

1-26-05 Citizen Coordinating Council Meeting

Post Falls Library, 6:00 PM to 8:30 PM, Post Falls, Idaho

Attendees (who signed in and/or announced themselves)

Bret Bowers
Jerry Boyd
Linda Boyd
Lloyd Brewer
Phillip Cerna
Roland Craft
Jeri DeLange
Terry Harwood
Jim Hollingsworth

John Lawson
Mike Mihelich
Ed Moreen
Rusty Sheppard
(Vinetta) Ruth Spencer
Mark Stanger
Mark Stromberg

Meeting Overview

The January 26, 2005 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission) covered the following topics:

1. Executive Director and Board Activities Update
2. Allocation of Remaining Clean Water Act Funds
3. CCC Chair and Vice-Chair Elections
4. ATSDR Public Health Assessment Comment Period
5. EPA's Preliminary Plans to Update Community Involvement Plan
6. Repository Issues
7. Input to the Basin Commission

Opening

Terry Harwood chaired the meeting, filling in for CCC Chair John Snider. After Terry's opening welcome, all participants introduced themselves, and Terry reviewed the agenda. In response to a question about why he was chairing the meeting, Terry explained that John Snider and CCC vice-chair Woody McEvers were unable to attend and that Kathy Zanetti had volunteered to chair the meeting but was unable to do so at the last minute. John Snider had asked Terry to be available to fill in if needed.

Executive Director and Board Activities Update

In his role as the Executive Director of the Basin Commission, Terry Harwood gave an overview of his plans and summarized for CCC members what happened at the January 19 Basin Commission workshop held in Worley, Idaho. Terry explained how he became interested in the Basin cleanup and how his history in the area, professional background, and participation in the CCC led him to seek the Executive Director position. He said he recognizes that there are many different opinions about what needs to be done on the

cleanup, and he described how he began the Executive Director job by visiting personally with commissioners, core staff, local officials, and others in the Basin.

Terry then described the January 19 Basin Commission workshop. The morning of the workshop was an opportunity for the Commissioners, alternates and core staff to go back and review the basic documents that established the Commission and guide its operations. These included background on Superfund, the statute that created the Commission, the Memorandum of Agreement among the parties represented on the Commission, the governing protocols, and EPA's Records of Decision. CCC members interested in obtaining packets of the materials handed out at the workshop should contact Terry. Jim Hollingsworth noted that missing from the commissioners' materials was a memorandum of agreement between EPA and the State of Washington, and he requested that the Executive Director provide it to the Commissioners at the February 16 board meeting.

The afternoon of the workshop began with an executive session, in which the Commissioners and alternates spoke privately with the Executive Director about personnel matters. After the executive session, the workshop reconvened for a brainstorming session about what kinds of issues the board wanted resolved. The brainstorming session generated the following list of action items for the Executive Director, the core staff, the TLG and the CCC to work on:

1. Sources of funding available for use in the Basin and what coordination there is among agencies. Consider having a funding PFT headed by the Executive Director.
2. Approaches for making the Commission and its committees operate or conduct work more effectively and efficiently.
3. Approaches for helping the BEIPC be a positive force in the cleanup and helping local communities move forward through and beyond the cleanup.
4. How to improve lines of communication.
5. Funding for the Chair of the TLG and grant funding.
6. Funding for TLG membership and grant funding.
7. Examine TLG representation and voting procedures.
8. Include representatives of specific political entities, cities, etc. in PFTs when they have a stake in the issues under discussion.
9. Develop a process to review the Basin Commission's Five-year Plan.

On the final point about the Five-year Plan, Terry related the discussion from the workshop, in which EPA said that a closer alignment of its annual requests for funds with the five-year and one-year plans could help the Basin compete for national Superfund dollars.

CCC members also discussed item number 7 (TLG representation and voting), looking to the TLG protocol for its rules about the presentation of minority and majority positions. Rusty Sheppard, who is a member of the CCC and a Kootenai county representative on the TLG said that TLG members haven't directly presented minority views to the board

in the past. TLG Chair Phil Cernera said there are no rules against such presentations of minority opinions, and Terry Harwood said that if anyone wants to present a minority report to the board, the correct step is to talk to Terry about getting on the agenda for board meetings.

Allocation of Remaining Clean Water Act Funds

TLG Chair Phillip Cernera outlined the Technical Leadership Group's (TLG) recommendations for allocating the \$500,000 in Clean Water Act funds not already allocated by the board at their November 2004 meeting. He caveated his presentation by saying that some TLG representatives from the counties have resigned from the TLG or decided not to actively participate in the TLG process since November 2004. He clarified that the memo does not reflect their input. Rusty Sheppard, as TLG representative from Kootenai county, said that there will be a minority report for the board.

In summary, the TLG memo recommends funding the following projects:

- Phase 2 of the Lower River Sediment Model (\$128,000).
- Lake Management Plan Implementation (\$200,000).
- Alluvium Sorting Demonstration. This project will be allocated \$156,000, with the understanding that cost over-runs on other projects may be paid for by reducing the amount of money available for the Alluvium Sorting Demonstration.

Together, these projects would use all of the remaining Clean Water Act funds, bringing the total amount of allocated Clean Water Act funds to \$1,998,200.

Rusty Sheppard said that the minority report would place highest priority on a fully-funded Alluvium Sorting Demonstration (\$207,000) and lowest priority on the Lake Management Plan Implementation. He said that the minority report would recommend that the county Commissioners use their veto power to veto approval of funding for the Lake Management Plan (LMP) Implementation project.

CCC members also discussed why the Mica Creek project is eligible for Clean Water Act funds. Bret Bowers asked why the TLG had ranked the South Fork Toxicity Reduction project last in its October 2004 ranking, and Phil Cernera said that it was ranked low because of TLG members' views that it would be expensive and not generate any results that aren't already known.

Terry Harwood said that he plans to give a presentation to the board on how much Clean Water Act money is currently allocated and how much has actually been spent.

CCC Chair and Vice-Chair Elections

The two-year terms of the CCC leadership will be up in April 2005. Tom Beierle summarized the voting requirements contained in the CCC Organizational Practices and Procedures and outlined a possible timeline for new elections in the spring. One of the steps in the voting process invites each geographic region within the Basin to nominate one candidate. In the past, this was interpreted as one nomination for each of the Small Integration Groups (SIGs). Because some SIGs are not active and some do not have representatives on the CCC, the issue was raised of whether the CCC would allow nominations from the floor. There was general agreement that if the Practices and Procedures called for nominations by region, then that should be the approach used in the election.

The protocols also say that the chair can excuse from voting any CCC member who has missed three consecutive CCC meetings. CCC members said that CCC chair John Snider should be consulted about whether he would invoke this provision.

ATSDR Public Health Assessment Comment Period

Summary information about the ATSDR Public Health Assessment and the schedule of ATSDR public meetings to discuss the assessment were handed out. There was little discussion.

EPA's Preliminary Plans to Update Community Involvement Plan

Ed Moreen, EPA, discussed EPA's plans to update its community involvement plan for the Basin and the Box in order to improve the way that EPA communicates with people living in the region, including via the CCC. He outlined the tentative timeline for the update, which will involve a presentation of the proposed approach to the board in February, discussion with Basin residents in March, a draft plan in April and a final Plan in June. Citizen input on EPA's proposed approach to updating the community involvement plan should be sent to Andrea Lindsay at EPA (Lindsay.Andrea@epamail.epa.gov, (206) 553-1896). Input received by February 4 will be relayed to the board. Note that input being sought now is just on the proposed approach; later EPA will be asking for input on how they should proceed with community involvement in the Basin and the Box.

Ruth Spencer offered that she thought it was a good idea for EPA to be undertaking an effort to update the plan. Rusty Sheppard asked if there was likely to be any TAG grant funding available, and Ed Moreen said that he didn't think so.

Repository Issues

John Lawson, Idaho DEQ, gave a progress report on the Big Creek repository and the investigation of a possible new repository in Mission Flats. The Big Creek repository

currently has received 100,000 cubic yards of material and has a total capacity of 180,000 to 250,000 cubic yards. Under current projections, a new repository is likely to be needed soon. The proposed Mission Flats site is across the highway from the Cataldo Mission in Kootenai county and would consist of some or all of a 90-acre parcel of private land that is for sale. John described the advantages of the site (e.g., accessibility, proximity to removal areas, previous contamination), how DEQ would deal with aesthetic considerations, and efforts to talk with neighbors. The repository PFT recommended that the investigation of the Mission Flats site go forward. A more detailed description of the Mission Flats investigation will be provided at the Basin Information Forum on February 15 and will be presented to the board on February 16. The board will ultimately be responsible for a go-no go decision.

Phillip Cerner, representing the Coeur d'Alene tribe, described the tribe's concerns about the cultural and archeological significance of the site, particularly if plans involved digging up existing soil (DEQ responded that these concerns have resulted in current plans not to dig up soil). Jim Hollingsworth raised concerns about aesthetics given the site's proximity to the Cataldo Mission, a prime tourist attraction. Roland Craft asked about the impact on wildlife, and John Lawson replied that there may be a temporary adverse impact on habitat. In the long term, he said, the project will likely provide improved habitat once the repository is capped with clean soil.

Input to the Basin Commission

The CCC also made the following comments to the Basin Commission Board:

- Rusty Sheppard, on behalf of the Spokane River and Lakeshore Homeowners Associations, sought to be on the record as opposing Clean Water Act funding for the Lake Management Plan implementation study. He said that John Snider, in his role as representative of the Spokane River and Lakeshore Homeowners Associations, may present this position to the board in February.
- Bret Bowers said that DEQ has stated that \$3.4 million is spent each year on projects going toward lake restoration. He felt that there is not enough publicity about this much effort going toward the lake.
- Jim Hollingsworth stated that the CCC had not seen the minority TLG report regarding allocation of remaining Clean Water Act funds and was therefore unprepared to deal with it.
- A number of CCC members commented on the approach for including public commentary in the Basin Commission board meetings. Jim Hollingsworth stated that public comment periods at the beginning of a meeting (before information is available) or at the end (after voting has been done) do not allow for meaningful citizen input. Rather, he said that there should be periods for citizen comment within each and every session in which separate issues are debated. Jerry Boyd

suggested having the CCC and TLG reports come before the public comment period so that people could comment on the CCC and TLG input. Bret Bowers underlined that it is important to have a range of views represented during the public comment periods at the board meetings. Ruth Spencer noted that it is important for the Commissioners to know who is providing pro and con opinions on issues. There was general agreement that any new formal procedures for citizen comment at Basin Commission board meetings should be presented to the CCC for discussion and recommendations.

Next Meeting/Upcoming Events

The next Basin Commission Board Meeting will be held at the Kootenai County Administration Building in Coeur d'Alene on February 16 from 9:30 AM to 4:00 PM. The agenda has not yet been set. Check the Basin Commission website, www.basincommission.com, for additional details.