

# 10-12-11 Citizen Coordinating Council Meeting

Wallace Inn - 6:30 PM to 9:00 PM, Wallace, ID

---

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

Jerry Boyd  
Don Carpenter  
Jeri DeLange  
Mike Domy  
Jack Domit  
Margaret Guenther  
Terry Harwood  
Robin Lake  
Troy Lambert  
Scott Lasley  
James McMillan

Susan Mitchell  
Ed Moreen  
Chuck Reitz  
Ninette Reitz  
W.C. (Bill) Rust  
Justin Rice  
Rusty Sheppard  
Rebecca Stevens  
Dan Thompson  
Carol Young

## Meeting Overview

The October 12, 2011 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
- Update on the Pilot Sampling
- EPA Updates
- Lake Management Plan Activities
- Repository Updates
- Communications Project Focus Team (PFT) Update

CCC Chair Jerry Boyd chaired the meeting. Brief introductions were provided by meeting participants highlighting where they lived in the Basin and how they became involved with the CCC.

The group moved to change the order of the agenda and allow Rebecca Stevens' update on Lake Management Plan activities to occur after the Open Discussion on Basin Clean Up. There were no objections.

## Open Discussion on Basin Cleanup/CCC Issues

Jerry Boyd asked participants to bring up any issues or topics to discuss. No topics were introduced.

## **Lake Management Plan Activities**

Rebecca Stevens, Coeur d'Alene Tribe, provided an update on the Lake Management Plan (LMP) and associated activities. The Tribe is in the process of developing a manual for the voluntary land owner program to be implemented next year. This manual will provide information to landowners on pesticide use, riparian buffers, and provide a check-list of activities that help protect the lake. The Tribe is conducting a contest for the public to develop the cover art for the Lake\*A\*Syst manual that captures how local citizens view Coeur d'Alene Lake and the watershed as a whole. A flyer was distributed to CCC members with contest information.

The Tribe and State are finalizing an inventory of aquatic plants in the lake which includes the milfoil eradication strategy. Various milfoil eradication techniques including 2-4D (with and without Nitrogen), bottom barriers, and dredging were conducted this summer along with drift studies to examine the effects of wind on herbicide dispersal at the south end of the lake.

Tribal and State staff also conducted a joint quality assurance monitoring project over the summer where staff from both agencies sampled at the same location and sent samples to their respective labs for analysis. This project will help identify any sampling error or other lab procedures that may impact the results as part of the quality assurance/quality control procedures. Rebecca noted that while side streams are being sampled it will be a number of years before enough data is available to make any inferences as to potential point-sources. A report from Rockford Bay is available that describes testing procedures and results – Rebecca will forward a copy to the CCC Chair for distribution to the group.

Jerry Boyd asked if monitoring samples are taken in any of the tributary streams at the same time as those taken from CDA Lake. Rebecca responded that the Tribe and State are jointly sampling side tributaries in the St. Maries/St. Joe watershed under the 3-Year Nutrient Source Inventory which was identified in the LMP. However, there are additional sampling efforts that the State is conducting in northern water tributaries under the TMDL program which is a State mandate. The Tribe has ongoing monitoring efforts on southern tributaries under their Fisheries Program.

At the request of Idaho DEQ and local county commissioners, Tribal staff took a few BEIPC Commissioners and DEQ staff on a tour of bank stabilization projects along the mainstem of the Coeur d'Alene River. The group examined different projects, discussed implementation strategies, and identified both successful and unsuccessful techniques.

Jack Domit, CCC member, asked if anyone was testing water quality in the Spokane River. Rebecca noted that testing was not occurring in the Spokane River under the LMP due to the number of residents along the river that did not want testing to occur. Members who live along the Spokane River that are interested in water quality testing are encouraged to submit those comments to EPA.

## **Basin Commission Updates**

Terry Harwood, BEIPC Executive Director, provided updates related to the Basin Commission work.

**Property Remediation Program.** The program continues to conduct remediation projects and has completed 180 properties this year. 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. During the upcoming winter, Terry will work with the State to develop a list of remaining properties for residential and commercial property remediation. A number of towns would like to be able to say they are “done” with clean-up activities which will require remediation on those properties where permission has been difficult to obtain (e.g., in Mullan where less than 1% of property owners have declined permission).

Some banks have determined that they will not lend money on those properties that have not been cleaned-up or sampled to show clean-up is not required. Some property owners that have gone through the remediation process are even having difficulty with loans, and Panhandle Health District and IDEQ are working with those property owners to provide proof that they have been remediated. Terry noted that if anyone has issues with lending or knows of a property owner dealing with a similar issue to contact him directly.

**Road Remediation.** Terry is continuing to work with, EPA, IDEQ, communities, Shoshone County, and the East Side Highway District on finalizing the road remediation program to address road contamination issues that may affect remedies in the Basin. An inventory of the unpaved roads has been completed and these roads will be addressed with the property remediation program (either regraded with clean fill or capped with pavement).

Paved roads will be addressed by individual road jurisdictions such as counties and road districts using an escrow account set up for each jurisdiction using remediation funds. Terry is working with local jurisdictions to develop an inventory of paved roads and the life expectancy of the pavement and it should be completed by next summer. This inventory includes the status of adjacent properties; if those properties tested positive, then a sample will not be taken from under the pavement (contamination will be assumed). The total dollar amount that will be available for paved road remediation is unknown at this time.

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

James McMillan, citizen, asked if potholes and other paved surface repairs could have been fixed with contaminated materials and if they would be dealt with. Terry responded that they have to be addressed, but how and when will be decided by local jurisdictions. There is no plan to replace asphalt or concrete roads that are in good condition, even if they were built with contaminated materials.

Jerry asked who will be responsible for maintaining any roads that are remediated. Terry responded that once the government completes remediation, it is up to the property owner or local jurisdictions in the case of roads to maintain the barrier under the ICP. Agreements between EPA, the state, and local jurisdictions will be put in place before any work begins and include the stipulation that all parties agree to project implementation before any work starts.

**BEIPC 2012 and Five-Year Workplans.** The BEIPC 2012 and five-year workplans were circulated via email to the CCC and provided as hard copies at the meeting (available online at: [http://www.basincommission.com/TLG\\_Workplans.asp](http://www.basincommission.com/TLG_Workplans.asp)). These workplans are developed and updated every year after soliciting input from participating entities. The 2012 workplan is considered the contract for all of the activities planned by various agencies during the calendar year. Terry also produces an annual accomplishments report that compares the work completed with the activities outlined in the workplan. Activities funded by ASARCO bankruptcy settlement funds via the CDA Trust are also included in the workplans and accomplishments report.

The 2012 and 5-year workplans have been presented and approved by the Technical Leadership Group (TLG) and will be presented to the Basin Commission at their quarterly meeting on November 16<sup>th</sup>. There are some activities that need additional detail in the workplan, but they are waiting on the finalization of the ROD Amendment and will be updated as new information becomes available. CCC members are encouraged to review both workplans and provide any comments to Terry ([terry.harwood@deq.idaho.gov](mailto:terry.harwood@deq.idaho.gov)) prior to the Basin Commission meeting.

Dan Thompson, citizen, noted that the EPA has been in the valley for 27 years and has transported thousands of truckloads of contaminated material on county roads. He lives in Nuckols Gulch and the local roads are in terrible condition because of vehicle traffic from clean-up activities. He asked if EPA or IDEQ was responsible for repairing local infrastructure damaged in clean-up operations since the local jurisdiction is the damaged party. Terry noted that EPA can only repair a road if the land underneath is contaminated due to legislation that dictates how funds can be spent. Jerry clarified that Dan was asking about actual damage done to roads and not typical wear and tear. Terry said that he was not sure how that type of work would be funded as the program can only fund activities related to remedy activities.

Chuck Reitz, citizen, noted that the local jurisdictions could have set load limits on the roads and chose not to impose limits to better cooperate with the clean-up. The roads were never designed for constant traffic of 50,000 lb loads and that decision is now costing local jurisdictions more money for road repairs.

Bill Rust, CCC member, noted that contractors are required to pay property tax if they move equipment into a jurisdiction. Those fees should be available to cover any repairs from their activities.

Dan Thompson commented that state and county taxes are paid for normal wear and tear and that EPA has caused additional damage to the roads.

Terry explained that the only way to get the unpaved roads included in the remediation process was to describe the projects as repair and replacement of a cap on contaminated materials. Any road repair projects would not be considered due to the restrictions placed at the federal level on how settlement dollars can be spent. He noted that that it is unclear if the road remediation project will cover road damage done during the remediation activities.

Jerry noted that all of these comments were welcome and would be captured and presented to the Basin Commission at their November meeting. He also noted that the meetings were open to the public and that it would carry even more weight if citizens came to those meetings

themselves to reiterate these points. He also reminded the CCC that any comments submitted to Terry, Jerry, or Troy in writing (mail or e-mail) would be included in the information provided to the Basin Commission members.

**Flooding Protection and Levees.** There is \$100 million worth of completed projects that are at risk in the CDA Basin if there is a major flood. FEMA has changed how they recognize levees and will not recognize any levy that has not been certified by a federal official. This means that property owners behind levees that have not been certified may need to get federal flood insurance. While EPA has proposed a number of projects in the river via the ROD Amendment there is a need to find a way to address work outside EPA proposals within the CDA River and its tributaries.

- The Silver Jackets are a local group that Terry worked with to submit a request to the Senate Environment and Public Works Committee to conduct a hydraulics analysis of the entire CDA system. The proposal has been accepted but there are no funds available to begin work.
- One potential barrier is the requirement that local entities have to match any federal funding and cannot use other federal funds for match.
- The Silver Jackets are working with the TLG to pilot a project that brings together a team of people to figure out the flood and levy issue. They have developed a draft position paper which will be circulated as soon as it is finalized.

Dan Thompson commented that 27 years ago EPA and IDEQ focused on the premise that the citizens of Shoshone County were being contaminated with lead. The settlement money that came from the mining companies belongs to the citizens and it should be our mayors and county commissioners that determine how the dollars are spent. He noted that EPA cannot ignore the realistic complaint we have on the infrastructure being damaged by clean-up activities. Terry noted that the BEIPC has worked on developing a process for remediating paved and unpaved roads that includes local jurisdictions in the decision making process for available funding.

Jerry noted that the CDA Basin Commission includes county commissioners from the three affected counties, IDEQ, CDA Tribe, Washington State, and EPA all at the table together. Citizens are represented on the Basin Commission via the CCC and have quite a bit of say on clean-up activities. The CDA Basin is the only Superfund site in the country where both the state and local people have a say in clean-up activities.

Bill Rust noted that the problem is in the way that the Superfund bill was written. The federal government did not want settlement dollars to be used on general infrastructure but on actual clean-up activities so they wrote it into the law how dollars could be spent.

Scott Lasley, citizen, asked if the road improvement activities were included in the workplans. Terry responded that they are included in both the 2012 and 5-year workplans and provided the following text:

*5-year Workplan (bottom of page 2):*

Residential and Community Property Remediation including private Drinking Water Sources and the unpaved "Road Surface as Barriers" Program	Continue the residential and community property and private drinking water source remediation program and implement the unpaved "Road Surface as Remedial Barriers" Program for protection of human health as required by the OU-3 ROD.	Targeted Property Sampling complete by 2013. Road surface sampling complete by 2012. Remediate properties as they are mapped and cleared for work and remediate contaminated unpaved road surfaces. Program should be substantially complete at the end of this 5-year period.	IDEQ and/or EPA utilizing CDA Work Trust
--	---	--	--

*2012 Workplan (page 5):*

"Also to be implemented in 2012 is a program to address the unpaved (gravel and dirt) roads in the site from Harrison to Mullan that pose a risk to human health because of surface or sub-grade heavy metal contamination. Many of these roads surfaces serve as barriers to contamination and the condition of the surface and potential level of contamination needs to be determined. IDEQ and EPA are performing an ongoing evaluation program to determine the conditions of unpaved road surfaces and potential contamination. After completion of this evaluation in 2012, a program will be established to remove and replace contaminated surfacing or cap contaminated surfacing to ensure that there is a remedial barrier to exposure and movement of heavy metal contamination resulting from road traffic and storm water runoff on unpaved roads. This new program is included in the BPRP."

**Lower Basin Collaborative Update.** Susan Mitchell, CCC member, provided an update on the Lower Basin Collaborative (LBC). The LBC is a citizen group focused on gathering citizen input on clean-up activities in the Lower Basin (i.e., Cataldo to Harrison) and developing a consensus on the best path forward based on available science. The LBC has made an effort to become part of the CCC via a proposal at the last Basin Commission meeting to update the CCC protocols to include a collaborative. The Basin Commission chose to table that decision until their next meeting, so the outcome is unknown at this time.

The first public meeting of the LBC will be on Tuesday, October 18<sup>th</sup> from 2:30-5:30 PM at the Rose Lake Historical Society Building in Cataldo, ID. The direction and LBC activities will be based on input received at this meeting and the outcome of the November Basin Commission meeting.

Bill Rust commented that he would have attended, but will be traveling and wanted to note that the LBC position paper includes text that the Lower Basin clean-up is still in the early stages and that this is not really true. Clean-up activities for the Lower Basin have been included in the 5-year workplan and EPA is doing a Lower Basin study to refine the 2002 Feasibility Study which lays out all of the clean-up alternatives for the area. Susan clarified that they have done property remediation, developed East Mission Flats, and begun work on unpaved roads and that the LBC position paper was generic and did not go into this level of detail. She also noted that EPA would be at the meeting next week to provide a short presentation on the 2002 Feasibility Study and clean-up alternatives.

CCC members that are interested in attending the LBC meeting or have any questions should contact Susan at [susan@reikihealingarts.com](mailto:susan@reikihealingarts.com).

## EPA Updates

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

**Upper Basin ROD Amendment.** EPA presented an update at the recent TLG meeting last week that focused on their actions in response to the comments received on the amendment. EPA is focusing on characterization sampling (via the Pilot Sampling Program), aquatic benchmarks, activities on the South Fork of the CDA River, adjustments to the ROD amendment, and moving forward with the Hecla and CDA Trust activities.

- There were 6700 comments received from over 1000 individuals on the ROD amendment. Changes are under internal review at EPA.
- EPA is evaluating a number of changes to the clean-up locations and in some cases locations will be removed from the ROD if there is no apparent risk or threat of release of contaminated materials.
- Findings from the data review may necessitate a larger scale characterization effort and EPA is currently gathering samples at a number of flowing adits in the Basin.

*Pilot Sampling Program Update.* Ed and Troy Lambert, CCC Vice-chair, provided an overview of the pilot sampling program in the Basin. EPA is screening sites that do not have any obvious mining activities and could be excluded from further consideration under the forthcoming ROD Amendment because there was no historical or physical evidence of ore production onsite. To make this determination they are examining lead and arsenic levels in soil samples against the clean-up threshold for toxicity to wildlife for both contaminants.

There were 83 candidate sites on the list and a review of historical mining information was completed by the Wallace Mining Museum. The results of this project are being reviewed and will likely affect the sites on the ROD once it is issued later in 2011.

Using funds from another grant program, the Museum is also working with data from the Idaho Geographical Society (IGS), BLM, corporate records from the mines, Bureau of Mines yearbooks, mine inspector records, historical maps, and aerial photographs to determine where mining activity may have taken place throughout the Basin. The museum is working with IGS to digitize all of the data collected for the CDA Mining District over the next 3-5 years and make it easily available to the public.

Currently the project is in the data "milling" stage and Wallace Mining Museum staff members are working to determine what data are relevant to conduct an accurate site characterization and determine what, if any, activities occurred at each site. Once they have sifted through all of the data, the information will be organized by mine site both digitally and physically at the museum. This will provide EPA with the information they need to crosswalk future sampling projects with field sampling results and identify those sites with metals concentrations at or above the decision criteria. Those that are below are candidates for removal from the clean-up list. The resulting database will be inclusive of all sites in the CDA Mining District with future EPA sampling site lists dictating priority of data review.

Chuck Reitz, noted that the museum is doing a great job and that their data is better than what most counties have pulled together. Given the limited resources local jurisdictions are facing this work is greatly appreciated.

*Aquatic Benchmarks:* EPA is working to identify measurable indicators that can be used to evaluate and predict potential environmental improvements prior to full recovery of water quality. Current proposed metrics include:

- Water column
  - Concentrations of dissolved metals in surface water
  - Trout & Sculpin abundance/absence
- Benthic
  - Metal concentrations in the sediment
  - Mayfly and other invertebrate presence/absence
- Riparian habitat
  - Concentrations of zinc and lead in riparian soil at different depths
  - Species density and layering

*South Fork Bank Bio-stabilization:* EPA has conducted field visits to clarify comments raised about typical conceptual designs for the South Fork of the CDA River and will develop a technical memo that describes various changes to conceptual designs that acknowledge localized conditions.

*Potential ROD Amendment Adjustments:* Potential adjustments to the ROD amendment are under review by EPA headquarters. These include:

- Eliminate the stream liner due to its 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).
- Identify areas of strong consensus (e.g., key mine and mill sites, large sources of groundwater contamination).
- Identify contingent actions.
- Adjust the site clean-up list based on the 2011 site characterization work.
- Incorporate aquatic benchmarks.
- Inclusion of revised technical designs related to bank stabilization.
- Elimination of the Lucky Friday complex from the clean-up plan. In addition, operate under established protocols for ongoing coordination between EPA and Hecla.

It is anticipated that the updated ROD amendment should be signed in late 2011 and distributed in early 2012. There are items in the Basin Commission workplan that may need to be amended once the ROD Amendment is completed. EPA will hold meetings with local mayors and county commissioners in November (date TBD), hold a CDA Tribal government to government consultation on November 17<sup>th</sup>, and meet with the Kellogg and Wallace Chambers in early December (date TBD). The implementation plan describing the discrete package of work will be finalized at the time of ROD Amendment completion.

**HECLA Settlement.** A Consent Decree was entered by the Court on September 8<sup>th</sup> which provides \$263 million over the next several years for clean-up activities and identifies protocols

for coordinating work with the local mining companies. Lucky Friday complex was carved out from the ROD Amendment as per the Consent Decree.

ASARCO bankruptcy settlement dollars were placed in the CDA Work Trust to continue to fund work in the Basin. The Trustee hires consultants to do work in the Basin with the dollars provided based on the workplans coordinated and approved by the Basin Commission and EPA. Natural Resource Restoration Trustees received a separate pot of money to use for restoring natural resources involving the USFWS, State of Idaho, USFS, BLM and CDA Tribe. Hecla settlement funds are directed to the government and natural resources trustees who will implement the work directly and not through the CDA Work Trust.

A number of clean-up sites will require transportation infrastructure and re-opening of old or damaged roads. The hope is that some of these roads will remain open after clean-up activities are complete to allow access for fire prevention around communities.

Chuck Reitz commented that the Tribe managed to get \$5 million dollars and we don't know why. The State of Idaho and the federal government also received settlement dollars, but local jurisdictions have real infrastructure problems and have lost business because of the fear over lead contamination and have not received any money. Jerry responded that the clean-up activities at the local level are going through the Basin Commission.

**Lower Basin Update.** Ed noted that anyone interested in detailed data from the Lower Basin should come to the next Lower Basin PFT meeting which is typically held in Coeur d'Alene. It is anticipated that the next PFT meeting will be held in early December, the actual date will be circulated by the Chair.

There were three flood events in 2011 where river flow reached over 20,000 cubic feet per second at Cataldo. Ed described the geography of the Basin and how sediment transfer continues to contaminate the entire alluvial system. During these peaks, suspended sediment sampling was attempted as the river climbed, peaked, and then began to drop back down at multiple locations throughout the Lower Basin. Sampling results showed that high lead concentrations in the South Fork were diluted where the North Fork CDA joins the South Fork; concentrations increased below Cataldo and continued to increase to the mouth of the river at Harrison.

EPA has also deployed tiles out on the flood plain for depositional samples and conducted river bank evaluation using LIDAR at regular intervals after the summer season to note boat wake effects on the shoreline and after high flow events to better understand bank contribution to metals in the mainstem of the River system.

The data are showing very high lead levels being deposited on the flood plain and in lateral water bodies after each flood event when flows exceed the capacity of the main channel. In the Upper Basin, the channels are steeper and are scoured and that sediment is then pushed lower in the valley where water velocity slows and is deposited. This causes contaminated sediment "dunes", or piles of contaminated sediment, to form in the mainstem of the CDA River. These dunes are mobilized in subsequent high water events and transported further downstream. As a whole, the South Fork and mainstem are carrying heavy metals to Lake CDA during each high water event.

Additional modeling is necessary to determine if there are discrete river segments that can be addressed that will have a larger impact on this sediment transport trend. EPA is continuing to collect data to better understand the river system and examine current clean-up actions to determine if they are appropriate for addressing the issue.

Bill Rust asked if a supplemental feasibility study would be necessary and Ed noted that it was possible but that the main work right now is to better understand the system before activities move forward.

Chuck Reitz commented that he was not fighting against the EPA, they have done good work in a number of areas like Lake Erie and the Cuyahoga River, but that the staff turnover at Region 10 and other issues in the Basin are causing the public to not hear the entire truth of what is happening and that is frustrating.

Rusty Sheppard, CCC member, noted that there are remedies in the 2002 Interim ROD and asked what the projection was that EPA may have to go further than what is outlined in the ROD? Ed answered that EPA needs good sediment transport models and that it may take 5-10 years before enough data is collected to feed those models.

Mike Domy, CCC member, commented that he would like to see a River that can support healthy fish and wildlife populations that allow for recreation activities to return. This would help maintain local communities and boost the economy. Ed responded that this objective was in line with EPA's goals for the Basin.

Margaret Guenther, citizen, asked if clean-up activities would ever be complete and if the local communities would be able to go back to using the resources available in the forest (e.g., timber and mining). She is concerned that the populations of local towns have continued to decrease due to a lack of jobs including the closing of mines and that the towns are no longer sustainable. Troy Lambert responded that mining has not stopped in the Basin and that there is nearly a half a billion dollars of mining investments going into the Basin due to the current metal prices. There has been an increase in jobs for young people as exploration geologists, but it's unknown if that will have an impact on local communities. EPA has agreements with all of the local mining companies to not interfere with mining activity.

## **Repository Updates**

Don Carpenter has replaced Andy Mork as the Mine Waste Scientist at IDEQ and representative to the CCC. Don introduced himself and provided a quick update on repositories - he will provide more detailed information at the next CCC meeting in January.

For the Osburn repository site, IDEQ is currently in the characterization phase. The 30% Design Report should be released later this month. This report identifies and analyzes the major project features and alternatives, demonstrates design compliance with the applicable, relevant and appropriate requirements (ARARs) and provides the community the opportunity to comment on the repository design. Although public input on the 30% design is encouraged, there will not be a formal public comment period due to a shift in remedial priorities to Canyon Creek. Any

comments provided by the public will be documented in the design and considered during the formal comment period. A formal comment period on the 30% design will occur when nearby remedial actions dictate the need for the local repository.

Construction of the new access road to the Osburn Tailing ponds and is expected to proceed once FEME approves flood map revisions. At the end of September the EPA provided concurrence with DEQ's evaluation and findings pursuant to the requirements of Section 404 of the Clean Water Act regarding the construction of the new access road through the low quality wetlands.

The Hecla Star Tailings Impoundments northeast of Grays Bridge road in Canyon Creek has been selected as the best repository location to store the waste generated during Canyon Creek remedial actions. EPA received title to the lower portion of the site through the Hecla settlement while the BLM retains ownership of the upper portion of the proposed repository location. EPA and IDEQ will be working with Hecla to coordinate remedial activities. Historical ground water monitoring data is available for the site and in November 2010 one additional monitoring well was installed to assess baseline conditions. The 30% Design work will begin this winter.

Waste generated during remediation of Nine Mile Creek will be stored in waste consolidation areas in the Nine Mile and East Fork Canyons. The waste consolidation areas will be designed to safely and permanently store the contaminated soils.

The Big Creek Repository was expanded during the 2011 construction season by 116,000 yds. This provided the extra space necessary to extend the life of the repository by several years. The construction of the initial north expansion lift was completed in the fall of 2011. Large rip-rap was placed to stabilize the 2 to 1 slope of the initial lift. A decreased 3 to 1 vegetated slope will be maintained until the expansion reaches the final elevation.

At the East Mission Flats repository, the waste soil received through the summer was used to construct a berm around the perimeter of the repository. The berm was graded so that water drains into the center of the repository. Filter cloth and rip-rap will be installed along the out perimeter of the repository to stabilize the out slope against the seasonal flooding that occurs at the site.

## **Communications Project Focus Team (PFT) Update**

Jeri DeLange, BEIPC, provided a brief update on the Communications Project Focus Team (PFT). The BEIPC's Communications PFT and the CCC sponsored a joint booth at the North Idaho Fair in August which was very successful and fun. This was the third year that the BEIPC, IDEQ, and Coeur d'Alene Tribe sponsored a booth and Jeri estimated they had over 2000 people stop and explore the information available. Some of the items in the booth included a large GIS map of the CDA Basin and watershed, photographs of the Cataldo dredge, and before/after photos of clean-up activities. IDEQ also brought a display tube filled with milfoil to show the public which was a good tool to help people identify the invasive plant. Given the outreach success BEIPC will sponsor another booth during next year's fair.

Jerry and Terry also encouraged all CCC members to become involved in the PFTs if they were interested in a particular topic. Terry mentioned that he got the Museum involved in historical research via the PFT and that it was a great way to get your voice heard in the process.

The next Communications PFT meeting will be on October 17th from 1:00-5:00 PM at the Idaho Fish & Game Office in CDA.

### **Next BEIPC Meeting**

The Basin Commission Board will hold its next meeting on November 16 at the Coeur d'Alene Inn, W. 506 Appleway, Coeur d'Alene, 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 9:15 PM.

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

**October 12, 2011**

## **Verbal Comments**

Verbal comments provided at the October 12, 2011 CCC meeting are reflected in the CCC meeting summary and paraphrased below.

## **Written Comments**

None Provided

<b>Comments</b>	<b>Commenter</b>
<b>Lake Management Plan Activities</b>	
Is anyone currently testing water quality in the Spokane River?	<i>Jack Domit, CCC member</i>
Are monitoring samples being taken in any of the tributary streams at the same time as those taken from CDA Lake?	<i>Jerry Boyd, CCC Chair</i>
<b>Basin Commission Updates</b>	
Could potholes and other paved surface repairs have been fixed with contaminated materials? If yes, how will they be addressed?	<i>James McMillan, citizen</i>

<p>EPA has been in the valley for 27 years and has transported thousands of truckloads of contaminated material on county roads. I live in Nuckols Gulch and the local roads are in terrible condition because of vehicle traffic from clean-up activities. Will EPA or IDEQ be responsible for repairing local infrastructure damaged in clean-up operations since the local jurisdiction is the damaged party?</p>	<p><i>Dan Thompson, citizen</i></p>
<p>The local jurisdictions could have set load limits on the roads and chose not to impose limits to better cooperate with the clean-up. The roads were never designed for constant traffic of 50,000 lb loads and that decision is now costing local jurisdictions more money for road repairs.</p>	<p><i>Chuck Reitz, citizen</i></p>
<p>Contractors are required to pay property tax if they move equipment into a jurisdiction and those fees should be available to cover any repairs from their activities.</p>	<p><i>W.C. (Bill) Rust, CCC member</i></p>
<p>State and county taxes are paid for normal wear and tear and that EPA has caused additional damage to the roads.</p>	<p><i>Dan Thompson, citizen</i></p>
<p>Twenty-seven years ago EPA and IDEQ focused on the premise that the citizens of Shoshone County were being contaminated with lead. The settlement money that came from the mining companies belongs to the citizens and it should be our mayors and county commissioners that determine how the dollars are spent. EPA cannot ignore the realistic complaint we have on the infrastructure being damaged by clean-up activities.</p>	<p><i>Dan Thompson, citizen</i></p>
<p>The CDA Basin Commission includes county commissioners from the three affected counties, IDEQ, CDA Tribe, Washington State, and EPA all at the table together. Citizens are represented on the Basin Commission via the CCC and have quite a bit of say on clean-up activities. The CDA Basin is the only Superfund site in the country where both the state and local people have a say in clean-up activities.</p>	<p><i>Jerry Boyd, CCC Chair</i></p>
<p>The problem is in the way that the Superfund bill was written. The federal government did not want settlement dollars to be used on general infrastructure, but on actual clean-up activities so they wrote it into the law how dollars could be spent.</p>	<p><i>W.C. (Bill) Rust, CCC member</i></p>
<p><b>Lower Basin Collaborative</b></p>	

<p>I would have attended the kick-off meeting, but will be traveling and wanted to note that the LBC position paper includes text that the lower basin clean-up is still in the early stages and that this is not really true. Clean-up activities for the lower basin have been included in the 5-year workplan and EPA is doing a lower basin study to refine the 2002 Feasibility Study which lays out all of the clean-up alternatives for the area.</p>	<p><i>W.C. (Bill) Rust, CCC member</i></p>
<p><b>Pilot Sampling Project</b></p>	
<p>The museum is doing a great job and their data is better than what most counties have pulled together. Given the limited resources local jurisdictions are facing, this work is greatly appreciated.</p>	<p><i>Chuck Reitz, citizen</i></p>
<p><b>Hecla Settlement</b></p>	
<p>The Tribe managed to get \$5 million dollars and we don't know why. The State of Idaho and the federal government also received settlement dollars, but local jurisdictions have real infrastructure problems and have lost business because of the fear over lead contamination and have not received any money.</p>	<p><i>Chuck Reitz, citizen</i></p>
<p><b>Lower Basin Update</b></p>	
<p>I am not fighting against the EPA, they have done good work in a number of areas like Lake Erie and the Cuyahoga River, but the staff turnover at Region 10 and other issues in the Basin are causing the public to not hear the entire truth of what is happening and that is frustrating.</p>	<p><i>Chuck Reitz, citizen</i></p>
<p>I would like to see a River that can support healthy fish and wildlife populations that allow for recreation activities to return. This would help maintain local communities and boost the economy.</p>	<p><i>Mike Domy, CCC member</i></p>
<p>Will the clean-up activities ever be complete? When will local communities be able to begin using the resources available in the forest (e.g., timber and mining). I am concerned that the populations of local towns have continued to decrease due to a lack of jobs including the closing of mines and that the towns are no longer sustainable.</p>	<p><i>Margaret Guenther, citizen</i></p>