

Spokane River Regional Toxics Task Force

Facilitated by the William D. Ruckelshaus Center (Chris Page and Kara Whitman)
DRAFT Summary Notes | Wednesday September 23, 2015 | 9:00 am to 12:30 pm
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, Elizabeth Schoedel – City of Spokane
Galen Buterbaugh* – Lake Spokane Association
Adrienne Cronebaugh* – Kootenai Environmental Alliance
Ryan Ekre* – Inland Empire Paper
Bud Leber*, Edgar Scott – Kaiser Aluminum
Mike LaScuola*, Sandy Phillips – Spokane Regional Health District
James Tupper (*phone*) – City of Coeur d’Alene
Dave McBride* (*phone*) – Washington Department of Health
Dave Moss*, Mike Hermanson, Rob Lindsay, Bruce Rawls – Spokane County
Mike Petersen* – Lands Council
Jerry White* – RiverKeeper

Advisors

Adriane Borgias, Michael Friese (*phone*), Dale Norton (*phone*), Jeremy Ryf – WA Dept. of Ecology (Ecology)
Bryce Robbert – Avista
Brian Nickel – U.S. Environmental Protection Agency (EPA)

Public / Interested Parties

John Beacham – City of Post Falls
Lisa Dally-Wilson – Dally Environmental
Dave Dilks (*phone*) – LimnoTech
Greg Lahti – Washington Department of Transportation (DOT)
Eric Williams – Gallatin
Ken Windram – Hayden Area Regional Sewer Board

Introduction and Agenda Review:

Brian Nickel will update the group on the Court Case; no other changes were made to the agenda.

John Beacham requested the following edits to the September 3, 2015 meeting summary to two points in the overview of general comments on the draft hatchery permit:

- Point 2: “for surface water and sediment is not needed since surface water testing has been onerous and not provided useful data for the Idaho dischargers who have this in their permits”.
- Point 3: “Recommend removing the mention of TSCA allowances (requesting 50 ppm be removed from the permit is unlikely to be helpful)”.

Adriane submitted edits including a typo on (page 2 question 4, change “quality” to “qualify”) and page 4, edit comment 8 303(d) listing, and page 5 typo (question 4, change “species” to “specify”).

DECISION: The Task Force accepted the September 3, 2015 summary notes with the above changes.

Brian Nickel gave an update on the court case. Joint motion to govern proceedings filed that tells the court what we expect to happen next, submitted by plaintiffs as well as EPA and interveners. Plaintiffs intend to file a “Motion for Additional Relief” on Oct. 2nd. After filed, they can sort out the schedule.

Technical Track Work Group (TTWG) Report & Technical Topics

Comprehensive Plan Draft Scope, Timeline, Cost Estimate

The Task Force will develop a comprehensive plan as outlined in its 2012 Memorandum of Agreement (MOA). Its components, outlined in the MOA, align with EPA’s requirements (in its response to the judge). The Task Force asked LimnoTech to prepare a work plan, scope and timeline to develop this comprehensive plan. Dave Dilks gave a presentation on the proposed work plan, scope, budget and timeline.

The scope for the comprehensive plan is based on an outline put together for the September TTWG meeting with one major change. This version looks less like a Total Maximum Daily Load (TMDL), and is more faithful to the original plan as outlined in the MOA, and is focused on Best Management Practices (BMPs). LimnoTech is expecting input from the Task Force on the BMP control options (LimnoTech will put together a matrix of the options and their cost for Task Force consideration).

Expected Timeline and Cost (Proposed):

Deliverable	Completion Date
Draft memorandum defining inventory of BMPs to be considered	February 5, 2016
Final memorandum defining inventory of BMPs to be considered	February 26, 2016
Draft memorandum defining cost/effectiveness for each BMP	May 20, 2016
Final memorandum defining cost/effectiveness for each BMP	June 24, 2016
Meeting to define control options	July 22, 2016
Draft comprehensive plan	August 19, 2016
Meeting to present Draft Comprehensive Plan	August 26, 2016
Final comprehensive plan	December 16, 2016
Total Cost	\$145,000

Q&A/Comments

- **C.** Add to timeline: deadline for Task Force comments on draft report.
- **Q.** Are there pieces of data we need to have for this that we don’t already have? **A.** Yes, results of dry weather synoptic survey and from regional groundwater model. Do not see the need to develop new monitoring plans in the time we have. **Q.** Retrospective analysis using City’s stormwater data? **A.** Maybe useful for PCB source assessment (not new data collection, additional analysis of data already available).
- **Q.** Sediment as a potential transport to water column? **A.** Sediment to be quantified if identified as a source.
- **C.** Scope should reference MOA and SRRTTF-approved documents, not EPA letter to Judge. The group emphasized to plan on the “known” rather than try to predict the outcome of an uncertain court case.
- **C.** The scope of “evaluate best management practices” could get complicated and expensive. **A.** Dave explained they would expect a lot of Task Force input on BMPs. The plan will include cost information from the literature, and is not looking to do site-specific modeling of the effectiveness of BMPs.
- **Q.** Does LimnoTech speculate that this scope/plan will discuss PCB concentrations, and how they will meet water quality standards (loads)? **A.** This can be done easily, if we want to know the likelihood of meeting the standards. This would be up to the Task Force.
- **C.** EPA understands the uncertainty and why the Task Force may not want to explicitly mention the EPA letter in the scope. Laurie Mann and Brian will be the contact people at EPA about the comprehensive plan.

The process for commenting on the draft scope of work is as follows: Task Force members to send comments and edits to Ruckelshaus Center by Friday September 2nd, 2015.

ACTION ITEM: Ruckelshaus Center to send out email requesting comments/edits to the Draft Scope by Friday September 2nd. Comments are to be compiled by Ruckelshaus and presented at the Technical Track Work Group meeting on October 7th for discussion. (COMPLETE)

Washington Department of Transportation (WSDOT) Color Box Rules

Greg is talking with WSDOT folks about what they know about PCBs in road paint, so as not to reinvent the wheel. Greg Lahti explained there is a federal color number WSDOT is supposed to match. He is talking to paint manufacturers (on the State contract) to find out what they are using. The State contract comes up in 2 years. WSDOT Eastern Region applies 85,000 gallons of paint per year = about .5 grams of PCBs (using the value that the City found in Traffic paint in the 2014 study – averaged values from study).

Q&A/Comments

- **C.** The reason WSDOT is interested in PCBs is because of the Task Force and the State purchasing law. This is an accomplishment of the Task Force (stimulating this conversation, raising awareness); the Task Force has a statewide impact. The Task Force should take credit for this kind of work, and it should be considered in the “measurable progress” determination.

OASIS Model/ Mod Flow Model:

There are a number of models that characterize interaction of the aquifer with surface water in the Spokane River Watershed (Bi-State Model, Gary Johnson and Dale Ralston Spread Sheet Model, Pacello’s 3D model for well head protection, Dr. Allyson King and Melanie Thornton’s OASIS model, Spokane Water Demand, Reasonable and Future Use (IWRRI), and the Rathdrum IWRM). Rob Lindsay explained that the region’s scientists have a very good handle on the river - aquifer interactions. It would be good to have Gary Stevens come and talk about this from the Idaho Perspective.

ACTION ITEM: Adriane Borgias to request Gary Stevens attend a Task Force meeting and present his work on the aquifer dynamics from the Idaho perspective.

Michael Friese Presentation on the Little Spokane River 303(d) Listing for PCBs.

Michael presented the findings of the Environmental Assessment Program (EAP) project. The team collected fish composites upstream and downstream of the Spokane Fish Hatchery and performed an analysis of PCBs. They collected samples from 7 sediment locations, 2 water sampling sites and 3 fish collection sites. Water samples were collected with CLAM samplers. The National Toxics Rule Human Health Criteria (HHC) is 170 pg/L, while sediment cleanup objectives are 110 parts per billion (ppb). They had some issues with blank contamination. The sediment concentrations were low, but there was an increasing signature as the samples went downstream. The concentrations of PCBs in the Little Spokane River are very low. They only need one criteria exceedence and it will stay on the list. Based on the study, the 303(d) listing will remain on the Little Spokane for fish tissue.

Conclusions: 3 out of 4 fish exceeded the HHC from the National Toxics Rule, and despite blank issues and system noise, CLAM collected water samples indicate low concentrations of PCB in the water.

Q&A/Comments

- **Q.** How did these fish compare to fish composites across Washington? Most are just above background concentrations of PCBs (Ecology has done studies at locations that have minimal human input).
- **Q.** What is “opportunistically sampled”? **A.** Much of the watershed is private land, so access was an issue.

- **Q.** What was the sampling methodology for sediments? **A.** Did surface sediment sampling. In the shallow river, used stainless scoops and hand sampled. Did composites from 3 locations from each sample site, in the top 5cm (targeting fine sediment that will be more likely to contain PCBs)
- **Q.** The 2014 fish tissue samples showed a significant reduction from the 1995 data to the 2014 data. Is there a statistical significance in the change? **A.** They have not done the statistics on this, but it could be done if they used the same types of samples (tissue vs. whole fish). Would not look at large scale sucker numbers (species-to-species difference) but others can be compared. Seems there are grounds to collect the necessary data to do a statistical analysis.
 - Dale Norton: When we are looking at trends we need to do many more samples, this would not provide a robust statistical analysis.
 - Michael said it might be difficult to design a monitoring program to look at this trend, as the fish move around and we do not have a good base of previous data to compare to. Would be hard to characterize.
 - **Q.** Is the difference in data due to improved analytical chemistry techniques? **A.** If it was a result of this, then concentrations would not have been detected in the previous sampling in 1995.
- **Q.** Why Fillets? **A.** Because the criteria target human health impacts, the policy calls out fillets.
- **Q.** How is fish tissue and water column and water quality standard connected? **A.** Data for water show low PCB numbers, but we still see numbers above the fish tissue equivalent. This relates to bioaccumulation. Would be interesting to compare the three water bodies and the fish tissue.
 - Mark Johnson did a study on water bodies that have little to no influence from humans, some of which were above the criteria.
- **Q.** Is there a plan to do a new study to determine what this factor really should be, to better compare the standard to how PCBs bioaccumulate? **A.** The new EPA guidelines will include bioaccumulation factors, which take into account other factors along with site specific criteria.
- **C.** There are TMDLs for hundreds of lakes in Michigan, all due to PCBs from atmospheric deposition. Lakes are more sensitive to this. Not uncommon to see pristine lakes violating water quality standards.

ACTION ITEM: Dale Norton to send the abovementioned PCB background study to the Task Force.

CLAM High-Volume Sampling:

- Completed high flow in May, data analyzed and currently being reviewed at Manchester lab, preliminary results have been received.
- Low flow completed, at lab and being analyzed
- Sampling plan for this winter, doing PCBs PBDEs and a few metals.
- Preliminary data look similar to data from Little Spokane River. System signal ~150 picograms, variable results in the samplers. Difficult to resolve, most below water quality standards once blanks included.

Urban Waters Data:

- Couple of datasets from urban waters program: Liberty Lake (done, QA'd and in Ecology's Environmental Information Management (EIM) System), storm drain sediments (Kristin Carmac will work on this in October 2015); they have prioritized the portion of this data on instream sediment and seeps.
- If data is available now, can we pull this sediment data for the October TF meeting?

ACTION ITEM: Adriane and Ted Hamlin summarize Urban Waters sediment data for October SRRTTF meeting.

Other EAP Projects

Adriane discussed EAP project proposals, including ones the SRRTTF previously submitted that were not funded. The next EAP project proposal round is approaching and many of these projects could be resubmitted for 2017.

- Re-submit project proposals: sediment sampling in Spokane River for source identification. If submitted and begun in early 2016, would data be available in time to inform the comprehensive plan?
 - Would still be useful
 - Could it be structured to provide data soon enough to include in comprehensive plan?
 - Could do some planning and set up before EAP gets involved. If submitted to EAP then it would be on their schedule and budget. The TF could take this project on instead of going through EAP.
- **C.** Ken Windram suggested another EAP project to examine PCBs in Invertebrates, to assess the level of PCBs in invertebrates in river and sediments and provide info on PCB pathways to fish. Invertebrates could be a bio-indicator of groundwater influence. (Many Task Force members would support this type of project.)
- **Q.** Can the Task Force partner to fund EAP projects? Adriane will ask. Typically EAP projects are independent projects funded by EAP; the Task Force could do a complimentary study at the same time.
- Adriane also plans to submit a new request for EIM management, to help enter data into EIM.

NOTES:

- Some projects listed as “will not do”; does not mean project won’t be done in future (e.g. statewide hatchery fish study).
- Process from here on out: next two weeks projects will be prioritized. PCB in products is not an EAP project but is being done at the State level.
- Dale Norton described a product testing program between EAP and Ecology’s hazardous waste program. This project is on that project list, but not being done this year (waiting for hydroseed data and other studies to be final). The project could be done in the coming year.

Future workshops: to be addressed by the TTWG group at the next meeting.

Ecology Draft General Permit

Kris Holm put together a draft comment letter, 8 pages long. The Task Force opted to take the three main points and write a document with more specific information, for the Task Force to consider accepting. Bijay Adams and Galen Buterbaugh to work with Lisa Dally-Wilson on a revised comment letter for a decision on October 7th.

Q. Lisa: many comments are about the fact sheet; which is more important to comment on? **A.** Appropriate to comment on both, but target comment on specific places in fact sheet and permit. Brian Nickel noted the fact sheet is not enforceable; EPA views it as unchangeable.

Lisa: Timeframe is short, important to keep the letter focused and concise. Can the comment period be extended? There is a hearing scheduled as well (Sept. 28th). Mike Hepp (Ecology) provided guidelines for effective comments.

ACTION ITEM: Adriane to request an extension. (COMPLETE) Update: comment period extended to 10/19.

ACTION ITEM: Lisa, Bijay, and John Beacham to revise and make available for SRRTF comment (COMPLETE)

ACTION ITEM: Conference call scheduled for: 10:30 Friday October 2nd, posting letter on 12 pm Monday 28th. (COMPLETE, with the following revisions after the comment period was extended)

The revised timeline and process is as follows: (COMPLETE)

- Draft letter from Lisa to small Bijay, Galen, John Beacham) Monday September 28th
- Small work group comments to Lisa Dally-Wilson by C.O.B on Tuesday, September 29th
- Letter posted by 4:00pm, September 30 with request for approval in one week at TTWG 10/7 meeting.
- Ruckelshaus Center to incorporate substantive comments to letter between 9/30 and 10/6.

- Decision on letter at TTWG October 7 meeting; this will be an official Task Force meeting (quorum of voting members present in person or on phone: minimum of 7 out of 12 voting members).
- Final Comment letter to Ecology on Thursday October 8th. (Letter Sent via email and USPS)

New Task Force Members: *Decision: accept Kootenai Environmental Alliance/Coeur d’Alene Lakekeeper? Q. Invite other (originally invited) parties, as previously agreed?*

Chris Page recapped prior discussions on inviting new members to the Task Force and updating/revising the MOA. The group decided to table the review and adoption of new MOA until there was more certainty as to the Task Force’s future. The City of Coeur d’Alene (CDA) signed on to the 2012 MOA and became a voting member. Now that CDA has signed, there is interest in having others from Idaho sign, including environmental groups. The Kootenai Environmental Alliance (KEA) has requested to become a voting MOA member of the Task Force. The KEA was originally invited to join the SRRTTF when it was formed. Jerry White expressed that adding KEA would provide balance of the Idaho Task Force parties, and noted KEA has long been a stakeholder in the region.

DECISION: The Task Force agreed to add Kootenai Environmental Alliance/CDA Lakekeeper as a voting member.

ACTION ITEM: City of Spokane to provide Adrienne Cronebaugh of KEA original signature pages to sign and send back for record keeping (COMPLETE) and for posting to the Task Force website. Adrienne to provide an alternate member to the Ruckelshaus Center for addition to the members list. (COMPLETE)

Inviting New Parties:

- City of Rathdrum: has treatment agreement with Post Falls, so already represented.
- Spokane Tribe: Brian Nickel thinks inviting them would be good. There is value in letting them know the door is open and the SRRTTF wants their participation, though resource limits might prevent their participation.
- Spokane Tribe and Sierra Club: may be premature to invite given the court case has not been settled yet. It may be more effective to do a presentation to the Tribe on the work of the Task Force prior to re-inviting.
- The Tribe is important to invite now as they have a new leader. The Task Force should formally and respectfully request their participation. This is a protocol question. Perhaps the Task Force could get on a council meeting schedule, or have a discussion with their natural resource director. The point of initial contact may be the staff level, then up to council level. Twila Abrahamson may be a contact.

ACTION ITEM: Adriane to contact Ecology director to approach Spokane Tribe and ask the level of interest for a presentation and what the protocol would be that, and/or inviting the tribe for membership in the Task Force. Update: Maia Bellon to make initial contact with the Tribe.

For Future Discussion: What is the geographic scope of the region? How “big” do we get? Adriane explained that there were identified boundaries from the Washington side.

SWAT Team Reports:

Data Management Work Group: Adriane received information from Rachael McCrae (Ecology) on the Duwamish PCB group’s database. Beth Schmoyer (City of Seattle, also in Duwamish group) chose to use EQUIS. She is willing to come and do a presentation for the group.

Hydroseed Work Group and Vector Waste Work Group: The Hydroseed Pilot Project Report and Vector Waste Project Report await Task Force approval. TTWG will discuss next steps for these projects. Edits requested:

- Greg requested brief explanation of why the non-detect numbers changed.

- Addendum: City of Spokane QAPP for product sampling. Add QAPP to final product. Ecology signature on the QAPP addendum, Hydroseed project.

DECISION: Hydroseed and Vactor Waste reports accepted with revisions: Ecology signature to hydroseed QAPP, addition of discussion of non-detect numbers, and addition of the associated QAPPs to both reports.

Events & Outreach, Funding

- H2O breakfast: well attended. Put the Spokane River out front in a way that is memorable. The City of Spokane’s operation put a barge on the river to work on cleanup. There is a synergy around the river.
- River Cleanup: ~600 people including the Mayor. They found metal, medicine, syringes, and homeless camps. The City and County were heavily involved. The event broke even, and got people excited. It was a good assessment of what needs to be done. There was also a press conference for the barge cleanup.

ACTION ITEM: Adriane to add link to the Ecology video on the Task Force website under “References and Info”.

Suggestion: Northwest profiles: Public TV – potentially talk to them about doing a piece on the Task Force.

Grant opportunities:

- Small Business Innovations Grant: Projects that minimize PCB creation or provide safe alternatives eligible.
- EPA Urban Waters Small Grant Program: urban runoff through diverse partnerships. Spokane lies in the eligible geographic area. \$40K-60K: nonprofits, states, tribes. The Task Force’s Administrative and Contracting Entity (ACE) could submit a proposal. Add in social justice component, look at 2014 grantees.
- KPBX community forum: at City Hall 6:30 pm on 9/24. Free, moderated by Steve Jackson.
- Lisa: update on the Toxics Substances Control Act (TSCA) partnership. The Duwamish group feels the time is right. The work is starting, gaining information and contacts. Rachael McCrae is connecting them with the source control group, also would like the business sector to get involved given that the Chemical Safety Act is in front of congress. Lisa and Doug Krapas are contacts for this effort.

ACTION ITEM: Funding Work Group to meet: Adriane, Mike Petersen, Tom Agnew, and Jerry White to sit in. Adriane to set up doodle poll, schedule meeting and post to the Task Force website with information on the small grants programs. (COMPLETE)

No Public Comment

The next SRRTF meeting is Wednesday, October 21, 2015 at the Liberty Lake Sewer and Water District.
The next Technical Track Work Group meeting is October 7, 2015 at the Washington Department of Ecology.