



# EPA

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## **Lower Burke Canyon Repository Waste Management: EPA Response to Community Input**

After carefully considering community input, the EPA has decided to allow more types of waste to be brought to the Lower Burke Canyon Repository. Doing so will reduce transportation costs and road use for specific remedy protection projects and improve overall project efficiency. At the same time, the agency believes it can make changes to its operations to help address public concerns and limit the impact on local residences. The EPA estimates that this change will result in about 50 more trucks each week using the repository. This number is in addition to the trucks already using the repository as part of regular operations.

Regular operations are already in full swing this construction season. In June, two ICP projects sent waste to LBCR as planned under the original scope of the repository. One is the sewer project ongoing in Wallace. The other is an AT&T fiber optic line installation in Mullan, now complete. Up to 60 truckloads a day recently came from these projects.

Also, waste from the Basin Property Remediation Program has been coming from Wallace and the Burke area.

**Following are responses to the concerns and questions raised by community members about waste management at Lower Burke Canyon Repository. The EPA requested public input from March 31 to May 13, 2016. The EPA received input written on a poster board at an April 27 Open House in Wallace and spoke to attendees individually as well. The EPA also received 7 "Share Your Ideas Forms" distributed at the Open House, four emails, and two letters. Some individuals submitted comments in multiple formats.**

### **General Statements For and Against Additional Waste Coming to LBCR**

The responses to EPA's question whether to allow additional waste to come to the Lower Burke Canyon Repository were mixed. Many community members said they do not want extra waste coming to the Lower Burke Canyon Repository. Statements included: "We do not want the extra waste coming up Burke Road." "NO – it should be used for what the public was told originally it would be used for." "No you said only waste from Canyon Creek and ICP waste; you lied. We do not want to deal with everything that comes with increased truck activity in our back yard!!!! Keep Burke repositories for the problems in Burke Canyon!!!" "Please follow the original plan and only place waste from above the repository in the former Hecla ponds." "I do not wish to have anything trucked into the area."

Several commenters voiced support for taking in additional types of waste. One person said, "This is a disposal site that should be used for all excavation projects that are in Mullan and Wallace because it is

closer than Big Creek so it would help save money and time.” One comment said, “I would strongly support the use of this repository for remedy protection and property remediation waste. By the use of this repository there could be substantial savings for the city of Wallace for transportation of waste from our road remediation project, sewer district and water district projects. It is my opinion that the impact of additional trucks in the canyon will be minimal at worst and the use of the repository is a more efficient way of managing clean up waste.” Another comment letter stated, “Hecla supports waste from outside Canyon Creek being placed at the Lower Burke Canyon Repository. Accepting waste from nearby communities will serve to reduce the cost and will facilitate remedy protection projects in Mullan and Wallace. As part of the settlement between EPA and Hecla, EPA is responsible for future cleanup of the Star Complex, however acceptance of wastes outside Canyon Creek now should not adversely affect these future efforts.”

### **Concerns and Questions**

**Concern:** Many commenters expressed concerns about traffic noise and speeding trucks. In addition to the noise of the trucks themselves, there are also concerns about noise from jake braking and thumping over manhole covers and over a crack in the road. Many commenters also expressed concerns about trucks speeding and want them to slow down. One person noted that 35 mph is too fast for any truck, noting that it “can’t stop in time.” One person said there has been no follow-through on trucks that have been warned about speeding. Someone suggested a phone number be posted for reporting violations. Another person reported that “three trucks were stopped and given warnings....yet no one in authority knew anything about this happening because even though it is a safety practice that was being broken, it does not have to be reported to anyone.”

**Response:** Trucks using the repository use State Highway 4. It is also called Burke Road. It has a speed limit of 35 mph, set by the Idaho Transportation Department. ITD establishes speed limits on the State Highway System based on engineering and traffic investigations (Idaho Code, 49-201 and 49-202). The Shoshone County Sheriff serves this area. While EPA cannot reduce this speed limit or enforce against traffic violations, we have informed both ITD and Shoshone County Sheriff about these specific neighborhood complaints. Also, we are taking the steps outlined below to help address the concerns about vehicle speed and noise on this highway.

First, the CDA Trust has purchased a speed radar sign (see example images on page 3). This sign will be moved to different locations during repository operations to make all drivers more aware of the speed limit and their current speed. The Shoshone County Sheriff’s Office and ITD support this addition for the benefit of the community and motorists. These signs have proven highly effective in lowering average speeds and improving roadway safety across the country. They are an easy-to-deploy method of calming traffic in problem areas. A 2007 survey of police officers ranked the speed radar sign number one for having the most immediate and longest lasting effects on safe driving speeds. Contractors conducting work for the EPA and the CDA Trust will be advised of the posted speed limit, this sign, and a requirement for them to comply with these speed restrictions. Again, enforcement of marked speed limits is conducted by the local Sheriff’s office.



Second, contractors are being advised that no jake braking is allowed in this area as posted by ITD.

Third, the EPA will advise ITD about the concerns with the manhole covers that make a loud noise when driven over. Since the road is a state highway, ITD is responsible for any repairs or maintenance.

Fourth, the EPA is taking several steps to reduce the overall number of additional trucks using LBCR (see page 5). The EPA recognizes that even without jake braking or manhole covers, big trucks can be loud, and some level of noise is unavoidable.

**Concern:** Some people noted that loads were not always covered and expressed concerns about dust. One person said that there is dust from the trucks, but there is also dust from the SVNRT and the 4-wheelers, "and you are not going to get rid of them." A different individual said, "I don't see more dust." One person asked "What was done last year to help with dust and noise control on the main road?"

**Response:** EPA and the CDA Work Trust have reminded their contractors about the requirement for all loads to be covered. Trucks arriving at the repository uncovered will be noted. Drivers will be advised that if it occurs again, they will be rejected for disposal and sent to another repository incurring additional costs to the hauler. In addition, extra steps will be taken to the extent feasible to dampen loads before leaving their construction sites to help control dust from the truck.

Trucks are required to cover their loads and expected to comply with traffic rules. Trucks go through a decontamination process before going back on the road. General dust control with watering happens a couple of times a day. These measures were in place last year, as well.

For all ICP projects, Panhandle Health District conducts training for contractors. Training includes information on the importance of obeying cover requirements, speed limits, and designated routes when hauling to repositories. As noted above, many trucks have been coming from work on the Wallace sewer system, installation of a fiber cable in Mullan, and Wallace and Burke BPRP. Receipt of ICP waste was always part of the original Scope of Operations for LBCR. Any complaints regarding the work on these projects should go to Andy Helkey at 208-783-0707 of Panhandle Health District. If it involves a

truck from a Remedy Protection Project or BPRP, Panhandle will notify the Trust. General repository issues can be directed to Jim Finlay, CDA Trust, at 208-783-0222.

During the initial open house for LBCR in March 2010, the EPA heard concerns about ATV use and dust in the SVNRT area on the other side of Canyon Creek. To address the issues with the SVNRT area, including water quality concerns noted in EPA's 2012 ROD Amendment, EPA directed the Trust to acquire the land and install a fence as a temporary measure. Purchase of the property allows EPA to better control ATV use, ultimately address the water quality issues, and potentially develop a properly-designed repository at this location pending input from the public at a future date.

**Concern:** A couple commenters mentioned that truck exhaust smells bad and can cause health problems. One commenter noted that the EPA is working on improving air quality and protecting vulnerable populations, yet the agency is "running thousands of trucks." One person said the trucks are "old" and another said the "trucks are not updated" to reduce emissions.

**Response:** EPA is aware of the health concerns with diesel emissions, in particular from older trucks that do not meet more stringent emissions requirements. The Trust currently requires contractors to reduce idling and follow a maintenance plan to reduce emissions. A well-maintained truck helps reduce emissions even if the latest controls are not in place. Over time, the EPA and Trust will eventually require contractors working on the cleanup to meet higher emissions standards. To that end, this year the Trust began offering a financial incentive to its contractors to upgrade their equipment should they choose to do so. EPA also is sensitive to the fact that many contractors may not be able to afford newer equipment or install upgrades, regardless of any incentive, and should not be eliminated from being hired for that reason alone.

**Concern:** A couple community members pointed to possible damage to infrastructure from trucks. These issues included possible sewer line damage from driving trucks over man hole covers, an asbestos water line under Burke Road, a failing culvert on McKinley, overall road damage, and broken pavement on the edge of Burke Road.

**Response:** Since it is a State Highway, the Idaho Transportation Department is responsible for any repairs or maintenance associated with this road. As a State Highway, this road was not eligible for any repairs as part of the Roads Program to protect barriers that serve as remedies. Since the EPA has done little cleanup work to date in Canyon Creek, any existing road damage mainly comes from a long history of use, including use by many other entities doing work up Canyon Creek. That being said, EPA will continue to monitor the conditions of the road and advise and coordinate with ITD to address any changes in road conditions.

**Concern:** A couple people raised general safety concerns about the trucks, noting that children play in the area, adults walk on Burke Road, and wildlife cross the road.

**Response:** See previous response regarding speed limits and training for contractors. We have also notified ITD and the Shoshone County Sheriff's office about the community's concern about safety on Burke Road.

**Concern:** One person raised concerns about trucks leaking oil and hydraulics on the road.

**Response:** Contractors working for the Trust are required to have a maintenance plan which includes a daily inspection for their trucks. Such a program should minimize release of oil or other fluids on the road to the extent practicable.

**Concern:** Several people voiced concerns about increased traffic generally. One individual noted that people trying to leave driveways have problems with increased traffic. Another mentioned that there are many driveways with blind spots when getting onto Burke Road.

**Response:** In addition to the other measures to control truck speeds, EPA is taking steps to reduce the overall number of additional trucks using LBCR from projects outside of Canyon Creek. For example, trucks that will return to Mullan with clean fill after disposal of their waste will all be diverted to Big Creek instead of LBCR. This will eliminate unnecessary truck traffic from these projects. Also, all roads projects are also sending their waste to Limited Use Repositories outside of Canyon Creek.

Waste generated from the Basin Property Remediation Program and ICP also come to LBCR as part of the original scope of operations. To date, the highest number ICP trucks in a day for 2016 has been 55.

Trucks that are used only for disposal of waste from remedy protection projects in Wallace and areas to the East will be directed to LBCR. This will help improve overall project efficiency and allow the work to be completed in a shorter time, thereby minimizing the disruption to all residents affected by this work.

The 2016 Remedy Protection projects will bring in about 10 more trucks per day. This is in addition to loads from other ICP or BPRP projects. So, on average, the estimated number of trucks coming each day to this repository is about 50 to 60. That number could change from day to day. Remedy protection work is expected to result in about 375 truckloads of material in 2017, and possibly about 300 truckloads in 2018.

**Concern:** One person said trucks are using Dairy Road as well as Burke Road.

**Response:** The Trust will direct contractors to use only Burke Road.

**Concern:** A couple commenters expressed concern that there is not enough room on parts of Burke Road for a truck to pull off if it needed to.

**Response:** Road width is a valid safety concern for motorists and pedestrians. ITD will be advised of this concern.

**Concern:** One person wrote: "About a quarter of a mile up Burke road is a small settling pond close to the road, EPA states it may be a hazard if you get in the water there, well EPA clean-up water tenders and other watering trucks draft water out of that pond all the time to use on fresh clean yards or wash trucks off before they hit the hi-way. So you are just restarting the problem."

**Response:** That pond is also called the Burke Canyon swimming hole. No remedy protection or BPRP water trucks load water from that pond. The area is used by some local residents as a swimming and wading pool. This area is not safe for swimming, wading, or visiting. Sampling in 2013 showed very serious lead contamination (13,000 ppm). Human Health remains a priority for EPA and our partners PHD and IDEQ. At this time, we are raising public awareness of how to reduce your risk while recreating the Basin. EPA is working with DEQ, Panhandle, and the Trust to develop an approach to address these

type of recreational issues. More information will be coming out soon on this proposal. No contractors working for EPA are taking water from this area.

**Concern:** One person stated that they believe there are “other areas [with] no housing areas or traffic concerns that this repository could go and it would reduce the harm to life and property.”

**Response:** It is true that other repositories like Big Creek and EMF have limited housing nearby. However, the cost to haul to these repositories is considerably larger from the Upper Basin. In the Valley, it is hard to find suitable sites to build repositories that will meet all the siting criteria and not take up valuable land that can be used for other private or commercial purposes. For this reason many of EPA’s repositories, like LBCR, are constructed in contaminated areas and on existing tailings impoundments.

**Concern:** One commenter stated, “EPA is not sure of the future but yet they are willing to make statements like ‘using burke will save money and speed up the clean up.’ How can you know this? You don't know what other material may be found in Burke? You don't know an exact year that everything will be done if it is hauled to Burke or somewhere else? You don't know that you might end up having to haul Burke material out of the canyon and to somewhere else, and that's not a cost savings or a time savings. In other words you are just trying to fill an area you have available now instead of finding other areas and leaving this one for what it was intended for....Why doesn't Mullan keep their own [waste] and Osburn also?”

**Response:** The EPA has carefully considered many factors in making decisions on the use of LBCR. These include:

- The amount of estimated waste in Canyon Creek from investigations conducted during the Focus Feasibility Study
- Total disposal capacity in LBCR
- The pace and timing of future cleanup in Canyon Creek as part of the EPA’s overall planning and management process reflected in its 10-year Implementation Plan
- Waste generated from the remaining Remedy Protection Projects in the Upper Basin
- Waste expected from the ICP program for the next 20 years
- The Trust’s management and operation of all repositories and implementation of cleanup work to ensure efficiency and cost savings for the entire annual budget of cleanup work.

Two other factors became apparent over the last year. First, investigations and early estimates of waste disposal capacity around the old SVNRT repository show that this area combined with the LBCR will be able to handle all potential waste sources in Canyon Creek. The EPA is developing a conceptual design for a future engineered repository in the SVNRT area. The agency will seek public comments later this year or early next year.

Second, the development of Limited Use Repositories and Community Fill Projects in other parts of the Basin has kept a great deal of waste out of our operating repositories. This has saved space in our repositories for more cleanup across the Basin.

**Concern:** One local resident asked, “What is the guarantee the repository will not leak hazard waste down to our properties? Or enter the Canyon Creek and expose miles of creek bed again?”

**Response:** LBCR is built on top of an old Hecla tailings impoundment. Monitoring of this site was done during the Focused Feasibility Study and more recently to determine its impact on groundwater. While there is some impact to local groundwater, it is small compared to existing groundwater contamination from historical tailings in the floodplain and other upstream sources. This groundwater and any leachate from the tailings impoundment will eventually be captured by a groundwater collection system. The captured groundwater will be routed to a treatment system. In the meantime, compacting and eventually capping of LBCR will further serve to cut off any infiltration through the repository. Throughout operations and over the long term, the EPA will monitor around the repository to make sure there are no negative effects on groundwater as compared to pre-existing conditions.

**Concern:** One person asked, "With all the money spent currently and in past on Canyon Creek's water quality, why has there never been a fish ladder installed where it meets the South Fork?"

**Response:** While fish can be present in the South Fork, the water quality in Canyon Creek still does not meet standards to support a healthy fishery. Much cleanup work remains to be done. After this work is further along, restoring fish passage will be done in coordination with the Natural Resource Trustees.

**Concern:** One local resident questioned whether the people who were "complaining" knew there was contamination there before they moved there. They also pointed out that EPA is cleaning up and containing the contamination, and asked "so isn't that better"? They also noted, "The repository really has not been a bad neighbor."

**Response:** Comment noted.

**Concern:** One local resident expressed concern about property values affected by the haul route. The commenter also said, "It will save the project some costs because of its location, but what does it do to the residents quality of life?"

**Response:** We hope that through this listening process, we will have taken actions that help address concerns about the repository in the Burke Canyon neighborhood. Ultimately, our work in the area is aimed at protecting people's health and the environment. We have heard many reports from community members and local officials about the positive impact the cleanup has had on the community and that it is giving people the ability to live and work in a safer, cleaner environment. It has been shown that once cleanup is completed at many Superfund Sites, property values tend to go up. However, due to the extent of contamination in the Basin, it will be some time before the cleanup is completed. EPA is close to completing property cleanups and roads in community areas, which is an important consideration for most lenders and realtors.

**Concern:** One local resident pointed out that in 2013, the EPA said that truck traffic will be kept to a minimum near the residential area. The resident said, "We were also told that only certain (minimal) outside waste would be sent to LBCR not the additional 1400 trucks per year for the next 3 years that you are asking for now." The person also stated, "In 2015, there was truck traffic to the LBCR 5 to 6 days per week," not 4 as they had expected from the EPA design report.

**Response:** The total number of trucks that came to the LBCR in 2015 is 1750. Of those, 146 came from the ICP, 742 came from remedy protection work, 84 came from the roads program, and 778 came from the Basin Property Remediation Program in Burke. As noted, the additional waste is expected to result in

about 50 more trucks per week using the repository during the field season in 2016. The LBCR will be accepting truck loads Monday through Friday.

**Concern:** One community member wrote: “In my opinion, the only reason EPA is even having another comment period, is because you were caught in 2015 hauling material to the LBCR that was not supposed to have gone there. It was not a small mistake, it was approximately 700 trucks of material that was incorrectly taken to the LBCR. Saying that you needed the unpaved road waste in order to build roads across the LBCR is a lie. There is plenty of mine waste or yard remediation with rock material in burke canyon to build roads on the repository.”

**Response:** Bringing in additional waste without notifying the public was an error due to miscommunication. Since that time, we have put communication protocols in place to make sure that all waste management activities fall within operational plans. Communication among project managers, partners, contractors and workers will be ongoing throughout the season.

The road waste containing asphalt and concrete is uniquely different from yard soils and other ICP waste that contain some rock; it was indeed specifically sought for the construction of ramps at LBCR. That being said, bringing in this material without notice should not have happened. We are hopeful that this current public outreach effort will help us identify and address community concerns to the extent that we can.

**Concern:** One person said, “I am sure that none of this comment is even going to matter.”

**Response:** The EPA takes community input very seriously. This informal comment period is part of our commitment to give full consideration to the needs and concerns of the community. Even though our process does not require it, we want to hear from people to find ways to make the repository less of a burden. We understand that the repository operation and other cleanup activities impact local people, sometimes in negative ways. We are committed to being a good neighbor, and are willing to look for ways to address concerns. The agency also has a responsibility to spend resources wisely and run an efficient cleanup.