



State of Idaho
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOARD OF ENVIRONMENTAL QUALITY

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IDAHO BOARD OF ENVIRONMENTAL QUALITY

MINUTES

October 11, 2006

The Board of Environmental Quality convened on October 11, 2006 at 8:30 a.m.
at:

**Department of Environmental Quality
Conference Center
1410 N. Hilton
Boise, Idaho**

ROLL CALL

BOARD MEMBERS PRESENT

Dr. John R. "Randy" MacMillan, Chairman
Dr. Joan Cloonan, Vice-chairman
Craig Harlen, Secretary
Marti Calabretta, Member
Donald J. Chisholm, Member
Kermit V. Kiebert, Member
Nick Purdy, Member

BOARD MEMBERS ABSENT

None

DEPARTMENT OF ENVIRONMENTAL QUALITY STAFF PRESENT

Toni Hardesty, Director
Jon Sandoval, Administrator, Boise Regional Office
Martin Bauer, Administrator, Air Quality Division
John Brueck, Hazardous Waste Regulation and Policy Coordinator
Barry Burnell, Administrator, Water Quality Division
Jess Byrne, Interagency Affairs
Debra Cline, Management Assistant to the Board
Douglas Conde, Deputy Attorney General
Stephanie Ebright, Deputy Attorney General
Mike Edwards, SIP & Maintenance Plan Coordinator
Don Essig, Water Quality Standards Lead
Orville Green, Administrator, Waste Management & Remediation Division
Ed Hagen, Lead Ground Water Hydrogeologist
Lisa Kronberg, Deputy Attorney General
Paula Wilson, Rules Coordinator

OTHERS PRESENT:

Beth Baird, Boise City
Maria Barrett, Division of Financial Management
Robbin Finch, Boise City
Stacy Jenkins, SBS Associates
Jack Lyman, Idaho Mining Association
Krista McIntyre, Stoel Rives
Jonathan Parker, Idaho Water Users Association
Suzanne Schaefer, SBS Associates
Jim Wertz, EPA
Jane Wittmeyer, Intermountain Forest Association
Seven unidentified members of the public who did not sign in

- ❖ All attachments referenced in these minutes are permanent attachments to the minutes on file at the Idaho Department of Environmental Quality. To obtain a copy, contact the Board assistant at (208) 373-0465.

PUBLIC COMMENT PERIOD

No comments were received.

AGENDA ITEM NO. 1: ADOPTION OF BOARD MINUTES

a. June 22, 2006 meeting minutes

- **MOTION:** Dr. Joan Cloonan moved the Board adopt the minutes of the June 22, 2006.
SECOND: Craig Harlen
VOICE VOTE: Motion carried by unanimous voice vote.

Chairman MacMillan welcomed new Board member Kermit Kiebert and thanked him for stepping up to fill the vacancy on the Board created by the retirement of Marguerite McLaughlin. Mr. Kiebert is a Democrat and his area of interest/expertise is air quality. The Board expressed its appreciation for Senator McLaughlin's many years of public service.

b. Action Items

Director Toni Hardesty presented a review and comparison of the fees charged by DEQ versus the fees charged by other environmental agencies across the United States for similar services (Attachment 1). This discussion developed from a funding comparison study by the Environmental Council of States (ECOS) that looked at the percentage of funding for state environmental programs coming from the general fund, federal funds, and fees.

Director Hardesty made the following observations:

- ◆ Every state funds its environmental agency differently.
- ◆ It is very difficult to make "apples to apples" comparisons from one state to another.
- ◆ To be more accurate, it would be necessary to compare program-by-program.

- ◆ It is, however, possible to get an overall general idea of how Idaho's funding sources compare to some of our surrounding states, particularly in relation to fees.
- ◆ Unlike most other states, Idaho does not have primacy of the NPDES program, which is a large source of fees.

The ECOS study found the national averages are:

- ◆ General Funds – 17%
- ◆ Federal Funds – 32%
- ◆ Other (fees, trusts, etc.) – 51%

In comparison, DEQ funding is:

- ◆ General Funds – 30%
- ◆ Federal Funds – 57%
- ◆ Other (fees, trusts, etc.) – 13%

Director Hardesty discussed the budgets and funding methods of surrounding states and how their fees compare to those in Idaho. Some are incorporating innovative features such as COLAs that automatically increase fees based on the cost of living. She discussed the pros and cons of moving to a fee-based program. In moving forward, she recommended that Idaho:

- ◆ Take a balanced approach and not rely too heavily on any one source.
- ◆ Compare current fees to other states.
- ◆ Identify additional programs that could have a fee component.
- ◆ Identify "other" funding sources (not necessarily fee-for-service such as vehicle registration fees).
- ◆ Evaluate and prioritize options.
- ◆ Reach out to stakeholders.

Marti Calabretta observed the general fund in Idaho appears to subsidize industry to a greater degree than in other states. Director Hardesty said that is probably true, but noted the NPDES program is a large driver of fees. If Idaho had primacy of the NPDES program, the percentages could change depending on whether the NPDES program was funded by fees or the general fund. Also, Idaho funds plan and specification reviews from the general fund and most other states charge fees.

Dr. Joan Cloonan commented she had 20 years' experience working for a large company with facilities in Idaho and other states. She believes the issue has evolved over the years. When she started, it was generally believed that fees pay for a service (for the permittee), but that service is imposed by the government, so the government and the general public should pay for it. Over the years, industry began to view fees as a cost of doing business in other states. Generally it is not a large cost, but it can be a big issue for small businesses. Dr. Cloonan thinks this is a good issue to pursue, and suggested looking carefully for areas where it makes sense to increase fees (for example, in the area of cyanide mining) and being mindful of the impact on small businesses. Fees are more acceptable if they are reasonable and affordable.

Don Chisholm discussed the need for more organization and coordination of efforts between different levels of government in Idaho's economic development plan. Fees are one issue to be considered when trying to attract industry into the state and should be looked at along with all other issues and incentives.

Nick Purdy said he is concerned about Idaho's heavy dependency on federal funds and favors a more balanced source of funding. If the federal government cuts funding for whatever reason, it could lead to severe budget problems. Director Hardesty agreed this is a big concern for Idaho. Federal budget cuts could be handled much better if the funding sources were balanced.

AGENDA ITEM NO. 2: DIRECTOR'S REPORT

Director Hardesty reported on issues for the upcoming legislative session. DEQ is currently conducting listening meetings around the state to hear comments from stakeholders and the public on water and wastewater regionalization issues. DEQ will report to the legislature to inform members about problems that may be inhibiting regionalization, when regionalization makes sense, and what the legislature can do to address the issue.

Other legislative issues affecting DEQ will be:

- ◆ Legislation to seek funding for House bill 728, the Community Reinvestment Pilot Initiative that passed last session. This will allow \$1.5 million for cleanup of Brownfield sites in Idaho.
- ◆ Legislation to seek primacy of the Underground Storage Tank Program (the preventative side of the program).
- ◆ Legislation to move management of the contract for the Superfund yard cleanup program from the Division of Purchasing to DEQ. The Division of Purchasing feels it would be more appropriate to have the contract handled directly by DEQ.

Director Hardesty briefly discussed the DEQ budget request. It includes a request for four new full time employees (FTEs): two for the UST Program, one for a North Idaho Brownfield Redevelopment position, and one for a TMDL staff member in the Idaho Falls Regional Office to complete the five-year reviews required by legislation governing how DEQ deals with watershed advisory groups. The budget also asks for funding for mercury monitoring equipment and chemical management in schools.

AGENDA ITEM NO. 3: ELECTION OF OFFICERS

Marti Calabretta nominated Dr. Joan Cloonan as chairman of the Board. Don Chisholm seconded the nomination. Ms. Calabretta spoke to the qualifications of Dr. Cloonan, saying she is a true environmentalist who is practical and knows how to make things work so business can survive and grow in the state of Idaho.

- **MOTION:** Don Chisholm moved the nominations be closed and the Board cast a unanimous ballot for Dr. Cloonan.
- SECOND:** Craig Harlen
- VOICE VOTE:** Motion carried by unanimous vote.

Dr. Joan Cloonan took office as Board Chairman and presided over the remainder of the meeting.

Marti Calabretta thanked Dr. MacMillan for his service as chairman and expressed appreciation for his patient and focused leadership.

Chairman Cloonan opened the floor to nominations for the office of vice-chairman. Craig Harlen nominated Marti Calabretta as vice-chairman. Nick Purdy seconded the nomination. Mr. Harlen spoke to the qualifications of Ms. Calabretta, citing her extensive public service as a senator in the Idaho Legislature. He said her remarkable mix of longevity of service and passion for the cause will serve the Board well.

- **MOTION:** Don Chisholm moved the nominations be closed and the Board cast a unanimous ballot for Marti Calabretta for vice-chairman.
SECOND: Nick Purdy
VOICE VOTE: Motion carried by unanimous vote.

Chairman Cloonan opened the floor to nominations for the office of secretary. Marti Calabretta nominated Craig Harlen as secretary for the Board. She stated he is functioning very efficiently in that capacity and should continue as an important part of the Board's leadership team. Dr. MacMillan seconded the nomination.

- **MOTION:** Nick Purdy moved the nominations be closed and the Board elect Mr. Harlen by unanimous ballot.
SECOND: Don Chisholm
VOICE VOTE: Motion carried by unanimous vote.

AGENDA ITEM NO. 4: **RULES AND STANDARDS FOR HAZARDOUS WASTE, DOCKET NO. 58-0105-0602 (PENDING RULE) (ANNUAL UPDATE OF FEDERAL REGULATIONS INCORPORATED BY REFERENCE)**

Orville Green, Administrator of the DEQ Waste Management and Remediation Division, presented this docket for the adoption by reference of federal hazardous waste regulations that were promulgated from July 1, 2005 through June 30, 2006. He noted this is a routine annual procedure DEQ performs to satisfy the consistency and stringency requirements of the Idaho Hazardous Waste Management Act. This action is necessary for Idaho to retain primacy of the RCRA program. Public notice was provided and no hearing was requested or held. This rule is not broader in scope or more stringent than federal regulations. It does not regulate an activity not regulated by the federal government.

John Brueck, Hazardous Waste Regulation and Policy Coordinator, explained the changes to six citations in this rule. Some of the changes were corrections and revisions that will have little impact in Idaho. The three substantive changes will:

- ◆ add mercury-containing equipment to the federal list of universal wastes regulated under the federal hazardous waste regulations;
- ◆ create a standardized permit for certain RCRA hazardous waste management facilities; and
- ◆ add a burden reduction rule that will reduce paperwork reporting requirements imposed on the regulated community.

- **MOTION:** Dr. Randy MacMillan moved the Board adopt the Idaho Rules and Standards for Hazardous Waste as presented in the final proposal under Docket No. 58-0105-0602.
SECOND: Don Chisholm

VOICE VOTE: Motion carried by unanimous vote.

AGENDA ITEM NO. 5: **RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO,
DOCKET NO. 58-0101-0502 (PENDING RULE) (RULES FOR THE
CONTROL OF AMMONIA FROM DAIRY FARMS)**

Martin Bauer, Administrator of the DEQ Air Quality Division, stated this rule was adopted by the Board as a temporary rule in April 2006. No changes have been made to this proposed rule since then.

Don Chisholm asked if Appendix A, Ammonia Control Best Management Practices (BMPs), was guidance or was incorporated as part of the rule. Mr. Bauer said it was a fact sheet intended as guidance and was not incorporated as part of the rule. It will be used by inspectors and is intended to help dairy farmers understand the BMPs, how they were determined, how the point values were set, and how compliance will be determined.

- **MOTION:** Craig Harlen moved the Board adopt the Rules for the Control of Air Pollution in Idaho as presented in the final proposal under Docket No. 58-0101-0502.
SECOND: Marti Calabretta
DISCUSSION: Don Chisholm asked if EPA had taken any further actions to determine how it will address hydrogen sulfide and ammonia regulations. Mr. Bauer responded EPA is moving forward and has a consent order that any confined animal feeding operation (CAFO) can sign on to by paying a minimal fee to secure protection while EPA is amassing the data.
VOICE VOTE: Motion carried by unanimous vote.

Nick Purdy commended DEQ staff for developing this innovative solution to a problem with such a diverse group of stakeholders. Director Hardesty added this rule was submitted to the semi-annual report ECOS publishes on innovative approaches to regulation and is receiving national press on its success.

AGENDA ITEM NO. 6: **RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO,
DOCKET NO. 58-0101-0601 (PENDING RULE) (REGIONAL HAZE)**

Mike Edwards, DEQ State Implementation Plan Coordinator for the Area and Mobile Source section of the Air Quality Division, presented a brief summary of this rule to develop a plan to address regional haze in Class I Wilderness Areas within Idaho and other Class I areas impacted by Idaho. The plan is required by the federal Clean Air Act by December 17, 2007. The intent of the Regional Haze Rule is to reduce the impacts of manmade visibility impairing pollutants on Class I areas by 2018.

DEQ has done extensive public outreach for this rulemaking including an informational meeting, six negotiated rulemaking meetings, and a public hearing. Telephone access was provided for the public and stakeholders who were unable to attend the meetings in person. Individual presentations were also given for the Idaho Association of Commerce and Industry and the Forest Products Association. The meeting minutes and all revisions to the rule were provided on the DEQ Web site. The rule is not broader in scope or more stringent than federal regulations and does not regulate an activity not regulated by the federal government.

➤ **MOTION:** Marti Calabretta moved the Board adopt the Rules for the Control of Air Pollution in Idaho as presented in the final proposal under Docket No. 58-0101-0601.

SECOND: Dr. Randy MacMillan

DISCUSSION: Nick Purdy commented he could not support the rule and believes it sets an unreasonable expectation. Chairman Cloonan asked for clarification of her understanding that the rules are required by EPA and at this point, the rules simply set up the authorities and tools to develop the plan—there is nothing substantive that sets levels. Mr. Edwards confirmed her understanding.

VOICE VOTE: Motion carried. 6 Ayes. 1 Nay (Purdy).

**AGENDA ITEM NO. 7: WATER QUALITY STANDARDS, DOCKET NO. 58-0102-0505
(PENDING RULE) (CODIFY EXISTING POLICY ON USE OF
FREQUENCY OF EXCEEDANCE OF NUMERIC CRITERIA IN
EVALUATING CERTAIN WATER QUALITY PARAMETERS)**

Don Essig, Water Quality Standards Lead for the DEQ Surface Water Program, explained this rule will incorporate some policies and support language that are in guidance into the rules to bolster the use of those policies in the assessment of water quality in Idaho. DEQ is taking this action because of changing EPA guidance nationally. The proposed changes will add language to Section 053, Beneficial Use Support Status, that codifies support for an existing policy, which allows consideration of frequency of exceedance of numeric criteria for certain water quality parameters (pH, turbidity, DO, and temperature) in assessing achievement of water quality objectives and support of beneficial uses. DEQ also proposes to revise several definitions to improve clarity and utility and to make other miscellaneous corrections.

Board members discussed concerns about the language regarding timing of temperature measurements. Don Essig explained how the temperature measurement equipment is used and how compliance will be determined.

Dr. MacMillan asked about the use of the term “mineralogy” in the rule and wondered how it was intended to relate to natural background. Mr. Essig said the term was included in comments from the Idaho Mining Association and believes it was intended to refer to natural geologic rock formations that may vary and cause changes in natural background metals concentrations because of the change in mineralogy. Dr. MacMillan asked if the term “mineralization” would be more appropriate. Jack Lyman, Idaho Mining Association, said mineralogy was in the original definitions and IMA’s comments pointed out it was not an appropriate term. He speculated that the term was intended to mean “geologic disturbance” or something similar. That portion of the comments was rejected and mineralogy was retained. The IMA agrees “mineralogy” is the study of minerals and is not a natural disturbance.

Mr. Essig said either “mineralization” or “geologic disturbance” would be acceptable terms and clarified the intent was to refer to things that happen on the landscape regardless of human activity that can affect the quality of water. Craig Harlen suggested both terms be included—mineralization referring to the natural occurrence of substances in the ground, and geologic disturbance having to do with things such as geysers or earthquakes. Mr. Essig responded he was agreeable to having both terms included.

Jack Lyman stated the IMA provided three written comments on the rule, all regarding the definitions. He expressed concern about DEQ's response to IMA's comment regarding natural background:

DEQ believes the phrase "are not usually the best possible conditions" captured an important concept in natural background conditions—that, because of inherent variability of nature, natural conditions on average will often be less than their maximum potential. . . . This does not mean that DEQ should manage to a natural disturbed condition, but it does mean that even if DEQ manages for full natural potential, we will rarely reach it. This needs to be recognized and accepted.

Mr. Lyman asked for confirmation of his understanding that DEQ is not saying that if industry is conducting some activity, it is expected to clean up natural conditions. IMA is not concerned about meeting the standards imposed, but it does not think it should be industry's obligation to clean an area up to better than natural conditions just because they are a presence.

Mr. Lyman continued his testimony, stating that the other two definitions that were the focus of IMA's comments—"short term or temporary activity" and "ephemeral waters"—are working well and should not be changed. The proposed definition for short term or temporary activity is much more restrictive. IMA believes the existing definition is better because it allows the director the authority and flexibility to define short term or temporary. Under the proposed definition, industry would have to seek a variance. IMA is concerned again with DEQ's response to IMA's comments:

DEQ believes its original proposal is a reasonable step in limiting the length of short term activity exemptions (STAEs) that retains most of the flexibility. . .

The reason for the proposed change is that EPA is scrutinizing the state of Washington's short term modifications. IMA has frequent discussions with DEQ about whether the agency is taking full advantage of the maximum flexibility that is available under the Clean Water Act. IMA believes that is what DEQ should do in this case.

Mr. Lyman emphasized IMA's most important comment was regarding ephemeral waters. Since this rulemaking was negotiated and proposed, the U.S. Supreme Court has issued a ruling in *Rapanos v. United States* that could have a significant impact on ephemeral and intermittent waters and whether they are subject to jurisdiction under the CWA. He cautioned this is a state of law that is in significant flux. DEQ currently has a proposed rule that will have an impact on ephemeral waters and standards in the rulemaking process that will come before the Board for consideration at its November 2006 meeting. Mr. Lyman suggested the Board adopt the rule currently before it without any changes to the definition for ephemeral waters. If the Board decides it wants to give further consideration to the definition for ephemeral waters, he asked that this rulemaking be deferred until the November Board meeting when it can be considered in conjunction with the other rule regarding ephemeral waters. He further suggested the Board receive a full briefing on the matter and accompanying legal issues. He believes this topic will receive attention in the upcoming legislative session.

Barry Burnell responded to Mr. Lyman's concerns about DEQ's expectations regarding natural background. DEQ would not expect a facility to clean up to the standard when natural

conditions exceed the standard, but certainly the expectation would be to clean up to the natural conditions. He assured DEQ would still have a fair amount of flexibility with respect to the short term or temporary activities exemption. DEQ has been and will continue to exercise a great deal of flexibility with these exemptions.

Mr. Burnell clarified that DEQ will not be bringing a second rule to the Board in November regarding ephemeral waters. DEQ plans to present that rule in April 2007. He noted the definition for ephemeral water in the rule currently before the Board went through the negotiated rulemaking process. While the *Rapanos* decision may have great impacts on water quality standards with respect to wetlands, DEQ is still waiting for EPA and the Corps of Engineers to either produce a guidance as a result of that Supreme Court case, or as they were directed by the Supreme Court, to adopt rules. Once EPA and the Corps either provide the guidance or conduct rulemaking, DEQ will have an opportunity to review the information and then decide whether additional changes are needed in the water quality standards.

Mr. Lyman then recommended the Board adopt this rule without a change in the definition of ephemeral waters pending additional clarification from the Corps of Engineers, EPA, and perhaps the judicial decisions that may take place before, or concurrent with, the decisions of those agencies.

Chairman Cloonan asked what effect not changing the definition of ephemeral waters would have on implementing the rules. Mr. Essig replied it would probably not have a big effect. The intent in adding the language is to give some visual clues to help those reading the rules understand what ephemeral waters are out on the landscape. The current rule talks about the water table, which is something you cannot see, or brief durations of flow during storm events. The proposed definition simply attempts to add language to make it more practical and understandable. Mr. Essig believes it does not change how DEQ applies rules to ephemeral waters.

Chairman Cloonan asked if ephemeral waters were addressed in DEQ guidance. Mr. Essig said he thought guidance contains some reference to ephemeral waters, but he would have to check to be sure. He added this is something DEQ deals with in its monitoring program. Many streams in Idaho do not flow year-round; some flow very rarely. DEQ tries to take this into account in its monitoring activities and expectations for this type of stream.

Craig Harlen asked why the IMA was concerned with the language in the definition for ephemeral waters. Mr. Lyman said he believes the concern stems from the fact that the effort to clarify the definition of ephemeral waters was made without any indication as to why it was necessary—what was the purpose? The rule which has been delayed until April 2007 clarifies the need for the change—the application of water quality standards to ephemeral waters. Mr. Lyman stressed this is an issue the Supreme Court has not yet decided. He believes, based on the action of the Idaho Legislature in House Concurrent Resolution 64, if ephemeral waters are not required to be regulated under the Clean Water Act, the Idaho Legislature's view is they should not be regulated under state water quality standards separately from the CWA. That would fall under the stringency law. One way to resolve this issue would be to seek statutory clarification, which is what the IMA will recommend when the other rule comes before the Board in April 2007. DEQ may want to go to the Legislature to seek clarification in anticipation of whatever decision the courts or regulatory agencies might make.

Marti Calabretta asked if IMA attempted to resolve its concerns during the negotiated rulemaking process before this matter came before the Board. Mr. Lyman said he attends many rulemaking meetings and did not recall specific discussions regarding this issue. He thought the concern may have been raised by IMA members after the rulemaking meetings were concluded.

Don Chisholm suggested the language for the natural background definition be revised to resolve the concern with the term “mineralogy” by deleting the word mineralogy and substituting the words earthquakes, landslides.

- **MOTION:** Craig Harlen moved the Board adopt the Water Quality Standards, Docket No. 58-0102-0505, with the following amendments: in the definitions in **Subsection 56. Natural Background Conditions** - in the sentence enumerating natural disturbances, eliminate the word mineralogy and substitute the phrase geologic disturbance, and secondly leave the definition of **Ephemeral Waters** as it was before it was modified in the proposed rule (without change).

SECOND: Marti Calabretta

VOICE VOTE: Motion carried by unanimous vote.

AGENDA ITEM NO. 8: GROUND WATER QUALITY RULE, DOCKET NO. 58-0111-0601
(PENDING RULE) (ADD A STANDARD FOR FECAL COLIFORM AND
ESCHERICHIA COLIFORM (E.COLI)

Ed Hagen, Lead Ground Water Hydrogeologist, explained the purpose of this rulemaking is to address issues that have arisen since the Ground Water Quality Rule was implemented. One of the issues is the practicality of enforcing the standard for total coliform; another reason was to take advantage of improvements in analytical laboratory methods implemented within the last decade. The proposed revisions delete the standard for total coliform and augment the water quality standards for bacteria by adding standards for fecal coliform and Escherichia coli (E.coli) bacteria. These changes will enable DEQ and other agencies to focus resources on those sites where bacterial impacts are the result of fecal contamination and are more likely to pose a threat to human health.

Mr. Hagen noted this rule is more stringent than the federal standards because these rules could be used to regulate an activity not regulated by the federal government.

- **MOTION:** Dr. MacMillan moved the Board adopt the Ground Water Quality Rule as presented in the final proposal under Docket No. 58-0111-0601.

SECOND: Marti Calabretta

VOICE VOTE: Motion carried by unanimous vote.

AGENDA ITEM NO. 9: CONTESTED CASE AND RULE DOCKET STATUS REPORT

Paula Wilson briefly reviewed the contested case report and discussed the rules to be presented at the Board meeting scheduled for November 15 & 16. Board members discussed the agenda and decided the issues could most likely be completed in a one-day meeting. The November

meeting was rescheduled to November 16, and, if necessary, any unfinished agenda items will be carried over to November 17.

AGENDA ITEM NO. 10: LOCAL REPORTS AND ITEMS BOARD MEMBERS MAY WISH TO PRESENT

Marti Calabretta mentioned she and Craig Harlen attended a tour of Hecla's Lucky Friday Mine. The tour was very useful in terms of understanding the operation and Hecla's commitment to efficiency. Water quality is an important issue for them because of the location of the mine near the South Fork of the Coeur d'Alene River, which is compromised by historic mining activities in the area. Craig Harlen added it was particularly helpful to talk with management and legal counsel about their concerns and future issues. Chairman Cloonan commented Board members should give some thought to sites for future tours that would be helpful to the Board.

The meeting adjourned at 11:50 a.m.

/s/

Dr. Joan Cloonan, Chairman

/s/

Craig Harlen, Secretary

/s/

Debra L. Cline, Management Assistant and Recorder