

Minutes

Technical Leadership Group (TLG)

April 5, 2005

Idaho Transportation Department Administration Building
600 W. Prairie, Coeur d'Alene, Idaho

Call to Order and Introductions: The TLG Chair, Mr. Phillip Cernera (CDA Tribe) called the meeting to order. Mr. Brian Spears (USFWS) made a motion to change the order of the agenda and move the election of TLG officers until after lunch. Mr. Cernera responded that it would be a good idea to wait until after Mr. Terry Harwood (BEIPC Executive Director) presented the TLG voting procedures before any motions were made to this effect. He then asked everyone to introduce themselves and welcomed new members to the TLG. They included: 1) Mr. Dean Gentry (Benewah County) who will be replacing Mr. Frank Frutchev; 2) Mr. Brian Spears (USFWS) who will be replacing Mr. Jim Hanson; and 3) Mr. Rob Lindsay (Spokane County) who will be replacing Mr. Stan Miller. Mr. Cernera also explained recent corrections he had made to the TLG roster. He then recapped the nominations for Chair from the last meeting. As the motion to change the order of the agenda was not seconded, the order of the agenda remained the same.

TLG Voting Procedures and Staffing Proposal: Mr. Harwood (BEIPC) presented the TLG voting procedures that were discussed at the TLG meeting on February 28. The majority of the TLG members interpreted the provisions of the TLG protocols to mean that “each governmental entity meeting the membership criteria has one vote in TLG deliberations including the selection of the TLG Chair and Vice-Chair.” He reported that this item was voted upon by the TLG in accordance with the interpretation and was carried by a majority vote.

Then Mr. Harwood presented his proposal for Basin Commission Staff support for the TLG which was taken directly from the TLG Organizational Practices and Protocols (page 4, top paragraph) and includes the following: “To the extent practicable, the Basin Commission Executive Director and staff shall provide administrative support to the TLG and be responsible for making logistical arrangements, distributing agendas and meeting materials up to five (5) days in advance of a TLG meeting, providing public notice of formal meetings, and developing meeting summaries. As well, the Executive Director or Basin Commission staff can help arrange opportunities for the TLG to interact with the Basin Commission Board, the CCC (Citizen’s Coordinating Council), and the public. If no Basin Commission staff are available to provide any necessary support, the TLG shall be responsible for assigning these administrative responsibilities.” Mr. Harwood mentioned that he will also present this information to the Board at their next meeting on May 11.

Nominations and Election of TLG Officers: The Chair, Mr. Phillip Cernera, discussed that the TLG membership is comprised of 25+ governmental entities and that each entity may be represented by two appointed representatives. However, he reiterated that under the protocols, each entity is only allowed one vote. He mentioned that the TLG would follow the protocols as

they were understood now, and then if there were any disagreements, they could be discussed at the next BEIPC meeting.

Before nominations were taken, Mr. Cernera was asked to discuss the duties of the Chair. He responded that he believes the Chair's role is critical, especially now that there are twenty-five CWA (Clean Water Act) projects. The Chair needs to spend time on the technical aspects, be out in the field, help to provide oversight, and act as a liaison in implementing the cleanup work for the CWA and Superfund projects. Other duties include: 1) the weekly TLG conference calls (at least until the 5-Year Plan is completed); 2) coordination with the Basin Commission, BEIPC Executive Director and staff, and CCC; and 3) making presentations at the various meetings. In addition, he mentioned that the TLG Chair should also be involved with the Funding PFT (Project Focus Team), or by possibly chairing other PFT's.

Mr. Harwood mentioned that the Chair of the TLG will be extremely busy because we are behind on development of the current 2005 plan and that we should have the 2006 plan in place by this November in order for it to be effective on January 1, 2006.

Mr. Ed Moreen (USEPA) asked how much of the TLG workload would be shared with the Executive Director. Upon discussion, it was left to the TLG Chair and the BEIPC Executive Director to make that determination at a later time.

Mr. Ron Roizen (Shoshone County) made a motion to nominate Mr. John Snider (Kootenai County) for TLG Chair, seconded by Mr. Dave Suhr (Shoshone County). Mr. Lloyd Brewer (City of Spokane) made a motion to nominate Mr. Phillip Cernera as Chair, seconded by Mr. Mike Beckwith (CDA Tribe). Mr. Phillip Cernera (CDA Tribe) made a motion to nominate Mr. Brian Spears (USFWS), seconded by Ms. Anne Dailey (USEPA). Mr. Mark Addy (NRCS) made a motion to nominate Mr. Dave Fortier (BLM) who declined the nomination.

The Chair, Mr. Cernera, mentioned that he sent emails to all TLG members last week to notify them about the upcoming election for the TLG Chair. He did this in order that all of the members would be aware of the election and have an opportunity to participate because he would like to see the TLG unified. He discussed that voting would take place after the break and would be by ballot. It was decided that the candidate receiving the second highest number of votes would be Vice-Chair. Mr. Harwood reminded TLG members that each governmental entity had only vote.

A motion was made by Mr. Mark Stromberg (IDEQ) that the voting results would be tallied as a plurality meaning the person receiving the most votes would be the winner (instead of the winner needing to have a majority of the total overall votes). The motion was seconded by Mr. Bill Kirschner and passed (13 in favor, 3 opposed).

Each candidate for the position of the TLG Chair had an opportunity to address the TLG before the voting took place. After discussion, the votes were cast and the ballots counted by the BEIPC Executive Director, Terry Harwood, and his assistant, Jeri DeLange.

Mr. Harwood reported that Phillip Cernera was re-elected as Chair with the highest number of votes and that Mr. Snider received the second highest number of votes. The voting results were as follows: 8 votes-Phillip Cernera; 6 votes-John Snider; and 2 votes-Brian Spears. Mr. Snider indicated that his interest was for the position of Chair, rather than Vice-Chair. He respectfully declined the position of Vice-Chair, so that he could continue his work on the CCC. As Mr. Spears was the next candidate, he was asked if he would accept the position of Vice-Chair. He agreed to accept the position.

Funding PFT (Project Focus Team) Establishment: Mr. Harwood discussed the need for other types of funding for the cleanup work in the Basin. He mentioned that if funding sources could be coordinated with other land managers in OU3, then we could compete for more funding. He reported that he had been contacted by Senator Crapo's office in regards to support of the Basin work and that it would be extremely beneficial to have help from our Congressional delegation. Mr. Harwood also offered to help by traveling to D.C. (if needed) in order to obtain additional funding. He mentioned that other options include grants and looking at each agency's capabilities for funding. In order to start working on this issue, he asked for volunteers for a funding PFT. For anyone interested in helping, he asked them to please give their name to Ms. DeLange.

Mr. Ron Roizen (Shoshone County) believes that we should not be expanding the cleanup and reiterated his concern of the Basin work going on into perpetuity. He mentioned the environmental problems in Libby, Montana, and feels that additional funding sources would be better spent there for human health issues and to prevent deaths as he believes their risks are far greater than ours.

Mr. Jeff Johnson (USFS) discussed looking into the possibility of funding for Brownfields. There may be an opportunity to protect human health while also providing a recreational opportunity for children/adults such as a sports complex. Mr. Rusty Shepherd inquired if the appropriations for this type of funding would go to the Basin Commission for allocation. Mr. Harwood responded that CERCLA and Brownfields appropriations would go to the regulatory agencies to help with cleanup and improvements. The Basin Commission would not be in charge of the funds as they are with CWA funding.

Mr. Cernera mentioned that some grants may not be available to some agencies. This is the reason that it is important to form a funding PFT for the Basin Commission because it creates leverage. Mr. Snider inquired if the Basin Commission is capable of accepting grant funding. Mr. Harwood replied that the Basin Commission was granted financing and taxing authority from the legislature. Ms. Dailey mentioned that the Basin Commission does not have the infrastructure (fiscal agent) in place yet in order to do this. Mr. Cernera replied that the Commission could move in that direction.

Mr. David Fortier (BLM) discussed looking at all of the funding options the Basin Commission has and putting together a report. If funding sources can be found, this would help in getting the cleanup work done now, rather than later. The Forest Service and BLM have the opportunity to help bring in funding for federal lands. He also reiterated that it is important for the Basin Commission to form a PFT.

Mr. Rusty Shepherd (Kootenai County) mentioned that the citizens of Kootenai County do not want a lot of funding for projects that do not accomplish much. He believes the Basin Commission needs to stay focused on priorities.

Mr. David Sternberg (Washington Dept. of Ecology) commented that it is a good idea to pursue economic development as well as the cleanup. If the grants are not applied for, then someone else will receive the funding. Mr. Cernera mentioned that if sources of funding are exhausted, the Basin could stay an unfunded Superfund site forever. Mr. Mike Beckwith (CDA Tribe) discussed that there will be continued lake management efforts and the PFT also needs to look at funding for the LMP.

Mr. John Snider (Kootenai County) mentioned that he shares the same concerns as Mr. Shepherd. He would like to see the Basin Commission as the proprietor of the funds and would also like to see CCC members be involved in the PFT.

Harrison Hwy. 97 Bridge Replacement: Mr. John Perfect, Idaho Transportation Department, gave a presentation on the Harrison bridge replacement.

One Year Work Plan: Mr. Phillip Cernera discussed the three page memorandum he prepared for the TLG members to expedite the review process for the One-Year Work Plan. He reported that the TLG began compilation of the draft Work Plan at the meeting on February 28, 2005. The first page of the memo contains a schedule that was developed in order for the TLG to move forward and have the final Work Plan completed in time for the Board's approval at the May 11 BEIPC meeting. Mr. Cernera mentioned that he has worked with the Executive Director, Mr. Harwood, to revise the sections so they more accurately reflect the sub-grant title, the year the project was funded, sub-grantee, and other minor corrections. In addition, he reported that he took the liberty of rewriting the one page table listing the 2005 projects so the task number matches the one page synopsis.

Mr. Harwood asked the TLG to keep in mind that each grant is by year and must be obligated and spent within a set timeframe. He mentioned that the sub-grants are managed by the implementing agencies and the deliverables require the review of the TLG. Mr. Mark Stromberg (IDEQ) reported that there has been no technical oversight for years and that we need to start now. Mr. Harwood answered that he will be tracking all of the CWA projects in process for the last three years and managing the grants.

Five Year Work Plan: Mr. Phillip Cernera discussed the development of the draft Five Year Work Plan for 2005–2009. The proposed plan is organized as follows:

- Part I – OU3 ROD work funded with Superfund or other cleanup monies; and
- Part II – Work funded with CWA grant monies.

Mr. Cernera mentioned that implementation of the plan will depend on funding and that the plan is built around a reasonable expectation of what funding may be available. He reported that the estimated timeframe for completion of the 5-Year Work Plan will be August 2005.

Human Health Property Remediation Discussion: Ms. Angela Chung (USEPA) and Mr. Rob Hanson (IDEQ) led a discussion on the property remediation program for human health in the Basin. Ms. Chung mentioned that human health issues are always the first priority for EPA in doing cleanup work across the nation. Mr. Hanson reported that sampling for property remediation is prioritized by high risk category (children and expectant mothers). He mentioned that sampling results are coming back with 90% of the properties requiring some type of remediation work.

Mr. Ron Roizen expressed his concerns over this issue. He mentioned that because the number of properties originally estimated in the ROD (Record of Decision) to require remediation has greatly increased, it will take a much longer period of time to complete the human health remedies than anticipated. He asked for a new estimate of how many additional years this meant. Mr. Hanson answered that there is not enough sampling data at the present time and funding availability is in question to be able to estimate. Ms. Chung replied that because the sampling is not yet completed, it would be speculation to try and estimate the number of properties or the number of years it will take to complete the work. She also stated that the numbers in the ROD were estimates and that it is difficult to determine the answer because there are a lot of variables. Mr. Roizen remarked that according to his best estimate it could be ten more years. He also suggested that if some of the estimates are incorrect, then possibly the IEUBK (Integrated Exposure Uptake Biokinetic) model used for estimating blood lead levels in children may have been incorrectly calibrated. Mr. Harwood mentioned that the point is that the cleanup work is being done according to the criteria in the ROD. If the work was not being done according to the criteria, then it would be a problem. He stated that as long as the sites being tested meet cleanup criteria, we are required to do the cleanup remedies. If the NAS (National Academy of Science) study comes back with different standards or criteria, then we can make changes if agreed.

Concerns were raised by other TLG members about funding for the ecological remedies after the human health remedies were addressed. It was discussed that if the human health remedies take longer to remediate than anticipated, there may not be adequate funding for the ecological cleanup work. Mr. Harwood suggested that we try to figure out ways to combine human health and ecological projects.

Mr. Shepherd inquired about institutional controls and who pays for contaminated “hot spots” on commercial or private developments. Ms. Chung replied that jurisdictional boundaries are established for the ICP (Institutional Control Program) that correlate to the areas of remediation. If remediation is required, then it is paid for by the government. However, it was also discussed that the ICP moves slow and there are no resources to clean up properties ahead of time.

Mr. Shepherd asked about the progress of the Lake map project and if it was going to be published. Mr. Cernera answered that it was in the process of being revised with the final changes and that it would be presented at the next Basin Commission meeting for the Board’s approval.

There being no further business, the Chair, Phillip Cernera thanked everyone for attending and adjourned the meeting.