

# **Basin Environmental Improvement Project Commission (BEIPC)**

Approved Meeting Minutes

November 12, 2015

Best Western, CDA Inn, 506 Appleway Ave. Coeur d'Alene Idaho

## **Attendees:**

Terry Harwood (BEIPC Executive Director)

## **Commissioners and Alternates present:**

Rick Albright, Jack Buell, Phillip Cerna, Marc Eberlein, Rob Hanson, Caj Matheson, Grant Pfeifer, Leslee Stanley, and John Tippetts.

## **Staff present:**

Glory Carlile (BEIPC Assistant to E.D., Note taker), Ed Moreen (EPA), Bruce Schuld (IDEQ), Rebecca Stevens (CDA Tribe), and Sandra Treccani (State of WA).

*(Please note that these minutes are a summary of reports and presentations and are intended to capture key topics and issues, conclusions, and next steps and not every detail of the discussions.)*

**Call to Order and Pledge of Allegiance:** Terry Harwood explained that a change had been made on the draft Agenda that is in the meeting packets that were out on the table for this meeting but was not the one distributed in advance in the Board packets. Tippetts made the motion and Pfeifer 2<sup>nd</sup> to accept the Agenda change. **M/S/C**

Commissioner Jack Buell (Benewah County) called the meeting to order at 9:30 a.m. followed by the flag salute.

## **Review and Approval of August 19, 2015 Meeting Minutes:**

Mark Eberlein moved to approve the minutes as submitted and Grant Pfeifer 2<sup>nd</sup>. **M/S/C**

## **Program and Project Update and Budget Report, Lower Basin Strategic Planning – Bill Adams, EPA**

Bill Adams gave a summary report of projects being worked on and an update on the EPA budget. He began with an overview of the Special Account (SA) noting that the current balance is \$90M and that the SA account is the only source of funds for work in the Box. He explained that the EPA Budget using the SA account provides oversight of the Trust, and has cooperative agreements with the State and Tribe, Basin Monitoring Program, Central Treatment Plant/Ground Water (CTP/GW) Collection System + EPA and Corps Oversight, and Road and Remedy Protection in the Box. He identified roads for paving to coincide with sewer replacement that is also being done. He defined that the “Box” is a 21 sq. mile area around Kellogg and the “Basin” is everything outside the Box areas. He also said that the combination will exhaust the SA by the end of FY17 depending on a number of factors and decisions. Therefore, they are having continued discussions with EPA HQ on overall long-term site funding needs in addition to the Trust to sustain a lot of these other activities that they do.

## **CDA Work Trust:**

The balance of the Trust at end of the 3<sup>rd</sup> quarter is \$480M and estimated budget for 2016 is \$23M. Total Trust value increase since inception is \$60M which is less than it has been other times. However, it may go up or it may go down so they look at the growth of the Trust over long term.

## **2015 Work Overview:**

Adams reported that great progress was made in 2015 to protect people in the community and improve water quality. Coordination with utilities was very helpful. Total funding from the Trust and SA Accounts for 2015 is approximately \$35M.

### Project Updates:

Completed Interstate Callahan Mine cleanup, completed Success Mine design and completed East Fork Nine Mile (EFNM) Infrastructure work as well as completed characterization of Tamarack site which is an area that we still see significant contaminant loading and still need to figure out exactly where it is coming from. He said that clean construction materials are coming from the development of the Ninemile Waste Consolidation Area and being used on projects.

### Interstate Callahan Mine

Adams reported that about 43,000 Cubic Yards of waste was moved from the site in 2015 and while they were doing the work stream re-establishment and planting was done to provide stabilization. He showed a graphic of source control in Ninemile change depicting the downward trends of lead and zinc contamination over time,

### Remedy Protection:

Project work included design and construction of side gulch projects along Silver Creek and Slaughterhouse Gulch and completion of Jackass Creek and Little Pine Creek in the Box. Design and construction work on Revenue Gulch in Silverton, Mill Road and South 2<sup>nd</sup> Street in Mullan, Ninemile – Black Cloud side gulches in the Basin and design work on several projects including Copper Street, Boulder Creek and Mill Creek in Mullan, Rosebud Gulch in Osburn, and Printers Creek in Wallace. Projects are aimed at getting water through the communities to prevent flooding, sedimentation, and erosion.

After additional evaluation, they have made some adjustments to the Explanation of Significant Differences (ESD) for the side drainage remedy protection projects from what was previously identified and the report was recently published in the Shoshone NewsPress.

### Roads Work and the Basin Property Remediation Program:

Adams also reported that the Paved Roads Program work done by local jurisdictions is completed for 2015 except for a late start project in Kellogg, Basin Property Remediation transitioned to the CDA Work Trust with continued IDEQ oversight/support role. They are working on outreach, and the Recreation team is working on strategy to address recreational exposures.

### Repositories:

They are investigating the Silver Valley Natural Resource Trust (SVNRT) waste deposit area in Canyon Creek for a future repository/address seeps. He also reported on Limited Use Repository (LUR) projects and cost information. He added that 30,000 Cubic Yards went into the Osburn LUR, the Big Creek Annex created additional capacity at Big Creek Repository, but the future Osburn repository for remedial wastes has been put on hold.

### Lower Basin:

They are working on Strategic Plan Development in 2016 with outreach, facilitation, and coordination for types of projects and cost estimates and on pilot project. The ongoing Sediment Transport Model will be a significant tool for testing alternatives.

### Additional Activities:

They (U.S. Army Corps of Engineers) are nearing contract award for Central Treatment Plant (CTP) expansion and Ground Water Collection System for contaminated groundwater combined with Acid Mine Drainage from the Bunker Hill Mine. EPA is also coordinating with Bunker Hill Mine for consistent flow out of the mine. Adams also announced that EPA draft of the Five-year review is out to IDEQ and the Tribe. They have established a new contract with The Participation Company to help the Citizen Coordinating Council (CCC) and Lower Basin Project Focus Teams. The consultant will develop assessment of needs, will get input about the role of CCC, and be available to provide facilitation at meetings.

Adams announced that they are working on a video to celebrate the 35<sup>th</sup> Anniversary of the Superfund.

Comments/Questions:

Rebecca Stevens asked about the Ninemile vegetation planting and was also curious about the Lower Burke Canyon Repository capacity volume estimate and the ability for the new repository to take all the waste in the Canyon not knowing what Hecla was going to do in the future. Adams said that they have room for more than was estimated in the RODA with more volume available in the area.

Jerry Boyd wondered about the work being done in Ninemile for the reduction of contaminants and whether the focus was lead or zinc. Adams responded that it is both, that they have done a lot of monitoring, and that it will be interesting to see what the results will be. Flagor asked about the graphs estimates of work done so far from the Trust and Adams confirmed that it is what they have done so far with some costs under and some over the RODA Estimates.

Cernera asked about the process of contracting a facilitator and the reason behind it. He was concerned if there was an issue with the Project Focus Team (PFT) members that needed to be resolved. Adams said no that the contract with Participation Company is replacing the contract that expired with Ross & Associates. The new contractor is to enhance facilitation on complex issues and to capture everyone's input. Stevens asked and Adams clarified that Lower Basin contract for strategy development with the facilitator is separate than the CCC support contract. He also confirmed that they are two separate entities and that the Lower Basin contract will come out of the SA budget.

**Lake Management Plan (LMP) Implementation:**

Jamie Brunner (IDEQ) began the Lake Management Plan (LMP) update by reporting on the Management Action Tables which is a collection of categories and responsible entities within a variety of categories for LMP implementation. The list of projects includes carry over from the previous plan as well as what had been compiled at the Our Gem symposium and with updated information. A lot of work has been going on regarding Bank Stabilization and Erosion Control, Wastewater Treatment Systems, continued monitoring of our Nutrient inventory, and coordination to facilitate and empower all stakeholders to continue to find improvement opportunities.

Laura Laumatia (CdA Tribe) highlighted some of the work that has been done particularly on the Coeur d'Alene Reservation and the accomplishments that have been done. She reported that the Coeur d'Alene Tribal Fisheries and Wildlife Programs have purchased over 2,200 acres of land within the reservation in the last 10 years (at cost of more than \$7M) habitat restoration in the Coeur d'Alene Basin and that the ongoing Maintenance and Operation (M & O) budget for restoration lands exceeds \$750,000/year. The Fisheries Program enhanced 13.5 of stream miles for instream habitat, 3.5 miles of stream enhancement for floodplain connectivity, and monitored 280 stream miles. All the work that they do also benefits the Lake because when they are working to restore fish habitats they are also getting nutrients out of the tributaries.

She gave a detailed summary report that outlined all the projects categories on the LMP Action Tables and provided information about the work they do and what they do on the projects; their goals and accomplishments. Some of the projects included at risk roads that were identified, developing long range plans, restoration work working with private landowners, providing information and tech assistance, bank erosion efforts, and waste water projects. They have also partnered with many other agencies and organizations and will be sharing more information in the future.

Comments/Questions:

Cernera commented that the Management Action Tables are the key of the LMP. Harwood commented on the report he received from Bob Flagor about NRCS and what they have done in Benewah and Kootenai Counties is in addition to what the LMP has done. He noted that a considerable amount of

work has been done. It was clarified that the Institutional Control Program (ICP) stops at the mouth of the CDA River at Harrison.

Julie Delsaso asked about docks approved and lack of shoreline regulations and debris. Laumatia announced that the 25 foot limit on the shoreline ordinance has been restored in the drafting of the Kootenai County ordinance and that there is an upcoming meeting on November 18, 2015 that she encouraged attendance of those interested.

### **2016 Annual Work Plan:**

Terry Harwood reviewed the Draft of the 2016 Annual Work Plan.

Part 1 – Environmental Cleanup Work is basically what was funded under the Superfund and Idaho State Programs that focuses on human health and environmental cleanup issues. Part 2 includes other activities and responsibilities. He noted the Fish Tissue Sampling section that was added to this revised draft.

In Part 2 –Lake Management Activities, Jamie Brunner reviewed the added objectives and significant changes in this section submitted at this meeting.

Cernera suggested that there should also be reevaluating done to determine if additional action be taken by the State and the Tribe along with Counties. He suggested that there be a sentence noting this addition.

Kathy Falconer from IDEQ and Adrienne Cronebaugh from Kootenai Environmental Alliance commented on the educational efforts regarding what is planned and what can be done.

Jerry Boyd (CCC Chair) shared that he did not receive any feedback from the Work Plans drafts sent out to CCC members. He asked that the LMP present an updated report at the CCC meeting in January.

### **Comments/Questions:**

Discussion and comments regarding the 2016 Work Plan included suggestions for editing.

Dan Redline (IDEQ) asked about the 1.4 Section which talks about optimization review. Adams said that they are in process of evaluating the BEMP. Rick Albright added that optimization studies are important but people are struggling with how to deal with balancing all the different issues and resources as well as the impact of any reductions in the monitoring program. Grant Pfeifer suggested in Objective 1 to add “simultaneously pursuing adequate funding.”

Bill Rust (citizen) pointed out that it is important to do the nutrient inventory study because that will identify big gaps in places of needs that should be in the report regarding what should be monitored. However, Cernera cautioned that doing the study to do nutrient inventory does not necessarily provide funding for projects to deal with these issues.

Rebecca Stevens asked Albright a question regarding the metal analysis; she requested a balance for receiving lab support from EPA for fish tissue sampling as well as the water quality sampling. Adams clarified that fish tissue sampling will be done under the Superfund umbrella because of the human health issues particularly in the Chain of Lakes areas.

Grant Pfeifer moved to accept the revised LMP section as presented with the modifications and the edits (changes and additions) submitted in the 2016 Work Plan. John Tippetts 2<sup>nd</sup> M/S/C

Mark Eberlein moved that the Commissioners and Alternates meet with Terry Harwood during the lunch break in Executive Session pursuant to provisions of Idaho Code § 67-2345 (b). Grant Pfeifer 2<sup>nd</sup> M/S/C

### **Lunch Break**

Grant Pfeifer announced that he is taking the place of the Chair, Jack Buell, for the rest of the meeting because Buell had to leave to attend another meeting.

Grant Pfeifer moved to reconvene in normal meeting session. Phillip Cerner 2<sup>nd</sup> M/S/C

Cerner moved and Stanley 2<sup>nd</sup> to table the voting on the added Fish Tissue Sampling section 1.1.7 in the 2016 Annual Work Plan. Albright asked that EPA to also be included as part of the Fish Tissue Sampling section conversation.

Discussion on the motion resulted in Marc Eberlein amending the motion to include allowing the State and Tribe in consultation with EPA to review the Fish Sampling section first. Rick Albright 2<sup>nd</sup> M/S/C

In order to know who to contact, Stevens asked who wrote the Fish Tissue Sampling Section and Harwood replied that it was submitted by Dana Swift (IDEQ) from Boise.

Rick Albright moved to approve the 2016 Work Plan as presented with the exception of the Fish Tissue Sampling section and the implementation of the LMP revised section. John Tippetts 2<sup>nd</sup> M/S/C

### **Five year Work Plan:**

Harwood reviewed the 5 Year Work Plan: Proposed Activity, Scope, Objective, and Lead Agency. He noted that some of the repositories will be closed in the next 5 years so we need to make sure we have future repository space. Cerner asked about the term “life expectancy” for the repositories and Adams said at least 20 years and possibly 20 to 30 years.

Cerner asked if a list of the Clean Water Act (CWA) projects reports be provided at the next meeting. Harwood agreed and also shared that the Executive Summary of the CWA Projects is on the Basin Commission website and/or anyone can contact him for a copy.

Harwood noted Section 2.2 Flood Control and Infrastructure Revitalization. Commissioner Leslie Stanley (Shoshone County) asked if we had a major event would the remedy be washed out. Harwood confirmed that if there is flooding that some of the remedy would be compromised.

Jamie Brunner reviewed the changes that were submitted in the LMP revised section of the 5 year Work Plan. Jerry Boyd asked that the revised sections be sent out to the CCC e-mail list for input even though he also reported that he had not received any comments on the drafts of the Work Plans previously sent out.

Motion was made to incorporate the modifications in the LMP revised section in the 5 Year Work Plan. Albright 2<sup>nd</sup> M/S/C

### **Comments/Questions:**

Boyd asked if the public will still be able to have input if the revised Work Plans are adopted today. Grant confirmed that there can always be amendments made and we are open to making changes.

Harwood said he will send out the revised versions of the Work Plans to the Board, CCC members, and TLG Chair. (*Final versions of Work Plans were e-mailed out on 12/3/15.*)

Stanley went back to the repository management plan section. She asked for language to be included that during the design that after they are done and capped to consider future potential uses. Adams said they will look into those opportunities in the future. Harwood confirmed that the LURs are already set up in their designs as areas for potential uses. Cerner asked if there is policy for the LUR's and Adams confirmed that there is.

Stevens said that once the repositories are capped and done they fall under the State. However, Harwood noted that the LURs are not under the State.

Albright noted that the Central Impoundment Area (CIA) was designed for it and said Stanley made a good point in that it needs to be in the design so that it does not come in after the fact. He suggested adding this component to the motion.

Rick Albright moved to include in the design for LURs, the future potential uses and Leslie Stanley 2<sup>nd</sup>. **M/S/C**

Marc Eberlein moved to incorporate the changes from the Annual Work Plan and additions to the 5 Year Work Plan to adopt the 5 year Work Plan. John Tippets 2<sup>nd</sup> **M/S/C**

**Blood Lead Report – Andy Helkey, PHD**

Andy Helkey reviewed the Bunker Hill Superfund Site 2015 Blood Lead Level Report and on the Panhandle Health District LHIP Procedures. He said that there are different questions on where people are recreating on the updated survey. He confirmed that those that are over the action level are offered in-home consultation and follow up. They did more outreach in the lower basin and noted that they do offer screening for pregnant women and also test children year round. He noted that blood lead levels have dropped.

Comments/Questions:

Marc Eberlein asked if there is data for 1973 that shows the spike in Lead content. Helkey replied that 1974 was the first year that we have blood lead screening results. Tippets asked if an individual can see the blood level decrease as a result of exposure decrease. Helkey said usually in 60 days but some of the effects are permanent.

Kathy Falconer (IDEQ) asked if there are a total number of children in the population that participate. Helkey responded that it is about 20% of the age group.

Helkey said they asked if interviewees live on remediated property and they would say no, but they do in most cases. Falconer also asked if they would consider an increase in the payment for participation in testing but the answer was no.

Harwood said that some do not do testing because they are afraid of being labeled and Bill Rust (citizen) added that you need to look at the socioeconomic concerns. Because of the low prices of houses many do not note it when buying or selling property. However, Cernera commented that it is hard to believe that buyers do not know if the property is contaminated or if it has been remediated. (Idaho State law requires notification,)

Rick Albright announced he is retiring at the end of December 2015 and shared many positive aspects of the job he loved at EPA, the progress, and his appreciation of those involved in the work.

Marc Eberlein moved to adjourn and John Tippets 2<sup>nd</sup>. **M/S/C**