

## Spokane River Regional Toxics Task Force

### DRAFT MEETING SUMMARY

Facilitated by Chris Page & Aubri Denevan

November 20, 2013 | 9:00am – 12:30pm

Spokane County Water Resource Center

1004 N. Freya Street | Spokane, WA

#### Attendees

##### *Voting Members and Alternates*

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

Galen Buterbaugh\* (*on phone*) – Lake Spokane Association

Bud Leber\* – Kaiser Aluminum

Doug Krapas\*, Ryan Ekre – Inland Empire

Bart Mihailovich\* – Spokane RiverKeeper

David Moss\* – Spokane County

Sandy Phillips\* – Spokane Regional Health District

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

*\*Denotes Voting Member*

##### *Advisors*

Adriane Borgias, Arianne Fernandez – WA Dept. of Ecology

Greg Lahti – Washington State Department of Transportation

Mary Lou Soscia (*on phone*), Tom Eaton – EPA

##### *Public*

Paul Klapp – JUB Engineers

Lisa Dally Wilson – Dally Environmental

Kris Holm – City of Coeur d'Alene (*on phone*)

Adam McClymont – CH2M Hill

Mike Neher – City of Post Falls

Dan Redline – Idaho Department of Environmental Quality

Devon Seymour – Washington State University (WSU)

Ken Windram – Hayden Area Regional Sewer Board

#### Introductions & Agenda Review

Chris Page greeted everyone and reviewed the agenda. Doug Krapas requested some time to discuss the funding efforts, under ACE or Funding Work Group.

#### WSU “Saving the Spokane River” Student Challenge

Devon Seymour presented the WSU “Saving The Spokane River” Student Challenge. Ellie Key from Ecology visited WSU in Pullman last weekend for the challenge kickoff meeting to give a presentation to the students. Right now there are five teams of three WSU students, each with a wide variety of

education interests, signed up for the competition. The teams will get started in December. Devon Seymour asked if there are any questions or comments.

Adriane Borgias let the group know that students may contact members to discuss PCBs in the river. This is a competition, and Devon has requested that their solutions be considered for implementation. There is also a communications component to the competition, specifically looking at how to better communicate with the community. The WSU program is currently fundraising for the prize money.

The competition ends in April. Dave Moss agreed to be a judge and will attend the final meeting in April. Devon will come to the April Task Force meeting to discuss the winning projects with a representative from each team. Devon's contact information is [devon.seymour@email.wsu.edu](mailto:devon.seymour@email.wsu.edu) or (970) 646-1074.

### **Spokesman Review Interview request**

Adriane Borgias and Brook Beeler were approached by Becky Kramer at the Spokesman Review for an interview. Becky is writing about Lake Roosevelt and would like to write about the Task Force. The first couple weeks of December would be a good time for this interview to happen. Tom Agnew is a maybe, Sandy Phillips and Mike LaScuola are willing, and Mike Peterson is likely to be willing. Doug Krapas requested equal representation from the constituencies on the Task Force. Adriane will ask Brook to set it up after the second day of the workshop. Also, there is a request to ask Becky ahead of time for questions she may have.

ACTION ITEM: Adriane Borgias to communicate this discussion back to Brook Beeler. (COMPLETE)

### **Ecology's Environmental Assessment (EAP) Program**

Adriane Borgias discussed the EAP program and distributed three handouts. The EAP team is different than the Water Quality Program. She reported that January 8 is the deadline for submittal of water quality monitoring project requests for EAP. EAP staff will then consider possible projects from Ecology and identify how these requests will meet priorities. EAP projects include TMDL assessment as well as monitoring projects for effectiveness, toxics, groundwater, and marine sediments. Adriane asked the Task Force to think about projects worth proposing. Last year Adriane proposed three projects. One was selected. The two unchosen projects are still in the system. After the workshop there may be some other projects to request. This is an internal Ecology process that starts when a staff person fills out the forms. A budget isn't required with the initial proposal. This year Adriane is coordinating the water quality projects for the Eastern Regional office.

When applying, make sure to mention this is involving the Task Force. That will give it a higher ranking because it involves outside stakeholders. If the SRRTTF has project ideas, they should be compiled by December 10 so Ecology can prepare the submittal. There's no limit to the number of proposals. Even if the projects seem premature, bring them so they can be considered and entered into the EAP system. Once a project is proposed and accepted, it will be ranked within Ecology through the regional office, then the statewide water quality program, then EAP. Once accepted, the project scope is firmed up based on need and available budget. So a project can be changed or revised if the need changes.

Tom Agnew said there is reason to believe that fish in local waters may have high concentrations of PCBs and those fish might be transferred to other waters for restocking purposes. Is there a way to see how this is affecting the contaminants as related to fish consumption? The issue is the mobility of the fish, contaminating water. Adriane clarified that sampling and monitoring is within the scope here.

Consumer product testing falls in the scope of the hazardous waste program. Adriane wasn't sure if consumer product testing is allowable for EAP projects.

ACTION ITEM: Arianne Fernandez to find out more about testing consumer projects via the hazardous waste program.

ACTION ITEM: SRRTTF to submit any ideas or project proposals to Adriane Borgias by December 10.

### **Update on Measurable Progress Conversations**

Adriane Borgias gave a presentation on Ecology's measurable progress conversations (slides have been posted on <http://srrttf.org>).

A document containing all statements from Task Force parties has been posted. They asked basic questions, such as: How does this affect your organizations? How do you define measurable progress? etc. (see handout). Ecology has received quite a range of input. There's a real benefit to working collaboratively. Constraints: data gaps, resources, regulations, and time factors. Moving forward, it is important to meet the standards of the clean water act and work collaboratively.

Ecology hasn't gone any further than these listening sessions. They've collated the listening sessions which is what is being discussed. The listening sessions were held with the Sovereigns (EPA, Ecology, Tribes – not Spokane, IDEQ), SRSP, environmental/conservation groups (Riverkeeper, Lands Council, Lake Spokane Assoc., and others (SRHD)

Schedule:

Dec 2013	Ecology internal discussions with Attorney General's Office (AGO)
Jan 2014	Ecology discussion with sovereigns Draft definition at SRRTTF meeting
Feb 2014	Comments accepted on draft definition
Mar 2014	Definition Finalized

Chris Page requested high level comments at this time, as this is an ongoing topic for discussion. Chris asked if Ecology would aim for a happy medium in responses to issues, since the slides depict a range of possible responses. Adriane Borgias replied that there are some areas where there is a happy medium. But the AGO will provide some advice, as the definition must keep in mind regulatory requirements. Kris Holms asked what EPA's role is in this process. Tom Eaton said EPA is waiting for the definition to be finalized before commenting. EPA is currently being challenged to do the PCB TMDL.

Adriane pointed out that everyone on the Task Force has the same information about the status of developing the Measurable Progress definition and is equally informed at this point. Dan Redline asked if this was the first time Ecology has used the term "measurable progress" in permits (it is). Chris mentioned that this will be a topic for discussion in the January meeting.

ACTION ITEM: Chris Page to add this discussion to the January Task Force meeting. (COMPLETE)

### **TTWG Report & Technical Topics**

*Task 8 Memo (up for approval decision)* – With a range of costs for data collection from \$400K to \$1.2M, there was a question about whether or not the \$400K mentioned is included in the \$1.2M (yes). Lisa Dally Wilson requested that LimnoTech (LT) include maps when they talk about regional information.

ACTION ITEM: Bud Leber will ask LT to start including maps when appropriate in the memos and other documents.

Adriane Borgias asked that LT give more reference or context to recommendations, assumptions, and boundaries – for future reference.

Regarding data gaps about how the aquifer interacts with the river during the dry season, Tom Eaton thought that was something that was proposed for EAP dollars. Arianne Fernandez would like to add a note to the Task 8 memo that other groups are doing similar testing in the aquifer.

Doug Krapas has comments around the groundwater monitoring (around dry weather and wet weather testing), and would like to include more than what is currently in the memo. He wants to bring this up at the workshop as well.

ACTION ITEM: Bud Leber to pass along Arianne's comment to LT.

DECISION: LT memo for Task 8 was approved as complete, provided the requested changes are made.

*ArcGIS Mapping and Database* – Arianne Fernandez walked the group through the ArcGIS map online interface, noting that all the data has not yet been added. Some things can be added to make it more comprehensive (geo-tags et al). They have identified a number of holes in the data on the LT Access Database in terms of what would be needed for incorporation into the ArcGIS map.

Doug Krapas asked if this is something the Task Force would want to employ moving forward as data comes in. Arianne is considering doing something with the data repository. This is one way to see something from the data. They knew there would be long-term management needs of the Access database. Doug wanted to know if this was something Ecology could manage and manage for a long term. The GIS map, yes, but the database no because that's a SRRTTF product.

Doug wanted to know if this can be used to do an analysis of the data. Arianne thought the original idea was to take the database and feed it into the model. To fully use the ArcGIS features will take more time and money to build it out. Doug would like to include this in the modeling discussion to know what else is out there. This highlights the question about compatibility between datasets.

ACTION ITEM: Arianne to send Aubri Denevan the link to post and email to the SRRTTF mailing list.

ACTION ITEM: This topic is tabled until the workshop for further discussion.

*Draft workshop planning for December 4-5, 2013* – Bud Leber walked the Task Force through the workshop purpose and agenda. Each session will have a host or leader. Tom Eaton asked about the introduction, when he'll give an overview of the Task Force for about 15 minutes. Lisa will work with Bud to give him some talking points.

Structure – Each session will have a list of questions to address. At the end of each work session, there will be time for LT to reflect back what they heard so it can be confirmed by the Task Force. Dinner will be at Luigi's. Dave Moss reported that ACE had approved a small amount of money for travel.

ACTION ITEM: Dave Moss to send Chris information about the travel reimbursement. (COMPLETE)

ACTION ITEM: Tom Eaton to follow up with the Office of Research and Development at EPA participation.

Attendees – Dan Redline suggested that Brian Lamb could be interested in attending. Joel Baker is still unconfirmed, but Ruckelshaus will follow up with him. Tom Eaton is meeting with the Spokane Tribe today and will invite them to the workshop and ask them to consider reengaging with this process.

For posting, leave the bullets in the agenda. Work Session 2 lists data management, but doesn't call it out in the bullets. Dan Redline asked if we could invite a representative from a lab for the data management session.

ACTION ITEM: Arianne Fernandez to compile key questions on data management. (COMPLETE)

ACTION ITEM: Chris Page to follow up with Rebecca Stevens' involvement in the work shop. (COMPLETE)

ACTION ITEM: Bud Leber to set up a conference call between all the session leads to discuss the agenda and sessions. (COMPLETE)

ACTION ITEM: Chris/Aubri to clean up the agenda and post. (COMPLETE)

*Conflict of Interest Statement* – Ecology raised a concern about the statement covering all future work by LT on the DO TMDL. Bud Leber has put together a response with background, a statement from LT and a proposed resolution from the Administrative and Contracting Entity (ACE). Bud asked who at Ecology has concern, so he can talk through the issues with them. Bud would like this addressed such that this process doesn't need to be followed each time LT is asked to do something for the DO TMDL.

### **ACE Update**

Bud gave an update on the contract between ACE and Ecology to fund Ruckelshaus through July 2014: it is in place. The agreement between Spokane County and ACE (\$40K from Ecology) to pay LT is also in place. They contract for LT to do the next set of tasks is in the works.

Dave said invoices have been sent to ACE members to generate another \$100K of revenues to pay the bills for Ruckelshaus and the work that LT is doing.

*Funding Ask of the Legislature* – Doug Krapas submitted a request to the legislature for another \$500K. They have significant support from legislators this round. The request from last year was originally for \$1.2, but was reduced to \$350K. Inland Empire Paper has drafted a letter to the Governor's office, but

letters of support from members of the Task Force showing support would increase the chances the legislature will provide the funding.

ACTION ITEM: SRRTTF members are requested to send support letters to the Governor and local legislators before Thanksgiving and also speak with them, if possible.

ACTION ITEM: Doug Krapas to send out an electronic copy of the funding request to the group.

(COMPLETE)

ACTION ITEM: Doug Krapas to keep the Task Force up to date on the progress.

### **EPA Proposed Actions on Spokane Tribe's Water Quality Standards**

Tom Eaton explained that the adoption of water quality standards is done at the State level. The tribes have a process similar to the State process to get to their water quality standards approved by EPA. The Spokane Tribe has submitted their criteria. EPA is approving approximately 160 out of 210 standards they submitted. Their new fish consumption rate is 865 grams a day. The PCB rate has gone from 3.7 to 1.3 picograms per liter change. They anticipate approving these standards by the end of the year. This is not expected to impact the SRRTTF process, since permits don't have numeric limit and that won't change in the immediate future.

Doug Krapas asked if the studies the Spokane Tribe used available to the public? Tom thinks that some of the data is available.

ACTION ITEM: Tom Eaton to check on the studies used by the Spokane Tribe and to send them to Chris/Aubri, if available.

Kris Holm asked if the submittal was posted online. Tom believes so, but would need to check on that.

Are the fish consumption rates based on salmon or fish in general? Is there any public comment or provision in this? Tom said it's a formal EPA action and all such actions are subject to challenge. The EPA action would be noticed in the Federal Register.

### **Updates & Announcements**

*Revisit the 5 day advance notice for decisions* – Chris Page clarified that the Memorandum of Agreement (MOA) language doesn't allow for a change at this time. However, when the MOA is reopened for the Idaho organizations, the Task Force can readdress this. The intent was to give time for people to review documentation ahead of the decision. Doug Krapas brought up the voting members' right to say no, citing a need for more time to review the document before making a decision. This discussion was tabled for now.

Chris reminded the group about the language in the MOA about missing three meetings in a row (so far, calling into a meeting does give you attendance credit). It states that entities that do so will be removed automatically if they are not NPDES permittee, Ex-Officio sovereign, or regulatory/ governmental members. Since the Washington Department of Health (DOH) is the one entity that has not been coming, and is a regulatory member, they cannot be removed. Task Force members noted that if they aren't coming regularly then they are probably not staying informed, and it is important for all voting

members to stay informed. Chris said he would contact DOH to see if they still want to be involved, and let them know that the SRRTTF would like them to be involved and informed.

ACTION ITEM: Chris Page will call DOH to remind them about the language in the MOA and ask if they want to continue participating in the meetings.

*Outreach calendar* – Spokesman Interview request (see above).

**Public Comment**

No comments.

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**The next SRRTTF Task Force meeting is December 18, 2013 at Liberty Lake Sewer & Water District**  
The next Tech Track Work Group meeting is January 8, 2014 from 10am – 12pm, and the next Funding Work Group meeting is February 5, 2014 from 10am – 12pm at the Department of Ecology  
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