



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF
ENVIRONMENTAL CLEANUP

JUL 12 2010

MEMORANDUM

SUBJECT: Region 10 Response to the National Remedy Review Board Recommendations for the Upper Basin of the Coeur d'Alene River, Bunker Hill Mining and Metallurgical Complex Superfund Site

FROM: 
Daniel D. Opalski, Director
Office of Environmental Cleanup
U.S. EPA Region 10

TO: Amy R. Legare, Chair
National Remedy Review Board

This memorandum serves as our response to the Chair's memo dated May 12, 2010, which provided the advisory recommendations of the National Remedy Review Board concerning the Upper Coeur d'Alene Basin proposed remedial actions. We thank the Board for its insightful review at the April 27, 2010 meeting. The Region has coordinated with the Office of Superfund Remediation and Technology Innovation's Site Assessment and Remedy Decisions branch in development of these responses to the Board's recommendations.

Both the Board's recommendations and this response will become part of the Administrative Record and will be available to the public as they consider our proposed alternatives for addressing the Upper Basin contamination issues. We will also make this material available for the public on our ROD Amendment web page. As the Board is aware, we have and will continue to extensively involve Basin stakeholders and the public as we develop the Focused Feasibility Study, Proposed Plan and set our priorities for cleanup work.

Below are the Board's recommendations excerpted from the May 12th memo and our responses.

NRRB Recommendation #1: (page 3, paragraph 1) "the Board recommends that the Region continue to refine the conceptual site model, including the Lower Basin, and take steps to address these risks in the Lower Basin as soon as practicable."

Response #1: The Region concurs with this recommendation. While not covered in the Upper Basin information package or the presentation, the Region has conducted remedial actions at several high priority Lower Basin recreational areas, residential properties and is currently creating a clean waterfowl feeding habitat in cooperation with the U.S. Fish and Wildlife Service and a private property owner. The Region is also committed to supporting ongoing studies and data gathering within the Lower Basin with the intent of a future supplemental RI, focused FS,

and ROD Amendment specific to the Lower Basin actions. Over the last year and a half, the Region has prepared a series of technical memoranda that summarize an enhanced conceptual site model, has expanded the Lower Basin sediment monitoring program to support future sediment transport modeling, has convened and chartered a nationally recognized panel of experts to provide expert review of technical studies, has partnered with the Agency for Homeland Security to obtain new higher resolution LiDAR survey data for the entire Basin, and is preparing for the development of a 2-dimensional sediment transport model.

NRRB Recommendation #2: Page 3, paragraph 2: “The Board recommends that the decision documents more clearly describe potential uncertainties associated with implementation of the Preferred Alternative and outstanding issues related to repository siting to ensure that the public fully understand the remedy and how the Region plans to implement.”

Response #2: The Region concurs with this recommendation. The decision documents will provide a summary of the uncertainties (both technical and financial) associated with implementation of the Preferred Alternative and will also include a status of the ongoing repository siting effort that is currently being conducted by the State of Idaho. As described in the NRRB Site Information package and discussed in the NRRB meeting, the Region acknowledges that implementation and adaptive management of the decades-long, multi-stakeholder Preferred Alternative is a critical component of achieving a successful remedy. A detailed “stand-alone” Implementation Plan (IP) is currently being prepared and will be issued separately from, but at the same time as, the ROD Amendment. The IP will be developed with input from project stakeholders, the State of Idaho, and community representatives and will provide for their ongoing comment and involvement in the process. The ROD Amendment will describe the IP and how it will be used by the Region to effectively guide implementation of the cleanup actions. It is anticipated that the IP will be a “living document” that is routinely updated as increments of work are completed and decisions are made for new phases of work. The IP will describe a multi-step adaptive management approach of structured, iterative decision-making in consideration of the many uncertainties and natural variability inherent in the environmental system of the Coeur d’Alene Basin as well as uncertainties associated with the effectiveness of a large-scale remedy such as the Preferred Alternative of the Upper Basin. The goal of the adaptively managed IP will be to reduce uncertainty over time via monitoring and incorporate “lessons learned” such that effective decisions can be made with enhanced benefits as subsequent increments of the phased remedy are implemented.

NRRB Recommendation #3: Page 3, paragraph 2: “the decision documents should clearly describe the adaptive management process, why it is appropriate for this site, and how public comment and community involvement will be incorporated into the process.”

Response #3: The Region concurs - please refer to Response #2.

NRRB Recommendation #4: Page 3, paragraph 3: “the Board recommends that the decision documents clearly identify the Region’s rationale/criteria for addressing each media type (e.g., floodplain tailings, upland waste rock, sediment, etc.) and each cleanup action type (e.g., excavation, capping, French drains, streambed lining, etc.).”

Response #4: The Region concurs with this recommendation. As discussed during the April 27, 2010, NRRB meeting and as acknowledged in the May 12, 2010, summary letter of the NRRB recommendations, the Focused Feasibility Study for the Upper Basin does include detailed discussions and flow chart-type figures that describe the rationale and criteria for assigning a remedial action approach for the various media types. While this level of detail was not included in the NRRB Site Information package, it will be included in the Proposed Plan and ROD Amendment.

NRRB Recommendation #5: Page 3, paragraph 4: “The Board recommends that the Region provide a general overview of the priority projects for the first increment of work in the implementation plan (IP). Additionally, the Board recommends that the decision documents include a description of the development and updating of an IP. The decision documents should also provide frequency for the IP updates, and the content of the IP should contain a “look ahead” of the planned projects for that implementation period.”

Response #5: The Region concurs - please refer to Response #2.

NRRB Recommendation #6: Page 4, paragraph 1: “The Board recommends that the Region consider integrating these two plans (*monitoring plan and Implementation Plan*) to achieve several goals and provide greater clarity and transparency.”

Response # 6: The Region will seriously consider combining these two plans or at least include substantial cross-reference. There may be advantages to keeping these two plans separate given the special requirements associated with monitoring plans (e.g., Quality Assurance Project Plans.) The Region certainly appreciates the need to make the linkage between the monitoring plan and Implementation Plan clear and transparent.

NRRB Recommendation #7: Page 4, paragraph 1: “The Board also recommends that the Region more clearly spell out remedial action objectives in the decision documents so that when the remedy is completed, the Agency can demonstrate success.”

Response #7: The Region concurs with this recommendation. Remedial action objectives (RAOs) and preliminary remediation goals (PRGs) will be identified in the decision documents in accordance with CERCLA guidance. In addition, the adaptively managed Implementation Plan (see Response #2) will include indicators and interim benchmarks that will be monitored to evaluate status and trends and movement towards meeting the PRGs and RAOs. Monitoring data, used in conjunction with analytical and modeling forecasting tools that have been specifically developed for the Coeur d’Alene Basin as well as other available data and information, will be used to evaluate progress meeting remedy goals.

NRRB Recommendation #8: Page 4, paragraph 2: “The Board recommends that the Region explain in this decision document the basis for selecting those concentrations to define those metals as Principal Threat Wastes (PTWs.)”

Response #8: The Region will include additional explanation regarding the PTW concentrations in the FFS, Proposed Plan and ROD Amendment. EPA developed the PTW concentrations based upon an evaluation of the acute toxicity of contaminants of concern at the Site.

NRRB Recommendation #9: Page 4, paragraph 3: “The Board recommends that the Region clearly identify the ICs that would be required for protectiveness when implementing the actions pursuant to this decision document.

Response #9: The Region concurs with this recommendation. Text will be added to the Focused Feasibility Study, Proposed Plan, and ROD Amendment that describes the objectives and requirements of the institutional controls requirements. If institutional controls are necessary to ensure the continued effectiveness of the implemented remedy or its components, EPA will evaluate whether the existing Institutional Controls Plan, as administered by the Panhandle Health District, ensures continued effectiveness or whether other controls, like restrictive covenants, deed restrictions or other measures, are necessary to ensure continued effectiveness.

NRRB Recommendation #10: “The Board recommends that the Region continue to work with the State of Idaho to reach agreement on the components of a proposed remedy.”

Response #10: The Region whole-heartedly concurs with this recommendation. The Region has over 25 years of active collaboration with the State of Idaho through the various prior phases of CERCLA actions at this Site. The State has been, and it is expected will continue to be, an active participant in future CERCLA actions. As noted in the Site Information Package and during the meeting, to identify and implement cleanup actions EPA works closely with the State, as well as tribal, local governmental and community stakeholders. All of the aforementioned parties participate with EPA in the Coeur d’Alene Basin Environmental Improvement Project Commission. It is clearly a priority for the Region to continue working with the State.

In closing, the Region appreciates the Board’s time, effort and contributions to improve the Upper Coeur Basin decision documents. If you have further questions regarding our responses, please feel free to contact Anne Dailey, of my staff, at dailey.anne@epa.gov or 206-553-2110.

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