

**Basin Environmental Improvement Project Commission  
(BEIPC)/Citizen Coordinating Council (CCC) Meeting  
Special Topic: Townhall Meeting for Institutional Controls  
Program (ICP)**

Meeting Summary Notes

July 12, 2022, 9:00 AM

Idaho Department of Environmental Quality (IDEQ) Osprey Room, 2110 Ironwood Parkway,  
Coeur d'Alene, Idaho

**Attendees in person:**

Terry Harwood (BEIPC Executive Director), Dana Swift (IDEQ), Dan McCracken (IDEQ), Andy Helkey (IDEQ), Eric Ketner (Panhandle Health District; PHD), Felicia Cassidy (Alta Science and Engineering), Gail Yost (BEIPC, Notetaker)

**Attendees via Zoom:**

Paula Wilson, Susan Hamlin, Cody Mullikin (Office of the Attorney General, Environmental Quality Section)

Kelli Brassfield (Idaho Counties)

Phillip Luebke (Olympus Technology)

Jerry Boyd (CCC Chair)

Alyssa Gersdorf (City of Post Falls)

Michael McCurdy (IDEQ)

Mary Rehnberg (PHD)

Tamara Langton (Environmental Protection Agency; EPA)

Ian St. John (Coeur d'Alene Trust)

Deb Sherbina (EPA)

Ron (Public)

Todd (Public)

CJ Kissell (Pioneer Technical)

**Call to Order**

Terry Harwood called the meeting to order at 9:00 am. The purpose of this meeting today is to discuss proposed changes to the regulatory framework for the Institutional Controls Program (ICP) for operation within the Bunker Hill Superfund Site (BHSS). Jerry Boyd, CCC Chair, is attending virtually.

**Institutional Controls Program – Changes to the Regulatory Framework**

Andy Helkey gave a presentation on the proposed ICP regulatory framework changes that are coming up within the next year. Brief introductions and an overview of today's presentation were provided.

ICP is a required component of the cleanup for selected remedial actions in the BHSS. It has been a local program for 27 years now with its main purpose to protect public health and assist

with local real estate transactions. It is a permitting and inspection process to oversee all construction activities. The services ICP supports are barrier maintenance; HEPA vacuum loan program; home renovation; environmental sample data; and education. It houses the remedial records for the property remediation program and allows for real estate transactions within the BHSS without liability for property owners.

The proposed changes to the ICP program include:

- 2021 Legislative Session made changes in Idaho's Public Health Districts status as a governmental entity – they are no longer considered state agencies and not allowed to have Idaho Administrative Procedures Act (IDAPA) rules.
- Currently, there is a temporary PHD rule under 41.01.01, Rules of Idaho Public Health District #1.
- Long-term solution is to work collaboratively to develop a draft statute to be sponsored by IDEQ during the 2023 Legislative Session.
- Overall goal is to not make substantive changes to requirements of implementation.
- Requirements will be streamlined in draft statute and all services will continue to be provided free of charge to users.
- PHD will continue the day-to-day implementation of the ICP.

Currently in the temporary rule 41.01.01 there is a section for the Box and one for the Basin. We are looking to streamline these sections and combine them together in the draft statute – there will be a short title section, establishment of ICP, definition section, scope and applicability, standards for containment management, and ICP permit application and administration. Applicable remedial design reports will be referenced to cover barriers, construction and maintenance, and tables. Other sections in the rule that will be streamlined include the appendices, ICP administrative area maps, applicability of barrier type tables, and soil removal and replacement depth tables – and will be out on PHD and IDEQ websites for reference. If there is ever an enforcement issue, they will be handled by IDEQ and not PHD.

The timeline for transition includes today's public meeting, another public meeting scheduled in Pinehurst August 16<sup>th</sup>, and will be presented by IDEQ during the 2023 Legislative Session. As soon as the statute is passed it will go into effect.

Jerry Boyd asked from his understanding, this will basically cover the same issues that were originally covered under the ICP – and Andy said that's correct there will be no real substantive, administrative or regulatory changes. Jerry asked if there will be a change on where people go to comply or obtain information – Andy answered there will be an MOA between IDEQ and PHD so that they can administer the program and day-to-day same as it is now.

The next public meeting will be held on Tuesday, August 16<sup>th</sup> at 9:00 am at the Shoshone Medical Community Outreach Center, 9 Country Club Lane, Pinehurst. There will be a virtual option for this meeting as well. If anyone has questions or comments, they can be sent to Andy Helkey, 1005 McKinley Avenue, Kellogg, ID 83837, or email at [Andy.Helkey@deq.idaho.gov](mailto:Andy.Helkey@deq.idaho.gov), his phone number is (208)783-5781.

Dan McCracken restated the logistical changes with moving the ICP rule under PHD to a statute under IDEQ and the answer to keep all on the ground functions the same – ICP already functions under an agreement between IDEQ and PHD because some of the funding comes through IDEQ. There are other programs such as some of the smaller drinking water systems that PHD implements under IDEQ regulatory authority, so we have these examples how those function under other programs. Since we are already managing ICP cooperatively, we are confident we can change the regulatory authority and not have it effect the program. Jerry agreed that everyone is going to know how and who to contact. Andy added that it was the Governor’s office who preferred we move this into a statute as it will not have to be renewed annually, only when there are changes.

Jerry wanted to know what kind of outreach was done as far as giving notice to other people – Andy stated they have met with all the mayors and county commissioners and received letters of support. They also met with Hecla, Bunker Hill Mining, Silver Mountain, the Silver Valley and Wallace Chambers, and the Coeur d’Alene Tribe. Dan McCracken stated there is also a special page with a link on the IDEQ website that people can subscribe to, all the statute information will be posted here as well as the BEIPC website as we currently do.

Jerry asked if there were going to be any changes in the repositories – and the answer was no. He also wanted to know if all this information had been distributed through the CCC list – and the answer was yes. Mary at PHD said they also distributed to all their contractors currently licensed under ICP which is hundreds of people. Terry said we will post todays presentation on the BEIPC website and Andy will also present at the BEIPC meeting in August.

There were no other comments or questions – meeting was adjourned.