

## **5-03-07 Citizen Coordinating Council Meeting**

Avista Utilities Building, 6:30 PM to 9:00 PM, Kellogg, Idaho

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### ***Attendees (who signed in and/or announced themselves)***

Jerry Boyd	Ed Moreen
Lloyd Brewer	John Snider
Julie Dalsaso	Rob Spafford
Terry Harwood	Mark Stromberg
Jim Hollingsworth	

### ***Meeting Overview***

The May 3, 2007 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission) covered the following topics:

1. BEIPC Updates
2. CCC Election Results
3. 2007 Yard Remediation Plans
4. Basin Repositories
5. Draft 2007-2011 5-year BEIPC Plan and Lake Management Section of 2007 BEIPC Workplan
6. Dredging at Blackwell Island (during CCC open discussion)

CCC Chair John Snider chaired the meeting.

### ***BEIPC Updates***

BEIPC Executive Director Terry Harwood gave an update on Congressional visits to the Basin and reported on Clean Water Act Project Status. He said that the most recent visit was from Ryan Jackson, the minority counsel for the Senate Environment and Public Works Committee, which has a Superfund Subcommittee. Other recent visits have been made by Sen. Craig's staff. Terry said he had been working with a number of other Legislators and their staff, both in the Basin and in Washington, D.C., to continue funding the cleanup and related activities (e.g., blood lead testing) in the Basin. He said that funding has become increasingly tighter. Ed Moreen confirmed that, from EPA's perspective, money was tight, and he said he didn't have any knowledge of what might happen in next year's EPA budget. Both Terry and Ed said that much of the focus of EPA funding is on human (vs. ecological) health.

Terry handed out and briefly went through an updated financial summary of Clean Water Act (CWA) projects. He said that the list of project reports is at the BEIPC website, and hard copies can be obtained from Terry.

In response to a question from Jim Hollingsworth about the Mica Creek Project, Terry outlined how it had moved from a project that was to restore meanders at the mouth of

the creek to a project upstream. The project is now proceeding with \$125,000 in CWA money and \$25,000 from Idaho DEQ. Terry said this will be used as a demonstration project to help encourage other landowners in the area to undertake similar projects. Terry also described the Pinehurst flood project, which is an effort to control flooding of remediated land in the area by increasing the size of culverts; the project is currently proceeding with the City of Pinehurst

Terry reported that USGS would report on its work on the Coeur d'Alene River and Lake sediment models at the next BEIPC board meeting.

Later in the meeting, Terry handed out a copy of the Coeur d'Alene Infrastructure and Revitalization Plan, which identified immediate and long term infrastructure needs in Basin communities.

### ***CCC Election Results***

Tom Beierle described the outcomes of the CCC elections process. He said that John Snider and Jerry Boyd were the two people nominated for the CCC leadership positions. Jerry had let John know before the elections that, if nominated, he preferred to serve as Vice-Chair with John as Chair. After being nominated, the two of them agreed to this arrangement. Tom announced this result via email to the CCC prior to the May 3 CCC meeting. At the meeting, Jim Hollingsworth moved that the CCC accept this outcome, and everyone present voted in the affirmative. For the next two years, John will be Chair and Jerry will be Vice-Chair.

### ***2007 Yard Remediation Plans***

Mark Stromberg described Idaho DEQ's yard remediation plans for the 2007 construction year and provided a summary handout. He highlighted that DEQ plans to remediate around 350 properties in 2007, which is estimated at 2 million square feet of soil. He also said that there will be an increased emphasis on sampling this year to better estimate what future remediation needs will look like. Two contractors, Steward Contracting and Ferguson Contracting, will do the work between April 16 and October 15. Mark also said that the program has saved a great deal of money through heightened reviews of invoices and that the safety record for trucking soil has been extremely good (over 9,000 truckloads to the Big Creek repository without an accident).

Jerry Boyd asked Mark how DEQ knows that it is reducing human health risks. Mark said that the soil they are removing often has concentrations of 1,000 to 3,000 parts per million (ppm) of lead, and the soil replacing it is clean. Mark, Terry, and Ed all noted how blood lead levels have been declining in the area and nationally. Ed said that experience from the Box shows a very good correlation between removing lead-contaminated soil and lowering blood lead levels. In response to a question from John Snider, Mark said that it may take another eight years to finish the remediation work.

Jerry also asked whether property owners are cooperating and maintaining the remediated yards. Mark said that most people have been very cooperative. The level of maintenance, he said, differed from household to household. Terry noted that the Institutional Controls Program helps prevent re-contamination. Jerry asked whether there was much concern about recontamination from dust, and Mark and Terry agreed that it was probably not a significant problem.

Jim Hollingsworth asked if the rising price of precious metals was leading to renewed interest in mining in the Basin. Terry said that there was some heightened interest, but that the regulatory controls on mining are in place to prevent recontamination. Participants then discussed the strength of federal and State regulatory controls on mining (e.g. the federal Clean Water Act, State and federal requirements to post bonds on some lands, etc.). Some noted that Idaho's mining laws are not as stringent as those in Washington.

### ***Basin Repositories***

Ed Moreen, EPA, provided an update on Basin repositories. He said that the Kootenai Environmental Alliance and the Eastside Highway District had recently issued a joint press release opposing the Mission Flats repository. He outlined how the repository was needed to receive waste from the mid- and lower-Basin that was being generated through the Institutional Controls Program and other activities. Big Creek, in the Upper Basin, is too far away to be a viable option, he said. Ed noted the number of public meetings, appearances at the CCC, investigations, and other activities that have been undertaken over the last three years to inform people about the Mission Flats repository and assess its suitability. In response to a question from Jim Hollingsworth about whether the Mission Flats repository could serve the Coeur d'Alene area, Ed said he thought it was probably too far away (20 miles). Ed said that the 30% concept design on the site would be available in May. Citizens can contact Ed or John Lawson for the document. There will be an interim design in July for disposal of small quantities.

Jim Hollingsworth said that he understood that it was very difficult to find a repository site and what he was looking for was assurance that Mission Flats was the best alternative. He asked if a repository in Canyon Creek was viable. Terry said that the Mine and Mill site PFT has been looking into the Canyon Creek site and at some future date if may be possible to have a repository there, but not any time soon. Jim also asked whether the Mission Flats site would have a liner. Ed said that it would not because the existing soil there (much of it sediment historically dredged from the river) is already highly contaminated. Rob Spafford noted that the soil coming into the repository will probably be less contaminated than the existing soil. Work remains to be done, Ed said, on investigating leachate issues from the repository.

Jim noted that it is very important for EPA and DEQ not to lose the trust of citizens by violating assurances that the site won't be an eyesore.

In response to a question by Rob Spafford about where the next repository was likely to be, Ed said that the focus would shift to finding an Upper Basin site that could accept waste once the Big Creek site was full.

### ***Draft 2007-2011 5-year BEIPC Plan and Lake Management Section of 2007 BEIPC Workplan***

Terry Harwood distributed and described the draft 2007-2011 5-year Plan. He said that it had been approved by the TLG and would go to the BEIPC board as is unless the CCC had any further comments on it. He described how he had developed the plan over time with comments from many of the involved agencies and others who, like the CCC, had received early drafts.

Julie Dalsaso asked whether implementing the Lake Management Plan (LMP) is in the 5-year plan. Terry referred Julie and other participants to the Lake Management section of the plan (which is the same one that will be proposed for the 2007 BEIPC work plan). Jerry said that the language in the Lake Management section left it unclear whether local government, citizens, and others would be part of the process of developing the plan. Terry said that the governments involved (EPA, the Coeur d'Alene Tribe, and Idaho) need to resolve their differences before the plan is started. Rob Spafford said that once the plan is being put together everyone will have a say in it because everyone needs to "own" it. Jim Hollingsworth noted that, although the Tribe and State of Idaho have the authority over the plan, many others will need to play a role in implementing it. He said that it is frustrating to see local governments not enforcing regulations. He thought the LMP would add clout to their enforcement efforts and hoped it would give them more enforcement authority and more money.

Jim said that he would like to make an official comment to the BEIPC board saying that it is very important to start now to look for funding. He recommended that it be a focus of the Funding PFT. (Terry said the PFT's focus had mainly been on funding for cleanup rather than lake management.) Lloyd Brewer said that political support and the results of studies of the consequences of lake problems would help local governments raise money.

Terry noted that the Lake Management audit project is still underway to assess whether current rules and best management practices are being implemented. He said that the audit project would be done toward the end of the year.

Jim said he had another official comment to the BEIPC board that they should do anything in their power to move the LMP forward. He said that many people objected to the BEIPC in the first place because the LMP component had no teeth—there were no timetables or benchmarks. A stronger approach to lake management, he said, would have helped avoid the current delays and negotiations. In response to Jim's comment, Rob Spafford said that the BEIPC would not be able to enforce any resolution it made regarding the LMP if the State, Tribe, or EPA chose not to follow it. Jim said that the BEIPC could threaten to disband if the LMP wasn't done by a certain date.

Rob Spafford noted that local authorities don't have to wait for an LMP to be in place to start implementing lake management activities. It is within their power now, he said, to pass or strengthen site disturbance ordinances, rules on setbacks, and the like. This is the kind of thing that will end up in the plan anyway, he said.

### ***Dredging at Blackwell Island***

During the CCC open discussion, Julie Dalsaso, a new CCC member, discussed concerns about dredging at Blackwell Island. It is a project she has been monitoring for a number of years. She felt that how Blackwell Island is dealt with will be a test case for how to deal with other large developments on the Lake. Julie said that she thought there was not enough oversight of the project under the authorities of the Clean Water Act. She also read from a recent Fish and Wildlife Service letter that expressed concern that the Blackwell Island dredging was inconsistent with the Record of Decision (ROD) for Operable Unit 3. She felt that the standards in place for the ROD should be applied to Blackwell Island.

Terry Harwood discussed how the Blackwell Island issue was related to the work of the Contaminant Management PFT, which has been investigating the issue of managing contaminated dredge materials from the lake. He said that there is no clear regulatory oversight over those that dredge contaminated material and haul it away for above-ground disposal. Participants discussed options for increasing regulatory oversight and the potential for a private repository.

Terry said that the Contaminant Management PFT would probably have another meeting in June or July. Terry also said that he was planning to write a white paper on his own thoughts and opinions about the management of dredge materials and provide it to the BEIPC board in August.

### ***Next Meeting/Upcoming Events***

The next BEIPC Board meeting will be held on May 23, 2007.

# ***Presentation of Citizen Comments to the Basin Commission Board***

***May 23, 2007***

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## **Written Comments**

There were no written comments submitted.

## **Verbal Comments**

Verbal comments provided at the May 3, 2007 CCC meeting are reflected in the CCC meeting summary and paraphrased below.

### **Comments**

### **Commenter**

I understand that it is very difficult to find a repository site in the Basin. What I am looking for is assurance that Mission Flats is the best alternative.	<i>Jim Hollingsworth, CCC member</i>
EPA and DEQ will lose the trust of citizens if the repository at Mission Flats becomes an eyesore.	<i>Jim Hollingsworth, CCC member</i>
Although the Coeur d'Alene Tribe and the State of Idaho have the official authority over the Lake Management Plan, many others will need to play a role in implementing it. It is frustrating to see local governments not enforcing their regulations. Having an LMP in place will add clout to local governments' enforcement efforts and will hopefully help them get more money for enforcement.	<i>Jim Hollingsworth, CCC member</i>
It is very important to start now to look for funding for lake management activities (including local government enforcement); I recommend that it be a focus of the Funding PFT.	<i>Jim Hollingsworth, CCC member</i>
Political support for the goals of lake management as well as the results of scientific studies will help encourage local governments to fund lake management activities.	<i>Lloyd Brewer, CCC member</i>
The BEIPC board should do anything in its power to move the LMP forward.	<i>Jim Hollingsworth, CCC Member</i>
Local authorities don't have to wait for a Lake Management Plan to be in place to start implementing lake management activities. It is within their power now to pass or strengthen site disturbance ordinances, rules on	<i>Rob Spafford, CCC member</i>

setbacks, etc.

I am concerned about dredging at Blackwell Island, a project I have been monitoring for a number of years. Blackwell Island is a test case for how to deal with other large developments on the Lake. There is not enough oversight of the project under the authorities of the Clean Water Act. A recent Fish and Wildlife Service letter expressed concern that the Blackwell Island dredging was inconsistent with the Record of Decision (ROD) for Operable Unit 3. The standards in place for the ROD should be applied to Blackwell Island.

*Julie Dalsaso, CCC  
member*