

# Spokane River Regional Toxics Task Force

## DRAFT Summary Notes

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

Wednesday, March 25, 2015 | 9:00am – 12:30pm

Spokane County Water Resource Center | 1004 N. Freya Street, Spokane, 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, Elizabeth Schoedel – City of Spokane

Galen Buterbaugh\* – Lake Spokane Association

Don Keil\*, Kris Holm (*phone*) – City of Coeur d’Alene

Doug Krapas\*, Ryan Ekre – Inland Empire Paper

Mike LaScuola\*, Sandy Phillips – Spokane Regional Health District

Dave McBride\* (*phone*) – Washington Department of Health

Dave Moss\*, Rob Lindsay – Spokane County

Mike Petersen\* – Lands Council

Jerry White\* – RiverKeeper

### Advisors

Jim Bellaty, Adriane Borgias, Dale Norton (*phone*), Brandee Era-Miller (*phone*) – WA Department of Ecology (Ecology)

Brian Nickel (*phone*) – U.S. Environmental Protection Agency (EPA)

Dan Redline – Idaho Department of Environmental Quality

Bryce Robbert – Avista

### Public

Henry Allen – City of Spokane Valley

John Beacham, Russ Connole – City of Post Falls

Lisa Dally Wilson – Dally Environmental

Dave Dilks (*phone*) – LimnoTech

Dennis Fuller – Century West Engineers

Paul Klatt – JUB Engineers

Greg Lahti – Washington Department of Transportation

Adam McClymont – CH2M Hill

Greg Moller – University of Idaho/Washington State University

### Introductions, Agenda Review, Approval of Prior Meeting Summary

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

### Update on Center for Environmental Law and Policy (CELP)/Sierra Club Court Case

Jim Bellatty discussed how the Washington Department of Ecology (Ecology) will respond to a recent ruling in the CELP/Sierra Club court case. Ecology representatives will meet with EPA representatives on March 25<sup>th</sup> to plan a response. They have 120 days to put together a work plan/timeline for the Task Force to complete their work. This will require setting deadlines, concrete permitting recommendations, and defining an endpoint. The Task Force needs to play an important role in these steps.

Brian Nickel explained that EPA is on the same track as Ecology. There is nothing in this decision that says that the Task Force is a bad idea or that it should be dissolved. The Task Force is still an integral part of water quality compliance concerning toxics in the Spokane River. It appears that the decision has recognized the Task Force as a viable process. The work that the judge has asked EPA/Ecology to do is already underway by the Task Force.

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

#### ***TTWG/Administrative & Contracting Entity (ACE) report***

Chris Page referred the group to a written overview of recent work by the TTWG. Dave Dilks explained that LimnoTech is proceeding with the completion of the 2014 synoptic work and finalizing flow numbers for the Green Street location. Rob Lindsay is working with these folks and Bud Leber will meet with Dave Dilks in 1.5 weeks to discuss groundwater information.

Brandee Era-Miller explained that the Environmental Assessment Program (EAP) project on High Volume Sampling has been given the go ahead. Will Hobbs is in charge of this project. The Quality Assurance Project Plan (QAPP) for a sampling location at Spokane tribal boundary is going through review process. When it is complete Brandee will send it to Adriane Borgias and then to the Task Force for review.

#### ***“SWAT team” Pilot Project Updates***

##### Hydroseed project

Doug Krapas gave an overview of the work that the hydroseed team has done. Lynn Schmidt will be added to the team. The team has been working with the manufacturer (Hamilton) and the lab (AXYS) to coordinate sampling and analysis. The Washington Department of Transportation (WSDOT) set up a large meeting with trade groups, suppliers, and WSDOT to drill into the hydroseed materials testing that the City of Spokane completed in 2014. There is a WSDOT specification that requires the dye to be in hydroseed the agency purchases and uses. However, inspectors say it is not a necessary component of the hydroseed.

The team took samples of the various components comprising Hamilton’s hydroseed on March 23<sup>rd</sup>, and AXYS has begun to test them. Used modified method of 8082 (to keep costs down), this will cost \$460 per sample. This testing is intended to identify one or more “bad actors” among the component parts of the hydroseed. They may have to drill down later using 1668 method. Lynn Schmidt has been trying to get other suppliers involved with this effort. Lynn explained that the City has taken three more hydroseed samples from other suppliers including: Rockford (special dye-free sample), and Rainier (dyed and special non-dyed samples). WSDOT would like to be involved in how the Washington Department of Enterprise Services moves forward with implementing the state purchasing law.

##### Green Street Gage

The Flow Gage work group has held a couple of meetings with the community college and ACE, and has an April 8<sup>th</sup> meeting scheduled for 1:30 pm. The group will report out at the next Task Force meeting.

##### Hatchery Fish Meal

The team is waiting to hear back from a representative from Washington Department of Fish and Wildlife (WDFW). The group agreed there is a need to understand their process and operations first, and then move on to sampling.

##### Funding Allocation for SWAT Team work

Adriane Borgias explained there is \$29,000 of the \$350,000 legislative allocation for the 2013-2015 biennium not spent and the Task Force needs to allocate this money to source reduction activities by the end of June. Adriane requested that ACE provide Ecology a general idea of allocation by the week of April 6.

<b>General Idea of Allocation of Funds</b>	
Bank Account	\$205,000
Grant reimbursement	\$166,000
Source Reduction	\$29,000 (this goes away at end of June)
For TSCA	\$5000
Green Street Gage Installation	\$9000+ sales tax
Stormwater Decant	\$10,000
TSCA Reform (trip to DC)	\$5000
Hydroseed Project	\$2300+ (depends on initial findings)
Outreach/Public Education	?
Hatcheries (fish meal, Effluent)	?
Data Outreach	?
LimnoTech	

**ACTION ITEM:** The group agreed to move forward with allocating the remainder of the \$350,000. Project leads to finalize dollar requests and send to ACE within two weeks.

**ACTION ITEM:** ACE to meet in two weeks to finalize allocation of funds and work with Adriane Borgias to make the contract change.

**ACTION ITEM:** Kara Whitman to send out email to the Task Force requesting letters of support for funding request to Washington State Senate. (COMPLETE)

**ACTION ITEM:** Mike Petersen to set up meeting with the editorial board; Mike Petersen, Doug Krapas, Mike LaScuola and Tom Agnew to meet with editorial board to provide talking points for an editorial or article. (COMPLETE)

**Memorandum Of Agreement (MOA) Update: *Issues for SRRTTF to address***

Chris Page gave a brief summary of the work of the MOA Work Group that met every two weeks over the past several months. The MOA Work Group requested the full Task Force provide some feedback on these areas. These include:

1. Section 3: detailed explanation of the work of the Task Force vs. summarizing the detail into a few bullets and then attaching the 2012 and subsequent work plants as an appendix to the MOA. The group opted for the latter approach.
2. Five-Day Advance notice for decisions. There have been a few instances where the five day notice for decisions has made timely response to emerging opportunities difficult. Ecology would like the five-day notice to remain so agencies have enough time to respond to upcoming decisions and to ensure a transparent and open process. After some discussion, the group agreed to keep the five-day notice, while providing for a proxy process if a quorum is not reached on a scheduled/posted conference call meeting.

3. The group discussed whether the MOA should delineate a process for appointing a Task Force chair. The group agreed that the current general language would allow for the appointment of chair(s) or other staffing and representation, so no changes are needed.
4. Annual work plan review by agencies. The MOA Work Group found this to be an unnecessary burden. The group recommends the removal of this wording in the MOA. With that the work group also recommends a new mechanism in an Annual Report. The full Task Force agreed.
5. The Task Force would like to re-invite the same list of invitees as when the Task Force was formed, including inviting Sierra Club. It was suggested that the Task Force reach out to the board of the Sierra Club at the chapter level.

**ACTION ITEM:** Mike Petersen to provide contacts for the Sierra Club. (COMPLETE)

The group discussed the ramifications of adding more members to the Task Force. Lisa Dally-Wilson suggested the modification of ground rules that explain how members are to be involved and how they will interact if they are at the table.

**DECISION:** The Task Force agreed that the MOA will be ready for legal review after the edits discussed at the meeting are incorporated. These edits include: simplifying Section 3 to four summary bullets as proposed by the MOA Work Group and referencing an appendix that includes the 2012 work plan; maintaining the five-day notice of decisions, and removing the proposed waiver of the five-day notice; and approval of the proposed language that provides a proxy process if a quorum is not reached in a conference call meeting.

The group agreed that the next step for the MOA revisions is legal review. Once this review is completed, new members will be invited. Brian Nickel believes that EPA legal review could take about 2-3 weeks. Greg Lahti explained that WSDOT review could take a longer.

**ACTION ITEM:** Kara Whitman of Ruckelshaus Center to update the MOA based on the decisions from the Task Force and send out to the full Task Force review, including legal counsel. (COMPLETE)

**DECISION:** The Task Force will invite all previously-identified parties to join once the revised MOA has been reviewed and approved. Invitees will include, but not limited to, the Kootenai Environmental Alliance, Trout Unlimited, Sierra Club, and the Idaho Department of Transportation. The tribes have been invited. Maia Bellon (Ecology) will connect with the Spokane Tribe after the legislative session.

**ACTION ITEM:** Ruckelshaus Center to serve as the conduit for communication for inviting new members to the Task Force.

### **Stocking, Hatcheries**

Chris Page reviewed conversations with WDFW, Avista and the Spokane Tribe regarding fish hatcheries operations, total stocked fish, and the potential for a small tour of a hatchery facility. WDFW provided a fact sheet for the Task Force detailing fish hatchery stocking in the Spokane River and Lake Spokane.

**ACTION ITEM:** Ruckelshaus Center to work with the WDFW to accommodate a tour of the Little Spokane Fish Hatchery. The small tour group will consist of Mike LaScuola, Jerry White, Galen Buterbaugh, John Beacham, BiJay Adams, Adriane Borgias, Dave McBride, Dave Moss, and Sandy Phillips if possible.

### **Q&A/Discussion**

- Avista: the public can look up the Avista Federal Energy Regulatory Commission (FERC) hydropower facility relicensing agreement for details on Avista's fish stocking.
- Trout Lodge supplies eggs and trout that go into the Spokane River; can any monitoring or sampling be done?
- The Task Force needs to put boundaries on the fish hatchery analysis: what information is needed and does it further the Task Force mission?
- Task Force should consider the 2006 Ecology study that sampled Ford Creek hatchery.
- The fish stocked in Lake Spokane are all fin-clipped, which allows for differentiation of hatchery fish from wild fish.
- Fish Feed: could be a potentially significant source of PCBs to the river. Galen Buterbaugh explained that the fish feed has significantly changed. They have switched to vegetable protein sprayed with fish oil. However, it is not clear what impact this has on PCB levels in the fish. BiJay explained that a US Fish and Wildlife study looked at PCB concentrations in the vegetable fish feed varieties and their impact of the health of the fish. The weight and health of fish were diminished. There was a reduction in PCBs, but it was not quantifiable. This study was focused around salmonids, but the same would apply to Trout.
- Need to connect with an expert in life cycle of fish and hatchery fish. Steve Robberts is a WDFW fish biologist that may be helpful in understanding these connections.
- WDFW has an interactive website showing where all fish are being stocked.  
<http://wdfw.wa.gov/fishing/washington/highlakes/stocking.php>
- PCBs in fish tissue: need to have conversation on pathways, concentrations, congeners, bioaccumulation, management actions, etc.

**ACTION ITEM:** The TTWG to address the PCBs and fish tissues at their next meeting. TTWG to start mapping out experts and a timeline for a workshop.

#### **Summary of Common Themes from Check-in Calls**

Chris Page reviewed common themes from the a series of check-in calls the Ruckelshaus Center conducted with Task Force members focused on Task Force successes, facilitation and coordination services, and shortcomings. Some areas the Task Force would like to improve are in public education and outreach, use of University resources, and management of phone participation during the full Task Force meetings. The group agreed that in future Task Force meetings phone attendees will send an email to Kara Whitman ([kmwhitman@wsu.edu](mailto:kmwhitman@wsu.edu)) during the meeting as a protocol for "raising their hand" to have the floor.

Chris also mentioned that the Ruckelshaus Center contract is up in June 2015. The Task Force would like to continue working with Ruckelshaus Center. The annual plan could be added in as part of the scope of work for the next contract.

**ACTION ITEM:** Ruckelshaus Center and ACE to put together the scope and budget for the Ruckelshaus contract to bring back to the Task Force for a decision.

#### **Updates & Announcements (Round-the-Table)**

- Jerry White is working with Spokane County on an Open House outreach event that will contain a PCB component. More information on this event will be sent out to the Task Force at a later date.

- Kiosk project: Mike Petersen and the Lands Council are working on an informational kiosk project focusing on toxics. They are also doing some outreach in the Riverton area including a brochure and other materials paid for under a public participation grant.
- Measurable Progress update: Ecology is moving forward as planned. Interviews with Task Force members will be even more important in light of the court ruling.
- Adriane explained that Ken Zarker sent her a note that there is funding available through the Green Chemistry center. They are looking for support on some of the green chemistry projects in the Governor's budget.
- Adam McClymont informed the group that the Pacific Northwest Clean Water Association will fly to DC in April to engage EPA in conversations urging reform to the Toxic Substances Control Act (TSCA) regarding PCBs. He asked Task Force members to review and comment on a draft TSCA reform handout that will be used in the upcoming conversations.
- Greg Moller, a Professor at the University of Idaho and Washington State University, discussed his research on bio-char filtration. His research group has a grant to scale up tests of their BioChar technology. They have a 35-foot trailer and mobile laboratory that will be traveling around the Northwest by June 1<sup>st</sup>. They will first look at the Moscow, Idaho water treatment plant and Dairy Farm. The project integrates K-12 science, technology, engineering and math (STEM) education and the WaterScape 2025 program. The research is in the early stage. They are hoping to work with entities from the Task Force.
- Dan Redline was contacted by Professor Patricia Chantrell. She is organizing a Northwest Communicators Conference, with the theme: communication and convergence. This may be an item the Task Force could follow up on. They are looking for presenters for the environmental session.

**ACTION ITEM:** Ruckelshaus Center to send out the "TSCA and PCBs Pacific Northwest Clean Water Association Idaho, Oregon, Washington" to the Task Force for review and comment. (COMPLETE)

**ACTION ITEM:** Mike LaScuola to contact Patricia Chantrell and relay information back to the Task Force. (COMPLETE)

No Public Comment

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**The next SRRTTF Task Force meeting April 22<sup>nd</sup>, 2015 at the Liberty Lake Sewer and Water District Office from 9am –12:30pm**

The next Technical Track Work Group Meeting is April 1<sup>st</sup>, 2015 from 10am-12pm at the Department of Ecology.