

07-11-12 Citizen Coordinating Council Meeting

Lake City Community Center - 6:30 PM to 9:00 PM, Coeur d'Alene, ID

Attendees (who signed in and/or announced themselves)

Bill Adams	Jim Gosz
Jerry Boyd	Rene Gilbert
Jase Brooks	Denna Grangaard
Jeri DeLange	Terry Harwood
Julie Delasso	Troy Lambert
Bonnie Douglas	Andrea Lindsay
Kristen Durance	Ken Nichols
David Fortier	Carol Young

Meeting Overview

The July 11, 2012 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission or BEIPC) covered the following topics:

- Open Discussion on Basin Cleanup/CCC Issues
- Basin Commission Updates
- EPA Updates
- Lower Basin Collaborative Update
- Repository Updates

CCC Chair Jerry Boyd chaired the meeting. Brief introductions were provided by meeting participants and Jerry provided a short introduction to the CCC for new meeting attendees. Jerry also encouraged participants to bring up any questions or subjects they would like discussed at this and future CCC meetings.

Open Discussion on Basin Cleanup/CCC Issues

Jerry Boyd asked participants to bring up any issues or topics to discuss.

David Fortier, CCC member, asked when the CDA Trust workplan for activities this summer would be available to the public. He noted this question had come up at recent LBC meetings from a couple of participants and that the public is very interested in staying connected to the work that will occur in the near-term.

Bill Adams, EPA, responded that the Basin Commission one-year workplan outlines the general work. EPA also has a detailed workplan for Ninemile Creek activities that can be emailed to any interested party and they are developing a workplan for the Lower Burke Canyon Repository which will be available to the public soon.

Terry Harwood, BEIPC Executive Director, noted that some work had been planned in the Upper Basin but that clean-up material is currently being sent to East Mission Flats (EMF) because there is not enough funding in the budget to have both repositories operating at the same time. The ICPs disposal

areas will be run at both but clean-up material will be managed between the two sites so that only one is operated at a time.

Jerry asked what kind of contaminated soils are going to EMF. Terry responded that it was mostly material from the yard clean-up program and some initial driveway work done in the Lower Basin.

Jerry also mentioned that at one of the Lower Basin Collaborative (LBC) meetings participants expressed concern about contaminated soils and the possibility of vegetation and/or animal uptake (e.g., animals grazing on potentially contaminated land). Terry said that he didn't believe that lead is currently a problem with regards to uptake and Bill Adams agreed. Bill also described some of the impacts that occurred before the clean-up began on cattle and horses that live on contaminated soil.

David said that contaminant uptake in animals was still an issue for people on lower lands (e.g., living inside the floodplain). These residents have been warned about the potential issue so incidences of animal uptake are decreasing. He also noted that horses graze on loose hay laid down on top of dirt which makes them more susceptible to ingesting contaminants. For the most part, residents are aware of this issue and know to move pasture animals to areas that are not contaminated.

Jerry asked what EPA planned to do on larger properties that house both people and animals. Terry said that the property remediation program is focused on human health and that he is working on the final document that describes how the yard remediation program will be completed. Bill added that there are also situations where homes are located in areas that have the potential for recontamination and that remediation for these locations may be put on hold until that risk is decreased. This will be assessed on a case by case basis.

Ken Nichols, CCC member, asked if it would be cheaper to move families in these locations. Terry answered that most people did not want to move even when a buy-out option was offered.

David commented that people were worried that the government might get heavy handed and that in the lower basin he is concerned about the human health impact of contaminant uptake in vegetation. In some places vegetation has been planted to hold on to contaminated soils with the recognition that those areas might have to be remediated in the future but that the vegetation was better than pavement or rock.

Julie Delasso, CCC member, brought up the issue of CDC revision of the lead health levels on behalf of Bonnie Douglas. Terry noted that he can speak to that during his Basin Commission updates. Julie also noted that Agency for Toxic Substances and Disease Registry held a school session on the Community Lead program and may have a good contact to come and speak to the CCC about these changes. Bill Adams offered to contact them to find out who might be available.

Technical Assistance Services for Communities (TASC) Needs Assessment

Andrea Lindsay announced that the TASC Needs Assessment is now available online at: www.community-plan.net/tasc_bunkerhill. This assessment was developed by an independent contractor via four community meetings and interviews with about 25 local residents (volunteers). The report includes a summary of the findings and associated recommendations to meet the needs identified by residents. This is an excellent resource on what assistance needs are important to people living in the Basin and will help prioritize outreach and education activities for the upcoming year.

Julie said that when she was interviewed she asked about the Forest Plan - this could be an example of something that citizens could use some assistance interpreting for their property.

Troy Lambert, CCC Vice-chair, commented that the needs assessment is a great resource and the CCC needs to figure out how to take advantage of the information collected. How will we implement the assistance needs identified and should the Basin Commission use group meetings like the CCC or other forums to provide experts the opportunity to give information.

Andrea noted that part of the decision process will include how much funding will be available for the TASC program. TASC doesn't have to be the single resource but can help groups like the CCC network with other entities like the University of Idaho.

Basin commission Updates

Terry Harwood provided the following updates related to the Basin Commission work.

Road Surface Remediation Program. Terry is continuing to work with, EPA, IDEQ, communities, Shoshone County, and the East Side Highway District on finalizing the road surface remediation program to address road contamination issues that may affect human health in the Box and Basin. A sampling inventory of the contaminated public unpaved roads is underway and should be completed by the end of this summer. Any contaminated unpaved roads will be addressed with the Basin Property Remediation Program.

In a lot of communities the roads are made of or built on contaminated material which is deteriorating and becoming a method for contaminating properties that have already been remediated. The sampling inventory will inform how road segments are cleaned-up each year as the project moves forward. This year a pilot project has been set up to see how the process works (engineering needs, timing, etc.) which will be used when the program goes out for competitive bidding next year.

Paved roads will be addressed by individual road jurisdictions such as counties and road districts using an escrow account process set up for each jurisdiction using remediation funds. Terry, EPA, and IDEQ are working with local jurisdictions to develop an inventory of contaminated paved roads and determine the life expectancy of the pavement. Roads with life expectancy of less than 10 years will qualify for remediation and be included in the list provided to local jurisdictions. A Board of Directors will be established to review project proposals in each jurisdiction. There is approximately \$30 million available for paved roads inside the Box and approximately \$24 million for paved roads in the Basin.

Ken Nichols asked about the timing of the funds, specifically when each jurisdiction will know how much they will receive. Terry answered that the plan is to mail out the policy documents to the jurisdictions once EPA signs off on the plan. The August 15th Basin Commission meeting will include a four-hour workshop on budgeting and funding and a discussion on project priorities. Terry will start to meet with local road jurisdictions towards the end of August/early September. The plan includes a provision that allows 10% of the funds to be used by jurisdictions for initial hiring of engineers to develop project plans so that on-the-ground work can begin in 2013.

Julie asked if the JTI training will help people when they bid on the contracts. Terry responded that the JTI program was focused more on individual training to help citizens work for contractors who might bid on these projects.

Remedy Protection Projects. A number of remedial action projects have been considered in the valley for both residential and commercial properties that require protection from future flood damage. The ROD Amendment includes a list of remedy protection projects that address issues like side drainage problems and storm water drainage in the communities. This year inside of the Box, projects include areas in Smelterville and Wardner, in the Basin the CDA Trust will be conducting projects in Meyer Creek and Mullan. All of these projects were already identified as necessary infrastructure improvements for the community so they are achieving two goals – protection of a completed remedy project and completion of important infrastructure projects for the local community. They can be funded under Superfund because they address the protection of completed remedy projects.

One key issue for remedy protection projects will be access to private property. Projects will require agreements in place with all landowners for the project and any additional maintenance. Easement language is in the hands of the Idaho Attorney General and EPA lawyers. A single property owner refusing access could keep the entire project from starting. Terry has been talking to emergency preparedness staff, local mayors, and other citizens to try and get buy-in from communities early. Additional community involvement from CCC members may be helpful as projects begin.

August Basin Commission Meeting. The upcoming August Basin Commission meeting will focus on the development of the 10-year plan. Terry and Bill are working together to develop the agenda so that there is ample time for Commissioners to ask questions. The afternoon will be spent touring the Basin with Commissioners to look at locations like the North Face of the Big Creek Repository, Lower Burke Canyon, the Star facility, Woodland Park, and EMF.

Denna Grangaard, IDEQ, noted that she has heard many comments from the public asking for more recreation space (e.g., tent and RV camping). If a repository is capped it would be great if it could be usable for something like recreation. Terry noted that the state will own the land but that it seemed like EMF has many potential uses and could be connected to the existing local trail system. The Lower Burke Canyon Repository may have more limited opportunities but nothing has been finalized for when either location is capped.

Julie asked if a list of anticipated projects (with location) and costs would be made available to the public. Terry responded that a detailed spreadsheet would be given out at the Basin Commission meeting and would include all of the details and project categories.

Terry also noted that while the public will have some input into the overall project plan EPA will have to make the final decisions about the timing of project implementation. The hope is that the Basin Commission meeting is an active discussion that helps inform the decision making process. From those discussions the one- and five-year workplans for the Basin Commission will also be developed for discussion at the November CCC meeting.

EPA Updates

Bill Adams, EPA, provided updates on EPA's work in the Basin.

Update on the ROD Amendment (RODA). EPA is working on a pre-signatory version of the RODA which will be provided to local libraries (for public reading) and sent to stakeholders asking for letters of support/concurrence. This is currently in production and should be mailed out by the end of the week. The comment period is closed but EPA would like the public to be able to see the document before it is

signed. This version will not be made available online. Typically EPA would not make any copies of the RODA available until it is signed because the comment period is closed so this process is in response to congressional staff and county commissioners requesting an additional opportunity to see the RODA before it is signed.

Once the RODA is signed it will be broadly distributed as a hard copy, CD, and electronically via the web and will be available to anyone who would like a copy. This version will include the letters of support from stakeholders and the detailed responses to all of the comments EPA received during the review period. EPA will also hold a press availability session to answer questions and get information out to the public via news outlets. The July Basin Bulletin will make notice of the publication of the signed RODA and a fact sheet will be included that summarizes the important points for the public.

The total number of projects has been reduced in the RODA from 315 to 145 to address public concerns about the scope. These sites were removed due to low priority/risk, sites where work has already been done, or where active mining operations occur. EPA plans to “touch the ground” on all sites that were removed from the list to see how they may fit into future work. Site characterization will continue this year with 140 sites ready for on-the-ground review. The Mining Museum will assist again this year with site history and fine-tuning of the project list. Projects will also focus on data collection in the Lower Basin and addressing recontamination potential from upstream before any projects start.

Terry commented that he was glad that EPA would be reviewing all of the sites removed from the list to ensure they were not adding contaminants to the system but just aren’t apparent right now.

The cost estimates for the RODA are now \$635 Million as compared to the original estimate of \$1.3 Billion. This estimate includes initial construction and ongoing operations and maintenance. Julie asked what the duration was for operations and maintenance and Bill responded that the estimate was based on a 30 year cycle which typically carries out the estimate into perpetuity.

Jim Gosz, citizen, asked if other contaminants were included. Monitoring in the Box near the A4 Gypsum Pond has picked up phosphorus and that is something EPA will watch. The concern would be that this type of contamination has potential impacts to the lake.

The draft implementation plan will be provided to the Basin Commission for review prior to the August meeting. The implementation plan will help layout the process for priority setting, outline the adaptive management process, opportunities for public involvement, and the one- and five-year Basin Commission workplans. The implementation plan needs to be an evolving document and will likely updated as an addendum to the RODA so that a new version can be distributed at the five-year review to reflect changes in the path forward.

Jerry noted that the one- and five-year workplans are completed annually with the one-year workplan incorporated into the five-year plan. The hope is that the five-year workplan can now be more specific based on the prioritization work to be completed by the Basin Commission in August.

Jerry asked if the letters of support are being solicited from specific stakeholders or the broader public. Bill answered that there is a formal process that will occur for identified stakeholders who will be contacted individually.

Repository Updates

Terry Harwood provided a brief update on the repository program including sampling at East Mission Flats and the design status of the Osburn and Lower Burke repositories.

East Mission Flats. IDEQ is continuing to monitor water quality at East Mission Flats and has found no abnormalities in ground and surface water samples taken around the site. Material hauling into EMF will continue for another 6-8 weeks after which the material will be worked and placed to 95% optimum density. The design continues to work well and the topsoil cap that was hydroseeded is now growing vegetation to help hold soil in place.

Big Creek Repository. Material hauling to Big Creek will start in the next week or two and will continue once EMF closes.

Osburn Repository Design Process. A shift in focus put the Osburn design process on hold for a few years. IDEQ will develop a summary of the current state of the design which will describe the additional work necessary to complete the 30% Design phase prior to public comment.

Lower Burke Canyon. Preliminary site design work has begun and a draft design basis report was prepared by IDEQ. The next step is for the 30% Design Report to be drafted by the CDA Trust to provide the community the opportunity to comment on design alternatives. The goal is to have this drafted and available for public comment by December 2012. Any comments that are received during this process will be entered into the record and addressed to the extent possible during development of the 90% Design Report. Right now the focus is to fill any data gaps so that there is a solid baseline data for groundwater, subsurface materials, etc. before any work is done.

Jerry asked if the Big Creek Repository requires a cap to keep people off once it is full. Terry responded that it is not clear what type of final cap is required. The question of public use was also discussed by the group. Deena mentioned that citizens would like to know about potential uses and feel as if their voices are heard. If the public is not asked "what would you do?" and then hears "well we didn't think you could use it" then there will likely be problems.

Terry noted that a cap will cost around \$6 Million dollars so cost is definitely a consideration.

EMF may better lend itself to recreation/public use due to location and surround recreation activities. While Big Creek may not have the same opportunities, it would be good to discuss options with the public at a future meeting.

Jerry commented that he has not seen much information on ground water monitoring but that he thinks it will be a good idea to keep an eye on those data. Andrea responded that the monitoring results are posted every quarter on the EPA website and that an article in the July Basin Bulletin will provide a detailed update to the public.

Jerry said that one question he hears all the time - is the water getting in and being contaminated in the repository? Andrea said that the answer is that the repository is functioning as designed.

David noted that even though the reports say there is no contamination leaking from the repository the public wants to see the current numbers and past history of the area. There is a need to get these data

out into the public sphere in a way that is easy to digest and access. The public does not want to go into a database but rather get the data in summary format so they can see the results for themselves. Julie mentioned that IDEQ has already done that and that she has received a package from them that shows the system is working.

Bonnie Douglas asked that if water is leaving the repository through the culvert on the EMF side – what are the readings downstream and upstream of the culvert? Terry responded that they are sampling the standing water around the repository as it comes in and leaves the repository but not sampling in the river.

The group discussed the water around EMF and the potential for additional outreach to the public on if contaminants are leeching out of the repository. Bill noted that there have been updates at the Basin Commission meetings but that it has been difficult to find a balance between providing enough information and providing so much that it is difficult to understand. Julie mentioned that it may be helpful to invite Don Carpenter to a future LBC meeting to run through the EMF model to help dispel some of the myths that have circulate.

Bonnie mentioned that some of the people commenting about EMF lived in the Basin in 1996 during the big floods and cannot dismiss their experiences. People see the water level against the repository and assume the ground inside is saturated to that level and there will be slope failures. Terry said that the material in the repository face will have some moisture if there is water standing against it but there is filter cloth and gravel in place under the riprap to prevent transfer of contaminants from the waste material. Jerry responded that the bottom line question that needs to be addressed with the public is “are there more contaminants in the water around EMF because of the repository than there would have been otherwise”.

Terry also brought up a comment he has heard about the repositories being temporary and that the material will be moved again in the future. He clarified that this is not the case – the repository locations are permanent and the material will not be removed to transport elsewhere.

Lower Basin Collaborative (LBC) Update

David Fortier, LBC representative and CCC member, provided an update on LBC activities and recent meetings.

There have been two information meetings for the LBC and Ed Moreen, EPA, has provided background information on the Superfund program and conditions within the Basin. The June LBC meeting also included a “citizen’s view of superfund cleanup” presentation by Bill Rust. This provided information from his viewpoint on the public needs and issue in the Basin and provided some broad history of work completed to-date. He brought his stack of CDs of studies to illustrate the amount of information that is available in the Basin. He also reviewed the 2001 Feasibility Study and the different alternatives identified for the Lower Basin.

The last of Ed’s series of learning sessions will be held on August 8th at the Medimont Grange and will include a “show-me” tour on August 18th. The field trip on the 18th will focus on examples of projects throughout the Basin with experts available to answer questions. The agenda will be fleshed out over the next few weeks and circulated via email once volunteers are identified for the field trip.

One discussion item for the LBC is to identify the next logical steps for the group. They are currently soliciting additional volunteers for the steering committee. The LBC is also working with citizens in the Harrison area to try and determine the best way to communicate/outreach to the town.

Jerry asked if the LBC has identified any issues that the public would like to see presented at upcoming meetings. Bonnie Douglas, CCC member, said those items would be listed in the meeting minutes once they are available. The group is trying to clearly articulate those types of questions and concerns and then use additional LBC meetings to prioritize actions. Common questions include:

- What types of activities can be completed now?
- What can we encourage EPA to do?
- Questions about yard remediation and bank armoring (one of the few things where there are examples of effective work being done)
- What can be done in the short-term while larger solutions are developed?
- Does my property really need to be sampled for contamination?
- What are the effects of soil and plant uptake of contaminants?

The LBC Steering Committee is trying to address these questions or refer them to the appropriate EPA staff member. Bonnie also reiterated that a meeting on the CDC changes to the human health lead levels would be helpful. Citizens in the Lower Basin have not been hearing about property remediation for ten years like they have in the Upper Basin. They need more information and education before they will buy into the process.

Jerry commented that there was at least one individual at the last LBC meeting he attended who said he would not allow his property to be sampled. Jerry was surprised at this attitude and thinks it may be due to a lack of education and public understanding of the yard sampling program. This citizen didn't seem to understand how he could benefit from sampling if his yard was in fact contaminated. Terry commented that this would become an issue if he ever tries to sell his property – buyers in the area will want proof that the property has been sampled and remediated if necessary.

One thing that needs to be communicated is that sampling will only be offered to property owners one time – if they say no then they will not be approached again unless the property changes ownership. Bonnie asked if samples were taken in the public right-away closest to the home and Terry responded that a sample would not be taken if the road isn't dirty.

The LBC website does have updated news items along with call information and meeting notes - <http://lowerbasincollaborative.wordpress.com/>. There is also a list of resources where people can go to find information in the Basin. The meeting notes from LBC meetings will also be posted on the Basin Commission website.

Next BEIPC Meeting

The Basin Commission Board will hold its next meeting on August 15th in the Upper Basin. It is open to the public, and an agenda will be posted on <http://www.basincommission.com>.

Adjourn

The CCC meeting was adjourned at 9:00 PM

Presentation of Citizen Comments to the Basin Commission Board

July 11, 2012

Verbal Comments

Verbal comments provided at the , 2012 CCC meeting are reflected in the CCC meeting summary and paraphrased below.

Written Comments

None Provided

Comments

Commenter

General Comments	
When will the CDA Trust workplan for activities this summer be available to the public? This question has come up at recent LBC meetings from a couple of participants and the public is very interested in staying connected to the work that will occur in the near-term.	<i>David Fortier, CCC member</i>
What kind of contaminated soils are going to EMF?	<i>Jerry Boyd, CCC Chair</i>
Contaminant uptake in animals is still an issue for people on lower lands (e.g., living inside the floodplain). These residents have been warned about the potential issue so incidences of animal uptake are decreasing. Horses graze on loose hay laid down on top of dirt which makes them more susceptible to ingesting contaminants. For the most part, residents are aware of this issue and know to move pasture animals to areas that are not contaminated.	<i>David Fortier, CCC member</i>
What does EPA plan to do on larger properties that house both people and animals?	<i>Jerry Boyd, CCC Chair</i>
Would it be cheaper to move families in located within the floodplain?	<i>Ken Nichols, CCC member</i>
People were worried that the government might get heavy handed with regards to relocation (hence the push-back from citizens). In the lower basin there is concern about the human health impact of contaminant uptake in vegetation. In some places vegetation has been planted to hold on to contaminated soils with the recognition that those areas might have to be remediated in the future but that the vegetation was better than pavement or rock.	<i>David Fortier, CCC member</i>
Bonnie Douglas asked that I bring up the CDC revision of the lead health levels during the meeting as a future discussion topic. The Agency for Toxic Substances and Disease Registry held a school session on the Community Lead program and may have a good contact to come and speak to the CCC about these changes.	<i>Julie Delasso, CCC member</i>
Basin commission Updates	

Comments

Commenter

Ken Nichols asked about the timing of the funds, specifically when each jurisdiction will know how much they will receive.	<i>Ken Nichols, CCC member</i>
Will the JTI training help people when they bid on the contracts?	<i>Julie Delasso, CCC member</i>
I have heard many comments from the public asking for more recreation space (e.g., tent and RV camping). If a repository is capped it would be great if it could be usable for something like recreation.	<i>Denna Grangaard, IDEQ</i>
Will a list of anticipated projects (with location) and costs be made available to the public?	<i>Julie Delasso, CCC member</i>
EPA Updates	
Are other contaminants (beyond the typical mine waste) included in the RODA monitoring plan?	<i>Jim Gosz, citizen</i>
Are RODA letters of support being solicited from specific stakeholders or the broader public?	<i>Jerry Boyd, CCC Chair</i>
Repository Updates	
Does the Big Creek Repository require a cap to keep people off once it is full?	<i>Jerry Boyd, CCC Chair</i>
One question I hear all the time - is the water getting into EMF and being contaminated in the repository?	<i>Jerry Boyd, CCC Chair</i>
Even though the reports say there is no contamination leaking from the repository the public wants to see the current numbers and past history of the area. There is a need to get these data out into the public sphere in a way that is easy to digest and access. The public does not want to go into a database but rather get the data in summary format so they can see the results for themselves.	<i>David Fortier, CCC member</i>
Is EPA testing the water leaving the repository through the culvert on the EMF side? If yes, what are the readings downstream and upstream of the culvert?	<i>Bonnie Douglas, CCC member</i>