

4-20-05 Citizen Coordinating Council Meeting

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

Attendees (who signed in and/or announced themselves)

Jerry Boyd
Lloyd Brewer
Jeri DeLange
Jack Domit
Dave Enos
Lisa Hardy
Terry Harwood
Jim Hollingsworth

Kristy Reed Johnson
Woody McEvers
John Snider
Rob Spafford
Vinetta Ruth Spencer
Mark Stromberg
Kathy Zanetti

Meeting Overview

The April 20, 2005 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission) covered the following topics:

1. CCC Elections
2. BEIPC Board Activities Update
3. CCC input on 2005 BEIPC Workplan
4. CCC views on BEIPC for upcoming board meeting

Opening

CCC Chair John Snider chaired the meeting. After his opening welcome, all participants introduced themselves, and John reviewed the agenda.

CCC Elections

John Snider announced that he had been re-elected as Chair of the CCC and that Kathy Zanetti had been elected Vice-Chair. John and Kathy described their good working relationship over at least ten years of involvement together on Basin issues. They are looking forward to working cooperatively over the next two years and plan to share many responsibilities.

BEIPC Board Activities Update

Executive Director Terry Harwood went through a handout describing the following BEIPC issues:

- Clean Water Act Project Grant Work
- Current BEIPC Commissioners
- BEIPC Meeting Guidelines
- TLG Voting Procedures and Executive Director Support

He also discussed the annual accomplishments report.

Clean Water Act Project Grant Work

Terry went through the draft summary of the \$1.98 million Clean Water Act grant request to EPA for projects approved by the Basin Commission board in November 2004 and February 2005. He clarified that all of these projects have been approved by the BEIPC. The grant money will be received by Idaho DEQ and then disbursed as subgrants once project leads provide invoices to him as BEIPC Executive Director.

Terry received comments from EPA on the grant request on April 20, 2005, and he is now working on revisions. Substantial revisions to a few of the project descriptions will be needed. Terry went through the objectives of each of the CWA projects, all of which have been described in materials previously distributed to the CCC.

In response to a question about how Mica Bay fit into the BEIPC mandate, Terry clarified that it fell within the scope described in the Memorandum of Agreement for work on issues related to “adoption and implementation/coordination” of the Lake Coeur d’Alene Management Plan.

Current BEIPC Commissioners

Terry provided the current roster of BEIPC Commissioners and their positions, as follows:

- Sherry Krulitz (Shoshone County)—Chair
- Jack Buell (Benewah County)
- Rick Currie (Kootenai County)—Vice Chair
- Chuck Matheson (Coeur d’Alene Tribe)
- James McCurdy (State of Washington)—Secretary/Treasurer
- Toni Hardesty (State of Idaho)
- Ron Kreizenbeck (Federal Government)

BEIPC Meeting Guidelines

Terry presented the new BEIPC meeting guidelines, which the board approved at its February board meeting. These guidelines describe opportunities for public comment, how to get on the agenda, and how people in the audience will be recognized. He noted that the guidelines call for an open public session for general public comments as well as—to the extent feasible—public comment periods on each issue before it is voted on by the board. As always, the CCC has its own regular place on the agenda. The guidelines are posted on the Web at www.basincommission.com. There was general CCC support for having public comment periods on issues before the board votes.

TLG Voting Procedures and Executive Director Support

Terry described the discussion and vote at the TLG's February 28, 2005 meeting on how to interpret TLG protocols regarding voting procedures. At the February 28 meeting, the TLG members voted that "each governmental entity meeting the membership criteria has *one* vote in TLG deliberations including selection of the TLG Chair and Vice-Chair." (According to the TLG protocols, the criteria for membership is that members must be "representatives from federal, state, tribal, and local government entities with regulatory or land management responsibilities in the Coeur d'Alene Basin that are or may likely be affected by remedial actions undertaken under the auspices of the Basin Commission.") The TLG's February 28 decision means that all 28 entities currently represented on the TLG have a vote on all issues, including electing TLG leadership. In response to a question, Terry said that a representative of any of the qualifying entities could serve as TLG Chair if elected. The TLG protocols are available at www.basincommission.com.

Terry also noted that the TLG protocols call for the BEIPC Executive Director to "provide administrative support" to the TLG. Going forward, Terry and his staff will support the TLG's conference calls and face-to-face meetings, including writing up call and meeting notes.

Annual Accomplishments Report

The BEIPC accomplishments report for 2004 is complete and has been sent to the printer. It will be posted on the BEIPC website, and copies will be available at the May 11, 2005 BEIPC board meeting. Responding to a question about what was covered in the report, Terry said that it mainly covered work activities on Basin cleanup and not activities such as the ATSDR health study.

In response to a question about Clean Water Act money, Terry said that discussions are continuing on establishing a Project Focus Team (PFT) on funding. Some people have told Terry they are interested in being on such a PFT, and he is seeking other interested people. He indicated that congressional staffers have said they are interested in working with such a group.

CCC Input on 2005 BEIPC Workplan

Rob Spafford, representing the Coeur d'Alene Tribe, presented the 2005 BEIPC Workplan developed by the Technical Leadership Group (TLG) and asked for CCC input. CCC members had been given copies of the workplan in advance of the meeting and had been asked to prepare comments. The TLG will take CCC input into account as it finalizes the workplan for presentation at the May 11, 2005 BEIPC board meeting.

CCC members provided the comments below.

Cost of Projects

- The workplan is missing information about how much individual CERCLA projects will cost and how much the total cost will be. I think the plan should pay more attention to how much projects will cost and how much money has already been spent.
- Even some of the projects that say they were funded last year don't have cost estimates.
- I would like to know when we will have estimates for the costs that aren't included in the 2005 workplan. At what point will the design phase be far enough along that we can have an estimate of costs for these projects?
- Without cost information for the CERCLA projects, I don't think the BEIPC has sufficient information for approving the 2005 workplan. The board is being asked to approve the workplan but it doesn't have the price tag.
- I think the 2005 workplan should say more about the prioritization of the projects. If insufficient money is available to do all of them, which ones should get cut?
- If I were on the BEIPC board, I would want to know what the trade-offs were among the projects. How much is going to be spent on each? Why is each important? What good will each project do? I don't understand how the board can make responsible decisions without the cost figures.
- There should be more information available on how past money has been spent and what it has accomplished. This is important for accountability but also to show what has been accomplished so far.
- There should be an accounting of how much money will come back into the community from these projects. This doesn't have to be that detailed; it could just be expressed as a rough percentage. If there is a leak of money out of the region, we should plug it.
- I'm concerned about some of the talk about how much money is coming back into the community. Realistically, this is a legitimate concern. However, the clean-up should not be viewed as a "public works" project. The real issue is, are the projects necessary and do they produce the expected results?
- Concerns about yard remediation have been presented and documented for more than two years, and yet the program gets funded and even expanded.

Blackwell Island

- The BEIPC should make known what the impact will be from dredging and other activities related to Blackwell Island and other sites along the lake and upper Spokane River. I am concerned about releasing sediments into the water and potentially affecting the aquifer that provides drinking water to the Post Falls/Coeur d'Alene area.
- I'm concerned that people seem to be advocating that the BEIPC address issues at Blackwell Island. Do you really want this to be part of the Superfund activities?

Other

- I am concerned about Mission Flats being considered as a repository area. Any efforts there should proceed very carefully. The Cataldo mission is an important historical site, and there are potential aesthetics issues. The area is also full of wetlands. I wish there were a better site.

- To deal with bank erosion, I think a “no wake zone” solution should be tested in the same way that approaches for armoring the banks have been tested. This may be a particularly important issue around Blackwell Island, because development there will likely lead to more boat traffic.
- Erosion is one of the key issues in the Mica Bay nutrient reduction project, and it doesn’t look like it is being adequately addressed in the project description. The TLG should look hard at erosion between Phases 1 and 2 of this project.
- Page 4 says IDEQ will remediate 300 to 400 yards, but page 9 says just 300 yards.
- The tables describing the Clean Water Act projects (pp. 14-17) are much more detailed than the tables describing the CERCLA projects (pp. 4-5).
- In the Canyon Creek project write-up (p. 25-26), the statement about “no follow-on work” is confusing. It should be re-written to make clear that the CWA money won’t be used for follow-on work. *[Note: this edit may have already been done in the latest version of the workplan]*
- I am concerned about the Institutional Control Plan. Has the public been informed about its provisions? DEQ mentioned that for a resident to plant a tree and dig through the protective barrier after yard remediation required a permit. Could this be true? Are residents advised of this before they allow their yards to be done? If this is true, I find it outrageous if “human health risk” is used to justify this intrusion on personal property rights.”

Other CCC questions and comments came up in the discussion. These are listed below along with responses provided by BEIPC Executive Director Terry Harwood and/or Mark Stromberg of Idaho DEQ.

Q: How will the \$7.5 million for yard cleanup be spent?

A: IDEQ yard cleanups this year were expected to start in Kingston and move up the Basin as weather improved, but work is already under way in Osburn and beyond because of the good weather. Cleanup activity this year will emphasize Mullan. IDEQ estimates that the \$7.5 million will clean up 300-400 yards this year. The costs per yard will be higher, largely because of fuel costs. Costs per yard include mapping, paperwork and owner approval, sampling and lab work, development of cost estimates and plans, excavation of top soil, transport and disposal of soil at the repository, replacement of top soil, and placement of sod and trees (with watering).

Q: Can agencies force people to cleanup their yards? (It was noted that discussion at the time the ROD was signed emphasized that yard cleanups were voluntary).

A: Cleanup laws do allow agencies to mandate cleanups, but this hasn’t been done in the Basin and agencies aren’t planning on doing it. In the Box, when people don’t want their yards cleaned up, the money is set aside to pay for a future cleanup if future owners decide to do so.

Q: Has any study looked at the correlation between children’s health and the cleanup of yards?

A: No studies have focused specifically on the effects of the cleaned up yards. There is a voluntary blood lead study, but there hasn’t been much participation. In general, blood

lead levels are down. (A CCC member pointed out that declining blood lead levels are not necessarily related to the cleanup).

In response to questions about how the BEIPC could approve the workplan without a full accounting of costs, Terry and Mark responded with the following points:

- BEIPC can influence what money is spent on, but it does not approve agency budgets, including EPA's budget. The only money that BEIPC administers is the CWA money.
- In general, agencies know how much money they are going to spend, but they haven't necessarily pinned it down for each project.
- Part of the difficulty of estimating costs is that agencies have different fiscal years from each other and from the BEIPC.
- In some cases, agencies won't have estimated costs until they complete design and planning work, which may take years.
- There are restrictions on spending money for certain things. For example, the \$7.5 million for yard cleanups can only go to activities related to human health.
- All of the items in the workplan are priorities. They don't need to be prioritized because it has already been decided that all of the projects will be worked on. Also, different projects are being done by different agencies and money can't be shifted around among them to address overall priorities.
- It is very difficult to come up with good numbers on how much money is being spent locally and it is often difficult to get good information on how money has been spent and what it has accomplished.

In response to the discussion on Blackwell Island, Terry and Mark responded with the following points:

- The institutional control program for operable unit 3 is being designed, and there are discussions under way at the TLG and elsewhere on what areas it should cover, such as Blackwell Island and sawmills along the lake and Spokane River.
- If the CCC wants the BEIPC to look at Blackwell Island and other areas in the vicinity, it needs to make this clear to the commissioners.

CCC Discussion of the Role of the BEIPC

CCC Chair John Snider asked CCC members to reflect on the role, purpose, and authority of the BEIPC and offer comments that could be presented at the next Basin Commission board meeting. CCC members offered the following comments.

- BEIPC is essentially an enhanced public participation program, and it is more than other areas have. It is as effective as we want it to be. Ultimately EPA is responsible for implementing the ROD.
- One thing the BEIPC should do is track how money has been spent and what that money has accomplished. This could be good public relations for the Basin, emphasizing that things are getting done.

- Originally, the BEIPC was conceived as having funds and authority to direct the cleanup, but the funding never came through. That is why the BEIPC is struggling with issues about its role.
- I appreciate the BEIPC and don't want to lose it.
- The BEIPC should produce a short pamphlet explaining who all of the parties are and what the relationships are between them all. It should be simple and abbreviated, and it should express the positive things that the BEIPC has done.
- Talk about dissolving the BEIPC is just talk. There is, however, mounting frustration that has caused people to leave the CCC and TLG.
- I hope the BEIPC continues.
- The MOA is a helpful document to look at. It makes it clear that the government has the purse strings and the power.
- Remember that the CCC and TLG have only an advisory role to the BEIPC. Everyone has a right to express an opinion in the CCC and TLG, but ultimately it is only advice.
- There is impressive diversity of opinion on the CCC. Everyone is talking to each other now. This wasn't happening before.
- The BEIPC provides the opportunity to squash rumors, build on the positives, get answers for people that wouldn't otherwise get them, communicate with people in the Basin, and educate ourselves about the issues.
- The BEIPC provides a good conduit for getting the word out to people and other entities (such as city councils) about what is going on in the Basin.
- The BEIPC (and everyone else) is struggling without money, but we need to keep working on priorities and plugging away.
- Does the BEIPC really have the power to set priorities?

Terry Harwood provided some responses to the comments, pointing out that:

- The BEIPC does not direct Superfund money. It can influence what agencies seek money for and spend money on (e.g., by setting cleanup priorities), help bring information about local concerns to EPA headquarters, and help coordinate on cleanup issues when needed. Essentially, the BEIPC can come up with a list of things that need to be done and EPA matches it to funding streams.
- Because of the BEIPC, the TLG, and CCC this area has more local influence on cleanups than any other site he's been involved in.

Next Meeting/Upcoming Events

The next Basin Commission Board Meeting will be held on May 11, 2005 at the Idaho Department of Health and Welfare Office, 35 Wildcat Way in Kellogg, Idaho. The agenda has not yet been set. Check the Basin Commission website, www.basincommission.com, for additional details.