

TLG CONFERENCE CALL SUMMARY
July 26, 2007

Participants:

Mike Beckwith (Chair)
Rebecca Stevens
Anne Dailey
Bill Ryan

Ed Moreen
Rog Hardy
Terry Harwood
Jeri DeLange (Note Taker)

This summary provides the salient issues. These notes are intended to capture key topics, conclusions, and next steps and not the nuances of the discussion.

Agenda Items: TLG Endorsement of the PFT's Recommendations on Blood Lead

Before the conference call started, Terry Harwood informed everyone that there was new rulemaking on hazardous waste for the State of Idaho. He stated that he would check into it, and if applicable, send it to the TLG.

The TLG Chair, Mike Beckwith, brought up the agenda item for discussion. He indicated that the TLG needed to make a decision on endorsing the PFT's blood lead recommendations so that Rob Hanson could take it to the BEIPC meeting on August 15. He pointed out that there was some missing text in the previous email that was forwarded to the TLG regarding the recommendations. Anne Daily reported that she had obtained the full version and emailed it to everyone.

Harwood noted that he would be making a presentation to the CCC on the PFT's blood lead recommendations because Hanson would not be able to attend the August 1 CCC meeting. Bill Ryan indicated that he was also on the call today to help with the TLG process because Hanson was unavailable. He stated that he wanted to clarify this would precede blood lead testing for this season. Beckwith commented that he believed the CCC would have no disagreement.

Beckwith then asked the TLG for their consensus. Hearing no disagreement, Beckwith announced that the TLG endorsed the PFT's blood lead recommendations from Rob Hanson. Harwood thanked Beckwith and said that he would also let the CCC know of the TLG's endorsement when he makes his presentation to them on August 1.

Round Table:

Harwood: Commented that an elected official from the City of Harrison had contacted him because of concerns about annexing land into the city that may be subject to CERCLA liabilities. He also mentioned that he had received the final reports for the CWA lake model project along with CD copies of the model software. He indicated that he would be sending a copy of the final reports to Bill Adams as well as posting it to the list of completed CWA projects on the BEIPC's website.

Beckwith: Reported that he (as co-author) had submitted edits on the draft Lake monitoring study report to Molly Wood (USGS) and that he was also reviewing the draft Lower Lakes aquatic vegetation study final report.

Harwood: Brought up that he had received an information request forwarded by IDEQ from the City of Wallace engineering department in regards to infrastructure. He said that he provided the information as well as copies of the infrastructure maps, and EPA's paper on CERCLA liabilities for property owners. He also suggested that the utilities in Shoshone County may have to raise their rates in order to fix some of the infrastructure problems related to sanitary sewer and stormwater issues. He said that he hoped to get a report from TerraGraphics to present at the BEIPC meeting and commented that it was interesting the communities were coming together to work with the BEIPC on these issues.

Harwood also informed everyone that he had sent the contaminant management PFT and TLG a copy of his revised draft white paper (Issue Analysis: Contaminant Management for CDA Lake and the Spokane River upstream of Post Falls Dam). He indicated that he would be sending out another draft on Friday to the PFT and TLG; and asked people to contact him if anyone had comments or problems with the document.

Hardy: Asked Harwood if he received the comments he sent on the draft white paper. Harwood replied that he did and that they would be reflected in the new revisions. Hardy thanked Harwood for his efforts and for doing a conscientious job.

Dailey: Remarked that the white paper had been sent to the TLG and PFT; and that she wanted to know if the paper was to be presented as a product of Harwood, the TLG or the PFT. She also inquired about the process for the contaminant management PFT issues.

Harwood: Answered that the white paper was not a TLG product as it had not gone through the TLG process. He explained that he produced the document with PFT assistance because the BEIPC (at the last meeting) requested that he research contaminant management issues with the PFT and write a white paper for the BEIPC. He pointed out that developing the recommendations was not part of the PFT and TLG protocol process because of the request of the Commissioners. Harwood clarified that the document contained conclusions and recommendations of the Executive Director and was requesting a decision from the Commissioners as to their desire to continue with the process or drop it. He suggested that he would present the document as his own if the TLG or PFT had problems with this approach.

Spears: Asked Harwood about Hardy's comments on the white paper and whether he wanted comments on other people's comments. Harwood replied that he was asking people to send him comments on the document, but that he would take comments on other comments. He also stressed that he would receive comments from anyone.

Harwood: Commented that there are several different governments in the Basin Commission and lots of different opinions. However, he pointed out that he still needs to produce staff work when asked to do a job by the BEIPC. He indicated that sometimes he has to interpret a request that is made in general (and is not specific), but that he makes sure to fulfill the request.

Beckwith: Mentioned that he was wrestling with this issue also. He concurred that there was a wide diversion of opinions and proposed that it would be appropriate if the TLG asks for guidance from the BEIPC on whether to move forward (although he feels that there should not be any recommendations made). Beckwith pointed out that Harwood was doing a good job on this issue, but emphasized that some people, including the CDA Tribe, were not ready to make an endorsement. However, he suggested that it may be a valid concept to explore a contaminant management plan for the Lake and Spokane River upstream of the Post Falls dam.

Spears: Said that he agreed with Beckwith. He commented that he would like to go with the process that Harwood was suggesting in the white paper, but that it seemed to him most people did not agree.

Beckwith: Asked the TLG whether there should be endorsement of the draft white paper.

Harwood: Pointed out that he had added more information to the white paper since March. He said that he understood that some people did not want to talk about contaminant management issues such as contamination to the aquifer, but that it was important because the Lake and Spokane River contribute to recharge as indicated in the aquifer study report.

Beckwith: Suggested that agreement to move forward on the contaminant management issue is contentious with varying opinions and no consensus. He brought up that some people question whether the Lake is part of the Superfund site, and if it needs treatment at all.

Dailey: Responded that the Lake is part of the Superfund site (where contamination has come to lie in lake and river bed sediments) although there is not a selected remedy. She said that she was troubled by some of the items in the white paper and suggested that people need to think about them.

Beckwith: Indicated that he would agree the issue of jurisdiction needs to be settled for contaminant management, but that he did not agree with most of the rest. He suggested that this issue needed to be settled before going further.

Hardy: Commented that Harwood was outlining a list of issues in the white paper that he believed was educational and would be of value to the BEIPC. He stated that with the varying opinions on such issues as whether there should be a contaminant management plan for OU-3, or whether the causeway of the Trail was a repository; that the BEIPC still needed to be aware of the issues.

Harwood: Suggested that the BEIPC would want additional contaminant management information for the next meeting if the white paper did not contain enough to make a decision to move forward or not. However, he pointed out that they may not want to make a decision; and that he believed the BEIPC should provide specific direction on this issue because they are the ones who requested it. He indicated that it looked like he would have to make clear the recommendations in the white paper were his.

Dailey: Brought up another contaminant management issue about the Lake being a repository. She said that she believed a waste repository was a specific thing that was constructed, managed and designed (per Ed Moreen's comments).

Harwood: Said that he disagreed with Dailey as he feels the Lake bottom is a repository of mining-related contamination from sediments naturally occurring brought down by the River. He emphasized that we need to make sure the contaminated sediments stay on the bottom of the Lake.

Beckwith: Suggested that this puts the issue in the realm of the LMP as it pertains to containing sediments and ensuring that they are not released in the Lake. He reiterated that this raises some interesting concepts and valid points that need to be explored further. However, he feels that we are not close to formulating a rule.

Harwood: Responded that this was what he was saying and emphasized that he was not planning on doing a rule for upland activities. In addition, he said that EPA's point was well taken and suggested that waste repository terms need to be better defined. Harwood emphasized that the Lake bottom is a repository for contaminated waste and that the stakeholders need to understand that this Lake is different than others. He stressed that it poses a more complex situation and may require the LMP, TMDLs, institutional controls, or other processes to manage.

Dailey: Pointed out that she had concerns on page 8 of the draft white paper (#4) that say the Lake and slack water will be managed as wastewater repositories as well as natural resources. She feels that this recommendation may be problematic.

Harwood: Agreed with Dailey and said that he would put the recommendation forward as his own.

Moreen: Mentioned that EPA commented (to make a strong case) that it recognized the Lake bottom not as a repository, but as managing waste in place. He suggested that whether the case is made that the Lake is or is not a waste repository; that everyone recognizes there are tons of waste on the bottom and that we need to figure out how to deal it. Moreen said that the EPA's position (in regards to the recommendation on page 9) is that it does not feel the white paper is a PFT product. He suggested that Harwood make it clear that the recommendation is his own.

Dailey: Added that the white paper does not have approval by all of the agencies TLG members.

Spears: Asked people to consider that the document be brought to the BEIPC. He suggested that Harwood could summarize the recommendation as what he thinks; then ask the PFT what they think about it.

Hardy: Suggested that some people may feel this is what the PFT thinks if Harwood summarizes the document.

Harwood: Indicated that he could put all of the comments from various people into a binder for the BEIPC as he feels the PFT would not agree on a position.

Hardy: Said that he believed the document should be summarized.

Harwood: Brought up that if the BEIPC decided to drop this issue, then he would do it. However, he pointed out that he cannot keep referring to 10-15 different opinions.

After further discussion by various parties on this issue, Moreen pointed out that the paper needed to move forward. He indicated that there would be a lot more discussion on this issue based on the direction of the BEIPC. He suggested that Harwood make it clear in the final revisions for the draft white paper what work was done by the PFT and what work was done by him and state that his views are his own. Harwood then asked the TLG's opinion on whether or not they agreed to move forward with this issue. Beckwith said that he feels the need to go forward for further direction from the BEIPC.

Discussion then centered on revising some of the language in the white paper, including a specific request by Harwood for help on the last paragraph. After a suggestion was made to change recommendations to issues, Harwood indicated that he was not willing to take out his recommendations. Beckwith replied that he would not have to take out the recommendations, only change the language from recommendations to issues. Harwood said that he would figure out the wordsmithing for the last paragraph and email the PFT and TLG a copy of the final draft. Beckwith asked the TLG if this would meet their needs and everyone agreed.

Beckwith: Informed everyone that LMP discussions had been scheduled for today and tomorrow, but they had been cancelled as Phillip Cernera was not available. He indicated that a lot of issues were converging now and that the discussions should start to be more focused.

Harwood: Commented that he had seen a change in attitudes by elevating the issues and that people were more willing now to get the work done. He pointed out that communities in the Silver Valley were very interested in helping with infrastructure issues and that it was a refreshing change from the past. Harwood said that he also appreciated the help from EPA and the State for answers to his questions.

Schedule: The next TLG conference call will be scheduled 8/9/07.

Thank you for your participation.