

Basin Environmental Improvement Project Commission
Meeting Summary Minutes
March 10, 2021 9:30 AM – Noon
IDEQ Regional Office Osprey Conference Room
2110 Ironwood Parkway, Coeur d'Alene, 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 discussion or individual quotes

Attendees in person and on WebEx included the following:

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

Mike Fitzgerald (Shoshone County), Brook Beeler (Washington State), Jess Byrne (IDEQ), Michael McCurdy (IDEQ), Bill Brooks (Kootenai County), Calvin Terada (EPA), Phillip Cernera (CDA Tribe),

Staff present:

Gail Yost (BEIPC, Assistant to E.D., Note taker), Ed Moreen (EPA), Bonnie Arthur (EPA), Dan McCracken (IDEQ), Andy Helkey (IDEQ), Sandra Treccani (Washington State), , Rebecca Stevens (CDA Tribe), Dana Swift (IDEQ), Jamie Sturgess (Kootenai County), Jerry Boyd (CCC)

Call to Order

The meeting was called to order by Executive Director Terry Harwood at 9:30 a.m.

Approve the minutes from the November 18, 2020 BEIPC meeting (Action Item)

Phil Cernera moved to approve the November 18, 2020 meeting minutes; Brook Beeler second, all approved M/S/C

Review and Discuss Draft 2020 Annual Accomplishment Report

Terry presented the annual report of accomplishments made in 2020. This process includes putting together reports submitted from various agencies and how well they have done during the calendar year on projects that were outlined in the approved work plans.

In the first section, Terry summarized work performed through Superfund and other cleanup programs. This included public outreach and citizen involvement thru the CCC, BEIPC, EPA, IDEQ and PHD. The Lead Health Intervention Program was suspended for 2020 due to Covid-19, but did still offer free screenings by appointment – there were 4 children between 6 months and 6 years screened in the Basin, and 2 over the age of 18. PHD plans to resume the program in the summer of 2021.

The Basin Property Remediation Program (BPRP) completed 9 residential properties in the Basin and none in the Box this year. Properties remaining to be sampled and/or cleaned up in the Upper and Lower Basin are those whose owners have refused access, or who have not responded to repeated contact attempts.

The Paved Roadway Surface Remediation Program completed all of the funded work in 2020 – 580 completed segments, leaving only 13 unaddressed roadways. Remedial action completion reports will be produced in 2021 – one for each the Box and the Basin.

A short overview was given on the repositories and Waste Consolidation Areas (WCA's) located in the Box and Basin. These include Big Creek Repository (BCR) and BCR Annex (BCRA), Lower Burke Canyon Repository (LBCR), East Mission Flats Repository (EMFR), Page Repository, East Fork Ninemile Creek WCA and the Canyon Creek Complex Repository and WCA (CCR) – which continued construction in 2020. Phillip Cernera commented on the previous Canyon Creek SVNRT debacle that was done by the State Trustees over 20 years ago – when the Tribe developed their restoration plan they had to go thru a rigorous EIS process that took over seven years. When this original Canyon Creek repository was built, they had to go thru none of this. Now we are having to spend the money to go back and fix with the CCR – why should we be paying for this and how will this not occur again in the future? Terry stated that this was built prior to the 2002 CERCLA action and once EPA took the action for Operable Unit 3 (OU3) and settled with everybody, that shuts down the ability to collect any money from Potentially Responsible Parties (PRPs) for moving this repository under CERCLA. Phillip said the State Trustees pulled this off and it was outside the Superfund site at the time - some kind of Restoration action using their \$4.5M in the 1990's. It created releases of hazardous substances that came to be located downstream in our waterways – if nothing else it has to be a lesson learned that we can't act like this in the future. The CDA Tribe at the time had brought a Natural Resource Damage Assessment and the State Trustees felt like they needed to get up in the basins and do all these cleanups. It completely damaged the data that the Tribe had been collecting to confuse the court that their data was no longer valid. They consolidated waste in the Woodland Park area in a place that the Tribe commented on that was full of springs and resulted in continued release of hazardous substances. Now we will spend millions of dollars out of the Trust to deal with this problem. Terry is confident that this will not happen again and is the best method to take care of the problem.

Terry quickly covered Upper Basin remedies which included cleanup actions in the East Fork Nine Mile Creek and Canyon Creek. He hopes to get these sites on the tour for this year in August. The Basin Commission is involved with the Trust in all their remedial activities – looking at their work, reviewing design documents and assisting EPA in working with local landowners.

The Central Treatment Plant (CTP) and Groundwater Collection System (GCS) reached a significant milestone by starting the one-year O&M period. Andy stated that the State will take over operations in October 2021.

Lower Basin remedies include Gray's Meadow, which is a combination remedy and natural resource restoration. It is a collaborative effort between EPA, CDA Trust and the Restoration Partnership. At Lane Marsh, EPA continued two pilot projects – Incremental Thin Layer Capping (ITLC) and a bench-scale treatability phase to explore the efficacy of biochar amendments. Pilot testing is also planned for the Dudley Reach area - a Draft Riverbed Management Plan is currently under review. Phillip had a question on Dudley Reach, can EPA describe if they plan on doing a combination of dredging/capping or just dredging or capping and Ed answered that he will touch on that in today's presentation.

Terry also gave summaries on other Lower Basin remedies: the State of Washington projects, Recreational Sites and Basin Environmental Monitoring.

In the second section of the Accomplishment Report, Terry started with the Lake Management Plan which was finalized in 2009. In 2019, the Tribe withdrew their support as they determined the LMP

was inadequate as an effective tool to protect water quality in the Lake. In November 2020, the State of Idaho, Kootenai County and EPA sponsored the contract with the NAS to conduct a neutral third-party review of the Lake data and the Tribe supported this action. Phil made a clarification on the Tribe's position as an endorsement of the NAS study and not a sponsor. Lake management accomplishments also included their Science Core Program, Education & Outreach Core Program and Nutrient Inventory & Nutrient Reduction Core Program. Terry commented that something needs to be done on the nutrient loading in the Lake.

The BEIPC and Silver Valley Flood Control Group continued to work with US Army Corps of Engineers (COE) to complete analysis for the SFCDA from Elizabeth Park to Pinehurst. The COE and BEIPC are currently working on preparation of a Flood Map Revision request to FEMA for that reach of the river. The City of Pinehurst requested assistance from the COE to perform a similar analysis of the Pine Creek drainage. Rebecca asked if this would result in a No Rise certificate for Pinehurst from the COE? Terry stated that Pinehurst would be different as they are protected by a levy, but it was not an engineered levy which are the only ones FEMA will accept. They will have to see how this goes. None of this work will not be done under CERCLA, so permitting will be required.

The Restoration Partnership continued to implement 23 projects in 2020 with the exception of some work being delayed due to COVID-19. All these projects and amounts expended are listed in the 2020 Annual Report along with a brief narrative of work completed.

Public Comment and Input on 2020 Annual Report

Mike opened up for public comments and summarized the edits to be made.

Approve 2020 Annual Report (Action Item)

Phillip Cerna made a motion to accept the 2020 Annual Report with edits, Jess Byrne second, all approved M/S/C

CDA Lake NAS Review Process Update – Jamie Brunner, IDEQ

Jamie Brunner from IDEQ reported last meeting on the NAS scope of work. Since then a committee has been selected for their third-party review of CDA Lake. IDEQ and the Tribe have shared all their data and this committee had their first meetings at the end of February. The first session included an overall introduction of the NAS process, introduction to CDA Watershed and its water quality history. All the sponsors were given time to present to the committee and to clarify their expectations, a brief overview of the LMP and a Q&A and open-mic session. The following day went more into the science, discussion of existing data and remaining questions. She provided a link <https://www.nationalacademies.org/our-work/the-future-of-water-quality-in-coeur-dalene-lake> which shares additional information on the committee and meetings. Laura Ehlers at NAS (lehlers@nas.edu) can be contacted if you would like to get on the email list for future announcements. Our Gem Collaborative is also being used for more local outreach (uidaho.edu/OurGem). The next meetings are scheduled for May, but no set date has been given. The video from the first sessions is available online at the above website. Jamie has a link for the second session, but as of today, it was not loaded on the NAS website.

EPA Discussion on Planned 2021 Work including pilot projects in Lower Basin and update on funding in the CDA Trust – Bonnie Arthur & Ed Moreen EPA

Bonnie Arthur started her portion of the presentation showing a picture of the WCA construction at Canyon Creek from last fall. EPA has many mine and mill sites that they will be working on in the Ninemile Basin. The CDA Trust employed over 220 people in their summer construction season last year, many of whom live in the local communities. She briefly covered the work at the East Fork Ninemile (EFNM) WCA and Interstate Mill Site, which just concluded last summer and was a two year project. A portion of the WCA was capped in 2019 – layered with plastic, rock and clean soil so it can be vegetated. Moving down Ninemile Basin – Bonnie talked about the Tamarack Complex in which they are still working on design and approvals to start construction in 2022 or 2023. This year’s field season will have some work going on in the Lower East Fork of Ninemile in the Riparian area from Success Mine down to the junction with Ninemile Creek. It has been divided into two portions, with the first one starting this summer. Test pits are drilled to collect soil samples as part of the design investigative work. Field work sampling is also taking place at Dayrock Complex – with hopes of completing design later this season. It will be combined with the lower part of the EFNM Riparian section.

At Canyon Creek Basin, there have been over 40 mine and mill sites identified for cleanup in the Upper Basin Record of Decision Amendment (RODA). EPA prioritized cleanup at the old SVNRT Repository as it is located directly across from Woodland Park and discharges into Canyon Creek on a daily basis. In 2017, there was a public comment period and they were able to locate a WCA area above the SVNRT Repository. This WCA will hold approximately 500,000 cy of mine waste from SVNRT, and mine wastes from cleanups in Canyon Creek. This is the third year of a four year project – they really appreciate the communities patience with these big construction projects.

The Hecla Star Complex is made up of four mine and mill cleanup sites. It is nearing completion of design – the 60% design has been reviewed and approved and now moving to 90%. This will be the first project after the moving of the SVNRT Repository.

The Tamarack #7 is just starting design work with no major investigation work this summer.

The Blackbear Fraction/Flynn Mine is in its second year of investigative work – crews will be digging test pits and collecting soil samples, drilling monitoring wells and installing soil boreings.

Gem Mine will be a new site starting this summer. It will be a high priority as it is close to residences and recreational areas. The Trust put a temporary cap in some areas using asphalt until remediation can be completed. Standard Mammoth is also a new site for this year.

The Douglas Mine in the Pine Creek Basin is a popular area with heavy recreational use. PHD raised this site to EPA as a priority site to work on. Design work should be finished up this year with work hopefully starting next year.

The Basin Property Remediation Program (BPRP) is substantially complete. There have been over 7,000 yards cleaned up by the State and EPA. Access was granted by those property owners who wished for sampling and/or remediation. The program will stay open for owners who change their mind or properties that change ownership. There is ongoing maintenance for 6 homes with drinking water filtration systems.

Disposal facilities (repositories) are maintained by both the Trust and IDEQ in the Basin and Box for ICP waste program run by PHD, and part of the remedy for the Superfund Site.

Recreational sites combine efforts by the CDA Tribe, PHD, IDEQ, BEIPC and the CDA Trust. One of the big efforts is to continue educating people so that they can recreate in a healthy way. Twelve new signs were put up last summer along the CDA River. A packet of information was also mailed out to property owners along the CDA River and included the updated Our Gem map along with other play healthy brochures. Heavy usage areas along the river - like the boat launches, - are also sampled and information shared among the groups. They are waiting on final approvals to hopefully complete some cleanup work at the Cataldo Boat Launch site.

Bonnie updated the CDA Trust funding information – which was started in 2009 from the ASARCO bankruptcy settlement in the amount of \$437M and currently has \$634M. Each year their annual workplan is budgeted for \$20-24M worth of work in the Upper and Lower Basin. These funds can only be used for Record of Decision selected Basin cleanup actions; cannot be used to fund Box cleanup actions; cannot be used to fund oversight of the CDA Trust; and cannot be used to fund State, Tribe, local governments or other Federal agencies work in the Box or Basin.

Andy Helkey reported on the IDEQ Recreational Sites – the Theater Bridge outside of Smeltonville has seen an increase in recreational use with both locals and tourists. A couple years ago PHD identified thru sampling that this site was still contaminated. IDEQ has come up with a design to remove the contamination and cap the entire area. ITD actually owns the property so they will coordinate and come in after remediation to replace the fencing that is in disrepair. It is scheduled for the Spring 2021. Andy also reported on the Smeltonville Pond, located by the Shoshone County Airport on State property, and just west of the Theater Bridge project. This is another site that has seen an increase in recreation. In 2019, IDEQ did some sampling – it was cleaned up originally when Smeltonville Flats was remediated - some areas now have elevated contamination more than what they would refer to as a remediated property. This Spring, signage will be placed to let people know where and how to recreate safely. IDEQ will also try to alleviate the traffic and parking outside the airport gate by bringing in a road and establishing a parking lot. The new signs will include the history of Smeltonville Flats, the hillside revegetation, wildlife and waterfowl in the region, and another with information on the CTP/GWCS and the improvements in water quality. Since it is State owned, it will be put on the O&M schedule and checked regularly. Future funding could maybe see the installation of oasis like on the Trail of the CDA's, possibly in 2022. Phil asked what their thoughts were on recontamination for both sites. Andy replied that the Theater Bridge site is out of the floodplain and was just missed in previous cleanups, so capping will take care of this. Most of the Pond site is in the floodway, a portion will still be in the 100-year floodplain so we will monitor under ICP and watch after floods hit this area by re-sampling.

Ed Moreen updated on the CTP and Lower Basin work for 2021 – the CTP/GWCS contract has now evolved into the one-year O&M period. Tests are being run on both the CTP and the GWCS. Hopefully they will get a good flow of mine water from the Bunker Hill Mine, along with elevated ground water levels to conduct a high flow/high strength test to see how it performs. Last Spring was a gentle run-off with non-typical high water. They are finishing up some construction tasks – final grading, hydroseeding and stabilization.

Gray's Meadow in the Lower Basin – three areas to call out in this project: Lamb Peak Wetland, Cave Lake Wetland and Black Lake. Long-term goals will be to reduce wetland toxicity levels; improve infrastructure and mitigate recontamination risks; convert agriculture land back to wetland habitat to support diverse native plant communities; restore natural structures and processes (depth,

duration and timing of inundation, nutrient cycling); improve water quality in Black Lake; and create public land –provide clean, recreational, educational and cultural opportunities. In 2020, there were wetland and infrastructure assessments – soil samples, geotechnical samples, historical and cultural coordination – and installation of 5 groundwater monitoring wells and 10 piezometers. The path forward – March-May 2021 they will complete Cave Lake field pump improvements by realigning the pump discharge from Black Lake to the CDA River; and winter gravity drain and pump from Lambs Peak field to tie channel and Black Lake to facilitate construction. May-September 2021 they will conduct Cave Lake field tilling studies; complete 60% design; and continue Reed Canary grass control to support remediation/restoration. September-December 2021 the Lambs Peak field pump improvement will be complete, realign pump discharge from Black Lake to CDA River and improve access road.

Dudley Reach in-channel pilot project – The Dudley Reach extends from immediately downstream of the Cataldo Boat Launch to Bull Run Bridge. Their focus is on the upper portion, dealing with the worst upstream segment first. The CDA Trust has initiated their planning processes for In-Channel Pilot project. The first order of business is the location - where you want to install and implement the technology ; the second being technology selection (capping, dredging, sills, etc.) something that encourages sediment deposition as opposed to erosion. This will be the first In-Channel work to be kicked off in this very complex basin due to the great range of events that can happen in the channel itself. The schedule is planned to take 4-5 years for ARAR compliance (Cultural Resources, Endangered Species); planning/pre-design data collection/waste disposal; design; logistical planning/access; and implementation. This will all be dependant on site selection and what segment of this multi-mile stretch to start this project. The segment they are focusing on is fairly close to the boat launch at the Mission. Phillip’s question pertains to the big loaders in the river (river banks, river bottom), what percentage of contamination is in Dudley Reach compared to the rest of the river. Ed answered that the estimates of contaminated sediment loading is about 15% from the SFCDA River, about 15% from river banks, and remainder comes from the channel itself. We know from previous studies that there is a significant jump in concentrations at mile 159 - the boat launch at the Mission is 160. That is why they are focusing their efforts in this location. Mike Fitzgerald would like to follow up with this as an agenda item for our next meeting, to walk us through the summary on how these different reaches contribute to the river.

Public Comment and Discussion Period

Rebecca asked Bonnie what the monitoring plan was for the Riparian area at the East Fork Ninemile? Bonnie answered that for each project there is a Remedial Action Effectiveness Monitoring Plan, which there are some already in place for those that have been completed. There will also be a Basin-wide Monitoring Plan which will be more detailed monitoring. Rebecca also wanted to know from Ed when the phosphorus data from the GWCS will be available to share. Ed stated they want to get a good data set, and they have only really been operating a couple months. If we can get a year or so and see how the systems operates, we can get a decent set of data to report.

Phil asked Bonnie a question on Canyon Creek, what do they estimate the costs to be on the remedy there? She clarified for all the 45 mine and mill sites – she doesn’t have a new estimate. The ROD estimate was 30-40 million, but as we gather more information from the design investigations this will increase. The expense of moving the old SVNRT Repository will be a big process. She can check with the Trust and see if they can provide an updated estimate. Phil also asked her about the Star ponds – if at one point they were going to become future repositories where they would add contamination on top of them or was the waste always going to be put into a WCA’s? Bonnie said

they get comments and questions on those ponds because they are right there where all the construction is going on. They are currently operated under Hecla and are not part of the ROD sites – they are outside the current cleanup and no plan to expand into them. Phil said looking upstream from the Star ponds versus downstream – these ponds are on top of where Canyon Creek used to run. Are we getting a flux thru this area and if so, what is EPA’s response to resolving this issue? Bonnie answered that the entire area surrounding Canyon Creek is a riparian site under the ROD. They will be looking closely at this on their way thru the cleanups at each of these mine and mill sites. It is factored into the whole basin they are trying to cleanup so that restoration can happen to Canyon Creek watershed and not just each individual site.

Julie Dalsaso addressed the committee and her concerns over the nutrient loading in CDA Lake. She referenced the NAS study from 2005 and quoted “how unclear it is for all the problems to be addressed efficiently and effectively within the constraints that govern the Superfund process”. She keeps waiting for the Lower Basin to include CDA Lake, but was pleased with the updated fish consumption advisories and likes the updates given by the EPA newsletter. Julie was also concerned with Phillip’s news about State of Idaho’s involvement in the SVNRT repository. She briefly touched on the 3 bays on CDA Lake – like Cougar Bay – where there is an active lease for 5 acres of year-round construction and industrial activity for barges. If we are seeing contaminants coming from the lake bottom, we are not effectively using National Academies guidelines from 2005. There should be a remedy, enforcement and buy-in from multiple agencies about this new closed public approach for leases. There are also proposed applications at Powderhorn Bay and Rockford Bay. She realizes there are lots of growth and changes in our area, but she has been attending our meetings for over twenty years and does not see the County or the State supporting the objectives from the last NAS study. We need effective remedies for CDA Lake and not disregard the non-point pollution sources we are allowing.

Jamie Sturgess commented on the river bed, river bank and Lower Basin work schedule. We are making progress in a lot of places other than the Lower Basin, and is concerned with the 4-5 years of additional planning. He believes we are missing a huge opportunity - if the river banks are 15% of the ongoing source, that’s different than the 85% from other sources. On the banks that have been stabilized with the NRCS method that have been successful, he has not seen any of the 30-mile stretch where this has failed. He continues to advocate to resume with the river banks to improve this percentage where the contaminated sediments and highly erosive areas are located. If we wait 5 years for the river bed, we could still continue with the banks to stop that new contamination from happening. Jamie proposed that at our next meeting we get an update on the number of miles of riverbed stabilized and schedule moving forward to stop the aggravated river bank problem.

Phillip asked Jamie if the ultimate remedy for the river is going to mean dredging and/or capping, and working on a bank that has already been stabilized, you would probably undermine the toe in which that stabilization is sitting on. To go ahead and do this first would undo the work if the remedy is to remove the contamination in the river bottom. Jamie responded that his first thought would be time value of money and cost. If there is 15% contaminants per year and nothing gets done for 5 years for a pilot – or 10 years for full remediation – that’s equivalent of 1.5 years of everything. If we only spent the money to stabilize, we would eliminate in 7 years the equivalent of 1 year of sediment load as estimated presently. He doesn’t see where there will be any way to get all this material dredged out. If there is a little re-do in 10 years, he thinks it’s a small price to pay if we can stabilize most of it now. Dredging will probably not go so deep as to cause the banks to fall in, that would be aggravating more than remedying. Any possible remedy would probably be from the

present toe of the steep slope to where the wedge starts, which is the area that exposed high water to low water, anything above this wedge should be stable and to remove would cause a major disaster. Natural material is still coming down the SFCDA and natural deposition is keeping some of the sediment stable right below the first mile of the Cataldo Boat Ramp, which is lower contamination ppm than say at the Rose Lake Boat Ramp.

Nomination and Election of new BEIPC Officers, Chair, Vice-Chair and Secretary/Treasurer - Terry Harwood (Action Item)

Nominations for Chair – Phillip nominated Mike Fitzgerald; motion to close nominations by Phillip, second from Brook. All approved **M/S/C**

Nominations for Vice Chair – Mike nominated Phillip; motion to close nominations by Brook, second from Mike. All approved **M/S/C**

Nominations for Secretary/Treasurer - Michael McCurdy nominated IDEQ Director Jess Byrne; motion to close from Mike, second from Phillip. All approved **M/S/C**

The meeting adjourned at 12:08