

## Spokane River Regional Toxics Task Force

### DRAFT MEETING SUMMARY

Facilitated by Chris Page & Aubri Denevan

January 22, 2014 | 9:00am – 12:30pm

Spokane County Water Resource Center

1004 N. Freya Street | Spokane, WA 99202

#### 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\* – Inland Empire

Dave McBride\* (*on phone*) – Washington State Dept. of Health

Bart Mihailovich\* – Spokane RiverKeeper

David Moss\*, Rob Lindsay – Spokane County

Sandy Phillips\* – Spokane Regional Health District

Dale Arnold\*, Ashley Marshall, Jeff Donovan – City of Spokane

*\*Denotes Voting Member*

##### *Advisors*

Kevin Booth – Avista

Adriane Borgias, Diana Washington, Arianne Fernandez – WA Dept. of Ecology

Greg Lahti – Washington State Department of Transportation

Tom Eaton (*on phone*) – U.S. Environmental Protection Agency (EPA)

Dan Redline, Ben Jarvis (*on phone*) – Idaho Department of Environmental Quality (IDEQ)

Bryce Robberts - Avista

##### *Public*

Lisa Dally Wilson – Dally Environmental

Paul Klatt (*on phone*) – JUB Environmental

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

Mike Neher – City of Post Falls

Gary Panthor – URS Corp

Jon Welge, Shannon Brattebo – TetraTech

Ken Windram – Hayden Area Sewer & Water

#### Introductions: Get Started & Review Agenda

Facilitator Chris Page (Ruckelshaus Center) welcomed everyone to the meeting. No changes were made to the agenda.

## Technical Topics

*Task 7 Memo (Decision)* – Bud Leber walked the Task Force through the draft memo for Task 7 from LimnoTech (LT). LT will start with a one-dimensional model and build on it as the project gets more sophisticated. They are also looking at the dissolved oxygen in the river (in the DO TMDL part that's already done). It is important to understand the relationship between the simple and the complex models and to collect the right information now that will be needed in future phases.

The Task Force requested for future meetings that LT give a presentation (or at least be available on the phone) to walk the group through the memos and other technical documents they submit.

Bud Leber will ask LT the following questions:

- Alignment of different data needs
- Cost factor
- Address which ones are general accepted by the different agencies (EPA, and others)

ACTION ITEM: Bud will also ask LT to present via conference call any future technical documents.

ACTION ITEM: Ensure that the agencies have time to review the Quality Assurance Project Plan (QAPP) and Sampling Assurance Plan (SAP) when published along with the modeling concepts.

DECISION: Task 7 approved as complete pending action item by Bud Leber and issuance of final memo.

*Task 8 Memo (Decision)* – The Task Force discussed the draft Task 8 Memo on Data Collection Strategy. There was a question about how the “data mining” would be done. It's not in LimnoTech's scope right now, but could come into play in a later phase. It will be important to make sure the data being mined is valid and comparable to the Task Force QAPP.

Dan Redline asked if the Lake Coeur d'Alene sampling can be tied into the National Pollutant Discharge Elimination System (NPDES) permit requirements, which mandate that dischargers sample two times a year. There are specifics in the permits for testing – twice a year, up and downstream, influent and effluent. This is a good time to coordinate discharger requirements and help fund the data gathering activities. The dischargers in Idaho need to submit a QAPP with sampling points identified. Estimated time for permits to be issued June – September. Members of the Task Force recommended using the QAPP LimnoTech develops. The Idaho dischargers will work with this group to follow the common QAPP before they get the actual permits.

The gauging station at Green Street Bridge is a good sampling location as it is at the end of a gaining reach. Rob Lindsay suggested that it be included, also a downstream sampling point near Avista facilities.

ACTION ITEM: Bud Leber to ask Dave Dilks to include additional locations, add a real map to the memos, and use final references in the reference page. (Complete)

DECISION: Task 8 approved as complete pending addition of 2 new locations, map, and referencing the final documents in the references page.

#### *Technical Workshop Recap & Follow-Up*

Tom Eaton brought up the ability to use the congener analysis (in fish) that EPA will develop. The literature points to one congener in pigments and inks. Can we test for those specifics? Joel Baker said don't worry about PCB 11; it doesn't bio-accumulate. But Tom's technical folks disagreed with that because they have seen it show up in shellfish. Doug asked what the significance was if PCB 11 doesn't show up in fish tissue? Tom is trying to make the environmental argument why PCBs are a significant source and should be addressed.

The discussion he's had with people, related to the letter the SRRTTF sent EPA about reform of the Toxic Substances Control Act (TSCA), is: what is the significance of PCBs in products. They are trying to understand the implications. First response from TSCA folks in DC is that they have limited resources, funding, and employees—even less than they did last year. They are trying to understand those implications and trying to put their arguments together to make a difference.

ACTION ITEM: Add as first line to workshop recap: "First year work consists of a screening level and one-dimensional modeling approach."

*Task 9 Memo* – The completion of task 9 (QAPP/SAP) was held up due to the Workshop, so the new deadline is February 15. Greg Cavollo, the expert from Delaware, sent links to sampling plans they use and Bud Leber passed those along to LimnoTech. The QAPP and SAP will be discussed on Feb 26th SRTTF meeting, it is important to have LT staff available for that meeting.

Chris Page ran through the timeline for this year for getting contractors on board and starting sampling that was developed by the Technical Track Work Group. He asked for volunteers to help develop and coordinate the Requests for Proposals (RFPs). Arianne Fernandez and a representative from Spokane County will lead the RFP for lab services. The two RFPs that need to go out are:

- Sampling RFP: to be started once the QAPP and SAP have been received from LT.
- Lab Analysis RFP: Needed ASAP

The RFP language and format will be boilerplate for both, with minor tweaks. It's still something the Technical Track Work Group will need to develop. The sampling needs to happen before September because flows increase at Post Falls Dam after September 1.

ACTION ITEM: Adriane Borgias to check and make sure LimnoTech has current QAPPs

ACTION ITEM: TTWG to revise the dates on the Gantt chart in order to meet the revised schedule based on delivery of the QAPP and SAP.

There was a question whether or not Avista could delay the increased flows at Post Falls Dam this year. There is some work going on: a coffer dam is being installed March through summer. Mary Jensen is the Project Manager for that.

Confidence Testing: Ecology will be helping with the Confidence Limit Testing of the QAPP and SAP. Arrangements need to be made with a laboratory before this can happen.

ACTION ITEM: Adriane Borgias and Arianne Fernandez to work planning confidence limit testing. It can be started right away.

ACTION ITEM: Adriane will send the existing QAPPs to make sure they have them.

### **EPA Update**

*Update on EPA's discussion with the Spokane Tribe* – Tom Eaton reported that the Spokane Tribe maintains that the TMDL is necessary. The Tribe wanted to know what efforts have been done to-date to reduce the PCBs in load/source reductions. They are focused on identifying and eliminating sources, and bringing those numbers down. When Tom met with the Tribe, he wasn't prepared to discuss what efforts have been done. The tribe is very interested in knowing what efforts have been done to make progress. The TMDL lawsuit is ongoing and will take some time to sort out.

There was a question about how the Tribe's Water Quality Standards affect the issuance of the Idaho permits. The Idaho permits have narrative limits; those will go through 401(c) certification by IDEQ (no deadline); then Ecology has a 60-day period to object to the permits; and then permits are final. At the current time, EPA is developing the responsiveness summary for the permits. They are addressing comments from 2007 and 2013 and there are 100 pages so far of text drafted.

There was a question about whether EPA would sign the Task Force Memorandum of Agreement (MOA) if permits are appealed. The answer is probably yes if the appeal is not related to EPA's participation in the Task Force.

What are the strategies to involve the Spokane Tribe with the Task Force? Tom recommended direct discussions with the Tribe, and for the Task Force to provide results and report back. Put the results on the table and let them speak for themselves. (i.e., a Status Report).

ACTION ITEM: Spokane River Stewardship Partners (SRSP) to discuss a progress report summarizing the reductions to date or being planned at its meeting the following day.

*MOA Review Update* – EPA reviewed the comments on the MOA and responded to the Task Force. The current MOA still needs to be reviewed for relevance. EPA plans to become an active participant on the Task Force once the Idaho permits are final. Their regional counsel reviewed the MOA and provided comments. Once there is a final draft the Task Force is comfortable with, then the final step will be to run this through EPA's national office for attorney review. They would like to get moving on this now, so

there's no hold up when the permits are approved. The commented version of the MOA was passed out at the meeting. Adriane suggested that all Task Force members review this version.

ACTION ITEM: Adriane Borgias to provide Word version of MOA to EPA and EPA to revise comments relative to the existing MOA, and this to be posted on the SRRTTF website (complete).

ACTION ITEM: Tom Eaton to discuss with Tribes the opportunity to join the SRRTTF and sign the MOA.

*Response to TSCA Letter* – Tom Eaton asked Task Force members about the ability to use PCB congeners in fish to match fingerprints from sources. This relates to the letter that the Task Force sent to EPA. Is EPA considering excluding mono- and di- chloro congeners from regulation? There is an environmental argument as to why inadvertent PCBs are significant sources and need to be addressed.

The TSCA staff at headquarters are resistant to taking this issue on because of limited staffing and the need to prioritize what they are working on in the big picture of TSCA. The larger PCB sources are the Aroclors in capacitors and transformers. These can leak and spill but are contained. The inadvertently generated PCBs are less known and are uncontained.

ACTION ITEM: Adriane Borgias to send Tom Eaton Ecology reports showing the levels of PCB-11 in fish in Washington State (Complete).

### **ACE/Ecology Contract & Scope of Work (Decision)**

Adriane Borgias provided context. This contract is a balance of structure and flexibility in order to get the work done. The tasks in the back without dates listed are for year two. Is this conceptually acceptable to the Task Force? It still needs to be run through Ecology before it can be finalized. There's an overview on the very last page that gives a snapshot of the budget summary. The footnote on that page was intended to be done by July (end of biennium). Mike Neher asked if there was room to move money between tasks. There is about 10% flexibility. Major shifts will need a change of contract.

ACTION ITEM: Adriane Borgias will check to see if the 10% means per task or the entire amount (\$350K).

ACTION ITEM: Adriane to receive final version from ACE and submit to contracts personnel for review.

DECISION: Task Force approved conceptual scope of work and budget.

### **Addressing the Uncertainty: How Much Science is Enough Science?**

Discussion about when 1668 will be accepted for compliance determinations. Some of these details were discussed in the workshop. Brian Nickel and the EPA research scientist will discuss this. Discussion about how data that is provided by the labs will be:

- Evaluated (statistical analysis)
- Probability of the "true" number be expressed
- Entered into database (EIM?) without errors

How much science is needed to make source reductions and inform the policy decisions? When the Task Force gets to the end, they want everyone to accept the science. We are at the limits of our technology to see the level of information needed. As we collect data, how are we addressing the uncertainty here? This is a matter of airing the questions we might be addressing down the road.

Adriane did go through the meeting notes from last year to pull out the things that have been done. She's got about four pages, but is missing actual reduction data. She would like Task Force members to include any data that point to reductions, including amounts of money spent to do reduction actions such as the new treatment plant data.

ACTION ITEM: Compile a list of accomplishments. Provide measurable results.

### **Updates & Announcements**

*Proposed Legislation to Reduce PCBs in Washington* – There's a bill in the legislature now that would require state agencies to purchase products without PCBs. The bill will also require product testing for PCBs. Sponsored by Billig, Erickson, McCoy, Rolfes. It was heard yesterday in committee. Bart Mihailovich testified along with several others. There was no opposition present. Two committee members were neutral on it, but no opposed. Bart thinks it will make it out of committee. There is a discussion about proposing a companion bill in the House. Bart is willing to keep the Task Force informed of the bill's progress. Bart met with the director of Washington Toxics Coalition. She was willing to do a communications campaign around the state if needed.

*Funding Opportunities* – EPA Science To Achieve Results (STAR) grant, others. Also: consider Technical Track Work Group's need for more meetings & whether FWG can coordinate without 2/5/14 date.

1. Modeling research grant: would Water Environment Research Foundation be interested?
2. Particulate matter grant: interest by Spokane Regional Clean Air?
3. Environmental Justice Grant: of interest to the non-profits? Spokane River Forum, Lake Spokane Association, Riverkeeper, Lands Council?

There are a number of good opportunities available. How do we evaluate and address these?

*Chemical Action Plan (CAP)* – Department of Ecology is working on a CAP for PCBs (Holly Davies). Doug Krapas, Sandy Phillips, and Rick Eichstaedt are on the advisory group. A draft version has been prepared and progress on the CAP is about 50%. Remaining sections to be completed as the year goes on.

ACTION ITEM: Adriane Borgias to see if a copy can be made available to the SRRITF.

Avista questioned the transformer data used in the CAP. This comes from the EPA data base. Michelle Mullen, EPA coordinator, is to provide corrections. The data is supposedly all listed transformers still present and in service, but is not current. Avista is in the process of removing transformers with PCBs,

and is not yet ready to share the numbers. Other electric utilities in the area include Inland Power, Kootenai Electric, and Bonneville Power Administration (Mike Rosales, Bell Substation).

The information about removal amounts, even estimated amounts of PCB removed from the system is useful and part of an important story. It shows the results of a collaborative cooperation. Question about the disposal of small capacitors in the Household Hazardous Waste disposal. What happens to appliances that are recycled? How are small capacitors handled?

ACTION ITEM: Measureable progress update will happen in March.

**Public Comment**

No comments.

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**The next SRRITF Task Force meeting is February 26, 2014 at Liberty Lake**

The next Tech Track Work Group meeting is February 5, 2014 from 10am – 12pm, and the next Funding Work Group meeting is February 5, 2014 from 1pm – 3pm at the Department of Ecology

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