

## Basin Environmental Improvement Project Commission

### Draft Meeting Summary Minutes

May 22, 2019, 9:30am– 2:15pm

Panhandle Health District, 35 Wildcat Way, Kellogg, Idaho

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

#### **Attendees included the following:**

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

Jack Buell (Benewah County), Brook Beeler (Washington State), Leslie Duncan (Kootenai County), Sheryl Bilbrey (EPA), Phil Cernera (CDA Tribe), Mike Fitzgerald (Shoshone County), John Tippetts (IDEQ), Michael McCurdy (IDEQ)

Staff present:

Gail Yost (BEIPC, Assistant to E.D., Note taker), Dan McCracken (IDEQ), Ed Moreen (EPA), Jerry Boyd (CCC Chair), Rusty Sheppard (Kootenai County), Rebecca Stevens (CDA Tribe), Dana Swift (IDEQ), Sandra Treccani (Washington State)

#### **Call to Order and Pledge of Allegiance**

The meeting was called to order by Commissioner Chair Jack Buell followed by the Pledge of Allegiance.

#### **Approve Minutes from the February 27, 2019 Meeting (Action Item)**

John made a motion to approve the minutes – Phil Cernera pointed out a couple of changes pertaining to the Lake Management Plan portion and will get those to Gail. John amended his motion to include these changes, along with Ed Moreen's edits sent by a previous email. Rebecca Stevens also had an addition to the LMP notes and will get to Gail as well. All approved minutes with corrections. **M/S/C**

#### **Public Questions, Issues, Discussion and New Topics of Concern**

Terry read thru the listing of New Topics of concern:

- ED assisted EPA, IDEQ, Paved Roads Board and Silver Valley Transportation Team on roads issues.
- He continued to support the work of the COE and local flood group concerning the COE grant to develop hydraulic loading data for flood control on the South Fork CDA River. The analysis is done from Elizabeth Park to Pinchurst and their report for that section

should be completed sometime this year. Subsequent to that, the COE is developing the hydraulic analysis from Wallace to Elizabeth Park, so we will have the whole reach of the river from Wallace to Pinehurst. In addition, we contacted FEMA - they developed flood maps in 2009 which have had a great deal to do with how we have upgraded infrastructure in the valley. They have also impacted property owners as far as flood insurance is concerned. There are 26 cross-sections of the channel of the river that FEMA used to come up with these maps. We need to re-survey these cross sections to see if there has been a change in the channel for hydraulic flow. The City of Kellogg and the Basin Commission have come up with the funds for the cross sections between Elizabeth Park and Pinehurst, but until all the surveying has been complete, FEMA may not consider a change to the maps.

- Met with Kootenai County Commissioners for an update on Basin cleanup and issues.
- Met with Senator Risch's staff for a briefing on Bunker Hill and Superfund site, along with some of their Washington staff.
- ED serving as a member of the NRCS Local Work Group for North Idaho working on Natural Resource Conservation issues concerning forest practices, soil erosion and stream bank stabilization.
- ED taking part in the Superfund Redevelopment Initiative, met with local developers and real estate members to form an association to speak for the development of the community.
- Selected on the National Advisory Council for Environmental Policy and Technology, first set of meetings will be in Washington, DC the end of July.

#### **Outreach Activities during the last quarter – Val Wade, PHD**

Val gave update on outreach activities for PHD, IDEQ and EPA. Since the last BEIPC meeting, PHD gave presentations at Coeur d'Alene, Kellogg and Wallace High Schools; 5 libraries within the Community Library Network; hosted a booth at the Spokane River Forum and Lead Man; gave a tour to 25 students from Eastern Washington University and gave lead health education to every elementary school in the Coeur d'Alene River Basin with the addition of Heyburn Elementary in St. Maries – they washed hands and were able to look under a black light to see how well they did – most had to wash their hands more than once.

PHD continues to present to local Chamber of Commerce and Economic Development Council as well as other groups. EPA and IDEQ participated in Coeur d'Alene Earth Day event representing the cleanup, very successful outreach. In March, EPA issued the Basin Bulletin which is its tri-annual newsletter about project activities. EPA also posts regularly about their activities and opportunities on its CDA Basin Facebook page – good information on project updates and pictures.

On April 11<sup>th</sup>, PHD partnered with the University of Idaho and held the second annual Environmental Science and Health Fair in Kellogg. Over 21 booth hosts including the Idaho Department of Lands, Silver Valley Analytical, Department of Agriculture and Northwind. All gave presentations and explained the science behind the work they do in and around the Silver Valley to protect the environment and human health.

On April 24<sup>th</sup>, EPA, IDEQ and PHD held three focus group meetings for (1) local governments (2) local businesses, and (3) recreation and tourism interests. At these meetings, they discussed future use options related to economic development, recreation and housing for the undeveloped IDEQ-owned properties that are part of the Bunker Hill Superfund Site. Redevelopment ideas generated during this meeting were shared at an evening community forum, open to the public on April 25<sup>th</sup>. All sessions were hosted by PHD and IDEQ, with support from EPA's Superfund Redevelopment Initiative. Outcomes of the discussions will inform a framework to support coordinated, area-wide community revitalization.

Events and activities planned for the next quarter include North Idaho Fair, Coeur Fest and Our Gem Symposium.

Terry also mentioned the fact that not all Superfund sites were selected as part of the redevelopment, Dan said there were 20 some sites in all, correction made that there were 23.

#### **Restoration Partnership Update – Philip Cernera, CDA Tribe**

Partnership is comprised of Department of Interior, Department of Agriculture, State of Idaho and the CDA Tribe. Through various settlements, there is approximately \$140 million that is to be used to implement our restoration plan and have spent many years developing that plan and the environmental impact statement to analyze the effects. At the last meeting, we reported on 7 projects that we have funded and began the implementation of, and since then we went out with a project idea solicitation for all to present your project ideas on a one-page form. We received 44 project ideas, our approach was to get those ideas and analyze them through our selection criteria to determine whether or not they were eligible to move forward to a full application. Of those 44 ideas that we received in April, four were selected immediately to fund and 16 are advancing to full application. The four we selected right out of the block were very time sensitive, one in this area Gene Day Pond in Osburn. For a long time that has been an area which has been slated for remedy and human use fishery types of activities to bring back some of the services that had been lost due to the mining pollution; A conservation easement in the lower lateral lakes in Canyon Marsh; the project in Wolf Lodge Creek will be advancing as well as a project dealing with a culvert on Black Rock Slough.

We now have these 16 other applications that we are moving forward from project idea to full blown application. We went thru every one of the projects and decided sponsors for the

individual projects that are going to move forward. One of the trustees needs to be a sponsor for the administrative government agency responsible for getting the work done. The ideas came from the general public a lot of them came in through agencies. In most cases, the project sponsor is also the person who has been intimately involved in the development of the project idea.

The types of projects we selected to move forward include stream restoration, wetland habitat replacement, wetland enhancement, conservation easements, fish barrier removals, riverbank stabilization, invasive species treatments and human use projects. Applications will be developed thru the summer, funding decisions will be made in the fall, and we will continue to advance what we're currently working on and start implementing whatever projects we ultimately select. Rebecca and I are in the process of sending out letters to folks that submitted ideas that did not meet eligibility criteria thanking them. Another letter will be going out for projects that they believe had some merit but at this time we're not moving forward with them, and another to the 16 projects selected that will go to full blown application. Hopefully, letters will be out within the next week.

Current projects that are underway can be found on our website [www.restorationpartnership.org](http://www.restorationpartnership.org)

Rebecca added that by the November Basin Commission meeting they will have more detailed updates on those projects. Terry stated that they will be developing their work plans for then too. Phil hopes once they have these 16 applications in, we review them and decide what's being funded. We'll also have a better idea of the strategy for the next 3-5 years and from that develop a strategic 3-5 year work plan. We might be able to see sweet spots on where things are being focused and future targeted solicitation would be more specific and not general, like a certain creek or habitat or specific area.

Terry asked that Phil talk about their coordination with remedial agencies as far as remedy and resource restoration. Phil answered his concern about restoration starting and stopping, but by CERCLA law, restoration and remedy should and must be coordinated. It is incumbent upon us to see what EPA is up to and provide as much input into their remedy, so their remedy is consistent with potentially what our restoration would be, not to undo any remedy do to restoration. We also do not want to spend restoration dollars on doing remedy. In a difficult spot right now, we have a restoration plan and everyone wants to go out and do work. There is an awful lot of work EPA needs to do right now before we're able to do our work. A bunch of projects came in on the East Fork of Nine Mile Creek, as everyone knows a lot of work has been done and more to do, we're not sure if water quality is ever going to be conducive for fisheries. The question now is do we move forward with funding restoration projects on East Fork of Nine Mile Creek just because EPA might be doing something next year. Wouldn't it be nice if we were all there doing the work and save a lot of money, but do we create an attractive nuisance to



provide a habitat that is not safe for humans and/or critters to be in. Dilemma we need to work through as we marry remedy and restoration.

John asked a question on the 16 projects that have moved passed the idea and application stage, if all or nearly all would be funded? Phil answered that there was consternation amongst some of the Trustees to even advance some of these proposals to full blown application, rather than say no let them go through, learn more about what that project is and be able to make more informed decisions. Phil suggested that not all 16 projects will be funded.

#### **Lower Basin PFT Update – Rebecca Stevens, PFT Chair**

Rebecca gave verbal update on Lower Basin Project Focus Team - PFT is an effort by Technical Leadership Group to develop a team of specific individuals and government agencies to focus on geographic areas within the site. The PFT looks at what potential remedies can be implemented in the Lower Basin, which is defined from Cataldo to Harrison. They met last week and asked those in attendance what their interests are, why do they care about the lower basin, what's their involvement and what they want to get out of being involved with the PFT. This went really well, got to hear from everyone which was good. Technical updates were given by Jacob's, EPA's consultant, on the one and two dimensional hydraulic models that are used to better inform the enhanced conceptual site model that EPA continues to update and use in the lower basin. We had updates on the Restoration Partnership on some of the projects IDFG needed like the Schlepp ag-to-wetland conversion project, Robinson Creek and site characterization that's occurring at the Black Lake Ranch.

Tim Keiser with the Dept. of Interior Fish & Wildlife service gave an update on the recent tundra swan deterrent activities that occurred at Harrison slough. Unfortunately due to the longer February ice off didn't occur. So the tundra swans that are usually migrating through landed at the only area free of ice at the Harrison slough, which is one of the most contaminated portions of the lower basin. Tim worked with EPA to get a laser deterrent, technology that has been used in a number of different applications. Tim and another technician went out pre-dawn and post-dusk every day for 10 days and used this laser that spooks the tundra swans so that they fly to another part of the basin. He worked with the Tribal staff to identify areas on the southern part of the lake that were free of ice to try to guide them down there. Hopefully this presentation can be given at another time to present to everyone. Phil asked how many dead birds – Rebecca answered 150 plus, majority came from Harrison slough. The swans they did deter on a daily basis saw a reduction in numbers coming back.

PFT went on to get more detailed updates on identifying potential locations of projects in the lower basin. These would be pilot projects, need to look at cost effectiveness - EPA will continue to work with PFT model alternatives for projects, fill data gaps and share those alternatives. Once projects are identified, the CDA Work Trust will perform remedial designs

and construction which is probably a year or two out. EPA will monitor the effectiveness of those projects and continue to use adaptive management moving forward, identifying future projects. The initial focus will be in the Dudley Reach area of the CDA River.

Phil asked if the EPA was utilizing the upstream and the downstream approach like they did in the Upper Basin for the Lower Basin. Ed replied Dudley Reach is the most upstream – worst first area, not saying there isn't contamination coming from the South Fork, but it is a much lower proportion of contamination that is actually moving downstream.

Terry added that there is one group working on remedial projects, proposals and designs and the Natural Resource Trustee's working on projects as well. Phil stated that this is an example of how we have our restoration partnership folks working in the EPA remedy world so that they are aware of what's going on and can join forces. Rebecca said they are coordinating on the projects that the partnership is conducting in the Lower Basin.

#### **Paved Roads Program Update – Dan McCracken, Roads Board**

Dan gave a quick update on the paved roads remediation program. To re-cap, there were approximately 600 eligible road segments in the program. To qualify, the roads board went back to a transportation study that evaluated the remaining surface life (RSL) of the pavement on all the roads within the site. Those roads that had a RSL of 10 years or less were considered to be inadequate barriers for underlying contamination, and also needed to be located in the vicinity of remediated properties. This was a good indicator that there were contaminants underneath the asphalt, and if we had remediated the property next door, to protect the barrier in that area. Another criteria that was part of that decision process was the impact of heavy truck traffic from previous cleanup activity. Total funding for the project was a \$54 million estimated allocation; \$30 million of that is for the Box. Those funds came from EPA to IDEQ through a cooperative agreement, and sub-granted to the individual cities within the Box. In the Basin, the funds are held with the CDA Trust and still administered by the roads program, but the invoices are paid by the Trust. The project owners in all these cases are the jurisdictions themselves. So far, we have completed about 500 segments (about 83% of the total eligible segments). Metrics presented a few different ways, but the eligible roads are listed as individual road segments and vary in length. Several of the jurisdictions are already complete – Pinehurst, Smelterville and Wardner in the Box; in the Basin we have East Side Highway District, City of Osburn, Wallace and Mullan. The last two remaining jurisdictions – the City of Kellogg is still doing on going work and Shoshone County. One of the pleasant surprises so far in the completion of projects is that our costs have come in far less than what we thought. The original allocation of \$54 million, we estimated at first would only finish half of the eligible roads. With 83% of the project complete, only 70% of the estimated allocation has been spent. Total expenditures to date in the Box is about \$20.2 million and \$17.4 million in the Basin.

Looking ahead to this construction season, the City of Kellogg will be completing all their remaining segments that they have been working on for the last two years on their sewer and water projects. They were able to utilize their paved roads funding as matching funds for a rural development grant, about \$1.4 million in paving in addition to all the water and sewer utility work. The new project for this year is McKinley Avenue, essentially just west of City Hall to Government Gulch Road at a bid price of \$830,000.

Shoshone County has projects this year in both the Box and the Basin. Their Box project, which is their last remaining segment in the Box, is Pine Creek Road from the bridge to the Box/Basin line. They were also able to piggy back their project on an LTAC grant to replace the bridge itself, then complete the paving which is about \$160,000. They will be doing 11 segments in the Basin, estimated cost at \$3 million. Rebecca asked a question about the Box Power Point slide – wanting to see Trapper Creek, but it's not on the map. Back to the presentation, Dan showed a slide on the segments in Woodland Park, others include Silver Valley Road, Nuchols Gulch, Frontage Road between Wallace and Silverton, and Nine Mile Creek Road which will coordinate with CDA Trust Remedy Protection project at Blackcloud.

Looking ahead for Kellogg after they finish McKinley and remaining segments with water & sewer projects, will have two remaining segments – Bunker Avenue and Wildcat Way. Those have intentionally been put on hold while the Central Treatment Plant construction is underway. We anticipate by next summer, heavy construction will be completed and we can move forward, which will complete Kellogg and the Box. Shoshone County still has over 50 remaining eligible segments. One of the tasks from a planning stand point is to work with the County, as their bids came in under budget for this construction season. We'll try to add some additional segments to their program for this year. The Paved Roads strategy policy allows us to re-allocate unused funds within the Basin and try to get as many of the 50 segments completed as possible.

Jann Higdem asked when they anticipate Bunker and Wildcat Way to be completed – Dan believes by late next summer. Terry also said that the CTP work completion should allow for their completion then. Rebecca's question on the Nuchols Gulch area – will the adjacent recreational spot be addressed as it is contaminated and people recreate over there? Dan doesn't know if it will be addressed at the same time. Andy Helkey stated that it was on the CDA Trust workload and also not sure, but they will probably address that area after so not to interfere with construction.

#### **EPA Update on Upper and Lower Basin Work for 2019 and Financial Report on SA and Trust Account Status – Jeff Philip, EPA Section Chief**

Jeff started by acknowledging Rene for all her hard work and service since 2012. She will be leaving EPA by the end of June.

Jeff will update us on Upper Basin projects, along with Remedy Protection, Basin Property Remediation, Roads Program, CIA/CTP Upgrades, Lower Basin and Budget Updates.

A lot of accomplishments have taken place up Nine Mile Canyon. Rex Mine is completed and Interstate-Callahan is cleaned up. For this coming year, there will be a lot going on with Success and Tamarack Complex. The Waste Consolidation Area (WCA) where all the waste from the Nine Mile area are taken and deposited, they are expecting in the coming year about 40,000 cubic yards from each of the active sites going in. There will also be a 500,000 cubic yard expansion on the WCA. Up at Success, waste will go to WCA and once finished, they will be capping and vegetating the site. The Interstate Mill site is similar with waste going to WCA, and expected construction completion next year. The Tamarack Complex – they are finishing final design and will start construction next year. It is anticipated to be complete by 2024. Terry stated there should be 450,000 total cubic yards going into WCA – big project.

The Lower East Fork at Nine Mile – they are continuing design at this site, going through investigations including soil borings, soil and groundwater sampling – expecting cleanup activities to begin in 2024. Up at Dayrock, they are continuing investigations at this site as well, and expecting construction activities to begin in 2026.

Nine Mile Fishing Pond – some work was completed last year and they will be finishing up this year - soil was replaced and a cap was placed around the perimeter of the area.

Canyon Creek Sites: different levels of activity from investigation, design and some construction work that has started. Canyon Complex Repository/Waste Consolidation Area – this year they will start construction based on revised design. The design was changed based on some of the public comment that was received – changed orientation to north instead of east. Terry commented on past mining companies work and their waste repository – how to handle the groundwater contamination. The decision was made that will move approximately 600,000 cubic yards of waste from the leaking repository to the Canyon Complex Repository. This is a more economical solution and gets rid of the leaking repository.

The Hecla Star Complex – they are following up investigations in the area, doing soil borings, excavating some sample test pits and installing new monitoring wells. And at Tamarack #7 they are working on design investigations, Adit sampling due to year round flow, soil borings and excavating and sample test pits as well.

Pine Creek Basin – Douglas Mine: This year they will be working on soil borings, test pits, Adit water sampling, and surface water sampling at Pine Creek. They hope to start cleanup in 2021 and finish in 2022.



Phil asked Jeff what the grand game plan is for Canyon Creek? It is his understanding that it is toxic top to bottom, and there are communities living up there that are living on top of tailings, what is your remedial action objectives and game plan? Phil thought it was a treatment facility at the bottom and the top was going to be left, so now is it a complete remedy. Ed Moreen answered that the remedial action objectives have not changed since the ROD. There are two main vectors – you have all the mine waste that was left and spread around, that will be consolidated like Nine Mile – and then you have dissolved constituents, mainly zinc, in the water. The ROD does call for a collection of those – one of the Adits that Jeff showed is the Tamarack which leaks year round into Canyon Creek, which will have to be dealt with – there will be a collection and treatment of those. Originally these flows were to go to the CTP, but this needs revisiting as we get further along. Right now we are just doing the characterization for Canyon Creek and all the mine waste piles so they can prioritize those, which ones they will pick up and consolidate and in what order. Early planning stages at this point, if any changes need to be made, they will go through the Administrative process to do that.

Rebecca asked if they were working with Hecla on the Hecla Star Complex and Ed answered that they were coordinating with Hecla. Director Tippets asked about the slide of Canyon Creek, what the squares represent, are they all waste piles? Ed answered yes, you are not able to see the bar graphs and details about each one, but it is very telling about how big the basin really is. Terry commented on completion of Nine Mile Canyon and prediction is not until 2027.

Phil asked another question for everyone's edification, when Terry was mentioning the consolidation of the repository in the Woodland Park area, that was done through the State Natural Resource Trustee settlement, the \$4.5million that they settled, similar to what the Restoration Partnership now has money to do restoration. Looking back, they were actually using money that was supposed to be for Natural Resource Restoration to do a remedy, with no public input, didn't do a NEPA on their restoration. It's confusing how we have to jump through hoops to get to our Restoration plan but the State spent their money, just went in and did it much to the shagreen of a lot of people because it was terrible placement of a repository. Now EPA has to spend superfund money to fix what the State did with their restoration, let's not do that again – big mistake. Terry commented confusion as to why the Natural Resource Trustee's think they have to use NEPA to implement natural resource restoration, very costly.

Back to Jeff's presentation – Remedy Protection projects for 2019. At Mullan Tiger Creek project - we are replacing the storm drain system underneath the streets. There is an inlet that is easily overwhelmed by flood waters, replacing sub-surface pipe and repaving 8<sup>th</sup> street. At Blackcloud Creek, we are upgrading the culvert under Nine Mile Road. Up Canyon Creek, the Star Complex and the Gem areas are getting upgrades as well. For these two, we will be implementing an ESD because they weren't fully covered in the ROD amendment. Terry stated the reason they were added was there were a lot of remediated properties in the area, we would

get a storm and wreck the remediation. Agreement was made to do Remedy Protection and get them taken care of properly. Those four projects will finish the whole program. Rebecca asked a question on the culvert replacement, is that a 50-year or 100-year event replacement and Dan McCracken responded that it was a 50-year rain on snow, following the State's standard. Jerry Boyd wanted to know if the culvert would pass fish – Terry said yes.

Phil's next question comes from the Lake Management standpoint. What is EPA's criteria for considering a remedy protection program or a project? The LMP and the need to manage nutrients to protect the remedy which is an oxygen cap at the bottom of the lake. EPA continuously says we cannot use superfund money to deal with nutrients because they are not hazardous substances. Phil's saying nutrients are the means to your remedy protection, much like your culverts or moving clean water which are not hazardous substances to protect the remedy. Why can't we implement the LMP using superfund money which is the remedy protection? Jeff answered the remedy protection, as he understands, is to keep contaminated soils in place so they aren't spreading throughout the remedies we've done, the yards project, etc., a little different than nutrients, talking about soils and contaminated soil spread. Jeff didn't have an answer to the criteria, so he'll consult with Anne McCauley as she deals with the projects and get back to Phil. Terry stated they came up with the criteria years ago, focusing on protecting remedies that had already been implemented under CERCLA.

Back to Jeff's presentation – Basin Property Remediation Program (BPRP) for 2019 – In the coming year, we will clean up about 32 parcels, sampling another 6, and continue maintaining drinking water filtration systems. There is a number of remaining access issues on the BPRP program. There are quite a few folks who did not want their property remediated – 65 parcels in the Upper Basin, in the Box 8 and in the Lower Basin 148. We will continue to monitor, after this year as property changes hands, we will go back to the new property owners and see if they are interested in the remediation project. Terry stated this was a low percentage compared to the over 7,000 properties that have already been completed.

On the Roads Program – We had a good update on the roads already from Dan McCracken. Terry did comment on understanding the difference in the bid process – the old way was cost plus time & equipment, which was very expensive. Now contractors competitively bid which drives the costs down.

Jeff continued with Disposal Facilities – In the Upper Basin we have Lower Burke Canyon, Big Creek & Big Creek Annex, Page Repository & Limited Use Repositories in the Box, and the EMF Repository in the Lower Basin. Last year, each of those received between 4,000 and 33,000 cubic yards of material, this year projections are about the same – between 4,500 and 30,000 cubic yards. Still active and receiving a lot of material but there is still volume available after that.

Central Impoundment Area Groundwater Collection System Upgrades – The Groundwater Collection system located all along the north wall was mostly completed last year. Some gaps were left for groundwater flow to get through. They will finish up the rest of the collection system and the cut-off wall this year. The CTP upgrades are going on right now – the new sludge pool and upgraded filtration system, should all be finished by December.

I-90 Emergency Response Update – There were sediment plumes noticed in the river in December and after furlough when they were able to come back and investigate the plumes, the freeway started to subside. Spent a lot of time and effort, try to mitigate with extraction wells which proved difficult. Since first part of April, there was a decrease in precipitation and groundwater flow, no further subsidence in the road and the plumes have stopped. Currently, the condition is stable, continuing on with construction project and finishing up the cut-off wall. The planned extraction wells that were put in early will get that system up and running, expecting the design system will help alleviate any problems. Important to remember that the plumes are not new, this just happen to be right after they completed sections of the cut-off wall.

Central Treatment Plant Upgrades – The upgrades are progressing and they should be up and running by next year. Drive around and take a look, pretty incredible engineering and construction work, completion of the CTP upgrades are scheduled for August.

Lower Basin – Lower and Upper Basin Recreational areas – installation of ten washing stations, four additional ones will be installed; 20 new sign locations to replace previous warning signs. New signs are informational and interesting – talks about the fish, the area and history – people seem to be more engaged, seem more effective.

Other Lower Basin activities include:

*Soil Amendment Evaluation* – starting bench scale study with Office of Research & Development.

*Thin Layer Capping Pilot Project* – monitoring the thin layer cap put down in the wetlands, allows vegetation to grow through and not suffocate plant life, seeing good results.

*Sediment Transport Model* – development is complete and documentation is under review.

*Data Collection to Support CSM (Conceptual Site Model)* – Flood sampling reports are on the EPA website.

*Structural Decision-Making Process* – evaluates new projects, came up with a few like Black Lake Ranch and also the analysis at Dudley Reach.

*Characterization & Cultural Resource Assessment* – Greys Meadow & Gleason's Field were completed in 2018. The Lower Basin Project Focus Team met and discussed the process and results.

Budget Update – There are three basic funding mechanisms that fund all the activities going on in the Basin – State Legislative Appropriations, Federal Congressional Appropriations and the Settlements with Responsible Parties. The 2009 Asarco Bankruptcy Settlement established the CDA Work Trust. At that time, there were \$437 million that went into the Trust Account. Some other proceeds went into EPA Box & Basin Special Accounts that were accessible to EPA. Use of the CDA Work Trust funds is very pre-scripted through the Trust documentation. It can only be used to fund EPA selected Basin cleanup actions; can't be used within the Box; cannot be used to fund oversight of the Trust; and cannot be used by State, Tribe or local governments to do work in the Box or Basin. Rebecca stated they are working with EPA on projects in the Upper and Lower Basin, the State, Tribe and local governments are very involved, but the Work Trust funds cannot be used for these projects? Jeff explained the work can be done by the Trust through contracts, but not direct disbursements to the government. She asked if these funds were privately invested funds, and Jeff answered yes, having them privately invested has been a huge advantage to us. Phil asked if that was articulated in the Consent Decree, Jeff and Ed both answered yes; there has also been a Trust Agreement established and other documentation with the formation of the Trust. Phil asked if it was EPA's position that money cannot be used for any Lake Management Plan implementation. Sheryl said yes, EPA believes there is a prohibition for them to use on those activities, however, if they were going to fund anything we could use it out of the Special Account which is depleted right now. She agrees that Phil's point about Remedy Protection is well taken, so they need to figure out the monitoring that's going on in the lake for purposes of insuring that the remedy is intact and should be paid out of EPA funds in her opinion. The problem is not being able to use Trust money, so they are trying to figure it out and how to fund it. EPA would have to ask for money to supplement our appropriation. Phil commented he would like to see in future presentations more about the commitment to the Lake.

Jeff's continued with his presentation - 2019 Estimated Project Spending Plan.

Jeff went over the status where we are currently at – in the Box Special Account after this year's expenditures we'll be down to \$10.7 million. In the Basin Special Account after this year's expenditures, the balance will be (\$0.5 million). It will be the first year in some time that we will be tapping the national superfund budget to fund some of our work, competing with all other superfund sites for funding. This account was created in the early 2000's, very fortunate for a long time. Sheryl emphasized what Jeff said about competing with all the other projects, there is a priority panel that votes on which projects they want to fund. She wants to investigate further using Remedy Protection dollars from the Trust for the monitoring of the lake.

There were additional comments from Terry and Jeff on the growth of the CDA Trust investments which allow for spending in the Basin of \$15 to \$20 million a year. Matt Nykiel had a question for Sheryl on the CDA Trust money being spent on the lake and she answered that she wanted to look into that further from a Remedy Protection aspect. She also wanted to be clear that she is not sure EPA can do anything, but commit to looking into it. Jeff added that it would



be the Trust engaging in a contract for water quality monitoring. Matt also asked about the sediment plume monitoring – was the water quality compared to the background condition of the river. Dan McCracken stated daily monitoring results showed that they were similar to the river or a little cleaner than what they typically see in the South Fork CDA River (SF) along that section.

Steve Wilson with the Chamber of Commerce asked Sheryl if the Trust money could be used for a private company. She answered they would have to go through the Trust and they could hire. Again, they will look into the possibilities to see if there is a way to fund the Tribe as they are familiar with the lake and data. Phil added that the State and Tribe are best equipped to continue monitoring but open to suggestions for funding.

Rebecca asked if there was a plan for Lower Basin repository siting, Ed Moreen said they have directed the Trust to begin exploration for disposal areas in the Lower Basin. They are just getting started on that. Terry also explained that possible sites will go thru a public process for selection.

Dan Redline asked a question on the CTP collection system, is the data the USGS collects the only water quality data that we will have that notes the change in effect of the ground water collection system. Ed Moreen answered no, there will be a remedial action monitoring program that will go into effect after the system is up and running, including water quality monitoring. Data is ongoing in the wells and on the SF. Phil asked if the new protocol will address more sites along the SF and the lower river. Ed stated the monitoring program will kick in after the wells and collection system is constructed and will focus just on the SF near the groundwater collection system.

#### **Superfund Redevelopment Initiative – Dan McCracken, IDEQ**

Dan McCracken gave a quick overview of the Superfund Redevelopment Initiative. The Bunker Hill site was named to a national focus list by the Superfund Taskforce - one of 23 sites. It was intended to focus on opportunities for redevelopment at sites where significant cleanup had been accomplished. We already had success stories at our site specifically at Silver Mountain who developed 9 holes at Galena Ridge after cleanup was done. They were able to obtain the property from the State and get it back on the tax role. IDEQ still owns about 800 acres of land in the Kellogg/Smelterville vicinity, and continues to monitor effectiveness of the remedy through O&M. Looking forward to the development of those properties and spur some economic development. Being named on this focus list was an opportunity to work with EPA's contractor SKEO solutions. They provide assistance on local economic land use planning. They came in and hosted three focus group meetings: one with local elected officials; one with local business owners; and last one with local recreation and tourism groups. Then we hosted a public open house, the structure of these were brainstorming sessions. What does the community want to see

happen with these properties? Some of the ideas were not directly related to the IDEQ owned properties, but those that connect to remedies like the Trail of the CDA to uptown Kellogg.

The reuse purpose was to support local efforts to redevelop Superfund properties. All of the discussions were based off ideas in meetings held with local groups like Silver Valley Economic Development and Kellogg city officials. EPA doesn't actually fund development work thru the Superfund redevelopment initiative; it's a planning tool and can provide some assistance. The actual development work is funded by property owners and developers.

Dan showed an overview map of some of the parcels that were focused on, highlighted the IDEQ owned lands. The CIA is still currently owned by EPA but once the upgrades and cutoff wall are complete, it will be handed over to the State adding another 240 acres. He anticipates some of the areas like the CIA and Smelter closure area, because of the remedies in place, will stay in State ownership in perpetuity. Hopefully the land can be used for other purposes but not necessarily looking for a private owner to take on all the liabilities. Terry pointed out flood points, and how work in the side drainages will change the flood inundation maps. If we can get these flooded areas reduced under the FEMA mapping, this will also help people with the process of redevelopment.

Dan continued – SKEO looked at land attributes, things like slopes, what types of remedies are in place, utilities and zoning. They highlighted some assets of specific areas – those areas that would work best for commercial/industrial development opportunity and also residential and recreational development. Dan talked about quite a few of the areas: Smelterville Flats by the airport, the Slag Pile area (which is one of the nicer flat parcels), and the area used by the county for gravel storage (possible to move pile up Gov't gulch and use this spot, easy interstate access). Another idea that came up was to increase connectivity between the uptown businesses and the Trail of the CDA. Parking on top of the CIA was another hot topic, either by Silver Mountain as a shuttle lot or to relocate Dave Smith parking facilities and open up buildable areas in town. The County has a master plan in place to expand the runway and hanger facility at the airport, and area around there still has remedy in place, so could be used for additional development.

On the housing side, there were two areas up Government Gulch that SKEO recognized, primarily because they are adjacent to existing zoned residential and would help to expand residential workforce housing. Also the Gov't Gulch LUR will be finished filling this month and be capped, which will make that a flat surface even with the road for better accessibility. In uptown Kellogg, there were conversations of possible residential associated above commercial properties.

Dan then went on to talk about the mixed use layout for Gov't Gulch – showed area previously talked about tie in with Silver King neighborhood for residential development. Possibly also

some light industrial/commercial opportunities right at the intersection of McKinley and Gov't Gulch, and further up would be utilizing the LUR and Community Fill Plan areas. Expand recreational areas up on the hillsides, and maybe using the old Zinc Plant slabs for ideas such as climbing walls or amphitheater. Focus on what could be done and not some of the challenges that would be in place, there is remaining contamination in all these areas that would need to be addressed depending on land use.

On a bigger picture for recreation development there are lots of opportunities: along the SF there are existing hiking trails that could be expanded and maybe tie in with the Trail of the CDA; on the CIA there was discussion of athletic fields, BMX courses – limited surface disruption and no permanent structures; camping and RV parks; on the hillsides additional trail development for ATV's, mountain bikes and hiking trails. There was interest in the connectivity from the Trail to Uptown Kellogg – taking 3<sup>rd</sup> Street and converting it to a bike lane instead of a narrow one way road.

The next steps will fall on the community, private land owners and developers, and local elected officials. A community group formed and has met a couple times so there is some momentum to keep this going. A summary report from SKEO will be coming and will be shared with everyone that attended the meetings and the economic development groups. We will also continue to work with citizen groups and their ideas. Terry added that he was pleased with how the meetings have been going, community group developing an association and coming up with by-laws. Larry Yergler was told that the CIA was off the table now because of piping that will be going on there, and was answered by Terry that the cap will not allow for housing and permanent structures with footings, but more for parks and parking lots. Some of the CIA will need to be used by the State for a sludge pond, and the west end unstable as it is mostly gypsum. The LUR's are built different so they can have structures built on them. Larry asked where the revenue from the sale of IDEQ lands go, can it be used for economic improvement of the area? Dan answered some of the land will not sell due to long term O&M obligations, existing policy states that any revenue will go into O&M to fund the State's obligations. Larry stated that Bunker Hill was the largest employer and tax payer in Shoshone County, since their closure all that 800 acres of land has not produced any tax money. Dan said ideally the parcels that lend themselves to private development, the State's goal to get those into private ownership so it's back on the tax rolls.

Lunch – Commissioners, Alternates, CCC and TLG Chairs and Staff 11:45 break, return at 1:00.

#### **CCC Input – Jerry Boyd, CCC Chair**

Jerry started his discussion on CCC's , wanted everyone to know they are always available for having a meeting, usually good attendance for Lower Basin in Medimont. They had a Lower Basin PFT meeting, well attended with a lot of information provided. Public more concerned

about Lower Basin projects, a lot of work has already been done in the Upper Basin and still ongoing. As a citizen and property owner, his hope whatever is done will avoid causing more problems downstream. No current plans for a CCC meeting, can contact him or Terry if need arises. Terry stated every fall through agency input, the annual and 5 year work plans are developed and updated. Lately, draft plans have been sent out to TLG and CCC members for review instead of having a meeting. He see's nothing on the horizon that warrants having a CCC meeting. There has been a tremendous amount of work completed throughout the site. Jerry said if a particular question or proposal comes up, his contact information is out there on bulletins and rosters. If any action or response is taken, it will be captured on the records so we know what was done. Rebecca asked how many CCC members there were, and was answered 50-60 on the mailing list. Updates to the list periodically when they know of changes do to so. John Tippets stated his understanding that it's never been an organization, no central body, just an open invitation for meetings. Terry said just a Chair and Vice Chair, always been that way. Phil said it was originally a committee and people wanted more so it became a council. Jerry stated it's an opportunity for the public to have input, intended for this purpose, a mode for communication about what's happening.

#### **Lake Management Plan Implementation Status – Jamie Brunner, IDEQ**

Jamie did not have a lot of updates since February, if you missed that meeting there is a good summary of minutes taken and you can ask questions. The Youth Water Summit took place yesterday, about 470 high school students attended. There were a lot of good projects and good feedback. It went better than last year but still working on a few things. Shout out to Steve Wilson from the Chamber for being the MC on short notice. They are still planning the Our Gem Symposium, looks like it will happen September 18<sup>th</sup>. Jamie and Rebecca are asking for feedback requests and input for the agenda, just starting the development and welcome any thoughts. Jerry asked if they were going to update the Our Gem map, yes – it will be updated with the Fish Tissue and additional information from the previous map in 2014. It will also show some land ownership changes and will reflect State and Federal land, all others are still private. Matt asked for a timeline on the nutrient inventory and lake management update – Jamie replied that the nutrient inventory is in draft form and waiting for edits from the Tribe, should be available by the next Basin Commission meeting. Matt rephrased and asked about water quality conditions of the lake – Jamie said there will be separate trend updates from the Tribe and the State. It will include the last three years of data and should be out later this year – hopefully by next meeting as well.

Terry announced that the next Basin Commission meeting will be August 21<sup>st</sup>, and the tour in the afternoon.



**Public Questions, Issues, Discussion and New Topics of Concern – Commissioners**

Terry asked for any issues or concerns that could be answered or worked on before the next meeting.

Jann Higdem had a concern about the reporting of the minutes from February's meeting, on page 10 or 11 when she was listed as a no show. She had tried to contact various people that she was ill and not able to attend the meeting. John Tippetts asked that we amend the minutes, all approved. **M/S/C**

Rebecca has a follow up on Jamie's request for the Our Gem Symposium, for discussion points, panels, does anybody have any ideas today as this is their attempt to incorporate the Basin Commission into their planning process, and if anyone wants to hear anything in particular. They would not like to repeat what they have done in the past, they will have a data update but they really want some feedback. Terry would like to know how much development is going on around lake, Rebecca said maybe realtors, title company folks....Terry said not only the lake, maybe an issue on the river too.

Terry also updated that the BPRP program is winding down, there were letters sent to all the homeowners in the Lower Basin to see if interested in sampling and remediation.

Motion to Adjourn **M/S/C**

