

# BEIPC/Citizen Coordinating Council (CCC)

## Meeting Summary Notes

May 17, 2017, 10:00 – 12:00 noon

Health and Welfare conference room, 35 Wildcat Way, Kellogg, Idaho

Jerry Boyd, Chair, called the meeting to order at 10:00 a.m. and each attendee introduced themselves.

### **Signed in attendees:**

Bill Adams (EPA), Greg Bosen (**citizen**), Jerry Boyd (**CCC Chair**), Jesse Butler (Avista), Glory Carlile (BEIPC), Phillip Cernera (CDA Tribe), Joe Close (South Fork Sewer District), Craig Cooper (IDEQ), Julie Dalsaso (**CCC member**), Jack Domit (Spokane River Assn.), Marc Eberlein (Kootenai Co.), Mike Fitzgerald (Shoshone County), Rene Gilbert (EPA), Terry Harwood (BEIPC), Andy Helkey (Panhandle Health), Grant Pfeifer (WA State), Kim Prestbo (EPA), Dan Redline (IDEQ), Bill Rust (**CCC member**), Bruce Schuld (IDEQ), Rusty Sheppard (**CCC member**), Jamie Sturgess (**citizen**), Dana Swift (IDEQ), John Tippetts (IDEQ), Sandra Treccani (WA State), and Valerie Wade (Panhandle Health).

### **Meeting Agenda**

- Open discussion on any issues from the public – Jerry Boyd
- Spring flooding issues – Terry Harwood
- SVNRT repository remediation update – Bill Adams, EPA
- Update on Healthy Communities Workshop – Rene Gilbert, EPA
- CCC future operations and recommendations to BEIPC Board – Jerry Boyd

### **Citizen Discussion of Issues and Concerns**

Jerry Boyd, CCC Chair, asked participants to bring up any issues or concerns dealing with the cleanup for open discussion.

Rusty Sheppard commented that he had a conversation with Marc Eberlein and discovered that the 3 counties did not have any representatives on the BEIPC staff. He reviewed the recommendations that came up from the staff and he is very concerned because he feels that overall the agencies have written some suggestions or points that are generally geared to be biased against the BEIPC Executive Director (ED) and seem to take away responsibilities from the ED and give them to staff. His main concern is that it looks like the input that Tippetts requested that was submitted by the staff resulted in the impression that the staff is for their own agencies. Out of the 7 governments represented on the Basin Commission, 3 were not included. The recommendations also seem to be biased against the counties because the counties (*Benewah, Kootenai, and Shoshone*) are not represented and therefore local government is excluded. He asked for some input back from the staff on why the counties were not represented.

Terry Harwood first responded with some background information on how the staff was created. He looked at past recorded BEIPC meeting minutes and read that support staff members were volunteered by EPA, WA State, CDA Tribe and IDEQ to help the Basin Commission before there was an Executive Director. (*In the September 27, 2002 BEIPC Minutes after an Executive Session, members of the Board of Commissioners offered to support the commission staffing with an appointment of a staff group that “. . . will continue to be employees of their respective agencies, but will provide services to the Commission to advance Commission activities.”*)

Boyd asked who was on the current staff that prepared the recommendations to Tippets. The staff members are Bruce Schuld (IDEQ), Ed Moreen (EPA), Rebecca Stevens (CDA Tribe), and Sandy Treccani (WA State). They had also recognized that the agencies were represented but not the counties.

Sheppard shared that in the original formation of the Basin Commission that the Idaho legislature provided the counties \$60K for work to support county efforts for the BEIPC, but after it was gone (3 or 4 years later) the counties did not have the funds for staff representatives. He shared that at one time there were county representatives involved but none after that time. Bill Rust added that he was one of the original Technical Leadership Group (TLG) support staff and had a contract with Shoshone County but he only asked for reimbursement for expenses such as supplies and mileage. The primary duties concerned the technical side and at that time were for TLG issues and they were not really involved as a designated BEIPC staff. He thinks it would be a good idea for coming up with some money to have county representative(s).

Bruce Schuld commented that he wanted to make sure that there was not a perception leaving this meeting that the counties were excluded. He clarified that since there were not any staff members from the counties, they were simply then not available as part of the BEIPC staff. However, Boyd wondered if there were any efforts to obtain information from the counties by e-mail or any other communications.

John Tippets, Director of IDEQ, explained that he had asked at the last Basin Commission meeting in February that the BEIPC staff submit recommendations to him about operations so that they could use them in their organization. He noted that it was never his intention to not hear from the counties or any other organizations or to diminish Terry Harwood's role as the BEIPC Executive Director or to have staff take over any of his role. He said that he intended to clarify the roles of the ED and the CCC to gather suggestions for ways to get more input and to more efficiently gain more public involvement.

Phillip Cernera said that his thought was that as a result of the participation assessment, the foundational issue was that the Commission itself had not really defined its role with the CCC and CCC felt it was being kept out of the loop and that the BEIPC board was not. He added that his perspective is the same as Tippets and it is not his intention to minimize CCC at all but to clarify the expectations to raise or to reduce expectations of what we do as a CCC as well as a board. The board is open to listen from the CCC

Rust added to Sheppard's comments in support of Terry Harwood, that the ED is a conduit for input into the whole process. Rust said he feels the problem of the other staff people is that every agency has its own agenda and what they want to do and Harwood represents all the agencies and will listen and sort out.

Boyd emphasized that he has always viewed the role of CCC as being a conduit to get information to and from the public and out to the CCC. He forwards things to Terry Harwood because he knows that he will get the information out to and from the public. CCC has also facilitated meetings for EPA and got the information out about the meetings for them. He added that CCC is more than happy to help facilitate meetings to help any agencies in regard to cleanup activities information sharing.

Julie Delsaso commented that she has had plenty of opportunities too but give input but she needs clarification of what the decision making capacity of the Commissioners is and hopes that it comes out

in the process and also what the outcome is for the recommendations for CCC. She wants to know the rules are for the meetings. Boyd noted that CCC presents the information but does not make any decisions.

### **Spring Flooding Issues**

Joe Close commented about the flooding issues in south fork and groundwater infiltration. Rust commented that he has a creek channel at his place and he is thankful to EPA for rock because he would have lost a lot of real estate this spring without that protection. He asked about the culvert that blew out or collapsed in Canyon Creek. Bill Adams explained that Hecla responded right away and were right on top of making repairs. Helkey added that the problem was not due to incapacity; they will be doing replacement primarily due to improper installation and that they had things cleaned up within a couple of days.

Harwood shared that the side drainage projects that were done under remedy protection worked quite well but they fixed a flooding issue at the hospital area. He also announced that they had compiled a drainage inventory that he gave to all the local road jurisdictions and now he is working on a way to reduce flood insurance by going to FEMA with an analysis to determine if the 50 year rain on snow event data will compare with the 100 year flood event data to submit a petition for revised FEMA flood maps. He added that he did not see any big problems this year with flooding. Helkey agreed that with all the rain that surprisingly there was less property damage this year than in previous years.

Boyd asked about the lower basin and the high water Adams reported that there was not a lot of damage during peak flooding and that they collected data. Boyd also asked about the new bank stabilization pilot project that was done and Prestbo said it held up very well.

Rust shared that in the ROD there is \$125M for work for cleaning out the contaminated sediment in the stream channels. Adams agreed that they are making progress but is a low priority right now. Rust thinks that they should get the engineering and the planning started and EPA needs to define what they intend to do. Adams responded that they are looking at it but need to set their priorities and address the large source areas and waste disposal for the future.

Dalsaso commented that although there is not a remedy in the ROD about lead loads into the CDA Lake, she feels that the ICP should be addressing it and expand the boundaries to help protect the lower basin to and/or around the Lake.

Certera shared that the ICP covers down to Harrison and cuts out an area around the Lake so there is not a remedy for the CDA Lake and therefore ICP does not cover it.

Harwood said that he had worked on the ICP boundaries but he had to compromise in order to submit it to the legislature to approve the ICP. Sheppard added that under the Clean Water Act (CWA) that the Spokane River is being handled by an active group and that group is doing a good job. However, he stated that the bigger effort is what is going to be done in the Lower Basin that the EPA has been studying for the last 10 years and are still studying. He commented that there needs to be action and get started on what is to be done in the lower river. There was a Lower Basin Collaborative but the group got disgruntled about not having anything done and so disbanded. Adams responded that they are working on pilot projects and things such as thin layer capping on wetlands and monitoring before

beginning these other projects in the Lower Basin. Sheppard wondered when the EPA reports will be coming out so we can understand what is going on.

Eberlein commented that the problem is the public reacts as if it doesn't know what is going on because they get frustrated. They do not get involved because they have not been participating all along.

Kim Prestbo gave an update that they have 2 major reports coming out now and agreed that EPA has a lot of information available in other reports. She said there is not an obvious silver bullet or location or reach or type of morphology in the river to significantly impact the flux of what is going into the Lake, but they are partnering with some agencies with focus on the wetland areas in trying to identify the impacted wetlands, doing additional research on techniques to move forward in the wetlands in the next few years.

Sheppard said he agrees with Prestbo but is asking for the CCC to be somewhat more informed about what is being done to inform the public by receiving more information from the EPA in order to decide what to do and know what is going on. Cernera noted that there have been ongoing presentations and information sharing at BEIPC and CCC meetings so he wonders what the EPA is doing wrong in getting out information. Sheppard responded that the issue is how to get it out to the public and the minority of the people is interested in presentations and the majority need additional ways to connect.

Eberlein gave an example of the lack of public participation that he has experienced in local government. Boyd shared that we send out information by e-mail, flyers, and on the web. Adams added that EPA has a large email distribution list to disseminate information. They use every tool available to get information out but many people do not take advantage of them. They complain about not getting the information but then say they do not use the internet, have e-mail, do not go on the web sites or go to the local stores where flyers are posted or read the newspapers. Schuld stated that the public needs to step up and seek information from various sources available.

Rust asked if there are also budget constraints for where project sites being done and Adams said yes and also because of priorities.

Harwood announced that he is thinking about having the BEIPC August tour in the Lower Basin so the public can see what is being done so he will be asking for information and logistics.

Eberlein commented on how we train people to be apathetic. Boyd asked who has an answer for Julie Dalsaso. (*No one responded.*) Cernera then commented that there are some things we just do not have an answer.

Joe Close asked if there is a way to communicate to the homeowners about the discharge of the storm water. Adams explained what the CTP is designed to treat the highly concentrated groundwater from the Bunker Hill Mine and not designed for treatment of the lower concentrated storm water. Rust added that they have a convoluted tangled regulatory problem and solutions for water quality.

### **SVNRT repository remediation update**

Adams reported on the Repository work in Burke Canyon plans. EPA came up with plans to address the Silver Valley Natural Repository (SVNRT) seep issues and increase the capacity. They are in the

process for responding to comments from the Open House held on April 5 and the comment period. To address the concerns regarding truck traffic, they will reinforce speed limits and cover loads by signs and communicating these with the contractors.

Rene Gilbert, Community Liaison, added that before the open house she distributed flyers and contacted government officials and many interested parties including going door to door in the community. Overall, the community viewed the plans positively. Boyd added that he would like this kind of information to be shared so that he can also distribute it to CCC contacts by e-mail. Gilbert agreed that they will report efforts and feedback and that she will do all she can to distribute information when contacted to encourage the community to get together.

Cernera asked how long the repository fix will take and the cost. Adams said he will provide the information when he has it.

Harwood requested that the public relations folks report on what is going on and share the community issues they see or hear about to Boyd and Harwood. Boyd then could bring them up at a CCC meeting.

Regarding the repository open house, Boyd commented that he heard that wild game crossing was also a concern. Gilbert agreed and added that the capping was a consideration in regards to game.

#### **Update on Heathy Communities Workshop**

Bill Adams reported on the Health Issues workshop on April 11 with 48 attendees. He commented that they developed a resource list and contact list. Panhandle Health District (PHD) was a key factor for sharing of information of what they do and for follow up. Harwood reported that BEIPC added the contacts given by PHD to our e-mail mailing list.

Adams announced that he is putting together information in a summary report about the CDA Trust and what is happening for implementing the work under EPA direction and oversight.

Boyd asked if there will be funds to remediate the Lower Basin. Adams answered that is also their concern in the budget. Models indicate that with a budget of about \$25M a year and continue to grow the trust funds is a good plan. The funds from the Hecla settlement went into the Special Account (SA) and the current balance in that account is about \$28M. Rust then suggested that Adams put in their EPA report why we cannot spend money in the Box and Boyd wondered how they prioritize their spending.

Cernera asked about the attendees at the workshop and Adams said about one-half were from the public.

#### **Future Operations and Recommendations to BEIPC Board**

Boyd brought up the future expectations of the CCC and how best to do that and suggested focused meetings. Rust commented why the CCC was created and the goal to gain public participation. Schuld summed up that they are helping people to understand why they should participate and help people connect the dots for the different groups.

Meeting Adjourned at 11:55