

TLG CONFERENCE CALL SUMMARY
June 28, 2007

Participants:

Mike Beckwith (Chair)

Rebecca Stevens

Rog Hardy

Kenny Hicks (Vice Chair)

Rusty Sheppard

Bill Ryan

Nick Zilka

Terry Harwood

Lloyd Brewer

Randy Connolly

Brian Spears

Phillip Cerner

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 Item: Discuss if necessary to hold a TLG meeting before the BEIPC meeting in August.

The Chair, Mike Beckwith, asked everyone whether they thought it would be necessary to hold a TLG meeting before the next BEIPC meeting. Bill Ryan mentioned that Rob Hanson wanted to talk to the TLG about blood lead testing in order to get feedback and support before making a presentation to the BEIPC. Ryan said that the PFT had not come up with ideas yet to get a higher number of people out for testing, but that it would be helpful to get the BEIPC's support for a press release. Harwood agreed that it would be good to discuss this issue. Beckwith suggested that it could be discussed in a TLG call. He also indicated that he and Rebecca Stevens would need to leave the call early (at 8:30 a.m.) due to a meeting, but recommended that the other participants continue with the call.

Harwood pointed out that some of the doctors do not perceive there is much of a problem with blood lead levels, but that it may help if he could get funding for an incentive. He said that he tried for two years to obtain funding as one group believes that there are people getting sick while another group believes that everything is ok. His personal opinion is that blood lead levels are in good shape; however, he reminded everyone that we are remediating lead in the soil, not remediating lead in the blood of humans.

Rog Hardy commented that he attended a meeting in Kellogg with Rob Hanson and the local doctors, and that some of the doctors talked about establishing a baseline. He pointed out that statistics may be low, but we may find sick kids if more children were tested. Harwood suggested that Beckwith and Hanson get together to decide what to do. Hardy recommended that the PFT work on this. Beckwith agreed that it would be good to let the PFT formulate a position statement, and then it could be circulated to the TLG and discussed by conference call if it needed approval. He indicated that the TLG would need to get something back before the conference calls scheduled for July 26 or August 12, or as soon as possible if a meeting is needed. Nick Zilka asked who would contact Hanson. Harwood volunteered.

Round Table:

Beckwith: Mentioned that lake monitoring efforts were underway. He said that he was out last week (June 25-26) doing water quality sampling for the CDA Tribe while Glen Rothrock (IDEQ) was out the previous week (June 19-20). The plan is for IDEQ and the Tribe to sample their respective stations in the same week at monthly intervals through the summer and fall.

Stevens: Nothing to report.

Harwood: Brought up the contaminant management PFT and said that he had been asked by the BEIPC to take responsibility for writing a white paper to present to the PFT and BEIPC at the next Commission meeting. He indicated that he would share the draft white paper with the PFT by the end of this week; and that he planned to schedule a PFT meeting the week of July 9. After the PFT discusses the paper, he will take the recommendations to the BEIPC. He asked whether the TLG should review and approve the PFT recommendations before they are presented to the BEIPC and suggested that it may be difficult to resolve on a conference call.

Rog Hardy indicated that the PFT works for the TLG, and suggested that it would go to the BEIPC unless there was controversy. Harwood said that he would email the draft white paper to the PFT this Friday. He mentioned that he was not looking for the TLG to endorse the recommendations, but that he did not want to work on the issue if the BEIPC would not deal with it or endorse developing a product. He suggested that this may include institutional controls for the Lake and River to deal with the contaminant management (or migration), but would be site specific and involve all of the responsible agencies.

Brian Spears pointed out that the Kidd Island Bay proposed dredging is a good example of why the BEIPC needs to be involved. Harwood agreed and mentioned that people are trying to get the State to take the dredged material from Kidd Island Bay to use for fill in the yard remediation program. However, he is not sure if they can do this and indicated that it was approximately 180,000 cubic yards. Spears commented that if this is happening now, then it's good for the PFT to be working on it. Beckwith suggested that the issue (to be dealt with) be considered objectively and not legislatively. Harwood commented that whether it is a rule or process, property owners do not want to pay for it out of their own pocket or have it slow down work on their property. Kenny Hicks asked if sampling would be done and whether it would need to be above the ROD action levels. Harwood responded affirmatively.

Other Discussion – East Mission Flats Repository: Hardy brought up emails about the Tribe not approving of the East Mission Flats repository and asked for clarification. Phillip Cernera (CDA Tribe) responded that there had been lots of rhetoric flying around and letters to the Tribal Council regarding why the Tribe would permit this activity on sacred grounds. He indicated that the Tribe understands the need for repositories in the area, but that they are concerned with the design. Cernera noted that some of the activists got in touch with Tribal people and that he is trying to get the history of why it is happening, so that it can be on the Tribal Council agenda for July 26. He said that the Tribe also would rather see the repository located on the already heavily contaminated Asarco property to the west (but which currently is unavailable), and that the only thing he can do is to provide information from the Tribe's perspective to the Council for

its decisions.

Hardy remarked to Cernera that he appreciated his summary and that he had been talking about the possibility of coordinating the site on Asarco's property for a long time. Cernera questioned how this would match with the Trustees vision for East Mission flats. He also asked why construction was being done on the site when it was only at the 30% design phase (with public comment being taken until July 6); and why the construction began now if there was enough room at the Big Creek repository. Harwood answered that the Basin ICP rule went into effect on July 1, and that a requirement for the Legislative rule and Panhandle Health District's management was a place for the contaminated waste material generated in the Lower Basin. He pointed out that it would be difficult for people in Medimont to haul excavated material all the way to Big Creek. Cernera remarked that it was disingenuous to have public comment on the 30% design report when construction had already started and commented that it was also an example of poor coordination. Hardy said that he had been pushing for coordination for the last three years. He suggested that the only way to make changes would be to get in touch with the State Legislators and Governor.

Harwood replied that some people were missing the point of the whole process as it had been going on for the last two and a half years with public meetings, public comment, etc., and was approved by the PFT, TLG, Kootenai County Commissioners, BEIPC, and county planning people. He also pointed out that the State spent the last two and a half years purchasing the property. Hardy said that he disagreed about the purchase of the property as he believed that the State purchased it before the process, but that maybe it had not closed escrow. Harwood disagreed and clarified that the State did check to see if the property could be purchased beforehand to see if the location was feasible. Hardy commented that the fact that Cernera was getting this information says something. Cernera reiterated that an "only 30% design" does not denote digging dirt. Harwood replied that he understood and the point was well taken. However, he noted that what Barbara Miller's group said is misleading because it was not true that there was no public discussion and that the public was told to be quiet. He said that he had been at every public meeting and this did not happen. Cernera agreed.

Stevens asked where the approach to the repository was. Harwood answered that it was off the side of Old Highway 10. Beckwith proposed that the PFT should work on this. He then notified everyone that he and Stevens needed to leave the call early and wished everyone a good 4th of July holiday.

Other Discussion – Contaminant Management: Lloyd Brewer inquired whether the draft contaminant management plan would go back to the TLG because he preferred to keep the process intact and get an understanding from the BEIPC of their intent. Harwood agreed that it should go through the TLG process and suggested that people's involvement may drop if it does not move forward. He pointed out that he did some research on regulations for the State of Idaho, Corps of Engineers, etc., and found out that people may not want institutional controls if they have to pay. Brewer asked Harwood if the PFT was splintered on this issue and suggested that if the PFT and TLG were not able to reach an opinion and remain splintered; then it would feel to him that the process was not followed. Harwood clarified that the PFT had gone through the process and he had written a white paper, but that Kootenai County does not want to have to

pay for it. He emphasized that most people want it, but they do not want to pay. He feels that if the BEIPC makes recommendations, then the legislators will have to decide on this issue.

Randy Connolly said that he asked the EPA to take a look at the data along the Spokane River to see what kind of contamination we are talking about. Harwood responded that contaminant management on the Lake and River (i.e. for excavation and dredging) is the only issue discussed so far by the PFT. The other main issue of nutrient loadings resulting in the release of metals has not been discussed yet at the PFT. Connolly replied that the whole reason the EPA agreed to exclude the Lake from ROD remedies was as long as the status stayed in the present condition for management.

Harwood then brought up that some of the developers may want to dredge material out of the bays. Connolly pointed out that the LMP will help to protect water quality in the Lake by monitoring changes in the water chemistry. Harwood noted that it would not help if the LMP is not enforceable. Kenny Hicks remarked that water quality changes in the Lake may result in benthic flux.

Harwood mentioned that the Australians may come to train people on the Lake model. He indicated that they believed the biggest problem with the Lake was nutrient loading. They were concerned about eutrophication because they do not want the Lake to turn into a swamp. Harwood said that one of the Australian scientists suggested that zinc loading (over time) may not retard zinc resistant algae growth and that it may take over the Lake. He also emphasized that algae bloom would be driven by nutrient loading whether there is zinc or not. Harwood stressed that the contaminant management plan needs to include nutrient loading.

Brewer said he would like a copy of the white paper and suggested that he would like it discussed first at the PFT meeting, then at a TLG meeting. Harwood said that there may not be a TLG meeting if there is only one topic to discuss. However, he feels that the contaminant management issue is important, especially as the BEIPC asked about it over a year ago. Brewer agreed. Harwood said that the dredging around the Lake is an issue and that if Idaho is forced to take the excavated material for capping material; he believes that it will not meet standards. He indicated that if the material did qualify for capping, then it may be a good deal as they are using a lot of topsoil from the Rathdrum Prairie. Hicks asked about the composition of the material and whether it was comprised of silt. Harwood said that it may be, but he was not sure.

Hicks said that he was at a meeting last week with FEMA and the COE regarding the dikes and levees in the Silver Valley, and that the information would be beneficial to Harwood regarding the infrastructure if the material could be used for structural material. Harwood replied that if it was silt, then it would not be good. Hicks also brought up the issue of funding to repair the dikes and levees and what happens if it does not solve the FEMA issues in the Silver Valley. He indicated that this would affect who has to buy flood insurance. In addition, since the mandated freeboard is for a 100-year event, he said that it sounds like an unfunded mandate for the Silver Valley. Harwood said that it sounds like that to him because then FEMA would not provide insurance for flooding. Hicks emphasized that this was a huge issue because it will affect the rates that people have to pay.

Hicks also brought up a FEMA flood map update and noted that he did not like the process as you cannot model the flood map in a hopscotch manner. He emphasized that data changes and that when it is converted from paper to GIS without proper modeling, you may end up with problems. He suggested that the system needs to be addressed and that it also needs to be done with all the bodies of water. Harwood responded that the BEIPC may be of help and an arena for this issue.

Harwood reiterated to everyone that he will send out the draft contaminant management white paper in July and notify the PFT once a meeting has been set up.

Bill Ryan mentioned that at the TLG meeting on May 1, he gave a presentation on the Bureau of Mines site and that he would like to provide an update to the BEIPC at the next meeting.

Schedule: The next TLG conference call will be scheduled 7/12/07.

Thank you for your participation.