

**Interim
Record of Decision (ROD) Amendment,
Upper Basin of the Coeur d'Alene River**

**Bunker Hill Mining
and Metallurgical Complex
Superfund Site**

**Part 3 Section 4.0
Responses to Individual Comments**

United States
Environmental Protection
Agency Region 10

August 2012

Responses to Individual Comments

This section presents EPA's responses to individual comments received on the Proposed Plan. EPA received comments in various forms including letters, emails, and oral testimony at community meetings. The comments and EPA's responses are organized into the following attachments (the attachments are provided in electronic format):

- **Attachment A:** Index of Commenters and Responses
- **Attachment B:** Master Comment List
- **Attachment C:** Responses to Federal Agency Comments
- **Attachment D:** Responses to State Agency Comments
- **Attachment E:** Responses to Native American Tribe Comments
- **Attachment F:** Responses to Local Jurisdiction Comments
- **Attachment G:** Responses to Local Community/Special Interest Organization Comments
- **Attachment H:** Responses to Business Comments
- **Attachment I:** Responses to Individual Comments

Attachment A presents an Index of all comments sorted in two methods. First, all commenters are listed alphabetically by the last name of the person or the organization providing the comments. It provides the locations (Attachment and page number) of the comments and EPA's responses. Second, all comment are listed alphabetically/numerically by the comment number, along with the locations of the comments and responses.

Many comments address similar issues. In these cases, the response for a given issue is provided once. Responses to later comments on the same issue refer to the master comment list where this response is provided. These responses are referred to as "master comment responses" and are found in Attachment B. When using Attachment B, the user may find that the referenced response addresses more issues than he or she raised. In these cases, it is expected that the user will be able to identify those parts of the referenced response that apply. In other cases, a comment may raise multiple issues. In such cases, the user may be referred to several master comment responses for a complete response to all issues raised. An overview of the issues raised and EPA's responses is provided in Part 3, Section 3.0, Responsiveness Summary.

In Attachments C through I, the comments and responses are sorted alphabetically by the last name of the commenter. Each comment letter, email, and oral testimony comment was assigned a unique identification number (e.g., 1365213). Each comment was assigned a unique comment number (e.g., LJ36-1). Many commenters submitted more than one comment letter. In these cases, a separate identification number and comment number were assigned for each set of comments. This approach helped EPA ensure that all comments were addressed.

In Attachments C through I, an image of the original comment is shown on the left side of the page and includes EPA's delineation. The right side of the page presents EPA's response to that comment.

A number of commenters' names were illegible, and these commenters are listed as "Unknown." EPA has included their comments in Attachment I and has responded to the comments where possible.

As provided in the CERCLA statute, Section 117(b), EPA is only responsible for providing responses to each of the "significant" comments, criticisms, and new data. Comments not meeting this statutory criterion have nonetheless been recorded in this section, and responses have been provided to the extent possible.

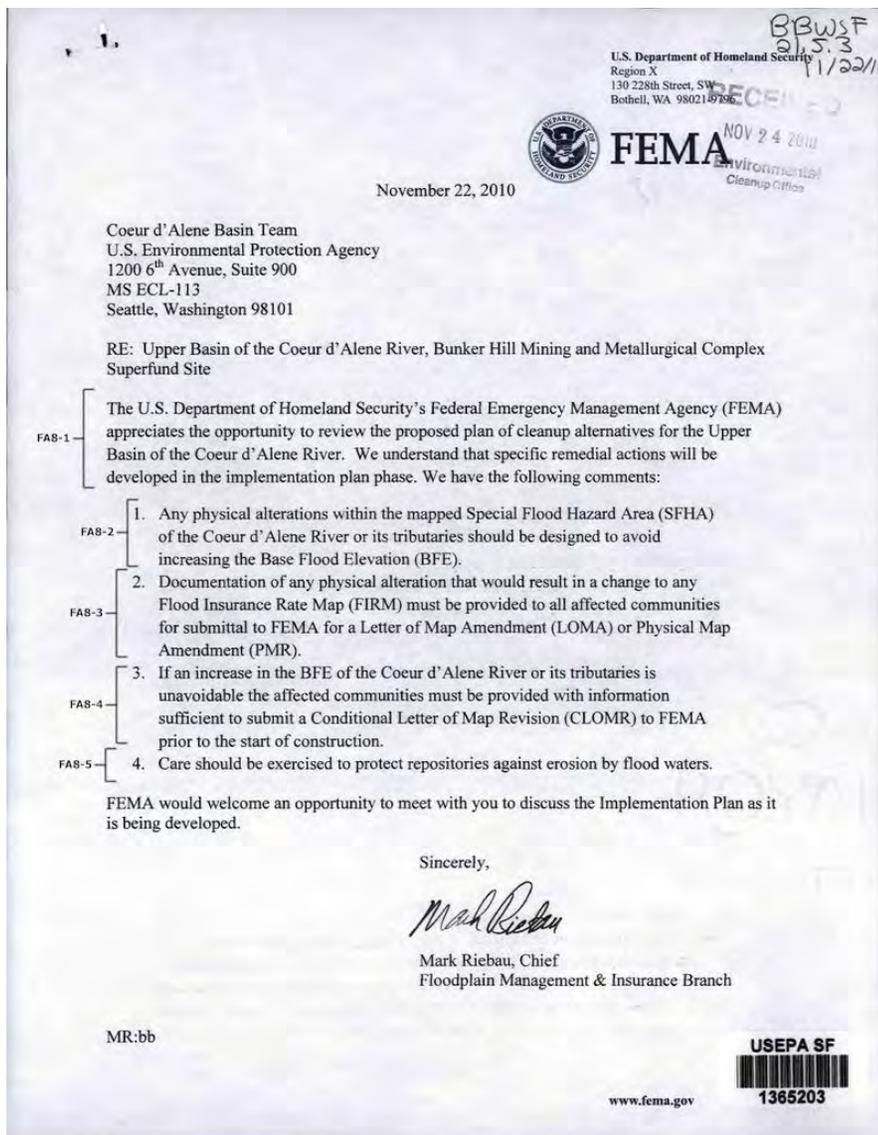
ATTACHMENT C

Responses to Federal Agency Comments

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FEMA, FA8, Letter 1365203	C-1
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FEMA, FA8, Letter 1365203



Response to comment FA8-1

Comment noted.

Response to comment FA8-2

Comment noted. EPA does not expect the Selected Remedy to increase the risk of flooding in the Upper Basin. During site characterization and remedial design of remedy protection, source control, and water quality projects, EPA will continue to coordinate with local communities and flood control authorities, the Basin Commission, the U.S. Army Corp of Engineers, and the Federal Emergency Management Agency. This coordination will ensure that cleanup actions do not exacerbate flooding concerns along the SFCDR and Pine Creek, and to the extent possible will leverage future work by the various entities involved in SFCDR and Pine Creek activities. Where planning and logical work sequencing allow, EPA will work collaboratively with other entities performing flood control projects to coordinate the cleanup work in a manner that provides joint benefits. EPA will ensure that implementation of the selected remedy will comply with applicable or relevant and appropriate requirements (ARARs) and will refer to information "to be considered" (TBCs) including those that address flooding, such as Executive Order 11988, Protection of Floodplains. Among other things, Executive Order 11988 requires federal agencies undertaking actions within a floodplain to minimize potential harm to or within floodplains and to avoid long- and short-term adverse impacts with modifications to floodplains.

Response to comment FA8-3

Thank you for your comment. EPA is aware of this requirement, has complied with this requirement for past projects within the Bunker Hill Superfund Site, and will continue to do so as the ROD Amendment work is implemented.

Response to comment FA8-4

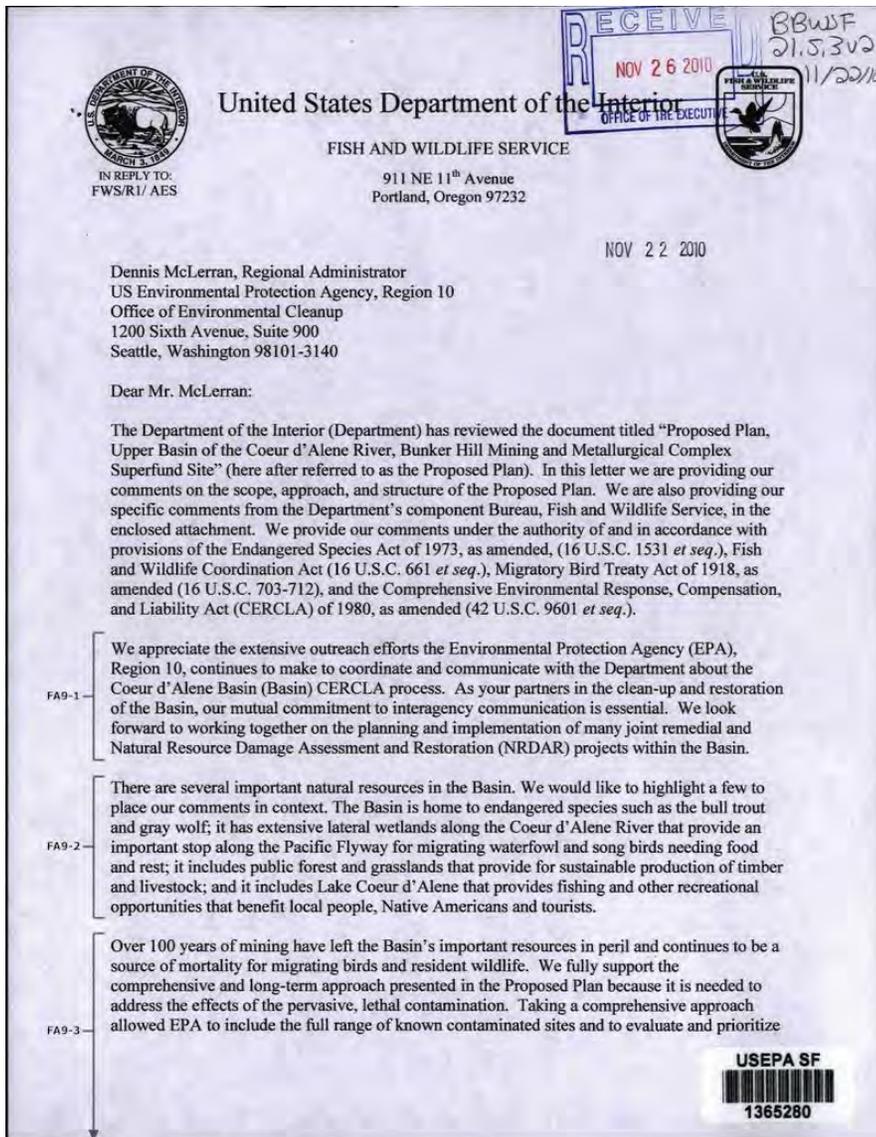
Comment noted. EPA is familiar with this requirement and has in the past developed a Conditional Letter of Map Revision when an increase in Base Flood Elevation at the site was unavoidable. Also see response to Comment No. FA8-2 above.

Response to comment FA8-5

EPA agrees that repositories should be resistant to erosion by flood waters. EPA designs and operates repositories to ensure they can be safely built and

managed, and will not spread contamination to surrounding areas. Flood concerns will be addressed early in the design process. Repositories will be engineered to prevent metals from migrating to the groundwater under the site and will also be designed to prevent sediments from eroding during floods.

U. S. Dept. of Interior, FA9, Letter 1365280



Response to comment FA9-1

Thank you for your comment. The Department of the Interior is an integral partner with EPA in the cleanup and restoration of the Upper Basin.

Response to comment FA9-2

Comment noted. EPA has documented these important natural resources in the FFS Report and ROD Amendment.

Response to comment FA9-3

EPA agrees that a comprehensive approach to cleanup in the Upper Basin is advantageous and appreciates your support. Due in part to extensive public concern about the duration of cleanup, EPA has decided to reduce the scope of the Selected Remedy by prioritizing the remedial actions that were identified as EPA's Preferred Alternative in the Proposed Plan. This resulted in a reduction in estimated cost from \$1.3 billion to \$635 million. The Upper Basin Selected Remedy is an interim remedy which identifies the priority remedial actions that are expected to provide the greatest reduction of contamination in the SFCDR and its tributaries and protection of in-place human health barriers in local communities. Most of the cleanup work will be in the areas of greatest contamination, which are generally in less populated areas higher in stream drainages. Using the adaptive management process, EPA will continually evaluate the effectiveness of the cleanup actions, as well as the need for additional actions.

FA9-3	Dennis McLerran, Regional Administrator	2
FA9-4	<p>them in the Proposed Plan. The long-term approach acknowledges the realistic timeframe needed to address the scope of the contamination and to make adjustments through monitoring and adaptive management. The Proposed Plan is scientifically-based, and includes sound technical solutions to the complex problems involved in remediating contamination that is so widely spread throughout the environmental media. Evidence of the Proposed Plan's strong scientific foundation includes EPA's extensive efforts to reevaluate contaminant sources and prioritize cleanup actions in the Upper Basin, based on the extent to which the source contributes to water quality degradation. Recent environmental monitoring, along with other sources of new information, allowed EPA to outline an integrated approach for Operable Unit (OU) 2 and OU3 remedies. We specifically support EPA's choice of the preferred alternative, Alternative 3+. This alternative includes actions that will reduce ongoing injury to natural resources from mining-related contamination in the Upper Basin. We also concur with EPA that Alternative 3+ provides the best combination of effective action in both the short-and long-terms, while being cost effective.</p>	
FA9-5	<p>One possible downside of a comprehensive, long-term plan is the loss of some detail in site-specific planning. We believe the EPA overcame this challenge by including incremental implementation, monitoring, and adaptive management. In that light, we appreciate EPA's commitment to adaptive management and its inclusion in the Proposed Plan. We are looking forward to participating in future implementation planning to refine site selection and design sound site-specific actions, especially for those sites that occur on Federal land. This incremental and adaptive approach is also consistent with our responsibilities to plan and implement NRDAR actions in coordination with EPA's remedial actions.</p>	
FA9-6	<p>The Department has some general preferences we would like considered as we move into implementation planning. More permanent solutions involving source control are preferable to actions that require long-term operation and maintenance, where practicable. Failure of these actions could lead to additional natural resource injuries and uncertainty of the effectiveness of some of these less permanent actions. We concur with the National Academy of Science (NAS) recommendation to consider the impacts of flood events on protective barriers (page 2-6, line 3-4), and we support the inclusion of the analysis and treatment of contaminated upstream and upslope sources as well as improved downstream conveyance measures.</p>	
FA9-7		
FA9-8	<p>We note one omission we would like to see included in the Final Plan. The Preferred Alternative does not identify significant soil and sediment contamination in OU2 and the Lower South Fork Coeur d'Alene River from Smelterville Flats to the confluence with the North Fork Coeur d'Alene River. We understand EPA does not want to waste funds remediating areas that are likely to become recontaminated through flooding. Neither do we; however, as this is a comprehensive plan, we believe this area will be ripe for further remediation once the upstream contaminant sources have been controlled and natural attenuation of instream sources have occurred. As you know, environmental monitoring has shown this area is a source of metal exposure for migrating song birds and waterfowl. It will remain a source of mortality until it is remediated to levels that are safe for migrating birds (i.e., 530 ppm lead). We recommend the Preferred Alternative include actions to address contaminants in the above mentioned area.</p>	

Response to comment FA9-4

Comment noted. See response to Comment No. FA9-3 above.

Response to comment FA9-5

EPA appreciates the comment. For additional information regarding implementation of the Selected Remedy, including the use of adaptive management, see the ROD Amendment, Part 2, Section 12.3.

Response to comment FA9-6

EPA agrees that permanent solutions, such as source control, are preferable to actions that require long-term maintenance, and has sought to employ them where practicable. However, there are areas of the Upper Basin where infrastructure and numerous communities have been built on top of significant amounts of mine waste, which is a major source of groundwater contamination. This underlying mine waste cannot be removed without disrupting the populated communities in the Upper Basin, and EPA has committed not to take such action. Many of these inaccessible sources contribute substantial dissolved metals loading to groundwater, which ultimately leads to surface water contamination. For these sources, water treatment actions are the best and, in many cases, the only option.

Response to comment FA9-7

Comment noted.

Response to comment FA9-8

See response to Comment No. FA9-3 above. EPA acknowledges that contaminated soils remain in the Smelterville Flats area. Accordingly, we will continue to evaluate the effectiveness of remedial actions that have been implemented in the Smelterville Flats area, and impacted areas downstream. After upstream sources have been remediated, EPA will continue to evaluate risks to human health and the environment in these areas, and if appropriate identify actions to address such risks. EPA further notes that the natural resource trustees have resources and authority to address cleanup and restoration.

Dennis McLerran, Regional Administrator

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FA9-9 The Department also recognizes the ongoing significant human health and environmental problems posed by mining-related metals contamination in the Lower Basin described in the OU3 Interim Record of Decision (ROD). We support EPA's ongoing efforts to expeditiously evaluate and address the Lower Basin. We recommend EPA balance allocation of their resources among Upper Basin and Lower Basin actions. We appreciate EPA's positive response to our comments on the Focused Feasibility Study regarding undertaking some Lower Basin actions included in the Interim OU3 ROD that abate downstream transport of toxic river bed sediments as part of the near term effort.

FA9-10

We look forward to continuing to work with EPA on the cleanup and restoration of the Basin. Thank you for the opportunity to provide these comments. If you have any questions, please contact Kathleen Moynan, our NRDAR Coeur d'Alene Project Manager, at (503) 231-2228.

Sincerely,

ACTING 

Regional Director
Authorized Official for the
Department of the Interior

Enclosure

cc:
SOL (B. Stein)
IFWO (R. Torquemada)
DEQ (D. Savignano)
BLM (E. Thompson)
EPA (B. Adams, A. Dailey, and A. McCauley)

Response to comment FA9-9

Although the Lower Basin is not included in the Selected Remedy, cleanup of the Upper Basin will improve water quality and reduce movement of contaminated sediment downstream in the Lower Basin. Thus, the Upper Basin cleanup will help EPA get a much better understanding of the cleanup needs for the Lower Basin. EPA continues to pursue data collection and analysis efforts in the Lower Basin to support the evaluation of remedial alternatives.

Response to comment FA9-10

Comment noted.

Document Title: Proposed Plan Upper Basin COA River
 Date: November 19, 2010

Reviewer/Commenter	Comment #	Section #	Page #	Figure/Table #	Comment
USFWS	Upper Basin Proposed Plan				
FA9-11	USFWS	1	5.2.2	5-7	3rd bullet (starting "A USFWS songbird study...") Please add USFWS (2008) (annual biological monitoring report for OU2) to citations showing that riparian songbirds are accumulating toxic levels of lead in their blood.
FA9-12	USFWS	2	5.2.2	5-7	The purpose of OU2 Phase II remediation, restated in the July 2010 draft FFS, is to "address issues encountered in implementing Phase I and to specifically address long-term water quality and environmental management issues." Previous USFWS comments on the draft Upper Basin proposed plan submitted to EPA included the need to address ongoing environmental management issues associated with soil and sediment pollution in the upper Basin. Our concern stems, in part, from ongoing data collection that (i.e., BEMP biological monitoring) continues to demonstrate that soil/sediment concentrations at Smelterville Flats and corresponding blood lead concentrations in riparian songbirds and waterfowl using the site remain well above those known to cause toxicity (USFWS 2008, USFWS 2009 (annual biological monitoring reports for OU2)). A number of potential factors contributing to soil and sediment metals concentrations in this area include recontamination from upstream sources and an incomplete remediation of the area (see figure 2-1 and corresponding discussion in USFWS 2008). Regardless, metals pollution and environmental effects are occurring not only in the river bed and bank of this area, but also in wetlands, the riparian corridor, and the floodplain. This situation constitutes an ongoing environmental management issue and we recommend it be addressed as part of OU2 Phase II remediation. It is our recommendation that the Proposed Plan consistently implement ecological remedial goals site-wide, address environmental management issues with contaminated soil and sediment within OU2, and develop conceptual remedial actions to address these issues and include them in the Final Plan.
FA9-13	USFWS	3	6	6-1	Surface Water subsection: text states "Prevent ingestion of surface water... that may cause adverse impacts to bull trout." Several potential routes of exposure to metals in water (i.e., at the gill membrane) can cause toxicity to fish. Suggest revising to "Prevent exposure to surface water..."
FA9-14	USFWS	4	6	6-1	Why aren't fishery benchmarks developed for the site mentioned as part of remedial action goals?
FA9-15	USFWS	5	8.1.1	9-7	last bullet: correct "10 miles of tributaries" to "46 miles of tributaries" as stated on page 5-6
FA9-16	USFWS	Draft Final FFS		4-8	Text states "The entire Coeur d'Alene River Basin is designated as Critical Habitat Unit (CHU)." This is incorrect. The current designation (2005) of critical habitat includes a majority of the mainstem Coeur d'Alene River (below the confluence with the SF), a majority of the lower reaches of the mainstem NF Coeur d'Alene River and short reaches of numerous tributary streams. The January 2010, proposed rule now includes the entire mainstem Coeur d'Alene, the entire North Fork Coeur d'Alene River to its headwaters, and numerous tributary streams. Suggest revising as such.
FA9-17	USFWS	1	4.2.2	4-8	Revise "USFWS Idaho Field Office" to "USFWS Northern Idaho Field Office"
FA9-18	USFWS	3	4.2.2	4-9	The gray wolf is currently back under ESA protection. Text needs to be updated.
FA9-19	USFWS	4	4.2.2	4-10	Second paragraph on bull trout critical habitat: see comment #1 above and correct as necessary.
FA9-20	USFWS	5	Attachment 4-1	4-15	In response to USFWS comments on an earlier version of the draft FFS, text was revised to include "USEPA will first identify cleanup areas based on impacts to surface water quality." This strategy omits potential issues with terrestrial receptor exposure, and we believe this is insufficient to meet the goal of overall protection of the environment (see Upper Basin proposed plan comment #4 above). Soil sampling should be used to identify the need to address terrestrial areas (as discussed later in the paragraph), and not limited by proximity to areas receiving actions to address water quality.
FA9-21	USFWS	6		Fig 3-10	The SFCOR Valley longitudinal transect does not appear to be accurate in terms of the extent of contaminated fill present in the Smelterville/Smelterville Flats areas given data and descriptions of surface and subsurface fill from previous documents regarding the site.

Response to comment FA9-11

Thank you for the correction. Changes have been made to the ROD Amendment.

Response to comment FA9-12

See response to Comment No. FA9-8.

Response to comment FA9-13

Thank you for the correction. Changes have been made to the ROD Amendment as appropriate.

Response to comment FA9-14

See response to Comment No. SA4-13.

Response to comment FA9-15

Thank you for the correction. Changes have been made to the ROD Amendment.

Response to comment FA9-16

Thank you for the correction of the bulltrout Critical Habitat Unit geographic description. In September 2010, the proposed rule was finalized by the U.S. Fish and Wildlife Service.

Response to comment FA9-17

Thank you for the correction.

Response to comment FA9-18

Comment noted. Recently, Congress removed the gray wolf from Endangered Species Act protection.

Response to comment FA9-19

Thank you for the correction. Changes have been made to the ROD Amendment as appropriate.

Response to comment FA9-20

Thank you for the correction. Changes have been made to the ROD Amendment as appropriate.

Response to comment FA9-21

Comment noted.

U.S. Department of Agriculture, Forest Service, FA10, Letter 1365284

BBWSF
21.5.3 v2
11/23/10

USDA United States Forest Service Region One Northern Region
200 East Broadway
Missoula, MT 59802

File Code: 2160
Date: NOV 23 2010

Dennis McLerran
Regional Administrator
Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900, ECL-113
Seattle, WA 98101

Dear Mr. McLerran,

We have completed a review of the Proposed Cleanup Plan for the Upper Basin of the Coeur d'Alene River, Bunker Hill Mining and Metallurgical Complex Superfund Site dated July 12, 2010 (Plan). We appreciate the efforts the U.S. Environmental Protection Agency (USEPA), Region 10, has made to coordinate with the public, the Forest Service, and other stakeholders in the basin. We value working with the USEPA staff members and consultants in open forums.

FA10-1 Overall, we support additional cleanup actions in the Upper Basin. We support actions in the Plan that move towards improvements for both human and ecological health. An important objective for the Forest Service in the Coeur d'Alene Basin has been, and continues to be, restoration and maintenance of healthy watersheds and diverse habitats. We feel the results of the actions described in the Plan will trend conditions in the Upper Basin towards this objective.

FA10-2 In addition, integration of these actions with the upcoming Coeur d'Alene Basin Natural Resource Trustee Council's Restoration Plan will further enhance restoration in the Basin as a whole.

FA10-3 We have noted numerous upper watershed secondary source mine and mill sites that have been identified within the Plan, many of which are on National Forest lands. We have participated with USEPA staff to characterize these sites for the purposes of the Plan using existing information. We also realize that before site-specific actions are designed, additional characterization will be needed in many cases to determine the final course of action at those sites. We look forward to participating in this process at every step. The flexibility to add or drop mine and mill sites from the Plan, or substantially change the initial assessment of needed action at a given site, will be an important ability we encourage USEPA to maintain. In our experience, many of these secondary source sites can contain unique and/or acute contamination

FA10-4 sources that are not always easy to remedy. Additionally, once these mine and mill sites are being investigated in more detail on the ground at the site-specific design level, new sites that require action will undoubtedly be discovered and will need to be included in the Plan.

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Response to comment FA10-1

Thank you for your comment. EPA shares the goal of creating healthy watersheds and diverse habitats in the Upper Basin.

Response to comment FA10-2

EPA agrees that the integration of remedial actions with the Couer d'Alene Basin Natural Resource Trustee Council's Restoration Plan will be important to restoring the environment in the Basin. EPA looks forward to working with the Resource Trustee Council's team as cleanup and restoration activities proceed.

Response to comment FA10-3

EPA plans to utilize the adaptive management process combined with community input gathered through the Basin Commission and input from key stakeholders such as the U.S. Forest Service to modify approaches to mine and mill sites, as appropriate, during the cleanup as additional assessment information is gathered. See Part 2, Section 12.3 of the ROD Amendment for additional detail about implementation of the Selected Remedy and documentation of any changes in the cleanup plan. If sites are identified through ongoing characterization efforts that were not previously identified but which warrant action, EPA is committed to using other authorities under CERCLA to conduct any necessary cleanup.

Response to comment FA10-4

EPA will use the implementation planning process and adaptive management to allow for cleanup to address situations that arise. See Part 2, Section 12.3 of the ROD Amendment for additional detail.

FA10-5 [We look forward to continued coordination with USEPA in the future and appreciate the opportunity to comment. If you have any questions please contact Jeff Johnson at (208)765-7442 or Bob Kirkpatrick at (406) 329-3307.

Sincerely,



LESLIE A. C. WELDON
Regional Forester

cc: Jeffrey K Johnson, Bob Kirkpatrick, Ranotta McNair

Response to comment FA10-5

EPA also looks forward to continued coordination with the U.S. Forest Service in the cleanup of the Upper Basin and coordination on restoration issues.