

**BEIPC MEETING MINUTES**  
Basin Environmental Improvement Project Commission  
August 18, 2010,  
9:00 a.m. - 4:00 p.m.  
Wallace Inn (Gold Room), Wallace, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners Present:

Mr. Jack Buell

Mr. Jon Cantamessa (Chair)

Mr. Phillip Cerner

Mr. Rick Currie (Vice-Chair)

Mr. Curt Fransen

Mr. Dennis McLerran

Mr. Grant Pfeifer

Alternates Present:

Mr. Vince Rinaldi

Staff Present:

Ms. Jeri DeLange

Mr. Dave George

Mr. Rob Hanson

Mr. Ed Moreen

Ms. Rebecca Stevens

1) Call to Order/Introductions: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County), called the meeting to order and led everyone in the flag salute. He introduced the Basin Commissioners and then asked everyone to introduce themselves.

2) Approval of BEIPC Draft Meeting Minutes for May 19, 2010: Commissioner Cantamessa asked if there were any changes or corrections to the draft minutes for the May 19 BEIPC meeting. Hearing none, Commissioner Jack Buell (Benewah County) made a motion to approve the minutes as written. The motion was seconded by Commissioner Grant Pfeifer (State of Washington); and approved.

3) Update on Coeur d'Alene (CDA) Lake Management Plan (LMP) Implementation: Ms. Rebecca Stevens (CDA Tribe) gave an update on the LMP. Monitoring of the Lake is ongoing by the State and Tribe. They are also doing an inventory of aquatic plant species on the lower part of the Lake and some treatment applications for invasive species such as milfoil. In the St.

Maries and St. Joe watersheds, they are working on the nutrient source inventory. They have hired a consultant to help with the LMP education needs assessment for the outreach program. She then introduced Mr. Bill Robinson of Robinson Research who spoke briefly about the work that he has been doing. Ms. Stevens also mentioned that the Tribe and State finished publishing the revised BEIPC “Our Gem” CDA Lake maps; and are in the process of distribution.

4) Communications Project Focus Team (PFT) Update: Ms. Jeri DeLange (BEIPC) provided an update on the Communications PFT.

5) Update on Clean Water Act (CWA) Projects: Mr. Terry Harwood (BEIPC) provided an update on the CWA projects. There were three years of grants starting in 2002 and the projects have all been completed. A final CWA project report presentation will be made later today. The executive summaries from all of the CWA projects are on the BEIPC website under project work. Mr. Harwood believes that the CWA projects were a very successful process. Some of the information collected will be useful for the natural resource restoration activities that the Natural Resource Trustees will be doing.

6) Flood Control Issues Update: Mr. Harwood said that there has been a great deal of concern in the Upper Basin about all of the remediated properties and what will happen if we have a 100-year flood. He passed out handouts of the maps that were prepared by a BEIPC consultant of the Basin yard remediation and potential impacts of a 100-year flood event that may destroy a great deal of the remediated properties. He emphasized that this is of keen interest not only to the community, but to the State of Idaho as the State has operating and maintenance (O&M) liabilities for the Superfund cleanup. He raised the question - If the remedy is destroyed, then who will clean it up a second time? This is a major issue that everyone is trying to figure out ways to deal with. He said that the BEIPC voted last year to direct him to work on flood control; and that there will be a presentation later today by some of the various agencies involved with flooding issues. Tomorrow, he will be taking these individuals for a field trip to look at the current levee situation from Mullan to Cataldo. (The 100-year flood maps will be used as a reference for the field trip).

Mr. Harwood commented that most people do not understand how all of the various agencies fit together on flood control issues and how to figure out ways to fund the work to bring Silver Valley levees up to standards. This issue also greatly affects development, flood insurance, etc. He will continue to work on this as they want to have a levee system that protects the remedy and infrastructure. EPA has folded some remedy protection into the ROD Amendment, and he encouraged everyone to work together on this process.

7) Final Report on CWA Project, South Fork Sewer Toxicity Study: Mr. Ross Stout (South Fork CDA River Sewer District) provided a brief summary of the Page Wastewater Treatment Plant Toxicity Reduction Evaluation and background information. He then introduced Mr. Steve James (JUB Engineering) who presented the final report and results. Mr. Harwood added that all

of the inflow and infiltration (I/I) projects and cost estimates are in the Drainage Control Infrastructure Revitalization Plan (DCIRP) that was done last year by the BEIPC.

Commissioner Cantamessa commented that Shoshone County believes that they will continue to approach the point of diminishing returns regarding water quality as to what they can get and how much money they spend to get there. Site specific criteria may still not reflect what reasonably should be reflected by the natural character of this area. He suggested that if you move the site specific standards up slightly, then you would drive the cleanup costs down tremendously.

Break

8) Comments by EPA Region 10 Administrator Dennis McLerran: Before Mr. Bill Adams and Ms. Anne Dailey's update on the ROD Amendment, Commissioner Cantamessa called upon Commissioner McLerran for remarks that he wanted to make. (*Note: Transcribed from BEIPC's audio tape of meeting*).

**Commissioner McLerran:** Thank you. Well, first I want to say I'm sorry I missed the meeting that Senator Crapo and the Governor and the rest of the Congressional delegation held together as I was sick as a dog. I don't get sick very often, but I was very sick for a couple of days there. Sorry I missed that, but I had a good chance to get some detailed briefings from my staff on what was said there and what the comments were and so on. And that right out of the box, I want to say that we have heard a number of requests for extending the comment period. We announced at that meeting - that today, I would let you know what our decision was in that regard. We have sent letters off to the Governor and to the Congressional delegation members indicating we're going to extend the comment period for an additional ninety days. And so, wanted people to know that we did hear those comments and we are doing that. And that we think because of the original forty-five day extension before we released the draft, and then the ninety day extension; we're responding to that now. We also know that we have folks who want us to move ahead and move ahead on schedule. So extending more than ninety days, we don't think is reasonable. But we do think that gives some additional time for people to get into the details and into the plan, and work with us with their comments.

And then, I want to take a few minutes to address some of the key things that we did hear both in our public meeting and then in the meeting that Senator Crapo and the others hosted a week ago, Monday. We heard, and I addressed this a little bit this morning; we heard many concerns that EPA's cleanup will prevent mining in the future and that people will lose their jobs. I want to assure people that is not our intention at all. I've met with Hecla and expressed that directly to them. We want to make sure that in the comment period and as we work towards implementing any remedies here; that we're working with the mining industry, and in fact, other industries to make sure that what we're doing doesn't impact the ability for business to continue and for mining in particular to continue in the Valley. But, we can't do that alone; we need folks working with us to identify where there are conflicts with what we've proposed, where we would

need to make changes to accommodate the needs of the mining industry and others. We're prepared to do that and I've extended that hand out to the mining industry to say, tell us specifically where there are issues, where there are problems, and let's work together and come up with ways to resolve those issues.

We've also heard folks, I think erroneously, concluding or stating that there's really no risk from contamination that is still left. And we believe that there is both public health risk and certainly habitat risk that are out there still in the Basin that needs to be worked on, and that's our job. EPA, Idaho DEQ, Fish & Wildlife, and lots of others of us have spent twenty years evaluating the extent of contamination in the Valley and there is still contamination here that needs cleaning up. And although I think we're all thankful that the testing that's being done shows blood lead levels on average are down in children in the Valley from the work that the health district has done; we know that there's still risk out there from exposure for people that are out riding ATVs, doing recreation along riverbanks and that sort of thing. So, there still is human health risk in the Valley and we think that's consistent with the NAS findings, that's consistent with what other agencies have seen here. There's still work to be done. And by addressing the mine waste contamination in and near the tributaries, we can minimize the amount of lead contamination and transport to downstream recreational areas, so that's part of what this is about in this cleanup. It's not all about birds and bunnies. It is about birds and bunnies, but it's also about human health risk as well, and we think there's concentrations in certain areas still that are seventy times more than the water quality standards that need to be addressed.

We've also heard that the cost of cleanup is high and that cleanup will take too long, and we certainly hear those voices, but we believe at EPA that the scope of the problem is what drives what the costs are and what the length of time is. And we're certainly trying to develop a remedy that doesn't disrupt the daily activities of people in the Valley. You know, if you try and do too much, too fast, all at once, it would wreak some havoc in terms of daily activities in the Valley. So what we're trying to do is come up with a remedy and a plan that is commensurate with the size of the problem, the scope of the problem; the costs are driven a lot by that, but also do it in a fashion that's not disruptive to daily activities.

We are interested in getting the work done faster and cheaper. If people have good ideas about that, we want to hear about it. Our adaptive management plan is identifying cleanup goals. It will dictate a rigorous monitoring program that will be used to evaluate the effectiveness of cleanup actions, and it will help us find ways to do our work more efficiently in the future. And we do come back yearly, every five years, every ten years, and look at what progress is being made. So even though we've scoped out a fifty to ninety year plan here, we are adaptive and we do change it as we make progress and as we continue to monitor changes. But, we do need flexibility during the time of the cleanup plan to be able to make decisions; and the scope of what we put forward is our best shot at what we think is necessary to get the job done. We think that a shorter ten year plan horizon really won't get at the needs of what it takes to clean up the Valley over the long term. So our shot on this is to really do something that looks at the Upper Basin comprehensively and comes up with what we believe is necessary to get it done. But again, in

the comment period as people have other ideas, other thoughts, we're going to listen to those and hear that out.

We've heard a concern that this is the only opportunity to weigh in on our work during this particular comment period. Well, as I already said, we're committed to getting good input and as much input as we can during this comment period and we encourage people with specific issues to sit down with our staff, talk those through, work those through if there are details of the plan that people are concerned about. But, I also want to make clear that we want to work with the Basin Commission in developing the one and the five year work plans moving forward as well. That's a key value of the Basin Commission is to help us develop the details specific in nearer term work plans under the umbrella of a long term ROD. And in that process, the one year and the five year plans, not only in the development of the long term plan, we think there's continuing opportunities to work with the public. And I know that we had over twenty plus meetings over the last couple of years working with people on trying to develop this ROD Amendment. As we develop work plans, we'll continue that commitment to work with the community and with the people and engage them on that. And I think that we have a pretty long track record of working with the Commission and working with the public in the Valley to get that input. So, and if we do at any point in the future during that plan horizon have significant changes, we're obligated to come back and talk with folks about those changes before we can move forward with amendments that would be significant.

Lastly, I want to say we heard that a lot folks have asked Governor Otter to stop the ROD Amendment. Well, a couple of things about that. One, EPA under our Statutes has an obligation to be here to do this cleanup. We're in the Valley, we're here to stay, and we're not going away until the job is done. And I heard the comments where people said, get in your Prius and go back to Seattle. Well, you know we've been in the Valley a long time. There's a job that still remains to be done and we're going to stay here in the Valley; and while we want to get concurrence from the State with respect to the remedy, we do have authority under our Statutes to move forward without that concurrence. I'm not saying we don't want to get that concurrence; we do want to get that concurrence. We want to work together in partnership on this. But if we can't get there, we are going to stay here in the Valley and we are going to move forward with our cleanup. And we want to do that in a way that is as responsive as possible to comments, and legitimate concerns and legitimate issues. We hear the issues about flood control and roads. We met with mayors and council members and others on some of those issues. We're going to incorporate as much of what we hear as reasonable in these comments into the ROD Amendment as we move out of the comment period and develop a final plan. So, I just want people to know that people are calling on the Governor to stop this. He just doesn't have that authority to stop this. We are in a position where we will move forward with the plan. We want to get the State on board. We want the Governor and Idaho DEQ on board and we'll work hard to get that. But, that comment is just not a reality. With that, I think we're going to go into a short presentation on this. I know that people had opportunities to hear summaries of the plan and so on, so we're not going to go into great detail today. But, staff is going to do a little more on that. I'm happy to answer questions from other Commission members.

9) Additional Comments: Commissioner Cantamessa said that one message came through loud and clear from the people in Shoshone County. It was that EPA should put their maximum efforts, money, and energy into flood control until you solve that problem. The other thing that he would ask is that he believes the three most troubling sites in Shoshone County for hazardous materials, water quality, and human health problems are in the Box. His concern is that EPA does not have much of a budget for the work in the Box. He would ask that EPA focus on those three areas in the Box, and flood control as he believes that it would be taking a step in the right direction because it would solve a significant part of the contamination problem.

Commissioner Rick Currie (Kootenai County) thanked the EPA for the extension of time for public comment. He thinks that it was definitely needed in order to do an adequate review and make logical recommendations instead of knee-jerk. He does appreciate it and thinks that it shows a move in the right direction as far as listening to the local people. It also helps to strengthen that partnership. He pointed out that he does not want to take anything away from Commissioner Cantamessa's comments as he feels they are very true as stated.

Commissioner McLerran commented on flood control and pointed out that this issue is not EPA's alone to deal with. They need a number of agencies working on this issue looking at where funding might come from. The money that EPA does have has to be tied to a CERCLA remedy, so there may be some places where there is some flexibility. They know what happened with the bike trail in the Valley. It was part of remediation, but it also helped bring in recreational opportunities. EPA is listening to that, but they know there is a bigger effort that needs to occur. He's really glad that Mr. Harwood is working on pulling people together on this. EPA has been listening and working on this for the last few months as well. He is hopeful that there are some good solutions that will come forward.

Mr. Terry Harwood said that he discussed this with some of the folks who are here to talk about this later in the meeting. It's a complicated morass of things we have to do. First thing he wants people to understand is what has to be done in order to make anything happen. That's very important. Then tomorrow, he will take local folks and elected officials on a field trip and give everyone an idea what Commissioner Cantamessa and the people in the Valley are dealing with. There are issues such as houses that are built on the edge of the CDA River, so where do you put an earth levee?

10) Upper Basin ROD Amendment Update: Mr. Bill Adams (EPA) gave a brief overview of the ROD Amendment process; and noted that EPA Region 10 Administrator, Mr. Dennis McLerran, touched on the main points. The comment period has been extended another 90 days until November 23. EPA will be doing more announcements to let people know such as newspaper ads, emails, web, etc. EPA also wants to know what they can do to try and help inform people in additional meetings, meet one-on-one to talk through the plan, help them understand specifics, or take comments as they are looking for input. Some of the predominant themes that they are hearing is that the cleanup plan threatens mining jobs. Mr. Adams relayed that EPA is working

with the mining companies, and that they will look again at the language in the proposed plan in regards to mining. The cleanup plan will not change mining regulations.

Another issue that Mr. Adams brought up was the common theme that lead present in the Basin is not bio-available, and therefore, there is no risk. In the National Academy of Sciences (NAS) report, he indicated that there is a detailed discussion on this topic regarding lead-sulfite and lead-oxide. According to blood lead level indicators, it is bio-available. He pointed out that the annual waterfowl fatalities that occur in the Lower Basin is a direct indicator of bio-availability. EPA also heard some concerns of the Technical Leadership Group (TLG) and Citizens Coordinating Council (CCC) that they were not part of the process, or felt that the meetings and information that EPA provided were not helpful. Mr. Adams feels that is particularly disturbing given the number of meetings that EPA had and the opportunities for input. He is also sorry to hear that people do not feel that the info provided on the models to develop the feasibility study was beneficial. As EPA moves forward, he suggested the need to figure out a better way to communicate in the future.

For public comments, EPA will provide a response to individual and collective comments in terms of general issues. They will continue to provide input at Basin Commission meetings; and the TLG and PFTs will be the process that EPA will be using to get input on the work plans. As they move forward with the implementation work, this will be the opportunity for people to weigh in on the types of actions and locations, and look at the effectiveness of those actions.

Mr. Harwood conveyed the process that the Upper Basin PFT will be going through where they will build the one and five-year work plans. The work plan that will be given to the Trustee will be part of the overall one and five-year work plans. The activities of the PFT and TLG will be the process that helps build the work plan. Then it will be given to the TLG for review and any changes before it is presented to the Basin Commissioners with a recommendation for their approval. (There are no decisions made at the PFT or TLG). The only decision process is right here and that is why it has to be presented at a public forum. If people want to get involved, Mr. Harwood will let people know that they want substantive discussion and that it will be accepted in a courteous manner.

11) Discussion: Commissioner Cantamessa said that in participation with the TLG or with the public, he hears the term “sideboards” discussed (i.e. Forest Service). He has not heard the EPA use the term. So, you get into a conversation and you say ok, we want to hear the full discussion of this, but here are the parameters. With the Forest Service, he’s seen those parameters closed and there is no discussion. This is what worries him about this process. We cannot talk about this, or cannot talk about that. He does not want to see this process develop that way. It sounds like it could. This is another reason that he feels the public has distrust for being heard because when they want to talk about something, it may be something that cannot be talked about. Everyone knows that there are things that cannot be discussed, but he suggested that this gets used at times when there are opportunities to discuss things.

Commissioner Curt Fransen (State of Idaho) made a few comments. First, on behalf of the State to Commissioner McLerran; they appreciate that the extension is a significant step. It's not everything that some of the legislators and the Governor asked for, but it is a fairly significant step and they appreciate it. They also appreciate his statement that EPA is listening and that they will be incorporating the information they gather, and the concerns that have come out into the final decision making process that EPA will be engaged in. He also addressed the issue about State concurrence. As stated, they understand well that the federal regulations are clear that the State acceptance of the ROD and community acceptance of the decision are not game stoppers, but they are factors that EPA is required by the National Contingency Plan (NCP) to take into consideration as modifying criteria. They expect and hope that the obligation of the NCP is taken seriously; and that they are modified criteria that EPA seriously pays attention to. The State will be looking for that to happen. For good response on flood control, it seems like the issue is trying to figure out how the law can help flood control issues. He suggested to Mr. Harwood to keep working on this. Commissioner Fransen then inquired of EPA as to the extent that there are going to be changes in the proposed plan, the ROD will be different than what the proposed plan says based on input; and if there will be some sort of acknowledgement of that or some explanation to the public on where EPA is going at some point in the process.

Commissioner McLerran replied that he has heard a concern that comments will be made, and that EPA will just say comment acknowledged and move on. That is not what the EPA plans to do. They will consider every comment and will respond to every comment, particularly ones that are very substantive in nature. When there are issues where people have fundamental disagreement, or specific issues that they see as an impediment to economic development or mine development; they will sit down with people one-on-one and work through those. Then EPA can modify or respond. There's a process ahead of us after the comments are made and even during the period when people are putting their comments together. EPA wants to work together with folks to make sure they understand what EPA has said, and that EPA understands what they are concerned about, and that they are able to respond to it in some detail. He's sure that it won't be the same as the draft ROD as they move forward because EPA is going to get some good comments from folks. He wants to make sure where there are differences; that EPA is explaining where those came from and what the modification was in responding to comments. That will take EPA a little time.

Ms. Stevens asked what EPA's plan is for the court recorded comments at the August 4 meeting; and how they are going to get those out to the public. Ms. Cami Grandinetti (EPA) said that she is not sure about the contract agreement for the timeframe, but they have not received them yet. She noted that EPA will not have a whole package of comments, but it will probably be a summary version. Ms. Anne Dailey (EPA) said that she talked to Ms. Karen Roetter from U.S. Senator Crapo's office about getting a copy of the transcript from the town hall meeting that he held.

Ms. Stevens asked Commissioner Cantamessa about the BEIPC Technical Leadership Group (TLG) group. She indicated that it was set up to have very technical discussions, but that it is



open to the public. If the public does attend and they are acknowledged by the Chair, then they can engage in conversations. They cannot vote, but the TLG meetings have always been open to the public. She made a suggestion about possibly putting notices in the paper. Mr. Harwood proposed maybe the PFT meetings as well. Mr. Adams responded that the PFT meetings are open, but that they have not been advertised to the public.

Commissioner Phillip Cerna (CDA Tribe) recommended changing some of the timeframes for the TLG meetings, possibly starting at 5:00 p.m. and going until 9:00 p.m. as the public is not really participating in the process during the day to provide for that input. He also added that when Commissioner Cantamessa spoke about some of the specifics really needing to be ground through, he agrees with that. Some of the very issues that we are dealing with now went back to twenty years ago such as how clean is clean, what is the background level, and expansion of EPA authority. He suggested that maybe we need to have some public workshops on what is the natural background. He has engaged in hours of dialogue because there was a sample taken from the wall of the Cataldo Mission that people believe is what the background was when we have looked at over 11,000 data points (i.e. floodplain cores, lake bottom cores, river cores, all the Bureau of Mines data, etc.).

Commissioner Cantamessa brought up another item in the NAS report that suggested that EPA create an impartial scientific panel to review the procedures and the plan. He believes that to mean scientists from other industries and some other areas that would take a different outlook on it (using the same technical data) than what EPA might. He thinks this may be a good solution in helping calm people's concerns that they are getting a balance of information.

#### Lunch

12) Flood Control and Levee Issue Discussion: Mr. Harwood said that he has been working with the Silver Jackets, Corps of Engineers (COE) and other agencies involved in flood control issues. He noted that representatives from the various agencies are here today to provide information to the BEIPC and the public.

Information presented included the following: hazardous mitigation; flooding issues; level of risk and protection; status of levees, levee certification or FEMA accreditation; hydraulic modeling; engineering; permitting requirements; sediment transport; flood control structures; funding sources; flood control districts; partnerships; next steps in the process; etc.

#### Break

13) Question and Comment Period: Ms. Hollis Anderson (City of Wallace Attorney) said that she was here at the direction of the Mayor of Wallace. The Mayor was disappointed that he did not receive earlier notice of the meeting, but wanted to extend gratitude to the BEIPC for holding the meeting in Wallace, and that he was sorry he could not attend. On behalf of the Mayor, she wanted to comment on the ROD for the EPA cleanup efforts going on in the Silver Valley,

particularly the proposed extension that would extend the ROD for an additional 50 to 90 years. The Mayor appreciates all of the work that the Basin Commission is doing regarding the cleanup efforts within the Silver Valley. She indicated that her comments are not directed at the Basin Commission, but rather to Mr. Dennis McLerran. At the August 11 Wallace City Council meeting, the Council directed the Mayor to draft a proposed resolution for the City commenting on the City's concerns regarding the extension of the timeline for completion of the ROD. The City is opposed to a ROD that continues indefinitely. The City of Wallace does not enjoy the idea, or stigma of being a Superfund site, and particularly the possibility of extending the ROD and being a Superfund site indefinitely. The Mayor has been directed to include in the City's resolution, the implementation of a ten-year extension of the ROD in an incremental plan under a separate ROD. The resolution will address the City's concern for the proposal for numerous additional repository sites throughout Shoshone County. Each of these issues proposes a negative connotation to our community which is in direct conflict with the City's goal to promote tourism, bring in new businesses, and encourage relocation of families into our community. Therefore, the City of Wallace respectfully requests that EPA strongly consider the implementation of a ten-year plan incrementally and not the 50 to 90 year plan currently proposed. The City will also be submitting additional public comment during the period for public comment which she understands has been extended to November 23. On behalf of the City of Wallace, she wants to sincerely thank the EPA very much for that extension, so that the public may have a sufficient time to fully submit their concerns.

Mr. Robin Stanley (Mullan School District Supt.) said that he respectfully asks the BEIPC to consider supporting the Mullan School District in their opposition of the proposed ROD Amendment. The following is a letter they sent to EPA: The Mullan School District is very concerned about the potential negative impact that the proposed plan may have on the school district. The district has an existing water right on the South Fork tributary and is concerned about the potential change in the water right distribution. There are too many unanswered questions regarding the amount of surface water that could be displaced. In addition, the district believes the amended ROD needs to be for ten-year period increments to allow more flexibility and community input as modifications are needed. The amended ROD needs to give more consideration of the economic future of our community and the unintended consequences that may negatively impact the financial stability of our district. With the Lucky Friday mine being the largest employer and providing over 50% of the local tax support for the school district, the financial future support of our school district and our community can be dramatically impacted by the economic stability of the Lucky Friday mine. Therefore, adequate time for consideration and input by those of us most affected should be given. The deadline needs to be extended significantly more than 90 days to allow adequate time to truly study the proposals and provide meaningful input. Thank you for this consideration.

Mr. Mike Dunnigan (Mayor of Mullan) commented that at the last City Council meeting, they passed a resolution against continuing the ROD for 90 years. It will be sent to each agency and has already been given to Hecla Mining Company and other entities. There is no way that the City will support a 50 to 90 year ROD.

Commissioner Cantamessa said that there will be another opportunity for public comment at the end of the meeting as this comment period was earlier than posted.

14) Lower Basin Issues: Mr. Ed Moreen (EPA) gave an update on the Lower Basin Enhanced Conceptual Site Model (ECSM). The specific focus of the ECSM is to develop a better understanding of contaminated sediment in the Lower Basin before implementing more remedies. He presented a CD of the ECSM document to the Basin Commissioners and BEIPC staff. The document is a collaborative effort of the various bodies of the Basin Commission over the last few years. The next Lower Basin PFT meeting will be held on September 22.

15) Repository Update: Mr. Moreen provided the repository update as Mr. Andy Mork of IDEQ was unavailable. He gave an overview of the two repository sites in the Silver Valley that have been identified which are the Osburn and Star tailings ponds. He also provided an update on the East Mission Flats (EMF) construction and the potential Big Creek expansion. As of noon today, the EMF repository is open.

16) Citizens Coordinating Council (CCC) Comment and Presentation: The CCC Chair, Mr. Jerry Boyd, indicated that the CCC Vice-Chair, Ms. Vera Williams, would be making the CCC presentation as he was not available for the July 21 meeting. Ms. Williams provided an update of the meeting and said that during the open discussion, there were three items brought up.

1) The CCC would like to see more detailed discussions of how funding would be applied to different parts of the ROD Amendment plans as they come along; 2) that there would be an increase in cooperative opportunities and partnering for anything that needed to be done. She noted that Mr. Harwood had pointed out that the BEIPC work plans are a good opportunity for the community to be involved in the steps that would come up each year; and 3) what is the most effective way for the community to be involved in the discussions for the creation of the work.

17) Public Comment: Ms. Teri Vouck (Citizen) asked a question about the groundwater not being able to meet drinking water standards, so she does not understand the reason to pipe it or treat it because it's not intended for drinking. She's also concerned about water rights and would like that issue clarified. Mr. Adams (EPA) responded that the focus of the groundwater collection is in some key areas where the loading is the most significant (i.e. Woodland Park, Canyon Creek, and the South Fork). The goal is not to clean the water up in those areas, but to capture the contaminated groundwater and then pipe it to a location where it can be treated. That will also improve the groundwater quality as well. It will take a combination of picking up the most contaminated water, but mainly removal of source material that is up above those areas such as mine and mill sites, floodplain tailings, etc. to eventually restore the groundwater as there is a direct interaction between surface water and groundwater throughout the Basin.

Other issues and questions were discussed such as: water quality standards; high mineralization content, various CWA studies, local involvement, groundwater versus surface water treatment, adit water from mines, water treatment alternatives, water rights, water adjudication, cleanup

projects listed on the ROD Amendment prioritization list that should not be listed, identifying other cleanup items for the ROD Amendment, mining, economic development, Superfund stigma, human health, discharge limits and penalties, etc.

18) Written Public Comment: The following letter was provided by Mr. David Bond (Editor, Silverminers.com) from the Wallace Street Journal. *(Note: The letter was retyped with minor changes in spacing, abbreviations, etc. Commissioner Cantamessa agreed to print the letter as Mr. Bond arrived at the posted time for public comment, but the meeting adjourned early and Mr. Bond did not have the opportunity to personally read it to the BEIPC).*

### **An Open Letter to Seattle: Rein in Your Economic Genocide of Idaho**

Dear Seattle:

Imagine if some unelected bureaucracy in Post Falls, Idaho, decided, using computer models, that airplanes were unsafe because: (a) they crash once in awhile, and; (b) the aluminum and plastics used in their manufacture were unsafe to human health if consumed in large enough quantities. Having reached this conclusion, this Idaho bureaucracy ordered the closure of all Boeing plants in your state for 50 to 90 years – said order absolute and not subject to court challenge.

What would your reaction be? Probably similar to how those of us residing in the CDA Mining District of northern Idaho feel about the U.S. EPA’s Region X push for an irrevocable 50- to 90-year record of decision (ROD) imposing absolute rule over our mining community of 10,000 people. This gives an unelected federal agency 300 miles from us absolute power over land-use and landscaping decisions and whatever it arbitrarily (again without recourse or appeal) determines to be “responsible mining,” all under the designation of Superfund.

We mine silver, lead, zinc, along with a bit of copper and gold, because these metals occur here, as opposed to, say, Queen Anne Hill or Redmond, in economic concentrations. Rain strikes these outcrops and washes them into our multitude of creeks and rivers. Tests of mud chinking taken from the bottom of the CDA River and used during the 1850-’53 construction of the Cataldo Mission of the Sacred Heart – 30 years before mineral prospecting here began – revealed jaw-dropping concentrations of lead on the order of 1,500 ppm. The laboratory-certified assays of the Mission’s construction materials followed EPA testing protocol to the letter.

Here is something any lead miner with a high-school education understands, but the social scientists behind EPA policy apparently don’t get: Lead exists in many forms, some inert, some harmful. Lead-sulfide, commonly known as galena, isn’t bio-available. Miners can toil in the lead mines their entire lives without any “lead poisoning” effects because they’re mining galena. Lead-oxide, which was used in household paint and window putty, and can also be created when lead-sulfides, in the form of mine tailings, are dredged from river bottoms and

exposed to oxygen and rainwater, is hugely toxic and an attractive nuisance for children because it tastes like candy. The French used to use lead-acetate to sweeten sour vintages of wine until they discovered it made a good portion of their population sick. The point, is mine tailings comprising galena, are not of themselves harmful unless disturbed.

But according to EPA, “Lead is lead is lead.” No discussion. I wish just one reporter from the Seattle P-I or the Spokane S-R would take a night course in chemistry or metallurgy, and call EPA’s toxic bluff.

A Superfund designation spells economic death for a resource-based economy like ours here in Wallace, Idaho; what the long-term effect of abandoning common sense when it comes to regulating the mining of metals you need to build and keep your hybrid Priuses running will be I can only speculate. But here is what I do know: In the financial capitals of London, Vancouver, Toronto, New York and Zurich, which I visit as a reporter every year, the Superfund stigma is not a record of decision. It is a death warrant. Despite recent record price trends in both base and precious metals, of which we have in abundance, we are unable to pull ourselves, the state of Idaho, or the Pacific Northwest out of our current economic miseries because EPA, unwittingly or deliberately, has scared global capital away from us.

The consequences of EPA’s actions get more personal. A few days ago, we took our dog for his daily swim on Placer Creek a mile from our home in Wallace. He loves that adventure. Encamped beside the creek, to ride trails on their powered dirt-bikes, were two women, one from north of Seattle, the other from near Sandpoint, Idaho. They were mortified we were heading toward the water. “Isn’t that dangerous?” they asked. “Aren’t you afraid of getting sick from all the lead around here in the water we’ve read about?” How do you answer that? We pointed out that our creeks and rivers support a vibrant trout fishery, proved up by the daily full creels of numerous friends, and a population of fingerlings in the hold we were about to dive in to. EPA, however, declares our fishery dead and pushes this lie out to its stenographers in the media.

How would you like it, Seattle, if we started a scare campaign about all the \_\_\_ in the bottom of the Lake Union Ship Canal, or all that aluminum and plastic they’ve got at Boeing? And what if, as a result, Boeing could not raise capital for a new airplane model? Because that’s what you’re doing to us.

Rein in your dogs, Seattle, and let us survive, before we have to chase them out.  
Sincerely, David Bond, Wallace, Idaho.

19) Adjourn: Commissioner Cantamessa thanked everyone and adjourned the meeting at 3:30 p.m.