

Technical Leadership Group (TLG) Meeting Minutes September 29, 2005

Idaho Department of Transportation
600 W. Prairie Avenue, Coeur d'Alene, Idaho

Call to Order: The TLG Chair, Phillip Cernera, called the meeting to order and inquired if anyone had changes to the agenda. He then informed everyone that the primary focus of the meeting was to continue developing the 2006 one-year work plan and to spend some time on the NAS report.

Chair's Comments: Cernera said that in the process of developing the one-year work plan, he has acted as the Chair in the best interest of the TLG although some people may have perceived it differently. He offered an apology and said that he has done what he believed was best to advance the 2006 plan. The TLG had previously given him the latitude to provide minor or various edits the group wanted in order to achieve the final product. Cernera is concerned that there was miscommunication at the beginning of the development of the plan. He indicated that it was discussed that input would come to him for the strawman at the last TLG meeting, but that the Executive Director sent out an email requesting that input be sent to him.

Cernera also explained that in the past, he has provided the CWA table component to the Basin Commission. This year he took the information provided by Terry Harwood and for the most part, made very few changes. While Cernera believed the narrative portion was good, he suggested that the history would be more appropriate in the annual report as the TLG wanted the work plan to be succinct. He asked the TLG for clarification of what the Chair's role should be as it was indicated that some of the edits he made were inappropriate. Cernera feels that the TLG should be giving the final work product to Harwood for his review and input as the Executive Director. However, he does not feel that Harwood should be giving direction to the TLG because the group has a Chair. He suggested that the lines of communication have been crossed which has led to some concerns within the TLG. He then opened up the issue for discussion.

2006 Work Plan Discussion: Harwood said that he believed it was decided at the last TLG meeting that he would help to provide a strawman; and that this was also mentioned in the TLG call notes. He informed everyone that he would not take it upon himself to do this on his own and that it was not a proper interpretation that he would circumvent the TLG. Harwood thought the TLG agreed to have him put together a skeleton for the work plan because he has a good idea of what is going on throughout the Basin, both with the CWA and other projects. This would enable the TLG to be more responsive with the first cut and make it easier on the amount of work involved.

Harwood also mentioned that he has all of the CWA proponent information loaded on his computer which makes it simple for him to contact everyone. He indicated that he does not want the CWA proponents to report directly to the TLG Chair as sometimes the information they share may not be totally correct and he is responsible for management of the CWA program.

Harwood then mentioned that Cernera was correct about some of the information contained in the strawman being good and that some of it was inappropriate because he did not censor the information he received. In some cases, he had to adapt information from the five-year plan because he did not receive any information at all. Harwood also pointed out that at the last Basin Commission meeting, it was stressed to have “on the ground work” so it was important to keep the language for ecological work in front of everyone in order to obtain funding.

Anne Dailey (EPA) said that in regards to the five-year and one-year work plans and the annual summary that the TLG and BEIPC bring forward; they contain what is being done, what is being planned, and what has been completed. However, the one-year plan should be crisply focused on next year’s activities, progress and funding. She also indicated that while all three documents are related, they are distinctly different.

Bill Adams remarked that he agreed with Dailey’s comments and that the one-year work plan should be fairly streamlined. He believes that it should not take a lot of time to develop the one-year plan, especially since the five-year plan has been completed. Adams suggested that the work could be summarized in a table which he believes would suffice for the Basin Commission to review. Then the rest of the document could provide detail.

Mark Stromberg commented that he does not believe the process is working. He said that he sent his information for the work plan to Harwood who edited it. The revised information was then sent to Cernera who made changes and forwarded the second revision to the TLG. Stromberg feels that the unedited language should be sent to the TLG for review first, whether it is correct or not. Then after it has been discussed by the TLG, they can make revisions.

Cernera indicated that he has no problems with doing that. He said that he had been given the latitude by the TLG to make minor edits and that is what he had been doing the last few years. He remarked that this issue had not been a problem in the past. Cernera recommended that if the TLG wants to proceed with the first cut of any product in the future, he will act as a compiler and send it out to everyone “as is” before any changes are made. He also suggested that it would have been better for anyone having a problem with this issue, to contact him by phone because he would have agreed to send out the previous version for discussion. Cernera said that the TLG needs to move forward and develop the protocol that works best for the group as he wants to avoid future problems.

John Snider mentioned that as CCC Chair, he runs into the same problems with editing in the CCC. However, he indicated that he has no problems with Harwood or Cernera as the meetings are open now and everyone has a chance for input.

Harwood commented that the process could become extremely lengthy if everyone brings original information to the first cut. He suggested that there be a negotiation process between the parties in order to provide a version that is agreed upon. Snider also advised that it would take too much time to compile original information and reiterated that the same thing happens in the CCC. Harwood recommended that the compiler contact the author in regards to any revisions and try to work it out with them. If they cannot agree, then the original information would be given to the TLG to be worked out.

Rusty Sheppard remarked that the basic issue is the “staff function” to the committee. The staff puts the raw material into the form that is needed by the committee; so the question relates to who the staff are. Cernera responded that this issue concerns more than that; it is who is going to be the focal point and what is going to be their appropriate role. Cernera commented that he thinks he agrees with Harwood. If the information needs to be changed, then the contact person should try to discuss it with them. If they cannot agree, then the information needs to be brought to the TLG to discuss.

Dailey brought up that there is another level that should be included, the PFT’s (project focus teams). Work plan development should include information from the PFT’s and Dailey reported that she checked with Jeff Johnson on one of the Forest Service projects in order to provide text. She indicated that it’s important to keep communication in the loop and that the information from the PFT Chair should also be the consensus of the group.

Harwood mentioned that he felt it was a good discussion and apologized for making changes on some of the information submitted to him. He said that he will be sure to contact everyone in the future before making any edits.

Lloyd Brewer commented that the TLG needs to be careful and have only one focal point. Adams remarked that he believes it should be the role of the TLG Chair. He indicated that after the work plan is completed, then it should be the role of the Executive Director to sell it to the BEIPC.

Harwood stated that he believes that Cernera and other TLG members are busy with their regular jobs so it makes good sense for him to help; especially in regards to knowing what is going on with the Basin and the CWA projects because he is in contact with everyone. Harwood also said that since he has to review the work plan before he presents it to the Basin Commission; he would hope that the TLG would be in agreement with him. If the TLG is not, then he would have to present his own minority position. In addition, he does not want to have a lot of wasted time. As the CWA Project Manager, he indicated that he will not allow the proponents to report directly to the TLG Chair.

Cernera responded that he does not understand that and has several concerns. He brought up that the TLG’s goal is to work together with the Executive Director in order to have checks and balances, but that the TLG needs to work independently. Cernera indicated that there may be times that the TLG and Executive Director do not agree and then there would be a need for a minority position.

After further discussion, a motion was made by Brian Spears (USFWS) that sections of the work plan will be sent to the Executive Director’s office for compilation and fill in. Then the author’s sections will be sent compiled and unmodified to the TLG Chair for review and input by the group. Once the work plan is approved by the TLG, it will be sent to the Executive Director for comment. Spears indicated that this way: 1) the TLG Chair does not have to deal with the staff work that Sheppard referred to; 2) the Executive Director still has the filtering and comment ability on the final work plan; and 3) it still remains a TLG product.

Dailey commented on her previous suggestion, that the information should go to the PFT Chair and committee to be compiled (unedited), and then shared with the TLG. Cernera pointed out

that Harwood had requested that all of the CWA information go through him; so he will compile the Superfund work and get the CWA info from Harwood. If there are any changes, he will contact the author to work it out. If it cannot be worked out, then it will go to the TLG unedited. Cernera asked if everyone was ok with this.

Sheppard called for a point of order in regards to Spear's motion and said that he would second it. Spears requested that his original motion be amended with the modification and clarification. In order to clarify the motion, Cernera listed the steps on the white board with the inclusion of the PFT Chairs also providing original work product. Discussion then followed concerning the issue of latitude in order to make edits to avoid wasting time in the compilation of the information.

Harwood mentioned the format for the work plan and said that it would be helpful to have consistency with the original work product submitted. Adams suggested that each one be no more than one page with an introduction or table, in a specified font and format. Cernera then asked for clarification to move ahead with everything with the goal of being sensitive to coordinate with the author.

Sheppard then withdrew his second to the motion. Stromberg indicated that he would second the motion, but it was pointed out that maybe a new motion was needed. Spears suggested that a flow chart be developed and withdrew his motion based on the development of a flowchart for the process. The TLG verbally agreed that Spears would work with Cernera to develop the flowchart and it would be distributed to everyone for review.

Break

2006 Work Plan Revisions: In order to make changes to the work plan tables as they were discussed, Harwood used a projector and laptop computer so that everyone could view the changes as they were agreed upon.

Harwood commented that he now has the language from EPA and IDEQ for the repository section. They are going to utilize Big Creek for the ICP and Basin remediation waste; and the East Mission Flats repository site is proposed to be operational in 2006.

In regards to the language for repositories, the discussion focused on the uncertainty of quantity and the capacity for future needs. Cernera suggested that the language be synthesized down to its essence by the repository PFT Chair. Harwood indicated that he would contact the PFT Chair, John Lawson (IDEQ) in Boise.

Cernera inquired about the issue of items noted in the five-year plan that are not referenced in the one-year plan. Harwood said he will draft a statement that explains that if work is not included in the one-year plan that was noted for the five-year; then it means that the work will not be started in calendar year '06.

Roizen asked if the unreleased blood lead study that was mentioned in the EPA Bunker Hill five-year review would have any impact on the '06 work plan. Stromberg indicated that the study will be released later this year, but he did not have any further knowledge. However, he believed that it would require no changes to the '06 plan. Harwood reported that there will be an hour-

long presentation by IDEQ and the Idaho Dept. of Health on the blood lead study at the next BEIPC meeting in November.

Roizen brought up the issue of flooding which was mentioned in the NAS report, but noted that it was not mentioned in the one-year plan. Harwood indicated that Roizen made a good point and that this issue was also not addressed in the five-year plan. Cernera said that the five-year plan mentions that the BEIPC will deal with the NAS report as they deem appropriate and suggested that a narrative be included about trying to look at and address flooding issues by prioritizing projects. Dailey asked if the objective was to address this issue in the next year because the work plan was only a one-year plan.

Other flooding issues concerning recontamination and human health were raised. Roizen indicated that he did not want this issue to only be a footnote. He asked what projects related to floods could be implemented now and if that was not feasible; then the issue should be moved up another level for larger consideration.

Another section of the work plan discussed included the lack of funding for ecological cleanup. Spears suggested that this section be rewritten to highlight that there is no Superfund funding for ecological issues and that the BEIPC is having to rely on small CWA grants to try and address all of the huge problems. Harwood and Cernera will work on revising this section.

Sheppard commented on the EPA's website (www.storet.org) for data on test programs and the difficulty he had in accessing it. He indicated that he tried several times, but was unsuccessful. Sheppard believes that the general public will not use it because of this. Upon further discussion, it was suggested that problems may occur because the dial-up modem is too slow for downloading the site or that an individual's computer may not have enough capacity for the large amount of data. Dailey offered to do a tutorial for anyone interested. Harwood also mentioned that he has copies of the final project reports in his office and that anyone may come in and get a copy made.

In the ICP section, Sheppard remarked that the counties had no input. He also indicated that no boundaries have been established and that this information should be specific in the narrative. Rog Hardy agreed that the language for boundaries be specific and that it should be reviewed by the PFT, counties, and CCC. Harwood informed everyone that there is community involvement going on and that the cities of Osburn, Wallace, and Mullan have agreed to the ICP in writing.

Roizen expressed his objections to the language for the Basin ICP as being defined as the same as the Box. Harwood said that he was asked to help draft an ICP for OU3. He is working on it based on the ICP for the Box, but indicated that adjustments would be made to fit it to the Basin. He stressed that it is only a draft and explained that there will be additional opportunities for stakeholder involvement and public comment. Cernera suggested that Harwood meet with people and lay out the ICP process rather than saying that it will be based on the Box. Roizen believes that the counties will disagree with the ICP unless the program is voluntary. Harwood said that he will provide the draft ICP to the Basin Commission at the November 9 meeting.

Lunch

2006 Work Plan Discussion: For blood lead screening, Roizen suggested a grant to research what was done in Rhode Island. He mentioned that the county commissioners also suggested that they would like to explore a new system other than the Panhandle Health District's approach. Roizen also suggested that the EPA be mindful in the future of the NAS report and go back to re-evaluate the bioavailability of lead.

Ground and surface water sections were discussed. Bill Adams brought up the pilot study for groundwater and stressed the importance of understanding where it is going in order to determine the best method for treatment. He indicated that community input will be sought for a water treatment system.

On the LMP section, Sheppard indicated that IDEQ is not the spokesman for the counties and that the counties want to be a part of the process. Cernera mentioned that the State has signed an MOA to work with the three counties. Sheppard pointed out that the LMP would be an ICP for the lake.

Cernera mentioned that the Tribe and State are determined to establish funding to get the LMP issue resolved in order to develop a revised plan. He indicated that the Tribe's perspective of the LMP is to protect the lake from metal contamination along with the State as owners/managers. The Tribe wants a good plan with performance standards and that is what the mediation is about. Snider remarked that the counties and lake shore property owners want to provide input for the LMP. He wants some assurance that the stakeholders will have involvement. The language was then modified to strengthen the role of participation by the stakeholders. Glen Rothrock (IDEQ) commented that by the end of 2006, there will be either one or two LMP's.

Break

After further discussion of various sections, it was determined that Harwood would provide a table for the CWA projects and that Cernera would work with Harwood on it. Cernera and Spears will provide the TLG with a flowchart to review for the work plan process.

The meeting was adjourned.