Institutional Controls Program Changes to the Regulatory Framework

Bunker Hill Superfund Site

August 16, 2022
Second Townhall Public Meeting
Shoshone Medical Center
Community Outreach Center in Pinehurst

STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

BEIPC
Basin Environmental
Improvement Project
Commission

Public Health
Prevent. Promote. Protect.
Panhandle Health District

Welcome and Introductions

- Basin Environmental Improvement Project Commission (BEIPC) Citizen Coordinating Council (CCC)
- Idaho Department of Environmental Quality (DEQ)
- Panhandle Health District (PHD)
- Governor’s Staff, Policy Division





Agenda

- Background
- Proposed changes to the regulatory framework
- Draft ICP statute language
- Timeline for transition
- Questions/comments



Background

- ICP is a required component of cleanup for selected remedial actions
- ICP has been a local program for over 25 years and will need to continue into perpetuity
- Purpose: protect public health and assist with local real estate transactions
- Permitting and inspection process to oversee all construction activities
- Services support: barrier maintenance, HEPA vacuum loan program, home renovation, environmental sample data, and education
- Allows for real estate transactions within the Bunker Hill Superfund Site without liability for individual property owners

Proposed Regulatory Framework Changes

- 2021 Legislative Session - Change in Idaho's Public Health Districts status as a governmental entity
- Currently, a temporary PHD rule under 41.01.01, Rules of Idaho Public Health District #1
- Long-term solution is working collaboratively to develop a draft statute
- Statute to be sponsored by DEQ during 2023 Legislative Session

Proposed Changes

- Overall goal is to not make substantive changes to requirements or implementation
- Requirements will be streamlined in draft statute
- All services will continue to be provided free of charge to users
- PHD will continue day-to-day implementation of ICP



Proposed Changes

Current 41.01.01 Temporary Rules

Rules for other programs will not be included in the ICP statute

Box (Operable Units 1 and 2):

- 500. Contaminant Management (purpose, definitions, statement of intent)
- 510. Application of Regulations (standards adopted, barriers; construction and maintenance, and ICP permits)

Basin (Operable Unit 3):

- 511. Contaminant Management (purpose, implementation of policy and standards, definition, statement of intent, and additional provisions)
- 512. Application of Regulations (standards adopted, barriers; construction and maintenance, and ICP permits)

Draft ICP Statute Outline

Box and Basin information will be combined together:

- Short Title
- Establishment of ICP
- Definitions
- Scope and Applicability
- Standards for Contaminant Management
- ICP Permit Application and Administration

Not included: *Barriers; Construction and Maintenance* and tables. Instead, reference to applicable remedial design reports.

Proposed Changes (continued)

Current 41.01.01 Temporary Rules

Box and Basin:

- 520. Permit Application and Administration, 521. Inspection, 522. Permit Revocation, 523. Record of Compliance, 530. Contractor Licensing, 531. Licensing for Public Utilities and Governmental Entities, 540. Performance of Work, 541. Performance Standards, 542. Approval of Alternative Standards. 543. Owner and Applicant Responsibility for Claims and Liabilities, 900. Administrative Procedures, Exceptions, Penalties, 902. Violation and Enforcement.

Appendices:

- ICP Administrative Area Maps
- Applicability of Barrier Type Tables
- Soil Removal and Replacement Depth Tables

Draft ICP Statute Outline

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Not included: Appendices with maps and tables. Available upon request or maps on websites.

Change: Transition of enforcement to DEQ.

Proposed Changes (continued)

Draft ICP Statute Language – Questions or Comments?

- Short Title
- Establishment of ICP
- Definitions
- Scope and Applicability
- Standards for Contaminant Management
- ICP Permit Application and Administration

Timeline for Transition

First Public Meeting	Today's Public Meeting	January 2023
Held on July 12, 2022. No written comments received.	Submit comments on draft ICP statute language by August 26th.	Statute sponsored by DEQ presented during 2023 Legislative Session. In effect after passage and approval.

Additional information and updates:
www.deq.idaho.gov/bunkerhill

Questions and Comments?



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Submit written comments by August 26th:

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