

TLG Meeting Minutes
Technical Leadership Group Meeting
October 14, 2008
Idaho Transportation Department
600 W. Prairie Avenue, Coeur d'Alene, Idaho

Call to Order and Introductions: The TLG Chair, Mr. Kenny Hicks (Shoshone County), called the meeting to order and asked TLG members to introduce themselves.

Recreation PFT Update: The Recreation PFT Chair, Mr. Mark Masarik (EPA), gave a brief overview of the Recreation PFT. The group was revitalized last year and came up with three sub-tasks: 1) refine and update a comprehensive recreational site inventory; 2) complete a trends analysis for recreational opportunities in the Basin; and 3) develop a communications and testing strategy. He indicated the PFT's more immediate task was to complete and refine the recreational inventory. He then introduced the PFT's sub-group Chair for this task, Mr. Dave White.

Recreation PFT Inventory Report: Mr. Dave White (Idaho Parks & Recreation) gave a report on the Recreation Inventory and said it was the intent of the sub-group to identify all of the recreation sites (both developed and dispersed) in the CDA Basin all the way to Washington State. He mentioned that Avista did a formalized developed recreation site inventory as part of their dam relicensing, so the group started with this information. From that, they put together a table with pertinent information to identify the following:

- What sites are available for recreation;
- What kind of use and the level of that use;
- Land owner or managing agency;
- What kind of amenities, if any;
- Known contamination and whether tested; and
- If there has been any remediation.

In general, Mr. White said the table is an evolving document and will be updated as additional data is provided. He has received a good response from most of the local government agencies at the state and city level. However, the counties and local towns have not been very responsive. Mr. White commented that the State of Washington had a mixed response and questioned the reason for the inventory and possible impacts. He clarified that it's just an inventory; and the PFT is hoping to put together some basic guidelines on how you might look at a recreation site (i.e. if contaminated, what some of the options may be).

Mr. White pointed out that dispersed sites are not covered as well as developed sites because they are more difficult to locate, but he just received an updated inventory from the CDA Tribe with a lot of dispersed sites along the Trail of the Coeur d'Alenes. He also has his staff looking at Heyburn, the Trail, and other sites to include as well. Copies of the draft inventory report were provided to TLG members for requested input and agency feedback.

Several issues concerning recreation sites were discussed such as: remediation for existing sites if the potential for recontamination is high during high water events, or creating new sites; strategy

for management guidelines; responsibility; testing of sites; prioritization; funding; etc. Per the TLG's request, the BEIPC Executive Director, Mr. Terry Harwood, agreed to post the draft recreation inventory report to the BEIPC website. It will be updated as needed and all new additions will be listed in red.

Mr. Masarik provided a brief overview about the recreation inventory maps as Mr. David Fortier (BLM) was not available to make his presentation until later in the day. He mentioned that Avista used GPS to identify the locations of the original sites. Then this information was used to plot the map overlays to tie them together with the inventory tables, so they become interactive. New information will be added in the same manner.

Discussion on Draft BEIPC 2009 One-Year Work Plan: Mr. Terry Harwood (BEIPC) reviewed the draft one-year work plan with the TLG. During discussion of the work plan sections, the TLG agreed to make changes to some of the draft language in various sections. For the LMP (Lake Management Plan) section, Mr. Rusty Sheppard (Kootenai County TLG rep.) said the County may have to go with a minority report if they do not agree with the rest of the group. They may also have a minority report on water treatment for the South Fork (under Upper Basin Ecological Remedies), but he indicated they do not know until they speak to their consultant.

Under yard remediation, Mr. Hicks inquired about the meaning of property equivalents. Mr. Harwood explained that he and Mr. Mark Stromberg (IDEQ) took a look at this a few years ago as Mr. Harwood was trying to determine the value of property remediation if there was a big flood and it wiped out the remedy. As there is so many square feet of property remediated every year, the problem is that if you remediate a five-acre property; that's a tremendous amount of property versus a quarter-acre city lot. He explained that Mr. Stromberg developed a property equivalent, so it may be reported both ways. First, by total square feet of property remediated each year; and secondly, by the property equivalent (i.e. which is a measure to account for large differences in property size). Ms. Anne Dailey (EPA) suggested that the information be listed. Mr. Harwood will get the property equivalent information from Mr. Stromberg and email it to the TLG.

For the Lower Basin PFT section, Ms. Rebecca Stevens (CDA Tribe) asked if she could add some language to the end of section 1.4.5 regarding the following: In 2009, the Lower Basin PFT will continue to assist the TLG and provide project ideas in order to implement section 3.2 of the OU-3 ROD where remedial action objectives are identified. Mr. Harwood said he would mark that section and asked if she could email the suggested language changes to him.

Mr. Rog Hardy (Benewah County TLG rep.) brought up several issues including repository site locations. He believes that past history is not being acknowledged in how strong an effort was made with the result to come up with none in the Upper Basin. Mr. Hicks remarked that Shoshone County is concerned about the amount of usable ground in the Silver Valley. After additional TLG discussion on this and other issues, Mr. Hardy said his point was more acknowledgment in the language. He also inquired about the Schlepp wetland project including funding for operation and maintenance, and raised issues about the natural erosion on the artificially steep banks.

The next issue Mr. Hardy raised was regarding the ECSM (Enhanced Conceptual Site Model). He inquired about the following: 1) who will be developing and funding it; and 2) what is the actual scientific workload in enhancing it. Mr. Ed Moreen (EPA) indicated that an EPA contractor is

doing the work. Mr. Hardy asked why, if the work is going on, does the TLG not know about it, or have any say in the workload or plan. Mr. Harwood suggested the TLG is going to be involved in developing ideas, but in the end the agencies are going to make the final decisions. Mr. Hardy emphasized adding language about the contractor, and that EPA had already started the work. Mr. Moreen will provide the language to Mr. Harwood.

Upon further review of the draft work plan, Mr. Harwood noted the Tribe and State plan to make a LMP audit (CWA project) presentation at the February 2009 BEIPC meeting. Mr. Sheppard pointed out that Kootenai County has some concern with this and will request a CWA project work statement (original purpose/scope of work) from them. Mr. Harwood noted he has the original contract and will send Mr. Sheppard a copy. Mr. Sheppard stated the way the draft LMP is written now, that it is not acceptable to Kootenai County. He mentioned the three counties had a meeting with IDEQ in August and they want the information (agreements made with the State from that meeting) incorporated into the write-up for the LMP. Ms. Stevens said she was not sure if it was appropriate for a Basin Commission work plan. Mr. Hicks thinks it should be included as the Counties should have a voice in the process.

Ms. Stevens pointed out that the Counties and State need to work this out as the Tribe has an agreement with the State, and not with the Counties. After further discussion, Ms. Stevens suggested that maybe Mr. Glen Rothrock could draft some language. Mr. Sheppard commented the Counties will not agree until they see what's in the draft LMP. Otherwise, they feel that it's a blank check and commits the whole thing to the Tribe and IDEQ. He emphasized that this is the feeling of all nine County Commissioners (i.e. Kootenai, Shoshone, and Benewah). Mr. Harwood indicated you have to get back to the premise of whether the BEIPC has any say in the LMP, as the work plan can only talk about the things the BEIPC can do. Ms. Stevens brought up that it is mentioned in the language where the BEIPC plays a role in the LMP during the 2009 work period. The TLG continued discussion of what language may need to be added into the work plan for the LMP section and the timeframe to get it to Mr. Harwood. Mr. Hicks commented that if the Counties were involved in the beginning, then we would not be having this issue.

Mr. Sheppard questioned Mr. Harwood if CCC input had been eliminated on the draft work plan. Mr. Harwood clarified that it had not been eliminated. Mr. Sheppard then asked if anyone in the community had seen the draft work plan. Mr. Harwood replied yes. Mr. Harwood explained the draft work plan had been sent to Mr. Tom Beierle (CCC staff) for distribution to CCC members. Mr. Sheppard and Mr. Harwood agreed to a time schedule for the draft language to be discussed on the TLG conference call for October 30. Mr. Harwood said if there is not agreement by the TLG, then the TLG may present a majority report at the BEIPC meeting in November and the County may present a minority report. Mr. Sheppard indicated there will also be a CCC report. Mr. Harwood said he needs something in writing, so everyone can review it.

Under Upper Basin flood control work, Mr. Harwood mentioned he is using Basin Commission funding and \$50,000 from the EPA for a study on the drainage control portion for the revitalization plan infrastructure. For local drainage, some of the steep communities such as Silverton, Wallace, and Mullan, may have stormwater damage and recontamination issues as there is no curb and gutter. He brought up the issue of flooding and levees that the Idaho Bureau of Homeland Security, FEMA, and the Corps of Engineers (COE) are involved in it, and said that

U.S. Senator Crapo and Congressman Simpson's office and Congressman Sali's office are also involved. Senator Crapo was successful in getting an authorization bill in this year's budget, but everything is being funded by a continuing resolution (i.e. as they have not passed any appropriation bills yet for agencies in the federal government). Mr. Harwood said they do have recognition on some people's part that something needs to be done with blood lead.

Regarding funding, one of the big sections of the infrastructure plan that Mr. Harwood is working on (with a consultant) is a list of every possible grant source for the drainage control infrastructure revitalization project (DCIRP). Senator Crapo asked him to speed up the funding analysis, which he did. He also sent this information to the Funding PFT members and plans to have a meeting after the first of the year. Ms. Carrie Holtan (CDA Tribe) offered to help with grant opportunities.

After a discussion on language for the natural resource restoration section, Mr. Harwood reiterated that he needs any additional information for the work plan as soon as possible. Mr. Hicks stated that LMP comments from Kootenai County need to be in by October 24, so the TLG may vote on it during the next TLG call on October 30.

Discussion on Draft BEIPC Five-Year Work Plan: Mr. Harwood presented the five-year work plan. Under blood lead testing, Mr. Hicks asked about funding for the \$20 incentive. Mr. Harwood said the \$20 incentive has been funded for years, but they are trying to come up with \$20 more to increase participation. However, he is not sure where they can come up with the additional funding.

In the tables section of the plan, Mr. Sheppard pointed out the Counties were excluded under planning and implementation of remedial action proposed. The TLG discussed modifications to the language concerning this issue and jurisdiction. Mr. Ed Moreen (EPA) said Mr. Sheppard had a valid point and suggested it be noted that lead agencies need to coordinate with the appropriate entities including the counties and other local entities when doing remediation. After further TLG discussion, Mr. Harwood added the following footnote: "*With planning and implementation of remedial activities, lead agencies will coordinate with federal, state, tribal and local agencies as appropriate.*" He commented the work plan is only as good as how well we run things and does not legally control agency actions. The TLG agreed it's a general game plan.

Recreation Inventory Maps: Mr. David Fortier (BLM) made a presentation on the recreation inventory maps. After explaining the maps to the TLG, he pointed out how the overlay matches up very well and is relatively quite accurate. Mr. Fortier said they are a good representation tool, especially as there is not enough time to visit every site. He then discussed using GIS and LIDAR features in the maps; and suggested that other agencies using the same systems may share information rather than each agency going out. Mr. Hardy commented that collaboration will be good. Mr. Hicks believes the maps will be very good tools and suggested that Mr. Fortier contact "Inside Idaho" (a GIS data clearing house) at the University of Idaho for additional work.

Break

Amended BEIPC Guidelines: Mr. Harwood presented Draft #4 of the amended BEIPC guidelines. The TLG discussed the proposed changes and the definition of "*technical*"

presentations. For determining what presentations need to be forwarded to the TLG for review, Mr. Harwood suggested using his own discretion as he has in the past. Ms. Stevens said that maybe it should be on a case-by-case basis. Mr. Sheppard brought up the topic of CCC presentations and inquired about the process. TLG members discussed: 1) the BEIPC, TLG, and CCC processes; 2) the timeframe needed for submitting presentations to Mr. Harwood; and 3) the danger of putting the TLG in the position of having to approve a presentation before it may be presented to the BEIPC.

After a lengthy discussion, Mr. Dave LePard made a motion to accept the amended guidelines as written in draft #4. Ms. Stevens said she would like to add language to the last sentence of bullet #3, if the item is of a technical nature, the Executive Director will submit the technical proposal “*and/or presentation*” to the TLG. Mr. Hardy said he wanted to clarify the TLG does not need to act on it; they just need to review it. He also wanted to modify the language in the last bullet regarding the amount of time for public comment. Mr. Hicks asked Mr. LePard if he was in favor of amending his motion to include the proposed changes to the language; and Mr. LePard agreed. Then Mr. Hicks asked if there was a second to the amended motion. Mr. Fortier seconded the motion; and the motion passed (i.e. eight in favor, two opposed). Mr. Sheppard said that the Counties will prepare something in writing for a minority report on this issue.

Upper Basin OU-2 Update: Ms. Anne Dailey (EPA) gave an update about the work going on in the Upper Basin and the Bunker Hill OU-2 area. She indicated there are still many data gaps that exist with the focus primarily on clear delineation of source areas and the relative impact on surface and groundwater in the area, and the characteristics of those source areas. Although they have lots of data, she said they do not have enough yet to develop a remedial design or remedial actions for some of the areas. This includes: the need for a better understanding of contaminant nature and the extent of key source areas; the release mechanisms (i.e. how the contaminants get out of the contaminated sediment and into the groundwater downstream); the groundwater preferential pathways; and a better understanding of surface and groundwater interactions as well.

Mr. Harwood said the key to this is that you are now dealing with OU-2 and the Upper Basin as an entity. Ms. Dailey pointed out that it is OU-2 and the Upper Basin together. She said one of the comments the NAS (National Academy of Science) made in their report was that having the Box (OU-2) in the site hinders reasonable thinking about the cleanups for the Upper Basin. However, it’s really the same process, as a lot of the same release mechanisms are going on throughout the site, particularly in the Upper Basin. Mr. Harwood emphasized this is a change from the past. He believes it’s important and fully supports the fact that they are going to look at everything from Enaville to the headwaters as all one unit, rather than keep the Box separated from OU-3.

Ms. Dailey commented it makes a lot more sense. She then reported on the 2008 field activities. Focus areas included: 1) Osburn Flats along the South Fork; 2) Eastern OU-2 around Kellogg and Bunker Creek; and 3) the Page Ponds. EPA used geoprobes to install piezometers (temporary monitoring wells) in some of the areas. Soil samples were analyzed for metals concentrations, and additional sampling was conducted to look at the geochemistry of the soil and release mechanisms. A pilot study was also done on Bunker Hill Creek that showed there were significant losses to clean surface water in Bunker Creek. Ms. Dailey explained that water is clean when it comes out of the CTP (central treatment plant) and goes into Bunker Creek. However,

about 40-50% of the clean water is lost to the subsurface and becomes contaminated. The subsurface water then moves downstream and goes into the South Fork. She said that lining of Bunker Creek was contemplated during the process of the 1992 ROD for OU-2, but it was not done as it was thought there was enough clay material to prevent the loss of surface water into the subsurface.

Ecological Planning and Prioritization Update: Mr. Bill Adams (EPA) indicated his presentation is a continuation of the work to collect additional information in the Upper Basin. He said that EPA took a pause from the Canyon Creek work as there was a lack of recent information for the mine/mill sites, particularly up- and down-gradient. They have completed high and low flow sampling of a lot of the major sources areas (Ninemile and Canyon Creeks down through Osburn). The data will help EPA figure out what is happening in those areas and develop a list of prioritized sites.

In the Osburn Flats area, Mr. Adams mentioned that significant loading is occurring (about 40% of the Upper Basin input). Piezometers were installed as part of the geoprobe work in OU-2 to fill in some of the data gaps. EPA will also be starting the field survey in the Upper Basin drainage. Mapping data and the ECSM (Enhanced Conceptual Site Model) that their contractor is working on will be used to evaluate alternatives and prioritize remedial action alternatives in the Box and Upper Basin. Prioritization tools include the following:

- Step 1- Development of an estimation process called the “Simplified Tool” which uses upstream and downstream water quality data at a source area to predict improvement of water quality if the site were cleaned up; and
- Step 2 – Use of a decision model (i.e. spreadsheet) that takes the input from the Simplified Tool and can apply other factors such as the cost of cleanup, proximity to residential areas, etc., to help prioritize the process.

Mr. Adams offered to show the decision model spreadsheet to the TLG during the break. The spreadsheet shows the sites and the priority based on a number of different factors. Values have been assigned to determine where you can get the “most bang for the buck”.

Future Bunker Hill/CDA Basin Decision Document: Ms. Anne Dailey indicated that EPA will go through the process that Mr. Adams discussed to develop a prioritized list of remedial actions that EPA will want to implement with potential supplement, or other settlement monies. In addition, EPA is talking about potentially doing a ROD amendment for the OU-3 and OU-2 ROD. They will continue to work under the existing OU-3 interim ROD and continue the task actions to obtain a better understanding of the issues in the Upper Basin and the processes which have clarified remedial actions needs. This process will be consistent with the Basin Commission MOA.

Ms. Dailey discussed the reasons for doing this now: 1) address NAS recommendations; 2) look at sites holistically; 3) get a better understanding of groundwater and metal flux; 4) look at some of the recontamination issues; 5) develop a more comprehensive cleanup plan for the Upper Basin that will reflect improved knowledge; and 6) try to tie in OU-2 and the non-populated areas of the Box with the Upper Basin. Besides addressing NAS recommendations, the goals for the new decision document will be to:

- Prioritize Upper Basin and Box areas for source control by cleanup actions;
- Continue OU-2 Phase II activities to address groundwater and surface water issues;
- Address water treatment issues in the Upper Basin (with a focus on particulate lead); and
- Reduce human health exposure.

To start the ROD amendment process, she indicated they will be using the tools that Mr. Adams talked about that will provide opportunities for the TLG and others to get involved. In the Lower Basin, they are not planning on selecting additional actions this time, but intend to gather additional data that may support further cleanup actions in the Lower Basin. The key goal of the proposed ROD amendment will be to reduce surface and groundwater contamination in the Upper Basin. For the scope of work, they are considering the following types of potential actions:

- Water treatment;
- OU-2 Phase II additional sources areas controls;
- Mine and mill sites;
- Contaminated flood plain tailings not included in the OU-3 interim ROD, or covered in the OU-2 ROD;
- Infrastructure actions that may be focused on water quality and/or remedy protection; and
- Coordinate restoration activity with the Natural Resource Trustees.

Since there is no implementation plan in the OU-3 interim ROD, Ms. Dailey pointed out that you do not know what work is coming. However, for the ROD amendment, EPA hopes to have an implementation plan to identify the first five years of work, and possibly the second five year increment. Then, everyone will know what's coming and may be planning parallel with the first five years of remedial actions together with design and site characterization data. She said the idea is to use adaptive management.

EPA's plan is to come to the Basin Commission, TLG and CCC with technical information and straw proposals, and ask for input to support EPA's decision-making process. The proposed plan will also need to go through EPA's remedy review board process. Then it will go out for public comment. (Funding and implementation agreements will also need to be put together). EPA's goal is to issue the ROD amendment in late 2009.

Mr. Harwood pointed out that EPA has made a commitment to work together with everyone on the whole process. He stressed this is more important than all the talk about work plans, etc. and that EPA is asking for help and honoring the BEIPC process. He suggested that if the TLG is going to be viable, they need to start looking at these kinds of things. The TLG should be looking at all the information (including CWA reports, etc.), so we can be ready and have a list of projects that have been agreed to if EPA gets a settlement.

Mr. Harwood also wanted everyone to understand that while they need to work collaboratively on this; it's the people with regulatory authority who are going to make the final decision in the end. He reiterated that people need to understand this as the BEIPC cannot trump the authority of the federal agencies to make those decisions. Even the legislation the State of Idaho passed in creating the BEIPC does not bear upon the federal agencies. He recapped it can be a cooperative process, but that it may fall apart if we break down into a lot of haggling over political positions, etc. Mr. Harwood reiterated that EPA has to make a decision, and they will make that decision as

it's their mandate and responsibility. Ms. Dailey indicated Mr. Harwood is correct. She added that it's a real opportunity to work with the EPA as they are committed to working with the BEIPC and TLG on this, but they have the final decision.

Lunch

Communications PFT Update: Ms. Jeri DeLange (BEIPC) gave a brief update on the Communications PFT. During the summer, the PFT produced a BEIPC brochure and 100 color copies were printed after it was reviewed by the TLG, CCC, and BEIPC Executive Director. (She thanked Carrie Holtan and the CDA Tribe for printing the copies). The brochures were used at the East Mission Flats 60% design community open house (July 31) and for the BEIPC field trip (August 13). The PFT also developed promotional tools for BEIPC presentations and is continuing work on its Communications strategy, action items summary, and list of public outreach avenues. For the BEIPC website, they will be working with Mr. Harwood on making some modifications and improvements.

Ms. DeLange reported that the EPA is providing free training in community involvement on "*Building Trust and Resolving Differences*," which the Communications PFT is helping to sponsor. It will be held on November 20. The PFT will be inviting all of the TLG, CCC, PFT members, BEIPC, and the general public who are involved or affected by the Basin cleanup. She suggested that people sign up as soon as possible as there is a cap of 40 people. Registration information will be sent out later. If there is enough interest, she mentioned that Ms. Andrea Lindsay (EPA) said there may be a possibility of a second class next year. Another item the PFT is working on for next year will be to continue training and workshops on other topics. One of the PFT members, Ms. Cathy Cochrane (Washington Department of Ecology), has volunteered to provide some risk communications training to the PFT. Ms. DeLange also noted that the Communications PFT now has a link on the BEIPC website.

Lower Basin PFT and LMP Update: Ms. Rebecca Stevens (CDA Tribe) said she is planning to hold a Lower Basin PFT meeting in early December or January. For the LMP, she indicated the comment period was extended an additional 30 days and ended on August 25. About 32 comment letters were received and are posted on the State and Tribe's websites. They are now working on a response to comments matrix that will be mailed and posted to the web.

Adjourn: The TLG meeting was adjourned. A Basin Information Forum (BIF) meeting followed.