

Basin Environmental Improvement Project Commission

Meeting Summary Minutes

Nov 7, 2018, 9:30 – 2:30pm

CenterPlace, Spokane Valley

These minutes are summary notes of the reports and presentations and are intended to capture key topics and issues, conclusions, and next steps and not every detail of discussions or individual quotes.

Attendees included the following:

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

Marc Eberlein (Kootenai Co.), Cami Grandinetti (EPA), Grant Pfeifer (WA), Rebecca Stevens (CDA Tribe), and John Tippetts (IDEQ).

Staff present:

Glory Carlile (BEIPC Assistant to E.D, Note taker), Dan McCracken (IDEQ), Ed Moreen (EPA), and Sandra Treccani (WA Dept. of Ecology)

Call to Order and Pledge of Allegiance

Jack Buell, Chair, was unable to attend the meeting. The meeting was called to order by Commissioner Vice-Chair Grant Pfeifer at 9:30 a.m. followed by the flag salute.

Marc Eberlein announced that this is his last Basin Commission meeting and introduced Leslie Duncan who will be the next representative from Kootenai County. Tippetts and Harwood shared their appreciation and thanks to Eberlein for his service on the Basin Commission Board.

Approve Minutes from the August 15, 2018 BEIPC Meeting (Action Item)

Rebecca Stevens submitted a few edits mainly for clarification of the technical part regarding phases.

John Tippetts moved to approve the minutes with the edits submitted by the CDA Tribe. Marc Eberlein
2nd M/S/C

Hydraulic Analysis Presentation on the South Fork CDA River

Terry Harwood reviewed the flood group issues and the goal to come up with some solutions to flooding in the main river channel and potential damage to the Superfund remedies. He introduced Travis Ball, U.S. Army Corps of Engineers, who made a presentation on the South Fork CDA River flood risk assessment study. The program was 100% federally funded. They had received a study request from the City of Kellogg in the summer of 2017. The hydraulic model itself was used at key focus areas that started upstream at Elizabeth Park downstream to the old theater bridge.

Study Objectives:

Study Components – Hydrology

Key gauges- Elizabeth Park and Pinehurst

Model Construction- There was a lag in some of the data available but they tried to come up with a rate of change from 2001 and 2006.

Recommendation: Stevens asked about the area tested and Ball said it was the actual terrain at the time. Study Components – Model Simulation of frequency flows.

Tippets asked for clarification about the percent flow with timeline of flow. Ball said it is the average in any given year. Eberlein asked what the average is when it presents a problem. Harwood answered that from Elizabeth Park on it is a problem.

Results: When there are high flood flows it is not as great as what was used to produce the current flood inundation maps. Harwood added that when FEMA did their 100 year flood inundation and mapping study they did not include any of the existing levees as existing because they were not engineered.

Summary:

Hydrology calculations used relational methods for frequency flows.

Hydraulic results indicated that Flood Risk has not actually physically changed with no levee upgrades. He cautioned about 100 year flood event.

Next Steps:

Recommendation to Stakeholders is to develop a very basic approach. Continue to reach out and work with FEMA. Key point is difference between flood insurance and flood risk.

Tippets asked about the impact on flood insurance rates. Ball answered that it is really FEMA's arena but there are a series of actions that are needed to change the flood map. Tippets also asked Harwood in regards to the remedy protection projects being engineered with the 50 year rain on snow event flow. Harwood said that last year he instituted a study that indicated that the 50 year rain on snow event flows in major side drainages resulted in flow figures very close to or in excess of the 100 flood flow process used by FEMA. Because of this finding the local jurisdictions should petition FEMA to change the flood inundation maps in the drainages where remedy protection projects have been constructed to reduce flood insurance rates for folks living in those areas..

Rebecca Stevens asked if there are any plans for the lower basin and moving forward with future remediation. Harwood said that they are going to do more study and seek additional funding. Jamie Sturgess asked about the data shown for the river banks and flood plains but wondered about the channel and Travis said they looked at both. Harwood added the sediment movement is about the same.

After the break the representative from EPA Cami Grandinetti introduced herself.

Lake Management Plan Implementation Update

Laura Laumatia shared that Philip Cernera had announced at the last meeting that the Tribe would no longer be a party to the Lake Management Plan (LMP). Jaimie Brunner shared that the State of Idaho and EPA had met to discuss lake management issues. Laura indicated the Tribe's disappointment when they learned after the fact that the Tribe was not included in the meeting.

Tippets made a statement about her expression of concern. He said that IDEQ and EPA just felt that since the Tribe no longer would be a party to the LMP that they just had the meeting to consider how to respond to the Tribe's announcement and also to discuss moving forward. Stevens added that moving

forward as the three sovereigns and getting together to look at the data together is a good action plan. Grandinetti from EPA added that they also agreed with Tippetts.

Outreach Activities during the last quarter

Harwood reviewed the outreach activities list included in the meeting packet.

- A request for a report on the status of metals TMDLs in Basin drainages - ED working with IDEQ on issue.
- ED resolved issues with CDA Trust and land owner on remedy protection project concerns in Mullan.
- Continued to support the work of the COE and the local Flood Group concerning the COE Grant to develop hydraulic loading data for flood control on the South Fork CDA River - report to be presented at 11/7/18 meeting.
- Completed final inspections on three Remedy Protection Projects for IDEQ and EPA.
- Assisted EPA and Trust concerning remediation of properties in Cataldo.
- Assisted IDEQ and EPA concerning public questions and concerns about delisting areas from the Superfund Site.
- Worked with EPA and IDEQ on questions concerning mine adit discharges in the Basin.
- Processed 3 Environmental Covenants for EPA, IDEQ and CDA Trust.

Rene Gilbert's list of activities: North Idaho Fair, distributed flyers, Bulletin, Career Fair in Plummer, Chamber of Commerce meetings.

Rebecca Stevens thanked the outreach folks on behalf of the Tribe and asked Harwood about Environmental Justice. Harwood indicated that he continues to be involved nationally with EJ issues working with the EPA group on that subject.

Citizen Coordinating Council (CCC) Report

Jerry Boyd, Chair of the CCC, said that although in the past they usually had a meeting a month before the BEIPC meeting, they now focus on hosting meetings with special topics of information and discussion. He noted that the CCC works as a liaison between the public and the Basin Commission and agencies. He added that people get information by e-mail so they may not feel a need to attend a meeting. He did not receive any comments from anyone about the work plans. Harwood said that he did not receive any comments either.

Public Questions, Issues, Discussion and New Topics of Concern

Matt Nykiel from the Idaho Conservation League asked for clarification about water quality and the metals status in the basin. Harwood answered that in Ninemile Creek and Canyon Creek they have plans to deal with dissolved metals.

Grant Pfeifer asked Nykiel what he is looking for and Nykiel said he wants to have better understanding if the water bodies in the basin are exceeding the criteria for metal. Ed Moreen added that directly approaching water quality is a long ways off in the cleanup process in some areas. We are concentrating on cleanup of the massive piles of contaminated soils and mine waste first in the side drainages. The Central Treatment Plant upgrades and capture and treatment of contaminated ground water in the

Kellogg area will deal directly with metals loadings and water quality in the South Fork. Those projects are scheduled to be completed in 2019.

Jann Higdem distributed documents to the Commissioners. She reviewed a fact sheet with work done that qualifies for delisting sites from the Superfund list. She presented a case for partial delisting properties from Superfund status where remediated work has been completed. Higdem asked the Commissioners to ask EPA to develop criteria to delist Operable Unit 1.

Eberlein asked for the reason for delisting and what the advantages are. Higdem claimed that there is a stigma for being the largest Superfund site and delisting has general economic impact.

Tippets asked about the letter from EPA that was included in her documents that acknowledged future completion and inquiring about delisting.

Harwood shared that although there was a lot of concern in the past, he is not sure about how much of a stigma there still is.

Tippets explained that in their response to her letter they noted that there is a big difference between total removal of contamination and partial removal and capping as is the remedy being implemented in OU1 along with the continued use of Institutional Controls to control contamination left in place and maintenance of the barriers (caps).

Grandenetti said that the community has to want this and needs to formally request it and then EPA will respond. Eberlein added that we need to keep in mind that the agencies do not own the property.

Grant Pfeifer thanked Higdem for the information presented making a case for delisting and said that the Commissions are interested in continuing the conversation.

Rebecca Stevens announced Glory Carlile's retirement in January and the CDA Tribe presented her with a wall hanging and their thanks.

Marc Eberlein moved and John Tippets 2nd to go into executive session under Idaho Code 74-206 (1) (b) during lunch to discuss personnel items. **M/S/C**

Lunch

Marc Eberlein moved and John Tippets 2nd to come out of Executive Session after lunch. **M/S/C**

Review, Discussion and Approval of 2019 Annual Work Plan (Action Item)

Harwood reviewed the 2019 Work Plan beginning with a summary of what the plan includes. He highlighted what is new and what is going to be done in 2019. He also noted that the property remediation is winding down. They will only be doing 20 properties in 2019 and they will be done by the CDA Trust. He added that they have completed about 500 paved road segments to date which leaves about 117 left to do.

Highlights included the following:

Repositories: Harwood noted the annex project at Big Creek Repository and that the box repository is operated differently than the other repositories.

Remediation: Upper basin remedies with one of the major one being the East Fork of Nine Mile. Tamarack Mine site cleanup 30% design will be done in 2019.

Upgrade of the treatment plant and impoundment area with extraction wells pumping the ground water. Ed Moreen said it should be completed in late 2019.

Eberlein commented about on page 7, 4th point down – what will be used for basis for safe level of lead at the site? Harwood said that there are 2 cleanup levels 1) human health and 2) ecological. Eberlein said he understands but Harwood emphasized that clean up level is not the same as blood lead level.

There are plans to continue to look at Lower Basin Remedies. (Rebecca Stevens noted a change of date needed.)

Grant Pfeifer asked if we established a PFT and Harwood noted that one was to be used in the Lower Basin. Stevens shared that she sent out an e-mail and they have organized the PFT to a manageable size at 13.

Harwood reviewed Part 2 – Other activities and responsibilities and pointed out the infrastructure work that has been done and communications and public involvement.

Grant Pfeifer reviewed State of WA activities section.

Marc Eberlein said that he is not sure that the Basin Commission has much to do with the Restoration Partnership but Stevens said that the BEIPC is actually involved to an extent and will receive a report at the February 2019 meeting.

Marc Eberlein moved to accept the 2019 annual work plan with an editorial comment and John Tippetts
2nd M/S/C

Eberlein made his comment again about blood lead level vs. clean up level.

Review, Discussion and Approval of 2019 – 2023 Five Year Work Plan (Action Item)

Terry Harwood reviewed the five year work plan highlights.

Rebecca Stevens asked Terry Harwood to clarify about Hecla request for repository. Harwood said they were involved in discussions regarding the process and location near the tailings pond inn in Canyon Creek.

Grant Pfeifer commented that we will see more detail in future plans.

Eberlein suggested that we go over the work plans in the beginning of the meeting so that there is more public involvement. It was noticed that many people did not return to the meeting after lunch.

Dan Redline asked about the Restoration Partnership section suggesting edits to the work plan: In lieu of CDA Basin should be changed to Restoration Planning Area.

Rebeca Stevens moved to approve the 5 Year Work Plan and Marc Eberlein 2nd. **M/S/C**

Marc Eberlein moved and John Tippetts 2nd to adjourn at 2:25. **M/S/C**