

Spokane River Regional Toxics Task Force

DRAFT MEETING SUMMARY

Facilitated by Chris Page & Aubri Denevan

July 24, 2013 | 8:30am – 1:00pm

Department of Ecology

4601 North Monroe Street | Spokane, WA 99205

Attendees

Voting Members and Alternates

Tom Agnew*, BiJay Adams – Liberty Lake Sewer and Water District

Galen Buterbaugh* – Lake Spokane Association

Bud Leber* – Kaiser Aluminum

Doug Krapas* – Inland Empire

David Moss* – Spokane County

Dave McBride* (*on phone*) – WA Dept. of Health

Mike Peterson* – Lands Council

Mike LaScuola*, Sandy Phillips, Paul Savage – Spokane Regional Health District

Bart Mihailovich* – Spokane Riverkeeper

Dale Arnold*, Lynn Schmidt, Jeff Donovan – City of Spokane

**Denotes Voting Member*

Advisors

Adriane Borgias, Ellie Key, Jim Bellatty, Arianne Fernandez – WA Dept. of Ecology

Mary Lou Soscia (*on phone*) - EPA

Public

Lisa Dally Wilson – Dally Environmental

David Dilks, Tim Towey (*on phone*) – Limno Tech

Kris Holm – City of Coeur d'Alene

Amy Martin (*on phone*) – Confederated Tribes of the Colville Reservation

Ken Windram – Hayden Area Regional Sewer Board

Introductions: Get Started & Review Agenda

Facilitator Chris Page (Ruckelshaus Center) welcomed everyone to the meeting. He noted a few changes to the posted agenda. Mary Lou Soscia has postponed her presentation on the Columbia River Task Force until the August or September Task Force meeting.

LimnoTech Presentation & Discussion

Presentation- Dave Dilks gave a 30 minute presentation on LimnoTech's progress and then opened it up for a discussion session with the Task Force. LimnoTech's presentation will be posted on the SRRTTF website following the meeting.

Upcoming due dates worth noting from the presentation:

- Data Review and Evaluation – July 31, 2013
- Data Gap ID – August 31, 2013
- Review of Modeling Tools – Sept. 15, 2013
- Data Collection Strategy – Nov. 15, 2013
- QAPP/SAPP – Jan. 15, 2014
- Scoping for Future phases – Feb. 15, 2014

Discussion- Dave Dilks posed several questions to the Task Force for general discussion and guidance. LimnoTech plans to use the comments and general direction given by the Task Force.

1. How much emphasis should be given to dioxins/furans relative to PCBs?

Comments:

- There is more data available right now for PCB: not much of these chemicals in the water column.
- It is not common to measure dioxin in water and also a very expensive analysis
- Arianne Fernandez stated that Ecology has some recent data using Method 1613 that needs to be sent to LimnoTech. We could do a couple of dioxin samples. That would need to be done in August before Labor Day. After that time, the water levels are raised at Post Falls Dam.
- Keith Seiders stated that there is some data from the most recent sampling, which hasn't been published yet: 5 tissue samples from 28 fish at 6 sites; 3 samples with composite fish. Also the C.L.A.M. sampling device was deployed for collecting water samples over a 24 hour period of time. The sampling procedure is approved under laboratory conditions and Ecology is looking at approval under field conditions. The Laboratory QA/QC procedures with respect to blanks and spikes needs to be worked out.

Recommendation:

- We start out with more focus on PCB because that is where the data is right now. Plan to allow for dioxins contingent upon results of Ecology's sampling efforts.

2. How forward-looking does the monitoring plan need to be?

Comments:

- What is the definition of baseline?
 - The time of the measurement represents the current conditions.
 - Don't want to negate the progress that has been made by establishing a baseline that doesn't reflect or allow the Task Force a way to communicate progress made since this effort began.
 - We have had large decreases of PCB in the sediment over time due to regulations but now we are at the stage of making small incremental changes.
 - The long term process includes 1) near term identification of sources; 2) evaluation and implementation of best management practices; 3) monitor for effectiveness

Recommendation:

- The goal for the immediate work is establishing current conditions (1 vs. 2 years to be considered). Defining and evaluating future conditions would be other work.

3. Are there other Level I Objectives not stated here?

- Determine the need to characterize upriver sources (as in upstream at the outlet from Lake Coeur d'Alene)
 - Do this in a phased approach. If there are large loads at Coeur d'Alene, then move up the watershed.
- A more comprehensive synoptic look would shrink the “unknown” characteristics of the measurements.
- At some point we need to define measurable progress. We would need to identify and account for what is measured and eliminated from the system.

Discussion about Standard Operating Procedures and making sure that dischargers are all collecting the same information when doing sampling and analysis.

- The Idaho dischargers will be using similar QAPPs. This information will feed into the work that LimnoTech is doing and not duplicate effort.
- Aspects that need to be included in the QAPP include sample, sampling locations, time, dates, and laboratory QAPP.
- Question as to whether there is value in the Task Force entities identifying and using a single laboratory. Probably not necessary if laboratories are under approved QAPPs, though there is potentially economy of scale. It could also help with respect to accounting for blank contamination (for example different labs may have problems with different congeners in their blanks, which makes direct comparison of data difficult in some situations.)
- The Task 3 memo has some preliminary observations and recommendations that need to be evaluated and addressed by the TTWG.

ACTION ITEM: Include this on a future TTWG meeting agenda. A final QAPP is due in January, which should address these concerns.

4. Level II discussion questions

- How do we address small sources? Some sources that appear to be trivial may need to be considered.
- How is a “small source” defined? One that contributes to a violation of a Tribal standard but not necessarily a state or Federal standard? Small sources are on a continuum, there is no clear definition but they are assumed to contribute a mass loading over time, which cumulatively could be significant.
- The options are to investigate further, spend more on monitoring to get better data, and/or use literature information. The question is, what level of uncertainty can we live with given a finite amount of resources available to address the issue?
- Evaluation and characterization of the watershed vs. mass loading
 - This relates to evaluating point vs. nonpoint sources. How much effort is needed to quantify the small source? A literature will have error bars. Firm data would be more certain but may cost more than we have to address it.
- Discussion about the concept of identifying the aquifer contribution first, which would be done during low flow and using that as a basis for further analysis.

- The biggest single flow input to the river is the aquifer @ 500 million gallons/day.
- Kaiser data shows 10 pictograms (pg)/liter average and maybe 30-40 pg/liter in aquifer which calculates to 20 micrograms (mg) to river which could be calculated to 60 mg for the whole river/watershed.
- Once the aquifer contribution is determined, then divide the river into segments and work forward with the analysis and modeling
- Take measurements on a consistent basis in locations and times consistent with the river gauging, in order to accurately calculate mass loading.
- Should the monitoring plan be staged?
 - 1 – 2 years makes sense and flexibility may be needed to account for field conditions.
 - Do this in a staged approach, focus on the most likely contribution and then work up the watershed or do other studies to hone in on the details.
- Question about market basket study or survey for PCB concentrations in food and whether this has been done.

Does the objective “Define Baseline Conditions” require more detail than is what is necessary to support the model?

- Hot spots are important. Fish can have high PCB levels. Other example, Upriver Dam Sediment deposits (PCB showed up in the water column at this location) – need to continue to look at this.

If the river is segmented by gaining/losing reach and permittee measurements are correlated with gauging stations (in time and place), what more information is needed?

- More information is needed to define the downstream reaches (the graphic was presented as an example and only extends downriver to the City of Spokane). This would include fate and transport to Lake Spokane.
- Question about how this would relate to seasonal transport of PCB? This can be tracked seasonally if it is important, as this is a long term process.
- It is important to include enough detail to address the questions, and not too much.
- A temporal analysis that accounts for variability of river conditions and waterflows is important.

ACTION ITEM: LimnoTech to report back in September with data gaps analysis and a number of options and associated costs.

Question about the test method 1668 vs. method 608 and reason for using this in the permit.

- 1668 is not an approved method for compliance but is an accepted analytical method and can be used for monitoring, which meets Task Force objectives
- 608 is the approved method for compliance purposes, but the detection limit is not low enough to verify compliance.
- If there are specific questions about permit issues, this should be brought up with EPA (or Ecology) and we can invite them to attend a meeting.

ACTION ITEM: Follow up with Task Force and the permit staff at EPA/Ecology to see if there are questions that need to be addressed at the next TTWG or TF meeting.

EPA Rulemaking Process

EPA sent out an invitation to representatives from small businesses and non-profits to join the TSCA rulemaking process. Two Task Force members have applied for seats on the TSCA committee, Doug Krapas and Rick Eichstaedt. If selected, Adriane Borgias sees this as an opportunity for Doug and/or Rick to represent their organizations and the Task Force and would like to establish good communication between the person(s) participating and the Task Force. She asked the Task Force if they would consider writing support letters for both candidates.

Adriane Borgias reviewed the bigger picture of TSCA since the beginning in 1976. When PCB was first regulated, Congress identified it as harmful to health and the environment. EPA concurred and identified "any" exposure as significant. A general ban was put in place. The law contains conditions by which an activity might be exempted from the ban. To be excluded or exempted an activity must pose "no unreasonable risk of harm" to health or the environment. The evaluation of what is unreasonable includes an economic component.

The initial rulemaking process took almost 10 years to complete (1976-1984). During that time, the universe of "PCB" was established as 1) manufactured "commercial PCB or Aroclors as used in electrical equipment, hydraulic fluid, and 200 other uses and 2) inadvertently produced PCB (of which 200 processes were identified).

EPA managed 1) by banning commercial production and establishing management standards for enclosed uses, wastes, etc. The typical cutoff for management standards was 50 ppm. Anyone wanting to use PCB in an unenclosed manner is required to petition EPA for an exemption to the rule. Exemptions are typically short term (supposedly a year or less) and are granted if the petitioner can establish "no unreasonable risk of harm." EPA managed 2) by establishing a regulatory exclusion for inadvertently produced PCB. This would include pigments that have PCB.

An Advanced Notice of Proposed Rulemaking (ANPRM) was issued in 2010 to review the exemptions and exclusions and the 50 ppm limit. The comment period was intended to allow for submittal of information related to a proposed rulemaking (which is anticipated in 2014). Recently EPA requested nominations, including self-nominations for participation on an advisory committee. This is supposedly intended to provide input into the future proposed rule.

This affects a number of issues that the Task Force is interested in including, the pigments, used motor oil, and PCB in other products. Doug Krapas and Rick Eichstaedt have self-nominated. The Task Force agreed to prepare letters of support for their participation in the committee. If no one is chosen, then the meetings most likely will be open to the public.

DECISION: The Task Force agreed to send letters of support for Doug Krapas and Rick Eichsaedt participation on the EPA rulemaking committee.

ACTION ITEM: Adriane Borgias to draft a letter, share with Rick and Doug and submit by the deadline of July 29th. (COMPLETE)

ACTION ITEM: Bart will send Adriane the link to his blog website for information to include in the support letters. (COMPLETE)

ACTION ITEM: Send bullet points for the support letters to Adriane before July 29. (COMPLETE)

Updates & Announcements

Budget & Contracting- The Task Force will sign two contracts in the immediate future, an extension of the current contract with the Ruckelshaus Center and a second with LimnoTech.

Ruckelshaus Center contract extension and ACE agreement: Currently, Ecology manages this under an interagency agreement with WSU/Ruckelshaus. For the second year of the contract (July 1, 2013 to June 30, 2014), Ecology will contribute \$25,000 to the agreement and will sign an agreement with ACE for the remaining \$44,100. The second year budget amendment has been drafted, reviewed by Ecology, and forwarded to ACE for review. It is important that the review process moves forward quickly.

ACTION ITEM: ACE to respond to Ecology ASAP to continue the processing of this amendment.

Technical Consultant contract: Funding for the technical consultant is managed as an interagency agreement with Spokane County/ACE. An amendment was signed extending the agreement to August 31st, 2013. The first contract for \$35,000 from Ecology was expended by June 30 and invoiced per the contract. The plan is to work with ACE to prepare a spending plan and contract to cover the \$350,000 appropriation. This will take time to work out. In the interim, Ecology will add \$40,000 to the County Agreement and extend the date of the agreement to cover expected work.

ACTION ITEM: Ecology to prepare an amendment to the County Agreement.

ACTION ITEM: ACE to prepare a proposed budget ("Scope of Work") for the \$350,000 and send to Ecology for review.

ACTION ITEM: Ecology to prepare a draft contract for ACE, which includes terms and conditions for accomplishing the "Scope of Work."

Outreach Calendar

Adriane Borgias talked again about the outreach calendar the funding work group had drafted in June. She reminded the Task Force this is for future presentation possibilities and a historical record of previous presentations.

National Council for Air and Stream Improvement (NCASI) requested Adriane Borgias to give a talk at their meeting in October. Her presentation will include: the Task Force's PCB work, a recap of sources of PCB (point vs. nonpoint), what projects have been implemented, costs, how much progress has been made (with respect to compliance with the water quality criteria), and what it will take to complete the job. The Task Force endorsed this participation.

Another new item to add and discuss: There is a Legislative briefing at the Water Resources Center July 29, 2013. Adriane Borgias, Doug Krapas, and Dale Arnold will present on the SRRTTF. The meeting includes tours of a City of Spokane CSO project and the County treatment plant.

Additional Changes/Updates:

- GSI meeting (Doug Krapas) set up with them, possibility in September. He would like others to join him.
- Spokesman Review – Burt Caldwell (Mike Peterson) Spokesman Review was scheduled for Bruce Rawls in June. Mike Petersen suggested meeting with Burt Caldwell and his editorial board in August, possibly late August. Mike Peterson will get in touch with him to let them know what we are doing.
- Delete the September entries related to the PNW Clean Water Association and PNW Industrial Pretreatment Workshop as these are no longer open for speakers.

ACTION ITEM: Mike Petersen to coordinate an event with the Spokesman Review editorial board.
(COMPLETE)

Future Meeting Topics

Memorandum of Agreement (MOA) The original MOA has been finalized and original documents are kept by the City of Spokane. When the Idaho permits come on board there is an opportunity to reopen the MOA at that time and add interested parties. The Idaho permits won't be finalized until after Sept. 4, 2013.

Meeting Topics: Will be posted on the website under the tabs "Meeting Announcements > Proposed Agendas."

ACTION ITEM: SRRTTF members should email Chris Page with future agenda item requests. These will be added to the running list of agenda items.

Legislative Meeting Thank You Notes

Doug is preparing to send thank you notes to each of the Legislators, Legislative Staff and others that meet with the Task Force Delegation in June. Doug requested that each member of the delegation send him one personalized paragraph for each of the individuals they met with on that trip.

ACTION ITEM: Send Doug a paragraph or one line thanking the legislators for attending the one day meeting.

Grant Opportunity

Doug Krapas forwarded a grant opportunity around last week. Adriane will look at it with respect to the SRRTTF Funding Strategy and identify any matches, and what the budget time line is, etc. If there's an obvious match then a funding work group meeting will be called before the September date.

Public Comment

No comments. No press release needed.

Press Release

As previously discussed, the Task Force thought it might be a good idea to put out a press release announcing the \$350K budget allocation from the Washington State Legislature. Mike LaScuola

suggested the Department of Ecology issue a press release. Doug Krapas volunteered to ask his Public Information Officer (PIO) about putting out a press release on this subject.

ACTION ITEM: Doug will ask his PIO about issuing a press release about the \$350K budget allocation from the Washington State Legislature.

August 28 Agenda Items

Agenda topics for the August meeting include:

- Columbia River Task Force presentation (Mary Lou Soscia)
- 2013 Spokane River sediment and fish sampling update: Brandee Era-Miller, Department of Ecology.
- TSCA Rulemaking reform
- Stormwater Chemistry Class oriented around BMP's for PCB clean-up
- Budget Discussion
- Brainstorm Possible Funding Sources (in addition to funding strategies document)
- Outreach Calendar Update

The next SRRTTF Task Force meeting is August 28, 2013 at Liberty Lake Sewer & Water District Office.

The next Technical Work Group meeting is August 7, 2013 from 10am – 12pm and the next Funding Work Group meeting is September 4, 2013 from 10am – 12pm at the Department of Ecology.
