

# Spokane River Regional Toxics Task Force

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

**DRAFT** Summary Notes | September 3, 2015 9:00am to 12:30pm

Liberty Lake Sewer and Water District Office | 22510 E. Mission Ave. Liberty Lake, WA

## Attendees

*Voting Members and Alternatives (\*Denotes Voting Members)*

Tom Agnew \*, BiJay Adams, Julie Garrett – Liberty Lake Sewer and Water District  
Dale Arnold\*, Jeff Donovan, Marlene Feist, Lloyd Brewer, Elizabeth Schoedel – City of Spokane  
Galen Buterbaugh\*(phone) – Lake Spokane Association  
Don Keil\*, Kris Holm – City of Coeur d’Alene  
Doug Krapas\* – Inland Empire Paper  
Bud Leber\*, Edgar Scott– Kaiser Aluminum  
Sandy Phillips\* – Spokane Regional Health District  
Dave McBride\*(*phone*) – Washington Department of Health  
Rob Lindsay\*, Bruce Rawls – Spokane County  
Mike Petersen\* – Lands Council  
Jerry White\*, Rick Eichstaedt – RiverKeeper

## *Advisors*

Jim Bellatty, Laurie Carrie-Gregory (phone), Mike Hepp, Jeremy Ryf, Tina Simpsich (phone), Kara Steward (phone)  
– WA Dept. of Ecology (Ecology)  
Kevin Booth – Avista  
Brian Nickel (*phone*) – U.S. Environmental Protection Agency (EPA)  
Rebecca Stevens – Coeur d’Alene Tribe

## *Public / Interested Parties*

Henry Allen – City of Spokane Valley  
John Beacham – City of Post Falls  
Adrienne Cronebaugh – Kootenai Environmental Alliance  
Lisa Dally-Wilson – Dally Environmental  
Dave Dilks (*phone*) – LimnoTech  
Art Jenkins – City of Spokane Valley  
Paul Klatt (phone) – JUB Engineering  
Steve Krueger – WA Department of Enterprise Services (DES)  
Greg Lahti – Washington Department of Transportation (DOT)  
Jennifer Nard – Gomez Environmental Law  
Leslie Weatherhead – Lee and Hayes (for Monsanto)

## **Agenda Review & Prior Meeting Summary**

Brian Nickel was asked to update the group on the status of the court case. No other changes were made to the agenda. Brian would like the term “permitting actions” changed to “permitting recommendations” in the last paragraph of page 1.

**DECISION:** The Task Force approved the July 29<sup>th</sup>, 2015 summary notes with the noted changes.

**ACTION ITEM:** Kara Whitman (Ruckelshaus Center) to make notes change to the July 29<sup>th</sup>, 2015 summary notes and post as final to the Task Force website. (COMPLETE)

## **WA PCB-“Best Value Bid Weighting Calculator” (BVC Calculator)**

Steve Krueger explained that in the past, DES (state purchasing) contracts always got awarded to the lowest bidder. RCW 39.26.280 states “no agency may knowingly purchase products or products in packaging containing Polychlorinated Biphenyls above practical quantification limit except when it is not cost-effective or technically feasible to do so.” DES purchasers now must give competitive advantage to green products, within limits. The BVC calculator is a tool to help make purchasing decisions based not just on cost, but on PCB content and other factors.

Steve worked through an example of purchasing using the BVC calculator, which allows the user to enter in a maximum amount reasonable to pay over standard prices for “exceptional” products. This can include considerations such as PCB content. The user can set the pass/fail criteria to narrow the choices to those that will meet the state’s needs. The user can then add in value-added considerations.

### **Q&A/Comments**

- **Q.** Who makes that initial assumption? **A.** We recommend that representatives from DES would be part of that decision, along with the purchaser. Can vary by product or purchase.
- **Q.** When is the calculator applied, and are the results public? **A.** During development of the bid, yes it is public record. Bidders won’t see BVC results until the winning bidder has been announced.
- **Q.** Theoretically, based on SRRTTF work, we could come up with a cost per gram of PCBs removed. Has there been discussion about using real figures to calculate the percentage? **A.** No, this is where the Task Force could serve an advisory role.
- **Q.** What if the vendor does not know if they have PCBs? **A.** The successful bidder must provide testing of their product (DES does not want to burden all the vendors with the cost of testing just to submit a bid). Other vendors can challenge the winning bidder, which would obligate the challenger to cover the cost of validation testing. **C.** They would need to qualify the testing method to be used (i.e. 1668 Method). **A.** Still a work in progress, DES welcomes input from the Task Force.
- **Q.** What about the opportunity risk for exposure to environment vs. high risk of environmental contamination? Survey of municipalities? **A.** Task Input would be helpful here.
- **Q.** how is “cost effective” determined? **A.** This will be up to the agency.

**ACTION ITEM:** The Task Force formed a work group to advise DES as the BVC is fine-tuned and used to make purchasing decisions. Steve Krueger will let the Task Force know when there is a large procurement coming up in which the BVC will be applied. Work Group members include: Don Keil, Greg Lahti, Art Jenkins, and Rob Lindsay. Ruckelshaus Center to send contact information for work group members. (COMPLETE)

**ACTION ITEM:** Ruckelshaus Center to assist in coordinating a meeting between Kara Steward, Steve Krueger and the work group. (COMPLETE)

### **Technical Track Work Group (TTWG) Report and Technical Topics**

Dave Dilks reported that during the August 2015 dry-weather sampling, flows were lower than the 2014 sampling (low of 700 cfs). This should be good for seeing a groundwater signal. Wildfires did cause some ash particles on the water surface, which may add an atmospheric load. Conventional parameter data are coming in. The rest of the results should be back in mid-October; Dave will report on the data at the October Task Force meeting.

Rob Lindsay reported on the Ecology and Spokane County sampling, which used three wells near gaining reaches to look at aquifer PCB concentrations. The samples are getting sent to AXYS Labs, with results due back in late October. Chris Page mentioned that the group might want to ask Gary Stevens of Idaho Department of Environmental Quality (IDEQ) to assist in considering the results, since he has done an aquifer-wide water quality characterization.

### **QAPP: How Should the SRRTTF Approve Addenda?**

A question was raised about approval of addenda to existing Quality Assurance Project Plans (QAPP). The full Task Force authorizes contracts, so the group should be clear on what a contract amendment is vs. technical work (the purview of the TTWG). Chris Page clarified the process for Task Force approval. The addendum for the 2015 dry weather sampling QAPP was relatively minor, and technical in nature.

### **EPA/Court Case Update**

Brian Nickel explained that he has talked with their attorney. A status report was filed by Plaintiffs on August 7<sup>th</sup>, 2015. Vacation schedules have stalled the submission of a proposed schedule till September 4<sup>th</sup>. **Q.** has EPA progressed on filing a motion? **A.** Brian is not aware of this.

### **Comprehensive Plan**

Chris Page discussed the timeline for the Task Force's comprehensive plan, as mandated in the recent EPA response to the judge's ruling and as articulated in the SRRITF Memorandum of Agreement (MOA). The details of the plan will be the difficult part to complete (BMPs versus numerical limits). Limnotech can put together the scope and budget for completing the comprehensive plan if the Task Force gives it the green light. Part of the plan can be developed by the Best Management Practices (BMP) work group.

Bud Leber drafted a Letter to EPA requesting that agency identify a decision-making contact person who can help make sure the Task Force is on the right track with the plan as it evolves. Task Force members expressed concern about putting anything in writing that may commit the Task Force to something outside the existing MOA. The only legal obligations today are the MOA and NPDES permits. Some Task Force members do not think a letter is necessary to confirm that the Task Force will work on a comprehensive plan as denoted in the Task Force MOA and work plan. Others think EPA guidance would be helpful and a letter could reinforce that the comprehensive plan content delineated by EPA aligns with what the Task Force MOA outlines.

Bruce Rawls expressed confusion about the level of review of Task Force products: what is the relationship between EPA and Ecology in terms of which agency approves what the Task Force does? The Task Force goal/mission was to do data collection, identify data gaps, establish sources and then identify BMPs to reduce those sources. The goal has never been to do a "pseudo TMDL." In other words, waste-load allocations were never to be identified in an SRRITF comprehensive plan. Brian does not believe EPA has specifically requested the Task Force to do this, but only to complete what the Task Force had already planned to complete.

Everything is in flux at this point, but if the EPA requirement sticks, and the Task Force has not done what EPA had specified, then the Task Force process will give way to a TMDL. The Task Force requested an EPA representative participate in all TTWG meetings and would also like to know who the person is that will make the determination of adequacy of the comprehensive plan.

Jim Bellatty explained that Ecology is looking at this from the measurable progress standpoint. Until they hear back from the judge it will be business as usual from Ecology's perspective, as specified by the measurable progress permit requirement.

**DECISION:** The Task Force agreed to have LimnoTech draft a scope, budget and timeline for the completion of a comprehensive plan.

**ACTION ITEM:** Limnotech to prepare scope, cost estimate and timeline for comprehensive plan.

### **Ecology Draft General Permit for Hatcheries**

Kris Holm discussed three main talking points she recommends the Task Force include in a comment letter. She encouraged individual entities to send their own comment letters from their perspectives.

Key things Kris identified:

1. The draft should recognize that fish hatcheries are potential sources of PCBs to the receiving waters and sediments.
2. The draft should require monitoring of effluents, receiving waters and sediments for PCBs to characterize effluent. Monitor using methods included in other point source discharge permits.
3. PCB reduction activities inadequate per requirement to comply with WQS See S6.C. PCB Reduction Activities and BMPs

Holm will draft a comment letter and provide it to the Task Force in advance of the September 23<sup>rd</sup> meeting, in time for a decision at that meeting.

### **Q&A/Comments**

- John Beacham noted: Point 2- for surface water and sediment is not needed since surface water testing has been onerous and not provided useful data for the Idaho dischargers who have this in their permits. Point 3- Recommend removing the mention of TSCA allowances (requesting 50 ppm be removed from the permit is unlikely to be helpful).
- Jim Bellatty said Ecology welcomes input on the draft permit, and reminded the group this is a statewide permit with a statewide perspective. EPA has made recommendations to Ecology for the permit. Ecology may need to add an administrative order for specific hatcheries based on toxics such as PCBs. There are 83 hatcheries on the general permit (not all of which have identified a PCB issue).
- Mike Hepp (on the Ecology permit team) asked for comments to be clear and specific (if too broad, difficult to address). If comments refer to data, please provide the data or a link to it (preferably current data tied to a specific portions of the permit).
- Mike Hepp explained their intention for PCBs in the hatcheries: rather than testing, just eliminate components likely to contain high levels of PCBs (e.g. paint and caulk). Kris Holm responded that the permit implies paint and caulk are not sources, as they are not requested to be monitored.
- Ecology would prefer that Ecology's EAP program test the hatcheries effluent and other components, rather than having hatcheries attempt to test themselves.
- Potential solution: If the facility is on a 303d listed water body, then the hatchery should be required to monitor for the contaminants of concern.
- Q. FDA allowance and TSCA- if you give the hatcheries a free ride, then what about all other facilities that discharge into the river? A. Mike said that the Task Force should make that comment about dropping that provision.
- Bruce Rawls: 303D listed water body, under onerous requirements, looking for every source there is. If the hatchery is a source, then the Task Force is concerned with how the general permit applies to this. Mass and concentration are both important. If it does not get into the general permit, then how else would there be a regulatory mechanism. A. Mike explained that they can specify separate administrative orders for specific permits (no expiration date on these).

**ACTION ITEM:** Kris Holm to draft a letter on the Hatchery draft permit and provide to the Task Force for review and decision at the September 23<sup>rd</sup> meeting.

### **City of Spokane Lawsuit against Monsanto:**

The attorneys for the City of Spokane declined to discuss the case, with representation from Monsanto in the room. The representative from Monsanto, Leslie Weatherhead, asked to be notified if this topic is on the agenda at a future Task Force meeting.

### **SWAT Team Updates:**

- Draft reports for vector waste and hydroseed sent to TTWG, which will discuss next steps.

- Vactor Waste: testing groundwater near solids disposal and other next steps. Jeff is open to any comments or changes to the report.
- Hydroseed: Doug thanked the folks on the team and their hard work. The testing found no smoking gun for PCBs, but the dyes show higher levels than other components. Doug is trying to get the suppliers to work together to use a modified method (are the dyes even needed?). More studies are needed using 1668 method to confirm results. Perhaps WA could require hydroseed to be dye-free? It is not clear how much is contributing to the Spokane River; can we ascertain quantities applied? Greg Lahti to provide data to the TTWG group.
- DOT and Ecology sampled products at maintenance sites, data should be out in the next month or two – integrate as an addendum to the hydroseed report.

**ACTION ITEM:** Task Force to provide comments on Vactor Waste and Hydroseed reports to Jeff Donovan (Vactor Waste) and Doug Krapas (Hydroseed) no later than close of business on September 10th. The reports are to be posted on the September 16<sup>th</sup> Task Force announcement for a decision at the September 23<sup>rd</sup> Task Force meeting.

**ACTION ITEM:** Greg Lahti to look into whether he can obtain information on WSDOT hydroseed use in the Spokane River watershed.

### **Presentation: Marlene Feist: Robinson Research Public Opinion Survey**

Marlene (City of Spokane) summarized this survey, commissioned by the Spokane River Forum. It was a phone (land and cell) survey completed in May and June. Some highlights:

- Good news: people are interacting with the river, want to protect the river, and want to learn more.
- Bad News: Respondents did not know what pollutants they should be concerned about and do not think that anyone is doing anything about them.
- 77% of people said they visited the river at least once a year.
- When asked about pollutants respondents said “somewhat contaminated;” however, it appears respondents cannot differentiate among pollutants (they may be confused on PCBs, or unaware).
- Nearly 80% of respondents could not say what was being done on the river to clean up and/or deal with water quality.

### **Q&A/Discussion**

- **Q.** Education and outreach is a goal, but does it work? Will people really pay attention? How much money do we spend to work on this, and will we see a benefit? **A.** yes this is an issue. The recent proposal for a \$300,000 Grant of Regional or Statewide Significance (GROSS) addresses this via broader messages and high-level concepts. Ultimately, outreach will be needed to engender public support for cleanup efforts and get people to make needed behavior changes.
- **C.** The public is spending money on cleanup in their rates, but they don’t know anything is being done to cleanup.
- Agricultural non-point source pollution not identified as a pollutant source.
- **Q.** Did the survey discuss information sources and trust? **A.** Yes, it asked who people trust for information (both land and cell lines). Average age is in upper 50’s. Demographics are also included.
- Fish-advisory awareness went down.
- Jerry White explained that part of the MOA specifies the support of robust education, since it leads to solutions and a responsibility.
- Dave McBride: WA Department of Health could help raise awareness of fish advisory; however there is zero budget for this outreach. Ecology looked at Carp in Lake Spokane, and will issue a “do not eat carp” advisory.

### **Events/outreach:**

- Sept. 19<sup>th</sup>, 2015 River cleanup (part of “love your river” event): looking for funding for material.

- H2O breakfast on the 18<sup>th</sup>.
- September 24<sup>th</sup>, KPBX community forum “our water our future” Steve Jackson pulling this together. Has asked panelist to participate: rob Lindsay, Guy Gregory, Rachel Pascal Osborne, etc. at Spokane City Council meeting room. 6 pm?

**ACTION ITEM:** Ruckelshaus Center to send announcement with identified upcoming events. (COMPLETE)

#### **Toxic Substances Control Act (TSCA) Reform: Partnering (e.g. w/Duwamish Parties)?**

Chris reminded the group of the discussion at the workshop in January about pooling efforts (create a larger coalition) to work on TSCA reform. The local coalition has expanded to tribal, environmental groups and senators, and is getting some traction. Changes could be made in two areas: EPA could modify TSCA or through legislative change. Doug would like to expand the coalition and fine tune the group. The City of Seattle Duwamish Coalition and the Northwest Pollution Prevention Center (NWPPC) (out of Oregon) may be interested in joining. Other groups to contact: Columbia River Keeper and their Columbia River Toxics Working Group (contact: Mary Lou Soscia, EPA).

**ACTION ITEM:** Ruckelshaus Center to provide Duwamish contact for TSCA reform coalition (COMPLETE).

#### **Future Workshops**

The group discussed a potential workshop on PCBs in fish. This is a complex set of issues (water column, bioaccumulation, exposure pathways, etc) with regulatory gaps to address on PCBs in fish coming from fish hatcheries. Idaho Fish hatcheries should also be considered, with Idaho Fish & Game asked to come.

**Qs:** How many fish in the system, what is concentration of PCBs in their tissue, and what is PCB fingerprints appear in tissue? Data Ecology uses to determine impairment does not exclude hatchery-born fish. This topic is ripe for exploration. What is the time-lag of accumulation?

**ACTION ITEM:** The Task Force TTWG to consider future workshops at its next meeting.

#### **Task Force Membership**

Kootenai Environmental Alliance (KEA) has requested consideration to become an official voting member of the Task Force. This will be on the agenda for the September 23<sup>rd</sup> meeting. Adrienne Cronebaugh (KEA) explained that the organization, which also includes Coeur d’Alene Lakekeeper, focuses on the Idaho Panhandle and the Coeur d’Alene basin and that they have a vested interest in water quality in the Spokane River. With Idaho dischargers signing on to the Task Force, they would like to be involved. Jerry White noted that as the MOA signatories now include the City of Coeur d’Alene in Idaho, it is a natural fit to have KEA involved.

**ACTION ITEM:** The Task Force to vote on adding Kootenai Environmental Alliance to the Task Force at September 23<sup>rd</sup> meeting. Task Force will also discuss process for inviting other Idaho entities.

**DECISION:** The Task Force agreed to move the October 28<sup>th</sup> Meeting to October 21<sup>st</sup>.

**ACTION ITEM:** Ruckelshaus Center to send out notice of meeting date change and update Task Force website. (COMPLETE)

No Public Comment

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The next SRRITF meeting is Wednesday, September 23, 2015 at the Spokane County Water Resource Center.  
The next Technical Track Work Group meeting is October 7, 2015 at the Washington Department of Ecology.