

TLG CONFERENCE CALL SUMMARY

March 22, 2007

Participants:

Brian Spears Chair)
Rob Spafford
Lloyd Brewer
Anne Dailey
Bill Adams

Mark Masarik
Kenny Hicks
Rebecca Stevens
Randy Connolly
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: Upcoming TLG Meeting

The TLG Chair, Brian Spears, informed everyone that he had scheduled the next TLG meeting for May 1. He indicated that he had already filled most of the agenda, but asked people to let him know if anyone had additional suggestions.

Round Table:

Harwood: Said that he emailed the draft 2007 work plan to everyone and that he would like to receive comments back by March 28. In addition, he emailed the new draft five-year work plan and would like to receive comments on it by April 9.

Harwood brought up that he would like to schedule a flood control and infrastructure revitalization workshop for April 18 or 20 and that the workshop would be open to the representatives of the various cities, counties, communities, public utilities, etc. He said that everyone would be notified once the date and location were confirmed. Harwood explained that the first step would be to develop a list of infrastructure needs in the Box and Basin, as well as flooding concerns that could damage the remedy. Then the next step would be to prioritize the items in order to seek grants and other funding sources.

He mentioned that Shoshone County currently has a moratorium on building in unincorporated areas while they are in the process of writing new ordinances. Harwood said that the sewer district contributes a lot of loading to the wastewater treatment plant from I/I (inflow and infiltration), especially in Wallace. Rebecca Stevens questioned whether there were no more sewer hookups. Kenny Hicks answered that there were individual hookups in the incorporated areas, but that no further annexations were allowed into taxing districts due to the I/I issue. Hicks said that the moratorium had been in place for over a year and does not allow large subdivisions or PUDs. He pointed out that this is the worst time of the year for I/I because of the tremendous amount of stormwater.

Harwood commented on Meyer Creek in Osburn and the potential for flooding because of the open channels and culverts. He said that the City of Osburn is working on a grant from the Corps of Engineers and funding sources for approximately \$1.2 million in order to prevent

possible flooding and damage to the remedy. He mentioned that he recently contacted the EPA regarding questions and answers to the Brownfields amendment and liability. Harwood said that the EPA has a position paper regarding this issue under latest news on its web site. He suggested that people take a look (if they are interested) because it has a bearing on if property is remediated, and then floods, that they would not be held liable as long as they have followed the ICP. Otherwise they may be held responsible for the cost to clean up their property.

He also indicated that he asked the EPA for the requirements to delete a city or community. The EPA answered that all of the contaminated property in the area must be remediated for it to be deleted. Harwood pointed out that this may cause some problems of concern in the Upper Basin as property owners thought the cleanup program was voluntary. He said that while it is true that the program is administered voluntarily, those property owners who choose not to have their property remediated may face liability under CERCLA. Harwood suggested that it would be good for property owners to have the government clean up contaminated areas for free rather than to be held personally responsible later. He expressed his appreciation and thanks to the EPA for answering the questions.

Hicks thanked Harwood as a citizen for obtaining the information as he believed that there was a lot of misunderstanding about this issue and that it brings more education to the public. Harwood commented that when he first started the job as the BEIPC Executive Director, he was concerned that there was a lot of misunderstanding by the public; and that he does not want the EPA raked over the coals as they have been honest with providing answers.

Harwood also mentioned that at the last BEIPC meeting, there was some misunderstanding regarding the septic tank rules that were combined with the rulemaking for the Basin ICP and presented to the State Legislature. Harwood clarified that he was not informed of the changes made and that he found out from the newspapers. He indicated that he went down to Boise to present testimony to the House and Senate committees and that the PHD attorney, Jerry Mason, had mentioned that there was a change to the language for septic tanks. No one questioned it, however, because they wanted to talk about the proposed ICP rules for the Box and Basin. He noted that the Legislature removed the sections for calculating the septic tank drain field size before approving the rest of the PHD rules.

Harwood then informed everyone that he would be out of the office during the first week in April for vacation.

Adams: Nothing to report.

Masarik: Nothing to report.

Spafford: Nothing to report.

Stevens: Mentioned that the septic tank issue was very timely with the work going on in the Basin and the LMP audit survey. She commented that last week's presentation at the BEIPC meeting that she and Glen Rothrock made on the LMP audit was interesting, and that she did not realize it would stir up the commissioners. Stevens said that will continue to meet with people in regards to the survey.

Hicks: Suggested that in regards to the PHD inserting additional items into the ICP rulemaking language just to get them approved; it would be better for the PHD to insert them into individual rules.

Brewer: Informed everyone that there would be a WCAC meeting on Tuesday, March 24 at the Spokane Valley Hospital outpatient wing. Presenters and topics of discussion include: 1) Drea Traeumer (WA Dept. of Ecology) on stormwater monitoring for PCBs, PBDEs, dioxins, and furans, and stormwater impacts on Spokane River water quality; 2) Kevin Booth (Avista Corp.) on PCB cleanup behind Upriver Dam and at the Donkey Island site; and 3) Andy Dunau (Dunau & Associates/Center for Justice) on findings of an Ecology/Center for Justice/WCAC survey by Robinson Research of public perceptions and practices regarding toxics and the Spokane River.

Hardy: Nothing to report.

Connolly: Nothing to report.

Dailey: Reported on the sampling for the BEMP (Basin Environmental Monitoring Plan). She mentioned that Greg Carr got the first flush information last Monday; the USGS will be conducting spring sampling at various locations; and that TerraGraphics will be doing sampling in the Box.

Harwood: Brought up the contaminant management PFT and mentioned that there would be another meeting after the BEIPC provides additional direction.

Spears: Pointed out that there were high flows of 25,000 cfs last Monday at Cataldo and 15,000 cfs at Harrison. He brought up that flooding of wetlands was important. Hardy commented that some of the wetlands are fortified with barriers and suggested that all of the wetland barriers be opened if flooding is a good thing. Spears clarified that it was important to know how wetlands are affected by contamination hydrologically. He mentioned that John Lawson (IDEQ) would be making an update on the East Mission Flats repository site which had recently been inundated by flooding and that it would be interesting to see the results.

Harwood indicated that all of the water currently coming down the North Fork was spring runoff from snow that had recently melted the last few days. He mentioned that he had heard that it was as high as 28,000 cfs in some places and that it had flooded parts of Cataldo such as the campground. Hardy suggested that logging practices may have exacerbated it. Harwood replied that he saw little influence of flooding from logging, but that the snow pack was quite heavy and came off in a rush. Hardy said that this would be good data for land groups that would like to shut down logging. Harwood reminded the TLG to send their comments on the work plans to him as soon as possible.

Schedule: The next TLG conference call will be scheduled 4/4/07.

Thank you for your participation.