

Spokane River Regional Toxics Task Force

Wednesday, August 22, 2012

10:00 a.m. – 5:00 p.m.

Facilitated by Kelsey Gray, Ruckleshaus Center

Spokane Water Resource Center

Spokane County Regional Water Reclamation Facility

1004 N. Freya Street | Spokane, WA

Meeting Notes

Attendees

Voting Members

Bruce Rawls*, Dave Moss; Spokane County

Tom Agnew*, Lee Mellish; Liberty Lake Sewer and Water District

Bud Leber*; Kaiser Aluminum

Elizabeth Schoedel*; Tim Pelton City of Spokane

Mike LaScoula*; Spokane Regional Health District

Joanne Snarski** (attempted to call in but unable to connect); Washington State Department of Health

Greg Weeks*; Lake Spokane Association

Mike Petersen* (afternoon session); The Lands Council

Bart Mihailovich*; Riverkeepers

Advisors

Adriane Borgias, Diana Washington, Brandee Era-Miller; Washington State Department of Ecology

Brian Crossley; Spokane Tribe (signed in)

Dan Redline (afternoon session); Idaho Department of Environmental Quality

Kevin Booth; Avista

Participants

Greg Lahti; Washington State Department of Transportation (morning session)

Mike Neher; City of Post Falls

Ken Windram; Hayden Area Regional Sewer Board

Public and Alternates

Bruce Robbert; Avista

Sandy Phillips; Spokane Regional Health District

Jon Welge; Tetrattech

Sarah Hubbard-Gray; HGC/SRSP

Rick Eichstaedt; Center for Justice/Riverkeepers

Marc Gauthier, Chase Davis (on phone); UCUT

Tom Chastek; WSU

Brandee Era-Miller (on phone); Washington State

*Voting member

** Conference call line was available until 10:45 am with no attendees calling in. Line was reinstated at 2 pm.

Sensing Interview Results Presentation: Kelsey Gray

See PowerPoint presentation in meeting notes. Comments from the Task Force:

- How does the Task Force progress satisfy the Clean Water Act? A federal response on this will be important. Will what the Task Force does be accepted as we move forward?
- Were there examples of “low hanging fruit” identified in the interviews? The Task Force could do some data analysis and address what is easiest to address in order to show that things are being accomplished. We could then move on to the more difficult tasks. The topic of toxics in the river is very complex from a scientific, technical, political, and policy perspective.
- What is Kelsey Gray’s (KG) opinion about the direction of the Task Force (after having completed these interviews)? KG identified eight items that can be addressed by the Task Force. Some of the items are on the agenda for the current meeting. The Task Force should:
 - Develop a “Plan of Action” (not the same as the work plan) to prioritize work steps over the next few months.
 - Address what happens when new interests join? How are they brought up to speed with respect to the MOA, direction of the Task Force and ongoing work? [Comment from the Task Force: this is important to do since this can be a disruptive force if not managed.]
 - Consider how to work with the Spokane Tribe including how and when to engage the Tribe formally and informally; which also includes regular contact with the Tribe. [Comment from the Task Force: The City of Spokane will be reaching out to the Tribe in September; this is a key meeting as it relates to collaborative opportunities, Combined Sewer Overflows, environmental issues, and long term monitoring.]
 - Determine how and when to talk to politicians
 - Determine how, when, and who talks to the media about the Task Force business
 - Determine if an executive committee is needed for the Task Force. KG recommends that this not be established at this time but that she would continue to work with the Work Group co-chairs and the SRRTF directly.
 - Identify a scope of work for the PCB Work Plan (on agenda at this meeting)
 - Define the process for hiring the Technical Consultant (on agenda at this meeting)
 - Define “measurable progress” (on agenda at this meeting)
- Working with the Spokane Tribe is essential for the Task Force. We should discuss how to re-engage with the Tribe and have regular communications.
- Industry users and producers of toxics (should) have a big stake in this. Their collaboration/participation is needed over the long term. When EPA says PCB is “banned” from production, it doesn’t mean that no PCBs are being produced. If PCBs are continuing to be introduced to the environment, then it will be impossible to meet the water quality standards for the Spokane River. Industries that have PCBs in their products need to be involved (i.e., Colored Printing Manufacturer’s Association, GE).
- Spokane has led the way nationally before with respect to water quality initiatives and source reduction (i.e. phosphates in detergents) and that’s ok.
- Educational efforts are needed: for example data shows that 8% of the PCB in the watershed comes from the wastewater treatment facilities; with increased treatment technology being added this is expected to decrease PCB by 80-90% which means that 1-2% would be from the wastewater treatment facilities and 98% of PCB comes from other sources. There is a need to educate rate payers about what is driving increases in rates.
- The Spokane Regional Health District recommends giving a presentation on this topic which would advise local politicians and area leaders.

- How do we integrate Idaho into the Task Force?
- The EPA is reportedly looking at Toxic Substances Control Act (TSCA) reform this September/October and the SRRTTF could have a unified voice on this.

Schedule of Meetings (Decision): Regularly scheduled meetings will be as follows:

- 4th Wed. SRRTTF meetings from 8:30 am-noon
- 1st Wed. Work Group meetings: Administrative Work Group 10 am – 12 pm; Technical Track Work Group 1 pm-3pm.
- Notes:
 - September 26th Task Force meeting to be held at Ecology offices
 - October Work Group meetings to be held on October 10, 2012
 - December Task Force meeting to be held on December 19, 2012

ECOS Annual Meeting Presentation: Doug Krapas

Inland Empire Paper was designated by EPA as “PCB Free.” Following a study by the Department of Ecology, it was discovered that there were PCBs in the effluent. IEP does not manufacture PCBs. Further study identified the source to be inks associated with recycled paper; specifically yellow, blue, and green colors can have the PCB 11 congener. Under the TSCA regulations, products can have up to 50 ppm max PCB and 25 ppm average PCB content; This is 300,000,000 times higher than the Washington Water Quality Standard and 20, 000,000,000 times higher than the Spokane Tribe’s Water Quality Standard. Also, there are more than 200 consumer products that contain PCB and are in common use.

Ted Sturdevant will be attending the upcoming Environmental Council of States (ECOS) meeting along with Doug Krapas (DK) and Rich Eichstaedt (RE). They will be giving presentations on the PCB issue and TSCA reform, along with Lisa Rodenberg who was a speaker at the Spokane River Toxics Workshop.

Task Force discussion:

- There is a resolution that will be put forth to the ECOS for voting. DK to send to Adriane Borgias (AB) for posting on the SRRTTF website. Individual organizations can submit their own letters to ECOS via email to Doug Krapas prior to August 27th.
- Other groups that the SRRTTF can work with on this topic include: Water Environment Federation, American Metropolitan Sewer Agencies.
- The SRRTTF can work on a resolution to EPA on this topic.

Administrative Work Group: See handouts in meeting notes.

- Business Entity Function and Structure (Background): Sarah Hubbard-Gray
- Articles of Incorporation of SRRTTF (Decision): Rick Eichstaedt & Elizabeth Schoedel
- Bylaws (Background)

MOTION: SRRTTF approves the Articles of Incorporation and By-Laws, as presented, subject to review by Spokane County Attorney and adoption by the participant members’ governing boards.

DECISION: Consensus achieved.

DISCUSSION: The time frame for approval by the County is about 3-4 weeks. If there are no changes by the County then the Task Force can proceed with filing the Articles of Incorporation with the state.

ACTION ITEM: The Administrative Work Group will identify and recommend to the SRRTTF the following:

- The names to be associated with the positions
- Identification of the Conservation Representative
- Path forward for the filing process.

Technical Work Group Report: Bud Leber. See PowerPoint presentation in meeting notes.

- June 6th Toxics Workshop Report
 - There is a surplus in funds which is being held by the Center for Justice. It is assumed that this will roll over into the Business Entity once it is formed.
- SRRTTF PCB Work Plan Objectives (Decision)

Path forward discussion about “measurable progress:”

- If the Technical Track Work Group proceeds with discussion with Ecology about “measurable progress,” what is the outcome of the discussion?
- Defining “measurable progress” gives the SRRTTF something to track as time goes on. This is an opportunity for the SRRTTF to advise Ecology regarding what it means. It could be broad.
- There is a concern that the definition could be too definitive and affect the dynamic course of the Task Force, and a request to defer a decision on this discussion until later.
- “Measurable progress” is the most important way the SRRTTF can show the world that we aren’t spinning our wheels.
- There is a concern that Ecology could derail this process and a request that there be a firm commitment from Ecology first before the discussion happens and a request that the entire SRRTTF brainstorm this topic first.
- This concept is new in Washington and also in the US. This is the opportunity to develop the idea of what this means. If the goal of the SRRTTF is to achieve water quality standards, there are many ways to measure progress towards this goal. For example, measuring PCB in fish tissue alone is a long term measurement. It may not reflect shorter term actions and source reduction progress.
- There is strong support for this concept from Ecology Director’s office. Ecology will be putting together ideas on this for Ecology management in the next few months in order to get management buy-in. This is necessary for the next generation of permits in 3-5 years. The SRRTTF can give an indication of what this should look like and build common ground.
- Concepts to build off of for defining measurable progress: Education of the public about PCB in products, fish consumption; Sampling efforts at end of pipe, environmental; Work plan.
- Question: Does having “measurable progress” in the NPDES permits exclude fish tissue sampling?

MOTION: SRRTTF authorizes the Technical Track Work Group to develop basic elements of the definition of “measurable progress” in discussion with Ecology and to bring the definition back to the next SRRTTF meeting for further development of the concepts.

DECISION: Consensus achieved.

DISCUSSION: The SRRTTF requested the participation of Ecology Permitting Section (Diana Washington) in the Technical Track Work Group for this activity.

SRRTTF Technical Advisor Concept (Decision)

Task Force Discussion:

- Does the Technical Consultant need to have expertise in PCB in solids/soluble PCB and understanding how this relates to PCB in fish?
- The question was raised as to whether or not there should be single independent advisor as a Technical Consultant who has access to a list of approved consultants or a single company that writes the scope of work. There was a concern that this could be a conflict of interest.

- There was an opinion that the Technical Consultant would be unbiased and would use the “best available science” in doing the work. It is anticipated that the SRRTTF would prepare the RFP with a general idea of what is needed from the consultant. Once selected, the SRRTTF and the consultant would jointly develop the scope of work. There would be a lot of back and forth on this, including budgetary considerations.
- Clarification: The Technical Consultant would assist with developing the work plan (in addition to review).

MOTION: SRRTTF approves the Work Plan Objectives and the Technical Advisor concepts which gives the Technical Track Work Group permission to proceed with the RFP process.

DECISION: Consensus achieved.

ACTION ITEM: Submit comments on the concept papers to AB/KG no later than August 31st.

Update: Plan for Ecology’s Fiscal Year 2013 Brandee J. Era-Miller.

Toxics Sampling in the Spokane River

See handouts in meeting notes.

Task Force discussion:

- Make sure that the Spokane Tribe is included in this activity since the goal of the Task Force is to achieve the Water Quality Standard and it is the Tribes’ standard for PCB that is being used.
- There are other sites that where fish can be collected for future analysis (Lower Long Lake and Spokane Arm, Long Lake for example).
- There was a question about why sediment was only being collected in the fall and not in the spring (for example at Hangman Creek) when there is more sediment in the water. Answer: this is a possibility and the samplers could be installed for later analysis should more funding be available.
- Should SRRTTF contribute money to this effort in order to analyze archived samples?
- The retest interval is 5 years for a variety of reasons. There is a lot of historical information although of varied data quality.
- Can EPA/DEQ do a cooperative effort to test the segment of the river from State line to the mouth at Lake Coeur d’Alene?
- Discussion about how this information registers with sampling in the NPDES permits. Dischargers measure influent and effluent concentrations but not what is in the river.

ACTION ITEM:

- Ecology (Brandee Era-Miller) to provide draft Quality Assurance Project Plan (QAPP) for review and comment by September 7, 2012. This will have more details about sampling locations, types, analysis, etc.
- SRRTTF to provide comment by September 21, 2012.
- Technical Track Work Group to discuss this topic on September 5th and report back to the SRRTTF at the September 26th meeting.

Public Comment: No public comment.

Next meeting Agenda Items (in no particular order):

- Business Entity Articles of Incorporation and By-Laws
- Definition of Measurable Progress and group exercise (Technical Track Work Group report out)
- How to work with the Media (Administrative Work Group report out)
- Toxic Substances Control Act reform (Technical Track Work Group report out)

- Fish Tissues Sampling locations (Technical Track Work Group report out): information only as sampling program will be established by the time of the next meeting
- Update from Ted Sturdevant meeting on September 13th
- Technical Consultant draft Request for Proposals (Technical Track Work Group report out)