time to digest the approximately 2,400 pages of information. More importantly, I would ask you to use your influence to have this Record of Decision end in a maximum of ten years. We do not need our community to go through the devastation of being a Superfund site for 30 or 50 or 90 years so we ask your help and we hope the EPA will listen to the comments.

Todd Christensen:

On July 26, we formally requested an extension to Administrator McLerran. Mr. Opalski, we appreciate the notification of such an extension. Additionally, we highlight the importance of additional review by the Idaho State Legislature as already outlined this evening specifically to have a full understanding on the current and future fiscal impact to the state for a plan that reaches between 50 to 90 years. We appreciate your consideration and I [yield] the balance of my time.

Response to comment LJ12-1

Thank you for your comment.

Response to comment LJ12-2

See response to Comment No. I54-6.

Response to comment LJ12-3

See responses to Comment Nos. I58-1 and I474-2.

McPhail, Mayor Robert and Council Members, LJ32, Letter 619514

CITY OF OSBURN RESOLUTION NO. 2010-01

BE IT RESOLVED, this 10th day of August, 2010, by the Osburn City Council and the City of Osburn as follows as our official position as a City Council that United States Environmental Protection Agency (USEPA) should:

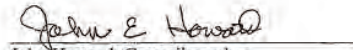
- LJ32-1 1) Disclose, in detail, all of its plans and needs for water use and diversion.
- LJ32-2 2) Extend the comment period past the 2011 Idaho Legislative Session.
- LJ32-3 3) Release an accurate estimated cost of the plan, allowing for inflation and cost increases over time.
- LJ32-4 4) Implement the plan in 10-year increments under separate ROD amendments, and provide numerous opportunities for meaningful public input.
- LJ32-5 5) Address our concerns with the proposed numerous additional repository sites throughout Shoshone County.
- LJ32-6 6) Specifically protect current and future mining opportunities in the Silver Valley.
- LJ32-7 7) Focus on storm water runoff prevention to protect property already cleaned up.
- LJ32-8 8) Determine the best way to treat surface water without de-watering the tributaries to the Coeur d'Alene River.

Dated this 10th day of August, 2010.


Robert McPhail, Mayor


George Clapp, Councilmember


Randy Cloos, Councilmember


John Howard, Councilmember


Liz Stanley, Councilmember

Response to comment LJ32-1

See responses to Comment Nos. I54-8 and I58-1.

Response to comment LJ32-2

See response to Comment No. I54-6.

Response to comment LJ32-3

See responses to Comment Nos. I58-1 and I54-12.

Response to comment LJ32-4

See responses to Comment Nos. I58-1 and I295-2.

Response to comment LJ32-5

See response to Comment No. I54-3.

Response to comment LJ32-6

See response to Comment No. I58-5.

Response to comment LJ32-7

See response to Comment No. I54-5.

Response to comment LJ32-8

See response to Comment No. I54-8.



619514

Minnick, Walt, LJ7, Letter 616015-5

Sen. Mike Crapo: I will convey to Senator Risch your appreciation of his remarks. Next, we'll go to Congressman Minnick.

Rep. Walt Minnick: Hello and thank you for inviting me to speak tonight. I regret being unable to attend in person and I would like to thank Senator Mike Crapo for convening this listening session. I'm very sorry that longstanding scheduled commitments in Southern Idaho have made it impossible to be with you in person today. I do want to commend EPA Region 10 Administrator Dennis McLerran for finding the time in his very busy schedule to be with us and for his willingness to listen to our concerns. Dennis has a very large responsibility and many competing priorities.

LJ7-1 We all appreciate his giving his personal attention to the critical issues facing us in the Silver Valley and most importantly, I extend a special thank you to all of you who have taken time from a busy workday to let us, your public servants, know what kind of a future you want for this valley, your home and for your children. It is fitting that this session is being held in a public school. Everyone at Shoshone County knows that without a strong and profitable mining industry, there would be no funds for education, law enforcement or other public services and far fewer families here with kids to fill our classrooms. It is vitally important, as we plan the next phase of the Superfund Cleanup, that we do whatever is necessary to protect the health and safety of our children but do so in a thoughtful way which protects both our quality of life and the economic viability of the mining industry which as it has for so many generations, remains the key to the future of our economy. It's an exciting time for all of us. Precious metal prices have finally risen to levels where the mining industry faces a buoyant future where it can expand and add new high-paying, long-term jobs, jobs that we so desperately need in this time of high unemployment and national recession. Let's be careful as we contemplate the next phase of our cleanup that we not strangle the golden goose by shackling our mining companies with costs and obligations which are so onerous that these jobs go elsewhere or that we not impose costs so high that when the next inevitable downward cycle in crisis occurs that these companies can no longer operate here and keep our citizens employed. I agree that EPA should take seriously its role in protecting the health of this region's citizens and make sure that our soil and water are cleaned up

LJ7-2

LJ7-3

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Response to comment LJ7-1

Thank you for your comments.

Response to comment LJ7-2

See response to Comment No. I58-5.

Response to comment LJ7-3

Comment noted.

LJ7-3 and not spoiled by future inappropriate mining or other development activity, but I also know that this community has serious concerns about the proposed ROD amendment and you should know that I do as well. It is too costly and far exceeds the resources we have available locally or perhaps even nationally to pay for all of the remediation work that it envisions. I'm very concerned that it will hinder economic development and compromise the ability of our local employers to make the large capital investments necessary to grow our mining industry and create the high-paying jobs which current precious mineral prices make possible. I want to make sure that Administrator McLerran and all of our public servants at the EPA understand these concerns, take them to heart and develop a plan which protects both our health and the economic future of our valley. I know they recognize this area's mineral wealth is vital to the economic prosperity of the region, this state and our nation. The EPA has produced a very complex document to address these concerns and our future. Since by its own estimate, this document will set the course for the next century of mining activity in this area, I have joined the other three members of Idaho's congressional delegation to ask that the EPA extend the comment period for 90 days to make sure that every interested party has an opportunity to provide input and to express his views. I hope and expect they will respond positively and that all of us can work together constructively in developing a planning document that is both practical in protecting our environment and ensures a bright economic future for our children. Thanks again for your time. I look forward to reviewing carefully all of the comments you'll make today. Thank you for the opportunity to speak with you this evening.

LJ7-4

LJ7-5

LJ7-6

LJ7-7

LJ7-8

Sen. Mike Crapo: I love to pass on to Representative Mnnick your appreciation for his comments. I want to get right to the business at hand so that we can be efficient with everyone's time and make sure that everyone who wants to speak is able to do so. With that in mind, I am going to outline the process that we're going to use tonight and the objective of which is to be fair to everyone who speaks. As you can see, we have two center aisles, each with a microphone. I'm going to invite each speaker to come to the microphone closest to you when it's your turn and what I will do is give a little bit of advance notice so that those

Response to comment LJ7-4

See response to Comment No. I58-2.

Response to comment LJ7-5

See responses to Comment Nos. I54-2 and I58-5.

Response to comment LJ7-6

Thank you for your comment.

Response to comment LJ7-7

See response to Comment No. I54-6.

Response to comment LJ7-8

Thank you for your comments.

Nonini, Representative Bob, LJ10, Letter 616015-9

the state of Idaho should have ample opportunity to review and provide substantive comments on any proposed amendments to the existing Records of Decision." Thank you and I will have this available for the record.

Sen. Mike Crapo: Thank you, Senator.

Rep. Bob Nonini: I will submit my testimony – a copy for you, sir, when I'm done but I'd like to touch on a couple of points in this letter submitted as a commentary for Legislative District 5, Representatives Henderson, Senator Hammond and myself. We know that the existing Basin cleanup plan officially granted Idaho concurrence in the letter addressed to the EPA dated September 8, 2002 and signed by Idaho Governor Dirk Kempthorne. This letter provided Idaho concurrence with most aspects of the Basin cleanup plan and the Governor's consent for implementation of the plan when there was agreement but with specific limitations. Following receipt of this approval from Idaho's Chief Executive Officer, the EPA and local jurisdictions were authorized to move ahead with the Basin cleanup plan. Consequently, we believe that any amendments to the Basin cleanup plan also required the concurrence and consent of the Governor. The proposed plan will affect Idaho public health, Idaho air and water quality, the viability of Idaho natural resource industries, the economic success of Idaho businesses and the overall quality of life for all Idaho citizens. We believe decisions on the scope and subjects to these considerations are fully contained within the rights reserved to the states in the Tenth Amendment of the US Constitution. One of our specific concerns in this group of issues is the proposal to collect and divert ground water to a processing plant located miles away for nonconsumptive purposes. Is that a minute and a half already? Wow and I was skipping over a lot of parts, young lady, but okay, we've [all been] through these, Senator and again, I will submit this for written – the Idaho Legislative body will look to the Idaho Chief Executive Officer for leadership on the proposed amendments to the Basin cleanup plan. In return, we know the Governor will rely upon the Legislature for recommendations to help ensure the most appropriate final decision. We estimate it will be at least mid-2011, sir, before an evaluation of all issues and

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Response to comment LJ10-1

CERCLA does not require EPA to obtain a governor's concurrence prior to selecting remedial actions. However it is EPA's preference to do so and EPA will seek concurrence from the State of Idaho for this action.

Response to comment LJ10-2

The FFS, Proposed Plan and ROD Amendment were developed in a manner consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, as required by CERCLA and do not violate the Tenth Amendment. Also see response to Comment No. I295-2 regarding the significant involvement of the State of Idaho, community and others in the decision-making process.

Response to comment LJ10-3

See responses to Comment Nos. I54-8 and SA4-12.

Response to comment LJ10-4

Thank you for your comments.

Response to comment LJ10-5
See response to Comment No. I54-6.

LJ10-4

considerations can be finalized. I appreciate Senator Fisch and Congressman Minnick requesting the 90 days but we would request at least to the mid end of the 2011 legislative session. Thank you.

LJ10-5

Mary Lou Shepard: I have great concerns with vast magnitude of the EPA cleanup plan and I wonder, how can this possibly work with the cost running over so many years? How do we really know what will be happening during the period technology-[wide]? Will there be better plans to come along that are not known at this time? How can Hecla and the other operating mines plan for their future with so much unknown ahead of them? EPA proposes a management plan that gives them, that means the EPA, the opportunity to change the plan every five years without any additional public input. I believe this gives me the greatest heartburn of it all. I firmly believe that any changes must be clearly laid out and very clearly explained to the public. There's a huge need for this county to return to the era when Shoshone County paid among the highest taxes to the state of Idaho at any time. We simply cannot do this without our good-paying mining jobs. EPA tells us that they bring good-paying jobs but ladies and gentlemen, these are seasonal jobs but what about the mining industry jobs which are lost because of it? Do they not supply good-paying jobs, ones that also make for additional input that trickledown effect? These mines have kept this county alive and prosperous for many years and can certainly do so again. Thank you very much for being here.

Jack Lyman: I'm Jack Lyman, the Executive Vice President of Idaho Mining Association. The Silver Valley, the mining industry employs hundreds of people and pays millions of dollars in wages, benefits and taxes. These high-paying jobs sustain local families and support many if not most of the businesses operating in this area. The modern mining industry recognizes the role it must play in addressing the historic impacts of past mining and pledges to work cooperatively with all of the interested parties to find workable solutions. EPA's proposed plan will dramatically alter the regulatory framework and the government's decision-making authority in ways that are clearly unreasonable and [pose] cost on the industry will make it uncompetitive and raises critical legal issues. The proposed plan will impact current mining by

Otter, Governor Butch, LJ4, Letter 616015-1

Both Senator Risch and Congressman Mnnick wanted to be here tonight but because of their schedules, they had previous commitments elsewhere. At this point, I'd like to introduce Governor Otter to speak followed by Chief Allan then Commissioner Cantamessa and finally, Administrator – well, I was going to say Administrator McLerran but Cleanup Director Opalski but Governor, please proceed.

Gov. Butch Otter: Well, thank you, Senator and I would begin my comments by qualifying them and saying that we are in the process of vetting the plan that has been offered and so what I would like to do is probably go through first, through the things where – that I absolutely support and then

LJ4-1 finish up by the things that I think would be impossible for me to support. Number one, the employment of local contractors, vendors, and workers to the greatest extent possible work in the past that's helped create jobs and contributed to the local economy through the expenditures of millions of dollars in the Silver Valley. Number two,

LJ4-2 protection of the past human health cleanup work by completion of the water runoff control projects and the local drainages in the communities inside gulches. Number three, to prioritize remediation of contaminated sources, areas to be improved – to improve water quality but I will not support an open-ended bureaucratic process that

LJ4-3 amounts to a blank check for the Environmental Protection Agency, any provision in the ROD that inhibit the existing or future mining, water collection and treatment work in the Upper Basin before significant source control has been completed and finally, water treatment in the box that is not affordable for the state of Idaho. End of story.

Sen. Mike Crapo: Thank you very much, Governor. Thank you. We appreciate your being here with us tonight. Thank you. I know that you have to make some significant effort to be here. We appreciate it. Chief Allan?

Chief James Allan: Senator, thank you for inviting me here to this meeting. As the Chairman of the Coeur d'Alene Tribe, I'm here to listen and to let everybody know that, as always, the Coeur d'Alene Tribe will give their word and our word is always that we always stand by our word and we will work with the local communities and the local government to [getting] a solution that benefits all and that's what we've always

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Response to comment LJ4-1

EPA encourages the hiring of local businesses and workforce for the cleanup work. See response to Comment No. LC32-2.

Response to comment LJ4-2

Thank you for your comment. The remedy protection actions included in the Selected Remedy will be high priorities for implementation. Remedy protection includes actions such as local drainage controls to ensure that clean gravel or soil barriers are not washed away or recontaminated during heavy rain or snow events or by tributary flooding. These remedy protection actions will help protect remediated properties from SFCDR tributary stormwater runoff.

Response to comment LJ4-3

See responses to Comment Nos. I58-1 (Selected Remedy), I822-14 (prioritization) and I58-5(working with mining). The Selected Remedy includes collection and treatment of contaminated adit discharges and groundwater that has become contaminated through contact with mining-related contamination present beneath communities and infrastructure. Groundwater treatment is included for three areas in the Selected Remedy: Woodland Park, Osburn, and the Box. In each of these areas, source control is not a feasible option because it would require the displacement of communities and water treatment is the only way to prevent the continued discharge of metals to surface water. The combined dissolved zinc loading from groundwater to surface water in these areas is estimated to be more than 600 pounds per day on average. Without groundwater treatment, this loading will continue to result in significantly degraded water quality in Canyon Creek and the SFCDR. Similarly, in most cases, source control actions cannot be used to address contaminated adit discharges because they are the result of groundwater, surface water, or both coming in contact with the minerals within a mine. There may be mine sites where it is possible to create surface water diversions and prevent the flow of water into the mine and thus, the discharge of adit drainage. Opportunities for water diversion and "keeping clean water clean" will be explored on a site-by-site basis during design. Currently the State is not required to provide funds for remedial actions funded by monies EPA recovers from settlements. Settlement funds can be used to reduce both federal and state costs associated with cleanup. EPA has received approximately \$691 million from its settlements with ASARCO Inc. and

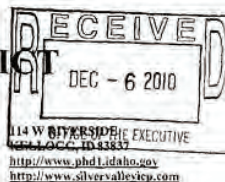
the Hecla Mining Company, and is committed to careful use of these funds to protect human health and the environment over the long-term. However, when the federal government, and not settlement funds, pays directly for cleanup, the state is required to fund 10 percent of the construction costs and 100 percent of the O&M costs.

Panhandle Health District, LJ44, Letter 1365461

No comments



PANHANDLE HEALTH DISTRICT *Healthy People in Healthy Communities*



December 1, 2010

Dennis McLerran Administrator
USEPA Region X
1200 Sixth Avenue, STE 900
Seattle, WA 98101-3140

Dear Mr. McLerran;

First, I want to thank you for continuing to make time to meet with local elected officials regarding the cleanup at the Bunker Hill Site. It helps to personalize what's going on.

At your November 16th meeting with officials in Wallace, a number of issues were mentioned that you requested more information on. As part of my comments on the ROD Amendment, I provided additional information on some of those same items.

As such, I have included a copy of those comments for your review. I realize you won't be reviewing all comments, nor preparing the responsiveness summary. I also know you have your hands full with numerous issues region wide and may not have time to read what I have enclosed.

I am providing them to you because they are not comments on the technical aspects associated with the project, but encompass the more practical aspects of the socio-economic side of the equation.

Clean up at this site is truly different, it has gone on for over two decades and will continue for decades more. Striking the balance necessary to get the work done effectively and efficiently is no small challenge. However, it needs to be done such that local politics and site residents don't remain in negative flux for the duration of the project.

I've had family here since the 1800's and have been on the cleanup project since it inception. I have served on the City of Kellogg Planning and Zoning Commission and the Shoshone Medical Center Board of Trustees for over twenty years. I understand how things work locally very well.

If I can ever be of any service to help move things along, please don't hesitate to call me.

Sincerely,

Jerry Cobb
Program Manager

Enclosure

USEPA SF



1365461

Administration: (208) 786-7474 FAX 786-7019	Environmental Health: (208) 786-7474 FAX 786-7019	Family & Community Health: (208) 786-7474 FAX 786-7019	Health Promotion: (208) 786-7474 FAX 786-7019	Home Health: (208) 786-7474 FAX 786-7019	Institutional Controls Program: (208) 783-4707 FAX 783-4242
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PANHANDLE HEALTH DISTRICT

Healthy People in Healthy Communities

114 W RIVERSIDE
KELLOGG, ID 83837
<http://www.phd.idaho.gov>
<http://www.silvervalleyco.com>

November 23, 2010

Coeur d'Alene Basin Team
EPA
1200 6th Avenue, Suite 900
ECL-113
Seattle, WA 98101

I am writing as the Institutional Controls Program (ICP) manager for Panhandle Health District (PHD) in regards to the proposed ROD Amendment at the Bunker Hill Superfund Site.

Prior to commenting, I would like to provide a backdrop for my concerns:

- Clean-up at the Bunker Hill Site is different.
- As a basis for the various Records of Decision (RODs) at the Bunker Hill Site, only surficial contamination was removed and a fragile clean soil or gravel cap was installed over contamination remaining at depth. This occurred on thousands of parcels of residential, commercial, and public property. The responsibility to ensure that these barriers remain functional has fallen to each and every property owner.
- This approach allowed the responsible parties to avoid \$152 million in documented costs and the government \$68 million. These costs were developed early in the project and are likely less than half of the true cost of clean-up that was avoided by utilizing partial removal.
- Partial removal requires management of caps and barriers in perpetuity. This is being accomplished through the ICP.

The ICP was developed as a locally enforced set of regulations designed to ensure the integrity of clean soil and other protective barriers placed over contaminants site-wide. Program development had to meet the provisos the community required in order to support adoption by the PHD in 1995.

No comments

Administration (208) 786-7474 FAX 786-7019	Environmental Health (208) 786-7474 FAX 786-7019	Family & Community Health (208) 786-7474 FAX 786-7019	Health Promotion (208) 786-7474 FAX 786-7019	Home Health (208) 786-7474 FAX 786-7019	Institutional Controls Program (208) 783-0707 FAX 783-4242
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While the ICP was developed for and adopted in the Box over a decade before it was expanded into the Basin, those same provisos were critical to and served as the basis upon which Basin communities supported that expansion.

They state:

- ♦ Institutional Controls must minimize inconvenience, cost and loss of land use options to local residents
- ♦ Institutional Controls must utilize, to the maximum extent practicable, existing control mechanisms and local agencies
- ♦ Institutional Controls must be self-sustaining and impose no additional cost on local government, residents, or property owners

The above information was noted to help provide context to my comments. As the clean-up continues, with funding available to pay for less than half of what is being proposed, the cost to sustain the remedy falls to the state, local government and site residents all of which are ill prepared and unable to support this financial, administrative and physical burden.

If site residents and local communities are positioned to fail in managing the responsibilities being passed onto them, the remedy fails and the RODs fail. If the remedy is determined to be defective to meet the need to protect human health and the environment, we begin again.

Should we not begin again, local communities and site residents will be left stranded on thousands of parcels of ground that serve as individual, privately held hazardous waste repositories that unless properly maintained will not qualify for traditional funding to conduct commerce. Land sales will be stifled, municipal bonds will be unmarketable, and bank loans unavailable.

Clean-up at this site is different. Failure is not an option. This site must be positioned to succeed and everything we do to complete the clean-up must be designed and implemented to that end.

Please consider the above information as you review and consider the comments provided. They are as follows:

General Comments

- As proposed, the ROD Amendment is too large and the time frame for implementation is too long. Work should be designed and scheduled to be completed in manageable increments. This will allow for completed projects to be evaluated for effectiveness and lessons learned, before proceeding with the next phase. Well designed, prioritized and implemented work will reduce the chances of having it all ending up on the bottom of Coeur d'Alene Lake after each flood event that will occur during the life of the project.

A slower pace will allow for a better project, let better technology assist with difficult problems, help reduce costs and help eliminate or control expensive and unfunded

Response to comment LJ44-1

See response to Comment I58-1 regarding the reduced scope of the Selected Remedy compared to the Preferred Alternative identified in the Proposed Plan. See response to Comment No. I295-3 regarding additional information on funding sources. EPA is in agreement with PHD that cleanup must be completed and maintained as necessary to achieve long term permanence of the Selected Remedy. EPA believes the adaptive management process will allow implementation of remedial actions in ways that will increase the long term permanence of the remedy.

Response to comment LJ44-2

See response to Comment No. LJ44-1 above.

LJ44-2	Comments – EPA Proposed Plan November 23, 2010 Page 3 of 13
	operation and maintenance (O&M) costs whenever possible. It will also allow for better public involvement as each increment is evaluated and the next one is developed.
LJ44-3	<ul style="list-style-type: none">Each project should establish O&M costs early in the design phase and the funding to pay these costs should be identified and committed prior to implementation. The ultimate measure for the success of the clean-up will be in our ability to sustain it, not simply complete it.
LJ44-4	<ul style="list-style-type: none">All work included in this effort and that to follow, must be completed using fund dollars or the interest on trust funds currently available and yet to come. Reality dictates the need to fund work with the interest only until such time that all work is completed and O&M is fully funded. While this may extend the life of the project to some degree, it will provide assurance that it can be completed.
LJ44-5	<ul style="list-style-type: none">A mechanism to allow for trust money to be used by local communities for activities that ensure and enhance remedy protection needs to be developed. Funding must be leveraged whenever possible to make these limited resources go as far as possible. These funds should be allowed to be used to support flood mitigation efforts, deal with localized drainage issues and manage local roads to keep them functioning as the barriers that they are. <p>While the trust fund has been established for the sole purpose of paying for the cost of clean-up, the source of those dollars is private. Funds dedicated to remedy protection, drainage enhancement and road repairs should be available to the communities to match local projects funded by grant opportunities or when other funds are not available. The loss of grant funds that take months or years to obtain for the lack of match, makes no sense. Funding lost because of this simply results in EPA or the State having to fund these projects at a later date on their own and at full cost to them.</p> <p>Allowing the use of trust dollars to match grant funds allows for more work to get done with less clean-up money being spent. It also gives the community the incentive to invest the time and money needed to pursue funding that may otherwise be ignored.</p>
LJ44-6	<ul style="list-style-type: none">Recommendations provided by the National Academies need to be continually reviewed and followed as projects are proposed and selected. Long-term support of the ICP, flood mitigation, sediment migration, lack of soil repositories, and passing significant indirect costs on to the communities are but some of the concerns they noted.
LJ44-7	<ul style="list-style-type: none">The role of the ICP needs to be considered as projects are implemented. Additional responsibilities for the program need to be considered and the appropriate resources made available to do work identified as necessary. The National Academies made a specific recommendation that the ICP be funded and continued.
LJ44-8	<ul style="list-style-type: none">Clean-up at this site relies heavily on local infrastructure both as a barrier and to protect the CERCLA remedies installed. As such, infrastructure is not simply a "perk" as it is often characterized. Water systems are sources of water for dust control and street flushing. They keep vegetative cover growing and barriers protected. When they leak, they erode those same barriers.

Response to comment LJ44-3

EPA agrees that accurately estimating O&M costs as early as practicable is important. Regarding funding, see response to Comment LJ44-1 above.

Response to comment LJ44-4

EPA recognizes the need to manage settlement funds prudently, however the scope of the environmental contamination may require State and federal funding. See response to Comment No. LJ44-1 above.

Response to comment LJ44-5

It is important for the State and local communities to partner with EPA where appropriate. EPA is committed to funding remedy protection and road repair actions as part of the Selected Remedy. Once these actions are completed, it may be preferable for State and local entities to assume O&M responsibilities as it may result in more efficient implementation of O&M, and it will allow EPA to devote more resources to cleanup. EPA and IDEQ recognize that some pre-existing paved roadways may not provide adequate long-term barriers to underlying contaminated material, and that local and state entities are responsible for the long-term road development and maintenance efforts. As a result, the agencies are developing an approach under the existing RODs to address this issue collaboratively with local, county, and state entities responsible for providing and maintaining roadways in their communities. The objective of this effort is to develop and implement a strategy that ensures the long-term effectiveness of roads that also serve as barriers, and aligns with the transportation and maintenance needs of the Box and Basin communities. The Selected Remedy includes estimated costs for constructing roads to access sites and to repair damage to existing roads due to activities associated with the Selected Remedy. Also see response to Comment No. I54-5.

Response to comment LJ44-6

See response to Comment No. LJ27-8 regarding how EPA has addressed issues raised by the NAS in 2002. A key component of the adaptive management process will be refinement of the implementation processes and remedial approaches as new information becomes available that clarifies uncertainties regarding the understanding of the site, the effectiveness of the remedial approaches and technologies used, and the responses of environmental

receptors to changes in contaminant concentrations, ecological conditions and habitat. Updates of and changes to the schedule, priorities, and/or sequencing will be documented through updates to the Implementation Plan, and such changes will not be considered remedy changes. However, there may be situations in the future where the lessons learned from the adaptive management process may reveal the need to adjust a particular technology or cleanup action. Where changes to the Selected Remedy are significant, EPA will provide opportunities for public participation consistent with the requirements of Section 113(k) of CERCLA and 40 CFR 300.435(c). Depending on the significance of the changes in cleanup approach, there may be additional opportunities for public input as discussed in the ROD Amendment, Part 2, Section 12.3.2.

Response to comment LJ44-7

EPA agrees that funding for the ICP is important and EPA notes that the State of Idaho has received substantial funding for this purpose from settlements.

Response to comment LJ44-8

EPA agrees that some infrastructure in the Coeur d'Alene Basin is integral to the permanence of the remedy, and has included remedy protection and road repair projects as part of the Bunker Hill cleanup. However, not all community infrastructure needs fit within the scope of the Bunker Hill cleanup. For example, maintenance of water delivery and sewer systems is not integral to this cleanup. As discussed in detail in the ROD Amendment, Part 3, Section 3.3.2, EPA is committed to working with local, state, and federal entities with an interest in SFCDR flood issues and, consistent with EPA's authority, to help craft solutions. EPA can and will contribute to efforts to understand SFCDR flooding and, if these efforts identify actions that will meet Superfund remedy requirements, EPA will define and select these activities in future decision documents.

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Leaking sewer systems carry metals contaminated ground water that must be treated, placing additional burden on rate payers to deal with an issue they didn't create.

Roads represent the largest, most heavily used barrier on site. Deteriorating surfaces and the lack of appropriate clean base material compound issues that would simply result in annoying potholes in Coeur d'Alene or Seattle.

To date, we are seeing numerous indications of breakdown associated with many aspects of the barriers installed as part of the clean-up. Catastrophic issues are being identified and prioritized for action, while chronic large scale and equally dangerous issues, as they relate to barrier failure are not.

LJ44-8 This is especially concerning to the ICP. These issues are not being elevated as a concern until there is a crisis. An example is Milo Creek. The agencies were warned that the threat of flooding was very real and could occur at anytime. Those concerns were met with the comment "well we haven't seen it yet and it's a difficult and expensive issue."

We are seeing it happen again with flooding associated with the South Fork of the Coeur d'Alene River and Pine Creek. Those same comments are being made.

We are gambling that human health won't be compromised by a variety of natural forces, because they or the perceived risk associated with them are small and that we will be able to react in time if necessary. It's a death by a thousand small cuts.

Protecting human health was the main reason the site was placed on the National Priority List (NPL) in 1983. Since that time, a great deal of progress has been made. That progress is based on the communities' and each individual property owner's ability to maintain the fragile but effective barriers installed.

Should the barriers become defective, the remedy will be defective. We have the ability and the experience to prevent this from happening. The barriers installed and yet to come must be protected at all cost.

Clean-up at the Bunker Hill Site began 25 years ago. If it is to continue for 30 to 90 years, the process has to be accountable to and compatible with how the world works at the local level.

LJ44-9 EPA can't simply show up in town every 10 years to sell the latest proposed plan or ROD Amendment. It's what is being done now and it's not working. The current process initiates an EPA vs. the community mindset that results in confusion and controversy over complex technical issues that most people don't understand. Those issues take precedent over the needs of the project to get done and all of the collateral issues that affect the communities in a very real way that got addressed as part of that process. The 1996 Milo Creek flood serves as the prime example of this.

Response to comment LJ44-9

The comment mischaracterizes EPA's community involvement efforts. EPA does not merely "show up in town every 10 years." To the contrary, EPA maintains a significant and continual presence in the community. EPA has been, and will continue to be, committed to meaningful community participation throughout the Superfund process in the Coeur d'Alene Basin. Over the years, EPA has spent considerable time and energy to engage the public through all phases of its work. The ongoing involvement of the community will be an important part of the cleanup as it moves forward.

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LJ44-9 If it's going to work, EPA will need to have a steady and constant role in the day-to-day management of the clean-up and how it is being integrated into life at the local level, and how it is affecting day-to-day activities for local government, site residents, and the ICP.

Something beyond the off the shelf process associated with community relations activities initiated at specific intervals is not effective for this type of clean-up. This project is scheduled to last for decades and requires a different approach.

Comments specific to a variety of ROD Amendment issues are as follows:

- **Ability to Pay**

As noted, clean-up at the Bunker Hill Site is different. Property owners and local government continue to be burdened with contamination to depth and must complete a number of steps as part of any effort to excavate or grade property. These steps take time and money.

Nearly 80% of Shoshone County is owned by the state and federal government. They pay no taxes, and this land is no longer available to create or support jobs.

Funding provided to offset government ownership of this land was provided by the Secure Rural School & Community Self-Determination Act, also known as the Craig-Wyden Act. These funds are being eliminated. This is resulting in a loss of \$2.5 million in funding for Shoshone County mostly from the road maintenance budget and \$1.1 million for local schools. This loss cannot be made up from available resources and no new source of funding has been identified.

LJ44-10 Local residents have recently voted to support over \$20 million for EPA and State mandated sewer and water projects and another \$25 million for a new school and a hospital replacement project. These projects were done because existing buildings were no longer serviceable, not because we wanted new buildings. We are reaching the end of our ability to pay, not simply a willingness to pay.

Our failing national economy is also affecting the Silver Valley. Unemployment remains high, often the highest in the state, property values are again falling and development has slowed.

While many of these issues are occurring nationally, some are specific to Shoshone County and our unique situation with regard to the clean-up. Those affected by the national economy are doing so without the additional burden of having to manage the soil they are living on or working in as a hazardous material nor with the incremental cost associated with doing so. Site residents and local government have honored their commitment to manage contaminants in perpetuity. That commitment along with the avoided cost of a more thorough clean-up has great value.

As part of this next phase of the clean-up, it would be prudent to evaluate the communities' ability to pay those costs that will be passed on to them either as a direct cost or an indirect

Response to comment LJ44-10

EPA acknowledges that communities within the Site have for a number of reasons suffered economically. EPA believes that cleanup has and will continue to benefit the local economy. EPA is committed to assisting communities to the degree allowed under CERCLA. Also see responses to Comment Nos. LJ44-1, LJ44-5 and LJ41-8 above.

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expenses simply because the clean-up now requires additional steps or administrative process to complete every day projects.

• Flooding

The local communities and the Bunker Hill Superfund Task Force have requested that flooding associated with the South Fork of the Coeur d'Alene River and Pine Creek be included in the ROD Amendment. For a variety of reasons EPA has noted that this issue will not be included, but will be dealt with outside of the Amendment. I understand the reasons for omitting it, but remain convinced that due to its importance, it should be included. If issues associated with flooding are beyond EPA's ability to deal with, how can you then expect the communities to resolve it?

Catastrophic flooding associated with both or either of these rivers has the ability to damage or destroy tens of millions of dollars in clean soil and other protective barriers installed to date. This issue is well documented in the Shoshone County Multi-Jurisdictional Hazards Mitigation Plan.

While some administrative progress has been made associated with this issue, the communities remain a long way from being able to deal effectively with flood mitigation. It is not a matter of if we will flood, simply when, how often and how bad.

In 2002 local officials met with representatives of FEMA to discuss floodplain issues and our concerns with flooding and future growth. Because Shoshone County's flood maps were developed in the mid 1970s, they are in need of updating. New mapping is necessary to better plan growth and to protect clean-up work that has been completed and is yet to be done.

We were told that to remap Shoshone County it would cost \$1.3 million.

The ROD Amendment proposes to complete over \$100 million of work in and along the South Fork of the Coeur d'Alene River alone. To do this, EPA will need to generate a great deal of the same information that will be needed to remap the county. This is currently being done in the lower Basin as part of EPA's efforts to develop its Enhanced Conceptual Site Model for the Lower Basin Coeur d'Alene River (January 2010).

Because EPA needs the information in order to do the work they propose in the upper Basin, there is an opportunity for EPA to utilize the LIDAR flight information for the South Fork Coeur d'Alene River generated by the communities and complete the necessary work to understand other river dynamics in order to satisfy the US Army Corps' need to evaluate and establish levees that can be certified and protective of the communities.

These issues are at play as we speak, and present a rare opportunity for a collaborative and coordinated effort to create the information necessary to meet EPA, FEMA and the communities' mutual planning and mapping needs.

Response to comment LJ44-11

EPA appreciates your understanding of the limits of this Interim ROD Amendment. EPA agrees that information needed to support SFCDR cleanups may also be useful in understanding flood control issues. To this end, EPA is committed to working with local communities and flood control authorities, the Basin Commission, the U.S. Army Corp of Engineers, and the Federal Emergency Management Agency during pre-design data collection, design and implementation of cleanups that may impact surface water flows. The comments references cleanup actions that while proposed are not included in the Selected Remedy. The scale of work along the South Fork of the Coeur d'Alene River has been reduced. Also see response to Comment No. LJ36-3. In addition, EPA will implement the Upper Basin Selected Remedy in compliance with ARARs and will refer to information "to be considered" (TBC), including official documents that address flooding such as Executive Order 11988, Protection of Floodplains. Among other things, Executive Order 11988 requires federal agencies performing actions within a floodplain to minimize potential harm to or within the floodplain and to avoid long- and short-term adverse impacts caused by floodplain modifications. Thus, as cleanup work is carried out within the floodplains of the SFCDR and Pine Creek, efforts will be made to comply with the mandate of that Executive Order.

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The communities can use this information to complete effective flood mitigation work that meets the Army Corps' and FEMA's requirements. This will then allow for potential reductions for flood insurance and free up those dollars for site residents to help offset the cost of barrier management required by the clean-up or do other infrastructure related work.

LJ44-11

In addition to catastrophic floods, valley communities continually battle issues created by localized flooding caused by rain events, snow melt, and difficult topography. The ability to drain low-lying areas is necessary to protect clean soil and gravel barriers. At present, these barriers are being eroded, and fine sediment that is collecting in these areas is being tracked throughout the communities. This will only get worse as time passes and full thickness barriers continue to dissolve until they are no longer protective.

A great deal of information has already been generated to help deal with this issue as part of the Infrastructure / Revitalization Plans completed for both Box and Basin communities. These community assessments should be utilized to control localized flooding caused by inadequate drainage.

• Roads

Local elected officials and the Task Force have also requested that deteriorating road surfaces be included in the ROD Amendment. For a variety of reasons, EPA has chosen to not include it, but stated they will deal with it through the existing RODs. Again, due to the importance of this issue I believe it should be in the ROD Amendment. That said, EPA has committed to work with the communities to deal with this issue in a meaningful way. As a good faith effort, funding should be earmarked for road repairs as part of this decision document.

Yard remediation site-wide has resulted in tens of thousands of loaded dump trucks using local streets and alleys during clean-up. In a transportation study commissioned by the City of Kellogg, it was noted that every loaded truck traveling down a street was equal to 10,000 passes of a car.

LJ44-12

In 2009, ICP staff conducted a minimal effort to sample soil in potholes and along street gutters to evaluate this potential source of recontamination. The effort identified soils from potholes ranging up to 40,000 parts per million (ppm) lead, and street soils averaging over 2,000 ppm lead in Kellogg. High results were noted in all of the other cities as well.

These soils migrate through run-off and are tracked throughout the area. They move from streets to driveways and from driveways into homes. As house dust, they are now available and serve as the most significant source of exposure to young children. This issue as well as flooding and poor drainage is directly linked to the protection of public health that initiated the listing of this site on the National Priority List (NPL) in 1983.

Shoshone County was successful in securing funds to complete a valley-wide Transportation Plan. This \$300,000 effort includes an evaluation of every mile of road within the site. The plan serves as an excellent tool to develop an approach for repairing and managing miles of roads placed directly on contaminated soils.

Response to comment LJ44-12

The RODs for OUs 1, 2, and 3 address cleanup of rights-of-way (ROWs) in the Bunker Hill Box and the Coeur d'Alene Basin, as appropriate, to respond to risks to human health. The RODs allow ROWs to be cleaned up such that they provide barriers to underlying metals contamination. Many ROWs have been cleaned up as residential and commercial properties have been remediated in Box and Basin communities. However, EPA and IDEQ recognize that some pre-existing paved roadways may not provide adequate long-term barriers to underlying contaminated material, and that local and state entities are responsible for the long-term road development and maintenance efforts. As a result, the agencies are developing an approach under the existing RODs to address this issue collaboratively with local, county, and state entities responsible for providing and maintaining roadways in their communities. The objective of this effort is to develop and implement a strategy that ensures the long-term effectiveness of barriers installed in ROWs, and also aligns with the transportation and maintenance needs of the Box and Basin communities. The Selected Remedy includes estimated costs for constructing roads to access sites and to repair damage to existing roads due to activities associated with the Selected Remedy.

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LJ44-12	<p>Managing roads as the single largest and most heavily used barriers that they are is an example of how yearly funding can be utilized from settlement trusts to protect human health and the environment inside the communities. This same issue applies to over twenty miles of similar transportation routes managed by the Eastside Highway District throughout the lower Basin.</p>
	<ul style="list-style-type: none">• Area of Drilling Concern
LJ44-13	<p>An Area of Drilling Concern was established within the Box. Will this be done in the Basin or portions thereof? If so, the appropriate infrastructure will have to be planned and constructed to serve those who lose access to their wells.</p>
	<ul style="list-style-type: none">• Milo Creek
LJ44-14	<p>This area has been identified as a concern with regards to remedy protection. A number of issues were identified and discussed in a January 2010 letter from the Shoshone County Commissioners to EPA. While some progress has been made, there is much more to do. The issues noted need to be accounted for and completed in a timely manner. This is a remedy protection issue that has bearing on the ICP.</p>
	<ul style="list-style-type: none">• Dredging
LJ44-15	<p>The communities have requested the opportunity to remove material from the South Fork of the Coeur d'Alene River and Pine Creek as a way to control bed load, help with flood mitigation, and produce usable product for local government to offset the cost of purchasing clean gravel for their use. If this material is screened and washed, it is truly a product and no longer serves as a burden with regards to disposal. Areas conducive to allowing these activities and that are not in conflict with other rules and regulations need to be identified and used for this purpose. Product availability and disposal both impact the ICP.</p>
	<ul style="list-style-type: none">• Disposal
LJ44-16	<p>The disposal of contaminated material is an integral part of remediation for those who are conducting the clean-up as well as local government and site residents who must manage contaminants that remain on their property.</p> <p>Sites developed and operated to dispose of waste generated as part of the clean-up must be centrally located, easily accessible, and be user friendly.</p> <p>Because site users are living throughout a large geographic area, and because local government from a variety of jurisdictions must have affordable access to disposal repositories, numerous sites will need to be developed throughout the life of the clean-up.</p> <p>Most of the area involved in the clean-up is located within the floodplain. Improving conditions along the river and within the floodplain will require leaving contaminants in place as well as locating disposal sites within the floodplain. Placing or managing contaminated</p>

Response to comment LJ44-13

The Selected Remedy does not prohibit the construction or use of groundwater wells in the Upper Basin. Pursuant to the 2002 ROD, EPA provides hook-ups to existing water systems, point of use treatment, or new ground water wells installed in a potable aquifer for homes whose source of domestic water is contaminated. EPA does not contemplate the development of an area of drilling concern as part of the cleanup. The State of Idaho has the authority to establish an area of drilling concern, however EPA does not believe that the State intends to establish one for the Upper Basin.

Response to comment LJ44-14

EPA agrees that certain work within the Milo Creek drainage is an important part of protecting human health and the environment. For this reason, IDEQ and EPA have modeled flow conditions in the drainage. In addition in the Implementation Plan, EPA has placed a high priority on the Bunker Hill Mine acid drainage cleanup, an element of the Selected Remedy. In addition, the referenced letter identifies potential surface water management issues associated with property within the boundaries of an active mining operation. The owner of this operation is responsible for referenced issues.

Response to comment LJ44-15

EPA supports local efforts to resume dredging as a means of increasing flow capacity so long as in-water work is coordinated with the U.S. Army Corps of Engineers and contaminated material is managed appropriately. EPA also supports sorting of dredged material from both local and EPA projects to allow for reuse and to save limited repository space.

Response to comment LJ44-16

See response to Comment No. I54-3 regarding repositories.

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materials in areas that are already contaminated ensures that limited and valuable uncontaminated property isn't compromised.

Repositories located in the floodplain must be properly constructed such that a failure during catastrophic flood events doesn't occur, and that flood elevations don't rise as a result of displacement from those sites.

In the upper Basin, EPA should make every effort to work with the mining industry to utilize abandoned tailing ponds as disposal sites. In doing so, no additional land is compromised and local communities can then plan for much needed future development. A balance needs to be struck amongst the EPA, industry, and the communities to best utilize what little ground remains to create tax paying and job producing space.

LJ44-16

As EPA plans work that will create massive amounts of waste material, the ability to dispose of it while allowing space for ICP waste generated by site residents and local government, must be considered. The clean-up can't simply eliminate all usable land available to the communities. The recycling of material as well as creating product and structural fill for disposal sites and other areas must also be considered.

Opportunities for future land use associated with disposal sites should also be considered and embraced. This is done across the country at a variety of sites that are reused for recreational activities and future development. Done right, exposures are controlled, sites are armored with buildings and paved parking lots, long-term management costs are reduced or eliminated, and jobs can be added to fuel the local economy. For a clean-up of this magnitude, being conducted in a narrow river canyon constrained by a major river system and Interstate 90, it is essential that disposal needs are considered early in all phases of the clean-up, and that opportunities to employ innovative solutions to difficult problems be identified and utilized.

The dollars necessary to maintain the fixes employed can't be provided by a stagnant economy. A vibrant and stable economy will be necessary to make this unique partnership of industry, site residents, and government work as it relates to barrier management, controlling risk, and future growth. Nowhere is the need more obvious than with siting and managing disposal sites.

- **Project Planning and Coordination**

LJ44-17

The current clean-up has been ongoing since the mid 1980s. During this time, there have been numerous opportunities where planning and coordinating clean-up activities with local infrastructure projects could have saved money, met multiple state and EPA water and sewer program requirements, and avoided the need to return to remediated yards and dig them up to complete other agency required work.

Two examples come to mind. The City of Smelterville was required to replace an aged and leaking sewer system to help meet NPEDS permit criteria. The city aggressively and successfully pursued grant opportunities to fund the replacement project, sewer rates were tripled, and work got underway.

Response to comment LJ44-17

EPA strongly supports effective planning and coordination with local communities, wherever possible, while recognizing that a significant amount of the remedial work associated with the Selected Remedy will be outside the community boundaries.

No comments

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The need to replace sewer laterals was added to the mix after the request was funded. The Upstream Mining Group (UMG) spent millions of dollars remediating yards throughout the town. Remediation activities removed soil from almost every property digging within inches of these same sewer laterals.

Had these activities been planned to leverage multiple projects to meet multiple needs it wouldn't now be necessary for property owners to have to dig up their yards, spend the money to segregate soils to meet ICP requirements, and unnecessarily breach clean soil barriers.

This same issue came up early in yard remediation work planned for the City of Wallace. It is well known that the City of Wallace has a serious inflow and infiltration (I & I) issue with its sewer system. Eighty percent of the flow into the South Fork Sewer District Treatment Plant during high water times comes from a community with only 20% of the connections serviced by that same plant. A significant portion of these flows are coming from leaking laterals.

Once again, yard remediation proceeded, digging within inches of leaking laterals. The work is now done and future sewer work will require breaching clean soil barriers increasing the possibility of recontamination and require that additional expense be incurred in doing so.

It is recognized that preplanning and coordination requires both time and money. However, done early and well, multiple regulatory issues can be resolved in concert. This is especially important in today's economy. All of these projects (remediation, water and sewer replacement efforts, etc.) require taxpayers and rate payers (who happen to be the same people) to be billed twice for the same work. The various entities dealing with these issues within both the state and EPA need to be talking and planning how to do work smarter. Considering the fact that all of this work needs to be done eventually to meet water program requirements, sewer and NPEDS requirements, and remediation needs, the only remaining issue is when will it be done and can it be coordinated with other work.

Again, this will take planning and require funding to be identified and in some cases may delay work. It would result in getting it all done at the same time and allow for the leveraging of scarce resources. While it is too late to help with the two projects noted, it's not too late for future work. The clean-up proposed in the ROD Amendment favors a decades long clean-up schedule where we have the time to do the planning and coordination with local communities. There is nowhere better to apply this process than for work associated with localized flooding and infrastructure projects.

All of the work to complete the Infrastructure / Revitalization Plans for both the Box and the Basin as well as the Community Drainage and Infrastructure Plans for each city in the site has already been done. These efforts will go a long way towards allowing for coordinating future work.

An example of this type of an issue associated with an ongoing project is the City of Smelterville's Drainage Project. Since yard remediation and prior too many right-of-ways

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being essentially re-remediated by recent infrastructure projects, miles of dirt road shoulders abutting residential areas throughout town were seeing an increase in lead concentrations.

Sources of contamination for roadways include contaminated hillsides adjacent to town, deteriorating road surfaces, and the fact that Main Street through Smelterville is the main haul route to the Page Soil Repository. The fact that these areas were being re-contaminated prompted the city to pursue funding to construct a drainage system city-wide and install curbs and gutters to help drain the town. This is a remedy protection project.

While requests for assistance with this project fell on deaf ears, Smelterville proceeded to utilize the US Army Corps' funding to do the work. Approximately \$3 million was obtained and the project proceeded. The project is currently underway.

Due to a number of issues, the project will end this year with less than 50% of the project being completed due to a lack of matching funds. The remainder of this funding has been lost for the lack of a \$400,000 match.

Ultimately if recontamination continues, this project will have to be completed without the benefit of the \$3 million already available and at a higher cost. Because the community will not be able to afford the project, it will fall to EPA.

Ironically even if EPA were to offer to pay the match and the project could be completed at today's cost and with the money in hand, the Corps can't use federal dollars to match their project. It seems that while the dollars are currently available and the project is underway, the savings to the government to do it now would justify a waiver.

Because the challenges associated with clean-up at this site are coupled with the fact that we have employed a partial removal and that recontamination through flooding, roads and drainage is a constant threat, a different approach to completing infrastructure projects needs to be developed.

- **Adaptive Management**

Adaptive management has been identified as a mechanism to help move the clean-up forward.

This process is well understood and if done appropriately, can work very well. However, there needs to be a strong link between management aspects of the clean-up and broader based decision making that affects the communities in a multitude of ways.

Decisions must be integrated into real world actions that compliment local needs, challenges and the administrative systems employed by seven cities and two counties in a meaningful way. How it affects the communities on a daily basis must be accounted for.

Response to comment LJ44-18

Adaptive management considers uncertainty, and monitors and evaluates the effectiveness of the remedial actions and cleanup technologies including progress (ecological response metrics) towards long-term cleanup goals. Adaptive management is a part of the overall implementation planning. EPA has begun the critical process of implementation planning and prioritizing the actions in the Selected Remedy in collaboration with the Basin Commission and the Upper Basin PFT. The outcome of this process will be an initial Implementation Plan that will guide project-specific cleanup actions into the future, with the objective of ensuring that the actions taken are the most effective in achieving the overall goals of protecting human health and the environment and providing opportunities for substantive input to project stakeholders and community representatives.

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• **Superfund Stigma**

Since the clean-up began and again recently at public meetings associated with the ROD Amendment, concerns have been voiced regarding the Superfund stigma. This issue created numerous problems within the Box. While limited, similar issues have been encountered in the Basin.

While stigma can have a variety of adverse impacts across the entire site, it seems to settle most often on two issues:

- Conducting commerce on a daily basis especially as it relates to obtaining bank loans, property sales, the ability to sell municipal bonds and pursue grants, and
- Assisting industry, specifically the mining industry, with their efforts to purchase, explore, and develop new ore bodies.

Industry is much more cautious when it comes to being named as a responsible party at a Superfund site and rightly so.

As the price of metals continues to rise, opportunities to conduct exploration and develop sites increases. EPA must continue to make it known and make good on their stated intentions to fairly and in a reasonable time frame assist industry as they pursue opportunities to do work.

LJ44-19

Positioning industry to succeed with their efforts to create jobs and produce a much needed product, benefits everyone. Failure to do so simply converts perception into reality. A reality that EPA has said is not the case. Actions speak louder than words, hopefully this will be the case. With new owners of the Sunshine Mine, we know it's possible. That possibility needs to be promoted and advertised.

Adverse impacts associated with the stigma within the Box peaked in the late 1980s early '90s. The Superfund law was relatively new, the process wasn't well understood, and the RODs hadn't been completed.

As the program matured and lending institutions began to better understand their risks, issues associated with perception vs. reality began to take hold. As part of the project, a concerted effort was made to explain where we were in the process, what that meant, and how by utilizing the ICP everyone could pursue opportunities and invest in communities throughout the site.

Since that time we have seen a steady procession of new investments within the site. McDonald's and Subway have come to Kellogg. These are large business savvy, international entities not interested in accepting undo risk. Panhandle State Bank and AmericanWest Bank have purchased and developed property. Eagle Crest Inc. has invested tens of millions of dollars in a 300-unit condominium project, a water park and golf course, and Copper Basin has constructed new apartment complexes. This has been done

Response to comment LJ44-19

See response to Comment No. I54-2 about how the cleanup will benefit the local economy. EPA is confident that cleanup and mining can coexist. Throughout the duration of the cleanup, there will be timely opportunities for the public to provide input on implementation planning through the established Basin Commission process.

No comments

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based on a great deal of due diligence and meeting with the ICP to discuss development regulations.

We have built a new school, a new HUD 242 sponsored 25-bed Critical Access Hospital, and made significant investments in grant sponsored water and sewer projects. All of this and more has been accomplished within the Superfund site.

The point being, perception is reality. We need to make sure that the perception is correct. The RODs at this site are done, risks are well understood, and the ICP is available to assist with disclosure and to work with site residents and developers to do work that complies with the RODs. The banks are indeed loaning money and work is occurring. As existing RODs are modified or new ones developed, this needs to continue.

For the duration of this project, regardless of how long it lasts, we must make sure people know our communities are safe to live in and we are open for business.

Thank you for the opportunity to comment.

Sincerely,



Jerry Cobb
Program Manager

Pooler, Mayor Mac, LJ47, Letter 619651-2

Response to comment LJ47-1

See response to Comment No. LJ36-3.

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1 RICK CURRIE: Rick Currie, Kootenai County
2 Commissioner.

3 MAYOR VESTER: Thanks very much for coming,
4 Rick. With that, we're going to continue the sign-up
5 sheet for probably another 20 minutes outside. We're
6 going to start the comment period with just the mayors
7 from the head table, and I'm not sure if anybody's
8 speaking. Mayor Pooler was going to speak and then
9 we'll go to the rest of the people.

10 MAYOR POOLER: Thank you, Mayor Vester. I'm
11 going to sit down. My comments will be brief. Back
12 when the Superfund site clean-up in the Kellogg area was
13 called the Box and I was mayor through that period
14 working with EPA and DEQ, we learned some valuable
15 lessons. As the ROD, or ROD that they're trying to get
16 approval on, still holds some areas that I feel the
17 citizens in the valley should know. They spent a lot of
18 money in Kellogg in the Box to do the remediation.

19 The problem lies within the levies that run
20 through Kellogg. The potential for flood in that area
21 would decimate all the rehabilitation they've done
22 through the Kellogg area down into Smelterville. I
23 don't know what the final figure. I don't know if
24 anybody knows what it was on the clean-up in Kellogg
25 area. I've heard 230,000,000. I've heard on up.

LJ47-1

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My stand as a mayor representing the people is for a small amount of the new money coming in, we need to address the river and the dike area not only in Kellogg but down through the valley. The other issue is for the time period it didn't clean up in Kellogg, our roads got beat up with heavy equipment and trucks. What we're seeing now as we go there is, is where it's breaking apart and we get a lot of rains, the rain water is going down into the bed which, basically, a lot of road work that Kellogg has done with the minefield, we're getting tremendously high lead levels again.

So those two areas, I'm very adamant about that they have kind of, sort of, maybe addressed it in the new ROD, but I want it so it's separated out and we know that we can take that problem. It's a good investment. For a small amount of money, you can take away the problem in the future.

The new ROD, the time period 50 to 90 years, well, 50 years to me, I'll be 115 years old and I probably couldn't find a car to get there. So I think that has to be looked at in the amount of money and I will not support the new ROD. Thank you.

MAYOR VESTER: Thank you, Mac. And I think, JoAnn, you had some comments you wanted to make?

MAYOR GROVES: I have to support what Mac has

Response to comment LJ47-2

The RODs for OUs 1, 2, and 3 address cleanup of rights-of-way (ROWs) in the Bunker Hill Box and the Coeur d'Alene Basin, as appropriate, to respond to risks to human health. The RODs allow ROWs to be cleaned up such that they provide barriers to underlying metals contamination. Many ROWs have been cleaned up as residential and commercial properties have been remediated in Box and Basin communities. However, EPA and IDEQ recognize that some pre-existing paved roadways may not provide adequate long-term barriers to underlying contaminated material, and that local and state entities are responsible for the long-term road development and maintenance efforts. As a result, the agencies are developing an approach under the existing RODs to address this issue collaboratively with local, county, and state entities responsible for providing and maintaining roadways in their communities. The objective of this effort is to develop and implement a strategy that ensures the long-term effectiveness of barriers installed in ROWs, and also aligns with the transportation and maintenance needs of the Box and Basin communities.

Response to comment LJ47-3

See responses to Comment Nos. I58-1 and I58-2.

Resident of Hayden Lake Representing Governor Otter, LJ50, Letter 619651-5

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KATIE BRODIE: Well, thank you. First off, I wanted to thank mayors of the Silver Valley and our commissioners for hosting this meeting tonight. I apologize that the governor is not here and that you have the second string, but it's a busy time in our governor's life, and as second string goes, I'm not bad.

These are his comments, so that should make you feel a little bit better. First let me assure you that the governor is engaged and has taken to heart where he heard from the citizens of this valley when he was in Kellogg in July. He understands that this is a huge issue for everyone involved and he too wants realistic resolve.

The governor and his staff will continue to review the ROD with the DEQ and appreciated the extra time granted by EPA for the comments. At this point in time, his comments and concerns are as follows: A successful clean-up is not possible without a healthy community and a vibrant local economy. Unless the clean-up supports the health and viability of the Silver Valley, the Silver Valley of the state of Idaho will not support the clean-up.

The clean-up must focus primarily on completing and protecting the work conducted for human health. The clean-up must also enhance and support a

Response to comment LJ50-1

See response to Comment No. I474-1.

Response to comment LJ50-2

As described in response to Comment No. I295-1, human health is also EPA's priority. As to the relationship between the Selected Remedy and the local economy, see response to Comment No. I54-2. Regarding mining specifically, as described in the response to Comment No. I58-5, EPA is confident that cleanup and mining can coexist.

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LJ50-2	1	strong and diversified local economy that includes	
	2	mining, local businesses, tourism, and in short-term the	
	3	clean-up work itself.	
	4	The governor does not support an open-ended process that amounts to a blank check for the EPA. The	
	5		
	6		
LJ50-3	7	governor does not support any provision of the ROD that inhibits existing or future mining. The governor supports the employment of local contractors, vendors	
	8		
	9		
	10	and workers to the greatest extent possible. The	LJ50-4
	11	governor supports the protection of past human health	
LJ50-5	12	clean-up work by completion of water run-off control	
	13	projects and local drainages in the communities and site	
	14	watches. The governor supports the prioritized	
	15	remediation of contaminant-sourced areas to improve	LJ50-6
	16	water quality.	
	17	Going forward, Governor Otter would like to see the following commitments clearly defined in the	
LJ50-7	18		
	19		
	20	record of decision. Commitment that clean-up work will	
	21	not impede existing or future mining, clear	
	22	identification of work to be implemented with clear	
	23	endpoints over a defined and limited time period. The	
	24	ROD cannot be open-ended, indefinite, or so general that	
LJ50-8	25	EPA has a blank check to spend public resources. This	
		clean-up has to come to a logical conclusion. It can't	
		go on forever. The work must be performed with	

Response to comment LJ50-3

See response to Comment No. I58-5.

Response to comment LJ50-4

See response to Comment No. I54-2.

Response to comment LJ50-5

Comment noted.

Response to comment LJ50-6

Comment noted. See responses to Comment Nos. I58-1 and I822-14 regarding the reduction of scope of the Selected Remedy compared to the Preferred Alternative identified in the Proposed Plan.

Response to comment LJ50-7

See response to Comment No. I58-5.

Response to comment LJ50-8

See responses to Comment Nos. I58-1 and I58-4.

EPA Comments Public Hearing October 20, 2010		EPA Comments Public Hearing-Revised	
		Page 12	
LJ50-8	reasonable public review and input.		
2	Open-ended remedies for this implementation		
3	beyond the 10- to 15-year time period are not realistic		
4	and are not prudent. Provisions for public input		
5	through the Basin environmental -- whoops -- Commission	LJ50-9	
6	are imperative. Commitment that flood control work for		
7	the South Fork of the Coeur d'Alene River and Pine Creek		
LJ50-10	will be performed as part of the remedy in cooperation		
8	with the state and federal flood control agencies.		
9			
10	Imperatively, also, is a commitment to cash		
11	flow and management of the resources of the Asarco trust		
LJ50-11	to ensure operation and maintenance funds will be		
13	available to sustain future costs and not burden local		
14	communities in the state.		
15	Can I conclude? It's two seconds. The		
16	governor can support a clear, concise, logic-based time		
17	and budget-constraint ROD that is drafted to protect	LJ50-12	
18	human health and the remedies already in place. To that		
19	end, we will work diligently with the residents of the		
20	Silver Valley. Thank you.		
21	(Applause.)		
22	MAYOR VESTER: Thank you. Senator Joyce		
23	Broadsword followed by Dick Harwood -- or followed by		
24	Senate Representative Mary Lou Shepherd, then		
25	Representative Dick Harwood.		

Response to comment LJ50-9

See response to Comment No. I295-2.

Response to comment LJ50-10

EPA is eager to ensure the long-term performance of the Selected Human Health Remedies. EPA is therefore committed to working with local, state, and federal entities with an interest in SFCDR flood issues and, consistent with EPA's authority, to help craft solutions. EPA can and will contribute to efforts to understand SFCDR flooding and, if these efforts identify actions that will meet Superfund remedy requirements, EPA will define and select these activities in future decision documents. CERCLA requires that EPA's contribution to flood control work must have a direct connection to the CERCLA remedy.

Response to comment LJ50-11

EPA agrees that it is important to ensure that operation and maintenance funds are available for the long term. Settlement funds, including those held by the CDA Work Trust can be managed for such expenses. Also see response to Comment No. I295-3.

Response to comment LJ50-12

Comment noted and appreciated. EPA shares these desired goals and believes the Selected Remedy will accomplish them.

Risch, Senator James, LJ6, Letter 616015-4

Response to comment LJ6-1

See responses to Comment Nos. I58-2, I58-1, and I54-6.

consistent with the continuation and health of responsible mining in the Silver Valley and we are committed to that proposition. We are ready to roll up our sleeves and work towards that end as we would implement our actions, whatever we ultimately decide. I do want to acknowledge in any one of those conversations we were working with that we can't do that alone. We have to have people working with us as Jon talked about and we would look forward to doing that to make sure that responsible mining is viable here in the valley into the very far future. So with that, I again, thank you for the time and I'm looking very much forward to hearing from all of you tonight.

Sen. Mike Crapo: Thank you very much, Mr. Opalski and we do appreciate your being here with us. I can say to each of you that the congressional delegation, Senator Risch and Congressman Minnick and I are very committed to making sure that this process does work properly and that we do work to make sure that we have a local involvement, the state, the tribe, our local officials and our local community involved in helping to make the right decisions for how we establish our land management policies and decisions here in the state of Idaho and in this region. As I indicated earlier, Senator Risch and Congressman Minnick both wanted to be here with us this evening but unfortunately, both have previous commitments elsewhere and were not able to make it. To show their support for this forum, both of them have taped a short video greeting for us tonight and at this point, if everything works right, we are going to hear from Senator Risch first and then I understand from Congressman Minnick.

Sen. James Risch: Hello, I'm Jim Risch. Thank you for your interest in the EPA's proposed cleanup expansion plan for the Upper Coeur d'Alene River Basin. Let me begin by saying I have serious concerns with the fundamental shift of EPA's approach to cleanup in the Basin. In 2002, the EPA made a commitment to the community stakeholders and Coeur d'Alene to the Silver Valley to undertake a 30-year cleanup plan. Now, only eight years later, the EPA has broken that commitment and proposed an expansion to a \$1.34-billion plan that will take 50 to 90 years to implement and EPA is asking you, the people who live in the communities most impacted by the plan, to read, understand and

LJ6-1

Civilicom—Lower Cost, More Convenient Communications
Page 6 of 45

LJ6-1
comment on it in just six weeks. They asked all this without having made a compelling case why a new plan is necessary in the Basin. As you consider what the EPA is proposing, keep in mind that the United States government does not have \$1.34 billion to pay for this proposal. Unfortunately, too many congress have relied on trillion-dollar deficits to pay for programs that reach so far into the future, we cannot guarantee their solvency or their effectiveness. Together with Senator Crapo, I have voted against this financial recklessness. EPA's new plan is no different. Proposing a \$1.34-billion plan in today's dollars with a timeline that reaches out 50 to 90 years with bad fiscal policy that I cannot support, EPA must do better. In my work in the United States Senate and particularly the Energy and Natural Resources Committee, I am proud to tell my colleagues about North Idaho's rich mining history, its culture and its legacy. Mining continues to be the economic engine that drives the Silver Valley and has contributed over \$1 billion in wages statewide over the last five years alone. Whatever action EPA proposes in the Basin must be completely comparative with current and future mining in the Silver Valley. EPA must make a commitment to the people who depend on mining for their livelihoods and to the companies who invest millions in jobs and local economies that any new cleanup action will not jeopardize the industry or its future. I urge the EPA to slow down and take the time to reevaluate this massive, costly proposal. To that end, Senator Crapo and I have asked the EPA to extend the comment period at least 90 days to allow affected citizens the time they need to fully understand the substance of an expansion plan and its impact. That is a reasonable request. Six weeks is not nearly enough time for Idahoans to absorb a document that has clearly taken EPA years to develop. I understand the environmental cleanup of the Basin is complex and requires flexibility but this expansion plan gets far beyond what is reasonable. Let's go back to the table and work together in a pragmatic and collaborative solution. We have and are committed to working with the EPA and the impacted community to develop a common sense and a reasonable approach to clean up a new basin but what is currently proposed is just not common sense. Thank you once again for your interest and involvement on this important issue.

LJ6-2
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LJ6-3
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LJ6-4
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LJ6-5
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Response to comment LJ6-2

See responses to Comment Nos. I58-1 and I58-2.

Response to comment LJ6-3

See response to Comment No. I58-5.

Response to comment LJ6-4

See response to Comment No. I58-5.

Response to comment LJ6-5

See response to Comment No. I54-6.

Response to comment LJ6-6

See responses to Comment Nos. I58-1, I58-2, and I295-2.

Shepard, Representative Mary Lou, LJ11, Letter 616015-10

considerations can be finalized. I appreciate Senator Fisch and Congressman Minnick requesting the 90 days but we would request at least to the mid end of the 2011 legislative session. Thank you.

Mary Lou Shepard:

LJ11-1 I have great concerns with vast magnitude of the EPA cleanup plan and I wonder, how can this possibly work with the cost running over so many years? How do we really know what will be happening during the period technology-[wide]? Will there be better plans to come along that are not known at this time? How can Hecla and the other operating mines plan for their future with so much unknown ahead of them? EPA proposes a management plan that gives them, that means the EPA, the opportunity to change the plan every five years without any additional public input. I believe this gives me the greatest heartburn of it all. I firmly believe that any changes must be clearly laid out and very clearly explained to the public. There's a huge need for this county to return to the era when Shoshone County paid among the highest taxes to the state of Idaho at any time. We simply cannot do this without our good-paying mining jobs. EPA tells us that they bring good-paying jobs but ladies and gentlemen, these are seasonal jobs but what about the mining industry jobs which are lost because of it? Do they not supply good-paying jobs, ones that also make for additional input that trickledown effect? These mines have kept this county alive and prosperous for many years and can certainly do so again. Thank you very much for being here.

LJ11-2

LJ11-3

Jack Lyman:

I'm Jack Lyman, the Executive Vice President of Idaho Mining Association. The Silver Valley, the mining industry employs hundreds of people and pays millions of dollars in wages, benefits and taxes. These high-paying jobs sustain local families and support many if not most of the businesses operating in this area. The modern mining industry recognizes the role it must play in addressing the historic impacts of past mining and pledges to work cooperatively with all of the interested parties to find workable solutions. EPA's proposed plan will dramatically alter the regulatory framework and the government's decision-making authority in ways that are clearly unreasonable and [pose] cost on the industry will make it uncompetitive and raises critical legal issues. The proposed plan will impact current mining by

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Response to comment LJ11-1

See responses to Comment Nos. I58-2 and I58-4.

Response to comment LJ11-2

Adaptive management does not mean that EPA can change the Selected Remedy without meaningful public participation. In fact, if EPA determines in the future that significant or fundamental changes to the remedy are necessary, EPA is legally obligated by CERCLA to address these changes through an Explanation of Significant Differences or another ROD Amendment. Within the context of the Selected Remedy, adaptive management simply means that EPA will implement specific cleanup actions included in the remedy, monitor the effectiveness of those actions to determine whether cleanup goals are being achieved, and make adjustments to future cleanup actions to benefit from the information gained through the effectiveness monitoring. If these adjustments require significant or fundamental changes to the Selected Remedy, EPA will prepare a new appropriate decision document. In such circumstances, consistent with the requirements of Section 113(k) of CERCLA and 40 CFR Section 300.435(c), EPA will provide opportunities for public participation. Depending on the significance of the changes in cleanup approach, there may be additional opportunities for public input. Adaptive management does not relieve EPA of its obligations under law and policy, or of its commitment to work with the affected communities. See response to Comment No. I58-5 regarding working with the mining industry.

Response to comment LJ11-3

See responses to Comment Nos. I58-5 and LC32-2.

Shoshone County Commissioner, LJ5, Letter 616015-3

Response to comment LJ5-1

EPA has been, and will continue to be, committed to meaningful community participation throughout the Superfund process in the Coeur d’Alene Basin. Also see response to Comment No. I295-2.

been. We've always been about trying to solve this problem, not make it worse and so you have our word that I will do that, Senator.

Sen. Mike Crapo: Thank you very much, Chief. Commissioner?

Jon Cantamessa: Senator, thank you very much for hosting this meeting tonight. This is an important meeting for all of us that live here in the Silver Valley. We've been working on this cleanup project for 25 years now. We have a lot of background and all the things going on. I do have a statement here from the Shoshone County Commissioners from the Bunker Hill Superfund Task Force and from all of the seven mayors in Shoshone County in this Basin to present to you tonight. I'm not going to read that. We did have a meeting last week with the EPA. Four hundred plus people turned out and we still have a turnout like this. This week, I would say to all of you people and to the people up here on the dais that these people are here to talk to the EPA and we need to have the EPA listen and work with the local community as we move forward and we thank you, Senator, for giving us this opportunity.

Sen. Mike Crapo: Thank you very much, Jon. Mr. Opalski?

Dan Opalski: Thank you, Senator. I appreciate the opportunity to come out and participate in this listening session. Again, I am here on behalf of Dennis McLerran, Regional Administrator for EPA Region 10. He sends his regrets, due to illness, not being able to travel tonight. I also appreciate seeing the other folks who are up here on the dais participate. Each of these parties and their staff have invested a lot of time and energy in working through a number of challenges and through doing that, we've made progress together that has been important and meaningful for the communities here in the Valley. I want to thank all of you for coming out tonight. I am here to listen. I'm here to hear your perspectives. The proposed cleanup plans we have are for public comment. I do ask that you carefully consider the proposed actions and provide thoughtful comments to us. We do want to hear from you. We want to hear every viewpoint about the plan we've put out there. I also want to emphasize, consistent with what's been stated earlier, a meeting like tonight like last week's public

Shoshone County Commissioners, LJ36, Letter 1365213

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NOV 24 2010
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Cleanup Office

County of Shoshone
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WALLACE, IDAHO 83873-2348

November 22, 2010

Coeur d'Alene Basin Team, EPA
1200 6th Avenue, Suite 900
ECL-113
Seattle, WA 98101

Please accept this text as the extended comments from Shoshone County on EPA's Proposed Amendment to the Proposed Plan which is represented by EPA as the final Record of Decision (ROD) for this Superfund Site. Our opening comments will be general as to our comfort level with the EPA approach. Our more specific comments will deal with the topics of conflict between the Proposed Plan and the National Academy of Science recommendations, Human Health, Environmental Health, Water Quality Criteria, Modeling deficiencies, Remedy Protection, and socio-economic concerns.

The community of Shoshone County is overwhelmingly opposed to a 50 to 90 year ROD. The current ROD was set eight years ago in 2002. It was designed to take thirty years. The community opposed the thirty year time frame. EPA at that time ignored the community and proceeded with their thirty year plan. Now, after only eight years, because "so much has changed", it is necessary to enact a new 50 to 90 year ROD Amendment. We cannot support a ROD longer than 10 years. This is simply an attempt by EPA to legitimize an open ended document that they can manipulate with "adaptive management" and without community support for the next century. This amendment is more a statement of the problem than a decision document. A ROD should lay out very specific projects to accomplish very measurable results. We believe the water quality criteria are unrealistic and unreachable. We believe that the "final" ROD should provide for permanent protection from flooding throughout the site to protect both the remedy and human health.

The National Research Council of the National Academy of Sciences (NAS), the National Academy of Engineers, and the Institute of Medicine published a critique of this superfund cleanup in 2005. One of EPA's justifications for this ROD amendment is to respond to the recommendations of the NAS study. Remarkably the amendment is in conflict with NAS recommendations in numerous areas.

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Response to comment LJ36-1

The commenter raises issues regarding the lengthy cleanup time. CERCLA and the regulations that govern its implementation, the National Oil and Hazardous Substances Pollution Contingency Plan, obligate EPA to respond to releases or threatened releases of hazardous substances that pose unacceptable risks to human health and/or the environment regardless of the scale of the environmental problem and cleanup response thereto. EPA has responded to releases at other large sites that will take long periods of time to cleanup. The cleanup effort in the Upper Basin is commensurate to the human health and environmental risks presented by the release of mine waste contamination. A large complex site like the Upper Basin of the Coeur d'Alene River, which contains a massive amount of hazardous substances deposited over about a century of mining activities, can logically be expected to take a long time to remediate and cleanup.

Due in part to extensive public concern about the duration of cleanup, EPA has decided to reduce the scope of the Selected Remedy by prioritizing the remedial actions that were identified as EPA's Preferred Alternative in the Proposed Plan. This resulted in a reduction in estimated cost from \$1.3 billion to \$635 million. The Upper Basin Selected Remedy is an interim remedy which identifies the priority remedial actions that are expected to provide the greatest reduction of contamination in the SFCDR and its tributaries and protection of in-place human health barriers in local communities. EPA's goal is to complete cleanup in the Upper Basin as quickly as possible and with minimum disruption. Most of the cleanup work will be in the areas of greatest contamination, which are generally in less populated areas higher in stream drainages. Implementation of the Selected Remedy is expected to take about 30 years. The commenter expresses the belief that water quality criteria (presumably ambient water quality criteria [AWQC]) are "unrealistic and unreachable." The Selected Remedy is expected to result in significant improvements to surface water quality in the Upper Basin and may achieve AWQC applicable and relevant or appropriate requirements (ARARs) under the Clean Water Act in many locations; however, it may not achieve these AWQC ARARs at all locations. The Selected Remedy is also expected to greatly reduce both groundwater contamination levels and the contribution of contaminated groundwater to surface water. However, given the pervasive nature of the subsurface contamination, the Selected Remedy is not

expected to achieve the groundwater ARARs under the Safe Drinking Water Act at all locations. EPA will evaluate future monitoring data to determine whether additional actions are needed or would be effective in meeting drinking water standards and AWQC. If further actions would not be effective, EPA may evaluate whether a Technical Impracticability (TI) waiver is warranted at specific locations where groundwater and surface water do not achieve drinking water standards and AWQC, respectively.

Regarding the issue of flood protection, see response to Comment No. LJ36-3 below. The commenter also references the NAS review and questions whether EPA has followed NAS recommendations. The NAS review validated much of the 2002 ROD for OU 3 (EPA, 2002; www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf), and the recommendations for areas of improvement primarily focused on ecological protection. EPA carefully considered the NAS report and its recommendations, and conducted studies and evaluations to address the major recommendations. The results of those efforts are reflected in the actions identified in the Upper Basin Selected Remedy. EPA believes the Selected Remedy presented in the ROD Amendment addresses the NAS report's recommendations, while recognizing EPA's statutory obligations under CERCLA. The Upper Basin ROD Amendment selects an interim remedy which includes priority cleanup actions. Since the Selected Remedy for the Upper Basin is an interim remedy, EPA may need to issue additional ROD Amendments in the future to achieve a final remedy. EPA anticipates that through the adaptive management process and development of additional decision documents as necessary, cleanup actions can be modified, if necessary, over time. The public will have continuing opportunities to provide input on how the cleanup is being implemented. EPA has committed to implementing remedial actions in the Upper Basin through the Basin Commission process. This includes implementation planning for specific remedial actions associated with the Selected Remedy.

LJ36-1 The NAS recommended on page 3 of the summary "it is unrealistic to develop comprehensive remedial schemes and assess their effectiveness a priori. Hence, a phased approach to cleanup with defined goals, monitoring, and evaluation criteria is warranted". A 10 year ROD would begin a phased approach. This megasite is too complex, according to NAS, to resolve with a 50 to 90 year final amendment.

LJ36-2 The NAS recommended that EPA work to develop lower-cost innovative groundwater treatment systems. This amendment proposes moving ahead immediately with a very expensive water treatment transport system and conventional water treatment plant. This pipe and treat plan is premature. We would ask that EPA remove pipe and treat from this ROD amendment.

LJ36-3 The NAS recommended "the potential long-term effectiveness of proposed remedial actions is severely limited by frequent flooding events in the basin and their potential to re-contaminate remediated areas with contaminated sediments. Yet flooding apparently received little attention in EPA's selection of remedies". We repeat our long standing request to include a thorough hydrologic study of the entire site, working cooperatively with the Corps of Engineers and FEMA to determine what measures are necessary to protect the remedy from recontamination from a minimum 100 year flood. If this is the final ROD amendment, then the ROD should provide for perpetual protection from future flooding to protect human health.

Human Health Questions:

The NAS questions EPA representation of natural background metals levels. "EPA recognizes that the values adopted were biased low, because the background samples were taken from areas that historically were not exposed to the Coeur d' Alene drainage." Will the EPA determine and utilize realistic background levels as recommended by the NAS to determine cleanup targets or will you continue to ignore that NAS guidance -- "As a result, a cleanup level may not be directly linked to an actual risk calculation?"

The NAS recommends "Speciation information should be collected and examined to elucidate the bioavailability of metals." The community has consistently asked the EPA to use speciation to accurately determine risks. The NAS criticizes EPA modeling "the committee emphasizes that this model does not incorporate geochemical mechanisms describing speciation of metals." Will this ROD require speciation as recommended by the NAS before determining risk or prescribing remedies? We ask that speciation be required in all actions as recommended by the NAS study.

LJ36-4 Arsenic has been elevated by the EPA as human health risk. The NAS states that "For arsenic, EPA collected no information about actual human uptake and based its risk assessment on arsenic concentrations in environmental samples." Will the ROD document actual human health problems caused by arsenic levels as recommended by the NAS report or will remedies be implemented based on environmental samples? We ask that arsenic remediation require scientific support as recommended by the NAS.

The NAS found the scientific support for EPA remedies to be weak. "There are logical reasons to believe that yard remediations decrease exposure to lead, but the scientific evidence supporting substantial beneficial effects is currently weak." The EPA has repeatedly stated that

Response to comment LJ36-2

Due in part to extensive public concern about the duration of cleanup, EPA has decided to reduce the scope of the Selected Remedy by prioritizing the remedial actions that were identified as EPA's Preferred Alternative in the Proposed Plan. This includes changes to the water treatment actions selected in the ROD Amendment. Most significantly, the Selected Remedy modifies the Preferred Alternative's groundwater collection and treatment actions along the SFCDR between Wallace and Elizabeth Park. Although the scope of the Selected Remedy is reduced, water treatment remains a key part of the Selected Remedy because it will (1) address subsurface materials too deep or impractical to be removed, (2) generally provide a high degree of metals load reduction for a relatively low cost, and (3) achieve immediate improvements to water quality. The NAS review recommended that groundwater "be addressed directly if loading to the groundwater is determined to stem from subsurface materials too deep or impractical to be removed" (National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>). In addition, the NAS review urged EPA to continue research into low-cost innovative groundwater treatment systems. Since the NAS review, EPA has conducted studies to evaluate groundwater-surface water interactions and characterize aquifer properties in key areas of the Upper Basin, conducted pilot studies for groundwater treatment, and evaluated the cost of implementing various groundwater treatment technologies (citations to these studies are provided in Document LJ20). These studies found that for some areas within the Upper Basin, collection of groundwater and treatment at the Central Treatment Plant (CTP) in Kellogg is the lowest-cost treatment option.

Response to comment LJ36-3

Comprehensive flood control is a complex multi-jurisdictional issue that exceeds the expertise and regulatory authority of EPA's CERCLA cleanup program. EPA has the responsibility to ensure the long-term protectiveness of CERCLA remedies, including addressing damage to existing remedies from major flooding. EPA understands that local communities are concerned about flood insurance requirements and development restrictions associated with updated Flood Insurance Rate Maps (FIRMs). EPA is therefore committed to working with local, state, and federal entities with an interest in SFCDR flood issues and, consistent with EPA's authority, to help craft solutions. EPA can and will

contribute to efforts to understand SFCDR flooding and, if these efforts identify actions that will meet Superfund remedy requirements, EPA will define and select these activities in future decision documents. CERCLA requires that EPA's contribution to flood control work must have a direct connection to the CERCLA remedy. The inclusion of remedy protection projects in the Upper Basin Selected Remedy is an example of EPA and IDEQ working with local communities to identify flood control projects directly tied to the existing Selected Human Health Remedies for OUs 1, 2, and 3. During site characterization and remedial design of remedy protection, source control, and water quality projects, EPA will continue to coordinate with local communities and flood control authorities, the Basin Commission, the U.S. Army Corp of Engineers, and the Federal Emergency Management Agency. This coordination will ensure that cleanup actions do not exacerbate flooding concerns along the SFCDR and Pine Creek, and to the extent possible will leverage future work by the various entities involved in SFCDR and Pine Creek activities. Where planning and logical work-sequencing allow, EPA will work collaboratively with other entities performing flood control projects to coordinate the cleanup work in a manner that provides joint benefits.

Response to comment LJ36-4

Contrary to the commenter's suggestion, the NAS complimented EPA's methodology for calculating background levels of metals in soil. In addition the NAS noted that any problems associated with background calculations have little practical effect given the difference between background and lead concentrations in affected areas (i.e., background lead concentrations in soil and sediment at 47.3 parts per million (ppm) and action levels of 530 ppm lead for ecological protection and 700 ppm for human health.) Regarding the issue of speciation of metals sufficient information has been collected to quantify the unacceptable risks and conditions, and select appropriate remedies. As EPA implements the Selected Remedy and proceeds with design, EPA will consider "available information on the sources, deposition, and transport of metals and sediments" as recommended by the NAS. In regards to the scientific support for arsenic remediation, EPA notes that the NAS concluded that EPA followed guidance for determining human exposure to metals, including arsenic, and thus supported EPA's methodology for determining risk posed by arsenic and other metals at the site. The NAS also recommended that EPA continue to support biomarkers of human arsenic exposure. The human health risk assessment supporting the 2002 interim ROD, as well as this interim ROD Amendment, identifies health risks related to arsenic exposure. Because arsenic, lead, and other heavy metal contamination are co-located at this site, remedial efforts to address lead will also address arsenic.

LJ36-4

science will determine the remedy. The NAS study states that EPA science is weak. We ask that remedies in the new ROD have a solid scientific basis?

Environmental Cleanup Questions:

The NAS report states "it is necessary to characterize source areas and media contributing dissolved metals to groundwater to accurately define remedial strategies."

This ROD is primarily about environmental cleanup – not human health. This ROD is primarily concerned with zinc concentrations in water. The NAS report states "A major portion of the dissolved zinc in the lower basin results from groundwater seepage through the Bunker Hill box, a source that is not addressed in the new ROD." Will you remediate the highest concentration sources in the box first? Will this ROD fund remediation for the zinc load in the box? We ask that you remedy the zinc loading in the box before considering any water treatment for streams upstream of the box.

LJ36-5

The NAS report states "Overestimation of bioavailability in turn would lead to an excessively conservative estimate of the remediation goal required to protect waterfowl from lead ingestion." Discussing remediation in the Lower Basin, "This appears to be a largely experimental effort and EPA has not advanced new criteria for how much of this should occur or how to determine whether it is successful." While we are supportive of environmental cleanup, we believe that projects should be designed to be measurable, effective, and produce scientifically documented benefits with a universally accepted return on investment. The protective lead value of 530 mg/kg was established by EPA for waterfowl without rationale. "The committee is surprised that a more complete documentation of the decision to select 530 mg/kg as the cleanup criteria was not provided", raising concern that the EPA is willing to select cleanup criteria based on staff views, often ultra conservative, rather than appropriately documented science.

NAS conclusion #11. "The likely effectiveness of the interim remedies EPA has proposed to reduce risks to aquatic life is uncertain."

Water Quality Questions:

The NAS report states "the bedrock groundwater system flows through fractures in the relatively impervious bedrock." "Groundwater is the primary source of dissolved metals in the surface water of the basin. Background concentrations were not determined for groundwater. Background determinations were not used appreciably for the second purpose, which was to assist in selecting remedial goals or target cleanup levels. EPA should continue to support research on and demonstration of lower-cost innovative groundwater treatment systems. Be ready to waive specific applicable or relevant and appropriate requirements (ARAR's) if an effective monitoring program demonstrates that those numeric standards are not necessary to achieve the basic goals of protecting human health and the environment."

LJ36-6

The NAS report recommends that the EPA consider a biocriteria approach to water quality management. "This approach is, in fact, consistent with recent trends in water quality management throughout the United States. With active encouragement and technical support from the EPA Office of Water, many states are using biocriteria (indices of aquatic community composition) to supplement or replace numerical concentration standards as a means for

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Response to comment LJ36-5

EPA developed information in support of the ROD Amendment that further characterized source areas contributing dissolved metals to surface water and ground water. This information was used to develop and accurately define remedial strategies for this ROD Amendment as demonstrated by the selection of focused water collection efforts in Canyon Creek, Osburn, and the Bunker Hill Box. EPA believes that these efforts will substantially reduce zinc loads in the SFCDR. EPA agrees the Box actions that reduce loading to the SFCDR are a high priority. In regard to comments directed at actions for the Lower Basin, EPA notes that this ROD Amendment does not select actions for the Lower Basin. Nevertheless, it is noteworthy that the NAS concluded that the waterfowl assessment in the ecological risk assessment was supported by multiple lines of evidence, including site-specific data that reflect effects of multiple contaminants. The NAS further concluded that the dose-response relationships for waterfowl and risk posed by lead are especially strong. In regards to the cited NAS conclusion, EPA has revised its approach for addressing zinc contamination in the Upper Basin and believes that aquatic receptors will benefit by implementation of the Selected Remedy.

Response to comment LJ36-6

Regarding the issue of background levels in groundwater, see response to Comment No. LJ36-4 above. In response to comments received on the Proposed Plan EPA, in collaboration with the Natural Resource Trustee Restoration Team (the Coeur d'Alene Tribe, Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Forest Service, and the State of Idaho) has developed ecological response metrics for evaluating remedial progress during the implementation period for the Selected Remedy (Stratus Consulting, 2012, *Report of Injury Assessment and Injury Determination: Coeur d'Alene Basin Natural Resource Damage Assessment*). The ambient water quality criteria (AWQC) remain the applicable or relevant and appropriate requirement (ARAR) for surface water and the basis for quantitative cleanup levels. Ecological response metrics are refined in part from the fishery tiers included in the 2002 ROD for OU 3 (EPA, 2002; www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf), and reflect the current understanding of the river system. Fishery tiers were developed to provide a relationship between dissolved metals concentrations in surface water and the health of fisheries (i.e., the abundance of fish species, age of fish, fish

migration, etc.) in the Upper Basin (CH2M HILL and URS Greiner, 2001, *Final Ecological Risk Assessment, Coeur d'Alene Basin Remedial Investigation/Feasibility Study*). Identification of measurable ecological response metrics will provide EPA with a means to evaluate, predict, and report on environmental improvements associated with remedial actions planned and implemented in the Upper Basin. The ecological response metrics are not ARARs and will not be used as binding benchmarks in the future. The intent of such ecological response metrics is limited to providing EPA and the public with the following:

- Tools to estimate potential environmental and ecological improvements that could result from specific remedial actions;
- Target receptors to evaluate environmental recovery; and
- A means for measuring environmental recovery and progress toward cleanup levels during and after the implementation of remedial actions.

CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan require a remedial action to attain each ARAR unless it is waived. There are six bases for waiving an ARAR. EPA has not concluded that it is technically impracticable to attain the subject ARAR, and in general EPA does not waive ARARs until efforts to remediate the contaminated media have been undertaken. Furthermore, this is an interim action. CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan provide that one of the circumstances under which a remedial alternative may be selected when it does not meet an ARAR is if the alternative is an interim measure that is part of a remedial action that will attain the ARAR when completed. This circumstance applies here since the Selected Remedy for the Upper Basin is an interim remedy that is neither inconsistent with nor precludes implementation of a final remedy that will attain ARARs. A final remedy will be identified in subsequent decision documents. Also see response to Comment No. LJ36-22.

LJ36-6 determining whether water bodies can support their designated uses." "As indicated later in this chapter, it is virtually impossible for EPA to achieve the water-quality standards by the remedy proposed in the ROD." We ask that you decide now to waive the water quality ARAR's that are unachievable and establish readily achievable criteria as has been accepted elsewhere in the United States.

Concerns About EPA Modeling:

LJ36-7 The NAS report states "EPA should require that IEUBK model for determining cleanup levels be supported by site-specific measures of bioavailability." EPA guidance "states without clear justification that model results are to take precedence" when blood lead levels and model results disagree by a substantial margin. "The committee has serious doubts about the reliability of the probabilistic model to predict post remediation effectiveness. The model is based on an untested hypothesis for which no theoretical or experimental evidence is presented. The reliability of the model for predicting postremediation concentrations of dissolved zinc (probabilistic model) is highly questionable. The Probabilistic Model For Estimating Metal loading and Effectiveness of Remedial Action (PTM) suffers from multiple invalidating deficiencies in its formulation and application." These concerns of the NAS about the reliability of EPA models are appalling. This cleanup has been going on for thirty years. Surely you should have enough real world data by now to design projects with scientific certainty to produce predetermined results. We would ask that you not proceed spending perhaps several billion dollars based on educated guesswork. Water treatment being a perfect example.

Remedy Protection Actions:

LJ36-8 The NAS report states "To the extent that water yield and flooding can be managed through land-use practices, it is important to include these in the schemes designed to protect human and environmental health." Figure 2.2 on page 28 in the NAS report demonstrates the need to dredge the South Fork of the Coeur d'Alene River to remove contaminated materials and enhance flood protection. The NAS report concluded that the remedy should be designed for the worst case conditions. "The impact of remediation truck traffic could impose significant costs, which are not included, on the valley communities. Examples of such costs include wear and tear on roads and bridges. The total distance driven by these trucks had been estimated at 23 million miles." The new ROD must include remedy protection to include flood protection from a minimum 100 year flood event and provisions to repair excessive damage to many local roads that are currently exposing residents to the contaminated soils underneath with extremely high levels of lead concentration.

Social and Economic concerns:

The NAS report states: "The desirable characteristics of an effective program for mining megasites would include the following.

- A stable management structure, which includes federal, state, and local representation.
- State and local involvement in defining remediation/restoration goals, considering present and future desired land use.
- The ability to address socioeconomic as well as health and environmental aspects of remediation."

Response to comment LJ36-7

Regarding EPA's use of the IEUBK model, see the 2002 ROD Amendment, Part 3, Section 3.7.1. The Predictive Analysis (PA) is a tool that can be used to estimate how effective proposed remedial actions will be in relation to projected improvements to surface water quality. The PA was first developed to support the evaluation of alternatives in the 2001 FS Report (EPA, October 2001, *Final [Revision 2] Feasibility Study Report, Coeur d'Alene Basin Remedial Investigation/Feasibility Study*). It was later used to support evaluations in the ROD for OU 3 (EPA, 2002; www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf) and the FFS Report for the Upper Basin (EPA, August 2012, *Final Focused Feasibility Study Report, Upper Basin of the Coeur d'Alene River, Bunker Hill Mining and Metallurgical Complex Superfund Site*). The Upper Basin covers a large geographic area, and predicting the potential effectiveness of hundreds of individual remedial actions across the entire Upper Basin is a significant challenge. The PA provided a means of addressing this challenge. Using the basic principle of mass balance (i.e., if 10 lb. of zinc are present at a site and 9 are removed, 1 lb. remains), the PA provided estimates of remedial effectiveness on an Upper Basin-wide scale that could be used in comparing alternatives. The development of the PA (referred to as the Probabilistic Analysis at the time of the 2002 ROD for OU 3) was first documented in a 2001 technical memorandum, *Probabilistic Analysis of Post-Remediation Metal Loading* (URS Greiner, 2001). The PA and associated documentation were reviewed as part of the NAS review (National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>, Appendix F. That review raised questions about the methods and assumptions used to develop the PA. Following the NAS review, EPA sought an independent review of the PA by a well-known leader in the field of probabilistic modeling, Dr. Gregory B. Baecher, University of Maryland, A.J. Clark School of Engineering (College Park, Maryland). The purpose of Dr. Baecher's review was to address questions raised by the NAS review. Dr. Baecher's review validated EPA's use of the PA in the evaluation and comparison of remedial alternatives. This review culminated in a second memorandum, *A Predictive Analysis of Post-Remediation Metals Loading* (EPA, 2007), which provided clarification and additional documentation related to the PA. However, the fundamentals of the analysis have remained unchanged since it was first developed for the 2001 FS. The

following is an excerpt from Dr. Baecher’s transmittal letter for the 2007 memorandum, which summarizes his findings related to the PA: “In my opinion, the Predictive Analysis strikes a reasonable balance between the needs of the Remedial Investigation and Feasibility Study (RI/FS) to chart a course forward, and the difficulty of acquiring sufficient data on the basin from which to analyze conditions in a statistically exhaustive way. The approach taken by the Predictive Analysis is the traditional one of using professional judgment—both engineering and scientific—to form assumptions and to make estimates of parameter values, boundary conditions, and initial conditions. In my opinion, this is sound engineering practice.” EPA continues to believe that the PA is a useful tool and was appropriate for use in the comparison of the relative effectiveness of the remedial alternatives for the Upper Basin. The comment suggests that the effectiveness of water treatment actions is uncertain. The effectiveness of water treatment actions can be predicted with a reasonable degree of certainty. If a known contaminated water source, whether it be groundwater or an adit discharge, is collected for treatment, the contaminants removed (which can be estimated, and subsequently measured upon completion of treatment facilities) are no longer entering the surface stream, resulting in an immediate and quantifiable reduction in metal load in the stream.

Response to comment LJ36-8

EPA supports local efforts to resume dredging as a means of increasing flow capacity so long as in-water work is coordinated with the U.S. Army Corps of Engineers and contaminated material is managed appropriately. EPA also supports sorting of dredged material from both local and EPA projects to allow for reuse and to save limited repository space. The scope of the remedy protection analysis was limited to determining the risk posed to existing protective barriers from relatively frequent high precipitation events along tributaries to the SFCDR. Therefore, for the purposes of remedy protection EPA and IDEQ modeled the expected effects from 5-, 25-, and 50-year storm events. These storm events were selected to provide insight regarding the range of risk as a function of large (50-year event), medium (25-year event) and small (5-year event) scenarios. The 50-year event was used as the basis for developing remedy protection actions and estimating costs to remain consistent with, and in some cases more protective than, design engineering standards developed for the Bunker Hill Superfund Site (Welch, Comer & Associates, Inc., March 2, 1994, *Bunker Hill Superfund Site, Stormwater Management Plan, Criteria and Engineering Standards. Final Draft*), the State of Idaho Transportation Department (Idaho Transportation Department, 2009, *Idaho Design Manual*), and the Washington State Department of Transportation (Washington State Department of Transportation, 2008,

Highway Runoff Manual). It is important to note that the remedy protection actions included in the Selected Remedy are not final designs. Additional design and analysis will be completed prior to implementation, and the protectiveness of each remedy protection action will be determined based on design engineering standards. The Selected Remedy includes funding for repairing damage to local roads due to implementation of the Selected Remedy. The RODs for OUs 1, 2, and 3 address cleanup of rights-of-way (ROWs) in the Bunker Hill Box and the Coeur d’Alene Basin, as appropriate, to respond to risks to human health. The RODs allow ROWs to be cleaned up such that they provide barriers to underlying metals contamination. Many ROWs have been cleaned up as residential and commercial properties have been remediated in Box and Basin communities. However, EPA and IDEQ recognize that some pre-existing paved roadways may not provide adequate long-term barriers to underlying contaminated material, and that local and state entities are responsible for the long-term road development and maintenance efforts. As a result, the agencies are developing an approach under the existing RODs to address this issue collaboratively with local, county, and state entities responsible for providing and maintaining roadways in their communities. The objective of this effort is to develop and implement a strategy that ensures the long-term effectiveness of barriers installed in ROWs, and also aligns with the transportation and maintenance needs of the Box and Basin communities.

Response to comment LJ36-9

The comment identifies recommendations raised by the NAS in the last chapter of its report entitled “Mining Megasites: Lessons Learned.” This chapter acknowledges that it addresses some issues that are outside the scope and authority of CERCLA. To the extent it is within its authority, EPA has attempted to address many of these issues with its Selected Remedy. These issues, and EPA’s responses, are summarized as follows:

- Social and Economic Concerns: EPA has addressed the concerns in the comment by supporting and working with the Basin Commission, which includes federal, state and local representatives. The Basin Commission’s Upper Basin Project Focus Team (PFT) has been instrumental in working with EPA and other stakeholders to develop remediation goals and remedial alternatives, considering present and future desired land uses. The NAS also

recommended that "socioeconomic as well as health and environmental aspects of remediation, including the need for economic assistance for low-income communities and provision of health support services for communities living with human health risks." In an acknowledgment that this recommendation went beyond the scope of CERCLA, the NAS followed this recommendation by recommending "long-term commitment to funding, from a mix of state, federal, and private sources." Outside of this Selected Remedy, EPA is endeavoring to work with local, state, and other agencies to evaluate the adequacy of health support services within the Site.

- **Biological Cleanup Goals:** In response to comments received on the Proposed Plan EPA is working with Federal Natural Resource Trustees (such as U.S. Fish and Wildlife Service and U.S. Forest Service) and the Upper Basin PFT to develop ecological response metrics for evaluating remedial progress during the implementation period for the Selected Remedy. The aquatic ecological response metrics are refined in part from the fishery tiers included in the 2002 ROD for OU 3 (EPA, 2002, www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf), and reflect the current understanding of the river system. Identification of measurable ecological response metrics will provide EPA with a means to evaluate, predict, and report on environmental improvements associated with remedial actions planned and implemented in the Upper Basin. The intent of such ecological response metrics is to provide EPA and the public with (1) tools to estimate potential environmental and ecological improvements that could result from specific remedial actions; (2) target receptors to evaluate environmental recovery; and (3) a means for measuring environmental recovery and progress toward cleanup goals following the implementation of remedial actions.
- **Partnerships with Industry:** EPA is committed to working with the mining industry and Silver Valley businesses and landowners to conduct the cleanup in ways that are consistent with the current and future land uses desired by the community. See response to Comment No. I58-5.
- **Independent Scientific Review Panel:** An independent external multidisciplinary scientific review panel has been established to advise the agency on characterization and remediation efforts in the Lower Basin. In addition EPA has benefited from the review and input it receives from the Basin Commission's Project Focus Teams (PFTs). The PFTs consist of representatives from various local, state and federal agencies as well as other interested stakeholders. Many of the representatives provide additional scientific expertise that allows them to serve as independent reviewers.
- **Pine Creek and SFCDR Flooding:** Comprehensive flood control is a complex multi-jurisdictional issue that exceeds the expertise and regulatory authority of EPA's CERCLA cleanup program. EPA is eager to ensure the long-term performance of the Selected Human Health Remedies and understands that local communities are concerned about flood insurance requirements and development restrictions associated with updated Flood Insurance Rate Maps (FIRMs). EPA is therefore committed to working with local, state, and federal entities with an interest in SFCDR flood issues and, consistent with EPA's authority, to help craft solutions. EPA can and will contribute to efforts to understand SFCDR flooding and, if these efforts identify actions that will meet Superfund remedy requirements, EPA will define and select these activities in future decision documents. CERCLA requires that EPA's contribution to flood control work must have a direct connection to the CERCLA remedy. The inclusion of remedy protection projects in the Upper Basin Selected Remedy is an example of EPA and IDEQ working with local communities to identify flood control projects directly tied to the existing Selected Human Health Remedies for OUs 1, 2, and 3.
- **Contaminated Sediment Removals:** The comment requests that contaminated sediments from the SFCDR and tributary stream channels be excavated and placed in secure repositories. The Selected Remedy includes such actions.
- **Collect and Treat Contaminated Water:** The comment states that collection and treatment of groundwater from the Box will yield a better return on investment than groundwater in the Upper Basin. EPA agrees that groundwater collection and treatment in the Box will yield a higher return on investment than collection of many other sources of contaminated water. This is because the level of contamination in Box groundwater is generally higher than found in other areas of contaminated groundwater in the Upper Basin. The Selected Remedy includes groundwater collection and treatment in three areas: (1) the Box, (2) Osburn, and (3) Woodland Park. In each of these areas, groundwater has been shown to contribute significantly to degraded surface water quality AND source control actions are not feasible to address the contamination due to the presence of communities and infrastructure above contaminated materials. Therefore, although collection and treatment of Box groundwater will be of great benefit to

SFCDR water quality, collection of contaminated groundwater in Osburn and Woodland Park is also necessary to reduce metals loading to the SFCDR.

- Source Control Actions: EPA agrees with the commenter. The Selected Remedy includes a combination of source control actions coupled with water treatment. EPA believes the combination of these actions will maximize its effort to meet cleanup goals.

“Depending on the long-term land use projected for a site, the best approach to protecting the environment is to define biological performance goals that are also a function of future land use, and a remedy or suite of remedies should be designed to meet those performance goals.”
 “Broaden the goals of the cleanup to include economic assistance to impacted communities.”
 “Encourage alternative and innovative technologies.”

The NAS report encourages developing partnerships with industry – “Consider offering indemnification to private or non-profit entities that participate in the cleanup.”
 The NAS report strongly recommended in more than one place the development of an independent panel of scientists to advise the agency. “Establish an independent external multidisciplinary scientific review panel to evaluate and advise the agency on critical needs for characterization and remediation decisions.” We believe this to be a very necessary item to insure both successful results and to avoid wasted resources.

- Remedy protection from the risks associated with flooding should include those associated with major floods of the South Fork and Pine Creek.
- Excavation of contaminated sediments from the South Fork and tributary stream channels and placement of those in secure repositories should also be addressed.
- Collection and treatment of contaminated water, particularly groundwater from the Box, will yield better return on investment than groundwater in the upper basin.
- Consolidating and capping of mine waste piles not associated with active mining which are known to contain contaminants of concern in concentrations above action levels and which are releasing those contaminants by leaching or active erosion, will be most effective at the source.

We are strongly opposed to including components of the Proposed Plan in a ROD Amendment which have not been developed in enough detail to justify selection of a specific remedy at this time. Some of these are:

- ROD remedies calling for construction or installation of features in the stream channels of the South Fork and its tributaries that are adjacent to houses or other development. Channel designs must be developed in enough detail to show how the reconstructed channel will reduce the release of particulate lead, reduce the effects of major floods on adjacent properties as required by Executive Order 11,988 and provide habitat to further advance reestablishment of a fishery. The concepts presented in the Proposed Plan do not do this and it appears to us that literal implementation of the Proposed Plan will substantially intensify the adverse effects of major floods on our communities.
- ROD remedies calling for the installation of impermeable caps or slurry walls (TCD 09) on or around leachable materials in the South Fork floodplain. Further, we are not convinced that in situ treatment and/or stabilization have been adequately investigated. These are proposed for source areas KLE 025, KLE 011, OSB 119, WAL 001, MUL 020, MUL 037 and MUL 058. We support the concept of groundwater collection and treatment because it is the appropriate remedy for soluble metal releases from inaccessible materials. As was demonstrated at the Central Impoundment Area, installation of the impermeable cap did not reduce the release enough to eliminate the need for groundwater collection and treatment. Attempted installation of a slurry wall at

Response to comment LJ36-10

In response to comments regarding stream and riparian actions and as part of EPA’s evaluation to reduce the scope of the Preferred Alternative, those stream and riparian actions that were co-located with floodplain and sediment removal actions were determined to be priority actions for inclusion in the Selected Remedy. These sediment removal actions are primarily designated for riparian areas (along rivers and creeks). Stream and riparian stabilization actions will be conducted following remedial actions to stabilize rivers and creeks at the remediated locations. Therefore, the Selected Remedy refers to these actions as stream and riparian “stabilization” actions in the Selected Remedy. See the ROD Amendment, Part 2, Section 14.3 for further details regarding stream and riparian actions included in the Selected Remedy. EPA agrees that design level details of the Preferred Alternative were not included in Proposed Plan. However the level of specificity included in the Typical Conceptual Designs (TCDs) is adequate for the purpose of identifying, evaluating, and selecting a remedial action. Remedial design generally occurs after finalization of the Selected Remedy. During remedy design, EPA will conduct further site-specific evaluations and will modify remedial approaches if there is concern that implementation of remedial actions could have an adverse impact on flooding.

Response to comment LJ36-11

The Selected Remedy includes impermeable caps (TCD C09) for two upland tailings piles: Silver Crescent (KLE011) and Osburn (WAL001). The Silver Crescent tailings pile is thought to not be in contact with groundwater, thus a surface cap should be sufficient to isolate the contaminated materials. If pre-design investigations indicate that contact with groundwater is a possibility, other remedial approaches will be considered. The Osburn tailings pile is thought to be placed on top of contaminated floodplain sediments. Therefore, hydraulic isolation of this pile will likely require not only a surface cap, but also a subsurface slurry wall surrounding the contaminated materials and preventing contact with groundwater. In concept, this slurry wall would be different than the one used at the Success site in that it would be a “ring” around the contamination, rather than a downgradient wall. When properly designed, slurry walls can be an effective means of hydraulic isolation. EPA does not intend to revisit the Human Health Remedies for the Upper Basin, other than to provide additional protection from tributary flooding (remedy protection projects).

Permeable topsoil and gravel caps were included in the Selected Human Health Remedy following evaluation in the 2001 Feasibility Study (EPA, October 2001, *Final [Revision 2] Feasibility Study Report, Coeur d'Alene Basin Remedial Investigation/Feasibility Study*), in which other alternatives were also evaluated.

LJ36-11 the Success site did not control the release of soluble metals. Impervious caps or slurry walls should only be installed where it can be clearly demonstrated that it will eliminate the need for groundwater collection and treatment or reduce the cost of collection and treatment enough to offset the cost of the cap. We feel EPA needs to focus on cost effective remedies and not allocate capital to remedies that will probably be ineffective. There are large ongoing releases in the Lower Basin that are being transported to Coeur d'Alene Lake and EPA should not be selecting Upper Basin remedies that have a high probability of being ineffective until after showing how the releases in the Lower Basin are going to be controlled. In addition to wasting scarce capital, selection of impervious caps for these areas raises grave concerns for the citizens of the Silver Valley. Most of our communities are situated on top of materials that present a more serious leaching potential than the listed areas. The selected remedy for the populated areas was installation of highly permeable topsoil or gravel caps. Is EPA going to revisit that remedy? If so, why? The above listed remedies should not be included in a rod amendment.

- Selection of remedies for active mine sites such as KLE 053, KLE 026, KLE 035, KLE 054, KLE 061, KLE 062, KLE 095, WAL 020, WAL 036, MUL 019, MUL 020, MUL 037, MUL 058, MUL 038, and MUL 053. If EPA really intends to encourage the continuation of mining in the Silver Valley we do not see how the decision maker can select a remedy at this time for a facility that may be significantly be altered in the course of mining operations. Further, current mining practices are not the reason for superfund activities in the basin, thus should not be included at all. Mine waste dumps may be added to or hauled away to construct other facilities. Tailings ponds may be expanded or capped with structural fill to allow construction of other facilities. These facilities should also have NPDES and Stormwater Permits that are defined as not being a release under CERCLA. Remedies for those possible source areas should not be included in a ROD Amendment.
- Selection of remedies for source areas that have already been remediated such as WAL 037, MUL 001, BUR 054, KLE 042, KLE 074, POL 019, WAL 002, and OSB 061. There are also a number of areas where floodplain tailings excavation is selected for areas that have already been remediated under the populated areas yard remediation program. EPA has told the public that these remedies would be protective. Continuing to include costs for reremediating these sites tells the public that EPA has no confidence in their remedies. Is that true? While additional remediation may be necessary for some areas issuance of a ROD calling for reremediation should not be done until a clear analysis of the reasons for remedy failure are done. Remedies for these source areas should not be included in the ROD Amendment.

LJ36-14 EPA's justification for presenting remedies that are not adequately developed is that they are going to use "adaptive management" as recommended by the National Academy of Sciences. EPA will collect more information and develop more detailed plans after the ROD is issued during the Remedial Design / Remedial Activities phase of the cleanup. However, our reading of "40CFR300.435(b) RD/RA Activities. (1) All RD/RA activities shall be in conformance with the remedy selected and set forth in the ROD or other decision document for that site." tells us that EPA does not have much latitude for adaptive management after selecting a remedy and issuing a ROD. Can EPA ignore this guidance and substantially change a remedy without

Response to comment LJ36-12

Active sites are ones where industrial and/or commercial activities are currently occurring. At some of these sites, access controls and/or Institutional Controls Program (ICP) protective barriers are in place that prevent or minimize direct contact with source materials. In addition to the presence of in-place measures to reduce direct-contact risk, the active sites are typically overseen by regulatory agencies outside CERCLA. Therefore, regulatory methods outside of CERCLA are available to address the potential release of contaminants that may pose a risk to human health and the environment. If these other regulatory programs fail to adequately address these sites or if these sites are closed or are no longer active, EPA will need to evaluate whether cleanup actions are necessary to address contamination in the future. Fifteen sites were identified as Active Facility Sites and are not included in the Selected Remedy.

Response to comment LJ36-13

Currently, sites where cleanup actions have been conducted are being monitored to determine their effectiveness in meeting remedial action objectives (RAOs). Review of the monitoring results and the protectiveness of these cleanup actions is documented in Five-Year Reviews consistent with CERCLA and the 2002 ROD for OU 3. Potential shortcomings of these cleanup actions in achieving RAOs and protection of human health and the environment will be addressed as part of the Five-Year Review process. Therefore, 25 sites where cleanup has already occurred were identified as Remediated Sites and are not included in the Selected Remedy. See ROD Amendment, Part 2, Section 14.1 for additional detail.

Response to comment LJ36-14

Adaptive management does not mean that EPA can change the Selected Remedy without meaningful public participation. In fact, if EPA determines in the future that significant or fundamental changes to the remedy are necessary, EPA is legally obligated by CERCLA to address these changes through an Explanation of Significant Differences or another ROD Amendment, respectively. Within the context of the Selected Remedy, adaptive management simply means that EPA will implement specific cleanup actions included in the remedy, monitor the effectiveness of those actions to determine whether cleanup goals are being achieved, and make adjustments to future cleanup actions to benefit from the

information gained through the effectiveness monitoring. If these adjustments require significant or fundamental changes to the Selected Remedy, EPA will prepare a new decision document that will include the appropriate level of public input. Adaptive management does not relieve EPA of these obligations under law and policy, or of its commitment to work with the affected communities. See ROD Amendment, Part 2, Section 12.3.2 for additional detail about adaptive management and future changes to the Selected Remedy.

LJ36-14	<p>issuing an Explanation of Significant Differences document or another ROD Amendment? Are the details of specific source area remedies presented in the cost estimate an integral part of the remedy description by which to judge RD/RA activity conformance? Given EPA's publicly expressed reluctance to doing ROD Amendments it appears to us that adaptive management should precede formal selection of a remedy in a ROD. Presenting well developed plans supported by real data would also greatly improve relations with the local community by giving them the opportunity to evaluate and comment on remedies EPA really intends to implement. The present Typical Conceptual Design approach has the practical effect of denying the local community that opportunity.</p>
LJ36-15	<p>The Focused Feasibility Study was a justifiable effort to better understand the overall scope of the problem and the general path forward. However the FFS also identified substantial data gaps where EPA made assumptions to select remedies. Those assumptions may or may not be valid. The enormous scope of the FFS also made it very difficult to consider some of the more complex components of the problem in enough detail to really understand the probable effects of proposed actions. We feel EPA should validate assumptions as to whether contaminants of concern are or are not present in specific source areas and are or are not being released in significant quantities before selecting a remedy for those areas. We feel EPA should analyze actions such as reconstructing appropriate sections of the South Fork stream channel in enough detail to be confident their proposed actions will not have significant adverse unintended consequences. We feel it would be arbitrary and capricious for a decision maker to select remedies that may be unnecessary or whose implementation may have significant adverse impacts on the local communities and the environment without having real data and the detailed analysis needed to support that decision.</p> <p>It may not be necessary to redo the whole FFS which has defined the general path forward. Supplemental feasibility studies such as one dealing with stream channel design or focused on specific source areas should only need to analyze the information needed to make a confident decision that the specific remedy selected is the correct one to address the specific problem identified. Such a document should not need to go through all the general site information that has been presented so many times before. Why cannot EPA issue the cleanup plan in segments when they really know what they intend to implement as that part of the overall remedy?</p> <p>Following are discussions of specific Proposed Plan components that should be considered.</p>
LJ36-16	<p>Water Treatment (TCD WT 01) in the Proposed Plan calls for building an extensive pipeline network to convey much of the contaminated water from the South Fork drainage to the Central Treatment Plant (CTP) at Kellogg for treatment. This remedy needs much more analysis and development, and should not be included in the ROD amendment.</p>
LJ36-17	<p>The use of French drains to collect groundwater on the Interstate side of the CIA should be reconsidered. Construction of the French drain without stream channel lining will result in large quantities of river water reporting to the drain. After upstream remediation is done the concentration of zinc in the river are forecast to be about 200 ppb. This is about the same as the CTP discharge so there will be no benefit from treating this water but there will be a cost incurred from treating the additional water. Supposedly French drains were selected for lower</p>

Response to comment LJ36-15

EPA conducted the Focused Feasibility Study (FFS) in a manner consistent with the National Oil and Hazardous Substances Pollution Contingency Plan and is now selecting a remedy for the Upper Basin. The level of detail included in a selected remedy is inherently conceptual and includes some data gaps which must be filled. The Upper Basin ROD Amendment selects an interim remedy which includes priority cleanup actions that will be implemented in the near-term. Since the Selected Remedy for the Upper Basin is an interim measure, EPA may need to issue additional ROD Amendments in the future to achieve a final remedy. EPA anticipates that through the adaptive management process and development of additional decision documents as necessary, cleanup actions can be modified, if necessary, over time. For all actions included in the Selected Remedy, site-specific evaluations will be conducted as part of the design. Because of the data gaps identified in the FFS, EPA expects that, in some cases, these site-specific evaluations will result in changes to the conceptual site model and, subsequently, to remedial approaches for the site. For a site as large and complex as the Upper Basin, this approach will allow for the simultaneous cleanup of high priority areas and continued evaluation of lower priority areas where conditions are less well defined.

Response to comment LJ36-16

Water treatment is a key part of the Selected Remedy because it will (1) address subsurface materials too deep or impractical to be removed, (2) generally provide a high degree of metals load reduction for a relatively low cost, and (3) achieve immediate improvements to water quality. Where feasible, source control actions will be implemented first and the effectiveness of those actions monitored and evaluated prior to water treatment actions in the same area. A good example of this is the groundwater drain in the Osburn area. Sediment removal actions will be conducted along the mainstem of the SFCDR prior to water treatment actions. Much of the infrastructure and numerous communities within the Upper Basin have been built on top of significant amounts of mine waste, which is a major source of groundwater contamination. This underlying mine waste cannot be removed without disrupting the populated communities in the Upper Basin, and EPA has committed not to take such action. Many of these inaccessible sources contribute substantial dissolved metals loading to groundwater, which ultimately leads to surface water contamination. Water

conveyance to and treatment at the Central Treatment Plant (CTP) is the identified treatment method for many sites because it is the lowest cost treatment option. The construction of an additional active treatment plant in the Wallace area to reduce conveyance requirements has been evaluated (CH2M HILL, 2007, *Draft Remedial Component Screening for the Woodland Park Area of Canyon Creek*) and shown to be significantly more expensive than conveying contaminated waters to the existing CTP.

Response to comment LJ36-17

Groundwater modeling has projected that there will be some induced flow of river water to the groundwater interception drain in the Box. However, the design of the drain can be optimized to minimize this. Extraction wells could be used in place of the drain but would face the same challenge and require active operator attention. Despite the inducement of some river flow to the drain, the groundwater collection and treatment action in the Box is still estimated to have the highest impact (in terms of improvements to surface water quality) for the lowest cost, relative to any other action included in the Selected Remedy. The use of stream liners in conjunction with the French drain was considered in Alternative (e) for OU 2 in the FFS. The stream liner would prevent induced stream flow to the drain but would also come at a substantial price, one that is not offset by the lower flow rate that would be sent to the CTP for treatment.

LJ36-17

operating costs although the capital cost is much higher. In doing the evaluation the cost of treating additional river water should be added to the French drain cost to get the true O&M cost of that alternative. Extraction wells have much lower capital costs and the pumping rates can be adjusted to minimize collection of river water. The present capital cost plus the 30 year NPV of the O&M cost of the French drain alternative may be compared to the same figures for an extraction well array to determine the lowest overall cost alternative. You should also consider if upstream remediation reduces the river zinc concentration to a level significantly below the CTP discharge. Routing that clean water through the CTP will increase the pounds per day being discharged by the CTP to be transported to Coeur d'Alene Lake.

LJ36-18

We also have concerns with the overall plan above the Box. Extending the collection pipeline above Wallace is very expensive and does not appear to be justified. The river in this area supports a reasonably good fishery and above Mullan meets the Idaho site specific water quality standards. Also three of the main flow components (3,927 average gpm of 4,147 total average gpm) from LOK 011, MUL 014 and MUL 019 have zinc concentrations well below the CTP discharge limits. They are also below the predicted post remediation South Fork zinc concentrations below Wallace. Putting these flows in a pipe and feeding them into the CTP will increase the concentration in the South Fork and will increase the amount of zinc that is discharged from the CTP as well as increasing the operating cost of the CTP. Local treatment or adit plugging to divert the flow to the Canyon Creek side should be considered for the Star 1200 level discharge.

LJ36-19

Treatment of Canyon Creek water at the CTP versus local treatment of selected flows with a lime lagoon system in the Woodland Park area, although somewhat lower in operating costs, may not provide as much benefit to the aquatic community as the local treatment. The discharge of high pH water from a lime lagoon treatment system near Woodland Park would raise the hardness of the South Fork water below Wallace. If the hardness went from 75 µg/l to 200 µg/l then the forecast AWQC ratio at Elizabeth Park would go from about 1.9 to 0.8 times the Idaho site specific criteria for zinc. Although the lagoon system may not be able to achieve the same discharge levels as the CTP the benefits to the aquatic community could be greater. Would EPA issue an ARARs waiver to NPDES discharge limits in order to achieve greater protectiveness for the aquatic community? If not, how did they intend to handle the discharges from the TCD WT 02 facilities?

The plan for collecting groundwater with a French drain in the Woodland Park area should be reconsidered. Figure A33 of the groundwater modeling appendix shows the French drain paralleling a lined channel in a braided floodplain. Either the liner has to be extended under the whole floodplain width where the stream will wander or the lined channel has to be armored to keep the stream on top of the liner through major floods. In either case the cost is considerably higher than estimated. The total capital plus 30 year npv O&M cost of an array of extraction wells is probably much lower than the overall French drain cost. If groundwater is collected an extraction well array should be used.

For the Ninemile area local treatment with a lime lagoon should also be considered because the hardness increase may make it possible to establish a viable fishery.

Response to comment LJ36-18

See response to comment I822-14. The sites MUL014 and MUL019 are not included in the Selected Remedy. These sites are excluded from the Selected Remedy as described in the ROD Amendment, Part 2, Section 14.1. LOK011 is included in the Selected Remedy for treatment based on elevated concentrations of contaminants of concern other than zinc. The adit discharge at LOK011 has a reported copper concentration of 520 micrograms per liter (µg/L), more than 100 times the ambient water quality criterion/criteria (AWQC) of 4.1 µg/L. Onsite treatment was considered for the Star 1200 discharge (MUL012) as part of the FFS, as it was for all adit discharges in the Upper Basin. Conveyance to the CTP for treatment was selected as the preferred option for this site based on lower cost, both in terms of capital and operations and maintenance.

Response to comment LJ36-19

The comment recommends lime lagoon treatment of Canyon Creek and Ninemile Creek water. The Selected Remedy includes treatment of groundwater and adit discharges in Canyon Creek and Ninemile Creek, not surface water directly from the creeks. A large area would be needed for lime lagoon treatment in Woodland Park. This type of treatment would require a substantial area within the floodplain. The sides of the ponds would likely need armoring to protect from floods, which would result in higher downgradient high-water flow velocities in Canyon Creek and higher sediment scour and transport. Locating ponds would be problematic given that sufficient acreage does not appear present in the proposed area along the southeastern flank of the Hecla Star Tailings Ponds. In addition, the County criticizes the estimated costs for the groundwater collection system in Woodland Park. The Proposed Plan includes a conceptual design of the remedy for Woodland Park. Prior to implementing cleanup actions in Woodland Park pre-design work will occur followed by site-specific remedial design. The cost estimate in the Proposed Plan was developed according to CERCLA guidance for the Feasibility Study (FS) process. EPA guidance states that the accuracy of the cost estimates presented in an FS should be -30 percent to +50 percent. The WT02 typical conceptual design (lime addition and settling ponds) will only be used at sites with sufficient available space to construct settling ponds with a high enough hydraulic retention time to result in effective treatment and achievement of discharge standards.

The selection of a remedy including collection and treatment of groundwater from the floodplain of the South Fork below Wallace must be deferred until the results of other source control and water treatment remedies are known. Although collection and treatment of groundwater may be the appropriate response for metals leaching from inaccessible materials the concentration of zinc in the South Fork floodplain is not a great deal higher than the present river water. Capital should not be committed to this effort until the costs and benefits can be better quantified. EPA also needs a better understanding of the engineering challenges and of the potential negative impacts surrounding the selection of the proposed remedy.

Future evaluation of possible treatment of groundwater from the South Fork floodplain must be done in a lot more detail before it is presented to the public. The FFS says the \$356 million French drain/stream channel liner was selected to reduce O&M costs in collecting about 4000 gpm of groundwater. Of that cost, \$5.7 million was for O&M. Does that include enough funding for the bedload removal needed to keep the river in the lined channel? Using estimated unit costs in the FFS an extraction well array of 80 wells would have an overall cost of about \$17 million half of which is the 30 year npv for O&M. We question a \$2.7 million reduction in 30 year npv for O&M costs justifying a \$347.5 million increase in capital costs.

Did EPA consider that dropping the water table under the floodplain by 5 feet could dry up the wetlands on the north side of the frontage below the Evolution Bridge, those at the highway department area and the miners slough below Big Creek? Did EPA consider the interaction of the collection system with the side drainage tributaries? Will it be necessary to line the tributary channels as part of the remedy protection effort in the same way as the Government Gulch channel is to be lined across the floodplain? How will the drain be constructed through the Big Creek intersection? Will it be necessary to line the Big Creek channel? Groundwater collection for treatment from the South Fork floodplain will require significant further study. Proposed remedies should be considered in a future ROD.

There are 27 other source areas that are addressed with Typical Conceptual Designs WT 02 local lime lagoon systems and WT 03 sulfate reducing bacteria systems. The total load from these is thought to be 47 pounds of zinc per day and 15.3 pounds per day of that is from BUR 051 in the upper Ninemile drainage. That load does not show up at the next sampling point below it where the stream meets water quality standards. The cost for these sites is estimated at over \$50 million. BLM has mixed experience with operating these systems. Many of these are in areas that fully support a fishery and the streams meet or are very close to meeting Idaho site specific water quality criteria. These remedies should not be included in the current ROD amendment.

In managing the effort to improve stream water quality in the Upper Basin, we believe that EPA and the State of Idaho should adopt the approach recommended by the National Academy of Sciences report on pages 364 and 365. The report recommends that EPA exempt the cleanup from meeting numeric water quality standards and adopt biological indicators as the metric for evaluating water quality improvements. EPA admits that the Idaho site specific water quality criteria are not attainable by any reasonable level of remediation. Fisheries data, however, suggest that a healthy fishery can be attained at zinc concentrations two or three times the site specific criteria. Using numeric criteria as the unattainable goal forces the cleanup management toward spending money on remediation that will provide little or no benefit to the ecosystem.

Response to comment LJ36-20

Lining streams with a synthetic geomembrane to reduce surface water flow into contaminated subsurface material, then collecting contaminated groundwater using drains before it flows into a stream, is an established technology approach called "hydraulic isolation." However, in response to public and stakeholder comments on the Proposed Plan, EPA reviewed this part of the remedy and decided to modify the hydraulic isolation action in this reach of the SFCDR, as documented in the ROD Amendment, Part 2, Section 14.2. The full length of the SFCDR stream liner has been eliminated. In addition, the groundwater collection drain has been shortened significantly to extend only through the Osburn area (about 4,600 feet). Interactions between surface water and groundwater and metals loading to the SFCDR are relatively well understood in this area. This is because more investigations have been conducted for the Osburn area compared to the remaining reaches of the SFCDR between Wallace and Elizabeth Park. This information has enabled actions in that area to be refined. The development of these modified actions is documented in the Final FFS Report (EPA, August 2012, *Final Focused Feasibility Study Report, Upper Basin of the Coeur d'Alene River, Bunker Hill Mining and Metallurgical Complex Superfund Site*). EPA will monitor and evaluate the effectiveness of the modified approach as the remedy is carried out using the adaptive management process. Similarly, the remaining SFCDR reaches between Wallace and Elizabeth Park will be monitored to determine whether any additional action(s) may be needed to meet water quality standards or acceptable aquatic benchmarks. The interaction of the groundwater interception drains in the Box, Osburn, and Woodland Park with the SFCDR and side drainage tributaries was evaluated using the basinwide groundwater model. It is anticipated that there will be some minor reduction in stream flows (SFCDR and Canyon Creek only) as a result of remedy implementation, but no significant impacts. See response to Comment No. I54-8.

Response to comment LJ36-21

As noted above in response to Comment No. LJ36-1, in response to public comments on the Proposed Plan, EPA has significantly reduced the scope of the Selected Remedy compared to the Preferred Alternative identified in the Proposed Plan. The Selected Remedy includes 20 sites identified for passive water treatment (11 sites for WT02 and 9 sites for WT03). EPA will use the adaptive management process to implement passive treatment actions. If

changes in cleanup actions are needed, EPA will develop additional decision documents, as appropriate and required by the National Oil and Hazardous Substances Pollution Contingency Plan.

Response to comment LJ36-22

As discussed in detail in response to Comment No. LJ36-6 above, EPA, in collaboration with the Natural Resource Restoration Team (the Coeur d'Alene Tribe, Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Forest Service, and the State of Idaho) has developed ecological response metrics for evaluating remedial progress during the implementation period for the Selected Remedy. Identification of measurable ecological response metrics will provide EPA with a means to evaluate, predict, and report on environmental improvements associated with remedial actions planned and implemented in the Upper Basin. The ecological response metrics are not applicable or relevant and appropriate requirements (ARARs) and will not be used as binding benchmarks in the future. Regarding achieving water quality standards, CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan require a remedial action to attain each ARAR unless it is waived. EPA has not concluded that it is technically impracticable to attain water quality standards (i.e., ambient water quality criteria [AWQC]), and in general EPA does not consider ARAR waivers until efforts to remediate the contaminated media have been undertaken. In EPA's experience at complex sites such as the Bunker Hill Superfund Site, it is reasonable to expect that considerable time will be necessary to achieve cleanup. Considerable uncertainty is associated with predicting cleanup times at such sites. For complex sites like these, EPA typically examines the magnitude and extent of contamination, selects and implements remedies, and then collects empirical data over time to assess the effectiveness of the remedies. EPA uses interim benchmarks and ongoing monitoring to assess aquatic life. If EPA determines that aquatic life is being protected by cleanup criteria that are less stringent than the water quality standards, an ARAR waiver can be pursued. Although it is possible that future data may indicate that ARAR waivers are appropriate in the Upper Basin, it is not appropriate to attempt to invoke them now before any substantive cleanup has taken place and before data are collected to show that the cleanup is protective. Benefits to aquatic life will begin much sooner than when AWQC are finally met. As cleanup actions move forward, reducing metals concentrations, aquatic conditions will improve and benefits will accrue as concentrations drop further over time. Such benefits will occur much sooner with more aggressive cleanup actions. Although the results of early cleanup actions will likely not achieve AWQC or fully support aquatic life, the reduced dissolved metals concentrations will bring a substantial

improvement to the health of the fisheries and the overall ecosystem. The populations and species diversity of fish and aquatic organisms will continue to improve as cleanup progresses in the Upper Basin. EPA believes that funds spent on the Selected Remedy will be well spent and focus on the highest priority cleanup actions through an Implementation Plan that is based on adaptive management as recommended by the NAS.

LJ36-22 Our concern is this misallocation of funds will cause EPA to ignore other work that could be done to provide significantly more improvements. EPA should use these criteria so that the people and ecosystem of North Idaho get the maximum possible improvements from the funds spent on cleanup. The same criteria should also be applied to the NPDES program in the Upper Basin so the local communities and industries are not forced to spend money needlessly.

LJ36-23 The Proposed Plan calls for extensive work to be done in the active floodplain of the South Fork and its tributaries. Deposits of actively eroding sediments containing particulate lead are located in the bed and banks of the South Fork and its tributaries. The Proposed Plan calls for excavating 2.1 million cubic yards of floodplain sediments and placing them in secure repositories. Removing the accumulated bedload will also reduce the risk of flooding to adjacent communities. Restricted river access will limit the work that can be done each year and it will take several years to complete, thus early implementation is desirable.

LJ36-24 We are concerned about repository management. In the Big Creek area a large repository was constructed and is now nearly full. Now the Proposed Plan says there are thousands of cubic yards of floodplain sediments that must be removed from this area and placed in a repository. Because there isn't enough room at the Big Creek Repository much of this will have to be hauled to the East Mission or other repositories inflicting more damage on local roads from heavy truck traffic. We want to avoid that situation with the proposed Osburn Pond repository. Sufficient space must be reserved there for the potential floodplain sediments and other materials that may be excavated from the South Fork floodplain. In the implementation planning meetings there has been discussion about prioritizing work in the upper parts of tributaries because of a concern that any areas cleaned up below there would get recontaminated. This may be a valid concern for final cleanup but it will take many years of excavating contaminated sediments from the South Fork floodplain before it approaches being clean enough to worry about recontamination. The local communities do not want to wait until work in the upper tributaries is done before work on the South Fork floodplain is started. As has been expressed numerous times in PFT meetings the local communities are strongly opposed to the regional repository concept for repositories located in the South Fork Floodplain. Repositories in the floodplain need to be reserved for material excavated from the floodplain. If priority work is to be done in the upper tributaries then repositories must be developed there to accommodate materials from those areas. The proposed Community Fill Plan (CFP) should become a viable tool that shall be utilized as a repository management component. We advocate maximum utilization of the "community fill plan" to minimize the construction, expense, and land use problems that accompany large repository sites.

LJ36-25 In addition to the contaminated sediment removal component, the Proposed Plan also calls for a great deal of riparian improvements. This involves placing bioengineered features in the stream channels and floodplain. The FFS says "The bioengineering remedies would be intended to moderate the flashy hydrology of the stream system and to create a stable channel and floodplain morphology through the use of structural improvements to stabilize bedload and sediment transport processes." Although we question whether any stream channel work can "modify the flashy hydrology" we strongly support the objective of creating a stable channel and floodplain morphology through the use of structural improvements. We do not believe that the bioengineering approach as presented will achieve a stable channel. We are deeply concerned

Response to comment LJ36-23

EPA agrees that sediment removals are an important component of the Selected Remedy. However, timing for implementation of these actions will need to be considered in the context of upstream remedial actions to minimize the potential for recontamination. Each year, EPA will continue to provide a summary of CERCLA-related activities for the one- and five-year work plans prepared by the Basin Commission that summarize planned Basin-related activities. Stakeholders and the public will have opportunities at that time to provide input on specific, planned activities. Regarding EPA's implementation of the Selected Remedy, see the ROD Amendment, Part 2, Section 12.3.

Response to comment LJ36-24

Cleanup of the Upper Basin will require the remediation of a large amount of contaminated material resulting from over a century of mining activities. This comprehensive cleanup will of necessity require repositories to store contaminated material. EPA intends to explore all opportunities to reduce the amount of contaminated material slated for disposal in regional repositories by making use of waste consolidation areas within upstream drainages where practicable. For example, work conducted by EPA and the Asarco Work Trust during the 2011 field season has identified several areas that have the potential to become waste consolidation areas in the Ninemile Creek drainage. The potential waste consolidation areas identified in Ninemile Creek will have sufficient capacity to contain all contaminated material estimated to be generated from source control and removal actions in the Ninemile Creek drainage and alleviate the need for the approximately 460,000 cubic yards of disposal space in regional repositories currently identified. EPA is committed to continuing to seek out and develop additional upstream drainage waste consolidation areas to reduce volumes of material that will need to be placed in regional repositories. The use of upstream drainage waste consolidation areas presents a cost savings opportunity for the implementation of the Selected Remedy as well as alleviates potential burden on downstream communities associated with trucking of the contaminated materials and locating regional repositories in the main SFCDR valley. With the siting of a new repository in Canyon Creek, the waste generated in this tributary can be disposed of within this repository. This fact in combination with the waste consolidation area identified for Ninemile Creek will allow for capacity within the Osburn repository

for waste generated from other areas including the SFCDR. See response to Comment No. I54-3.

Response to comment LJ36-25

Based on consideration of comments received on the Proposed Plan and the reduced scope of remedial actions included in the Selected Remedy, EPA further evaluated reaches of the SFCDR designated for stream and riparian cleanup actions in the Preferred Alternative. The goal of the evaluation was to identify stream and riparian actions that were co-located with remedial actions, particularly sediment removal actions, included in the Selected Remedy. These sediment removal actions are primarily designated for riparian areas (along rivers and creeks). Stream and riparian actions will be conducted following remedial actions to stabilize rivers and creeks in the remediated locations. Therefore, the Selected Remedy refers to these actions as stream and riparian “stabilization” actions in the Selected Remedy. See the ROD Amendment, Part 2, Section 14.3 for additional detail on changes to stream and riparian actions. See response to Comment No. LJ36-3.

LJ36-25 about the use of large woody debris as flood channel features. In the 1979 Flood Insurance Study (Electronic Document Library Document 236) on page 17 in the discussion of the 1974 flood it says "Primary damage occurred to roads, bridges, culverts, and recreational sites. The major cause of damage to bridges, roadways, levees, and other public works was attributed to a large concentration of floating debris coming in violent contact with structures." Local governments have been removing large woody debris from the flood channels for the last 30 years. They strongly object to replacing those unless they can be assured that none of it will be mobilized in a major flood. The bioengineering approach also focused exclusively on ecological considerations and did not consider a number of other legal and regulatory constraints to working in a floodplain through a populated area. Although a major part of the Proposed Plan is creating a stable channel and floodplain morphology, EPA now says they are prohibited from building levees. In the Upper Basin those are mutually exclusive positions. EPA needs to decide which one to apply at the Bunker Hill Superfund Site. We do not believe EPA is prohibited from building levees because they have already constructed a number of those including the Golconda Millsite area, the Smelterville Truckstop area and the Rose Lake Boat Launch. We believe EPA should do what they said they were going to do in the FFS and create a stable channel and floodplain morphology. In doing this EPA will have to engage a partner with the regulatory authority and technical expertise to help develop a design that meets all the other requirements for a floodplain through a populated area as well as the CERCLA objectives and requirements. It should be possible for the EPA, US Army Corps of Engineers and the US Fish and Wildlife Service to cooperate and develop a stream channel and floodplain design that abates the release of contaminated materials or prevents direct contact with those materials, conveys the 100 year flood through the valley through a durable and maintainable channel and provides the riparian habitat needed to reestablish the fishery and riparian community. Figures for Section 6 of the FFS show Stream and Riparian Reaches for the South Fork and its tributaries. Work proposed for reaches MG01-1 through MG01-18, UG01-6 through UG01-18, CC02-1, CC04-1, CC05-1, CC05-2, BC04-3, MC02-4, NM04-1 through NM04-3 and PC03-1 through PC03-3 appear to be adjacent to houses or other development. The estimated cost for work in these reaches is about \$125 million. The FFS says that "No bioengineering actions have been included within the BHSS under the assumption that appropriate actions have been taken or will be taken as part of the BHSS remedy." That assumption is not true. The South Fork through the BOX and Pine Creek in the BOX must be included in the stable stream channel and floodplain morphology design. We would like EPA to do a supplemental feasibility study in cooperation with the ACOE and USFWS to develop a reasonably complete conceptual design of the streams through those reaches that meets all of the relevant legal requirements. When they are done with that EPA could present the design to the local community as a Proposed Plan for comment. EPA can then incorporate comments and issue a ROD which says how they will create a stable channel and floodplain morphology.

LJ36-26 Many of our comments refer to the NAS report. It appears that EPA has ignored many of the NAS recommendations in preparing the new ROD. We ask that you revise the ROD amendment to reflect The NAS recommendations mentioned in our comments.

Response to comment LJ36-26

The NAS review's conclusions and recommendations cover the remedial investigation, human health risk assessment, and ecological risk assessment of the Coeur d'Alene Basin, and remediation objectives and approaches. Many of the recommendations relate to EPA's approach to protection of the environment presented in the 2002 ROD for OU 3 and the 2001 Feasibility Study (FS) Report (EPA, October 2001, *Final [Revision 2] Feasibility Study Report, Coeur d'Alene Basin Remedial Investigation/Feasibility Study*). The NAS review validated much of the 2002 ROD for OU 3, and the recommendations for areas of improvement primarily focused on ecological protection. EPA carefully considered the NAS report and its recommendations, and conducted studies and evaluations to address the major recommendations. The results of those efforts are reflected in the actions identified in the Upper Basin Selected Remedy. The Selected Remedy appropriately addresses the NAS recommendations, while recognizing EPA's statutory obligations under CERCLA. Since the ROD for OU 3 was issued in 2002 and the NAS report in 2005, EPA has continued to collect environmental data and conduct studies throughout the Coeur d'Alene Basin, particularly in the Upper Basin. The additional data and studies have improved EPA's understanding of the Upper Basin, and enabled EPA to address key NAS recommendations involving the fate and transport of dissolved metals in the subsurface; the role that groundwater plays in contaminant loading to surface water; approaches to groundwater treatment; the development of predictive tools to assess the effectiveness of remedial actions; evaluation of the SFCDR Watershed as a whole, including the Bunker Hill Box; and improving the use of the adaptive management approach.

In summary:

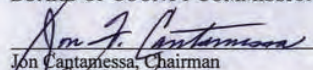
- We do not support a 50 or 90 year ROD. We would support a more focused 10 year ROD.
- Flood planning and management for a one hundred (100) year flood event must be a part of this ROD amendment.
- The management planning must include prescription for long term maintenance of stream beds susceptible to flooding.
- Water quality remedies in the box must be completed first before even design work above the box.
- We do not support piping water to Kellogg to be treated.
- Speciation should be incorporated in all testing and remedy prescriptions.
- Remedy protection must include infrastructure failure remedies, particularly for roads and bridges.
- Maximize the use of the "community fill plan."
- Establish an independent panel of scientists to advise EPA, the state, and the community.
- Please extend the comment period to accommodate the request of the Idaho State legislature.
- There must be a commitment to promote the ability of mining to grow as the cleanup proceeds.
- The plan must be formed with the involvement and acceptance of the affected community.

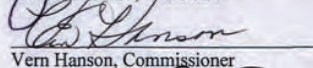
In 2009 Shoshone County invoked the coordination process set out in both state and federal code with both state and federal agencies including EPA. In 2010 we notified EPA of our expectation to meet and coordinate with EPA on any and all plans affecting Shoshone County citizens. It is EPA's responsibility to initiate coordination with Shoshone County whenever you anticipate work within our county. We expect that as you consider both the ROD amendment comments, your response to those comments, and your preparation of the final ROD language that you will initiate meetings with Shoshone County as many times as may be necessary to coordinate a successful remedy as required by federal coordination guidelines and as recommended by the National Academy of Sciences.

We appreciate the opportunity to work with EPA to bring this ROD amendment process to a successful conclusion.

Sincerely,

BOARD OF COUNTY COMMISSIONERS


Jon Cantamessa, Chairman


Vern Hanson, Commissioner


Vince Rinaldi, Commissioner

Response to comment LJ36-27

EPA notes the bulleted items summarized by Shoshone County, and has responded to these issues above. EPA will continue to coordinate with Shoshone County both directly and through the Basin Commission during implementation of the Selected Remedy.

State Representative, LJ54, Letter 619651-12

Response to comment LJ54-1

Comment noted.

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1 back and watch EPA come up here and dig up everything?
2 All the streambeds? All the riverbanks? And let them
3 continue on with their plan? We're with you. We're
4 simply asking you to hold your ground. We appreciate
5 everything you're doing to try to keep EPA from really
6 dramatic overkill, once again. Thank you for the
7 opportunity to comment.

8 (Applause.)

9 MAYOR VESTER: Representative Bob Nonini
10 followed by John Magnuson.

11 BOB NONINI: Thank you, Mayor Vester. Thank
12 all you mayors for hosting this event tonight and
13 Commissioner Cantamessa, good to see you up at the head
14 table. When I got here tonight and saw the campaign
15 signs and started recognizing some names -- and I'll
16 make this quick because I know I only have three
17 minutes -- but I saw some names I recognized. And then
18 parked over here and walked over here to 207 River
19 Street where I grew up. The old house looks pretty
20 good. And although this isn't my legislative district,
21 I have some deep roots here, obviously, and I'm here to
22 give the fight with all of you against the EPA because
23 we are fighting the EPA down in Coeur d'Alene/Post Falls
24 area where I live now, and I want to take the remainder
25 of my time and share some figures with you, because

LJ54-1

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Page 29 L54-1

1 we've heard this \$1.3 billion thrown around quite a bit
2 for quite a few years.

3 The 2002 ROD was the final remedy to address
4 human health issues here in the valley. There are no
5 human health risks here today, as this work is largely
6 complete. And the reason I can say that is because less
7 than \$3 million of the proposed \$1.3 billion additional
8 money will be spent on new human health issues. So
9 obviously the EPA themselves feel that the human health
10 issues are primarily resolved.

11 Since there's no human health issues to
12 address, the new massive expansion plan must be about
13 something else; namely fish and water. Big surprise,
14 EPA. EPA says the price tag to protect fish and water
15 is \$1.3 billion, which is unreasonable to begin with,
16 but the real cost is going to be much higher. EPA's
17 \$1.3 billion cost estimate ignores construction costs to
18 increase over time and is based on a 7 percent discount
19 rate which is unrealistic.

20 Using more accurate construction costs and a
21 realistic discount rate of two and a quarter percent,
22 the real costs are as follows: Plan costs of 65 years
23 are used to implement the plan, 3.4 billion. Plan cost
24 of 90 years are used to implement the plan,
25 \$5.4 billion. But not accounting for cost increases and

L54-5

Response to comment LJ54-2

Regarding human health risks in the Basin, see response to Comment No. I295-1. The Upper Basin Selected Remedy includes an estimated \$33.8 million for remedy protection work in the Upper Basin. Remedy protection is intended to protect the existing human health clean soil barriers (e.g., remediated yards and rights-of-way) within Upper Basin communities from tributary flooding and high-precipitation events. In addition to the remedy protection work, cleanup actions that address mine waste contamination within drainage areas accessible for recreational use will protect human health and improve surface water quality. Common recreational activities in the Coeur d'Alene Basin include hiking, fishing, hunting, boating, swimming, and all-terrain-vehicle riding. As noted in the ROD Amendment, Part 3, Section 3.2.4, exposure to lead contamination can cause elevated blood lead levels and resulting adverse neurological effects. EPA has also found that elevated blood lead levels can occur within relatively short exposure periods (such as through recreational exposure to contamination located along the SFCDR, on waste piles, etc.). The Selected Remedy will provide clean surface soil in contaminated areas and reduce particulate lead loading to surface water. In these ways, the Selected Remedy will further reduce the risks people may be exposed to during recreational activities.

Response to comment LJ54-3

Regarding the scope and cost of the Selected Remedy, see response to Comment No. I58-1. EPA is required under CERCLA, the Superfund law, to address unacceptable risks to human health and the environment at the Bunker Hill Superfund Site. While significant cleanup has taken place in the Basin, there is still contamination in site soil, sediments, groundwater, and surface water that poses unacceptable risks to human health and the environment. As described in the ROD Amendment, the levels of contamination significantly exceed acceptable state and site-specific water quality standards.

Response to comment LJ54-4

See responses to Comment Nos. I58-1, I58-2, and I54-12.

Response to comment LJ54-5

See responses to Comment Nos. I58-1, I58-2, and I54-12.

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1 using an unrealistic discount rate, EPA's \$1.3 billion
2 cost is off by as much as 200 percent, and we as
3 legislators, my colleagues who are before me tonight,
4 they know the state of Idaho's on the hook for a lot of
5 money. Well, you know, where do they get that money,
6 folks? It comes right out of your pocketbook, too.
7 Absolutely crazy.

LJ54-5

8 There is a better way, though. The EPA should
9 pull back this massive plan in favor of a more
10 reasonable ten-year approach that will meet clean-up
11 goals more effectively, efficiently, and in small enough
12 pieces so that the local people can remain involved in
13 the future of the valley in a meaningful way.

LJ54-6

14 How am I doing on time? I have 30 seconds
15 left. That's a first, I think, that I had a little
16 time. Well, in those last closing, then, the seconds
17 that I have, you know, I came in tonight. I saw Herbie
18 Zanetti and Jim Sabala and Jeff Cantamessa you know,
19 guys that I grew up with, went to high school with. You
20 know, Joanie and Jon, few years older. Dick with my
21 older brother. And, you know, the Silver Valley, we
22 talked about lead cracking. And when I came up through
23 Kellogg and you can see how clear the water is, you
24 know, how many of you guys know Pete Leffler (phonetic)?
25 I think a lot of you know Pete Leffler.

LJ54-7

Response to comment LJ54-6

See response to Comment No. I474-2.

Response to comment LJ54-7

Comment noted.

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1 When Pete Leffler came here 30 years ago, Pete
2 and I used to go fish up here past Zook's (phonetic).
3 It was that addition. I can't think of the name. Help
4 me, you guys. There's a few houses up past Zook's
5 there. We used to catch those fish and go back to
6 Pete's and fry them up and, you know, nothing was wrong
7 with that stuff.

LJ54-7

8 I mean this valley has taken care of itself.
9 Now people are going to say, yeah, Nonini, you were
10 always crazy, but my point is that this valley has taken
11 care of itself, the mining companies operate efficiently
12 and effectively, and we need to keep this valley
13 vibrant. The population sign says 930. It used to say
14 2700 people, and with the price of metals and what the
15 mining companies want to do in this area, the EPA needs
16 to let them move forward and be reasonable about what
17 we're doing. Thanks. I went over a little bit.

LJ54-8

18 (Applause.)

19 MAYOR VESTER: John Magnuson followed by Jim
20 Sabala.

21 JOHN MAGNUSON: Thank you, Mayor Vester and
22 mayors. My name is John Magnuson. I live in Coeur
23 d'Alene. My heart is with Wallace, always has and
24 always will.

25 On August 9, at the request of Mayor Vester, I

Response to comment LJ54-8

EPA is confident that cleanup and mining can coexist. The Upper Basin cleanup will address historical contamination from mining activities that began in the 1880s. Historical mine waste disposal practices were much different than they are today. For example, until 1968, mine wastes were discharged directly into creeks and rivers. Today, ongoing mining activities are regulated by state and federal laws other than CERCLA. Also see response to Comment No. I54-2.

State Representative, LJ52, Letter 619651-7

No comments

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dollars to clean up, we don't want to have to redo work that's already been done. There are important things that need to be cleaned up, but they need to be within reason and within reasonable length of time and done and over with and on with our lives. So I think the length of the ROD is still very disturbing to me. I will put more in-depth comments into the record in the future for the ROD itself, and I thank you for this opportunity. Good evening.

(Applause.)

MAYOR VESTER: State Representative Mary Lou Shepherd followed by State Representative Dick Harwood.

MARY LOU SHEPHERD: At least I have a podium I can stand up and be seen and now a microphone that adjusts for me.

Thank you, Mayor. Thank you all for being here tonight. I can't imagine what it would take to get all of you together in the same room at the same time. Thank you for doing that. This reminds me of a meeting long ago at the old Wallace High School in the gymnasium there. I proudly stood with then Governor Kim Thorn at his side on the stage at the gymnasium as he pounded his fist I don't know how many times that night on the podium saying, "EPA, I'm just about ready to tell you to leave and don't you ever come back." Well, had he done

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1 that, perhaps we wouldn't be all here tonight, would we?

2 (Applause.)

3 MARY LOU SHEPHERD: Now we enter another stage
4 of the term. One can only hope that this time it will
5 come out with a good ending with satisfied partners.

LJ52-1 6 Being a Superfund clean-up site brings on a
7 statement of sorts and tends to put a damper on
8 businesses, businesses that are looking to locate or
9 relocate in our area.

10 There's a huge need for the county to return
11 to the (inaudible). Shoshone County paid a month the
LJ52-2 12 highest taxes to the state of any Idaho county. We
13 simply cannot do that without our mining and industry
14 jobs and jobs that's on everyone's list. We simply must
15 have and create more good-paying jobs.

16 It comes up that the EPA brings jobs to the
17 community. And I admit that does, but most are
18 seasonable. And what about the mining industry jobs
LJ52-3 19 that are lost because of it? Do they not supply
20 good-paying jobs? Once that also makes for many more
21 jobs, but there's a trickle-down effect, like more
22 educators, teachers, more office jobs, more supply
23 people, just to name a few.

24 These mines have kept this county alive and
25 prosperous for many, many years and can do so again.

Response to comment LJ52-1

See response to Comment No. I54-2.

Response to comment LJ52-2

See responses to Comment Nos. I58-5 and I54-2.

Response to comment LJ52-3

See responses to Comment Nos. LC32-2 and I58-5.

Response to comment LJ52-4

Neither the proposed nor the Selected Remedy would regulate mining activities. Moreover, in response to such public comments and concerns, the Selected Remedy does not include cleanup actions at "Active Facilities" (i.e., mining facilities among others).

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1 I have read that there may be new regulations
2 for mining in the area, but that they are not clear.
3 Now, I feel that any changes must be made very clear,
4 very clearly laid out and very clearly explained. I
5 think that's only fair.

6 And please let me remind you of the situation
7 with the TMDL. Their limits can simply never be met
8 that this is a naturally occurring substance in the
9 soil, which was here and beyond before there was any
10 mining going on at all and it will always be with us.

11 Let us discontinue putting money into
12 something that cannot be solved.

13 Thank you for letting my voice be heard
14 tonight and please now heed what you have heard and will
15 be hearing in the rest of the meeting. Again, thank you
16 so much for being here.

17 (Applause.)

18 MAYOR VESTER: State Representative Dick
19 Harwood followed by Luke Russell.

20 DICK HARWOOD: Mayors, good to see you all.
21 Thank you for having me and letting me speak a little
22 bit tonight about this. It's good to see the EPA here,
23 too. I had five points that I want to bring up tonight
24 that I said I feel are pretty important, but I'm going
25 to condense it to three because of the time. But my

Response to comment LJ52-5

See responses to Comment Nos. SA4-11 and LC33-8.

Response to comment LJ52-6

EPA is required under CERCLA, the Superfund law, to address unacceptable risks to human health and the environment at the Bunker Hill Superfund Site. While much work has completed, significant cleanup is still required to address human health and the environment in the Basin. The cleanup actions planned will have significant impact in achieving these goals. Regarding the Selected Remedy, see responses to Comments No. 1295-1 and I58-1.

State Representative, LJ53, Letter 619651-8

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25 to condense it to three because of the time. But my

LJ53-1

Response to comment LJ53-1

EPA does not believe that implementation of the Selected Remedy will interfere with or result in a taking of any private entity's or individuals' right to use water. Notwithstanding this belief, EPA will not take private water rights in violation of the Fifth Amendment. See response to Comment No. I54-8 and the ROD Amendment, Part 3, Section 3.7.4.

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1 first point would be that the EPA plans on taking a huge
2 amount of groundwater out of the South Fork and out of
3 the tributaries, and the South Fork and the tributaries
4 are going through an adjudication process right now and
5 takes years for it to get done with the way the funds
6 are. And we in Idaho -- you need to know, we in Idaho
7 classify water as a property. It's just like having a
8 piece of ground out here when you own a piece of
9 property and you have a (inaudible) that's adjudicated
10 to you, that's your property.

LJ53-1 11 Now, if the EPA takes this water without just
12 compensation to the people that own it, that's a
13 violation of the Fifth Amendment. There's a Fifth
14 Amendment -- on the last part of the Fifth Amendment
15 that says. "... nor shall private property be taken for
16 public use, without just compensation ..."

17 So whoever owns that prop water or that
18 property needs to be paid for if they're going to take
19 out of there. The other thing I see that is bad with
20 this is that they have not applied for a permit from the
21 Idaho Department of Water Resources as of yet. And I
22 think they have to comply with that, as well. That
23 would be my thought.

24 And the other thing that bothers me about this
25 is that the EPA's not done an EIS, or environmental

Response to comment LJ53-2

The comment raises issues regarding whether EPA satisfied National Environmental Policy Act (NEPA) requirements. For CERCLA response actions, EPA is exempted from the procedural requirements of environmental laws, including NEPA. CERCLA Section 121 (d)(2)(A) addresses the applicability of other environmental laws through applicable or relevant and appropriate requirements (ARARs). The National Oil and Hazardous Substances Pollution Contingency Plan interprets this to require compliance only with substantive, not procedural, aspects of ARARs. Because NEPA requirements are procedural, NEPA is not an ARAR for CERCLA response actions. EPA procedures or environmental reviews under CERCLA enabling legislation are functionally equivalent to the NEPA process and thus, exempt from the procedural requirements in NEPA. CERCLA addresses the two basic objectives of NEPA: (1) the agency should consider significant environmental impacts of the proposed action, and (2) relevant environmental information should be made available to the public, which allows the public to play a role in the agency's decision-making process and implementation of the decision. The administrative record EPA developed in support of the Selected Remedy documents that EPA, by following the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan, conducted a remedy selection process that was the functional equivalent of NEPA. In response to comments, EPA has significantly reduced the scope of the Selected Remedy and is not including all of the remedial actions that were identified in EPA's Preferred Alternative for the Upper Basin in the Proposed Plan. Changes made to the Selected Remedy are described in detail in Part 2, Section 14.0 of the ROD Amendment. The ROD Amendment, including the Selected Remedy, was developed in a manner consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, as required by CERCLA. EPA's goal is to complete the cleanup in the Basin as quickly as possible and with minimum disruption. EPA is required by law to ensure protection of human health and the environment. The Upper Basin is a large area with complicated contamination issues that have evolved over a long period of time. The extent and nature of the contamination dictate that it will take substantial time and resources to clean up. The ROD Amendment provides details regarding the implementation approach for the Selected Remedy, including where the work starts and how it will proceed over time. With help from stakeholders and

community members involved in the Basin Commission's Upper Basin Project Focus Team over the last several years, EPA developed a logical and transparent prioritization process for cleanup actions. Using this prioritization process, the Selected Remedy, an interim action, focuses on a prioritized set of cleanup actions. The actions include the most contaminated drainages (i.e., Ninemile and Canyon Creeks), areas that have the greatest adverse impact on groundwater and surface water (e.g., OU 2), and areas that provide protection for existing remedies. This process of prioritizing actions included in the Selected Remedy is consistent with the adaptive management approach. The estimated time for implementing the Selected Remedy is about 30 years.

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1 impact study or statement on what that would do to our
2 water or to our cricks and stuff if they -- because
3 they're planning on a 10-mile (inaudible) in the South
4 Fork and 50-something miles of piping, and they haven't
5 done that -- that study to see what that's going to do
6 to the fish habitat, the microorganisms, how that's
7 going to work for flood control. There's so many things
8 that they have not really studied about before they made
9 this plan. And I think that's an important thing.

10 One last thing I would like to say is that
11 last year in the state of Idaho, Senator Broadsword was
12 the sponsor of the bill. I was the sponsor on the house
13 side of this bill and it was Senate Concurrent
14 Resolution 127. And basically what it says is that
15 state of Idaho needs an ample amount of time to review
16 what's -- what the thing is saying, what -- excuse me,
17 what the ROD is -- what the amendment to the ROD is
18 saying, and then it says also being (inaudible), then it
19 says, "The legislators shall have the opportunity to
20 consider the amendment to any existing ROD," so we
21 have -- we won't be able to have a chance to do that
22 because they haven't been to the station. So the
23 next -- this next station we should have a chance to
24 look at that, and the EPA has kind of made it pretty
25 clear in some of their meetings that Idaho has nothing

Response to comment LJ53-3

See responses to Comment Nos. I54-6 and LJ39-5.

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Response to comment LJ53-4

Thank you for your comments.

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1 to do about this or nothing to say about it, and I think
2 that's -- we'll have to see about that. I think it's an
3 important issue.

4 I'm really opposed to what's going on here.
5 I've -- when I got elected, I felt like -- the reason I
6 ran was because I felt like we were run over by the
7 federal government and I'm really feeling that.

8 Thank you again for letting me speak and thank
9 you for all being here. Great to see you all together.

10 (Applause.)

11 MAYOR VESTER: Thank you, Representative.
12 Next up is Luke Russell followed by Mark Compton.

13 LUKE RUSSELL: Thank you. My name is Luke
14 Russell. I'm with the Coeur d'Alene Mines. But many of
15 you probably remember me from my days with Idaho DEQ
16 back in 2000 when the 2002 ROD was signed in the
17 information of the Basin Commission.

18 I also sit on the board of the Idaho Mining
19 Association and it's in that capacity that I'm here
20 today. I know mining does have a lot of concerns of
21 this in the plan amendment and many of the points I'm
22 sure others will make here tonight.

23 I just want to share a couple of points on
24 behalf of the Idaho Mining Association. Clearly, the
25 ROD amendment adds continued uncertainty to the business

U. S. House of Representatives, LJ29, Letter 618730



Dennis McLerran
Regional Administrator
U.S. EPA, Region 10
Regional Administrator's Office, RA-140
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Dear Regional Administrator McLerran:

I want to take this opportunity to submit my formal comments regarding the Environmental Protection Agency's (EPA) proposed changes to the Bunker Hill Site Record of Decision (ROD) in Idaho's Upper Coeur d'Alene Basin.

Before enumerating my concerns with the direction EPA is taking with these changes, I want to simply point out that our nation is emerging from one of the longest and deepest recessions in its long history. Our recovery from that recession will be prolonged, since job growth is expected to be slow and other leading economic indicators remain weak. Across our nation, families and businesses alike have tightened their belts, focused their spending on necessities rather than luxuries, and taken a cautious approach to future financial commitments until their long-term fiscal outlook improves. In short, Americans are being more fiscally prudent in these trying economic times.

Unfortunately, their federal government has not taken the same approach. Instead of tightening its belt, the federal government has spent and borrowed more money than ever, asserted its influence in increasingly onerous ways, and has gone down a regulatory path that stifles job growth and discourages new investment. To most Americans, the federal government seems unwilling to acknowledge the realities of the current economic situation and incapable of adjusting its practices to accommodate new fiscal realities.

Regrettably, when I read over the proposed changes to the ROD, it is clear that EPA has fallen into the same outmoded way of thinking that plagues the rest of federal government. Setting all other arguments aside, there can be no justification for the costs associated with these changes given the current economic challenges facing our nation and the enormous debt Congress and the Administration continue to pile on future generations. I am deeply troubled by both the cost and time frame of this plan and believe it will be rejected, if not by EPA itself, then by Congress.

As you know, the Upper Coeur d'Alene Basin CERCLA site is among the largest and most complex Superfund sites in the country. Since its appearance on the National

Response to comment LJ29-1

Comment noted.

Response to comment LJ29-2

Under CERCLA, EPA has the responsibility and the obligation to address unacceptable risks to human health and the environment. The FFS, the Proposed Plan, and the ROD Amendment document the numerous studies that have identified these unacceptable risks. As described in the ROD Amendment, Part 2, Section 12 and in response to Comment No. I58-1, EPA has significantly reduced the scope and cost of the Selected Remedy from that of the Preferred Alternative identified in the Proposed Plan. As described in the response to Comment No. I295-3, EPA will pay for much of the cleanup with funds from legal settlements between mining companies and the federal government.

Response to comment LJ29-3

Comment noted.



618730

- LJ29-3 Dennis McLaren
 November 19, 2010
 Page Two
- Priority List almost 30 years ago, the issues surrounding its remediation and future use have been a source of controversy and economic disruption to the people of Northern Idaho.
- LJ29-4 Despite the availability of alternative approaches, EPA is moving forward with a remediation plan that will cost at least \$1.34 Billion and cover a time frame of between 50 and 90 years. This approach includes over \$960 million for water quality improvements in the South Fork, of which more than \$600 million is projected to be spent on a groundwater collection treatment system that seems wholly unnecessary and ill-advised.
- LJ29-5
- LJ29-6 Over the course of the past few months, I have heard nearly unanimous opposition to the plan from those who live, work, and recreate in North Idaho. I have heard concerns from those who think the plan costs way too much, believe it endangers future economic growth, fear it will curtail or eliminate mining in the region, and shudder at the thought of the federal government choosing the most costly and time consuming route when other appropriate alternatives are available in times of economic hardship.
- In addition, I have been asked a number of very serious questions about the size, scope and wisdom of the changes EPA is proposing. Those questions include the following:
- LJ29-7 • Why won't EPA consider adjusting water quality goals in the South Fork when the agency clearly has the authority to do so?
- LJ29-8 • Why hasn't EPA divided Operable Unit 3 into smaller units, and why are they rushing into one large-scale and multi-decade cleanup plan?
- LJ29-9 • Why isn't EPA more amenable to a phased approach with interim goals more in line with the recommendations of the National Academies?
- LJ29-10 • At a time when federal agencies are seeking to maintain the integrity of rivers and streambeds, why is EPA proposing a ridiculously expensive groundwater collection and treatment system that may well do more ecological harm than good, and what impact will such a system have on flooding in the region?
- LJ29-11 • How can the general public possibly fully comprehend and provide meaningful comments on a plan that will span an average person's lifetime and cost in excess of \$1.3 billion – and probably much, much more – especially when the plan's implementation and ultimate objectives are so vague?

Response to comment LJ29-4

See responses to Comment Nos. I58-1 and I58-2 regarding the cost, duration, and funding of the Selected Remedy.

Response to comment LJ29-5

Water collection and treatment is a well-known and proven approach to remediating contaminated areas where the source cannot be removed. The Selected Remedy includes collection and treatment of contaminated adit discharges and groundwater that has become contaminated through contact with mining-related contamination present beneath communities and infrastructure. As part of the Selected Remedy, an interim action, groundwater treatment is included for three areas: Woodland Park in Canyon Creek, Osburn, and the Bunker Hill Box. In each of these areas, source control is not a feasible option because it would require the displacement of communities, and water treatment is the only way to prevent the continued discharge of metals to surface water. Loading of dissolved zinc from groundwater to the surface in these three areas alone is estimated to be over 600 pounds per day on average. This dissolved zinc load will continue to enter the SFCDR every day unless groundwater treatment actions are implemented to prevent it. Similarly, in most cases, source control actions cannot be used to address contaminated adit discharges because they are the result of groundwater, surface water, or both coming in contact with the minerals within a mine. There may be mine sites where it is possible to create surface water diversions and prevent the flow of water into the mine and, thus, the discharge of adit drainage. Opportunities for water diversion and "keeping clean water clean" will be explored on a site-by-site basis during design.

Response to comment LJ29-6

See responses to Comment Nos. I58-1 and I58-2 regarding EPA reduction in scope of the Selected Remedy, in part based on public comments. See response to Comment No. I54-2 regarding benefits that cleanup can have on the local economy. See response to Comment No. I58-5 regarding how mining operations can coexist with cleanup actions.

Response to comment LJ29-7

EPA, by a CERCLA technical impracticability waiver, or the State of Idaho, for example by a Clean Water Act change in beneficial use, may adjust water quality goals. In regard to a technical impracticability waiver, see response to Comment No. SA4-11.

Response to comment LJ29-8

Consistent with comments received from the NAS, EPA is responding to risks posed by mine waste contamination in a holistic way. Use of many small operable units would not be suitable for the area subject to the ROD Amendment given the similarities in contaminants, transport mechanisms, and exposure scenarios. See response to Comment No. I58-1.

Response to comment LJ29-9

In part due to comments on the Proposed Plan EPA has reduced the scope of the Selected Remedy and it is now an interim remedy for the Upper Basin. See response to Comment No. I58-1 for more information regarding the scope and expected duration of cleanup for the Selected Remedy.

Response to comment LJ29-10

See response to Comment No. LC33-10 regarding water treatment and potential impacts on streams and rivers. See response to Comment No. LJ36-3 regarding potential flooding issues in the Upper Basin.

Response to comment LJ29-11

See responses to Comment Nos. I58-1 and I58-2.

Dennis McLarren
November 19, 2010
Page Three

LJ29-12

- Why is EPA in a rush to approve a plan that could span an entire century? Given that there is no emergency, why not take additional time and consider a shorter-term, phased approach that might actually enjoy the community support EPA is obligated to obtain?

LJ29-13

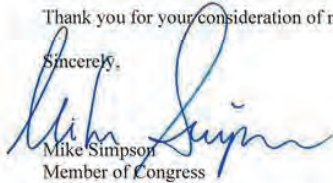
As I stated earlier in this letter, I have rarely seen an agency action of such magnitude that was so universally opposed by the people who would be most impacted by it. I have yet to hear from one Idahoan who embraces EPA's century-long plan or who believes \$1.34 billion or more is an even remotely affordable price tag in tough economic times.

With that in mind, I urge EPA to pull this plan back and reconsider the direction of remediation in the Basin. I further urge EPA to undertake a committed effort to build consensus in North Idaho around a workable path forward that reflects the economic realities in which we now find ourselves.

I look forward to working with EPA to craft a plan that recognizes the fiscal challenges our nation faces and prevents any negative impacts on the economy of North Idaho.

Thank you for your consideration of my comments and concerns.

Sincerely,



Mike Simpson
Member of Congress

Response to comment LJ29-12

In part due to comments on the Proposed Plan, EPA has reduced the scope of the Selected Remedy and it is now an interim remedy for the Upper Basin. See response to Comment No. I58-1 for more information regarding the expected duration of cleanup for the Selected Remedy.

Response to comment LJ29-13

See responses to Comment Nos. I58-1 and I58-2.

U. S. Senate, LJ27, Letter 617802

November 17, 2010

Dennis McLerran
Regional Administrator
U.S. EPA, Region 10
Regional Administrators Office, RA-140
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Re: Coeur d'Alene Basin- EPA's Proposed ROD Amendment

Dear Regional Administrator McLerran:

LJ27-1 The purpose of this letter is to outline my key concerns and questions about EPA's proposed amendments to the Bunker Hill Site Record of Decision (ROD). I would also ask that you add this document to the official record of comments for the proposed ROD amendment.

LJ27-2 I appreciate you sending your representative to participate in the August 9 Town Hall meeting I organized in Wallace to solicit local input on EPA's proposal. As you are aware approximately 350 people attended this meeting and only a single person spoke in favor of EPA's plan. I am very concerned that EPA fails to recognize that its plan will fail without the broad-based public support needed for implementation.

LJ27-3 I listened to the testimony at the Town Hall meeting and have examined EPA's proposal. I have doubts about the efficacy of the proposal relative to the ultimate objective of remediation and clean up. I also have serious concerns with EPA's proposal related to the future of economic development in the Valley and EPA's role in that regard. Among other issues, EPA's proposal includes cleanup plans for active mining facilities, which are already covered by regulatory programs other than the Superfund program. I have not heard or seen any justification for targeting these active operations. In fact, the environmental data EPA presents in its Proposed Amendment actually confirms that these active operations, particularly along the Upper South Fork, are not a problem.

LJ27-4

LJ27-5 I also am concerned that EPA's proposal does not sufficiently appreciate or accommodate the importance of mining to North Idaho's economy and the industry's requirements for expansion and growth. Promises to work with the mining industry, especially while EPA continues to insist that its requirements are paramount, are insufficient, given how vital mining and high paid mining jobs are to the region's economy and its future. The people who live in the Silver Valley are understandably,



617802

Response to comment LJ27-1

This document has been added to the official record of comments.

Response to comment LJ27-2

EPA recognizes that public support for the Selected Remedy is important, and EPA has listened to the public input on the Proposed Plan. The Selected Remedy reflects significant changes made to address public concerns. Some of the primary concerns voiced by the public about the Preferred Alternative were that it was too big, too costly, will take too long to implement, and will be detrimental to the mining industry in the Silver Valley. In response to these concerns, EPA has significantly reduced the scope of the Selected Remedy and is not including all of the remedial actions that were identified in EPA's Preferred Alternative for the Upper Basin in the Proposed Plan. Regarding EPA's extensive efforts regarding community involvement in the remedy selection process, see response to Comment No. I295-2.

Response to comment LJ27-3

The remedy selection process was consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, as required by CERCLA. The remedial actions included in the Selected Remedy are consistent with those implemented at abandoned mine sites around the world. EPA believes that these actions will be effective in the Upper Coeur d'Alene Basin and will result in significant improvements to water quality and reduction of risks to human health and the environment. Outside experts in mine remediation hired (or employed) by the state, counties, Tribe, and natural resource agencies have all participated in developing the Selected Remedy through the Project Focus Team (PFT) process over the last 2 years. The Selected Remedy is based on the approach EPA was proposing in the 2001 Feasibility Study (EPA, October 2001, *Final [Revision 2] Feasibility Study Report, Coeur d'Alene Basin Remedial Investigation/Feasibility Study*), which the NAS agreed with (National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>), and reflects the incorporation of many of NAS's suggestions. As the cleanup is put into action, EPA will use an adaptive management process through which EPA will periodically review new information as the cleanup moves forward. "New information" may include the effectiveness of implemented remedial actions, the fate and transport of contaminants, and review of new technologies that may be applicable to the

Upper Basin. Through ongoing adaptive management and the CERCLA Five-Year Review process, EPA anticipates using the information gained to make adjustments to implementation plans and to evaluate and implement new technologies where appropriate.

Response to comment LJ27-4

See response to comment I58-5.

Response to comment LJ27-5

See response to comment I58-5.

Response to comment LJ27-6

See responses to comments I58-1 and I54-2.

	opposed to giving EPA authority for the next 50-90 years to dictate priorities and local land use plans.	LJ27-6
	As you know, in 2005 the National Academy of Sciences ("NAS") completed an extensive evaluation of the status and plans for Coeur d'Alene Basin cleanup and issued a series of recommendations. What you may not know is that I was the one who initially requested the NAS study, because of serious concerns about EPA's plans for Coeur d'Alene Basin cleanup under the Superfund law.	
LJ27-7	EPA's response to the NAS recommendations for the Coeur d' Alene Basin is questionable. EPA states that one of the reasons for its proposed amendment is to respond to the NAS report. But when I examine EPA's proposal, I see little that is responsive to what the NAS said about EPA's remedy for ecological impacts above the "Box." For example, the NAS told EPA not to develop comprehensive plans for Coeur d'Alene cleanup, but to proceed in stages. Yet, EPA's proposal is comprehensive and is even touted for being comprehensive. I request an explanation on why EPA rejects the recommended staged approach and its inherent adaptability.	
LJ27-8	The NAS rejected, as fundamentally flawed, EPA's predictive analysis or model of remedial effectiveness, which EPA uses to predict the effectiveness of its cleanup proposals over time. Yet, EPA continues to rely on this flawed approach to drive its decision-making and again, even touts its analysis as fundamentally unchanged from what the NAS effectively called "junk science." I request an explanation as to why the EPA persists in using the flawed approach that was rejected by the NAS.	
LJ27-9	EPA's proposal is simply too big and too expensive, especially in these difficult economic times. EPA proposes a massive undertaking on a scale that is hardly imaginable, possibly without precedent, and with no realistic way to pay for it.	
LJ27-10	The Plan is also wasteful. EPA proposes to spend hundreds of millions of dollars along the Upper South Fork of the Coeur d'Alene River, with very little, if any, defined benefit to show for it. I am concerned that EPA's proposal will actually worsen conditions in the South Fork by removing water for treatment at critical, low flow conditions.	LJ27-11
LJ27-12	I strongly urge EPA to rethink its proposal for the Upper Coeur d'Alene Basin to focus more on remedy protection and on a phased approach to Basin cleanup that first tackles the historic adits, waste rock piles and the other obvious historic sources of metals to the Coeur d'Alene system. Those sources are known and the remedies to address them are proven. We must not allow storm or flood water to add contaminants downstream or to Lake Coeur d' Alene.	LJ27-13
LJ27-14	EPA should not rely on unknown and unproven, highly speculative methods such as its water collection and treatment system above the "Box". Source control should be implemented and monitored and at the appropriate time, new and improved methods for further cleanup assessed relative to realistic cleanup goals. This approach is also consistent with the Superfund statute and the NAS recommendations.	

Response to comment LJ27-7

See response to Comment No. LJ27-8. For example, the Selected Remedy addresses recommendations made by the NAS by:

- Addressing contaminant sources such as mine tailings, waste rock, and contaminated floodplain sediments;
- Improving surface water quality in the SFCDR and its tributaries; and
- Protecting existing Selected Human Health Remedies that are vulnerable to erosion and recontamination.

Response to comment LJ27-8

In 2002, Congress instructed EPA to ask the National Research Council (NRC) to conduct an independent evaluation of the Bunker Hill Superfund Site. The NRC established the Committee on Superfund Site Assessment and Remediation in the Coeur d'Alene Basin to evaluate the 2002 ROD for OU 3 (EPA, 2002; www.epa.gov/superfund/sites/rods/fulltext/r1002032.pdf) and supporting documents, and to examine EPA's scientific and technical practices at the Site. NAS issued its resulting report in 2005 (National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>).

The report's conclusions and recommendations cover the remedial investigation, human health risk assessment, and ecological risk assessment of the Coeur d'Alene Basin, and remediation objectives and approaches. Many of the recommendations relate to EPA's approach to protection of the environment presented in the 2002 ROD for OU 3 and the 2001 Feasibility Study (FS) Report (EPA, October 2001, *Final [Revision 2] Feasibility Study Report, Coeur d'Alene Basin Remedial Investigation/Feasibility Study*). The NAS review validated much of the 2002 ROD for OU 3, and the recommendations for areas of improvement primarily focused on ecological protection. EPA carefully considered the NAS report and its recommendations, and conducted studies and evaluations to address the major recommendations. The results of those efforts are reflected in the actions identified in the Upper Basin Selected Remedy. EPA believes the Selected Remedy presented in the ROD Amendment addresses the NAS report's recommendations, while recognizing EPA's statutory obligations under CERCLA.

Since the ROD for OU 3 was issued in 2002 and the NAS report in 2005, EPA has continued to collect environmental data and conduct additional studies

throughout the Coeur d'Alene Basin, particularly in the Upper Basin. The additional data and studies have improved EPA's understanding of the Upper Basin, and enabled EPA to address key NAS recommendations involving the fate and transport of dissolved metals in the subsurface; the role that groundwater plays in contaminant loading to surface water; approaches to groundwater treatment; the development of predictive tools to assess the effectiveness of remedial actions; evaluation of the SFCDR Watershed as a whole, including the Bunker Hill Box; and improving the use of the adaptive management approach.

The Predictive Analysis (PA) is a tool that can be used to estimate how effective proposed remedial actions will be in relation to projected improvements to surface water quality. The PA was first developed to support the evaluation of alternatives in the 2001 FS Report. It was later used to support evaluations in the ROD for OU 3 and the FFS Report for the Upper Basin. The Upper Basin covers a large geographic area, and predicting the potential effectiveness of hundreds of individual remedial actions across the entire Upper Basin is a significant challenge. The PA provided a means of addressing this challenge. Using the basic principle of mass balance (i.e., if 10 lb. of zinc are present at a site and 9 are removed, 1 lb. remains), the PA provided estimates of remedial effectiveness on an Upper Basin-wide scale that could be used in comparing alternatives.

The development of the PA (referred to as the Probabilistic Analysis at the time of the 2002 ROD for OU 3) was first documented in a 2001 technical memorandum (URS Greiner, September 2001, *Technical Memorandum [Revision 1]: Probabilistic Analysis of Post-Remediation Metal Loading*, prepared for EPA Region 10). The PA and associated documentation were reviewed as part of the NAS review (see Appendix F in National Academy of Sciences, 2005, <http://www.epa.gov/superfund/accomp/coeur/>). That review raised questions about the methods and assumptions used to develop the PA. Following the NAS review, EPA sought an independent review of the PA by a well-known leader in the field of probabilistic modeling, Dr. Gregory B. Baecher, University of Maryland, A.J. Clark School of Engineering (College Park, MD). The purpose of Dr. Baecher's review was to address questions raised by the NAS review.

Dr. Baecher's review validated EPA's use of the PA in the evaluation and comparison of remedial alternatives. This review culminated in a second memorandum, *A Predictive Analysis of Post-Remediation Metals Loading* (EPA, 2007, [http://yosemite.epa.gov/R10/CLEANUP.NSF/6ea33b02338c3a5e882567ca005d382f/97c56add3adf94678825755900771691/\\$FILE/CDA%20Final%20Tech%20Memo.pdf](http://yosemite.epa.gov/R10/CLEANUP.NSF/6ea33b02338c3a5e882567ca005d382f/97c56add3adf94678825755900771691/$FILE/CDA%20Final%20Tech%20Memo.pdf)), which

provided clarification and additional documentation related to the PA. However, the fundamentals of the analysis have remained unchanged since it was first developed for the 2001 FS. The following is an excerpt from Dr. Baecher's transmittal letter for the 2007 memorandum, which summarizes his findings related to the PA: "In my opinion, the Predictive Analysis strikes a reasonable balance between the needs of the Remedial Investigation and Feasibility Study to chart a course forward, and the difficulty of acquiring sufficient data on the basin from which to analyze conditions in a statistically exhaustive way. The approach taken by the Predictive Analysis is the traditional one of using professional judgment--both engineering and scientific--to form assumptions and to make estimates of parameter values, boundary conditions, and initial conditions. In my opinion, this is sound engineering practice."

Response to comment LJ27-9

Under the Superfund law, EPA has the responsibility and the authority to take actions to protect human health and the environment. Cost is one of the nine CERCLA remedy selection criteria that EPA has evaluated during the remedy selection process as documented in the ROD Amendment and the Focused Feasibility Study Report. EPA agrees that this is a considerable amount of money and has reduced the scope of the Selected Remedy in response to public comments so that the total cost is decreased (see response to Comment No. I58-1). EPA's implementation planning process will also ensure that money is spent wisely to protect human health and the environment. EPA will pay for much of the proposed cleanup with funds from legal settlements between mining companies and the federal government (see response to Comment No. I295-3).

Response to comment LJ27-10

Due in part to extensive public concern about the duration of cleanup, EPA has decided to reduce the scope of the Selected Remedy by prioritizing the remedial actions that were identified as EPA's Preferred Alternative in the Proposed Plan. This resulted in a reduction in estimated cost from \$1.3 billion to \$635 million. The Upper Basin Selected Remedy is an interim remedy which identifies the priority remedial actions that are expected to provide the greatest reduction of contamination in the SFCDR and its tributaries and protection of in-place human health barriers in local communities. See response to Comment No. I58-1 for further detail.

Response to comment LJ27-11

See response to comment I54-8.

Response to comment LJ27-12

See responses to Comment Nos. LC32-2 and I54-5. EPA has reduced the scope of the Selected Remedy compared to the Preferred Alternative identified in the Proposed Plan. The Selected Remedy is an interim remedy that includes remedy protection actions and remedial actions that are considered high priority.

Response to comment LJ27-13

The historic mine waste located in the Upper Basin continues to serve as a source of dissolved and particulate metals to downstream areas, including the Lower Basin and Lake Coeur d'Alene. That is one of the primary drivers behind EPA's Selected Remedy. Although the Lower Basin is not included in the Selected Remedy, actions in the Upper Basin are expected to improve water quality and reduce the movement of contaminated sediments downstream in the Lower Basin. Thus, the Upper Basin cleanup is expected to complement cleanup activities in the Lower Basin by reducing the flow of contaminated materials and reducing the potential for recontamination from the Upper Basin to the Lower Basin. EPA continues to pursue data collection and analysis efforts in the Lower Basin to support the future development and evaluation of remedial alternatives.

Response to comment LJ27-14

The remedy selection process was consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, as required by CERCLA. Regarding the NAS recommendations, see response to Comment No. LJ27-8. Water collection and treatment is a well-known and proven approach to remediating contaminated areas where the source cannot be removed. The Selected Remedy includes collection and treatment of contaminated adit discharges and groundwater that has become contaminated through contact with mining-related contamination present beneath communities and infrastructure. As part of the Selected Remedy, an interim action, groundwater treatment is included for three areas in the Selected Remedy: Woodland Park, Osburn, and the Box. In each of these areas, source control is not a feasible option because it would require the displacement of communities and water treatment is the only way to prevent the continued discharge of metals to surface water. Loading of dissolved zinc from groundwater to the surface in these three areas alone is estimated to be over 600 pounds per day on average. This dissolved zinc load will continue to enter the SFCDR every day

unless groundwater treatment actions are implemented to prevent it. Similarly, in most cases, source control actions cannot be used to address contaminated adit discharges because they are the result of groundwater, surface water, or both coming in contact with the minerals within a mine. There may be mine sites where it is possible to create surface water diversions and prevent the flow of water into the mine and thus, the discharge of adit drainage. Opportunities for water diversion and "keeping clean water clean" will be explored on a site-by-site basis during design. In addition to water treatment the Selected Remedy includes source control actions where contaminated materials are accessible.

Response to comment LJ27-15

Comment noted.

LJ27-15

We requested an extension of the deadline for public comments in light of the size and complexity of EPA's proposal. Soon after the Town Hall meeting, EPA extended the deadline for comments until November 23, 2010. Thank you for accommodating this request.

I would appreciate the opportunity to further discuss the issues and concerns outlined here with you at your earliest convenience and look forward to your reply.

Sincerely,



Michael D. Crapo
United States Senator

cc:
Governor Otter
Chairman Allan, Cd'A Tribe
Senator Risch
Congressman Simpson
Congressman Minnick
Raul Labrador
Shoshone County
Kootenai County
Cd'A Basin Commission
Bob Perciasepe, EPA

U.S. Senator James Risch, LJ40, Letter 1365283

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Cleanup Office
United States Senate
WASHINGTON, DC 20510

COMMITTEES
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS
SELECT COMMITTEE ON ETHICS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
JOINT ECONOMIC COMMITTEE

BBWSF
21.8.3 v2
11/19/10

November 19, 2010

Dennis McLerran, Regional Administrator
EPA - Region 10
1200 6th Ave., Suite 900
Seattle, WA. 98101

Re: Coeur d'Alene Basin –EPA Proposed ROD Amendment
Official Comments for the Record

Dear Administrator McLerran,

These are my official comments for the Coeur d'Alene Basin –EPA Proposed ROD Amendment.

LJ40-1 The Silver Valley of Idaho is one of the most special places in America. It has a rich history where independence and hard work provided needed resources for our country to grow and prosper. However, the early methods of resource extraction required changes to mining practices, a renewed clean up of the land and water and for over 30 years the EPA and the State of Idaho has been doing just that.

LJ40-2 Today, the EPA has proposed a massive expansion of its involvement in the Silver Valley. I am deeply concerned the proposed amendment goes too far, costs too much and does not fully respect the citizens of North Idaho. To allow the plan as written to move forward would be a decision that will negatively affect the Silver Valley for generations to come, and I cannot support such action.

LJ40-3 The proposed plan carries with it a cost of at least \$1.3 billion and entrenches the EPA in the expanded Superfund site for the next 90 years. That is three generations of Idahoans who will live and work under EPA control, without any guarantee it would end there. Our children, and our grandchildren, will likely have passed away before the cleanup is complete. We can do better.

LJ40-4 In many vital pieces of legislation, even ones dealing with national security, Congress often includes "sunset" language in legislation, requiring the law to be reviewed and reauthorized after a period of time – frequently three to five years. If EPA is responsive and does a credible job with cleanup in the Upper Basin, they should have nothing to fear from this periodic review that would result in a substantially shorter ROD Amendment timeframe, such as 10 or 15 years.

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1365283

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POCATELLO, ID 83201
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TWIN FALLS, ID 83301
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SUITE 202A
301 PIER VIEW DRIVE
IDAHO FALLS, ID 83402
(208) 523-5541

Response to comment LJ40-1

Thank you for your comment.

Response to comment LJ40-2

See response to Comment No. I58-2.

Response to comment LJ40-3

Due in part to extensive public concern about the duration of cleanup, EPA has decided to reduce the scope of the Selected Remedy by prioritizing the remedial actions that were identified as EPA's Preferred Alternative in the Proposed Plan. This resulted in a reduction in estimated cost from \$1.3 billion to \$635 million. The Upper Basin Selected Remedy is an interim remedy which identifies the priority remedial actions that are expected to provide the greatest reduction of contamination in the SFCDR and its tributaries and protection of in-place human health barriers in local communities. It is expected that it will take about 30 years to implement the Selected Remedy. See responses to Comment Nos. I58-1 and I58-2 for additional detail.

Response to comment LJ40-4

Because this remedy will result in hazardous substances, pollutants, or contaminants remaining onsite above levels that allow for unlimited use and unrestricted exposure, statutory CERCLA reviews will be conducted at least every five years after the initiation of remedial actions to ensure that the Selected Remedy is, or will be, protective of human health and the environment (National Oil and Hazardous Substances Pollution Contingency Plan 300.430(f)(4)(ii)). Also see the response to Comment No. I58-1.

LJ40-5 The actual, real world costs of this amendment have been estimated to reach \$3-5 billion. Has the EPA identified a dedicated funding source for the entire plan including cost that will likely reach well over \$1.3 billion? Each day in the United States Senate I am working to stop spending money the Federal government does not have. I am eager to see Congress curtail spending and get deficits under control. At such a critical time in the financial crisis of our country, we cannot afford this plan. The EPA, along with the rest of the federal government must adopt a more fiscally responsible way of doing business. Rejecting this plan for a more reasoned and cost-effective approach is a good start.

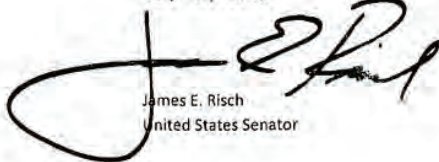
LJ40-6 The proposed amendment is an unfunded mandate to the State of Idaho. As a former Governor and long-serving legislator I understand the challenges of balancing Idaho's budget. The CERCLA requirement that the state pay 10% of operations and maintenance in perpetuity and for an unknown amount is absurd, and simply not something the State of Idaho can do. We Idahoans do not conduct ourselves fiscally like the Federal government.

LJ40-7 Finally, my deepest concern is for the lack of community support. Written into the CERCLA statute is a commitment to a very high value on the community voice. I have heard from many constituents and have listened carefully as this proposal has been discussed in public forums in North Idaho. I have yet to hear more than tepid support for this plan and indeed the vast majority do not support this plan. Residents of the Upper Basin are waiting to see that the EPA is listening to them and their voice has had a meaningful impact.

LJ40-8 I ask that you reject the Coeur d'Alene Basin –EPA Proposed ROD Amendment. EPA can do better. There is currently a cleanup plan in place that allows the community and EPA adequate time to work out a more reasonable, less costly and more effective plan. Alternatives to the proposal, such as a shorter, 10-year timeframe deserve meaningful consideration.

Thank you for your time and consideration of my comments. I look forward to your response to the issues I have put forth.

Very Truly Yours,



James E. Risch
United States Senator

JER/mge

CC: Idaho Congressional Delegation
Congressman -elect Labrador
Governor Otter
Bob Perciasepe, Deputy Administrator, USA EPA

Response to comment LJ40-5

It is unclear where the commenter's citation of \$3 to \$5 billion dollars came from. However, EPA has reduced the scope of the Selected Remedy and this has resulted in a reduction in estimated cost from \$1.3 billion to \$635 million. Regarding the funding of the Selected Remedy, see response to Comment No. I295-3. The cost estimate provided in the Proposed Plan was developed according to CERCLA guidance for the Feasibility Study (FS) process. EPA guidance states that the accuracy of the cost estimates presented in an FS should be -30 percent to +50 percent, and that a discount rate of 7 percent be used to estimate total project costs in today's dollars (EPA, 2000, *A Guide to Developing and Documenting Cost Estimates during the Feasibility Study*). According to guidance, this 7 percent discount rate accounts for inflation and the rising costs of construction over time. In this case, 2009 dollars are the basis for the net present value (NPV) cost estimate, consistent with cost estimates presented in the Focused Feasibility Study Report (EPA, August 2012, *Final Focused Feasibility Study Report, Upper Basin of the Coeur d'Alene River, Bunker Hill Mining and Metallurgical Complex Superfund Site*). The cost estimate includes the costs of both the remedial action and operation and maintenance (O&M). Cost estimates for work to be performed will be further refined during the remedial design process.

Response to comment LJ40-6

The state is not required to provide funds for remedial actions funded by monies EPA recovered from settlements. Settlement funds can be used to reduce both federal and state costs associated with cleanup. EPA has received approximately \$691 million from its settlements with ASARCO Inc. and the Hecla Mining Company, and is committed to careful use of these funds to protect human health and the environment over the long-term. However, when the federal government pays directly for cleanup, the state is required to fund 10 percent of the construction costs and 100 percent of the O&M costs.

Response to comment LJ40-7

EPA is committed to meaningful community participation throughout the Superfund process in the Coeur d'Alene Basin. Over the years, EPA has engaged the public through all phases of its work. Most importantly, EPA has encouraged the public to be involved in selection of the remedies for OUs 1, 2, and 3 and,

most recently, the Selected Remedy for the Upper Basin. EPA recognizes that public support for the Selected Remedy is important; EPA has listened to the public input on the Preferred Alternative and the Selected Remedy reflects significant changes made to address public concerns. Some of the primary concerns voiced by the public about the Preferred Alternative were that it was too big, too costly, will take too long to implement, and will be detrimental to the mining industry in the Silver Valley. In response to these concerns, EPA has significantly reduced the scope of the Selected Remedy and is not including all of the remedial actions that were identified in EPA's Preferred Alternative for the Upper Basin in the Proposed Plan. See the ROD Amendment, Part 2, Section 14 for additional detail. As described in more detail in the response to Comment No. I58-5, EPA is confident that the cleanup and mining can coexist. EPA, as a federal agency, is obligated to make sound scientific decisions. EPA is dedicated to its mission and mandate to protect people's health and the environment, even if our actions are unpopular. EPA takes public input seriously and always considers the information and comments provided by citizens. EPA may, at times, make decisions that some people do not agree with. This does not mean that the agency is not listening to concerns or is carelessly disregarding public input. In those instances, the agency is listening but has not heard or seen information which would cause a change in conclusions. In the case of this cleanup plan, EPA has made many significant changes in response to public comments.

Response to comment LJ40-8

The Selected Remedy identified for the Upper Basin in this ROD Amendment has been significantly changed from the Preferred Alternative of the Proposed Plan, and builds upon the remedies identified in the previous RODs and incorporates additional information obtained since 2002. The Selected Remedy includes actions that update, modify, and add to the previous cleanup plans for the Upper Basin described in the RODs for OUs 1, 2, and 3 and related decision documents. This Selected Remedy is intended to significantly advance the cleanup process toward future selection of a final remedy for the Upper Basin. See response to Comment No. I474-2 regarding the 10-year timeframe proposed in the comment.

Vester, Mayor Dick, LJ33, Letter 619546

ORIGINAL

RESOLUTION NO. 2010-180

A RESOLUTION ESTABLISHING AN OFFICIAL POSITION
BY THE CITY OF WALLACE, IDAHO, ON THE PROPOSED
EXTENSION OF THE RECORD OF DECISION (R.O.D.) OF
THE ENVIRONMENTAL PROTECTION AGENCY (E.P.A.) FOR
AN ADDITIONAL 50-90 YEARS.

A resolution of the City Council of the City of
Wallace, Shoshone County, Idaho.

LJ33-1 [WHEREAS, the City of Wallace, Idaho, in order to
protect its citizens and provide for their health, safety
and welfare hereby submits in this resolution an official
position with regard to the proposed extension of the EPA's
Record of Decision for an additional period of 50-90 years,

LJ33-2 [WHEREAS, it is the City Council's position that this
extension is not in the public's best interest, will not
promote tourism, provide for incentives for new businesses
in the Wallace community, nor provide encouragement to
individuals and/or families to relocate to Wallace, Idaho,

LJ33-3 [WHEREAS, the City Council, believes this action
proposed by the EPA is in direct conflict with the best
interests of its citizens of Wallace, Idaho, and its
business community.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND
CITY COUNCIL OF THE CITY OF WALLACE, SHOSHONE COUNTY,
IDAHO, as follows:

LJ33-4 [Section 1. The R.O.D. should not be authorized to go
on indefinitely. The EPA should implement a plan to
complete the R.O.D. within a ten year period.

LJ33-5 [Section 2. The EPA should provide for and solicit
numerous opportunities for meaningful public comment and
input throughout the period of the amended R.O.D.

LJ33-6 [Section 3. This resolution provides for a specific
protest against a long term cleanup plan that will
adversely affect current and future mining opportunities in
the Silver Valley.

LJ33-7 [Section 4. This resolution provides for specific
objection to the provisions for additional repository sites
throughout the Silver Valley.

RESOLUTION - 1
8/17/10



619546

Response to comment LJ33-1

See response to Comment No. I58-1.

Response to comment LJ33-2

See response to Comment No. I54-2.

Response to comment LJ33-3

Comment noted. See responses to Comment Nos. I58-1 and I295-2.

Response to comment LJ33-4

See response to Comment No. I58-1.

Response to comment LJ33-5

See responses to Comment Nos. I295-2, LJ11-2, and I54-6.

Response to comment LJ33-6

See response to Comment No. I58-5.

Response to comment LJ33-7

See response to Comment No. I54-3.

Response to comment LJ33-8

See responses to Comment Nos. I54-5 and LJ36-3.

Response to comment LJ33-9

See responses to Comment Nos. SA4-12 and I54-8.

LJ33-8 [Section 5. This resolution respectfully requests that the EPA specifically focus on storm water run-off prevention throughout the Silver Valley to prevent recontamination of property already remediated.

LJ33-9 [Section 6. This resolution requests that the EPA be respectful of and follow closely all current legal requirements involving surface water rights and shall not adversely affect any existing waterways or tributaries.

PASSED by the Wallace City Council on this 21st day of September, 2010.

CITY OF WALLACE
Shoshone County, Idaho:

By: Dick Vester
HONORABLE DICK VESTER, O.D.
Mayor

ATTESTED TO BY:

Judith Morin
Judith Morin, Deputy Clerk

APPROVED AS TO FORM:

Hollis J. Anderson
HOLLIS J. ANDERSON
Attorney for the City of Wallace

* * * * *

RESOLUTION - 2
8/17/10

No comments

IT WAS MOVED by: Dean Cooper and
SECONDED by: Chase Sanborn to
pass the foregoing Resolution No. 2010-180.

CITY COUNCIL MEMBERS	YES	NO	ABSTAIN	ABSENT
(1) WILLIAM DIRE, JR.	X			
(2) CHASE SANBORN	X			
(3) DEAN COOPER	X			
(4) JOANN BRANSTETTER	X			
(5) LYNN MOGENSEN				X
(6) JAMIE WINTERSET				X

* * * * *

STATE OF IDAHO)
) ss.
County of Shoshone)

I, JUDITH MORIN, Deputy Clerk of the City of Wallace, Idaho, do hereby certify that at the special meeting of the council of said City of Wallace held the 21st day of September, 2010, the foregoing resolution was unanimously passed by the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of my office this 21st day of September, 2010.



JUDITH MORIN, Deputy Clerk

* * * * *

Vester, Mayor Dick, LJ56, Letter 619651-40

EPA Comments Public Hearing
October 20, 2010

EPA Comments Public Hearing-Revised

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1 all I had to say.

2 (Applause.)

3 MAYOR VESTER: Thank you, once again, for
4 everybody sitting through the -- making the comments and
5 listening to the comments. I appreciate all the mayors
6 coming tonight. I appreciate the folks from EPA coming.

7 Like several of you, I attended all three
8 public meetings. I also went to one of the EPA's
9 meetings of explaining the plan that was held here in
LJ56-1 10 the high school. The message that I would hope that you
11 folks would take from this is that there might be
12 varying opinions about whether there's still work to be
13 done.

14 There's varying opinions on the good that's
15 been done in the past, but what has been universally
16 said by almost every person at all three public meetings
17 is that the people in the Silver Valley, and I know all
LJ56-2 18 seven mayors, do not want a 50- to 90-year plan. I
19 think that the biggest concerns are the costs and the
20 time frame and the stigma of having EPA here for that
21 long.

22 I would also, in closing, relate that we are
23 profoundly disappointed that Mr. McLerran chose to not
24 attend any of three public meetings or either of the two
LJ56-3 25 meetings that you folks put on. When you have a plan of

Response to comment LJ56-1

Thank you for your comment.

Response to comment LJ56-2

See responses to Comment Nos. I58-1 and I54-2.

Response to comment LJ56-3

Comment noted. The authority for making Superfund cleanup decisions has been delegated from the EPA Administrator to the Directors of the Superfund cleanup programs around the country. Regional Administrator McLerran was pleased to have the opportunity to discuss EPA's proposed cleanup plan with local elected officials on November 16, 2010, in Wallace. As a Basin Commissioner, Regional Administrator McLerran has also attended many Commission meetings in support of site cleanup work and regularly receives updates on site work, issues, and public input from EPA staff. Other EPA senior executives, including Deputy Regional Administrator Michelle Pirzadeh and Director of the Office of Environmental Cleanup Dan Opalski, have also attended many meetings in the Silver Valley related to the Upper Basin ROD Amendment and other important issues. In addition, EPA has provided a wide range of opportunities for community participation in selection of a remedy for the Upper Basin. Since late 2008, EPA has hosted and/or attended over 70 meetings to share information and gather input about development of the Focused Feasibility Study Report and Proposed Plan. EPA has engaged local residents, elected officials, community groups, and many other stakeholders in the decision process. This outreach includes working with the Basin Commission, its Technical Leadership Group (TLG), and the Citizens' Coordinating Council (CCC). EPA also submitted drafts of the Focused Feasibility Study Report to stakeholders and the Basin Commission for review and comment to assist EPA in preparing a final report. Based on requests from the public after the Proposed Plan was issued, the comment period was extended 90 additional days, for a total of 135 days for comment on the Proposed Plan and Draft Final Focused Feasibility Study Report. During the comment period, EPA held three informal open houses, hosted a formal public comment meeting that was transcribed, attended numerous community meetings, and hosted a public tour of some of the sites included in the Proposed Plan. EPA also participated in U.S. Senator Crapo's Town Hall meeting in Kellogg and the Wallace Town Hall meeting sponsored by the Upper Basin mayors.

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No comments

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1 this magnitude and this amount of time and the
2 administrator that's going to be in charge in signing
3 off decides that that's not important enough to come,
4 that's what causes some of the strong feelings that the
5 people relayed to you tonight. So I hope that you will
6 relay that message to Mr. McLerran how profoundly
7 disappointed we are that he did not find his way to
8 attend one of these meetings. In closing, asking any of
9 the other mayors if they have anything to say.

10 MAYOR HUBER: I think your three minutes are
11 up.

12 MAYOR VESTER: My three minutes are up. My
13 people in Wallace know that I can never say something in
14 less than three minutes. But thanks again everybody for
15 coming and I would encourage everybody to make their
16 written comments. Thank you.

17 (Proceedings adjourned at 8:37 p.m.)
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Wallace City Council, LJ55, Letter 619651-22

No comments

EPA Comments Public Hearing
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1 and I invite comments and I would like to work with the
2 mayors on promoting this kind of thinking in, you know,
3 creating a plan for this. And I welcome them trying to
4 contact me and discuss the issues with me and so they
5 can have a united front on this.

6 And the second issue is economics. Folks, the
7 Silver Valley spent a disproportionate amount of their
8 expendable income on transportation. Adaptive
9 rail-trail corridor would give me, my company, the funds
10 to fix the clean-up of the trail corridor properly
11 instead of as it is now, a band-aid solution, because I
12 would have a passenger rail service on the next -- next
13 to the trail and you have an economic benefit as well as
14 a recreational benefit. Thank you.

15 (Applause.)

16 MAYOR VESTER: Dean Cooper followed by Chuck
17 Reitz.

18 DEAN COOPER: Dean Cooper with the Wallace
19 City Council. Great to see all the mayors together and
20 obviously it's an important matter if we're all here
21 spending our nights working on this. And on
22 September 21st, the Wallace City Council met in a
23 special meeting and finalized our resolution, how we
24 feel about this ROD for our citizens, so I'd like to
25 read that into the record.

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1 It's Resolution 2010-180. The resolution
2 establishing an official position by the City of
3 Wallace, Idaho, on the proposed extension of the record
4 of decision of the Environmental Protection Agency for
5 an additional 50 to 90 years. Whereas, the City of
6 Wallace, Idaho, in order to protect its citizens and
7 provide human health, safety and welfare hereby submits
8 in this resolution an official position with regard to
9 the proposed extension of the EPA's record of decision
10 for an additional period of 50 to 90 years. We're
11 asking, as the city council's position, that this
12 extension is not in the public's best interest, will not
13 promote tourism, provide for incentives for new
14 businesses in the Wallace community, nor provide
15 encouragement to individuals and/or families to relocate
16 to Wallace, Idaho. Whereas, the city council believes
17 this action proposed by the EPA is a direct conflict of
18 the best interests of its citizens of Wallace, Idaho,
19 and its business community.

20 Now, therefore hereby resolved by the mayor
21 and the city council of the City of Wallace, Shoshone
22 County, Idaho, as follows: The ROD should not be
23 authorized to go on indefinitely. The EPA is to
24 implement a plan to complete the ROD within a ten-year
25 period. The EPA should provide for and solicit numerous

Response to comment LJ55-1

See responses to Comment Nos. I58-1, I54-2, and I58-5.

Response to comment LJ55-2

See responses to Comment Nos. I58-1, LJ11-2, and I295-2.

	EPA Comments Public Hearing October 20, 2010	EPA Comments Public Hearing-Revised
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LJ55-2	1 opportunities from many people for public comment and 2 input throughout the period of the amended ROD.	
LJ55-3	3 This resolution provides for specific protest 4 against a long-term clean-up plan that will adversely 5 affect current and future mining opportunities in the 6 Silver Valley. This resolution provides for specific	
LJ55-4	7 objection to the provisions for additional repository 8 sites throughout the Silver Valley. The resolution	
LJ55-5	9 respectfully requests that the EPA specifically focus on 10 stormwater run-off prevention throughout the Silver 11 Valley to prevent recontamination of property already 12 remaining.	
LJ55-6	13 Section 6 of this resolution requests that the 14 EPA be respectful and follow closely all current legal 15 requirements involving surface water rights and shall 16 not adversely affect any existing waterways or 17 tributaries. It was passed unanimously by the members 18 at the city council on the 21st day of September, 2010, 19 and signed by Honorable Dick Vester. Thank you. 20 (Applause.) 21 MAYOR VESTER: Chuck Reitz followed by Todd 22 Goodson. 23 CHUCK REITZ: Seems to me I come to every one 24 of these and make a statement, but on that -- of course 25 my word isn't flawless. I'm here to ask everyone,	

Response to comment LJ55-3

See response to Comment No. I58-5.

Response to comment LJ55-4

See response to Comment No. I54-3.

Response to comment LJ55-5

See responses to Comment Nos. I54-5 and LJ36-3.

Response to comment LJ55-6

In regards to surface water rights, see response to Comment No. SA4-12 and the ROD Amendment, Part 3, Section 3.7.4.