



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY



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Dirk Kempthorne, Governor
C. Stephen Allred, Director

February 3, 2003

Ms. Fran Allans
U. S. Environmental Protection Agency
1435 N. Orchard
Boise, Idaho 83706

Re: State Concurrence with EPA's Record of Decision for the Blackbird Mine

Dear Ms. Allans:

This correspondence is in response to your letter dated January 9, 2003, enclosing the final Record of Decision ("ROD") for the Blackbird Mine site. In that letter you requested the state's concurrence on the selected remedy outlined in the enclosed ROD, as required by Section 300.515 of the National Contingency Plan. The State concurs with the selected remedy contained in the ROD subject to the states' comments previously provided to EPA's Proposed Plan.

In the absence of specific numeric water quality criteria, Idaho Code seeks to ensure all surface waters fully support beneficial uses. Idaho Water Quality Standards 58.0102.200 states, "Surface waters shall be free from toxic substances in concentrations that impair designated beneficial uses". This standard is applicable to the surface water cleanup levels for cobalt, as well as all the sediment cleanup targets. The State concurs that these cleanup levels will likely be protective of beneficial uses. Even though we concur that the surface water cobalt cleanup level is adequately protective, we also note that there was considerable uncertainty in its derivation. The State continues to support chronic toxicity testing with cobalt prior to implementing large-scale actions to meet the current cobalt cleanup level. We think it probable, that if high quality chronic aquatic toxicity testing with cobalt were completed, a different cobalt cleanup level would likely result.

The question of transporting Bucktail Creek water around the South Fork of Big Deer Creek contained in alternative BT-5 remains at issue. It is uncertain if this action will result in the necessary improvements in water quality in South Fork Big Deer Creek. In order to keep all options open, the State would prefer to first judge the effectiveness of the Bucktail Creek Seep collection before determining a course of action involving any rerouting of Bucktail Creek. This effectiveness evaluation will help determine what additional contingency efforts are needed in conjunction with various aspects of BT-5 to reduce copper loading to Big Deer Creek.



Thank you for all of your efforts towards reaching final remediation of this site.
If you have any further concerns, please do not hesitate to contact either Elton Modroo or myself at 208-528-2650.

Sincerely

A handwritten signature in black ink, appearing to read "James Johnston", written in a cursive style.

James Johnston
Regional Administrator
Department of Environmental Quality

cc: D. Mabe, DEQ
N. Crema, AG-ID
P. Peters, USFS
N. Iadanza, NMFS
E. Modroo, DEQ
T. Saffle, DEQ
R. Jacobson, USDOJ
S. Shutler, NOAA
S. White, USDA



File Code: 2160/2800

Date: FEB 03 2003



Ms. Fran Allans, Remedial Project Manager
U.S. Environmental Protection Agency, Region X
1435 North Orchard Street
Boise, ID 83706

Dear Ms. Allans:

The Intermountain Region of the Forest Service concurs on the January 8 Draft Final Record of Decision (ROD) for the Blackbird Mine Site in Idaho. This concurrence covers the Environmental Protection Agency's (EPA) selection of alternatives BB-7, BT-5, and a combination of P-2 and P-3. The Forest Service fully supports the goals of restoring and maintaining water quality and appropriate resident and anadromous fisheries in the Big Deer and Panther Creeks.

The Forest Service recommends that the EPA consider the following during implementation of the selected alternatives:

1. Phase in the remedy in the Bucktail Creek drainage due to the uncertainties associated with the selected remedy and the unknown effectiveness of the construction work performed in 2002. This will involve monitoring as the work progresses and potentially modifying future work plans based on the monitoring results. Specifically phase and evaluate the work to determine if the proposed pipeline is necessary and adequate.
2. EPA will coordinate with the Forest Service on any road construction or other surface disturbance necessary in the West Panther Creek Roadless Area to implement the remedy. Construction activities are generally prohibited in Roadless Areas; however, such activities conducted as part of a Comprehensive Environmental Response Compensation and Liability Act (CERCLA) action may be allowed (36 CFR 294.12(b)(2)).
3. Continue consultation with the National Marine Fisheries Service and the Fish and Wildlife Service to address their concerns that actions related to this project are likely to adversely affect the Chinook salmon and bull trout and their critical habitat.
4. Review the technical and clerical comments enclosed and include where appropriate.

If you have questions, please contact Suzanne Buntrock, CERCLA Coordinator, or Pete Peters, On-Scene Coordinator, at (801) 625-5454 or (208) 879-4158, respectively.

Sincerely,

Bert Kulez
for JACK G. TROYER
Regional Forester

Enclosures

