

APPENDIX A

Summary of Meetings with St. Louis River Citizens Action Committee Facilitation or Participation as Part of this Project

Participation in Technical / Agency Meetings Conducted Through this Project

February 19, 2002

Doug Beckwith, MPCA (supervisor, Remediation Unit)
Pat Carey, MPCA (supervisor, Community and Area-Wide Unit)
Lynelle Hanson, SLRCAC
Jim Hosch, WDNR (staff for Newton Creek, Hog Island Inlet)
Nancy Larson, WDNR (Lake Superior Basin Coordinator)
Steve LaValley, WDNR (staff, Water Regulations Specialist)
Phil Monson, SLRCAC

September 10, 2002

Lynelle Hanson, SLRCAC
Nancy Larson, WDNR (Lake Superior Basin Coordinator)

September 18, 2002

Mike Bares, MPCA (staff for SLRIDT site)
Doug Beckwith, MPCA (supervisor, Remediation Unit)
Pat Carey, MPCA (supervisor, Community and Area-Wide Unit)
Jamie Dunn, WDNR (staff for Ashland site)
Lynelle Hanson, SLRCAC
Jim Hosch, WDNR (staff for Newton Creek, Hog Island Inlet)
Tom Janisch, WDNR (staff, Remediation and Redevelopment Unit)
Susan Johnson, MPCA (staff for USS site)
Duane Lahti, WDNR (Lake Superior Basin Supervisor)
Nancy Larson, WDNR (Lake Superior Basin Coordinator)
Steve LaValley, WDNR (staff, Water Regulations Specialist)
Jane Mosel, MPCA (staff for SLRIDT site)
John Robinson, WDNR (supervisor, Remediation and Redevelopment Unit)
Andrew Streitz, MPCA (staff for USS site)
Ken Stromberg, USFWS (Environmental Contaminants biologist)
Annette Trowbridge, USFWS, NRDA (Environmental Contaminants biologist)
Tom Aartila via phone, WDNR (staff, Remediation and Redevelopment Unit)
Jessica Hirsch – SLRCAC (recorder)

October 23, 2002

Doug Beckwith, MPCA (supervisor, Remediation Unit)
Pat Carey, MPCA (supervisor, Community and Area-Wide Unit)
Nancy Costa, FDL (contaminated sediments specialist for FDL reservation)

Judy Crane, MPCA (contaminated sediments specialist for MPCA)
Jennifer Fryerherm, Sierra Club (contaminated sediments specialist for SC)
Lynelle Hanson, SLRCAC
Tom Janisch, WDNR (staff, Remediation and Redevelopment Unit)
Nancy Larson, WDNR (Lake Superior Basin Coordinator)
John Robinson, WDNR (supervisor, Remediation and Redevelopment Unit)
Mark Stokstad, WDNR (Northern Region Air and Waste Leader)

November 14, 2002

Doug Beckwith, MPCA (supervisor, Remediation Unit)
Pat Carey, MPCA (supervisor, Community and Area-Wide Unit)
Lynelle Hanson, SLRCAC
Duane Lahti, WDNR (Lake Superior Basin Supervisor)
Nancy Larson, WDNR (Lake Superior Basin Coordinator)
John Robinson, WDNR (supervisor, Remediation and Redevelopment Unit)

April 7, 2003

Doug Beckwith, MPCA (supervisor, Remediation Unit)
Pat Carey, MPCA (supervisor, Community and Area-Wide Unit)
Brian Fredrickson, MPCA (Lake Superior Basin coordinator)
Lynelle Hanson, SLRCAC
Duane Lahti, WDNR (Lake Superior Basin Supervisor)
Nancy Larson, WDNR (Lake Superior Basin Coordinator)
John Robinson, WDNR (supervisor, Remediation and Redevelopment Unit)

Technical / Non-Agency and Citizen

April 3, 2002

Lynelle Hanson, SLRCAC
Phil Monson, SLRCAC
Ted Smith, SLRCAC

June 7, 2002 – SLRCAC participation

Representatives from Murphy Oil and WDNR
Also, local elected officials and citizens

October 29, 2002

Marianne Bohren, citizen & former Potlatch employee
Dianne Brooke, LSRI-UWS
Steve Hopkins, EPA
Nancy Larson, WDNR
J. Howard McCormick, citizen
Kay McKenzie, WI Stewardship Network, SLRCAC
Phil Monson, SLRCAC MN Co-Chair
Lisa Neitzel, Von Goertz & Van Hove

Patricia O'Hara, citizen
Ted Smith, citizen
Joe Stepen, WLSSD
Matt TenEyck, LSRI-UWS
Jessica Hirsch, recorder

SUMMARY OF FACILITATED MEETINGS

Technical / Agency

Many informal communications between the contaminated sediments managers and staff and the SLRCAC has occurred during the project period. During these communications, certain themes continually surfaced. The top two being 1.) How much money will be needed to restore the beneficial uses in the AOC and 2.) How many acres are effected by PAH contamination?

Additionally, it is apparent that community pressure is needed for evaluation of past decisions and for strong facilitation toward goals. Also needed is a strong community voice to ask questions, to push the agencies and responsible parties, and to put forth requests.

The 1995 strategies presented in the RAP included identification of hot spots and the remediation of the contaminants. For the most part, sediment remediation has not occurred in the AOC as of this project period (Newton Creek is the exception). During the discussion sponsored by this project, it became apparent that the two states do not have the same clean-up goals. But presently, what we ask of the state agencies is to share information and cooperate.

The contaminated sediments issue in the St. Louis River AOC involves federal agencies including EPA, ACOE, USFWS, USFS; state agencies such as WDNR, MPCA, MDNR, Dept. of Health, Attorney General; tribal agencies, FDL; counties of Douglas, Carlton, St. Louis; Cities of Superior, Duluth, Cloquet; and nongovernmental organizations. These entities and the citizens should communicate effectively.

February 19, 2002

MPCA Conference Room

The main points deliberated in this meeting include the recognized need to take an ecosystem approach to remediation, the necessity to create more leverage or pressure on the agencies to encourage progress, and the incentives that can be used to improve progress.

In the St. Louis River, it is important that an ecosystem approach to remediation is taken. Contaminated sediments issues are all encompassing and include economics, habitat, and recreation. Dealing with sediments in the harbor is not limited to a Superfund issue, and not just a single state issue. Decisions on sediment contamination must be broader and more AOC -wide.

An ecosystem approach is also needed to create more leverage or pressure to get things done. Since a lot of the issues are the same in the waters of the AOC in both states, the major issue is PAHs and mercury in the Lake Superior ecosystem; there must be an exchange of information and cooperation between the states. Encouragement is needed to develop effective communications between the states. There is a need for Wisconsin and Minnesota to work together and demonstrate to the public that their resources are utilized to achieve effective remediation of the contaminant problems.

The hook to get things done is to channel the energy of the community and to encourage the agencies. Both habitat and dredging are a part of the hook as people value the habitat of the area and place economic importance on the commercial navigation associated industries. Finally, both the Remedial Action Plan and Lake Superior Binational Program support a broader ecosystem approach to the contaminated sediments issue.

Decisions about the sediment issues in the St. Louis River require a broad coalition to influence and leverage public funds. The Cities of Superior and Duluth are engaged through the Lower St. Louis River Habitat Plan and the Comprehensive Port Plan. In order to have a functioning estuary, the issues should cross the state line and connect the government, businesses, and citizens. The Superfund projects do not address the harbor-wide sediment issues. It is through the synergy between the two states, the push by others, the data provided to decision makers, and the information provided to citizens that real progress would be made in restoring the St. Louis River ecosystem.

September 10, 2002

DeWitt-Seitz Building

The meeting focused on how now is the time to articulate the strategy for contaminated sediments in the St. Louis River AOC. Two reasons include the recent GAO report and the Great Lakes Legacy Act. How can we, the citizens and agencies in northwestern Wisconsin and northeastern Minnesota, band together to have an overall AOC strategy and acquire the needed resources? At the next technical group meeting, we hope to get answers to the following questions: What are ways that collaboration could assist staff at a particular site? How do you think your site compares to the other sites in the AOC from an ecological risk impact? What is the largest impediment to remediating a particular site? What would be the greatest assistance to remediating a particular site?

September 18, 2002

WDNR Conference Room

The meeting opened with a review of the history of the AOC, the history of grant money received, and the history of Minnesota and Wisconsin working together.

The timing is right to position the St. Louis River AOC group to achieve more. The spotlight is on the Great Lakes AOCs, and PAHs are a critical pollutant that affects many spots around Lake Superior.

St. Louis River AOC group will get more money for all if there is coordination. The group needs to take the different programs and the specific projects, and move towards an ecosystem-based management approach.

The MPCA is working with GLNPO redirect money that may enable a consultant to pull together data and fill in data gaps from all organizations from the AOC. Besides the local basin planning and TMDL, there is information, and potential funding, to be gathered from federal sources including Great Lakes Strategies, Council of Great Lakes Governors, Great Lakes Legacy, Watershed Initiative.

Each agency staff person presented a brief summary of the information about the sites they were lead on. This information is included in the Contaminated Sediment Sites in the St. Louis River Area of Concern section of this report.

Jim Hosch, WDNR, presented information about Hog Island Inlet and Newton Creek sites.

Susan Johnson and Andrew Streitz, MPCA, presented information about the US Steel site.

Mike Bares and Jane Mosel, MPCA, presented information about the Stryker Bay St. Louis River/Interlake/Duluth Tar site.

Jim Hosch, WDNR, presented information about Howard's Bay.

Doug Beckwith, MPCA, presented information about Slip C, 21st Avenue West, and Minnesota Slip.

Jim Hosch, WDNR, for Tom Janisch, presented information about Crawford Creek.

Jamie Dunn, WDNR, presented information about the Ashland NSP site.

Next, Lynelle Hanson, SLRCAC, summarized the recently completed Lower St. Louis River Habitat Plan. The Habitat Plan was conceived during the RAP process (recommendation #38 of the RAP), and involved many agencies/groups/citizens working together including the WDNR, MDNR, MPCA, F&W, U.S. ACOE, USCG, Seaway Port Authority, City of Duluth, City of Superior, Counties, 1854 Authority, and Tribes. Contaminated sediments are a major issue as many of the habitat stresses are associated with contaminated sediments. Most of the sites discussed today are listed in the Habitat Plan as industrially influenced bays and slips.

Some discussion regarding potential funding sources included the WRDA program, the Urban River Restoration Initiative, and 312 Funds.

The meeting concluded with a discussion on cleanup goals. Cleanup goals must also address the standard for cleanup. Cleanup goals must include dredged materials disposal,

which is always a problem. An idea is to look at regional disposal rather than individual sites.

The St. Louis River AOC group needs to decide if the goals are looking at a volume/concentration of contamination versus ecological value/rebound rate. It appears to be difficult to say what percent the cleanup of a given site will have on the entire ecosystem since the selected remedy can have variable effects on ecological values. Value to/for public should be looked at as well. There is concern, that without cleaning up overall river, site-specific cleanup will not significantly reduce the problem. Site-specific clean-up can help because it reduces the mass of contaminants for the AOC that otherwise may be redistributed to other sites in the AOC, to Lake Superior, or the atmosphere. The longer we wait to conduct remediation, the more dispersed the contamination will become and the harder it will be to economically clean up the AOC. The reverse is also true; there is a need to consider the degree of site contamination. If the heavily contaminated sites are not remediated, cleanup of river will not be productive.

There is a need for Wisconsin and Minnesota to coordinate efforts at all sites to support each other. This includes setting a procedure to follow for all sites and setting environmentally safe standards. There is a need to investigate each site and report the results. There is an additional need to gather citizens and responsible parties to look at economics and to help establish a cleanup goal. Finally, there is a need to obtain funding to implement site cleanup.

Although staffing resources are always problematic, personnel, expertise, process, and money are needed by all. Minnesota and Wisconsin support working together more to try to support each other at various sites. They agree to work on a product and then approach Congressmen Obey and Oberstar with a proposal.

The meeting concluded with Tom Janisch, WDNR, reviewing his report that used the same consensus-based sediment quality guidelines as Judy Crane's. He stated that the numbers are the same but the overall application of numbers is different. This guidance is still in review both in-house and out-of-house.

October 23, 2002

WDNR Conference Room

At the September 18th meeting, site managers went over the status of their sites and started to identify some common issues. We are still trying to flesh out the overall picture, set the future agenda, and identify future participants.

The LaMP addresses contaminated sediments in Lake Superior because many of the impaired uses have their roots in contaminated sediments. Generally, we're working towards cooperating with other agencies to achieve common goals. We want to be able to articulate an overall contaminated sediments strategy, rather than the current system of everyone doing their own thing outside of an ecosystem framework. Within that strategy, we need interim, achievable goals -- and especially to have them in the hopper for when funding opportunities arise.

Similar issues are mirrored at the MPCA. They got \$175,000 from GLNPO to do exactly this kind of coordination but there is a requirement to utilize these funds by September 2003.

There are two areas, the Willamette River in Oregon and a site in New Jersey that received a direct congressional appropriation of \$500 million to work with a more holistic view including source control and restoration and not focus only on site-specific remediation. We would like to develop a proposal for Senators Oberstar and Obey similar to these projects. Working with something this large cannot be effective unless all agencies work together and, we need to start pulling in folks that are more knowledgeable on source reduction and restoration issues.

We need creative, innovative, alternative solutions to AOC contamination, not just the existing Superfund site process. We're also looking for how to get innovation into the Superfund process, and integrate the Superfund process as part of an ecosystem-based whole. More public involvement to encourage an increased pace is needed.

* The meeting lead into a discussion on can a citizen's group help?

The Citizen's Advisory Group helped with the sediments strategy in the Remedial Action Plan (RAP). Hopefully we will be able to work off of that model. Citizen's groups would be very useful to communicating with the community, teaching, speaking to local groups about how sediments affect them and things that individuals and groups can do. They could also help with small hands-on projects like planting trees to help reduce soil erosion, etc.

The group could be helpful for political support down the way. The SLRCAC is just one interest group amongst many others. Each interest group has their own perspective and this citizen's group would provide their own. The difference might be that citizen groups may be more effective than the agencies at promoting public and political support for significant progress. They can push the process along and assist the agencies.

The SLRCAC group has representatives from many interest groups.

The noted strength seen in the citizen's group all along is that they DO have members from all the interest groups, from RPs to environmental. Rather than being just another interest group, they tend to represent the consensus of all of the interest groups.

MPCA understands, but is faced with many interest groups. The citizen's group would still be a subset.

The citizen's group could really drive the process. It could increase the passion and turn up the heat. The agencies need the public drivers to increase awareness and increase the action. MPCA has noted very low turnout at public meetings, for example only 6 turning up at an Interlake Site meeting.

Citizens are the constituency for cleaning up the sediments. The agencies need citizens pushing.

Is it a matter of how the agencies are reaching people? There is also the burnout factor. The St. Louis River AOC group has been working on the St. Louis River for many years.

The MPCA is still trying to reach people the same way they always have, with public meeting notices and notices in the paper.

There is a guide to public involvement that the Sierra Club and the Lake Michigan Federation put together that identifies the barriers to involving the public and the best ways to get around them, based on interviews they conducted around the Great Lakes basin. It is important to involve the public at the outset, to get their buy-in at the very beginning in order to avoid fallout at the agencies later.

It should be noted that the public is tired of being treated as just a sounding board. They need to be able to actively participate, to be heard, and to affect the process.

There are several interesting pilot projects where citizens groups have been able to come up with the match for U.S. ACOE funds by running a public involvement program. This does two things: it more effectively involves the public because members of the community are more tied in with local groups, and it can be much more effective at educating and involving the public.

At one of the Wisconsin sites, the League of Women Voters sponsored the citizen process. That kind of thing helps sustain interest in the long term and adds credibility to the process.

EPA has tried to fund both the citizens groups at US Steel and Interlake, and both groups have declined. How can a citizen's group help get more people in attendance at the meetings? More involved?

Technical grants are available as well. A technical grant was given for the Fox River citizen involvement.

Still, the MPCA says there are many interest groups and there is a need to have a process that brings in other interest groups. The MPCA has seen the results of what happens when everyone is not on the same page, and it is not pretty.

There is broad representation on the SLRCAC group. It includes RPs and citizens, etc. But it also needs to be noted that the agencies have limited funds and will not be able to get involved to larger and larger extents.

* Discussion continued looking at potential activities that it would be detrimental for the community group to get involved in.

In many circumstances, one RP may be able to elevate discussions with the manipulation of facts, the media, and their employees. The focus can then turn from what is best for the ecosystem to “why does the regulatory agency keep picking on us?” Hence, we need to be careful not to make any of our tools (i.e. the citizen’s group) susceptible to this manipulation.

It also depends on HOW you do an activity. For example, merely the choice of whom you involve can slant the group towards a given interest.

Non-profit sponsored groups can be better than corporate sponsored. Non-profits are seen as less open to manipulation, and that would increase their credibility.

At this point, the SLRCAC sponsored contaminated sediments group is in formation and the present structure is pretty fluid.

There are clearly lots of things the citizens group can do. The agencies need the motivation of the citizens.

It was noted that there is a public involvement manual on EPA’s website. Could that be used as a guide? The guide is for Superfund sites. The St. Louis River has many orphaned sites, and the scope is much broader than just Superfund sites.

From the regulatory perspective, community interest tends to be site by site. An ecosystem is much broader. The agencies always get pushed by the industry side and rarely hear from the public interest side. We need to start this group from examining their role and mission, then recruit with an eye to legitimacy, including industry.

John asked Tom for examples of where citizen’s groups have affected the process. Has it been positive or negative? Added time?

It was noted that a citizen’s group affect on the process has been a mixed bag of positive and negative. People usually tend to ask good questions, from good perspectives and provide good input. Occasionally, they can divert the process by focusing on marginally applicable pieces, but usually have useful input.

Progress on the Fox River has moved in fits and starts, and usually the fits of movement have correlated with increased public pressure. Fox River cleanup would not have a cleanup process if it were not for public involvement. For the most part, public involvement is moving the process along.

From the MPCA perspective, lots of agencies can move at their own pace. Generally, the public does not have a major impact on the direction of a site, though there are several exceptions. Citizens can have a strong voice. They are generally surprised by the lack of participation at the big sites. It seems to have to do with how organized they are, how passionate the issue is, and whether it is in the public eye.

Some of the more visual problems have been cleaned up in the St. Louis River AOC, perhaps leading to the out of sight, out of mind problem. Public perception seems to play a big role in the level of involvement.

Here, we have an opportunity to change. Usually, we work within standard, usual boxes with defined processes. Now, we have the opportunity to try and get rid of the boxes, or at least agree that we would be better off without them. We can be more than just a sounding board.

The Superfund process is locked in. We cannot deviate from the process. But, the opportunity is on communication and public participation. The bigger AOC process can drive the agencies work at the Superfund sites, and the agencies can figure out how the Superfund sites fit into the bigger context.

This is really a change in how the agencies do business. The agencies are changing so that they bring stakeholders in at the beginning of the risk process, to even help drive the risk process, rather than just presenting it to the community at the very end.

It was noted that there is a desire to involve people in the process, but people are not providing input.

This was countered with the public does not know where or how to provide input. The Agencies are working within a regulatory framework that is completely indiscernible to the average person. The public does not understand what the process is, where in that process the agencies might listen to them, how to provide their thoughts, or whether anything they say will matter. The first thing we need to do is educate the public on how they can be involved.

People should be involved even earlier than that. They should help us design the public involvement process.

That's why the IJC focuses on the ecosystem management process. It incorporates just that.

The leaders of the citizen's groups are part of an informed, active group of citizens. There is a difference between this core group of citizens and the public in general. We need them both, but they are different.

There are many environmentally aware citizens in the community, like Clean Water Action or the Greens, for example. Reaching out to them for help establishing a connection with the wider community is a possibility.

At the Interlake site, they have both a BTAG and a Peer Review Team. The PRT has 2 dredgers, 2 cappers, 2 geologists, and 2 fiscal folks. These groups actually asked what the people in the area want as an endpoint so that they could realistically look at remedies.

Soon, there are going to be two meetings, one internal and one public to address this question. The agency needs to know its endpoint so that we know what we are looking for. This really has not been done before in MN.

EPA can provide a checklist indicating what processes and opportunities exist for obtaining public input.

There has been a comprehensive neighborhood planning process going on. It would have been a great opportunity to take the pulse of the neighborhoods and figure out what they wanted.

Judy Crane gave a short presentation on the R-EMAP project.

During the project, they took samples from a relatively wide area of the AOC, with some being in disturbed areas and some from undisturbed. They did a statistical analysis of the benthic community. The benthic community is more affected by physical factors (e.g. distance from the headwaters) than chemical factors in terms of types of critters. It should be noted, though, that they did not sample every hotspot site. These were random samples, not hotspot sampling. They also only analyzed a subset of the data because of fiscal limitations. They could not do all the tests at all of the sites, nor all PAHs at all sites. Sometimes they did use a microtox testing as a screening tool.

The meeting concluded with some final points of information.

At Interlake, they are looking at remediating out beyond the slips. The cleanup standards are not final. They are now looking at a range of 5 to 23 ppm PAH.

At the Excel site, they are looking at the 2 to 20 ppm range. Excel is arguing that that is conservative, but there is also discussion as to whether that is protective enough for fish embryos. What are other folks doing so we can get ideas and try to ensure consistency?

But consistency might not be an appropriate goal. There seem to be site-specific conditions that can affect absorption. If the chemicals are affecting the ecosystem differently in different places, we might need different cleanup goals at different sites.

We might need our goals to be site-specific, but nevertheless, we know that the RPs will use other sites to push more lenient standards. Perhaps we could head that off, maybe putting together a spreadsheet with the different sites, the cleanup levels, and the rationale.

There is a spreadsheet that would provide a start, giving values from ecological risk assessments at different sites. Though it might not have numbers for each site, perhaps only performance standards, it would still be a good start. This would be a spreadsheet that indicated what we are doing at other sites and why.

We need to focus on ecosystem objectives, i.e. what we are truly trying to protect. Some of those consensus-based guidelines do not take bioaccumulation in to account. The

consensus-based guidelines were meant to be a guideline in order to avoid a full ecological assessment.

We should look at Preliminary Remediation Goals for each of the sites. We need to understand the science first, e.g. is .5ppm enough to protect fish embryos, better than 2ppm, etc; so that we can begin addressing the questions. The process does entail analyzing cost and implementability later, but first, we need to know the science behind deciding what is protective.

The second thing would like to look at in the next meeting are some of Judy's studies, perhaps picking one and examining its applicability to other sites in an effort to really find some common ground. The third thing to discuss is the fact that we don't have any fisheries or resources staff involved in this, anyone that will be working with these areas post-remediation. They need to help us set our goals, and they would benefit from this dialogue as well.

It was noted that the development of the habitat plan did involve those interests and the habitat group has been working from the sediments section of the habitat plan.

At the end of the meeting, the following questions were still unanswered. What would you like to see in 10 years for the AOC in terms of contaminated sediments? What areas can we have cleaned up? Where should we be for the other areas? We need a goal that is both reasonable and envelope pushing.

November 14, 2002

MPCA Small Conference Room

The meeting focused on developing a plan and a contaminated sediments proposal for the Area of Concern as the project area. The potential pay-off could be huge if we can position ourselves for the GLNPO redirect, the GL Strategies, and GL Legacy. Those with a good solid plan will get the funding. The SLR AOC has lacked a good solid plan. But we are now in a position to develop a plan because we have more data.

The overall strategy of the plan would be that 50% of the affected acres will be restored by 2020 or in 10 years. The plan needs to include the detail of what the restored AOC will look like. The plan will be better if it goes through the stakeholder process formally.

Human health risk is the tie for money. Human health issues may have slowed us down before because they are low, but AOC delisting is another issue to push.

Collectively, we know what is out there. So, the agencies can build a package, can pull in stakeholders for input to make it better and to determine what is missing, develop proposal, review and finalize.

The plan will have everything that needs to be done. It will have rough timelines and milestones. Also a short discussion of what X dollars could give us. In other words, if we had the money, how would we spend it effectively?

The known WRDA sites, the Superfund sites, are going on as usual.

The packages would include an electronic version of the data, GIS, GPS, and NOAA query manager information.

April 7, 2003

MPCA Small Conference Room

The focus of the meeting was the draft scope of work for the development of a sediment management plan for the lower St. Louis River pursued under the MPCA's GLNPO re-direct money. The scope of work contains seven elements including project overview, compilation of loading sources, compiling recommendations, sediment quality database, historic pollutant source identification, stakeholder / public involvement, and report generation.

Technical / Non-Agency and Citizen

April 3, 2002

DeWitt-Seitz Small Conference Room

In real terms, we want to delist the St. Louis River AOC by 2020. But, we are still unsure what needs to be done. We have the reduction targets in the LaMP. But is that enough? What are we trying to accomplish? The sediment committee would add value to the process as facilitators between Wisconsin and Minnesota.

June 7, 2002

Barker's Island Lake Superior Room

The meeting was a discussion of the investigation and potential remediation of Newton Creek. Although the petroleum product "fingerprint" is still present in the PAH analysis of samples from the creek, Murphy thinks the creek is not dirty and no money should be spent.

Although State Senator Bob Jauch expressed concern for how hard the clean up would be on the Potential RPs, no mention was made of how hard it is for the residence that live along the creek.

The clean up of Newton Creek is important to the overall health of the ecosystem to eliminate recontamination of floodplain soil. WDNR is looking at options and we want to make sure it is the most restrictive.

October 29, 2002

Superior Public Library

Two points were deliberated during the technical / non-agency and citizen workgroup meeting. Should the St. Louis River Area of Concern have a contaminated sediment workgroup and would a citizen group add value?

Although the idea of a citizen group to add value to the process of dealing with contaminated sediments seems futile, local citizens state their willingness to try. The group states the goal is to cleanup the river and to make it a viable resource that allows people to use it. The group can only support an ecological approach that looks at the whole ecosystem rather than as individual sites or the projects of individual agencies.

Good information is now available regarding sediment contamination in the St. Louis River AOC. Presently, there is a lot of attention on Lake Superior. There is a growing interest on the federal level about funding large cleanup efforts. Therefore, it is a good time to get together to share notes and come up with a larger AOC wide strategy.

The group recognizes that many small steps have been taken in the St. Louis River AOC, yet the area continues to have problems. There are 10-12 contaminated "hot spot" areas in the Lower St. Louis River. Newton Creek and the two Superfund sites, have received

some money to start clean up. But, even if both Superfund sites and Newton Creek are cleaned up, the beneficial uses will not be restored to the AOC.

Many groups are trying to get things implemented, including the LaMP, the Binational Forum, TMDL Partnership and the many Lake Superior groups. The difficulty comes in that no single group can say the needs of the St. Louis River AOC are not being met. Further difficulty comes nothing can be done solely by a single group.

Yet, a citizen group can get things done that an agency cannot. Therefore, many industries and government agencies must be involved. Agency people have started talking to each other and are willing to work with a citizens group. The agency personnel know that there are things a citizen group can get done that an agency cannot. The group wants continued participation by agency, research and technical people.

Finally, the group affirmed that a contaminated sediment workgroup should exist. The group then came up with the following guidelines. The citizen workgroup will follow the established style of facilitation, advocating within the community, and avoidance of confrontation. The group will need to work with current agency personnel working on contaminated sediment issues. The group will establish both good communications and good relationships. The group could potentially assure that the community is knowledgeable on contaminated sediment. This means the group needs to be educated and to understand the issues. The group could help assure that the community is aware of progress on contaminated sediment issues and also aware when no progress is being made. The group could help advocate for innovative approaches to contaminated sediments issues and be instrumental in getting funding for the area.

Recommended Action items:

1. Compile a complete list of known sediment hot spots and the extent of contamination present in the AOC.
2. Determine the extent of contaminants at other (non-hot spot) sites known to contain contaminated sediments.
3. Develop a strategy to evaluate sites where contaminated sediments may be present but have not yet been identified.
4. Determine the most effective means to remediate sites containing contaminated sediments so that they no longer pose a burden on ecological health and economic values of those sites.
5. Determine the most effective means to remediate sites containing contaminated sediments so that they no longer restrict productive uses in the area.
6. Determine the most effective means to remediate sites containing contaminated sediments so that they no longer pose a risk to cleaner sites in the river, in the estuary, or to Lake Superior.
7. Determine a mechanism to fund all activities necessary to remove or otherwise remediate contaminants in sediments that account for the ecological, economic and social impairment of all affiliates of the St. Louis River AOC.

8. Encourage responsible parties and governmental agencies to continue action to remediate contaminated sediments and restore natural functions within the AOC.
9. Minnesota and Wisconsin agencies need to work more aggressively with responsible parties to design and implement remediation of contaminated sediments at the US Steel and St. Louis River/Interlake/Duluth Tar Superfund sites that is protective of human health and the environment.
10. The Natural Resource Trustees need to utilize their damage assessment authorities and responsibilities to ensure restoration of ecological processes and other natural resource services within the AOC.
11. WDNR needs to continue to complete removal and remediation of contaminated sediments at the mouth of Newton Creek and in Hog Island Inlet.
12. Management plans for other areas of contaminated sediments need to be completed by MPCA and WDNR as soon as possible. The management plans should be compatible with and supportive of the conservation goals of the RAP and the Habitat Plan. These management plans should include the development and use of modern tools, such as GIS, to integrate sediment data with site- and target-specific conservation strategies identified in this Habitat Plan.
13. State and federal representatives should be encouraged to acquire funding to support these actions.

Description of Potential Programs Available for Use in Sediment Remediation and Restoring Ecological Function

Superfund

The U.S. Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in 1980 to deal with federal and priority sites that needed investigation and cleanup.

The Superfund process begins when a site is discovered that poses a threat or potential threat to public health or the environment.

Sites can be identified in many ways:

- * Local officials, employees, or site neighbors report the possibility of a problem on a property.
- * Potential buyers, sellers, or developers of a property can discover problems during environmental audits.
- * Impacts of the site can be detected and traced back to the property, especially if it has adversely affected drinking water or surface water.
- * Property owners or operators discover unexpected problems during construction or expansion.
- * An emergency (spill, leak or explosion) releases harmful substances into the environment.

After identification, the process generally continues on a well-defined path.

NRDA: Natural Resource Damage Assessment

Natural Resource Damage Assessment and Restoration (NRDA) is part of the Superfund and Oil Pollution Act laws and regulations. The process is intended to restore or replace fish, wildlife, and other natural resources that have been impacted by releases of hazardous substances and oil. NRDA provides compensation to the public for these losses of public resources. Trustees are designated by the President and by each State. In general, natural resource trustees are the U.S. Departments of the Interior, Commerce, Agriculture, Defense, and Energy; agencies designated by each State's governor; and recognized Indian Tribes.

Natural resource trustees work together to identify what natural resource impacts exist at a site. These injuries are evaluated according to type, extent, and duration in order to develop ways to restore these losses. Trustees then may recover damages (money) from the responsible parties to complete restoration projects; responsible parties may also provide "in-kind" restoration or replacement of natural resources. NRDA is a legal process guided by the regulations, and requires scientific, economic, and legal expertise to be successful. It can be lengthy and complex process, but the results and focus is always on restoration of natural resources.

RCRA: Resource Conservation and Recovery Act corrective action

Congress enacted the Resource Conservation and Recovery Act (RCRA) in 1976, as an amendment to the 1965 Solid Waste Disposal Act. The goals of RCRA are to:

- Protect human health and the environment from the hazards posed by waste

- disposal,
- Conserve energy and natural resources through waste recycling and recovery,
 - Reduce or eliminate, as expeditiously as possible, the amount of waste generated, including hazardous waste,
 - Ensure that wastes are managed in a manner that is protective of human health and the environment.

More details are explained in the Resource Conservation and Recovery Act (RCRA) Orientation Manual. This program is known to WDNR as the Hazardous Waste Program.

WRDA: Water Resources Development Act of 2003

H.R. 2557 would authorize the Secretary of the Army, acting through the Army Corps of Engineers (U.S. ACOE), to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the Secretary to conduct studies on water resource needs and feasibility studies for specified projects and to convey ownership of certain federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for various water projects and would authorize new programs to develop water resources and protect the environment.

Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments, and any costs incurred by those governments to comply with the conditions of this federal assistance would be voluntary.

In general, Water Resources Development Acts (WRDA) provides direction to the U.S. ACOE on the hundreds of projects it undertakes. Each WRDA contains authorizations, deauthorizations and housekeeping provisions regarding U.S. ACOE water resources development activity. The WRDA of 1986 is considered the omnibus act and most of the general provisions in the later WRDAs either amend or add to its sections. However, all of the WRDAs also amend other acts such as the Clean Water Act, the Marine Protection, Research and Sanctuaries Act, the Water Resources Planning Act of 1965, and the laws on erosion of shores and beaches.

The Water Resources Development Act authorizes navigation, flood control and beach nourishment projects. The Act authorizes projects for protecting, restoring and creating aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation or maintenance of navigation projects. The projects may be undertaken to protect, restore or create habitat when the environmental, economic and social benefits of the project, both monetary and nonmonetary, justify the cost and the project will not result in environmental degradation. Non-federal interests must provide 35 percent of the cost of any construction project carried out under the section and a project can only be initiated after a non-federal interest has entered into a binding agreement to pay required construction costs and the full amount of operation, maintenance, replacement and rehabilitation costs of the project.

Non-Program - Orphan

Some sites within the St. Louis River System do not fall under the Superfund or the RCRA program. These sites are often categorized as “orphan” due to their lack of association with an identified responsible party.