

To: Kyle Dorsey, Washington State Department of Ecology
kyle.dorsey@ecy.wa.gov

From: Spokane River Regional Toxics Task Force

Date:

Subject: Solid Waste Handling Standards (173-350 WAC) Rulemaking Comments

Dear Kyle Dorsey,

The following comments on the draft Solid Waste Handling Standards (173-350 WAC) are being made on behalf of the Spokane River Regional Toxics Task Force (SRRTTF).

Background:

The Spokane River is currently listed on the Ecology's 303(d) list as impaired for PCB (polychlorinated biphenyls). Because PCB pollution in the watershed is derived from a complex combination of point sources, non-point sources, stormwater, ground water and potential airborne sources, the problem is being addressed by an innovative implementation process called the Spokane River Regional Toxics Task Force (SRRTTF). The SRRTTF was conceptualized in 2011 and is a highly cooperative effort that was formalized in 2012 with a Memorandum of Agreement that was signed by NPDES permittees, agencies and stakeholders so as to identify roles, process, and responsibilities by which the effort would proceed. SRRTTF membership and participation includes federal and state agencies, local departments of health, dischargers under NPDES wastewater and MS4 stormwater permits, non-profit organizations, public advocates and others. Participation in the SRRTTF is a requirement in the eight individual NPDES permits on the Spokane River in Washington and Idaho. The goal of the Task Force is to address this complex issue by developing a comprehensive plan and to make measurable progress towards bringing the Spokane River into compliance with applicable water quality standards for PCBs. The comprehensive plan is currently being developed and will identify PCB loads, sources, pathways of PCBs into the Spokane River and finally, it will recommend PCB control options and/or Best Management Practices (BMPs) to prevent the transport of these toxic chemicals to the river. In that context, the SRRTTF is intensely focused on any and all sources, means of transportation and the fate of (all 209 congeners) PCBs inside this watershed. The SRRTTF is also interested in the analysis of PCB congeners that are associated with this process, with ensuring that the results for effluent monitoring and requests that Discharge Monitoring Reports (DMRs) and full data sets are accessible and publicly available as they work towards meeting applicable water quality standards. The SRRTTF is using test methods to evaluate PCBs on a congener basis to help identify potential sources and better understand the relationship between PCBs in air, water, sediments and fish tissue.

SRRTTF Comments:

SRRTTF would request that PCB testing for street waste be required under the proposed rule (WAC 173-350-235, Table 235-B Testing Parameters). PCBs are a known pollutant in stormwater for the Spokane area as well as many other watersheds in the State and Country. Given the tendency for PCB molecules to adhere to soils and sediment, street waste such as stormwater sediment tends to contain PCBs that are orders of magnitude more concentrated than the stormwater itself. Other types of street waste would conceivably have similar concentrations.

While PCBs are often considered a legacy issue, there are currently many products that still contain PCBs at significant levels. The EPA, through the Toxic Substances Control Act (TSCA), limits PCBs in products through inadvertent production to 50 ppm. This compares to the PCB water quality standard for Washington State of 0.00000017 ppm, a nearly 300 million-fold difference. Many products that end up in street waste such as street marking paint and motor oil have been shown to contain PCBs at levels of concern. Because of this, it would seem prudent to require PCB testing for street waste.

SRRTTF would also request that the PCB screening levels for Clean Soil and Sediment be reconsidered. Take the currently proposed screening level for Clean Soil and Clean Sediment of 0.02 mg/kg total PCBs for example (173-350-995 WAC). Suspended solids concentrations in typical City of Spokane MS4 stormwater have shown median values of 160 mg/L. This would imply that if Clean Soil and Clean Sediment at 0.02 mg/kg ended up in the stormwater at the typical TSS concentrations, it would result in stormwater of 3,200 pg/L total PCBs. This compares to the water quality standard of 170 pg/L. Given this difference, it does not appear that a Clean Soil and Sediment standard of 0.02 mg/kg total PCBs is actually protective of the water quality standard.

The nature, transport and fate of PCB pollution in the Spokane River is of the utmost importance to all stakeholders in the Spokane River Watershed. Millions of dollars are being spent to research and to make measurable progress in meeting water quality standards in the basin, and we feel that the above recommendations are in line with the gravity of this issue. Thank you very much for the opportunity to comment on the proposed Solid Waste Handling Standards.

Respectfully,

The Spokane River Regional Toxics Task Force