Spokane River Regional Toxics Task Force

DRAFT Summary Notes

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

Wednesday, April 22, 2015 | 9:00am – 12:30pm

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

Attendees

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

Tom Agnew *, BiJay Adams – Liberty Lake Sewer and Water District
Dale Arnold*, Jeff Donovan, Lynn Schmidt – City of Spokane
Galen Buterbaugh* – Lake Spokane Association
Kris Holm (*phone*) – City of Coeur d'Alene
Doug Krapas*, Ryan Ekre – Inland Empire Paper
Bud Leber*, Edgar Scott – Kaiser Aluminum
Mike LaScuola*, Sandy Phillips – Spokane Regional Health District
Dave McBride*(*phone*) – Washington Department of Health
Dave Moss*, Kevin Cooke, Mike Hermanson, Bruce Rawls – Spokane County
Mike Petersen* – Lands Council
Jerry White* – RiverKeeper

Advisors

Kevin Booth – Avista
Adriane Borgias, Brandee Era-Miller (*phone*), Ted Hamlin, Pam Marti (*phone*), Darin Rice, Sandy Treccani, Jeremy Schmidt – WA Department of Ecology (Ecology)
Brian Nickel – U.S. Environmental Protection Agency (EPA)
Dan Redline – Idaho Department of Environmental Quality

Public

Henry Allen – City of Spokane Valley
Brian Anderson –Washington State University
John Beacham – City of Post Falls
Lisa Dally Wilson – Dally Environmental
Dave Dilks (phone) – LimnoTech
Paul Klatt – JUB Engineers
Greg Lahti – Washington Department of Transportation (DOT)
Ken Windram –Hayden Area Regional Sewer Board

Introductions, Agenda Review, Approval of Prior Meeting Summary

After a round of introductions and agenda review, the group reviewed the March 25, 2015 Task Force Meeting Summary Draft. The meeting notes were accepted as written.

Ted Hamlin reported to the Task Force that the PCB data collected by Arianne Fernandez, including confidence interval testing, is now in Ecology's Environmental Information Management (EIM) system. The reports on the data are written, and the raw data behind the reports are in EIM.

WA PCB-Purchasing Law

Darin Rice works with the Governor on the State purchasing PCB /toxics policy RCW 39.26.280. This policy delineates a state purchasing preference for products and packaging that do not contain polychlorinated biphenyls (PCBs) and outlines broad requirements for product testing.

Darin explained that the Department of Enterprise Services (DES) and Ecology are working on a process for identifying appropriate products, an evaluation and weighting system for procurement, product testing, managing test results and disseminating that information to agencies, compliance and more.
Beyond testing asked of manufactures, the agencies will use data on PCB product testing completed by local organizations /agencies such as the City of Spokane. Darin is looking for suggestions for how the state can implement the law, and how they may collaborate with other efforts.

Q&A/Discussion

- The Task Force encourages the state to prioritize testing and purchase of products that have the highest likelihood of water contamination.
- Address the issue of voluntary vs. forced testing (don't want to harm those who voluntarily test their products). How do we get suppliers to the table while protecting their company?
- **Q:** What is meant by "PCB-free"? What sort of testing methods are being used to demonstrate PCB free? There is a wide range of detection methods and limits. Darin explained that there is a product testing team looking into testing methods. It would be good to coordinate the State and local levels.
- The ordinance does not <u>require</u> data and analysis of products. How is the state going to control this if it is not required? DES has the authority to request or require accredited lab results.
- Steve Krueger from DES expressed interest in talking to the Task Force.
- There is not a state contract for Hydroseed, but DOT buys it at the contractor level. They are working on rules around this process, perhaps giving an economic priority to the product that has the least PCB content? The City of Spokane uses a 25% cost difference rule.
- State Fish hatcheries: according to a 2006 Ecology report, there is a PCB concentration of 2 ppm in hatchery fish meal. How will this law impact fish hatchery and fish food?
- Since the range of products the state buys is vast a "formula" for purchasing is likely to be developed.
- The Task Force provided many suggestions for Darin to communicate back to his team and DES to consider during implementation of the new purchasing policy:
    - Look into products that the Task Force has identified as potential pathways to water contamination such as Hydroseed and Fish Feed.
    - Give an economic priority to products with the least PCB content.
    - Create and provide a product database for smaller cities with limited budgets.
    - Policy mechanism for testing of products if product formula is reformulated.
- Adriane suggested that when this policy is worked out, there needs to be a conversation on tiering of levels of confidentiality (Carol Kraege and Josh Grice should be included).
- Dan Redline: If Ecology has a confidentiality business information rule, it should have a protocol to follow.
- Who will be responsible to organize data, and for public disclosure? Private organizations are not subject to the same public disclosure requirements, so it depends on who funds testing.

ACTION ITEM: Adriane Borgias to set up a call with Darin Rice, Carol Kraege, and Josh Grice to address issues around transparency vs. protecting Confidential Business Information.
ACTION ITEM: Chris Page to follow up with Steve Krueger on coming and speaking with the Task Force. (COMPLETE)

Technical Track Work Group (TTWG) Report & Technical Topics
Dave Dilks will have more to report on the technical work after the next TTWG meeting. Dave explained that LimnoTech is looking into the unknown source between Barker and Trent.

Bud mentioned that the TTWG discussed testing of Gravity's High Volume Sampler (HVS). Gravity offered to donate some time for sampling with their HVS, concurrently with HVS testing being done by Brandee Era-Miller and Ecology's Environmental Assessment Program (EAP).

HVS sampling protocols will be determined by the needs of upcoming studies (wet weather, dry weather etc.) Limnotech is conducting. TTWG also discussed hatchery fish tissue analysis. Ted Hamlin of Ecology is working with Brandee Era-Miller on collecting fish tissue samples from the same rainbow trout stock that Avista will stock.

Q&A/Discussion

- Does Ecology test other things like bugs? Brandee explained that they look at periphytons and also look at metals in macro invertebrates.
- Ken Windram emphasized the need for an invertebrate study in the Spokane River that looks at bioaccumulation and the relationship between water, food and fish. Brandee agreed, and expressed an interest in including this work in the next biennium projects of EAP.

ACTION ITEM: Food web modeling to be added as a proposed EAP project for next year's funding cycle.

Groundwater Sampling/Analysis at/near Kaiser Plant

Bud Leber explained that the Kaiser Aluminum plant sits on the gaining Barker to Trent reach of the River, identified as a segment with an unknown source of PCBs (during the August 2014 synoptic sampling). Kaiser conducts groundwater monitoring to characterize both background and on-site conditions as part of site cleanup requirements formalized with Ecology for the Model Toxics Control Act (MTCA).

Site background data indicates PCBs in groundwater across at least a mile-wide arc at significant levels relative to the PCB increase in the river calculated during the 2014 synoptic sampling. There appears to be a very complicated relationship between groundwater flow, direction and PCBs. Kaiser continues to implement both source control and Interim Actions such as using soy based hydraulic fluid, soil excavation and capping work, liners, concrete pads, walnut shell filtration, and more.

Q&A/Discussion

- Groundwater velocity across the site: hundreds of feet per day. Is there a vertical groundwater gradient? No.
- Where is up-gradient for groundwater? Everything back to Lake CDA.
- Did the synoptic survey capture the loading from groundwater to the river? The synoptic sampling analysis subtracted the contribution from Kaiser, and the net groundwater load considered all known sources. The mass balance calculation shows approximately 200-300 pg/L, and the background from Kaiser has a similar magnitude of size.
- Jeremy Schmidt is the Ecology manager for the Kaiser site cleanup. Kaiser is working hard, but there is still a need to parse out the contributions.
- Ryan Ekre suggested Kaiser do transects perpendicular to the suspected groundwater flow to get a mass balance of PCBs flowing through each transect. They may have enough data to do this now.
- What are next steps? Assessing background contribution (Phase 3 LimnoTech scope)
- Doug Krapas suggests that during LimnoTech next steps, they look at test wells between the Spokane Industrial site and Kaiser to help pinpoint a potential source.

Groundwater Data Analysis Project—Update

Pam Marti has picked up where Martha Maggi left off and has identified historical PCB sites, what has been cleaned up, drywell locations, and other potentially useful information. This may provide insight into potential sources when compared with synoptic sampling data. Pam's research shows 34 cleaned up sites located in the Barker to Trent reach and 4 cleanup sites in the Trent to Greene Street reach. There are 16 sites in EIM with various levels of data. Pam has also looked at the underground injection program (drywells), which listed 14,000 drywells in Spokane County, the majority of which are for municipal stormwater.

- Are any of the drywells associated with swales? This needs further research.
- Henry Allen explained that the database of drywells may not be fully accurate. There are many drywells that have not been registered.
- Sandy Phillips asked how "suspected" sites are determined. Samples taken from sites that have come back as "non-detect" may still be contaminated with PCBs. The method used to sample the site depends on the level of cleanup criteria. To look at level of cleanup for these sites, we will need to dig deeper into the data.

ACTION ITEM: Pam Marti to connect with Dave Dilks of LimnoTech on results of the data mining.
ACTION ITEM: Pam Marti to further specify whether the drywells are associated with swales/injection wells.
ACTION ITEM: Pam Marti to work with Sandy Treconni to verify information on the suspected and known contamination sites map.
ACTION ITEM: Liberty Lake Sewer and Water to provide well data to LimnoTech and Pam Marti.

Measurable Progress Update, Schedule
Adriane explained where Ecology is in the process of determining Measurable Progress. Adriane has gone through the evaluation criteria and pulled evidence from Task Force website. The Task Force has a really good story. Ecology is meeting with Task Force members about what to submit for the determination. However, the information needs to be compiled by the end of May.

EPA and the Court Ruling
Brian Nickel explained that the federal district court judge in Seattle said EPA needs to file a schedule with the endpoint being completing a Total Maximum Daily Load (TMDL) for the Spokane River. This is to include quantifiable benchmarks, plans and deadlines, and enforceable standards to judge the work of the Task Force. EPA has not made a decision on whether to appeal at this point. Either way, EPA intends to prepare the file to submit to the court. This is due July 14th. EPA is consulting with Ecology on this plan.

Brian emphasized that the work the Task Force is doing, and plans to do, does speak to the orders of the court. EPA is identifying things that will respond to that order. EPA would like the Task Force to provide their views and ideas on how EPA can provide a robust response to the court. The goal being, to show that the Task Force still has utility and is a good way to address PCBs in the Spokane River.

The Task Force expressed some concerns and suggestions for Brian to convey to his colleagues at EPA.

- The complexity of this issue needs to be expressed. A TMDL could derail an effective collaborative process. If a TMDL were to happen, then the dischargers would not have incentive to contribute to a watershed-wide problem/solution.
- Bruce Rawls explained that The Center for Justice and Spokane County came up with the concept of the Task Force as an alternative to the 12 year Dissolved Oxygen TMDL that was expensive and not a collaborative process and in the end not widely embraced. The Task Force could be changed to a collaborative group to create a TMDL through a collaborative approach.
- Mike LasCuola expressed concern that a TMDL would not yield safe fish to eat. Safe fish is why the Spokane Regional Health District is involved with the Task Force.
- Tom Agnew expressed that a TMDL is more divisive, more time consuming, more expensive, and less likely to arrive at mutually beneficial outcomes.

- This is not primarily a point source issue. There are many legacy sources on private property for which there is no legal access.
- Brian Nickel added that the Task Force and EPA need to continue to engage the Spokane Tribe. He is hopeful that this relationship will be less adversarial moving into the future.

ACTION ITEM: Brian Nickel to confer with colleagues at EPA filing the response to the court ruling and get back to the Ruckelshaus Center on the best method to provide Task Force feedback. (COMPLETE)

ACTION ITEM: Task Force members to provide information they would like included in the response to the court ruling to EPA, emphasizing source reduction actions by the Task Force and data gaps addressed.

"SWAT Team" Pilot Project Updates

Vactor Waste: Jeff Donovan explained that the Quality Assurance Project Plan has been approved and sampling is taking place. Samples should go to the lab next week, with results by the end of June.

Data Management: The group is talking with the Duwamish PCB cleanup group, looking at different types of databases. The group determined that a needs assessment would be productive, and will have more information by the June Task Force meeting. The group identified two levels of data management needs: decision-making database (Duwamish has a system for immediate decision making), and a legacy storage database (Ecology's EIM).

Flow Gage: The flow gage group has identified flow monitoring needs. The group identified 3 locations that they recommend the Task Force consider for gage installation, upgrades, and/or operations and maintenance (O&M) costs:

- Green Street Gage: The Administrative and Contracting Entity (ACE) is contracting with Spokane Community College for $9,200 to install and operate this gage in coordination with the United States Geological Survey (USGS); an additional $2000 is needed to update the gage rating curve.
- Trent Bridge Gage: Cost $19,880/yr in O&M. The group is looking at finding a funding agency/partner for this gage.
- Nine Mile Gage: This gage needs to be re-installed. The anticipated cost is $25,000 to purchase and install the gage and update the rating curve. O&M would cost approximately $19,880/year. The group is looking for a funding agency/partner for this gage.

Lisa Dally-Wilson suggested that before the Task Force makes a decision on the Trent and Nine Mile gages that LimnoTech take a look and provide feedback, with expenditure decisions deferred to the May TTWG meeting.

ACTION ITEM: TTWG and LimoTech evaluate the proposed gage expenditures against Task Force future technical needs and prioritize projects that are time sensitive or need to be included in this biennium funding. All contract changes /amendments need to be completed by or at the May Task Force meeting.

Events & Outreach, Funding

Jerry White reviewed the discussion from the first outreach group meeting. The group is working on compiling the outreach already occurring within individual agencies and organizations involved with the Task Force. This group will continue to meet the first Wednesday of the month at Riverkeeper.

ACTION ITEM: Task Force members to send education and outreach activities to Kara Whitman.

Ruckelshaus Center draft scope/budget

The Task Force agreed to have Ruckelshaus finalize the scope and Budget and bring to next Task Force meeting for approval/decision.

Updates & Announcements

- Adriane explained that Steve Pozzenghera, the Regional Director of the Department of Fish and Wildlife, and Avista are interested in having Ecology or the Task Force hold a fish tissue workshop. The Task Force expressed that a fish tissue workshop may be premature at this point until there is more data. This conversation will be discussed at the next TTWG meeting.
- Chris Page announced there will be a tour of the Little Spokane Fish Hatchery on Friday April 24th at 10 am.
- BiJay Adams has requested Galen Buterbaugh take over as chair as the fish hatchery SWAT team.
- Ecology general hatchery permit: comment period, the Task Force agreed to request that Kris Holm draft a letter requesting the permits require monitoring of PCBs in hatchery effluent.
- Doug Krapas explained the Task Force has $500,000 in the Washington state Legislature House budget, but only $200,000 in the Senate draft budget. Task Force members need to contact Senate members to encourage that they use the House budget allocation.

ACTION ITEM: Lisa Dally Wilson to contact Kris Holm about putting together a proposal for PCB monitoring as an inclusion in the general fish hatchery permit. (COMPLETE)

ACTION ITEM: Galen Buterbaugh to provide a summary of what is learned on the Little Spokane Fish Hatchery tour and report out at the next Task Force meeting.

ACTION ITEM: Chris Page of Ruckelshaus to contact Steve Pozzenghra and Avista about fish tissue workshop or smaller scale discussion. This topic to be added to the agenda for the next TTWG Meeting. (COMPLETE)

The next SRRTTF meeting is May 27, 2015 at the Spokane County Water Resource Center

Next Technical Track Work Group meeting is May 6, 2015 at the Department of Ecology