

01-18-12 Citizen Coordinating Council Meeting

Lake City Center - 6:30 PM to 9:00 PM, Coeur d'Alene, ID

Attendees (who signed in and/or announced themselves)

Jerry Boyd
Jeri DeLange
Jack Domit
Bonnie Douglas

Denna Grangaard
Terry Harwood
Ed Moreen
Rusty Sheppard

Meeting Overview

The January 18, 2012 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission or BEIPC) covered the following topics:

- Introductions
- Open Discussion on Basin Cleanup/CCC Issues
- Basin Commission Updates
- Lower Basin Collaborative
- EPA Updates
- Repository Updates
- Communications Project Focus Team (PFT) Update

CCC Chair Jerry Boyd chaired the meeting. Brief introductions were provided by meeting participants.

Open Discussion on Basin Cleanup/CCC Issues

Jerry Boyd asked participants to bring up any issues or topics to discuss.

Rusty Sheppard, CCC member, brought up concern about a presentation that was made at the January 12th TLG meeting. Rusty interpreted that presentation to indicate that EPA was going to study methods on how to slow down the work in order to extend the life of the trust fund and the Basin cleanup program. The study had to do with how much money was available and how long it would take to complete work. He requested additional information on the study and how it would impact project implementation in the Basin. He asked that his concern be part of the record.

Terry Harwood, BEIPC Executive Director, responded that he spoke to Ed Moreen, EPA about this topic today and that Ed would be providing additional information during tonight's meeting. Jerry Boyd indicated that the information came through Bill Adams, EPA at the TLG meeting.

Denna Grangaard, IDEQ, provided the following updates:

- **Hercules Mine/Mill interpretive sign project.** At a chamber meeting a few months ago, some citizens said that they may be interested in historical background about the mill.

Denna investigated opportunities and received a lot of community support. A grant was awarded through the Idaho Humanities Council for a historical sign. The target to install it is the first week in June and she is working on finding sponsors to help with costs. The Wallace Mining Museum is providing historical information, Northwind Construction has agreed to assemble and install the sign, and Idaho Parks and Recreation will do the graphic design.

- The Panhandle Health District (PHD) hired a new person for the Institutional Controls Program.
- IDEQ will be hiring a replacement for Bill Hudson's position at the Kellogg office. The new IDEQ Kellogg Office Program Manager, Bruce Schuld, will be announcing the selection.
- EPA's Basin Bulletin last month contained work by Carol Young. Denna has received good feedback on it and encouraged everyone to read the December 2011 issue.

Terry Harwood also noted that he plans to have EPA and IDEQ announce their new staff changes at the next BEIPC meeting in February.

Jerry Boyd mentioned that Kristen Durance, Ross & Associates, was not able to travel from Seattle to the meeting due to weather conditions, but she will be reporting for the meeting. Jeri DeLange took notes and recorded the meeting for Kristen to develop the minutes.

Cecil Ulrich (URS) was going to make a presentation on tailings dams which he presented at the TLG meeting, but could not make it due to weather conditions. Terry Harwood will provide a brief presentation on his behalf.

Basin Commission Updates

Terry Harwood provided the following updates related to the Basin Commission work.

Remedy Protection. The draft ROD amendment includes an estimated \$34 million of infrastructure work for remedy protection projects in urban and rural areas. These include managing storm water run-off, culvert replacement, and channel work that will help protect completed remedy projects.

Road Surface Remediation Program. Terry is continuing to work with, EPA, IDEQ, communities, Shoshone County, and the East Side Highway District on finalizing the road surface remediation program to address road contamination issues that may affect human health in the Box and Basin. An inventory of the contaminated unpaved roads was begun in 2011, to be completed this year, and any contaminated unpaved roads will be addressed with the Basin Property Remediation Program.

Paved roads will be addressed by individual road jurisdictions such as counties and road districts using an escrow account process set up for each jurisdiction using remediation funds. Terry, EPA and IDEQ are working with local jurisdictions to develop an inventory of contaminated paved roads and determine the life expectancy of the pavement. This process should be completed by this summer.

Jerry Boyd asked a question that was discussed at the October CCC meeting about roads that were damaged by remediation work such as truck traffic. Terry said that the roads program only provided funds for contaminated roads and would not cover road damage from clean-up activities. Normally, funds for road refurbishment come from the fuel taxes paid by truck drivers and other road users that are directed to road repairs by local jurisdictions.

Completion of Property Remediation Program. The program continues to conduct remediation projects and completed 243 properties in 2011. The goal is to complete all property sampling in the Basin by 2013. EPA is also working on a process for cleaning up the approximately 250 properties in the Basin where they are unable to get permission from the landowner. Geographic Jurisdiction areas have been mapped and approved and a contractor will be conducting work to determine which areas still require final remediation activities.

Bonnie Douglas, CCC member, asked if clean-up activities will be conducted on agricultural land. Terry Harwood said that agricultural lands would not be included in the property remediation program in accordance with State IDAPA rules implementing the ICP.

Tailings and Waste Storage Presentation. Cecil Ulrich, URS Corporation, was slated to give the presentation on tailings and waste storage dam design that was presented at the TLG December meeting. Due to adverse weather conditions he was unable to travel from Seattle and Terry Harwood stepped in to provide a brief overview of the presentation.

The presentation was developed based on historical examples of tailing pond dams failing 15-20 years ago in areas across the United States. To help stop issues with dam failures the federal government required mining companies to hire specialized design engineers to address site issues and ensure that dams were built structurally sound. The biggest issue was non-dewatered tailings ponds where the excess water provided a means for liquefaction and movement of material.

It was noted that EPA and IDEQ are doing a good job of determining the existing conditions of old tailing ponds and there isn't any concern with building repositories on these old pond sites in the Basin. Big Creek Repository is a good example of a design and construction that is supporting the large amount of entombed waste material on a former tailings location. To prevent migration, the material is control compacted in place and not just dumped into a hole as loose material.

The presentation included photographs and examples of tailings pond dam failures as well as descriptions of current sites in the Basin and how they have been improved to prevent any issues.

Lower Basin Collaborative (LBC) Update

Bonnie Douglas provided a quick update in Susan Mitchell's absence. The Basin Commission voted to recognize the LBC at the November, 2011 meeting by amending the CCC Protocols to include collaboratives. The LBC will be setting up two meetings for the lower basin in February/March once Susan returns from vacation. Meeting information will be distributed to the CCC via email and regular mail once the details are determined. These meetings are open to any and all who wish to attend and the LBC will continue to provide updates at the quarterly CCC meetings.

EPA Updates

Ed Moreen, EPA, provided updates on EPA's work in the Basin.

EPA Staff Updates. Ed announced the following staff changes:

- Bill Adams is the new team leader for the Basin
- Ann Daley and Bill Ryan have both left the Basin Team
- Tracy Chellis will be joining the team as a full-time project manager
- Kim Presbo will be joining as a part-time project manager
- Craig Cameron has also joined the team part-time from the EPA Hanford office
- Carol Young has resigned as the community liaison in Kellogg, ID

Upper Basin ROD Amendment. Ed reviewed the ROD amendment review process and the current status of the identified adjustments. A series of active listening sessions was held in November and December and included meetings with local elected officials, Congressional staff, IDEQ, the CDA Tribe, Spokane Tribe, Kellogg and Wallace Chambers, and members of the public. EPA Headquarters is reviewing the final draft and Region 10 EPA hopes to have the ROD Amendment released in March 2012.

ROD Amendment Adjustments: A number of adjustments to the ROD amendment are under review by EPA headquarters including:

- Eliminate the South Fork CDA River stream liner due to its construction difficulty and high cost.
- Define the starting point and how the clean-up project will proceed in discrete time periods (e.g., five year increments).
- Working with the Upper Basin PFT, 73 sites have been identified as areas of strong consensus for cleanup action (e.g., key mine and mill sites, large sources of groundwater contamination).
- Continue to work with the PFT to identify contingent actions.
- Adjust the site clean-up list based on the 2011 site characterization work (42 mine/mill sites have been removed from the list based on data collected during the pilot sampling project).
- Incorporate aquatic benchmarks to show progress and achievement of goals.
- Inclusion of revised technical designs related to bank stabilization and incorporation of areas of concern identified by local communities.
 - This was discussed at a number of the public meetings and EPA is working to identify the path forward for these changes.
- Elimination of the Lucky Friday Mine complex from the clean-up plan. In addition, operate under established protocols for ongoing coordination between EPA and Hecla.

In addition, EPA is working on developing official protocols for ongoing coordination with Hecla Mining Co. to ensure cooperation between active mining projects and clean-up activities.

Due to shifting project needs, EPA has refocused repository activities to the Canyon Creek site. The Osburn repository has not been abandoned, but the Canyon Creek complex is closer to the current priority projects. Terry Harwood clarified that some of the reasons EPA is shifting to Canyon Creek is because a considerable amount of the waste in Nine Mile drainage will now be disposed of in Waste Consolidation Areas (WCA) in Nine Mile rather than at the Osburn

Repository and a Canyon Creek repository will help in coordination efforts with Hecla. The WCAs are a component to meeting the requests of the public concerning truck traffic on Nine Mile Road.

EPA hopes to have a final decision on ROD amendment changes by this March but the schedule could get pushed back if there are additional changes identified.

A question was raised on the location of the stream bank stabilization projects and Ed clarified that these projects are specific to the South Fork CDA River. Terry Harwood also noted that there is good agreement on the stream bank work in Canyon Creek and Nine Mile Creek and those sites are included in the “strong consensus areas”.

Rusty asked if the surface water and ground water interface would be handled the same way as the projects in Canyon Creek and Nine Mile Creek. Ed noted that there is a ground water collection system slated for construction and that work will be phased in depending on the availability of funds.

CDA Trust Update. Ed introduced and provided a detailed breakdown of the potential funding scenarios EPA has developed for the CDA Trust. The funding scenarios were created by a consulting firm to help EPA identify how long the fund would last and what steps are necessary to allow the Trust to grow and support a full cleanup of the Basin. The goal is to build Trust capabilities and infrastructure for future work, build on work completed in 2011 that focused on high priority sites high in the drainage (e.g., Nine Mile Creek), and still have funds available to work in the Lower Basin at some point in the future.

Ed described the cost breakouts and the impacts to the ROD amendment adjustments. The Trust plan focuses efforts over the first 20 years on the strong consensus sites, but as the program continues to monitor areas within the Basin, other major contamination sources could be identified and need to be wrapped into the plan.

Human health is the biggest priority for clean-up activities and a meeting is set up for January 26th with Shoshone County, the Panhandle Health District, IDEQ, and EPA to talk about human health impacts and a plan to use excavated material to develop sites for potential development called the community fill plan.

In February 2011, EPA and BEIPC approved the Trust work plan for FY 2011. Funding for 2011 was \$3.5 million. Trust work plan projects included:

- Remediation of the US Bureau of Mines site
- Characterization of the sites in the east fork of Nine Mile creek
 - Included borings, test pits, surface samples to explore both physical and environmental characteristics of material.
- Additional characterization work near the Gem site in Canyon Creek
- Compost feasibility study
- Contracted with the Wallace Mining Museum and the CDA Tribe for their support for cultural resource work and historical information
- 2012 work plan development generation

Denna Grangaard asked for additional information on the compost feasibility study. This study examined soil amendments so that projects can generate their own growth media necessary over the implementation of a clean-up project (restoration activities in particular). This is different from the compost study conducted at the Page Repository by IDEQ.

Jerry Boyd asked about water percolating through the cap at the U.S. Bureau of Mines site and Ed clarified that the cap was designed to shed water. This design was easy to implement and has done a good job of keep water from percolating down.

Trust Spending Scenarios. The CDA Trust fund balances are affected by the average earnings rate of the invested funds and how fast the money is spent. The CDA Trust is working with Blackrock Consulting who has developed a number of funding scenarios to help identify how long the money will last based on various spending rates and the year when the remedy would be complete. These scenarios assume that the Box would be completed with Hecla settlement funds, recognizing that the CDA Trust dollars cannot be spent inside the Box. The scenarios also examined what percentage of the upper basin would be complete when CDA Trust funds are exhausted and the percent of basin remedy projects complete in 100 years.

The two main scenarios are:

1. Spending \$5 million for ten years and then increasing to \$25 million/year
2. Spending \$10 million for ten years and then increasing to \$25 million/year

These two scenarios are important because if less than \$5 million is spent it will be difficult to implement a significant portion of the necessary work. EPA would also like to know how much money will be available for the lower basin given various spending rates. With both of these scenarios the lower basin is left with approximately \$1.4 billion in 2111 dollars (100 years) to work in the lower basin. Both of these scenarios assume that the Trust earns money and that project work only uses part of the income each year and does not spend the principle.

Another important aspect is overall water quality and how quickly the ambient water quality criteria can be met. If \$10 million is spent for first ten years, it appears that we could get Nine Mile Creek at or near the standard and that if less money is spent in the first ten years this benchmark may not be reached.

Jerry noted that the scenarios focus on funding the strong consensus sites over a 20 year implementation plan. Ed noted that the goal is to have the entire upper basin, both consensus and contingent sites, completed by 2048. Jerry also asked what was included in the strong consensus projects and Ed clarified that the roads, remedy protection, and the pipeline are all part of the consensus sites (along with the 73 mine/mill sites).

Terry noted that work in the Box that has to be funded with Hecla settlement funds will not use all of the Hecla settlement dollars available. Government Gulch, work along the CIA, and CTP upgrades and operations are included but they will probably not expend all funds.

Rusty Sheppard asked how the lower basin will be integrated into the 20 year plan and Ed replied that right now the program is trying to understand how each piece fits and it is not clear how specific projects in the lower basin will be implemented. Ed clarified that this does not

mean that lower basin projects will have to wait 20 years to begin but that it is yet to be determined how those projects will fit in the given funding scenarios.

Jerry and Rusty asked if the \$10 million allocated for each year would only be spent in the upper basin or if part of those funds could be spent in the lower basin. Ed replied that EPA is looking forward for the next few years to identify the resources necessary to conduct high priority clean-up activities. The five year plan is as far out as they are investigating right now and only identifies activities in the upper basin. Terry Harwood also clarified that most of the projects for the lower basin are still under review and have not been formally prioritized yet.

There are remedies in the original Basin ROD that could be funded including additional agriculture to wetland conversion opportunities. The ROD also calls for river bank stabilization on specific segments of the river.

Rusty asked if dredging was included in the original ROD. Ed noted that there is a pilot project for up to a million and a half cubic yards but the project proposal has not been developed. Jack commented that given the funding scenarios we will have to be very creative to get much work done in the lower basin in the 20 year time frame.

Rusty also asked if the CDA Tribe needs EPA approval before conducting remediation projects in the Basin. Ed replied that the Tribe can do their own remediation within tribal lands but that they may want EPA to participate in the remediation so that they can spend their project dollars on natural resource restoration activities.

Ed reiterated that spending the \$10 million per year will help the Basin meet minimum ambient water quality standards. Whether the Trust spends \$5 million or \$10 million per year will not greatly affect the amount of money available for the lower basin. The Trust could also last indefinitely if projects spend less than what is earned each year on the principle. This funding scenario will provide some protection over time from market volatility.

The CDA Trust work plan includes the following activities for 2012:

- Work on sites in the east fork of Nine Mile Creek as the most impacted stream in the upper basin.
- Remedial design of the Interstate-Callahan Mine rock dump and remedial design of the Interstate-Callahan lower rock dump to enable construction in 2013.
- Infrastructure necessary to complete remedial actions in the Nine Mile basin including roads, culverts, and other prep for the load and haul of waste materials.
- Pre-design and investigation at the Star Complex which is coordinated with Hecla activities.
- Remedy protection project design and construction in communities.

The number and scope of activities is contingent on the ROD amendment being issued in early 2012.

Waste Consolidation Areas. Ed also gave a brief overview of waste consolidation areas (WCA) in Nine Mile drainage. Using WCAs helps the clean-up respond to community concerns that waste materials are being trucked long-distances and through communities. Consolidating projects in one area and identifying a local repository for waste material will help improve

overall water quality (limiting the number of potential upstream pollution sources) and provides more efficient material transport and processing.

Waste consolidation site selection is based on the following criteria:

- Primary
 - Is it capable of maintaining dry conditions (tailings are prone to leech heavy metals)?
 - What is the ability to monitor the site for seeps and stability?
 - Does the site meet established requirements for stability, constructability, and restoration requirements?
- Secondary
 - How close is the location to the cleanup project site(s)?
 - Can the site handle substantial volumes of material to minimize the number of WCAs?
 - Is the site accessible with haul-trucks or do conveyance systems need to be constructed?
 - Is it capable of generating raw materials for use in capping etc.?

Bonnie Douglas asked if the consolidation sites had to be a contaminated site. Ed replied that while they don't have to be it is EPA's policy to use contaminated sites whenever possible.

Jerry Boyd asked about land ownership and control for these sites. Ed noted that this is an important consideration and that procurement varied from site to site. If the land is held by another federal agency (like BLM) then a joint use repository can be developed which does not require a transfer of title.

Ed reviewed the critical path to 2013 construction for the waste consolidation areas: EPA and IDEQ need to identify potential locations, acquire landownership, develop access agreements, and perform the site characterization, cultural resource identification, design and applicable regulation analyses.

A question was asked about purchase from other federal landowners (like BLM). Ed explained that joint use repository would be developed between federal land managers rather than a land purchase.

Repository Updates

Ed Moreen provided the repository updates on behalf of Don Carpenter who was not able to attend the meeting due to weather. IDEQ is the lead agency for the design and site determination for the repositories.

Osburn Repository. An IDEQ contractor, TerraGraphics, produced the 30% Design Report which is now under internal review. The Report was slated for a public comment period but that is on hold while project work shifts to the repository site in Canyon Creek. The current plan is to post the 30% Design Report along with all of the internal comments on the IDEQ website with clear language that a formal public comment period is not planned at this time but will be revisited once the project starts back up.

Jerry Boyd asked a question about road access to Osburn Repository. Ed described the road construction plan which was developed in conjunction with U.S. Silver Co. who will also use the road for mining activity access. The access road construction will continue.

EPA plans to hold an open house concerning the Canyon Creek Repository proposal to provide information and answer questions from the community on the repository design. They will also make information available on the Osburn Repository design at this meeting.

Canyon Creek Repository. TerraGraphics is also working on the site design for Canyon Creek and drilled investigatory holes in December – two in the embankment, one in the tailings, and two in the alluvium near Grays Bridge Rd. The name “Canyon Creek” is a placeholder for this repository as it is already being used at a different site (for the purposes of these minutes the group continued to refer to the site as Canyon Creek). EPA is taking suggestions for the repository name and members are encouraged to submit suggestions to Ed Moreen.

A study is underway on the stability of the Canyon Creek repository site to investigate potential settlement and “pore water” pressure. Pore water is the name for water found within the tailings material.

Jerry Boyd suggested that the repository be referred to as Burke Canyon and Ed asked that he write the name down for official consideration.

Bonnie Douglas noted that the repository design phase seems to move forward before all of the environmental compliance and regulatory information are considered. She asked if these were included in the 30% design for Osburn. Ed noted that the analysis to determine if a site is compliant requires investigation that occurs during the design process. It is an evolutionary process and the key “Applicable or Relevant and Appropriate Requirements” (ARARs) are built into the design. For example, you would develop a design that takes into account any water issues as a result of the repository and seeks to eliminate the movement of material down the drainage.

Bonnie followed up with a comment that these types of regulations can show as open items in the 30% Design process and appear to be skipped steps to the public. Ed commented that the analysis was completed fully and documented in detail for the East Mission Flats Repository for example. They were not noted at the 30% stage because the final design had not been completed.

Jerry asked if the 30% Design Report for Canyon Creek will be released for public comment and added that citizen’s questions may be brought up during the review process.

Currently the site is undergoing the Design Basis Report process which lays out the assumptions and current knowledge about the site along with the site constraints that feed into the design. This document is in internal review at IDEQ and EPA. The Report includes information on technical basis, key assumptions, performance requirements, major project features, and compliance with ARARs. It also includes wetland delineations, flood plain identification, and assessment of groundwater conditions.

IDEQ is also working on the Technical Report that summarizes ground water quality and ground water conceptual models at the site for the Canyon Creek Repository. There may be a draft design document available for public comment this summer but that timeline appears to be optimistic given the current speed of review.

The Repository site is not in a wetland and has little potential for becoming a wetland. The site is ten to twenty feet above the 100 year floodplain and the footprint will be approximately 33 acres and hold about 800,000 cubic yards of material. An entrance at the northern end is being discussed to avoid landowners near the site.

Jerry asked if the repository location was an old fill site and Ed clarified that it is an old tailings ponds complex.

Jerry Boyd also asked Ed to communicate to the group that monitoring is continuing at the existing repository sites and there are no apparent trends showing up in collected data. Annual operation reports will be available in March and will be discussed at the next CCC meeting.

Lower Basin Update. The next step in the lower basin is to develop a Lower Basin Project Focus Team (PFT) presentation. Ed and Rebecca Stevens, PFT Chair, are working to set a date/time in early March (after the Basin Commission meeting). Ed has collected quite a bit of data from three major run-off events in 2011 where monitoring was conducted. A draft modeling work plan will be circulated to the PFT once the meeting date is set.

The Lower Basin Collaborative would also like to hold a series of workshops on the lower basin in conjunction with EPA and IDEQ. Jerry Boyd will confirm with Susan Mitchell that those meetings are announced through the CCC to ensure public participation.

Communications Project Focus Team (PFT) Update

Jeri DeLange, BEIPC, provided a brief update on the Communications Project Focus Team (PFT). She is hoping to schedule the next Communications PFT meeting sometime in late February or early March. She also provided information on publicity for the CCC meeting including where the meeting was announced:

- CDA, Post Falls, and Shoshone public TV
- Online for the CDA Press, Shoshone Press, and Post Falls Press
- Posted on community calendars
- Flyers were posted and circulated via email
- A press release went out to local newspapers

The group had a brief discussion about email formatting and CCC members who are having trouble with the email format should contact Jeri directly so that we can ensure everyone gets the information for meetings.

Next BEIPC Meeting

The Basin Commission Board will hold its next meeting on February 15 at the Wallace Inn in Wallace, ID. It is open to the public, and an agenda will be posted on <http://www.basincommission.com>.

Adjourn

The CCC meeting was adjourned at 8:36 PM.

Presentation of Citizen Comments to the Basin Commission Board

January 18, 2012

Verbal Comments

Verbal comments provided at the January 18, 2012 CCC meeting are reflected in the CCC meeting summary and paraphrased below.

Written Comments

None Provided

Comments

Commenter

Comments	Commenter
General Comments	
I have a concern about a presentation that was made at the January 12th TLG meeting. The presentation appears to indicate that EPA was going to study methods on how to slow down the work in order to extend the life of the trust fund in the Basin cleanup program. I would like additional information on the study and how it would impact project implementation in the Basin.	<i>Rusty Sheppard, CCC member</i>
CDA Trust Spending Scenarios	
How will the lower basin be integrated into the 20 year remediation plan?	<i>Rusty Sheppard, CCC member</i>
Will the \$10 million allocated for each year only be spent in the upper basin or will part of those funds be spent in the lower basin?	<i>Jerry Boyd, CCC Chair</i>
Does the CDA Tribe need EPA approval before conducting remediation projects in the Basin?	<i>Rusty Sheppard, CCC member</i>
Waste Consolidation Areas	
Do the selected consolidation sites have to be a contaminated site?	<i>Bonnie Douglas, CCC member</i>
Repository Updates	
The Canyon Creek repository should be referred to as the Burke Canyon Repository.	<i>Jerry Boyd, CCC Chair</i>
The repository design phase seems to move forward before all of the environmental compliance and regulatory information are considered. Were the "Applicable or Relevant and Appropriate Requirements" (ARARs) included in the 30% design for Osburn?	<i>Bonnie Douglas, CCC member</i>

Comments**Commenter**

These types of regulations [ARARs] can show as open items in the 30% Design process and appear to be skipped steps to the public.	<i>Bonnie Douglas, CCC member</i>
Repository Updates cont.	
Will the 30% Design Report for Canyon Creek be released for public comment?	<i>Jerry Boyd, CCC Chair</i>