

BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
August 14, 2013, 9:15 a.m. – 11:45 a.m.
Wallace Inn (Gold Room)
100 Front Street, Wallace, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners Present:

Mr. Rick Albright

Mr. Jack Buell (Chair)

Mr. Phillip Cerner

Mr. Curt Fransen (Secretary)

Mr. Dan Green (Vice-Chair)

Mr. Grant Pfeifer

Mr. Larry Yergler

Alternates Present:

Mr. Jim Best

Mr. Rob Hanson

Mr. Caj Matheson

Staff Present:

Ms. Jeri DeLange

Mr. Ed Moreen

Mr. Bruce Schuld

Ms. Rebecca Stevens

Ms. Sandra Treccani

1) Call to Order/Introductions: Commissioner Jack Buell (Benewah County) called the meeting to order at 9:17 a.m., followed by the flag salute.

2) Special Acknowledgement: Mr. Terry Harwood made a special presentation to Ms. Jeri DeLange as she is leaving the BEIPC for a new position. He presented a plaque to her in recognition and appreciation as his Executive Assistant and for her dedication to service and commitment to excellence to the BEIPC, Technical Leadership Group (TLG) and Citizens Coordinating Council (CCC). She expressed thanks to him and the Basin Commission along with best wishes for continued success in the future. Ms. Rebecca Stevens (CDA Tribe) also made a special presentation of an engraved clock to Jeri on behalf of the Coeur d'Alene Tribe. Ms. DeLange expressed her thanks and appreciation.

3) Approval of May 22, 2013 BEIPC Meeting Minutes: Commissioner Buell asked if there were any corrections or changes to the draft BEIPC meeting minutes for May 22, 2013. Ms. DeLange said that Commissioner Phillip Cerner (CDA Tribe) should be added to the list of attendees. Commissioner Grant Pfeifer (State of Washington) brought up a correction on page 6, item #7, first paragraph; the word “problematic” should be changed to programmatic. Commissioner Curt Fransen (State of Idaho) moved that the minutes be approved as corrected. The motion was seconded by Commissioner Pfeifer and was unanimously approved.

4) Coeur d’Alene Lake Management Plan (LMP) Update: Ms. Laura Laumatia (CDA Tribe) gave an update on the LMP. She announced that the LMP team is again fully staffed and that they have a new technician at IDEQ, Mr. Bob Witherow, and a new limnologist, Mr. Craig Cooper; and the Tribe welcomes a new Water Resource Specialist, Mr. Ben Scofield. For the LMP’s research program, they have been sampling aquatic vegetation in some of the bays and the Tribe has been working on completing a grant with the University of Idaho (U of I) to look at anthropogenic sources of phosphorus into the Lake and related issues. Other LMP activities include evaluating sites for erosion control, working on an analysis of last year’s Milfoil treatments, beginning this year’s treatments using diver suction, bottom barriers and 2-4 D treatments. Last year’s treatments were very effective. For public outreach, they have been working with the U of I and she introduced Mr. Jim Ekins (U of I Community Water Resource Educator, CDA) who was in attendance at the meeting. She said that they have done some good programs together with some of the CDA school districts for hands-on science opportunities. They are also working with the Spokane Tribe and U of I on doing some camps and programs to get Tribal youth more engaged in watershed restoration. Currently, the LMP team is getting ready for the North Idaho Fair and working on the development of a new website for the LMP team called “*Our Gem*”.

5) Special Announcements: Mr. Bill Adams (EPA) presented Ms. DeLange with a card from EPA’s CDA Basin team and expressed appreciation to thank her for her work over the years. He then introduced Ms. Jen Edwards, who is on a new detail with the EPA. She will be helping them on this site for the next few months and EPA is very pleased to have her.

Mr. Adams also wanted to acknowledge Mr. Bill Rust with a certificate of appreciation for his technical support activities with the TLG. The certificate reads: *“This is in recognition of your years of constructive contributions to the CDA Basin cleanup project. Your review and practical input on EPA’s work in the Basin has been invaluable and positively influenced the course of a few projects that will have a significant impact on water quality. You also served a critical role in supporting Shoshone County representing the interests of the community and generally providing insight to EPA of local concerns and interests. Your involvement in the Basin cleanup has made a positive difference in the environment and to the people in Shoshone County.”* (Note: As Mr. Rust was not available, the certificate was mailed).

6) EPA Update: Mr. Adams provided an update of some of the work underway. The property remediation program is a primary focus and Panhandle Health District (PHD) is leading the health intervention program outreach activity which includes going door-to-door and placing dust mats in various locations at homes. To date, dust mats have been placed at 276 homes and 111 vacuum samples have been collected in the Basin. In the Box, dust mats have been placed in

131 homes and 131 vacuum samples collected. There's also an increased opportunity for blood lead testing. The purpose of this work is to help verify the protectiveness of the remedy. EPA is involved with some commercial property remediation as well and this work is going to be done by the CDA Trust in the Shoshone County maintenance yard. The other property remediation is the U.S. Silver parking lot and this work is being done by a contractor.

For the paved roads program, this is the first year getting the projects going. Remedy protection projects are underway. Construction for the Grouse Creek project in Smeltonville will occur in the fall during low water. The Sierra Nevada project in Wardner is completed. Other projects include Third St. and Dewey St. in Mullan, Unnamed Creek in Silverton and Shields Gulch in Osburn.

Regarding repositories, they are working on the Lower Burke Canyon (LBC) design. The Waste Consolidation Area (WCA) for Ninemile is under construction and the Big Creek and East Mission Flats (EMF) repositories are in operation by the Trust. For the LBC 30% design, there was a public comment period and a public meeting in June. EPA received very few comments. They have issued a response and are moving forward with the design. It will be phased to allow for capacity next summer. They will also need additional repository space and he spoke about some of the various options they are looking at.

Mr. Adams then provided some background information on mine/mill cleanup work on the East Fork of Ninemile (EFNM). This stream is one of the most impacted tributaries in the Upper Basin. Water quality is heavily impacted and the water at the mouth is about 64 times the water quality standards. Zinc loading below the Success mine site is about 480 lbs. per day. They also get a high particulate of lead flowing into the South Fork associated with this tributary. The Trust put in two new bridges to provide access to these sites.

7) Basin Environmental Monitoring Plan (BEMP) Update: EPA is continuing to collect a lot of data in the Box and Basin including surface and ground water quality and biological monitoring. They are in the process of doing an optimization on the data to evaluate long term trends. The U.S. Fish & Wildlife Service is collecting pre-remedial action data in East Fork Nine Mile (EFNM) and Canyon Creek as they want to get a good baseline before they do significant work there.

8) Lower Basin Pilot Projects Update: EPA received 46 ideas from 24 individuals/entities. Two projects have been selected and those are moving forward. One project is a combined riverbank and beach remediation. The second is a water level management project using hydraulic controls. EPA is working with the landowners and construction is planned in 2014.

9) Central Treatment Plant (CTP) Update: The goal of this work is to reduce the loading that occurs in the Box near the Central Impoundment Area (CIA). 40% of the loading to the South Fork of the CDA River is from the CIA. This is a high priority and they are currently in the design stage. The ROD Amendment calls for a drain system along the CIA that would collect the water and pipe it to the CTP for treatment. Based on some additional data collected, they believe the best way to accomplish this would be to install extraction wells and a cutoff wall along the CIA. This should achieve significant reductions in zinc loadings.

10) Budget Update: Mr. Adams reported that the current balance in the Special Account (SA) is about \$55 million and the Trust is approximately \$482 million. Overall, the investment trends have been very good. He indicated that there is a good potential for EPA Headquarter (HQ) funding at the end of this year (not construction dollars), but it would help with the SA. EPA is hopeful that they are going to get some funding for this project. Next year, the anticipated Trust budget for work is about \$21 million. The budget this year was \$19 million. The goal is to stay below \$25 million per year to preserve the earning potential of the Trust. However, there may be a few years where they may need to go higher for specific projects and efficiencies. For the SA, about \$20 million will be used for next year's work. (The Trust dollars cannot be used for the Box).

11) Community Fill Plan Update: Mr. Rob Hanson (IDEQ) gave a brief update on the community fill plan. This is a plan being worked on by IDEQ, Panhandle Health District (PHD) and the EPA. Basically it uses the rules of the Institutional Controls Program (ICP) that allows for property owners to manage contaminated soils in a safe manner. One of the things the ICP allows is filling low areas with contaminated materials and then capping it. The community fill program proposes to allow larger fill sites as long as they do not cause any problems. A policy for this program has been developed and it's available on the IDEQ website for a 30-day public comment period. Mr. Hanson and Mr. Jerry Cobb (PHD) are contacts for information.

12) Superfund Job Training Initiative (JTI) Program Update: Mr. Adams conveyed that they had thirteen graduates this year. Five of the graduates are working locally on cleanup jobs. Another five are working in full time jobs and one more may be going to work, so it speaks well of the program's success.

13) Unpaved Roads Program Update: Mr. Harwood gave an update on the unpaved roads program. He indicated that the sampling results found there were not as many miles of contaminated unpaved public roads as originally anticipated. For this year's work, he has advertised the second road contract and there will be a pre-bid meeting in a few weeks. The award of that contract will be August 29th as they are trying to get all those roads capped this year before snow falls. There will be a third contract that will take care of all the unpaved contaminated roads in the Basin. He explained that a public works contracting process was established for both remedy protection and unpaved road projects; and they have been getting competitive bids. He's pleased with the program, especially as he thought there would be about 35 miles of contaminated unpaved roads, but there will only be about 7 miles. This will save a lot of money that can be used for other work. Mr. Harwood also informed everyone that the sampling data for any particular public road in the Basin is available at the BEIPC office.

Break

14) Special Announcements: Commissioner Cernera gave a brief update on the Restoration Partnership. They have been scoping the public for the last sixty days and August 12th was scheduled to be the deadline. However, the Shoshone County Commissioners requested an opportunity to meet with them. The Restoration Partnership decided to extend the scoping

period to August 27th for an additional 15 days. A public meeting has been scheduled with the Shoshone County Commissioners on August 20th.

Commissioner Fransen introduced Ms. Dana Swift as IDEQ's new Mine Waste Coordinator and welcomed her to the BEIPC process.

Ms. Rebecca Stevens introduced Ms. Jo Christensen with the U.S. Forest Service (Smeltonville office) as a new member to the Restoration Partnership. She welcomed her and indicated that Ms. Christensen is a restoration specialist.

Mr. Jerry Boyd (CCC Chair) wanted to let the public know they can make comments to the Restoration Partnership online during the scoping process. This information was also sent to the CCC. Commissioner Cernera commented that the Restoration Partnership has received about 60 public comments so far.

Mr. Sandy Podsaid (Resource Coordinator for Shoshone County) informed everyone that the meeting with the Shoshone County Commissioners and the Restoration Partnership will be a public meeting at Noah's (Silver Mountain Resort) from 5:30 to 7:00 p.m. on August 20th. He encouraged everyone to attend.

15) Open Discussion: Ms. Leslee Stanley (Shoshone County Commissioner) asked Mr. Adams how much interest was being realized on the Trust investments; and if they have done a cost analysis to show the difference on additional road deterioration and cost. Mr. Adams replied that it's not part of the analysis that the Trust is doing. He clarified that the interest pertains to the investments. In terms of the Trust's management of that money, they are not really looking at those particular issues. Ongoing deterioration of the roads is an issue. However, a fixed amount of money was set aside for this particular purpose and the local jurisdictions will have the responsibility of maintaining the roads.

Mr. Bruce Schuld (IDEQ) said that he talked with Ms. Stanley about this issue. They have not taken into consideration how much the roads are continuing to deteriorate while they are waiting to fix them. One of the things that the Board has discussed with the various jurisdictions is that as the roads continue to deteriorate, the actual prescription currently listed for a chip sealing or crack repair project may change to a significant upgrade from the original prescription. However, it does not answer the concern of getting to the roads sooner, rather than later.

Mr. Harwood added that if they continue to have lower bids, the money goes further. There are enough roads listed in the strategy that with all of the money saved and if a good job is done, then you will probably not exhaust the list as it's quite extensive.

Mr. Boyd brought up the budget presentation and commented that a lot of money has been spent. There is \$55 million remaining in the SA and there is also the Trust money, but he hasn't seen a summary on how the money has been spent or what projects have been done. He thinks that the public may be interested in how the settlement money was spent.

Mr. Adams responded that they can provide a general accounting of where the settlement money has gone. One thing he wanted to point out is that part of the SA funding and the receipts they got from Hecla did not include money that was put into the core registry account that was set up to fund the long term O & M of the CTP for the treatment of the Bunker Hill mine water.

There's about \$65 million in the core registry that was not part of that figure and is still available. They are working with the State of Idaho on an agreement that will allow that money to go from the core registry to the State of Idaho where they would have a fund and be able to invest that money as well. So it will stretch out the time period the money is available to operate the CTP. A portion of that (about \$15 million) would come directly to EPA and would go into the SA and that would be used for some upgrade work to the CTP as well as O & M for a period of time. When that money (\$15 million) is gone, then operation would transfer over to the State of Idaho using the remainder of the funds (\$50 million).

Commissioner Albright brought up that EPA may have some unexpected funding that they will be able to use. If that money is available, he thinks it will be over \$2 million. He emphasized that this is a one-time opportunity this year. However, they are still looking into getting more EPA HQ's money in the future to coincide with the time that they are running out of money in the SA.

Mr. Boyd inquired about the EPA doing some work in the LB and if they have some idea when the RI/FS (Remedial Investigation/Feasibility Study) will be completed; or if they are relying on an old RI/FS and where that money would come from.

Mr. Ed Moreen replied that they are in an enhanced remedial investigative phase, so they are taking the RI information that was performed earlier and updating it. He thinks that they are on the brink of a good understanding of the LB to evaluate cleanup options that make sense and will be effective. In the next few years, they may be able to do that. They are developing a sediment transport model coupled with a 2-dimensional flow model, but they are predictive tools so you must have a high level of understanding of the system to make sure the models you are relying on to make decisions are effective. There's a lot of information they have to gather and they also have to document that information through the CERCLA process. They will continue to convey info through the LB PFT and BEIPC.

Mr. Adams said that he thinks the data collection in the LB tells us that if we had started with the original actions identified in the ROD (which was based on more limited information), it may have been the wrong location or wrong time for action. They could have spent a lot of money doing work that would not have had a good impact, so that's the value of getting the right data.

Commissioner Pfeifer mentioned that further down the river in Washington, they have had success with remediation into the water and at recreation sites on public property. Although he knows the hydrology is different, he suggested that there may be some useful data.

Commissioner Buell asked how much sediment is being lost per year on the CDA River and at what point will something be done to keep tons of it from flowing into CDA Lake. He does not believe that we can wait for years to get the LB covered. He may be the only one who would like to see rip rap on the CDA River, but he thinks it's effective.

Mr. Moreen said that he agrees we need to get going and it's a high priority for the agency. He would like to do something now to keep 390 tons of lead from going into the Lake every year, but they do not fully understand the impacts to the river now. It is something that needs to be addressed as soon as possible. From the numbers they are seeing, about 5% lead is being contributed from the river banks and 85% from the riverbed itself, so the bed is the culprit. They do not plan to use the model to understand that as they have a good understanding of that now. The models will be used to determine what happens when you mess with the river bed.

Commissioner Green said that he had talked to Mr. Rusty Sheppard (Kootenai County TLG rep.) about moving some projects along for the LB. He asked him to provide information from their discussion and that he supports his comments. Mr. Sheppard relayed that the mines have known for a long time from dredging the Dudley reach that it's a big loader. It's always been known as a big loader and that's why it was dredged. He's not sure what to do about it as it keeps filling up again. Is there an option available to try and fix the bottom by pouring in concrete and covering it? They have known for years that around 90% of the lead goes into the Lake from the bottom. There should be something that could be done; otherwise you have a million more tons of lead into the Lake in five more years.

Mr. Moreen agreed that the Dudley reach is one of the big loaders. It's in a segment where you see increases in lead and other heavy metals. What they were surprised about is that there was not a large deposit last year in that area as they had seen in the late 1990s. Mr. Sheppard suggested that it's because it is going into the Lake. Mr. Moreen responded that they want to understand it better and that it may be prone to capping or creating a sediment trap. However, there are some other complications that exist with that. The sediment trap in the river will not settle out the fines and we have high concentrations in the fines as well as the heavier coarse materials. He thinks that they will be better able to evaluate that in a year. Mr. Sheppard asked if there was any new technology to keep it from moving down the river. Mr. Moreen said that there are some materials that they can lay on the river bed that they want to evaluate further. He mentioned that Bill Rust suggested simple capping with rock.

Mr. Harwood asked the EPA if they anticipate the need do an Explanation of Significant Differences (ESD) or a ROD Amendment for the Lower Basin? Mr. Adams replied that the decision would depend upon what action is selected and how different it is from what was selected in the 2002 ROD before. Maybe an ESD would not be adequate. He thinks that the experience EPA had with the Upper Basin ROD Amendment was very challenging in trying to address everything with the cost and scope of the work. It may be better to step in a series of decision documents that will allow EPA to get things moving in the direction they would like to go. Mr. Harwood said that he appreciates what Mr. Adams said as he thinks it's important that EPA would be willing to move forward with some actions that would fit in with the 2002 ROD.

Ms. Jan Higdem (Shoshone County Resource Committee) said that she was interested in the mats and the vacuum program for human health. In 2002, Dr. Ron Roizen who was instrumental in Center for Disease Control (CDC) documents on blood lead levels did an evaluation on PHD. She asked if the results had changed as it was about a 2% effective rate and if there were any follow up actions. Second, what is the EPA doing for lead paint and lead pipes on this issue as

lots of homes in this area can be contributing to high blood lead levels as well. Third, this is the 30th anniversary of this site being listed. The average Superfund site is 10 to 12 years. This is 30 years with another 40 to 90 years left. She asked if there was a spot in the 1,500 mile Superfund area that can be delisted, so that the stigma can be removed and maybe the economy can improve.

Mr. Cobb (PHD) responded to some of her questions and explained the various public health programs, the results of past studies, and the upcoming blood lead screening in the Basin. He agreed that there are a number of homes with lead based paint, but that Idaho does not have a lead paint based program. The public would need to talk to the State Legislators. He indicated that Superfund is not able to spend money on issues related to lead based paint.

After additional discussion on this issue, Commissioner Fransen said that there is a process for all the state agencies to submit legislation to the Governor's office. It would be screened and then the Administration would decide whether to support it. More traditionally, those kinds of programs are handled by the Division of Health (Dept. of Health & Welfare) as it's a public health issue and not so much an environmental issue. The way he understands it from Mr. Cobb is that the data shows the numbers here are the same as national averages. So, he thinks that it may be difficult to convince some legislators that there is actually a problem. They are not seeing numbers that suggest people are being lead poisoned here either by the contaminants from historical mining activities or from paint. Commissioner Buell suggested that Ms. Higdem bring a list of how she feels about this issue and have the association of the five northern counties review it. If they believe in it, they may be able to help.

Then the open discussion focused on the potential for delisting and related issues such as:

- ***Some property owners have refused participation in the cleanup program;***
- ***The capping remedy requires long term O & M;***
- ***Some sites have groundwater contamination under capped areas or continuous releases;***
- ***The possibility of delisting discrete areas in the Basin;***
- ***Superfund stigma;***
- ***Potential flood issues and damage to the remedy;***
- ***Responsibility for O & M;***
- ***Suggesting that community members encourage others to participate in the cleanup program; and***
- ***Enhancing economic development.***

At the end of the open discussion, Mr. Harwood expressed appreciation to everyone for their participation.

16) Adjourn: Commissioner Buell adjourned the meeting at 11:50 a.m. which was immediately followed by the BEIPC field trip in the afternoon.