

BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
February 20, 2013, 9:30 a.m. - 4:00 p.m.
CenterPlace, 2456 Discovery Place
Spokane Valley, WA

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners Present:

Mr. Rick Albright

Mr. Jack Buell (Chair)

Mr. Curt Fransen (Secretary)

Mr. Dan Green (Vice-Chair)

Mr. Caj Matheson

Mr. Grant Pfeifer

Mr. Larry Yergler

Alternates Present:

Mr. Jim Best

Mr. Rob Hanson

Staff Present:

Ms. Jeri DeLange

Mr. Dave George

Mr. Ed Moreen

Mr. Bruce Schuld

Ms. Rebecca Stevens

1) Call to Order/Introductions: The Executive Director, Mr. Terry Harwood, said that he would lead the beginning of the meeting until election of the new BEIPC officers. He asked Commissioner Jack Buell (Benewah County) to lead everyone in the flag salute and then Mr. Harwood introduced the Shoshone County Commissioners. They are: Commissioner Larry Yergler (designated as BEIPC Commissioner) and Commissioner Jim Best (designated as alternate BEIPC Commissioner) and Commissioner Leslee Stanley. He also introduced Mr. Caj Matheson (designated as alternate BEIPC Commissioner for the CDA Tribe), Ms. Katie Brodie (Field Director for Governor Otter's North Idaho office) and local congressional staff members from Coeur d'Alene: Ms. Karen Roetter (U.S. Senator Crapo's office), Mr. Sid Smith (U.S. Senator Risch's office) and Mr. Aaron Calkins (U.S. Congressman Raul Labrador's office).

2) Special Announcement: Mr. Harwood made a special announcement to acknowledge and express appreciation for former Shoshone County Commissioners - Jon Cantamessa who served on the Basin Commission for nine years and was BEIPC Chair; and Vince Rinaldi who served as alternate BEIPC Commissioner. He presented plaques to the Shoshone County Commissioners

to give to Mr. Cantamessa and Mr. Rinaldi with the BEIPC's thanks and appreciation for their service.

3) Nominations and Election of BEIPC Officers: Mr. Harwood asked for nominations for the position of BEIPC Chair. Commissioner Grant Pfeifer (State of Washington) nominated Commissioner Buell and the motion was seconded by Commissioner Yergler. As there were no further nominations, a motion was made to close the nominations by Commissioner Dan Green (Kootenai County) and elect Commissioner Buell unanimously. The motion was seconded by Commissioner Rick Albright (EPA) and it was unanimously approved.

For the position of BEIPC Vice-Chair, Commissioner Curt Fransen (State of Idaho) made a motion to nominate Commissioner Green. The motion was seconded by Commissioner Yergler. As there were no further nominations, Mr. Harwood called for the vote and it was approved unanimously. Then Mr. Harwood opened nominations for the position of BEIPC Secretary/Treasurer. Commissioner Green nominated Commissioner Fransen and the motion was seconded by Commissioner Buell. As there were no further nominations, the motion was approved unanimously. Commissioner Pfeifer moved to close the elections and the motion was seconded by Commissioner Matheson. It was approved unanimously and Mr. Harwood turned the meeting over to the new BEIPC Chair, Commissioner Buell.

4) Approval of BEIPC Meeting Minutes from November 7, 2012: Commissioner Buell asked if there were any changes or corrections to the draft November 7, 2012 BEIPC meeting minutes. Commissioner Pfeifer brought up two corrections. On page 4, item #8, in the last sentence, add the word "to" between "going to cover". Also on page 4, second to the last bullet, move "period" (as this word is out of sequence) after "time" so that it reads as "..... in a relatively short time period." Commissioner Albright made a correction on page 5, third paragraph, first sentence to clarify his role as EPA Director and BEIPC Commissioner. The clarification should read as follows: "*Commissioner Rick Albright (EPA) said his role is a bit confusing as he has two distinctive roles that could occasionally conflict, one as a decision maker for EPA, the other as a member of the BEIPC board.*" Commissioner Matheson indicated a minor correction to a website address on Page 7, last sentence, first paragraph. The correct website address is: www.cbsm.com (i.e. rather than cdsm) for Community Based Social Marketing.

Commissioner Pfeifer made a motion to approve the minutes as corrected. Commissioner Green seconded the motion and it was approved unanimously.

5) Coeur d'Alene (CDA) Lake Management Plan (LMP) Update: Mr. Glen Rothrock (IDEQ) gave a presentation on the LMP as Ms. Laura Laumatia (CDA Tribe) was unavailable. One of the objectives of the LMP was to develop and implement a Basin-wide nutrient reduction action plan and the Tribe and State worked on a nutrient source inventory as the first step. This included determining the amount of phosphorus and nitrogen loading coming into CDA Lake from various sources. The State and Tribe will input the data into LOADEST which is the same model as the USGS used for the BEMP (Basin Environmental Monitoring Plan) data in Water Year 2009 to get a three-year estimate of loading within the system for total phosphorous and nitrogen. They started their nutrient inventory in the St. Joe/St. Maries watershed as it's a very high contributor to the entire system of what flows into the lower part of the Lake.

Regarding LMP public outreach and education, Mr. Rothrock provided details about the draft Lake*A*Syst manual (i.e. landowner's guide to protecting water quality). This is a voluntary program in the CDA Basin and they will be working with people who have property on rivers, streams and the Lake. The manual contains information that property owners can use to identify pollution impacts, protect water quality, help prevent erosion and best management practices (BMPs). The final version should be completed in about a month. They will also be developing a program of technical assistance from the State and Tribe to go door-to-door and walk the property to look for potential pollution impacts, upon request.

The sections of the Lake*A*Syst manual include:

- *Stormwater Runoff Management*
- *Lawn and Garden Management*
- *Safe Drinking Water*
- *Household Wastewater Treatment*
- *Household Hazardous Wastes*
- *New Construction*
- *Access Roads and Driveway Runoff*
- *Riparian, Pasture, and Forest Management*
- *Aquatic Invasive Species*
- *Boating and Recreation*
- *Heavy Metals*

6) Special Announcement: Ms. Rebecca Stevens (CDA Tribe) made a special announcement to acknowledge Mr. Glen Rothrock's upcoming retirement from IDEQ and noted that this will be his last Basin Commission meeting. She expressed appreciation and thanks for his service. Mr. Harwood added that he wanted to thank Glen personally and acknowledge him for being a dedicated public servant.

7) Changes to the Order of the Agenda: Mr. Harwood made a recommendation to change the order of the agenda and move Mr. Bill Adam's presentation from the afternoon to the morning session. Hearing no objections, Commissioner Buell agreed.

8) Update on Planned Work for 2013: Mr. Bill Adams (EPA) made a presentation on the work planned for 2013 and provided an update about the Superfund Cleanup Implementation Plan (SCIP) process. The SCIP was released for public input last November and there was approximately a 30-day comment period that ended December 6, 2012. EPA received very few comments. Some of the comments were related to the frequency and timing of public input as people would like to have input earlier in the process.

Mr. Adams explained that the SCIP lays out the sequence of the cleanup work for the next ten years. It also talks about the adaptive management process, the work that has been completed, and adjustments that have been made along the way. He mentioned that there were some public comments on the SCIP about focusing on source control to try and make decisions in specific areas and going after the highest source areas of contaminated loading even though you may not clean up everything. While EPA wants to do that, they also want to get areas complete so that

the natural resource restoration component can follow behind it. Other public comments on the SCIP included addressing risks at recreation areas, particularly in the Lower Basin. EPA wants to do more related to this and the Lower Basin pilot projects will be an opportunity to focus on specific items from those aspects. There were also some comments about most of the lead being in the Lower Basin and why source control actions were being taken in Ninemile Creek. Mr. Adams said that certain areas in the Upper Basin still represent significant loading sources for the South Fork in terms of zinc and lead, although not in the same terms of magnitude as those in the Lower Basin. However, they still represent significant loading sources that may represent risk to the people in the Upper Basin. Mr. Adams added that EPA has summarized the public comments and revised the SCIP. It should be available soon on EPA's website.

In 2013, major cleanup work represents about \$38 million for this year (\$18 million from the Trust and the balance from the EPA Special Account (SA)). EPA is moving as many things over to the Trust to stretch out the money in the SA over time and make sure they get the key actions completed in the Box with the SA dollars as the Trust dollars cannot be used in the Box. Mr. Adams suggested that it's likely that the Trust budget will be higher next year. The Trust has made some adjustments in the investments in their portfolio and some of that was in response to comments they heard at the Basin Commission meeting in August.

Major Work for 2013:

- Remedy protection design and construction
- Property remediation – sampling, construction, data for 5-year review, etc.
- Roads construction work in Box and Basin (gravel and paved)
- Repository operations/closure, design of LBCR (Lower Burke Canyon Repository) and Page expansion
- Design of water collection in Box
- Design of CTP upgrades
- Data collection/identification of pilot projects in Lower Basin
- Ongoing project specific and basin monitoring
- Final design for Interstate Callahan and Ninemile Waste Consolidation Area (WCA)
- Construction of Ninemile WCA
- Lower Burke Canyon repository design

Other Activities:

Mr. Adams announced that EPA received approval from Headquarters for the Job Training Initiative (JTI) program this year due to its success last year. Ms. Rene Gilbert will be the lead on this program. They will be working with the Dept. of Labor and will be trying to get the graduation done in mid-April. EPA is also coordinating with the Natural Resource Restoration Team (NRRT) and other stakeholders for restoration projects. Other activities include the development of the Community Fill Plan (CFP). EPA is working on a FAQ sheet with the IDEQ and Panhandle Health District (PHD) that will be sent out for public input. Before concluding his presentation, Mr. Adams provided additional information on some of the 2013 activities and further detail on the work projects.

Break

9) Changes to the Order of the Agenda: Mr. Harwood recommended making a change to the order of the agenda to move Mr. Bruce Schuld's presentation on the Paved Roads Program before the presentation of the 2012 Annual Accomplishment Report. Hearing no objections, Commissioner Buell agreed.

10) Update on Paved Roads Program: Mr. Bruce Schuld (IDEQ) gave an update on the paved roads program. He conveyed that Terry Harwood and Bill Ryan (EPA) began the Paved Roads Strategy some time ago. The program was approved last August and provides \$54 million in funding for resurfacing of paved roads within the Box and Basin that overlie contaminated materials. There are nine road jurisdictions (Shoshone County, Eastside Highway District, Pinehurst, Smelerville, Kellogg, Wardner, Osburn, Wallace, and Mullan) in the program and each jurisdiction will receive a specific portion of the \$54 million. There is also a restriction on design and engineering costs that limits 10% of the total of each jurisdiction's allocation. If local jurisdictions have additional funding of their own that they want to use for engineering and design, they may do so, but they will only be reimbursed 10% of their total allocation.

In addition, a 1% funding request to be included in the 10% of the total allocation has been processed for all the local jurisdictions, so they can use it for planning purposes. This has been already approved and will be paid to the local jurisdictions. However, they are still working with EPA and the CDA Trust on how they will fund the next step of this process as the Trust can fund work in the Basin, but not in the Box. Work projects in the Box will be funded through the SA. The funding allocations are \$30 million in the Box and \$24 million in the Basin.

Mr. Harwood said that he and Mr. Ryan came up with the allocations based on which roads were in contaminated areas and then by considering the analysis of the pavement life performed by Shoshone County. The strategy was set up so that roads are required to have ten years or less of pavement life to qualify for the program. A Roads Board was established consisting of Craig Cameron (EPA), Bruce Schuld (IDEQ), and Jon Harwood Roads Engineer (IDEQ) to approve project work.

11) Special Presentation: Mr. Adams made a special presentation to acknowledge Mr. Troy Lambert and Mr. Jim McReynolds from the Wallace Mining Museum. The CDA Trust hired them to help with work on State historical preservation requirements. A framed certificate of appreciation was presented to them in recognition of their work to ensure that local history is recognized and honored during environmental cleanup. The certificate was signed by staff members of the EPA, IDEQ and the Basin Commission. Mr. Adams congratulated them and then Mr. Lambert and Mr. McReynolds expressed their appreciation and thanks for the award.

12) Motion for Executive Session: Mr. Harwood asked for a motion for the Basin Commissioners to go into Executive Session under Idaho Code 67-2345 to discuss personnel issues during lunch. Commissioner Green made the motion and it was seconded by Commissioner Pfeifer. The motion was approved unanimously.

Lunch

After lunch, Commissioner Green made a motion to exit executive session and go into regular session. Commissioner Yergler seconded the motion and it was approved unanimously.

13) Lower Basin Update: Mr. Ed Moreen (EPA) gave an update on the data collection in the Lower Basin. EPA has conducted intensive work to gain a better understanding of contaminated sediment transport in the CDA River to determine how much lead loading is being contributed during a high flow event. His presentation included information about river bank erosion, river bed sediment transport, results of coring samples, a diver's video on the Dudley scour hole, and progress on the 1-Dimensional (D) and 2-D models to analyze river flows. He indicated that validation of the 2-D model should be done by the end of the year. Next, EPA wants to identify, select and implement some pilot projects to address exposures where they can. They want to engage the public in this work, so they are working with the CCC and Lower Basin PFT to launch an idea collection project for two Lower Basin Forums. The Lower Basin PFT will sponsor one forum in the afternoon at the Rose Lake Community Center and the CCC will host one in the evening at the Medimont Grange. EPA will be selecting pilot projects by July 1st.

14) Lower Basin Recreation Public Service Announcement (PSA): Ms. Denna Grangaard (IDEQ) provided information about a PSA that the Community Involvement Coordinators (CICs) are working on. She said that IDEQ has budgeted for a PSA about simple ways to reduce lead exposures while recreating in the Lower Basin. This was in response to requests from the public. After providing details on the PSA proposal, she asked for feedback from the Basin Commissioners and a discussion on various ideas and suggestions followed.

15) Executive Director Update: Mr. Harwood gave an update on the status of the remedy protection projects and unpaved roads program. The gravel roads in the Box have been remediated. However, many of the gravel roads in the Basin and the Box were built from contaminated materials (i.e. mine tailings). He clarified that this is a different program than the paved roads program that Mr. Schuld spoke about earlier. Currently, they are still finishing up the inventory of contaminated gravel roads. Last year, they had a pilot project and remediated five segments of contaminated unpaved (dirt and gravel) roads. He commented that the BEIPC viewed one of the pilot projects in Woodland Park during last year's field trip in August. This is some of the work that he has been helping the state and federal government with. In addition, he has been helping with other issues such as securing the O & M (Operation and Maintenance) agreements from the local jurisdictions as they must agree that they will maintain the gravel roads after they are remediated.

For a lot of the remedy protection projects, Mr. Harwood has been working on getting the environmental covenants from property owners to access those properties. Besides protection of the remedy from side drainage flooding and stormwater runoff in the community, there is the potential for flooding from the main channel of the South Fork and Pine Creek. He has been working on this issue for some time with the Idaho Silver Jackets which includes the Corps of Engineers (COE) and FEMA. They have formed a working group headed by Shoshone County to deal with potential flooding issues on the South Fork. Mr. Harwood explained that the levees built in the Silver Valley were not professionally engineered, so they are not considered certified. This is a major issue and an engineering study is needed to determine the condition of the levees. He brought up that the BEIPC voted (in the past) to make him available to provide assistance to

the seven governments. This includes engineering, program management and other work for EPA and IDEQ along with his regular work for the Basin Commission.

16) 2012 BEIPC Annual Accomplishment Report: Mr. Terry Harwood presented the 2012 annual accomplishment report for the BEIPC's review. After he reviewed the various sections of the work done in 2012, he indicated that the final report will be posted to the BEIPC's website upon publication. Copies will also be distributed to the Basin Commissioners, alternates, staff, TLG and CCC officers, and Idaho congressional staff. Mr. Harwood concluded his presentation by commenting on his concern that we have a set amount of funding to do the work and it's being pulled in all directions. He suggested that we need to be cognizant with the funding needs in the Basin to make the most of every dollar and do the work that makes sense and not work that may be washed away in a flood. Commissioner Albright acknowledged Mr. Harwood for doing an excellent job on the report and said that it gave a good overview of the work that was accomplished.

Upon discussion by the Basin Commissioners, a motion to approve the BEIPC's 2012 Annual Accomplishment Report was made by Commissioner Green. The motion was seconded by Commissioner Albright and was approved unanimously.

17) Citizens Coordinating Council (CCC) Presentation: Mr. Jerry Boyd (CCC Chair) introduced Mr. Troy Lambert as the CCC Vice-Chair and indicated that Troy would be making the CCC presentation. *(Note: Troy led the April 16th meeting as Jerry was unavailable. The summary of the CCC meeting notes and comments are included in the board packet information).*

Mr. Lambert informed everyone that he became a member of the CCC to get more involved personally and encourage others to become involved. He reviewed some of the comments received at the CCC meeting and indicated that the CCC started working on ideas for the Lower Basin Forums on March 20th. He suggested that people bring whatever ideas they have for potential pilot projects, but commented that they are looking for ideas that make sense and will help achieve common goals. There was a lot of discussion by CCC members on this topic at the CCC meeting.

Mr. Boyd reiterated the information about the Lower Basin Forums scheduled for March 20th. The first meeting will be at 2:00 p.m. at the Rose Lake Community Center sponsored by the Lower Basin PFT. The CCC is sponsoring the second forum at 6:00 p.m. at the Medimont Grange. He also indicated that the Idaho State Bar Association will be having a meeting in CDA this summer and there will be one environmental session with discussion about the CDA Basin Cleanup Project (i.e. Basin Commission and Superfund cleanup). The CDA Basin cleanup is a unique project, especially in regards to having the involvement of the BEIPC.

18) Public Comment: None.

19) Other Announcements: Ms. Rebecca Stevens (CDA Tribe) provided some brief information on a quality assurance plan and sampling programs that the Tribe will be developing.

20) Adjourn: As there was no further business, the meeting was adjourned early at 2:48 p.m.