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
Spokane County Water Resource Center|1004 N. Freya Street, Spokane Washington

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 Bellaty, 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

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 and Agenda Review

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 June 24, 2015 meeting summary notes were accepted as written.

Update on Court Process/Appeals

Chris Page encouraged the group to keep their comments constructive. There will be mediator call on September 19th, and a separate filing from Sierra Club. The Task Force needs to consider that the case may not be resolved until after the December 31st, 2016 deadline for the comprehensive plan.

Brian Nickel gave an overview of the July 14th, 2015 EPA filing to the court. The Response was a product of EPA region 10 with some input from Headquarters. Brian discussed the inclusion of permitting actions in the response. Brain drafted much of the language on permitting actions in the response. He believes the permitting actions are practical measures that use regulatory authority to a better

advantage, and focus on a Best Management Practices (BMPs) approach rather setting numerical limits. . EPA withdrew its appeal to the 9th district court. Brian explained that EPA felt like the request from the court was manageable and if appealed, there is uncertainty and the results could be less manageable.

Chris Page shared issues brought up by Lisa Dally-Wilson. The members of the Spokane River Stewardship Partnership (SRSP) are concerned about the potential increased cost to changes to permits. If they are headed toward Total Maximum Daily Load (TMDL) anyway, why continue with this collaborative approach? A case can be made to continue on with the Task Force, if progress is made, the Spokane River may comply with Washington Water quality standards.

Jim Bellaty explained that the EPA submittal demonstrates that EPA appreciates and values the work of the Task Force. They have set the stage for continuing the good work. The goals set by the EPA response are within reach and workable. The EPA permitting recommendations are only recommendations, and not legally binding. Ecology has its own process that includes a public process 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 regards to decision making and data processing and completing the comprehensive plan completed by 2016. Second, given the EPA stance on fish consumption, and risk, the standard is a moving target. This is a problem of uncertainty and vulnerability.
- Under the schedule, it calls for monitoring to meet standards by Dec. 15th of 2020 based on <u>annual central tendency of the preceding year</u>, 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 the data in a segment from State line to Lake Spokane (confluence to confluence). Ecology would make an assessment based on these segments in the system; this is different than what Ecology has done in the past, which was based on townships etc.
- Doug Krapas raised concerns over compliance with producing a comprehensive plan by the end of 2016. Will it be a living document? If not then it may be premature to expect the plan at that time as the Task force is at the cusp of identifying sources to the river.
- The Sierra Club has the intention to file a petition for additional relief. Ultimately it is the judge who needs to be satisfied.
- Contribution of sediments? The Task Force has not been very involved in sediment studies nor sediment reductions. 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 explained that now the Task Force is getting into the tough stuff surrounding water quality policy. We do have a policy (111) national toxics rule that uses edible fish tissue in resident species to determine if they have met the water quality standard. The disadvantage is the delay in fish tissue response, given legal timelines for compliance.
- John Beacham added that involvement of Idaho Department of Environmental Quality (IDEQ) is not included anywhere in the response. How are we going to develop this relationship moving forward? A. We did share the 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 Draft Phase 2 Technical Report - high level comments and how they were addressed. These included

1. Axys data 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; include 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 information on flow was inaccurate (Coeur d'Alene to Post Falls and Spokane Gage to Nine Mile Gage); and
6. Presented the data from Trent to Spokane and from Barker to Trent with a qualitative explanation of why and how stormwater data was used in the loading calculation.

Q&A/Comments

- Dave Moss/Spokane County proposed an edit to Section 2.3.2 on blank correction. The county asserts that there is no standard blank correction method, and numerous approaches have been utilized, both nationally and within the Spokane River Basin.
- Greg Lahti asked if the flows from stormwater were included in the report. What were the loads from stormwater that were calculated? Also would like to see the average concentrations that were used and what was the flow 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 agreed to approve the Final Report, given a few minor additions/changes including: 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 from LimnoTech/Gravity/AXYS o Technical work plan & budget—Decision: approve basic $ allocation & work areas for legislative allocation?

Dave Moss explained some of the details for the upcoming synoptic sampling. 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 is set to be during the week of August 10 or 17th. Brandee Era-Miller will be available for the sampling. ACE has drawn up contract amendments. Ecology will have to approve the QAPP and SAP. Dave said that the QAPP and SAP should be available on Monday August 3rd.

Dave Moss explained the reasoning behind Appendix B budget amendment. This is a best estimate of how ACE would suggest allocating funds. Adriane explained that contracting needs to happen very quickly in order for Ecology to continue the 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 in next week.

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

Ecology –County partnering to sample aquifer wells.

Adriane Borgias explained that Ecology will be partnering on a collaborative survey of groundwater wells in Spokane Aquifer funded by Ecology 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) Confirmation check for potential groundwater sources to river.

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

Pigments and PCBs: Presentation by Mark Vincent of Dominion Colour (manufacture pigments to provide to paint manufacturers)

Mark Vincent gave a presentation to the Task Force on PCBs and Pigments. There are many technical requirements for pigments which dictate their formula. They must fit in strictly-controlled color box, dictated by state municipality (almost all dictate "red shade yellow"), 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. They must have appropriate opacity for nighttime reflectivity and color. They must 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, lower weather fastness, heat stability, and solvent resistance

PCBs get generated as by-products in pigments as a result of 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 an unintentional byproduct in 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" due to "possible carcinogenic potential."

Metal azo red pigments: typical PCB content from .05ppm to .15ppm. Mark Vincent explained that it is <u>not possible to completely eliminate PCBs</u>; the level in metal azo red pigments represents the closest that he believes possible to be "PCB-free."

Three main options to reduce PCBs in pigments:

1. Enact regulations to try and reduce PCBs in PY.83 for road marking: pros are that this pigment has accepted durability and is widely used, but cons are that the technology to reduce is currently unknown; no certainty that PCB content can be reduced; almost impossible to measure PCB levels in every production lot.
2. Ban diarylides and reduce weather-fastness requirements for road marking paint
3. Ban diarylides and change color box to allow greater selection of pigments: this expands available number of pigments; durability could be maintained; only slightly more expensive; cons are that 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 Center for posting on the Task force website. (COMPLETE)

ACTION ITEM: Greg Lahti to follow up concerning Washington Department of Transportation "color box" rules and report back to the Task Force.

Ecology Draft Hatchery General Permit:

Kris Holm explained that she has been in contact with Steve Krueger about how this policy would apply to the hatchery permits and state purchasing of hatchery feed. The State Hatchery permit will be released August 19th, 2015. When it is released 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 added that the EPA is working on their permit for tribal and State fish hatcheries. Brian will find out the exact date that this permit is going to 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 the group with an overview of the Ecology- Grants of Regional and State Significance (GROSS) grant that the City of Spokane is applying for. The grant has a stormwater slant, as it is a grant for stormwater. The grant 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 could then be tailored for different needs around the region.

Lynn Schmidt 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 19th River Cleanup. Budget is around 10-12,000 $. 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 from Mike Petersen on the Sept 19th 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 be giving a presentation with other members of Ecology the September conference of International Association for Public Participation (IAP2)
- 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. (Add to next Ed and Outreach WG agenda)

SWAT Team updates:

- Hydroseed: The study has yielded no" smoking gun". The dyes are relatively consistent and lower than the composite sample from the first study done by the city. As we go through this product purchasing policy with the state, be careful 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 if differentiate? **A**. same congener set as 1668.) They have not seen the Department of Transportation or Ecology's sample results yet.

No Public Comment

The next SRRTTF meeting is Thursday, September 3, 2015 at the Liberty Lake Sewer and Water District Office.
The next Technical Track Work Group meeting is September 2, 2015 at the Washington Department of Ecology.