

Spokane Regional Toxics Task Force Meeting

Facilitated by the William D. Ruckelshaus Center (Chris Page and Kara Whitman)

Wednesday, August 24, 2016 | 9:00 am -12:30 pm

Liberty Lake Sewer and Water District (LLSWD) | 22510 E. Mission Ave | Liberty Lake, WA

DRAFT Meeting Summary

Meeting Materials: <http://srrttf.org/?p=6892>

Attendees:

*Voting Members and Alternatives (*Denotes a Voting Member)*

Tom Agnew*, BiJay Adams –Liberty Lake Sewer and Water District
Bud Leber*, Brent Downey –Kaiser Aluminum
Adrienne Pearson (phone), Elizabeth Schoedel*, Jeff Donovan –City of Spokane
Jerry White* –Spokane RiverKeeper
Don Keil*, Kris Holm (phone) –City of Coeur d’Alene
Doug Krapas*, Brent Downey –Inland Empire Paper
Lisa Manning* –Kootenai Environmental Alliance
Dave Moss*, Ben Brattebo, Mike Hermanson –Spokane County
Mike LaScuola* –Spokane Regional Health District
Galen Buterbaugh* –Lake Spokane Association

Advisors

Adriane Borgias, Diana Washington – WA Dept of Ecology (Ecology)
Brian Nickel (phone), Catherine Gockel (phone) –Environmental Protection Agency (EPA)
Dan Redline –Idaho Department of Environmental Quality (IDEQ)

Public/Interested Parties

John Beacham –City of Post Falls
Kevin Booth –Avista
Lisa Dally Wilson –Dally Environmental
Dave Dilks (phone) –LimnoTech
Dennis Fuller –Century West
Paul Klatt (phone) –J-U-B Engineering
Eric Williams –Gallatin
Ken Windram –Hayden Area Regional Sewer Board

Introductions, Agenda Review, and Approval of Prior Meeting Notes

After a round of introductions, the SRRRTF reviewed the agenda, making no changes.

DECISION: The July 27, 2016 Task Force meeting/Workshop Notes were accepted.

ACTION ITEM: Ruckelshaus Center to post notes to the Task Force Website. (COMPLETE)

Update on Monthly PCB Sampling

Dave Dilks reported that all the data have come in, and he will present results at the September Technical Track Work Group (TTWG) meeting. Dave will likely recommend fall sampling to continue filling out the Task Force’s in-river data. The SRRRTF expressed support for the prospect of continuing the monitoring into the fall.

LimnoTech will have a first draft of the Task Force Comprehensive Plan (“Comp Plan) out by mid-September. Review comments will again be openly shared, and the final Comp Plan product again will be consensus-based. Dave summarized outcomes of the July 27th workshop (“Confirmation of Control Action for Inclusion in the

Comprehensive Plan” (http://srrttf.org/wp-content/uploads/2016/08/SRRTTF_LimnoTech_08_22_2016_draft.pdf). LimnoTech broke down the PCB control actions considered at the July workshop into 27 actions (or groups of actions, in some cases), and reminded the SRRTTF that they had assigned each to one of 5 categories (A-E).

Category A: Current Actions (*Comp Plan will document these, but not recommend substantive changes*)

Q&A/COMMENTS

- No comments on category A

Category B: Maintain and Enhance Current Activities

Q (regarding PCB-Containing-Products): Does the Task Force want to build its own database, or support another entity’s centralized clearinghouse? Ecology has done a lot of PCB testing, so the Task Force could rely on their “clearinghouse.” Additional data collected by the Task Force could add to this by providing information to Ecology for inclusion in the (statewide) “clearinghouse”.

Q&A/COMMENTS

- **Q.** What about oil burning, such as oil heaters in shops or local dispersed burning of used oil? **A.** This might merit a study.
- **C.** How should the Task Force approach Clean Water Act compliance, since the Task Force Memorandum of Agreement (MOA) states that the Task Force will not comment on permit compliance? Let’s eep an eye on this in the first draft of full Comprehensive Plan.

Category C activities: New Activities

Two new actions in this category:

- Identifying new sites of concern for contaminated groundwater
- Building demolition and renovation control

ACTION ITEM: Task Force Education and Outreach Work Group to look at the Toolkit from San Francisco Estuary Institute, with an eye toward adapting it for the Spokane River Basin.

Q&A/COMMENTS

- **Q.** Is there Task Force consensus on encouraging regulations/ordinances that require management of PCB-containing materials during demolition and renovation? **A.** Dave will take another look, can remove it later if the group decides this should not be included.

Control D Activities: Consider for Future Implementation (*many need more info, or future studies*)

Q&A/COMMENTS

- **C.** Stormwater source tracing: should this be in a different category? This has been successful in other areas where PCBs are a concern. EPA has some resources and ability to follow up on this. Keep this idea on the radar, with the intent to quantify stormwater impact: is it significant enough to merit source tracing?
- **C.** Look at the impact and prioritize category D actions to help to prioritize future research.
- **Q.** Stormwater is mostly covered under discharge permits, so how does this relate to what the Task Force is trying to do? **A.** Permit-related activities for stormwater are already in Category A. This is additional stormwater source tracing beyond the NPDES program activities.

Category E Control Actions: Do Not Pursue at This Time

Expanded leaf removal, PCB product labeling law, and education on post-consumer paper recycling.

Implementation Details

Dave Dilks reviewed how the Comp Plan will cover implementation of control actions: the Plan will confirm which entity or entities “own” each new activity and define milestones, timelines for implementation, and effectiveness monitoring. The intent is for each control action to have an annual status report. It could be challenging measuring and monitoring public outreach effectiveness, though Adriane Borgias noted that techniques do exist for this.

Timelines and milestones:

Has measurable progress been made? Good idea to use this term in each monitoring section. Dave will weave this into each one. Flesh out what Measurable Progress means for each action.

Category A, Maintain Current Activities: The “owner” is already identified, and existing permits and programs already exist. They are assessed by Ecology’s long-term monitoring program for the Spokane River.

Category B, Maintain and Enhance Current Activities:

- **Green Chemistry:** Owner = Task Force, to provide guidance and feedback to Ecology, others. Need timelines, milestones and ongoing annual assessment. Effectiveness-monitoring needs to look at measurable progress.
- **PCB Product Testing:** Owner = Ecology, with support from Task Force as appropriate. **Q.** How is “ownership” defined? **A.** Two ways of looking at it: If it is just guidance, then Task Force, but if it is the establishment of a PCB product-testing clearinghouse, this is something Ecology is working on and can maintain (with SRRTTF and other product testing info incorporated).
 - Effectiveness-monitoring: change to “What support for a clearinghouse has been provided?”
 - **Q.** Ecology grant-and-loan program? **A.** Yes. Suggest a bonus point for PCB reductions in the program?
- **Waste Disposal Assistance:** Owner = SRRTTF Outreach workgroup. For effectiveness-monitoring, there are ways to measure the effectiveness of outreach (Mike LaScuola and Adriane have good information on this).
- **Regulatory Rulemaking:** Owner = SRRTTF small work group. This includes:
 - Dialogue/letters with EPA and legislators on reforming Toxic Substances Control Act (TSCA)
 - Changes to state “color box” requirements for road paints. Monitor evidence of changed regulations. For color box requirements, follow up with Greg Lahti before first draft of plan. **Q.** Why is this only the Department of Transportation (DOT) from Washington; should we not also engage Idaho DOT?
- **Compliance with PCB Regulations:** Owner = SRRTTF member entities. Actions = comment on NPDES/Clean Water Act (CWA) compliance/permits, 303(d) listings; review the results of atmospheric deposition study (talk to Brandee Era Miller) to assess need for potential regulatory control of oil burning.
- **Emerging end-of-pipe Stormwater Technologies:** Owner = SRRTTF. Identify and support additional research projects toward meeting Task Force goals.

Category C, New Control Actions:

- **Identify contaminated sites of concern for groundwater –**
 - **Q.** Does this include previously-identified sites that have been closed, after cleanup? **A.** Yes, it does. Data mining and data gathering can assist in tracking groundwater PCB loading from both the River and up-gradient, from soil and groundwater data. Drop the work “new”.
 - **C.** Need robust effectiveness monitoring (annually). Consult with Toxics Control Program (TCP) staff. Need to reconcile the difference between cleanup standards of this program with the in-river water quality standards.
 - **C.** There is a difference between sites of concern and cleanup sites. Some sites would not get on a Toxics Cleanup Program (TCP) list, but would be a concern for the river.

- **C.** High priority, may need more detail for clarity, mining data, and working with TCP. How do we identify sites of concern? **C.** Many sites that have had cleanups have never gotten tested for PCBs. Caveats: available data may be limited, and it is difficult to reopen sites.
- **Building and demolition/renovation control:** Obtain and adapt San Francisco Estuary Institute (SFEI) toolkit to distribute as part of permits, and encourage regulations/ordinances requiring management of PCB-containing materials during demolition and renovation.

EPA NPDES General Permit for federal Aquaculture Facilities Located in Indian Country within the Boundaries of the State of Washington: Catherine Gockel

Individual members of the Task Force see inconsistency between PCB conditions in the state (Ecology) and federal (EPA), when SRRTTF comments requested consistency between both permits. Specifically, related to monitoring of hatchery effluent: the federal permit only requires PCB monitoring 1x/year; all other NPDES permits must monitor more frequently. Catherine explained that the permit requires a congener analysis during the time of each year when the fish do the most feeding—thus are most likely to contain the highest concentration of PCBs. The permit also requires an annual complete congener analysis.

General BMPs in section 12 of the permit require the facility to act to eliminate PCBs from the facility. Since each facility is unique, some Task Force members feel it may not be appropriate to apply the same information from one hatchery to another. Catherine explained that EPA sees it as duplicative (and costly, ~\$20,000) to monitor at the other Washington Department of Fish and Wildlife facility (other than Trout Lodge).

EPA does not require testing for PCBs in paint and caulk; what incentive exists to remove it—when would this occur? The State permit requires development of a plan to assess this, but the federal permit does not. Catherine said there is a major difference in how EPA and Ecology address paint: EPA requires that for painted or caulked surfaces that contact water and were installed before a specific date, hatcheries must follow abatement requirements. Catherine also pointed out the state requirement for preferential purchase of low-PCB products.

Some Task Force members would like to see more incentive to develop low-PCB food for every phase of salmonid growth. Facilities must request PCB info from suppliers, and keep the information in their files; however, there is no requirement for the suppliers to test for PCBs using 1668c method. **Q.** Could this be an enforcement opportunity for EPA under TSCA? **A.** EPA does not regulate the suppliers of feed, so this would be the Food and Drug Administration (FDA). Feed suppliers are required to meet a concentration (2ppm) for FDA. Catherine will chat with the PCB coordinator about this.

EPA requires hatcheries to submit PCB congener-analysis data in annual reporting (it will be online in the EPA “Enforcement and Compliance Online” (ECHO) database. Catherine could provide data from annual reporting to the Task Force upon request. The permit does require hatcheries to complete the full congener analysis using method 1668C, and include the total concentration of dioxin-like congeners using SRRTTF QAPP and blank censoring rules. EPA also encouraged participation in Task Force, but cannot require tribal participation.

Future Agenda Items: Non-Cancer Health Impacts of PCB 11 (EPA representative); Representative of the FDA on fish food limit allowance.

Date Management Work Group: Pilot Database Project

Adriane Borgias said the work group has not resolved what the SRRTTF database will look like, but looked at four basic options:

- Use Ecology’s Environmental Information Management (EIM) system;
- EQuIS (Environmental Quality Information System) database (expensive);

- Delaware River Basin Commission (DRBC) system (free and customizable), and
- SRRTTF developing its own Access database.

The work group decided to focus on the DRBC system by exploring it with a pilot project to assess whether the DRBC database will work for the Task Force. The project is ready to send out as a Request for Proposal (RFP), the RFP to include a cost proposal (estimated at \$10,000-\$30,000). The Task Force discussed the need to be clear on what the evaluation criteria will be for selecting who will do the project. The SRRTTF Administrative and Contracting Entity (ACE) can put this together.

Some Task Force members raised the question: if a repository gets created for all Task Force data, will it survive a dissolution of the Task Force? Adriane explained there is long-term data storage in EIM, to address that question. This effort is to create a working database for the Task Force, and it can be housed anywhere.

Q. Can data from Idaho be put into EIM? **A.** Task Force data collected in Idaho is already going into EIM; Adriane does not think there is a limitation to keeping Idaho data out. Discharge data from Idaho permits goes into ISIS permit database.

DECISION: The Task Force agreed to have ACE to pull together evaluation criteria for the project and send out an RFP for bid submittal.

ACTION ITEM: ACE to pull together evaluation criteria for selecting pilot project consultant and send out RFP. (COMPLETE)

Solid Waste Handling Standards Rulemaking: Letter from Task Force.

The Task Force discussed a letter (drafted by Jeff Donovan - City of Spokane) in response to Ecology's proposed solid waste handling rule. Jeff explained the two main points: (a) the proposed rule does not require testing for PCBs from street waste, and (b) screening levels don't protect water quality standards from PCBs.

Mike LaScuola explained that it was be difficult to resolve the logistics of testing street waste, and that it could be cost prohibitive. If vactor waste and street waste got the designation as "special waste," there would be a method to address this waste (currently it goes to a landfill).

The Task Force needs to be careful in entering this conversation, so as not to have unintended consequences. The letter could serve as an education tool, rather than recommending regulatory action. The Task Force could approach this dilemma from an observation standpoint rather than making direct recommendations for the rule. *Note: Proposed rule out in October.*

ACTION ITEM: Mike LaScuola to revise the letter drafted by Jeff Donovan to address concerns of conflict of rules concerning solid waste.

ACTION ITEM: Task Force to open dialogue with Marni Solheim of Ecology, ask Marni to make time on calendar for next Task Force meeting. (COMPLETE)

DECISION: The Task Force agreed to table this agenda item/decision for now.

Funding Request Letter

The Task Force discussed the draft letter to Governor Inslee requesting funding in the next budget, including edits suggested by Adriane Borgias.

- We should focus on moving the Task Force forward by highlighting that the alternative-to-TMDL process is a success, highlighting the leveraging of resources, and focusing on the community-based approach and benefits of the collaborative effort.

- Show evidence that the Task Force used previous funding successfully. Focus on positive statements, on success, and on why continued funding is crucial.

DECISION: The Task Force conditionally approves the letter, pending changes discussed in the meeting.

ACTION ITEM: Kara Whitman to make edits, send letter to Doug Krapas and Adriane Borgias for review and finalizing. Chris Page to send to Governor Inslee, c/o Natural Resource Policy Advisor (Rob Duff). Also email the final version to Task Force and encourage follow up support letters from individual entities. (COMPLETE)

Potential Environmental Assessment Program (EAP) Projects

The new toxics unit supervisor for EAP is Debbie Sargent. The Task Force has had success in the past getting projects funded through EAP. Task Force members asked to suggest project ideas, and proposed the following:

- Restructure of fish tissue sampling (note: Chris Donley previously proposed specifics; confer with him). Don't always have age data for the composites.
- Bioaccumulation study.
- Assess correlation of Dissolved Oxygen to PCBs in Long Lake.
- Fish tissue data-gathering (lead by Keith Siders, at Ecology). Next sampling period scheduled for 2021, but with external funding, they could do it sooner. EAP funding to get this done sooner?
- Can the Department of Health put pressure on Ecology to get data to re-evaluate the fish advisory? There is Carp data, and other data. Idaho is currently doing this for the Coeur d'Alene River for metals. Could two outcomes get accomplished in one study: PCBs in fish tissue, and reassessing the fish advisory? EAP could do the sampling, but the Department of Health would have responsibility to do the advisory.
- Study of sediment archives in River, even in tributaries—could EAP separate sediment-poor and sediment-rich locations to determine the feedback mechanisms to the food chain? Look at fish tissue data, and gauge whether areas with higher-concentration PCBs have correlations to higher levels sediment.
- Can EAP help with assessing the potential contributions of PCBs to the River from groundwater?
- Food Web Analysis.

Future Agenda Item: Discussion with Water Quality Assessment Group: What data is needed to get movement to happen in changing the 303(d) listing? Could someone from the assessment group come talk to the Task Force? It makes sense to look at this after the Comp Plan is done, so perhaps in January 2017.

ACTION ITEM: Adriane Borgias to pull together a list of projects to send to the Task Force and its Technical Track Work Group to look at this on Sept. 7th. (COMPLETE)

Events and Outreach, Funding

Should the funding work group reconvene? Adriane to take the lead; members = Adriane Borgias, Tom Agnew, Mike Petersen, Doug Krapas.

ACTION ITEM: The funding work group to convene and go through the "Funding Strategies" document and report back to the Task Force. (Update: tentative meeting date scheduled.)

Green Duwamish River/King County: Working group overseen by King County. Rachel McCrea (Ecology) contacted Chris Page requesting a Task Force member(s) to talk in Seattle on September 15th about the SRRTTF organizational structure and collaborative process. Chris suggested three members of the Task Force, representing different stakeholder categories, participate. Ecology (Diana Washington) might provide a room with video conference. Potential attendees: Jerry White, Tom Agnew, Mike Petersen, Galen Buterbaugh, other?

ACTION ITEM: Chris Page to connect Rachel McCrea to Diana Washington to set up this meeting. (Update: video capabilities not available in Seattle facility; SRRTTF representatives suggested Chris Page attend in person.)

Updates and Announcements

- ACE to meet on September 2, 2016
- TSCA Risk Assessment: EPA gearing up to implement the recent Lautenberg Chemical Safety Act (new TSCA), doing a risk assessment to frame regulations. Task Force should pay attention, this will have impacts locally in the long run.
- Color pigment manufacturers association has a new director; Doug met with him and has kept a communication line open. *Future Agenda Item: presentation from this director (before end of year).*
- Gravity field report from 2015 is now available on the Task Force website.

ACTION ITEM: The 2-15 Gravity Field Report is available for review, Task Force to send comments to Dave Dilks.

The next full SRRTTF meeting is September 28th, from 9 a.m. to 12:30 a.m. at the Spokane County Water Resource Center
The next TTWG meeting is September 7th, 2016 from 10 a.m. to 12 p.m. at the WA Department of Ecology in Spokane.

FINAL DRAFT