

# Spokane River Regional Toxics Task Force

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

## DRAFT Summary Notes

Wednesday, July 29, 2015 | 9:00am-12:30pm County Water Resource Center | 1004 N. Freya Street, Spokane

### Attendees

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

Tom Agnew \*, BiJay Adams – Liberty Lake Sewer and Water District  
Dale Arnold, Jeff Donovan, Lloyd Brewer, Lynn Schmidt, Elizabeth Schoedel – City of Spokane  
Galen Buterbaugh\* – Lake Spokane Association  
Don Keil\*, Kris Holm (*phone*) – City of Coeur d’Alene  
Doug Krapas\* – Inland Empire Paper  
Edgar Scott – Kaiser Aluminum  
Sandy Phillips – Spokane Regional Health District  
Dave McBride\* (*phone*) – Washington Department of Health  
Dave Moss\*, Ben Brattebo, Kevin Cooke, Mike Hermanson, Rob Lindsay, Bruce Rawls – Spokane County  
Mike Petersen\*, Heidi Montez – Lands Council  
Jule Schultz – RiverKeeper

### *Advisors*

Adriane Borgias, Jim Bellatty, Ted Hamlin, Jeremy Ryf, Kara Stewart, Diana Washington – WA Dept. of Ecology (Ecology)  
Kevin Booth – Avista  
Brian Nickel, Laurie Mann (*phone*) – U.S. Environmental Protection Agency (EPA)  
Dan Redline – Idaho Department of Environmental Quality (IDEQ)

### *Public / Interested Parties*

Henry Allen – City of Spokane Valley  
John Beacham – City of Post Falls  
Adrienne Cronebaugh – Kootenai Environmental Alliance  
Dave Dilks (*phone*) – LimnoTech  
Greg Lahti – Washington Department of Transportation (DOT)  
Eric Williams – Gallatin Public Affairs  
Katherine VanNatta (*phone*) – Northwest Pulp and Paper Association

### **Introductions, Agenda Review, Acceptance of Prior Meeting Notes**

After a round of introductions, Chris Page went over the agenda. Mike Peterson asked to discuss the Spokane River cleanup scheduled for September 9th. No other changes made to the agenda.

**DECISION:** The Task Force accepted the June 24, 2015 meeting summary notes as written.

### **Update on Court Process: EPA Submittal to Judge**

There will be a mediator call on September 9<sup>th</sup>. The Sierra Club has challenged EPA’s response to the judge as inadequate. The case may not be resolved until after the 12/31/16 deadline for the comprehensive plan. Brian Nickel gave an overview of the July 14<sup>th</sup>, 2015 EPA filing to the court. The Response was a product of EPA Region 10, with input from Headquarters. Brian discussed the inclusion of permitting recommendations in the response. Brian sees the recommended permit change as practical measures to better use regulatory authority, focusing on a Best Management Practice (BMPs) approach rather setting numerical limits. EPA withdrew its appeal to the 9<sup>th</sup> district court, since EPA felt the request from the court was manageable—and an appeal brings uncertainty, with potentially less manageable results.

Chris Page shared issues brought up by Lisa Dally-Wilson from the members of the Spokane River Stewardship Partnership (SRSP):

- Concern about the increased cost the permit changes would bring;
- If this process is headed toward Total Maximum Daily Load (TMDL) anyway, why continue with this collaborative approach?

In response to the second concern: based on the results from the dry-weather sampling in 2014, which showed PCB concentrations below the Washington state water quality standard in most cases, if the Task Force continues making progress the River may be taken off the 303(d) list, obviating the need for a TMDL.

Jim Bellatty said the EPA submittal demonstrates that EPA appreciates and values the work of the Task Force, and sets the stage for continuing the good work. The goals set by the EPA response are within reach. The EPA permitting recommendations are *only* recommendations, and not legally binding. Ecology has its own permitting process that includes a public comment portion before a permit is issued.

### Q&A/Comments

- Bruce Rawls expressed that the EPA response exceeded his expectations; however he has a few areas of concern. First, the Task Force needs to shift into a higher gear in its decision making and data processing to complete the comprehensive plan by 2016. Second, given the EPA stance on fish consumption, and risk, the standard may be a moving target. This is a problem of uncertainty and vulnerability.
- **Q:** Under the schedule, it calls for monitoring to meet standards by Dec. 15<sup>th</sup> of 2020 based on annual central tendency of the preceding year, what does this mean? **A:** Brian explained that water quality is quicker to respond. *Central tendency* means the clustering of data around the “middle” expressed as an average or median. This provides flexibility, within reason, to be able to deal with the analytical variability that occurs in PCB testing. The Central tendency standard would want every segment to meet the standard.
- Diana Washington explained that the assessment of the river would be based on all data on the River from State line to Lake Spokane. Ecology would make an assessment based on these segments; this differs from what Ecology has done in the past (which was based on townships, etc.).
- Doug Krapas raised concerns over producing a comprehensive plan by the end of 2016. Will it be a living document, and open to revision as more data becomes available? If not, it may be premature to expect the plan at that time as it is an intensive process (in time, labor, and money) to identify PCB sources to the river.
- Contribution of sediments? The Task Force has not been involved in sediment studies nor focused on reducing PCB loading via sediments. Sediments are discussed in EPA’s response document. Does this introduce a new focus for the Task Force? Sediment data has been collected by other entities.
- Ecology does its listings using fish tissue. Adriane noted that this gets into challenging terrain around water quality policy. Federal policy (111) includes a national toxics rule using edible fish tissue in resident species to determine if it meets water quality standards. The disadvantage is the delay in fish tissue response, given legal timelines for compliance.
- John Beacham added that IDEQ is not included anywhere in the response, and asked “How are we going to develop this relationship moving forward?” **A:** EPA shared drafts of the permitting conditions with IDEQ. The case was originally about Washington’s waters. IDEQ has not had time to respond to the permit conditions.

### TTWG Report & Technical Topics

#### ***LimnoTech Phase 2 summary report—Decision: accept revised report?***

Dave Dilks walked the group through the Task Force’s high-level comments on the Draft Phase 2 Technical Report and how they were addressed. These included:

1. AXYS data was included only in the electronic version of the report.

2. Included an explanation of the uncertainty in the study (could include a box and whisker plot, unitless graph with relative magnitudes etc.).
3. Expanded discussion of potential stormwater issues during 2014 synoptic sampling.
4. Replaced the word “anomalous” with “outlier” in the final report; included a discussion of why the 2011 Ecology report is not comparable to the 2014 Synoptic Study.
5. Included data for all original reaches attempted and the results. The report also explains the issues with calculating incremental load for the reaches where flow information was inaccurate (Coeur d’Alene to Post Falls and Spokane Gage to Nine Mile Gage).
6. Presented the data from Trent to Spokane and from Barker to Trent with a qualitative explanation of why and how stormwater data were used in the loading calculation.

**Q&A/Comments**

- Dave Moss proposed an edit to Section 2.3.2. The county asserts there is no standard blank correction method, and numerous approaches have been utilized, nationally and within the Spokane River Basin.
- Greg Lahti asked if the flows from stormwater were included in the report. What were the calculated loads from stormwater? Also would like to see the average concentrations and low values used.

**ACTION ITEM:** Dave Dilks to add in information on stormwater calculations in the final report. (COMPLETE)

**ACTION ITEM:** Spokane County to send the requested edit to Ruckelshaus Center and Dave Dilks. The Ruckelshaus Center to post the requested edit to the Task Force website. (COMPLETE)

**DECISION:** The group approved the Final Report, with minor additions/changes: inclusion of stormwater flow and CSO Data and how the data was used, and additions from Spokane County (see sheet from Dave Moss).

***Proposed Expenditures: Update on Technical Work Plan & Budget—Decision: approve basic \$ allocation & work areas for legislative allocation?***

Dave Moss said ACE has signed contracts with Gravity, AXYS, and LimnoTech. LimnoTech is working on the Quality Assurance Project Plan (QAPP) and the Sampling and Analysis Plan (SAP). Sampling will occur the week of August 10 or 17<sup>th</sup>. Brandee Era-Miller will be available for the sampling. ACE has drawn up contract amendments. Ecology will have to approve the QAPP and SAP. The QAPP and SAP should be available on Monday August 3<sup>rd</sup>.

Dave Moss explained the reasoning behind Appendix B budget amendment, the best estimate of how ACE would suggest allocating the \$310,000 from the legislature. Adriane explained that contracting needs to happen quickly for Ecology to continue the same contract with ACE. A contract amendment is much easier; if we wait too long, they will have to do a new contract.

Rob Lindsay updated the group on the Green Street Gage. Rob has just exchanged emails with David Stasney. They will be installing equipment next week so that Gage will be operational for the sampling window.

**DECISION:** The Task Force approved the Appendix B budget amendment.

***Ecology–County Partnering to Sample Aquifer Wells.***

Adriane explained that Ecology will fund a collaborative survey of groundwater wells in the Spokane Valley Rathdrum-Prairie Aquifer, using selected Spokane County resource wells. The objectives of the study are:

1. Identify background concentrations at State Line and upgradient of Kaiser location,
2. Evaluate groundwater concentrations in aquifer near gaining reaches,
3. Correlate with synoptic sampling studies and mass balance determinations,
4. Check for potential groundwater sources to river.

**ACTION ITEM:** Ruckelshaus to post the groundwater survey proposal to Task Force website. (COMPLETE)

**Pigments and PCBs: Mark Vincent, Dominion Colour** (*manufacturer of pigments for paint manufacturers*)

There are many technical requirements for pigments that dictate their formula. They must fit in a strictly-controlled “color box” delineated by state municipality, and stay in that color box even after weather and other tests. (**Q:** Is there no federal rule for the color? **A:** No, and I don’t know why.) They must: meet weather fastness and durability standards, have appropriate opacity for nighttime reflectivity and color, have heat stability, and be solvent resistant. Lead-free alternatives have technical challenges: hard to fit into color box; less opaque/not reflective at night; and lower weather fastness, heat stability, and solvent resistance.

“Inadvertent” PCBs in pigments result from any use of chlorine in the pigment or when pigments get processed in chlorine-based solvents. PCB-11 is one possible PCB in pigments, and occurs mostly as a byproduct of synthesizing yellow pigments. The vast majority of PCBs found in diarylide pigments (such as yellow road paint) is PCB-11. Germany has a current proposal to classify diarylide pigments as “severe hazard to waters.”

Metal azo red pigments: typical PCB content from .05ppm to .15ppm. Mark said it is not possible to completely eliminate PCBs; the level in metal azo red pigments is the closest he believes possible to be “PCB-free.”

Three main options to reduce PCBs in pigments:

1. New regulations to reduce PCBs in PY.83 for road marking. Pros: this pigment has accepted durability and is widely used; cons: the technology to reduce is currently unknown, there’s no certainty PCB content can be reduced, and it’s almost impossible to measure PCB levels in every production lot.
2. Specify that diarylides should not be used and reduce weather-fastness requirements for road marking paint.
3. Specify that diarylides should not be used and change color box to allow greater selection of pigments. Pros: expands available pigments, can maintain durability, only slightly more expensive; con: regulatory changes would be needed
4. Options to reduce PCBs in printed inks: replace PY.14 with PY.74 or PY.155 (higher cost but lower PCBs).
5. More research required to determine whether PCBs from paper recycling are truly coming from pigments; what are impacts of recycling process/chemicals on pigments (will diarylide yellows/oranges and blue/green pigments degrade to PCBs?); and, are higher-PCB blues and greens being used in printing inks?
6. Dominion Colour’s PG.7 contains 118ppb of PCBs, so low-PCB blue/green is possible.

**CONCLUSIONS:** PCBs present in diarylide (PY.83) pigments, which are important in road marking and printing. Currently, there are no real options to replace PY.83 unless durability requirements or color box requirements at the State level change. Diarylide-free pigments still would have ~.1ppm.

**Q&A/Comments:**

- **Q:** To keep PCBs out of environment is it better to recycle or incinerate? **A:** Recycle.
- **Q:** Related to PCBs in pigments, the inadvertent standard is less than 50ppm. Does this impact your pigment manufacturing directly, or does it impact the paint suppliers instead? **A:** The pigment manufacturer is responsible.
- **Q:** Who enforces that? **A:** We self-police, though we cannot test every single pigment batch.
- **Q:** Could you get the 0.118ppm of PCBs in a given pigment reduced by 100 million times? **A:** Impossible. To reduce it that much would make it soluble, this wouldn’t meet standards. To change standards takes years

**ACTION ITEM:** Mark Vincent to send presentation to Ruckelshaus for posting on Task force website. (COMPLETE)

**ACTION ITEM:** Greg Lahti to follow up concerning WSDOT “color box” rules, and report back to the Task Force.

**Ecology Draft Hatchery General Permit:**

Kris Holm has been in contact with Steve Krueger (Washington state Department of Enterprise Services, or DES) about how this policy would apply to the hatchery permits and state purchasing of hatchery feed. DES would have to follow the new PCB-Free Purchasing Policy for hatchery feed. Ecology’s general hatchery permit will be released 8/19/15. Kris and Galen Buterbaugh will work on a response. Kris encourages everyone to look at what EPA is proposing for recommendations (including monitoring in effluent and assessing impact of paint and feed). This would include tribal permits. The draft comment letter will be ready for Task Force review in September.

Brian Nickel said EPA is working on its permit for tribal and State hatcheries. Brian will find out the date that this permit will come out. Tom Agnew added that it would be good for the permits to also address phosphorus.

**Events/Outreach, Funding**

***GROSS Grant/City of Spokane***

Lynn Schmidt provided an overview of the Ecology “Grants of Regional and State Significance” (GROSS) grant the City of Spokane is seeking for stormwater. The proposal is to develop a regional, unified message around stormwater. The project would pull together a basic media package that would be open source. The materials and messaging would be tailored for different needs around the region. Lynn put together a short letter of support from the Task Force to the City of Spokane for this proposal.

**DECISION:** The Task Force approved the letter of support for the outreach grant GROSS Proposal.

***Events***

- Mike Petersen, September 19<sup>th</sup> River Cleanup. Budget \$10-12K. The Lands Council is looking for some contributions for this cleanup from Task Force members in financial support as well as physical participation.

**ACTION ITEM:** Kara Whitman to post and send out announcement on Sept 19<sup>th</sup> river cleanup. (COMPLETE)

- Lynn Schmidt and Adriane Borgias gave a presentation in Oregon. Oregon is dealing with different permitting challenges; they have not gotten to PCBs yet. The concept of collaboration was highlighted.
- Adriane Borgias will give a presentation with other members of Ecology at the September conference of International Association for Public Participation.
- Chris Page discussed a presentation that he went to on Products Stewardship. The Product Stewardships Institute could help in campaigning/outreach on PCBs and products. This may be something for the education and outreach work group to consider. The Education and outreach group could work on a Problem Statement and letter of request.

**ACTION ITEM:** Add Product Stewardship Institute letter/case statement to next Ed and Outreach WG agenda.

***SWAT Team updates:***

The hydroseed study yielded no “smoking gun”. Dyes are relatively consistent and lower than the composite sample from the study done by the city. Doug asked the group in talking on product purchasing with the state not to “throw a manufacturer” under the bus, based on one sample. However, patterns emerge if NJ flags are included. Used MLA 007 (lower detection limit, 8270 adapted to measure PCBs). (Q. How many congeners can it differentiate? A. same congener set as 1668.) They have not seen sample results from WSDOT or Ecology yet.

No Public Comment

The next Technical Track Work Group meeting is September 2, 2015 at the Washington Department of Ecology.