Spokane River Regional Toxics Task Force Meeting

Facilitated by the William D. Ruckelshaus Center (Chris Page and Kara Whitman)
Draft Summary Notes| Wednesday, February 24, 2016 | 9:00 a.m. – 12:30 p.m.
Liberty Lake Sewer and Water District | 22510 E. Mission Ave. Liberty Lake, WA

Attendees

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

Tom Agnew (phone) *, BiJay Adams – Liberty Lake Sewer and Water District
Galen Buterbaugh* (phone) – Lake Spokane Association
Adrienne Cronebaugh*(phone), Lisa Manning (phone) – Kootenai Environmental Alliance
Don Keil*, Kris Holm (phone) – City of Coeur d'Alene
Doug Krapas* – Inland Empire Paper
Heidi Montez – The Lands Council
Dave Moss*, Mike Hermanson (phone) – Spokane County
Sandy Phillips – Spokane Regional Health District
Elizabeth Schoedel*, Jeff Donovan – City of Spokane
Edgar Scott*, Brent Downey – Kaiser Aluminum
Jerry White* (phone) – RiverKeeper

Advisors

Jim Bellatty, Adriane Borgias, Jeremy Ryf, – Washington Department of Ecology (Ecology)
Brian Nickel (phone), Catherine Gockel (phone) – U.S. Environmental Protection Agency (EPA)
Dan Redline – Idaho Department of Environmental Quality
Bryce Robbert – Avista

Public/Interested Parties

Lisa Dally-Wilson – Dally Environmental
Chris Donley, Rich Watson – Washington Department of Fish and Wildlife (WDFW)
Dave Dilks (phone) – LimnoTech
Rebecca Stevens – Coeur d'Alene Tribe
Eric Williams – Gallatin Public Affairs, Inc.
Ken Windram – Hayden Area Regional Sewer Board

Introductions and Agenda Review:

No changes were made to the agenda. Adriane Borgias announced that Dale Norton and Michael Friese of the Ecology's Environmental Assessment Program (EAP) are taking other jobs. *Update: Siana Wong will be taking over Michael's Spokane Fish Hatchery Study.*

DECISION: The Task Force approved the January 27, 2016 Meeting Notes with the following corrections

- Remove John Beacham as an attendee and change "Tech Track" to Task Force Meeting
- Follow-up on Action Item: Chris Donley did follow up and provide comments on Michael Friese's plan for the Spokane Fish Hatchery Study.

Court Minute: Chris Page read the Minute Order from Judge Rothstein. Adriane Borgias explained that the Washington state district court will wait until they hear from the appeals court before doing anything. The timeline for resolution could be as long as 6 months to 1 year.

Technical Topics:
Sources and Pathways Memo, BMP inventory, Quality Assurance Project Plan (QAPP) for 2016 monthly monitoring, and re-run of 2015 samples (documents at http://srrttf.org/?p=5863).

Sources and Pathways: Memo (Comprehensive Plan Task 1)
The revised draft memorandum "Sources and Pathways of PCBs in the Spokane River Watershed" (with Task Force comments incorporated) is ready for review. Dave Dilks will submit the final memo for approval ahead of the March 16th, 2016 Task Force meeting after any further comments (due March 7th). The next step for LimnoTech is to put numbers on all of the identified pathways.

Additional comments on Sources and Pathways Memo:

- The memo should lay out definitions for source and pathways.
- Consider the difference between loads versus concentrations when putting numbers to pathways.

Best Management Practices (BMPs):
The draft memo "Inventory of Best Management Practices to Be Evaluated for the Spokane River" is available for review; comments due by March 23rd, 2016.

Re-Run Samples:
LimnoTech has just received the samples that the lab re-ran from the August, 2015 sampling. (The original samples from a few sites had higher-than-acceptable PCB concentrations observed in laboratory blanks.) AXYS re-ran them using archived samples. Dave will have the data and analysis at the March 16th Task Force meeting.

2016 Monthly Monitoring:
The scope of work for the 2016 monthly sampling is finalized based on Task Force feedback. The QAPP Addendum 2 is ready for signatures. The QAPP adheres to everything in the original Task Force-approved QAPP, with no substantial changes.

Q&A/Comments:

- **Q.** Ken Windram asked if it is possible to run a separate test on suspended (high flow, high turbidity). **A.** This could be done, but could raise the cost substantially. The study will measure total organic carbon (TOC) and total suspended solids (TSS), enough to calculate an estimate of how much is in each phase. **C.** Turbidity entering the river could be runoff or re-suspension of river-bottom sediments. The conditions at the time of sampling will be reported.
- **Q.** Would it make sense to run a few samples of sediment to get an indication on how to move forward? **A.** This could help validate the TSS/TOC analysis. The group discussed where to take samples and how many, generally agreeing on two at the outlet of Lake Coeur d'Alene, two just below the mouth of Latah Creek, and two at the USGS flow gage just upstream of the mouth of Latah Creek.
- **Q.** Regarding high-volume sampling (HVS): don't we have a filtered sample? Can we investigate this question? **A.** No, this was during flow.
- **C**. Latah Creek is very flashy (has large pulses of water). Can we capture a pulse? Need to be able to indicate the source of the water/sediment. **A**. That is complicated by the fact that the PCBs equilibrate between dissolved and particulate phase, so the distribution is mixed by the time you get to the mouth of the creek.
- **C.** Adriane Borgias noted the QAPP needs to be clear about what information is being collecting and what is expected, to avoid misinterpretations. **C.** Page 5 of QAPP Addendum 2 signifies different parameters, but it is not clear exactly what information will be gleaned—need to distinguish between loads and concentration.

A. The original intent is to study concentrations; calculating loads is an add-on for locations where flows can be assessed (active gages). Will specify that this is a semi-quantitative study (as in the original QAPP).

DECISION: The Task Force tentatively approved a supplemental budget of ~ $10,000 pending investigation of this option by Dave Dilks and discussion at the next Technical Track Work Group (TTWG) meeting.
DECISION: QAPP to go through technical review and signature process. Comments to be sent to Dave Dilks (make sure it is in line with the original QAPP).
ACTION ITEM: TTWG look at suggested additional sampling (on suspended particulates); for decision at March Task Force meeting. (COMPLETE.)
ACTION ITEM: Task Force to review the BMP Memo and send comments to Dave Dilks by March 23rd.
ACTION ITEM: Ruckelshaus Center to send out BMP memo for Task Force review.

Technical Workshop Takeaways:
Data Management: The Task Force discussed the need for standardization, collection, and reporting of data, along with data management cost and transparency, access over the long term, and tools for modification. Dave Moss said the County may pilot the Delaware River Basin Commission (DRBC) database. The DRBC has a well-established process the Task Force can follow.

The Data Management Work Group will meet 2x/month (see proposal at http://srrttf.org/?p=5948). Plan:

- Provide draft "charter" to SRRTTF (similar to DRBC)
- Review of DRBC materials (vs. existing QAPP, Laboratory RFP, EIM)
- Identify future needs, including:
    - Data management system
    - Care and Feeding of data (skills needed for this)
    - Budget
    - SRRTTF implementation options (where it is housed, who maintains it)

Data Management Work Group members: Chris Donley, Ellie Key, David Dilks, Brandee Era-Miller, Rachel McCrae, Mike Hermanson, Jeff Donovan, and Idaho Department of Environmental Quality rep (Bob Steed?)

ACTION ITEM: Adriane Borgias to schedule meetings of the Database Management Work Group and contact Bob Steed of IDEQ to see if he will join the work group. (COMPLETE.)

Dialogue: Dr. Rodenburg and Dave Dilks (2-5pm, March 22nd (at "Our Gem" Lake Coeur d'Alene Symposium)

- Lisa Rodenburg can do cursory data analysis if she gets all available data. Adriane can help provide access to Ecology's raw data; Dave Dilks will provide her with the 2015 synoptic survey data. 2012 fish data has been sent to her, from Mike Hermanson (remind her). County data will be sent to Lisa via Brown and Caldwell.

Process for Working through BMPs
The Task Force discussed a broad framework for identifying and selecting BMPs for the Comprehensive Plan. Adriane presented the "Pollution Prevention Hierarchy" concept ("Don't make it, Don't use it/Use less of it, and Manage it properly") as a way to approach this. The "don't make it" category (top of triangle) needs to be addressed at a different level involving the Toxics Substances Control Act (TSCA) and other legislation. This issue at the top of the triangle limits what can be done at other levels.

LimnoTech, with SRRTTF assistance, can identify all potentially appropriate BMPs for each category, given the local context. The next step would be to rank them based on ease of implementation and magnitude of potential reduction. Limnotech will evaluate BMPs outside of permits, including whether a responsible party

exists to implement them—they will avoid "pie in the sky" BMPs. The BMP workgroup has met three times, though primarily focusing on preparing for the February workshop.

Q&A/Comments:

- **C.** Suggested BMP: Write letter to government agencies responsible for protecting the aquifer from PCBs and ask them to find the sources and address them.
- **C.** Brian Nickel: When talking about BMPs, it is useful to not be too narrow about potentially helpful regulatory programs. Model Toxics Control Act (MTCA), local ordinances, etc. can provide responsible party.
- **Q.** Scale? What is Ecology's and EPA's part in dealing with larger-scale issues? **A**. Jim Bellatty explained that there is a piece for Ecology that goes above and beyond the scope and scale of the Task Force Comprehensive Plan.
- **C.** Discharge permits obligate dischargers to certain BMPs already.
- **Q.** How does the group want to move forward? BMP Workgroup(s), Process: BMP development process through Limnotech. What criteria are used can be decided before the July workshop on BMPs?

ACTION ITEM: Ruckelshaus Center request Ecology's Toxics Control Program provide a representative to assist Task Force as the group develops its Comprehensive Plan. (COMPLETE: Bill Fees to attend the March 2nd TTWG meeting to begin discussing how TCP can coordinate with the Task Force.)

TSCA BMP focus group: Doug Krapas, Jerry White, Chris Donley, Brian Nickel., Ken Zarker (proposed), reps from City and County TBD.
"Don't use it / Use less of it, and Manage it properly" BMP Focus Group: Sandy Phillips, Heidi Montez, Mike Petersen, Rob Lindsay, Jerry White, Jeff Donovan, Ted Hamlin, others? *(Note: This list needs updating.)*

These Work Groups can bring key discussion points to each Task Force meeting. LimnoTech will consider what these work groups can do to move the Comprehensive Plan process along. Consider using terminology "Best management options" or PCB Control Options with BMPs as a subset.

Proposed PCB-Related Conditions for EPA Draft Hatchery Permit
Catherine Gockel, EPA wastewater permit writer, discussed "Proposed PCB-Related Permit Conditions - EPA Draft NPDES General Permit for Federal Aquaculture Facilities & Aquaculture Facilities Located in Indian Country Within the boundaries of the State of Washington." 25 facilities are covered by the permit, including primarily tribal and federal salmon/trout hatcheries.

Public comments on the draft are due March 31st and should be submitted in writing. The permit covers facilities that discharge at least 30 days per year, produces at least 20,000 pounds of fish per year, and use more than 5,000 pounds of food during the calendar month of maximum feeding. The two hatcheries concerning the Task Force in this permit are the Spokane Tribal Hatchery (Spokane Tribe) and the Ford Fish Hatchery (WDFW).

For PCBS in the permit, for all permittees:

> "Facilities must implement procedures to eliminate the release of Polychlorinated Biphenyls (PCBs) from any known sources in the facility - including paint, caulk, or feed. If removing paint or caulk that was applied prior to 1980, refer to the EPA guidance (abatement steps 1-4) at www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caul k/guide/guide-sect4a.htm. Any future application of paint or caulk must be below the allowable TSCA level of 50 ppm. Facilities must implement purchasing procedures that give preference for fish food that contains the lowest amount of PCBs that is economically and practically feasible."

Proposed PCB Monitoring for Facilities in the Spokane Watershed:

- "All facilities that discharge to waters in WRIA 54 (Lower Spokane) and WRIA 57 (Middle Spokane) must monitor their effluent for PCB congeners. -Ford State Fish Hatchery and Spokane Tribal Hatchery.
- Use EPA Method 1668C.
- Report the total concentration of "dioxin-like" PCB congeners. • Submit a complete congener analysis as an attachment to the DMR.
- PCB monitoring must take place annually, during the calendar quarter of maximum feeding.
- Permittees must follow the Spokane River Regional Toxics Task Force Quality Assurance Project Plan with respect to data validation and blank censoring."

Q&A/Comments

- **C.** Proposed monitoring is not meant for monitoring BMP progress
- **Q.** How were the specific requirements for the Spokane River hatcheries decided? **A.** Looked at what could be done to reduce solids from hatcheries (reviewed BMP requirements) and coordinated with Brian Nickel and Michelle Mullin at EPA along with Ecology.
- **Q**. Why use the Task Force QAPP, when its purpose was to do a semi-quantitative assessment, using 3x blank correction factor? **A.** EPA wanted to have monitoring data comparable to that collected by the Task Force. If an effluent limit gets set, it would need to have approved analytical methods. The proposed permit also requires the hatcheries to submit a complete congener analysis. Reporting without blank correction?
- **Q.** Why the decision to use "dioxin-like PCBs" as the reportable number "as well as complete congener analysis". **A**. To better characterize the risk, and for transparency to the public. **C.** This is not clear in the permit, where it sounds as if only dioxin-like congeners will be reported.
- **Q.** Municipalities and Industrial dischargers sample influent six times/year, and sample effluent quarterly, and all of this information goes in an annual report—where does the data go and what is it used for? **A.** Data is used to inform toxics management plans and in source tracking. **Q.** Can you do the same with less data? **A.** Would look at the hatchery data every five years when the permit is up again.
- **C.** Suggestion: Put a requirement for permittees to join the Task Force.
- Don't want to use sampling in an NPDES permit as punitive. More flexibility is better. Prescriptive sampling needs to have a purpose.
- **C.** Should have consistency between Federal and Ecology hatchery permits.
- **C.** Hard to have open discussion currently, when a legal appeal (of Ecology permit) is underway.

Federal Hatchery Permit Draft Comment Letter

Jerry White gave a brief overview of the comments he has been compiling to write a Task Force comment letter on the draft permit.

ACTION ITEM: Task Force members to send comments to Jerry White by Monday at 12 pm Feb.29th. Jerry to draft comment letter that will be discussed at the TTWG meeting March 2nd. (COMPLETE.)

Product Sampling Statistics

Alex Stone gave a presentation on Ecology's sampling to evaluate: PCBs in consumer products, the levels of organic pigments (using PCB-11 an indicator), and the range and amounts of PCBs in consumer products. The data be published in a publicly-accessible database when the report is final (by the end of March 2016).The final report will include all graphs and supplemental information. Conclusions:

- PCBs are widespread and found in a variety of consumer products (72% of tested products contained PCBs above 1 part per billion)
- PCB-11 was a major contributor to the total PCB concentrations in many of the products; however pigments and dyes were not the only source of PCBS.

Q&A/Comments:

- **C.** Be clear about what is being tested (e.g. the packaging vs. the product inside the packaging).
- **Q.** Follow up up on products that were high in PCBs: test the food? **A.** Ecology has no authority over food, so could not test it. **A.** There are standards for packaging food and leaching into food.
- **C.** .16 ppb is a lot when you monitor effluent at parts per quadrillion.
- **Q.** What is the plan for rolling out the report? **A.** Alex will keep Adriane informed on the plans.
- **Q.** What are next steps? **A.** Another round of product testing. Task Force can inform what products to test.
- **Q.** How will results get used? **A.** Ecology working with Department of Enterprise Services (DES) on products purchased for the state. Will use existing authority to update list of chemicals of high concern to children.

Events & Outreach, Funding

- Coeur d'Alene Basin Information Forum (March 17th from 9 am to 3 pm, Task Force portion from 1pm to 1:30 pm). Rebecca Stevens requests one or more Task Force members present on the work being done, focusing on the process and collaborative approach, with an overview of the status of the work effort. Looking for volunteers. The Forum meets annually to talk about natural resource issues and includes state and federal agencies, the Kootenai Environmental Alliance, Counties, Tribes, realtors etc. Presentations planned include: National Oceanographic and Atmospheric Administration (overview of Advanced Ecosystem Solutions, on blue green algae); Susan from Terragraphics ("What's great about beavers"), Coeur d'Alene Tribe (creosote cleanup, wetland enhancement projects); Kootenai County (land use code).

ACTION ITEM: Ruckelshaus Center to assist Rebecca in finding volunteers to speak at this Forum. (COMPLETE.)

Updates and Announcements

- Ecology: Call for new data that has been QA/QC'd to go in EIM, by **April 1st** deadline.
- Feedback on Ecology policy 1-11 (assessing water, section on toxics). Individual comment letters from Task Force members are suggested. Right now they use the fish as a determinant of listing on 303(d) list. Is there a better way to evaluate water quality standards in the river?
- Facilitation contract: the Task Force requested Ruckelshaus Center draft budget and scope for another year.

ACTION ITEM: Ruckelshaus Center to pull together a scope and budget for the next Task Force meeting. (COMPLETE.)

The next SRRTTF Meeting is March 16th, 2016 from 9am -12:30 pm at the Spokane County Water Resource Center
The next meeting of the Technical Track Work Group is March 2, 2016 from 10am-12pm at the Department of Ecology