

## **BEIPC MEETING MINUTES**

Basin Environmental Improvement Project Commission  
May 18, 2011, 9:00 a.m. - 2:11 p.m.  
CenterPlace, 2456 Discovery Place  
Spokane Valley, WA

### Attendees:

Mr. Terry Harwood (Executive Director)

### Commissioners Present:

Mr. Jack Buell (Vice Chair)  
Mr. Jon Cantamessa (Chair)  
Mr. Phillip Cerner  
Mr. Dan Green  
Ms. Toni Hardesty (Secretary)  
Mr. Dennis McLerran  
Mr. Grant Pfeifer

### Alternates Present:

Mr. Vince Rinaldi

### Staff Present:

Ms. Jeri DeLange  
Mr. Dave George  
Mr. Rob Hanson  
Ms. Rebecca Stevens

1) Call to Order/Changes to the Agenda: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County) called the meeting to order at 9:03 a.m. He noted that two of the Basin Commissioners (Commissioner Dan Green, Kootenai County; and Commissioner Phillip Cerner, CDA Tribe), would be arriving later in the meeting due to other commitments. He indicated that there would be a few changes to the order of the agenda, and then led everyone in the flag salute.

2) Approval of BEIPC Meeting Minutes from February 16, 2011: Commissioner Cantamessa asked if there were any changes or corrections to the draft February 16, 2011 meeting minutes. Ms. Jeri DeLange (BEIPC) brought up the following corrections: 1) under alternates present on page 1, Mr. Larry Yergler (Shoshone County Commissioner) attended the meeting, but is listed incorrectly as an alternate; 2) on page 5, end of second paragraph under item #9, the question that was raised by Mr. Bowers was whether there were any minutes of those meetings; 3) for item #14 on page 7, the units for the blood lead testing should be listed as such; and 4) under item #15, change to Ms. Dailey. Commissioner Grant Pfeifer (State of Washington) made a motion to approve the minutes as corrected. The motion was seconded by Commissioner Jack Buell (Benewah County) and approved.

3) Update on Flood Control Issues: Commissioner Dennis McLerran (EPA) relayed that he attended a meeting in Seattle with a number of folks (EPA, COE, FEMA, IDEQ, Idaho Dept. of Water

Resources, and a number of stakeholders from Idaho). He said that Idaho State Senator, Joyce Broadsword was there and that she had been very active in bringing that group together. In discussing some of the complexities of flooding in the South Fork area, EPA made the commitment at the meeting that they would continue to coordinate with the COE and FEMA to have more of a lead. EPA will provide data from the studies and work they are doing in the Basin to the COE and FEMA. They are also very focused on making sure that the remedies have protection from flooding.

He mentioned that EPA wants to make sure that they are coordinating with the other federal agencies that do have more of a lead with flood control. Where there is a clear connection to remedies, EPA will make sure that they are doing what they can with respect to protecting those remedies and developing flood control. However, EPA is not the lead agency for this. He thinks the COE was clear in their presentation at the meeting, that there is a stepwise approach on how they can work through the flooding issues. There are certain things that Congress has to do to set it up. EPA is in a support role to help the COE, the State, FEMA and others, to put together an approach, and it's going to take some Congressional work to authorize the COE to do that work. He wants to be very clear that the money that EPA has for the cleanup is not going to be sufficient to do a comprehensive flood control project in the Silver Valley or the Basin. That comes through other means, but they are very supportive of working with everyone on seeing if that process can come together successfully and move forward in the stepwise fashion that it needs to be done.

Commissioner Toni Hardesty (State of Idaho) also commented on the Seattle meeting. She indicated that this continues to be a really important issue for the State of Idaho and certainly for the local community with regards to flood control. They are pushing it very hard and working closely with the Congressional delegation on a resolution to this issue. They recognize and respect that there's different lines of authority. This is a unique situation beyond just regular flooding damage as there are millions of dollars that have been invested in the community on remedies to protect public health and safety. She noted that the Congressional delegation has been very helpful. They are working very closely with Senator Broadsword who could not be here today, but she has been very instrumental in taking the lead on this issue. Per Senator Broadsword's request, Commissioner Hardesty read an email sent by the Senator to the Basin Commission as follows:

*I extend my sincere apologies to the group for not attending the meeting in person to discuss flood concerns on the South Fork of the Coeur d'Alene (CDA) River. As we have discussed, there are unique issues with flooding in that area under the Superfund designation. The facts are clear, the remediation is shallow and the cap must be maintained. If flooding occurs, additional taxpayer dollars are at risk due to recontamination. Many of these areas have already had millions of dollars of taxpayers invested. I appreciate that the Basin Commission is interested in this. I also understand that the Basin Commission has many things on their plate and I will continue to work hard to pursue this issue to resolution while keeping the Basin Commission informed, but working closely with the Congressionals and the State of Idaho outside of that. (Senator Joyce Broadsword)*

Commissioner Hardesty added that they appreciated having the meeting in Seattle and look forward to getting some resolution on this issue.

Commissioner Cantamessa commented that flood protection is a very important issue to the local community. He indicated that Commissioner McLerran mentioned remedy protection and it includes

protection of human health and protection of environmental concerns. There is no question that this is a very difficult project, especially when you involve several federal and state agencies and the Basin Commission. He would encourage everyone to come to a positive solution on this. We have to be prepared as we go forward in the rest of the remediation, particularly where we get into the river and the riverbanks, that we are going to protect that remedy. We've been talking about this in Shoshone County for 25 plus years and it's been our major concern. It is part of the remedy that we're working on and we need to have that solution. He's pleased to hear the comments from Commissioner McLerran and Commissioner Hardesty as we need their continued participation to make sure that we can have a positive solution to this. We can't move ahead and ignore the potential for flood issues.

Commissioner McLerran brought up another item that Ms. Anne Dailey (EPA) will provide later in her presentation. She is going to talk about some visits with Basin Commission and County staff and others to look at some of the areas where floods do threaten remedies to get some local views on this. They have been doing this over time, but it's good to actually look when you have high water and can see more closely what's going on.

Mr. Terry Harwood said that he wanted to add a few things. They are working on remedy protection from the side drainages and storm water runoff. It will be two years (this coming November) that the BEIPC asked him to be involved in the flooding issue and it would be helpful if there was some way they could condense the results of the meeting in Seattle and give him more direction. He would appreciate it, so that he's working within the scope of the framework that they established in Seattle.

Commissioner Cantamessa told Mr. Harwood that's a good point as neither one of them were involved in the Seattle meeting, but that the Basin Commission should have a role in moving forward with this. The Basin Commission is not capable of taking this project on anymore than EPA or any other single entity, but does need to be involved. He thinks it can be a key partner in pulling the other agencies together because that's what the Basin Commission represents is the ability of the federal, state and local governments to cooperate and make this kind of thing happen. It's a very important issue. He also suggested that we are transitioning from human health to environmental health. We have huge projects ahead of us and it's time again for the Basin Commission to look at our role and how we can be effective and helpful to the agencies that are involved.

4) Repository Update: Mr. Andy Mork (IDEQ) provided an update on repositories. The Osburn repository site is now in the design process. TerraGraphics will be putting together a 30% design package that will identify the major concepts. There will be an open house after the report is completed to present the 30% design for public review and comment. The Osburn tailings impoundment site will be a fairly large repository for the Upper Basin with about 1 million yards capacity on a 32-acre footprint that is fairly long and narrow. The waste height will be approximately 30 to 50 ft. above the current elevation. To access the site, they had to establish a right-of-way (ROW) across a third party's property. The site is currently owned by U.S. Silver.

Mr. Terry Harwood pointed out that the Osburn repository is going to be built upon an area that has already been used for waste disposal in the mining industry. Commissioner Cantamessa said that he heard there was some concern with the Mayor and City Council of Osburn about how this is progressing. He asked Mr. Mork if he had good coordination with the local elected officials as he wanted to make sure that we connect with everyone. Mr. Mork said that he met with the Mayor of

Osburn on two occasions and has continued to update him on the status of the repository. Commissioner Cantamessa said that he did not know until recently that the site was within the city limits. Mr. Mork replied that he will have continuing dialogue with the Mayor.

Regarding the north side expansion of the Big Creek Repository (BCR), Mr. Mork said that it will provide an additional 116,000 cubic yards of capacity. They anticipate that the final design will be out this month. The site preparation work is completed and they anticipate being able to place waste this summer.

5) Executive Director Update: Mr. Terry Harwood said that he will be managing the operations at the Big Creek and East Mission Flats (EMF) repositories for the State as they requested, and the Basin Commissioners approved of at the last meeting. If anyone has questions about the activities at EMF or BCR, he can answer them. Two weeks ago, the property remediation program started in the Lower Basin as IDEQ had to start on gravel properties such as contaminated driveways or ROWs along roads because they could not be digging in people's yards with the wet weather. Mr. Harwood indicated that he was with the COE and the County emergency people on Monday, and that the COE is talking about working with the County to clean out some of the side drainages where culverts are plugged. As far as flooding is concerned, he has already been out with the COE. He received a request from them last week to send a copy of our Drainage Control Infrastructure Revitalization Plan (DCRIP) maps because those maps show the FEMA flood map, plus all of the remediated properties as of 2009. He has asked the contractor to update those maps for 2010.

Mr. Harwood noted that the DCRIP maps are very important in flood control for the major flooding in the South Fork and Pine Creek and what amount of the remedy could possibly be damaged by a major flood. He has been working with EPA and Ms. Ann McCauley on the remedy protection work that will be part of the ROD Amendment. There is about \$34 million in the ROD Amendment for remedy protection. There are also potential projects in the side drainages that they took a look at. Their plan is to resolve what should be done in those areas and take those potential projects forward to the local folks and see if they agree with them. Then come up with a list of projects that will eventually be part of the ROD Amendment for the Upper Basin including drainage control for storm water runoff as some of the areas are very steep.

Regarding the culvert replacement at Rose Creek on Highway 3 south of Rose Lake that collapsed this winter, Mr. Harwood indicated that the culvert had a control gate on the outlet, but the old gate would not fit the new culvert installed by ITD. The gate keeps flood water back from the CDA River when it gets so high that it back feeds through the culverts along the River (i.e. flows backwards). At flood stage, it's carrying a lot of heavy metals sediment, so it pushes the water back up into the clean community. ITD and Mr. Harwood came up with a design for a new gate and Mr. Harwood received funding from IDEQ for the work. However, he cannot get the gate installed until the water level is lower. He mentioned that the community is willing to take over the operation and maintenance of the gate.

Another issue that Mr. Harwood is dealing with in the Upper Basin is roads. Whether a road is gravel or paved, it's may be covering contaminated material, so it's a barrier to contamination. EPA and Mr. Harwood are dealing with this issue by working with Shoshone County and the East Side Highway District to get an inventory of the roads. It's a difficult issue because in many cases, all they have is a

chip seal on top of dirt for a road surface. This item did not need to be dealt with within the ROD Amendment as it was included in the original OU-3 ROD.

For the yard remediation program, Mr. Harwood conveyed that the target is now about 220 properties this year due to funding constraints. People keep asking him how long it will take to finish the yard remediation program and he has responded maybe three years. Some of the biggest problems include: 1) getting permission to enter a property or finding the owners; 2) there are still some folks who do not want their property sampled for whatever reason; and 3) some people get their property sampled and then do not want it remediated if it needs to be dealt with. So to be able to finish the property remediation program (commercial, residential, and public properties), we need to be able to deal with all of the properties that are within the Basin anticipated area of contamination as you cannot say something is completed unless it's completed. They are still struggling with how to get everyone on board with that process. In the Box, there were a few people who refused, but an escrow account was set up. This is an issue that everyone needs to be thinking about especially as we move into the Lower Basin and more rural areas as far as the remediation of properties is concerned.

Commissioner Cantamessa inquired about the other work for this field season. Mr. Harwood replied that it's primarily what IDEQ will be working on in cooperation with the EPA. The CDA Work Trust has about three and half million dollars worth of work in this year's work plan. He thinks that the Project Manager for the Trust, Mr. Dan Meyer, will be working in the East Fork of Ninemile on some characterization of some of those large waste piles. Since there is no adequate access up the East Fork of Ninemile, Mr. Meyer may be looking at building some new crossings. In addition, he plans to do some work at the Gem site up Canyon Creek, and at the old U.S. Bureau of Mines site in Terror Gulch that is an old repository or placement site as some people run their ATVs over contaminated material.

Commissioner Cantamessa asked Mr. Harwood to remind Mr. Meyer that the Idaho Dept. of Lands (IDL) has a concern of access up the East Fork for fire protection. They have been concerned since the road was cut-off and he would ask that you make plans to leave the road intact to provide for fire protection.

6) Update on Lake Management Plan (LMP): Mr. Glen Rothrock (IDEQ) and Ms. Rebecca Stevens (CDA Tribe) gave an update on the LMP. On May 4, IDEQ and the CDA Tribe sponsored a free community workshop on water quality at the Coeur d'Alene Library. This was the initial kickoff for their effort to do an outreach and education program as part of the LMP. The workshop was designed to present science to interested community members. PowerPoint presentations were made by scientists from the Tribe and IDEQ on various topics such as metal pollution in the Lake, dissolved oxygen, phosphorus, algae and aquatic plants, milfoil, and food chain dynamics (i.e. fish, algae and zooplankton). Science equipment was also provided for hands-on possibilities from dissolved oxygen equipment and meters to microscopes.

The workshop was heavily advertised. Ms. Stevens indicated that they also passed out questionnaires to all who came to see if they learned anything. Overall, citizens felt that the inflow of the workshop was helpful and that the technical level was well received, and they enjoyed the displays and all the scientific instrumentation. They encouraged the Tribe and State to continue holding workshops. Approximately 60 people signed in.

Mr. Rothrock gave an update on the monitoring program for the summer. The Tribe and IDEQ are sampling the St. Maries and St. Joe Rivers for the nutrient inventory. For Lake monitoring, IDEQ is starting an aquatic weed survey program. They conducted a pilot project last year in Rockford Bay and part of that was looking for the invasion of milfoil moving north which it had not done yet. Ms. Stevens said that the Tribe will be doing some similar treatments for Eurasian water milfoil on their portion of the Lake. They are working with Camp Cross to try and develop a scientific workshop curriculum in exchange for installing a weather station at that site. In addition, they are working with someone on the Lake\*A\*Syst program and hope to get some participation by near shore lake property owners.

7) Communications PFT Update: Ms. Jeri DeLange (BEIPC) provided an update on the Communications PFT. She is pleased to announce that at the last CCC meeting on April 20, there were 26 people in attendance (which included 16 citizens). Based on numbers from previous CCC meetings, this was an excellent turnout. She attributed the increased participation to additional publicity and advertising, and thinks that another reason was the information that was presented by Mr. Harwood. He made a presentation on several topics including: What is CERCLA; investigation process; scoring for EPA's National Priorities List (NPL); CERCLA versus NEPA; and property owner's liabilities under CERCLA. Ms. DeLange noted that it was well received and a lot of questions were asked about the differences between CERCLA and NEPA. She also reminded everyone to participate in the BEIPC/CCC survey that is available on the BEIPC website. The information will be used to provide better opportunities for citizen involvement in the CCC such as what days are best for meetings and there are categories for citizens to let us know what issues are important to them. People may also sign up to receive information about the BEIPC and CCC. In August, she mentioned that the Communications PFT will be helping to sponsor a joint fair booth for public education and outreach at the North Idaho Fair.

Break

8) Mercury in Fish Tissue Presentation: Mr. Don Essig (IDEQ, Boise) made a presentation on mercury in fish tissue. First, he provided some information about mercury and how it gets into the environment, and then into the fish we eat. Mercury may get into the water from direct discharge, aerial deposition, and from erosion. In Idaho, there is a fish criterion that regulates the level of mercury to protect human health. Website fish advisory reports are available on the following websites:

<http://healthandwelfare.idaho.gov/Health/EnvironmentalHealth/FishAdvisories/tabid/180/Default.aspx>

<http://www.deq.idaho.gov/water-quality/surface-water/mercury.aspx>

Mr. Bob Steed (IDEQ, CDA) presented a follow-up on mercury issues and what they are doing for monitoring fish in CDA Lake. The objectives of the plan are to collect data that are sufficient to compare criterion. They also want to collect data that is sufficient to re-evaluate the fish consumption advisory which exists on CDA Lake. The goal will be to get a composite of the tissues from 10 fish

from each species that they are able to. Idaho Fish & Game is helping them to get the samples and they are working on negotiating with the EPA lab on doing the analysis for them.

9) Upper Basin ROD Amendment Update: Ms. Anne Dailey (EPA) gave an update about the Upper Basin ROD Amendment. She provided a brief overview and said that EPA is thinking about making some adjustments to the proposed cleanup plan. Some of the work that they are doing now is trying to address that. They are working on responding to comments for each individual comment as well as an overarching general summary response document that will be available when the ROD Amendment is out. They have also been working together with the Basin Commission and subgroups, particularly the Upper Basin PFT. All of the information about the ROD Amendment is posted on EPA's webpage. EPA is taking the comments on the proposed plan seriously and looking at opportunities to make refinements to the cleanup plan and scale it back a bit.

One of things that they have talked about at the last BEIPC meeting and at some of the PFT meetings is the CDA River stream liner. They are talking about scaling it back substantially. It was originally targeted at 50,000 ft. in length and they are looking at making it about 4,600 ft. focusing on the most critical area through Osburn where there's a lot of interaction between groundwater and surface water. Plus there are a lot of implementation concerns that they would scale back. This would reduce the cost of the cleanup about \$300 million. They have also discussed defining a little more clearly in the ROD Amendment where EPA will start this cleanup and how they will move forward. EPA has been talking a long time about the implementation plan with the PFTs, TLG, CCC, and BEIPC to share info about that. She noted that Mr. Bill Rust and a number of others have been very helpful at some of the PFT meetings in helping EPA identify the areas of strong consensus that need to be addressed. EPA is still working through potential changes until the ROD Amendment is issued. As part of the Upper Basin characterization, they are trying to get a handle on some of the contingent sites that potentially may not need to be on the list.

Currently in the proposed plan, EPA may need more information on data gaps for these projects. There are some sites where work has been performed, but there is uncertainty of whether that cleanup was enough. For example, was there enough completed that fully met the standards of some of those sites such as the Golconda and Constitution where EPA is continuing to do remedial effectiveness monitoring to ensure that the cleanup is actually complete. Ms. Dailey commented that they have received a lot of involvement from people who have not normally been involved. Then she reviewed the decision criteria for removing sites from the list and said that sampling will be done by 4 field teams (CH2M Hill, BLM, IDEQ, and the CDA Trust).

Another item that EPA is looking at is aquatic benchmarks. In the interim ROD issued in 2002, they had fishery benchmarks that were developed with the Idaho Fish & Game, IDEQ, and the Tribe. The goal is to establish metrics in the ROD Amendment to measure progress as we move forward and to achieve water quality. There will be some interim milestones. They are working with the Natural Resource Trustees and will be sharing this information. Depending upon the outcome, they may make adjustments to the monitoring plan.

Ms. Dailey provided an update on the CDA Work Trust. EPA approved the one year work trust plan for 2011 for a few projects. This includes construction of the remedy at the U.S. Bureau of Mines site in Osburn. There is also characterization of sites on the East Fork of Ninemile Creek towards

Interstate Callahan Mine, so that work will be done by the CDA Trust and their contractors. They will also be involved in looking at the road issue up there. The Trust will issue Request for Proposals (RFPs) and they have a webpage set up. Their intent is to get local contractors involved in doing the work.

Lunch

10) Upper Basin ROD Amendment Update (continued): Ms. Anne Dailey continued her presentation on the ROD Amendment and displayed the schedule for the sampling and data evaluation. Another update will be provided at the next Basin Commission meeting in August.

Commissioner Green brought up that EPA is going to review sites that are already remediated and asked if they are double checking themselves or someone else's work. Ms. Dailey responded that they are looking at sites like the Golconda, Rex, Constitution and a few others where work has been done, but there could potentially be other work that needs to be done. When cleanup work is done, then EPA does effectiveness monitoring afterwards to make sure that they are fully addressing the problems. They expect that they will probably not need to do additional work there, but they don't want to miss anything.

Mr. Harwood said that he thinks they are going to also take a look at some of the other sites where other parties have done actions to make sure that those actions have been completed. Ms. Dailey noted that there are some sites where removals have occurred, but have not been completed. Mr. Harwood added that they have been going to marry those removal sites into the Superfund remedy for some time. They were done under CERCLA, but were done by other parties, so they are going to make sure that the work that was done was totally adequate to take care of the situation.

Ms. Dailey said that EPA hopes to issue the ROD Amendment by late 2011. Commissioner Cantamessa inquired about the slide displaying the FY 2011 work plan and asked if the date should be the 2012 work plan. Ms. Dailey confirmed that the slide was wrong and that it should be FY 2012.

Commissioner Cantamessa then expressed the need to be involved in the planning process right now as it becomes imperative for the Basin Commission to be focused on making any changes. Mr. Harwood said that he would speak to that too. If there is a little more work that the Trustee can work on before the ROD Amendment is done, we'll be able to load that into our work plan for next year. However, if the ROD Amendment gets done in time for us to put together the Basin Commission's work plan for next year, then things will fit together well because there's a lot of work that we could have the Trustee start on if we get the ROD Amendment done, such as some of the remedy protection projects, etc. However, if it does not happen before then, we may have to put together the 2012 work plan, and the Basin Commission may have to amend it in February when the ROD Amendment is done.

Ms. Dailey indicated that Mr. Bill Adams (EPA) has been leading the implementation effort and there have been a number of discussions with the Upper Basin PFT and TLG about this process. But in order for us to do some of these projects, we need to have the ROD Amendment done, and there are certain things that we can spend the settlement money on. Commissioner Cantamessa suggested that he still thinks there might be a way for talking about the whole flood issue and remedy protection.

Ms. Dailey replied that she has had a couple of conversations the last few days with Mr. Rust and Mr. Harwood and other folks. EPA hears the concern about the impacts and situation on the South Fork and some of the things that they have in the feasibility study that they may be able to improve with respect to the South Fork. They have talked about getting a small group to look at a few of these problematic sites in the proposed plan. There may be some adjustments they can make to the ROD Amendment, but it goes back to what EPA said earlier. EPA is not a flood control agency, but they certainly want to be protective where they do remedies. She thinks that they have a good track record of doing that. For example, the Golconda site was designed to handle a 100-year flood event. They will take a look at some of these areas and see what adjustments they may be able to make to the cleanup plan.

Commissioner McLerran added that where EPA can be consistent with what they are doing with protection of the remedies with what the COE, or this larger effort comes up with, they would want to do so. EPA is at the table and participating to bring folks together on this, but he wants to be clear that there is a limit on what they can spend funding on. They want to stretch that limit to the extent that they can to be consistent with the other plans that are going on. The full effort needs to be led by the COE and the congressional delegation and the local folks pulling that together. EPA wants to be clear about their limitations, but they want to be doing everything that they can do to be involved.

Commissioner Cantamessa said that he would ask EPA to explore a way that they might participate in funding through the Trust and remedy protection in getting the River analysis done, so that they may know what needs to be done in those areas to protect the remedy. Commissioner McLerran answered that he would need to talk to EPA's lawyers because he knows that the Trust is pretty limited in what it can do. He knows what EPA can do with its funding, but the Trust is even more limited. EPA will consider everything they can.

Mr. Harwood said that he has been working on this as well. He thinks that the key to this is getting the River analysis done concerning the condition of the existing levees and the hydraulic conductivity of the River. He worked with Senator Crapo's office on getting a project approved in the Water Resources Development Act, but that's just the approval of a project. It does not appropriate the funds for it. So that's the key to this whole thing. The community needs to come up with a way to find some funding of about two to three million dollars and get the COE to do this analysis. He explained that we need to have the COE do the analysis of the floodway and the levees, so that they will certify their work. The community has to match funding from the federal government and there are also all kinds of rules and regulations that we would have to go through with this process.

Commissioner Hardesty added that they are working very hard with the Congressionals to see if we can get that. She thinks that where EPA can be very helpful in that process is indicating how important this is, so that everybody would be speaking with a united voice of support.

Ms. Cami Grandinetti (EPA) suggested to Commissioner Cantamessa that one thing where EPA can absolutely help is that they talked to the COE about the expense of the study and it can be reduced based on the information EPA can provide to the COE without them having to gather it. They have been working with them to make sure that they understand all the information they have, and all that they intend to gather, so that they can build on that and the overall costs would be less.

Commissioner Cantamessa expressed his thanks.

11) Election of BEIPC Officers: Mr. Harwood said that the Basin Commission is required to select officers every two years. Commissioner McLerran said that he feels that Commissioner Cantamessa has done a great job and would nominate him to serve another term as Chair. Commissioner Green seconded the nomination; and the motion was approved unanimously.

For the position of Vice Chair, Commissioner Hardesty said that she would like to nominate the longest standing Basin Commissioner, Jack Buell. Commissioner Green seconded the motion; and the motion was approved unanimously.

Commissioner Cantamessa nominated Commissioner Hardesty for the position of Secretary. The motion was seconded by Commissioner McLerran; and approved unanimously.

12) Citizens Coordinating Council (CCC) Presentation: Mr. Jerry Boyd (CCC Chair) congratulated the new BEIPC officers. He said that the CCC had a meeting on April 20 and they had a good turnout (as they heard previously from the Communications PFT Chair). One of the reasons they had such a good turnout was the effort by the Communications PFT on advertising. Mr. Boyd commented that it was a pleasure to see people. He noted that Commissioner Cantamessa was there as well and he thanked him.

The meeting summary is representative. The CCC had an election of officers and Mr. Boyd was approved as the Chair and Mr. Troy Lambert as the Vice Chair. Mr. Boyd mentioned that the CCC changed the way that they have the meetings, so that open discussion is first. This way, people who can only stay for a short time have an opportunity to express themselves. As he understands it, the CCC's job is to act as a conduit from the public to the Basin Commission and they are trying to fulfill that goal. One subject that came up was about the Lower Basin Collaborative which is a separate group or separate process. There was quite a bit of discussion and he mentioned that Ms. Susan Mitchell was one of the people who worked to get the collaborative moving and she has applied to be a member of the CCC. He appreciated that. There were some questions about the Lower Basin Collaborative and whether it was an open process for the public to be involved in. He knows that there have been meetings between representatives of IDEQ and EPA with the Lower Basin Collaborative, but does not know the extent to which those meetings were announced, and so forth. At least from his perspective, he thinks that to any extent he can be helpful, he will do that.

Another question that came up was about the ROD Amendment and the possibilities about changing the proposed ROD Amendment to take into account some of the comments. Mr. Boyd indicated that there is a concern for some of the people in the Basin that if the ROD Amendment changes substantially from the draft, how the public will be involved in that process. Mr. Shawn Blocker (EPA) said that they have had a very extensive extended public comment process and the changes in the ROD will be in response to the comments. EPA will issue the final decision and there will not be another comment period with respect to the decision. However, the changes that they are considering are all in response to the comments that came from the extended public comment period.

Mr. Boyd remarked that is what he expected and then brought up the implementation process. In the development of this process, he is sure that there will be opportunities for public comment on that. So for everyone who is interested, he hopes that is helpful. Mr. Blocker said that he would speak to that

because that is the role of the Basin Commission to help facilitate that. The implementation phase will become part of the work plan and there will be lots of opportunities for the CCC and others to work on the implementation side. Ms. Dailey said that they have been talking about that within the PFT for more than a year, so there has been a lot of discussion and it will continue.

Another subject that Mr. Boyd believes led to the large turnout of the CCC meeting included the presentation on CERCLA and NEPA (National Environmental Policy Act) as some people were confused about the relationship between those two. There was substantial discussion in the meeting and he hopes that it was helpful to the people who were not familiar with CERCLA and NEPA. The next CCC meeting is set for July 13 in the Lower Basin.

Commissioner Cantamessa said that he would comment on one thing that Mr. Boyd discussed and that was the Lower Basin Collaborative. He thinks that the Basin Commission should give some direction to that group to be involved with the BEIPC and that it should be part of this process. The other thing that he would ask the Basin Commission to think about is the word "*collaborative*." It bothers him a little because it implies in most collaborative, that the participants have veto power on whatever happens. So to have these conversations outside of the Basin Commission process and with agency people, IDEQ and EPA, whoever is directly involved, he thinks that we will be developing a circumstance that will not fold very well in the Basin Commission. He has talked to Mr. Terry Harris (i.e. who is involved in the Lower Basin Collaborative) about this and that Mr. Harris assures him that they intend to be part of the Basin Commission, but he thinks that it's important that they come in through the proper way.

He then asked for Commissioner's comments. Commissioner Phillip Cerner (CDA Tribe) said that as far as coming in there are obviously developed protocols for how things are run. Commissioner Cantamessa indicated that he thinks the Lower Basin Collaborative should fit into the existing system. If there is some suggestion that it should be in addition to, or something that we add on, he thinks it should be considered by the Basin Commission and that there should be protocols and policies developed.

Commissioner McLerran said that he knows Commissioner Cantamessa was not at the last Basin Commission meeting, but that they did have some fairly extensive discussion about this. He thinks that he and Commissioner Hardesty said substantially the same thing, that we welcome new participants in the process, especially as the work turns towards the Lower part of the Basin. However, it needs to fit within the Basin Commission structure and process and we need to figure out. Commissioner Cantamessa expressed his apologies for not being at the last meeting.

Mr. Harwood said that one of the things that he and Mr. Boyd and some of the folks from that group have been working on is a process to incorporate their activities into the CCC. However, they are not prepared to share that today as they are still working on it and have not received comments back from some of the parties. As soon as they get comments back from everybody, they will either continue to pursue it, or if it's something that folks don't want to do, then it may be over with. He and Mr. Boyd have worked on some language and they will see how it all fits together. It's plain that everybody wants to have it functioning within the process some way.

Commissioner Green brought up that at the last meeting he did address that we have a process now. He is the new person on the board, but it seems like we have a process. He added that the interpretation of the word collaborative is interesting as he thought that we had a collaborative process at this time. So by calling the new group a collaborative it implies that we're not being collaborative in his mind. He thinks that we are and he would encourage them to participate wholeheartedly through the channels that are already established.

Mr. Boyd said that he was remiss in not introducing Mr. Bill Rust who made a presentation on bank stabilization at the CCC meeting. He thought it was very informative and would be helpful to the Basin Commission. Commissioner Cantamessa asked if the information was in the board packets and Mr. Boyd replied affirmatively.

Regarding the Lower Basin Collaborative, Ms. Stevens inquired about Ms. Mitchell as they did hear that she was being called away to attend to some family needs. She asked Mr. Boyd if he would be following up with whoever is going to continue on leading that Lower Basin group. Mr. Boyd said that he has been communicating electronically with Ms. Mitchell, but that if she is not going to be the one that is part of that leadership, then someone needs to tell him who he needs to communicate with. Ms. Stevens said that they are working on it.

13) Silver Valley Stream Bank Stabilization: Mr. Bill Rust said that he thinks this presentation was intended to be an update to the community as to what was going on. He participated in all the Upper Basin PFT meetings and was just giving a local perspective. He mentioned that Ms. Dailey had given an excellent presentation on a lot of the issues that we've talked about. It certainly looks like EPA is addressing most of the critical issues. However, there is one issue that we still have not fully addressed and that is the flood control stream bank stabilization issue. He has prepared this presentation on his view of this issue.

The problem with this is that flooding is a large system-wide issue and as EPA said, they do not have the regulatory jurisdiction to deal with this. The COE and FEMA should do this. But if you look at the proposed plan and carefully go through the whole thing, a big part of it is remodeling the stream channels. He suggested that if you include the remedy protection work, then about a third of EPA's overall billion dollar remedy is remodeling the stream channels through the Valley. It's not a trivial part of it. EPA is proposing to remove millions of yards of contaminated material left in the Valley. If you look at the proposed plan, there is a series of maps, and if you go to the cost estimate, there is work proposed on essentially every foot of all of the stream channels in the valley. He suggested that this means they will remove the contaminated material and then they will have to reconstruct the stream banks. The design was developed purely from an ecological point of view as the people who developed it are trying to re-establish the aquatic community through the Valley. He feels that there was no consideration whatsoever given for flood issues. For somebody with a house on the other side of a stream bank, then flood issues are very important.

Another problem in the proposed plan is that it says you are going to stabilize by armoring up to the mean high water mark. Last week, the water level was two or three feet over the mean high water mark. The plan also shows plantings and vegetation above that, so that's got to be top soil. If you get a 100-year flood, then it's going to take the top half of that dike off. So as far as flooding is concerned, this is designed to have a high chance of failure. Mr. Rust displayed some other slides of

areas that have the same problem. He suggested that FEMA will come in and tell you to cut down the vegetation again as they just did at Pinehurst. There was a document that was put out in 2003 after the first feasibility study that says the bio-stabilization approach document says vegetation is effective for low velocity and low flow, but that it is rarely effective during flood conditions.

Mr. Rust explained that bio-stabilization engineering done from an ecological point of view does not have any considerations for flooding. This is what you see in the focused feasibility study and the proposed plan at this time. He provided some examples from the plan and suggested that some of the work is going to cause severe problems. The cleanup needs to have rigorous engineering and if you are going to stabilize the stream banks, then most of the Valley bottom is in effect a hazardous waste repository. You need to protect the stream banks for erosion and extend the armoring up to handle floods. He thinks that you can do this and incorporate the ecological things into it too, but that it has to be done at the same time. In addition, you need to figure out how you are going to maintain it because he thinks that there is a lot of bed load to deal with. He added up all of the costs and there is over \$200 million of the proposed remedy through this very impacted floodplain in the developed areas. He did not add up the costs in the headwaters and some of those areas. Bio-stabilization engineering is probably appropriate in those areas and he does not have a problem with that. He thinks that the remedy being selected for the ROD Amendment in the present proposed plan is going to cause a lot of problems for the local community.

14) Public Comment: Before moving to the public comment discussion, Commissioner Cantamessa pointed out that today's meeting would end earlier than anticipated, so it changes the scheduled time for public comment. This happened once before and there is a potential that someone could come later and expect to be able to speak.

Mr. Rusty Sheppard (Spokane River Lakeshore Owners Association) said that Mr. Bret Bowers was supposed to be here for public comment on your schedule, so he may have to fill in for him. He indicated that in early May, Mr. Bowers met with Shawn Blocker from EPA and talked to him about what the future is in the Lower Basin and CDA Lake. During that conversation, Mr. Bowers was somewhat taken aback because Mr. Blocker told him that in the reasonable and near future, EPA expected to expand their work into CDA Lake with the initial work being testing of the shoreline. Mr. Sheppard said that he was going to specifically ask Commissioner Hardesty and maybe the Tribe, if they had any information from EPA that these future tests were going to take place, when and to what extent.

Commissioner Hardesty replied that the only thing she can think of is that the Tribe and IDEQ were interested in doing some core sampling. Ms. Stevens knows the details of where we last did that and maybe there was some confusion with regards to that. There is a request for funding from EPA to fund the analysis for that, so that may be the confusion. She is not aware of anything else regarding EPA expanding Superfund into CDA Lake.

Ms. Stevens said that she could speak to that as she heard a little bit of rumbling about that and was taken quite aback because that would change a lot of things for all of us in the room if the Lake was included in the CERCLA remedy. What she thinks Mr. Blocker may have been referring to is that Mr. Don Martin with the local EPA office in CDA did ask her and Mr. Rothrock if there were any projects that they could maybe utilize some EPA assistance in funding. They have a long list, but the

core sampling was one of the potential projects that maybe EPA could assist us with. It had not been done for 20 years (when the USGS did it), possibly longer. It was not only the core sampling, but potentially assistance with some of the monitoring that is ongoing with some analysis that needs to be clarified in the public's eyes, especially the lakeshore property owners association.

Mr. Sheppard said that Mr. Bowers indicated to him (as he was not privileged to be at the meeting with Mr. Blocker), that it went further. EPA wanted to do some work down there and Mr. Blocker was wondering if the lakeshore association would be more cooperative if it was similar to what they are trying in the Upper Basin for the yards program. That really disturbed Mr. Bowers, and it really disturbs the community around CDA Lake that it may be going to occur.

Ms. Grandinetti (EPA) remarked that the one thing she could say is that Mr. Blocker is very new to this project. She thinks that what he may have been referring to is that there is currently ongoing monitoring. There is certainly sampling that the Tribe has asked EPA to look into as far as what continues to flow into the Lake and what the water quality is. EPA has the ability to spend some of their resources on this, but there are no plans. They are certainly not interested in taking action in the Lake, or around the Lake.

Mr. Sheppard said that the lakeshore association will be having a general meeting in the middle of July. They would like to have some kind of input from EPA, so that they can go to their members and say this is what EPA's position is no matter what anybody else says. Ms. Grandinetti noted that EPA has said lots of times that they would be happy to come back out. There is a LMP for the Lake and they all hope that works because the best way of managing the contamination at the bottom is to manage the nutrients that flow into it. If that doesn't happen, she doesn't know what the future is for the Lake. However, everyone believes that this is the best path forward and EPA can come and say that again.

Ms. Stevens suggested that maybe Mr. Sheppard can get in touch with EPA, IDEQ and the Tribe to see if the lakeshore association would like them to make a presentation. They do it every year, but maybe it's time for EPA to clear up any uncertainty on that. Ms. Dailey said that in the late 1990s, there was sampling done at a number of areas around the Lake except for Harrison (as it's been done). Ms. Grandinetti told Mr. Sheppard that Mr. Bowers can call her. Mr. Sheppard said that he appreciated it.

Ms. Stevens brought up to the Basin Commission that it had been some time since there was a TLG update. She thought that Mr. Rust's presentation (since he presented it to the CCC) would have been good to be presented to the TLG and then have a technical discussion. She would like to extend an invitation to Mr. Rust to make a presentation to the TLG and express some of his opinions and technical views on things. She also asked the Commissioners if they would like to have a TLG update at future meetings.

Mr. Rust responded that he has been going to all of the Upper Basin PFT meetings and has been asking when they were going to talk about stream banks. That's where he would have given his presentation and started talking about discussion. However, they were not ready to discuss this whole thing yet. So that's why it was given to the CCC and it's basically to just tell people what the issue is from his side and the fact that we haven't discussed it yet.

Mr. Harwood suggested that it would be good to have the presentation at the next TLG meeting. They have been so busy with the Upper Basin PFT with the mine and mill sites, etc. He has spoken to the folks at EPA about this issue that Mr. Rust brought up and it's on his mind as well. He is of the opinion that he does not think EPA can implement its remedies in the stream channels in the Upper Basin without getting together with everyone. If you start messing around with the hydraulic conductivity of the river by doing the remedies, it's going to cause other problems downstream.

Mr. Harwood mentioned that he used to manage the dams program for the Forest Service and their irrigation channels, so he has some experience dealing with this. He does not think the remedy can be implemented without all of the coordination of these efforts in how we are going to go about doing this. That's why he was asking the folks that went to the Seattle meeting to please give him some marching orders. This issue is all intermarried and you cannot just dredge the river and not be concerned about the hydraulic conductivity. Otherwise, you will end up with all kinds of problems. It needs to be done and he thinks that it's time now. He knows that the community is anxious that the ROD Amendment will come out and this issue will just kind of sit there and be a copy of the previous focused feasibility study.

He emphasized that this issue needs to be addressed and that it should help us to bring some pressure on some of these other issues that we talked to our Congressional delegations about. Not only that, but it was pretty clear to him when the COE called him and asked for a copy of the flood inundation maps in the remediated areas, that they are starting to get interested in it as well. They wanted to see what the FEMA maps look like and where the remediated areas are and how much of the remediated areas are subject to damage by a 100-year flood. So, they are starting to think about it as well.

15) Adjourn: As there was no further business, the meeting adjourned early at 2:11 p.m.