

7-18-05 Citizen Coordinating Council Meeting

Kootenai County Administration Building, 6:30 to 9:00 PM, Coeur d'Alene, Idaho

Attendees (who signed in and/or announced themselves)

Mike Beckwith	Woody McEvers
Jerry Boyd	Mike Mihelich
Phillip Cernera	Ed Moreen
Jeri DeLange	W.C. Rust
Jack Domit	John Snider
Dave Enos	Rob Spafford
Rogers Hardy	Mark Stromberg
Toni Hardy	
Terry Harwood	

Meeting Overview

The July 18, 2005 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (BEIPC or Basin Commission) covered the following topics:

1. Overview of Coeur d'Alene Lake monitoring
2. National Academies report on Basin cleanup
3. Clarification of the process for partial deletion of Coeur d'Alene Lake
4. CCC input on BEIPC 5-year plan

Opening

CCC Chair John Snider chaired the meeting. After his opening welcome, he reviewed the agenda.

Overview of Coeur d'Alene Lake Monitoring

Paul Woods, USGS, led a discussion about studies of Coeur d'Alene Lake. He described the focus of the work as understanding the interaction of nutrients and metals in the lake, including what is flowing into the lake, what is flowing out, and what is happening within the lake itself. The work involves monitoring current conditions through water sampling as well as development of computer models to better understand current and future lake dynamics. A key objective of the lake work is to better predict what will happen to the lake when metals concentrations (which help inhibit the growth of organisms in the lake) decline as a result of cleanup activities. He said that the phenomenon of "benthic flux"—the process by which metals are transported between sediment and lake water, which may be affected by declining metals levels—is very important but still not well understood.

Current lake monitoring is being funded over a three year period (water years 2004-2006) through Clean Water Act (CWA) grants. Paul noted that the NAS study recommended

more research to develop a better understanding of the lake, which may help generate research funding beyond water year 2006. Phillip Cernera also noted that the NAS study called for additional research on the lake and suggested that EPA should provide funding for the work.

Phillip Cernera and Rogers Hardy asked about research on high-flow events, particularly given the NAS study's recommendation to focus more on the impact of floods. Paul noted that current models can provide some insights into high flow events, but there have not been many such events to study. Later in the meeting, Paul suggested that funding be held in a reserve to study a high-flow event when it occurs.

Paul also described monitoring and sampling activities on the lake. Some monitoring, which is funded through EPA's lake monitoring program, is continuous, with monitoring stations at the outlet of the St. Joe River, Harrison, the Lake Outlet and Post Falls. Regular monitoring also occurs at Spokane, and at some stations between Spokane and Post Falls. USGS conducts additional lake sampling trips throughout the year to better understand lake conditions in different seasons. One such trip is scheduled for this week. It will take samples at five standard stations around the lake and will involve sampling at four different depths—from the upper "lighted zone" to 10 meters from the lake bottom. The tribe also has monitoring stations around the lake.

Jack Domit noted that the Spokane River Association has conducted sampling of the Spokane River for seven plus years, and he suggested that information to Paul as a source of data. Paul said he had seen the data, but hadn't focused on it in detail.

Toni Hardy asked about the availability of a summary of lake information for the general public and elected officials, and noted that a lack of easy-to-grasp information on technical issues was causing people to drop out of the BEIPC process. Paul said that a summary didn't currently exist (either on paper or a web-site), but that one could be produced if the CCC requested it. He also noted the example from McCall, ID where the local paper ran a series of articles to educate people on the science of Payette Lake. Toni Hardy noted that the St. Maries Gazette Record had recently run an editorial on the St. Maries Creosote site (Carney Pole), which could serve as an example. John Snider requested that a 4-5 page lake summary be developed, and it was suggested that Paul provide it in advance of his presentation to the Basin Commission board at their November 2005 meeting. Woody McEvers and others said that it was helpful to have Paul come out and provide information on the lake.

The CCC discussed the contrast between the cleanup of Payette Lake in McCall, ID and Lake Shasta, CA with Coeur d'Alene Lake. One difference discussed was the lack of consensus in Coeur d'Alene about the long-term vision for the lake, which is the foundation for consensus in the cases of Lakes Payette and Shasta. Rog Hardy noted that unclear property rights and management authority have hampered consensus on the future of Lake Coeur d'Alene. A lack of trust was also discussed.

Mike Beckwith and Phil Cernera said that there is an increasing sentiment that lake research is needed and important. Mike said the NAS study vindicated the earlier studies on the lake, which were criticized at the time.

Paul is planning on giving a 2-hour presentation on lake monitoring at the Basin Information Forum on September 14, 2005.

National Academies Report

BEIPC Executive Director Terry Harwood provided an overview of the National Academies report. To summarize, the report (quotes are directly from the NAS's document):

- Noted that even the \$359 million effort “will not complete the job.”
- Said that the focus of the study was on the implementation of the cleanup not on whether the expenditure of money was “worth it.”
- Concluded that “EPA’s scientific and technical procedures were generally appropriate and in accordance with the agency’s standard procedures, as understood by the committee.”
- Acknowledged that “some decisions the committee considers suboptimal might have resulted from compromise with affected parties, as well as the reality of limited financial resources.”
- Identified some “serious weaknesses” in the Remedial Investigation, such as not adequately characterizing hydrologic and climatic variations in the Basin (e.g., floods) and using average flows and conditions for contaminant transport models.
- Notes that OU2, although treated under a separate administrative structure, “contributes substantially to downstream contamination.” (Terry recalled that the Basin Commission voted to get involved in the OU2 Phase II remedy at the last Commission meeting).
- Said that EPA’s site characterization “did not adequately address groundwater.”
- Said that “for Lake Coeur d’Alene, additional characterization of the behavior of metals in lake sediments and the relationship between eutrophication and metals release is also needed.” (Terry and others noted that Paul Woods and others are currently working on this kind of research). The report also said that EPA should incorporate new data generated by USGS and others into its remedial planning.
- Concluded that EPA is “correct in concluding that environmental lead exposure poses elevated risks to the health of some Coeur d’Alene River Basin residents.”
- Recommended “universal blood lead screening for children 1-4 years old...for Coeur d’Alene River Basin communities, given the prevalence of high concentrations of environmental lead.”
- Concluded that the use of the IEUBK model (used to estimate blood lead levels) was “generally adequate and appropriate, but not optimal.” The study noted that using site-specific information on bioavailability of lead and ingestion rates would improve the model results.
- Concluded that “EPA adequately characterized the feasibility of alternative remedial actions for addressing risks to human health; however, the long-term effectiveness of the selected remedy in the Coeur d’Alene Basin is questionable

because of the possibility...of recontamination from floods and damage to protective barriers used in residential remediations.”

- Said the “committee found the [ecological risk] assessment to be generally consistent with best scientific practices.”
- Said that “the Lake Coeur d’Alene assessment was not supported by studies to evaluate whether metal concentrations in sediments or overlying waters were impacting ecological communities.”
- Encourages “development of alternative and innovative technologies, including responsible re-mining, as remedial strategies.”

In addition to going through the high points, Terry noted that groundwater cleanup can be very difficult and expensive, and that institutional controls may be required to deal with some of it. At other Superfund sites he has worked on, decisions were made to clean up groundwater to a point but leave some contamination remaining. Bill Rust noted that EPA has a lot of flexibility over whether and how to deal with groundwater. He said that EPA and Idaho have made the de facto decision not to deal with loadings from groundwater to surface water. However, he said, permitted dischargers to the river are still having to meet discharge limits, which he believes is not a consistent position. Ed Moreen, EPA, noted that loadings from groundwater are coming from billions of gallons of contaminated groundwater over thousands of acres, which is very difficult to deal with.

Terry also noted the difficulty of instituting universal blood testing. CCC members had the following suggestions:

- Do blood lead testing as part of the well child assessments at schools (Toni Hardy)
- Offer free doctor’s visits in exchange for a blood lead test (W.C. Rust).

Jerry Boyd pointed out that the NAS said there were insufficient repositories in the Basin. Although acknowledging the difficulty of finding repositories, Terry and Ed Moreen reminded everyone that efforts were underway to develop a repository in Mission Flats, and there is a public meeting on it this week.

Rog Hardy said that the NAS conclusions and recommendations about EPA needing to do more about environmental remediation, wildlife health, the effectiveness of remedies, and flood-related problems is also very true of the Union Pacific Railroad (UPRR) Superfund Remedy. He added that he would be continuing to relate NAS conclusions and recommendations to the UPRR remedy.

Noting the remaining contamination in the Basin, Toni Hardy emphasized the importance of real estate disclosure and said that it was not happening in many cases. In one case she knew of, a seller who lived right on the UPRR trail disclosed that the trail was a CERCLA remedy but he didn’t know if the contamination was all removed. Toni pointed out that all of the contamination was not removed and that there is a need to disclose the truth about contamination.

Terry noted that the Basin Commission would be looking to approve a one-year plan in November, 2005, and that would be an opportunity for the Basin Commission to address issues raised by the NAS report.

Clarification of the Process for Partial Deletion of Coeur d'Alene Lake

Responding to a previous request from CCC Chair John Snider, Ed Moreen, EPA, presented information on the partial deletion of Coeur d'Alene Lake from the Superfund site. He clarified that the lake is part of Operable Unit 3 (OU3) of the site. He said that decisions about cleanup of the lake have been deferred pending effective implementation of a Lake Management Plan. He referred to a March 25, 2003 letter that described the steps that would be needed for EPA to make a decision of "no further action" on the lake, including:

- Implementation of cleanup activities upstream of the Lake have begun;
- The plan must contain provisions which effectively protect the water quality of the Lake when implemented. This includes an environmental monitoring plan; and,
- Assurance that the plan has been adopted by state, tribal, and local governments, and that these governments have made a commitment to implement the Plan over time.

Rog Hardy said that an unresolved issue is how EPA defines the boundaries of OU3 when it comes to Coeur d'Alene Lake. This led to a discussion of what lake and river areas were contaminated or not contaminated. Jack Domit said that contaminated sediments have never been found in the Idaho portion of the Spokane River. Mike Beckwith said that many areas of the lake and river system have not been studied for contamination, and that contamination would probably be found in many of these areas if a more thorough investigation took place. The issue of how the boundaries of the lake/OU3 should be defined was not resolved at the CCC meeting, but some participants said that it was a key issue and would likely be a question that commissioners would ask EPA.

In response to a question from Woody McEvers, Ed said that partial deletion would mean no more CERCLA money from EPA for lake cleanup. In response to a question from Jack Domit, Ed clarified that partial deletion of the Spokane River would be a separate process.

CCC Input on BEIPC 5-year plan

TLG Chair Phillip Cernera presented the draft 5-year plan and noted recent changes that had been made based on comments received. These included:

- Section 1.4.1 on Upper Basin Remedies. Added more extensive discussion of Canyon Creek groundwater treatment.

- Section 1.8 on the NAS study. Added new text that acknowledges the release of the pre-publication version of the NAS report and says that the BEIPC will review the final report in the fall and determine what the appropriate course of action is.
- Section 1.9 on the LMP. Noted ongoing work and described the desired endpoint of partial deletion of the lake.
- Section 1.10 on partial deletion. New text says the BEIPC will request partial deletion for the Spokane River and “other areas where all response work is completed.”

Additionally, there were some changes to the repository section and the section on monitoring.

Phillip Cernera noted that the TLG decided not to include some of the history of debate over issues like the LMP in the 5 year plan in order not to “air dirty laundry.” John Snider clarified that the Kootenai County Commissioner and county’s TLG representatives were not advocating that there be two LMPs but that two LMPs should be considered as an option if needed to get the process done and move toward partial deletion. Bill Rust, John Snider and others recommended that Idaho and the tribes provide more complete public information on the areas of impasse in the LMP. Phillip Cernera noted areas of disagreement between the tribe and the state of Idaho related to decision-making authority, funding, understanding of the lake system, and ongoing monitoring. He said the tribe is now taking the approach of “writing the LMP and shopping it around for funding.” Bill Rust said that the discussion has been too focused on the LMP when what is really needed is effective lake management, whether or not there is an agreed-to plan.

CCC member Bill Rust provided the following written comments on the plan:

- Table 1.1. I support the objective presented for Canyon Creek Water Treatment which says: “Develop water treatment approaches for surface and groundwater in Canyon Creek that are acceptable to all stakeholders and achieve the greatest reduction of zinc load that is economically feasible.” I believe the following should be added: “In order to provide guidance for the technical people trying to develop feasible approaches, EPA and IDEQ should examine all available funding sources and present an assessment of probable available funding to implement remediation and the constrains of such funding.”
- Section 1.3 Human Health Issues should include a section which says: “The Basin Commission supports the establishment of a program for blood lead monitoring of all children 1 to 4 years of age that are at risk of elevated levels of blood lead.”
- Section 1.6 Phase II Component of the Overall OU2 Remedy. At the end of the first paragraph the following should be inserted: “EPA and IDEQ will prepare and present to the Commission a discussion of the issues that must be resolved for agreement on an OU2 State Superfund Contract. This discussion will also include possible ROD amendments that are presently being contemplated.”

- Section 1.9 Lake Management Plan Activities should include: “Negotiations have been underway for more than three years between EPA, IDEQ and the Coeur d’Alene Tribe on necessary revisions to the 1997 Lake Management Plan. Apparently they are at an impasse but the Commission and the public have not been informed as to the nature of the disagreements. The involved entities will prepare and present to the Commission a discussion of the issues that must be resolved for agreement on a revised Lake Management Plan. The Commission will then assist in finding resolution to the issues.”

Phillip Cernera, John Snider, and Terry Harwood will meet on Wednesday, July 20 to discuss CCC comments, and then Terry will draft a final version of the 5 year plan for the Basin Commission board on Friday, July 22.

Next Meeting/Upcoming Events

The next Basin Commission Board Meeting will be held on August 10, 2005. It is open to the public. The location and agenda will be distributed closer to the date. Check the Basin Commission website, www.basincommission.com, for additional details.