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
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:

Appendices:
• ICP Administrative Area Maps
• Applicability of Barrier Type Tables
• Soil Removal and Replacement Depth Tables

Draft ICP Statute Outline

Box and Basin information will be combined together:
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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

<table>
<thead>
<tr>
<th>First Public Meeting</th>
<th>Today’s Public Meeting</th>
<th>January 2023</th>
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<tbody>
<tr>
<td>Held on July 12, 2022. No written comments received.</td>
<td>Submit comments on draft ICP statute language by August 26th.</td>
<td>Statute sponsored by DEQ presented during 2023 Legislative Session. In effect after passage and approval.</td>
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Additional information and updates: [www.deq.idaho.gov/bunkerhill](http://www.deq.idaho.gov/bunkerhill)
Questions and Comments?

Submit written comments by August 26th:

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Additional information and updates:
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