

# Spokane River Regional Toxics Task Force (SRRTTF)

## DRAFT Meeting Summary

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

Wednesday July 27, 2016 | 8:30 a.m. – 5:00 p.m.

Spokane County Water Resource Center | 1004 N. Freya Street | Spokane WA

All meeting documents posted: <http://srrttf.org/?p=6764>

### Attendees:

#### *Voting Members and Alternatives (\*Denotes a Voting Member)*

Tom Agnew\*, BiJay Adams –Liberty Lake Sewer and Water District

Brent Downey\* –Kaiser Aluminum

Adrienne Kronebaugh\*, Lisa Manning, Mike Zagar –Kootenai Environmental Alliance

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

Doug Krapas\* –Inland Empire Paper

Dave Moss\*, Rob Lindsay, Mike Hermanson –Spokane County

Mike Petersen\* –Lands Council

Sandy Phillips\*, Vicki Barthels, –Spokane Regional Health District

Elizabeth Schoedel\*, Mike Coster, Jeff Donovan –City of Spokane

Rich Watson\* –WA Department of Fish and Wildlife

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

Jerry White\* –RiverKeeper

#### *Advisors*

Jim Bellatty, Adriane Borgias, Denise Clifford, Ted Hamlin, Ellie Key, Grant Pfeifer, Jeremy Ryf, Diana Washington

–WA Department of Ecology (Ecology)

Brian Nickel –Environmental Protection Agency

Greg Lahti –WA Department of Transportation

#### *Public/Interested Parties*

Dave Dilks –LimnoTech

Kevin Booth –Avista

Lisa Dally Wilson –Dally Environmental

Ken Windram –Hayden Area Regional Sewer Board

John Beacham –City of Post Falls

Eric Williams –Gallatin

Rob Duff – Natural Resource Policy Advisor for Governor Jay Inslee

Jim Kimball –J-U-B Engineering

### **Introduction and Agenda Review and Discussion of adding additional Task Force meeting 8/10/16**

After a round of introductions, no changes were made to the agenda. Procedural question: How is the agenda established and when? Chris explained that the Ruckelshaus Center develops agendas in consultation with a small facilitation planning team (Adriane Borgias, Bud Leber, and Lisa Dally Wilson) based on the topics SRRTTF members have requested. Ruckelshaus Center will work to complete agendas well in advance of meetings.

John Beacham wanted to clarify that funding allocation and commitment to actions cannot happen in this forum as the Task Force is not a regulatory entity. The word “responsible” party should be changed, instead using a vetting process to explore ideas that could work, more than assignments to responsible parties.

**Update on Comp Plan Memos:** Most recent version of “Cost & Effectiveness of PCB Control Actions” memo dated July 6, 2016. Dave Dilks explained that he has not fundamentally changed the memo based on comments received.

**Governor Jay Inslee’s Natural Resources Policy Director: Rob Duff**

Rob Duff briefly addressed the Task Force on behalf of the Governor’s office, stating clearly that the governor is very supportive of the Task Force process. Rob has seen examples of collaboration like this one work (e.g. Yakima River). Tackling non-point pollution is hard, but a watershed-wide, community-based approach can do it. The Governor will continue to advocate for the Task Force at the State level: “You cannot dig and permit your way out” of all the non-point source pollution issues.

**Additional SRRTF Meeting 8/10/18?**

Chris Page mentioned that a Task Force member requested an additional SRRTF meeting on August 10<sup>th</sup> so the group can gain understanding PCB-related conditions in the draft permits for Kaiser Aluminum, Liberty Lake Sewer and Water District, and the City of Spokane. Ellie Key (municipal permit writer) and Pat Hallinan (Industrial permit writer), with Ecology, can provide an overview of the permit conditions and address Task Force questions. Jerry White thinks this meeting is important to help inform measurable progress. Ken explained that the dischargers with permits on the table may not be able to have an open dialogue. Discussion may be warranted, given the permit conditions and TMDL vs. alternative process.

Diana Washington suggested this meeting might work better after all five permits have been issued. The conversation at the meeting will not change what is in the permits. However, given the time frame for comment on the first three permits, Task Force members would like this meeting to inform their written comments on the permits themselves. The agenda should also include a discussion of the relationship between the Task Force, permits, and a TMDL.

**Additional Notes:**

- Permit comment period closes on August 29<sup>th</sup>
- The Public Hearing for the permits is on August 2<sup>nd</sup>
- Ellie is available for discussion; she encouraged Task Force members to call her with questions.
- Ecology must respond to all statements gathered at the public hearing or comments received in writing.

**DECISION:** The Task Force agreed to hold a meeting on August 10<sup>th</sup> at Liberty Lake Sewer and Water District.

**Purpose and Outcomes**

Chris Page reviewed the purpose and goal of the meeting. Bucket A clarification (no new action, still fully documented in the comp plan).

**Best Possible Outcomes:**

After confirming the workshop purpose, Chris led a brief “Best Possible Outcomes” activity. The group discussed what potential worst possible outcomes of the workshop, then discussed the best outcomes. These included:

- Keep what we can’t do in its place, don’t let a recognition of limits stop progress.
- Focus on wins! Walk out of the meeting energized with ideas that can make a difference.
- Consensus on control actions to put in plan.
- Good clear set of control actions and plan for effectiveness monitoring and feedback mechanism.
- Clarity on biggest sources and how to deal with them.
- Creativity and problem- solving by thinking outside the box of each individual’s organizations.
- Identify new areas to partner, in ways not previously identified, including partnering with regulators.

- Clear actions with timelines and appropriate monitoring.
- Inform and enhance permits so they are meaningful.
- Chart path forward, take action, develop a long term process to remove PCBs entirely from society.
- Flexibility to change, develop a plan that make sense and accommodates the future.
- Choose control actions that address larger sources (caulking, building materials, aquifer) in the short and long term. Do not only focus on “easy” ones; choose actions effective in reducing PCBs in fish.
- Do what makes sense that the Task Force can feel good about, inform other watersheds with good data.
- Help Dave Dilks and LimnoTech meet the defined scope of work.
- Stay focused on progress and not perfection. Iterative process, look where we agree – move forward, acknowledge where disagreement exists.

**Brief Summary: High Interest by SRRTTF for Comprehensive Plan:**

- Caulks and PCBs in building materials
- Aquifer contribution
- Addressing inadvertent PCB
- Long term/short term actions

**Dave Dilks Presentation – posted at <http://srtrtf.org/?p=6764>**

Dave Dilks discussed the “big picture” to inform the workshop. He also explained the “Bucket” designations:

- Existing, no additional action
- Existing, potentially improvable via new actions
- New actions to Include in Comp Plan
- New actions, uncertain but worth exploring
- Not suitable for Spokane River

The Task Force will use these categories to determine whether and how it will include each of the 27+ proposed control actions in its Comprehensive Plan. Dave explained that new control actions in Bucket C and D will need milestones, timelines, and effectiveness monitoring in the implementation plan. They will also need an entity/ party to take responsibility (Task Force and/or other individual entities). Any individual entity/members other than the Task Force, would need explicit buy-in.

**Q&A/Comments**

- **C.** Routine testing of fish in the river to help determine progress? **A.** This can go in the plan, but would not get listed as a control action since it is part of post monitoring.
- **C.** Doesn’t “Future Studies” section cover more than studies? Change “Future Studies” to “Future Actions”?
- **Q.** Fish Hatcheries – where will this be addressed in the plan? **A.** The issue is more about PCBs in fish food, different than removing fish from the river/lake. **C.** Brian Nickel passed on a comment from Catherine Gockel (EPA): hatchery permit requires actions to remove PCBs from facilities – this should go in the “already being implemented” category. Hatcheries must also purchase lowest-PCB food possible. Control action could be more frequent, robust testing of feed for PCBs.
- Control actions for hatcheries are currently addressed in the hatchery general permit
  - What do we do with the Ecology study?
  - Include hatchery permits in the wastewater treatment section.
  - Some of the control actions for hatcheries are embedded in the current list. i.e., fish feed purchasing is covered under the purchasing control action.

**PCB Control Actions**

The Task Force worked through all of the control actions, discussing and categorizing each into the abovementioned “Buckets”. Kara Whitman edited a tracking spreadsheet as the Task Force worked down the list. *To see the original and the edited versions of this spreadsheet of control actions see the meeting announcement at <http://srddf.org/?p=6764>.* Dave suggested the group go quickly through the existing control actions (where no new action is likely to improve effectiveness). The Comp Plan will document these actions and include ways to monitor their effectiveness, along with milestones in PCB reductions expected.

### **Wastewater Treatment → Bucket A**

Notes and potential additional actions and/or improvements:

- Add category for research and development on emerging end-of-pipe (wastewater and stormwater) treatment.
- Private stormwater drywells:
  - Education needed to help public clean these out and manage the spoils.
  - Registration of Dry Wells for inclusion in database.
  - Tie into Local Source Control? Building or other permits?
- Whom: All permittees (including hatcheries).
- New Category? Stormwater Permitting.

**Stormwater** Control Action for future consideration related to the pigment in road paint: to get needed durability and brightness, as it stands, these contain PCBs; consider working to change “color box” requirements.

### **Remediate Known Contaminated Sites: Bucket A.**

- Interface with the Model Toxics Control Act (MTCA) more – parking lot, if MTCA is not achieving water quality standards, can the site be re-opened? More stringent requirement? (TCP program)
- Known remediated contaminated sites – but remediated to soil regulation standards and may still contribute to water quality standards - higher than the water quality standards. Identify known sites/closed under law that are still contributing sig. loads.
- Remediation is happening, but to a different level, have to let process happen – timeframe that may be different than the cleanup timeframe (under MTCA rule, rather than the water quality rule)

### **Low-Impact Development (LID) Ordinances: Bucket A**

- Look at effectiveness of Low Impact Development (LID) at addressing PCBs. Potential new action: support research on this? How can effectiveness get tested? Adaptive management, after monitoring. The City is the only entity with requirements for LID.

### **Stormwater (Pipe Entrance, Pipe System, Catch Basin/Pipe Cleanout): Bucket A**

- Dry wells control action: education on cleaning and maintenance (some ongoing through local source control). Whom: Task Force and Task Force member entities.
- Action: Identify, register, and input all Dry Wells into the database.
  - City of Spokane: when issuing building permits, ask if site has a dry well. Work to get them all registered. Building departments in smaller municipalities lack awareness of this issue.
- Outreach action: develop educational/informational materials for dry wells.
- Stormwater goes to river via MS4 or other runoff, or soaks into groundwater. Most dry wells soak into groundwater – testing shows concentrations equivalent to blanks (not worth too much effort on this if it does not have an impact on source control).
- Document what other communities do to identify and track dry wells as part of their MS4 permits.

- Add/Include **Stormwater decant facilities** to capture vector waste from Stormwater systems (millions of dollars in infrastructure). Ongoing action: disposal of solids and liquids to prevent PCB impacts to river.

**ID (new/old) Contaminated Sites: Bucket C**

- Encourage a stronger cleanup standard for MTCA.
- Explore the nexus between Toxics Cleanup Program (TCP) and water quality: how can the Task force influence how cleanup decisions get made?
- Actionable recommendation: Identify contaminated sites of concern to groundwater (based on data).
- **C.** Lit review of 13 closed TCP sites identified one in a gaining reach. Ecology and Spokane County studied downgradient from it, but data was “in the noise” so at this point there is no smoking gun for TCP sites.

**Bucket E:** Dave reviewed a handful of actions he recommended for Bucket E so the group could focus on Buckets B, C, and D. After discussion, the Task Force placed the following actions in Bucket E:

- Leaf Removal: Dave does not think additional work would be effective here. Permits require monitoring of number of street miles swept. This data can be used to estimate of PCBs removed via street-sweeping. (10-20 ppb range in stormwater sediment sent by City of Spokane to vector decant facility.
- PCB Product Labeling Law.
- Education on filtering post-consumer paper.

Dave discussed other potential Bucket E additions. Ultimately, the Task Force placed the following in Bucket D (as worth exploring):

- *Leak Prevention/Detection*
  - Survey electrical equipment: much has already been replaced, but what about those not owned by public utilities?
  - Sample transformers. Where have past accidents/leaks occurred? **Q.** Can this information be found? **A.** No data. Stormwater source tracing is expensive and requires access to private property. What about equipment directly next to river/risk management? Put this in parking lot (warrants further discussion).

**Support Green Chemistry: Bucket B**

- Existing program: Ecology Green Chemistry program: Task Force can support this, and similar work at EPA.
- Outreach/education: provide guidance and feedback to Ecology's program (green chemistry research program, product testing), e.g. on pigment substitutes. Reach out to EPA?

**ID Contaminated Sites of Concern to Groundwater: Bucket C**

- Two areas exist with potential significant groundwater PCB sources to the River.
- **Q.** Contaminated sites and groundwater: are any of these in areas where MS4 discharges to the River? **A.** Map completed by Ecology last year that can be mined for this.
- Mine existing data, conduct targeted monitoring, and package information to send to TCP. Consider encouraging stronger MTCA cleanup standard.
- Coordinate with MTCA and the TCP program.

**Purchasing Standards: Bucket A** with proposed enhancements

- Share product PCB information publicly from Ecology database. Could use a regional entity that keeps track of PCBs in products; coordinate with Northwest Pollution Prevention Council and others.
- Idaho does not have the “PCB-free” product purchasing law that Washington does.
- WA Department of Transportation (WSDOT) is working to implement the purchasing law, in a slow and complicated process.

- Each entity has its own policies (decentralized).
- Be careful with sampling products: need validated statistical data sets (potential lawsuits associated with implicating products/businesses). WSDOT eliminated dyes from paper used in hydroseed base material.
- Note: the PCBs in many products are “allowable” by the federal Food and Drug Administration, Toxic Substances Control Act (TSCA). etc.

**Legislative Funding Update:**

After a short lunch break, Doug Krapas suggested the Task Force put together a budget request/letter to send to the Governor’s office for consideration. The SRRTTF Administrative and Contracting Entity (ACE) could help determine funding amount needed for the next two years of PCB control actions.

Process: State agencies submit their budget to the Office of Management and Budget, where they get reviewed before the Governor’s budget gets developed. The Governor’s office releases its budget in early to mid-November, so the Task Force needs to send a letter well in advance of this time. The legislature convenes in January. Consider sending the letter to the members and districts that pertain to the Spokane River. It would be useful to know who is in charge of different budgets, so the Task Force can send to those who need to know.

**ACTION ITEM:** Ruckelshaus Center to send the previous legislative request letter/fact sheet to the Task Force to be discussed at the August 3<sup>rd</sup> Technical Track Work Group meeting. (COMPLETE)

**ACTION ITEM:** ACE to pull together a scope and budget for the next year. (COMPLETE)

**PCB Control Action “Buckets” (continue)**

***PCB Identification during Building Inspections: Bucket D***

- Having PCBs in non-enclosed building materials is a violation of TSCA. There is a hook to compel action. Voluntary removal is better; if we know it is there and they don’t act, then there is EPA enforcement. Encourage cooperation between EPA and municipalities, where the municipality does the inspection, and EPA can serve as an enforcement backstop for the municipality.
- Add PCB identification to inspector training, along with safe handling of PCBs.
- Wherever PCB concentrations exceed 50 ppm, there is potential for partnership with EPA. This includes building, pretreatment, Local Source Control, Illicit Discharge Detection and Elimination (IDDE) program.

***Survey Schools and Public buildings: Bucket D***

- Most school districts in Spokane County have changed old light ballasts. Private schools may be different.
- EPA working heavily on this (indoor exposure, caulks, etc.). This is a high priority for public health.
- State Office of Superintendent of Public Instruction (OSPI) has a program to change light ballasts, and has some funding to address lighting.
- Survey PCB-containing materials in schools/public buildings, encourage OSPI to look at Spokane schools.
- The state has some resources available for light ballast change-outs at schools. Probably this has been done in Spokane already? OSPI has some guidelines on this.
- Possibly this publication: [www.k12.wa.us/SchFacilities/Publications/pubdocs/CompleteSafety&HealthManual2002-2003.pdf](http://www.k12.wa.us/SchFacilities/Publications/pubdocs/CompleteSafety&HealthManual2002-2003.pdf)

***Building Demolition (and Renovation?): Bucket C***

- San Francisco Estuary Institute (SFEI) looked at caulks during demolition, finding 10,000+ kg PCBs in caulk, with ~.04 kg per year making it into stormwater.
- 30% of buildings in Spokane fit the age bracket that would contain PCBs.
- These materials must be managed properly, but no requirement exists to identify them prior to demolition.

- WSDOT demolishes a lot of buildings, testing for asbestos. Need abatement contractor prior to demolition, when asbestos present (same with lead paint).
- Possible public education target includes painters, window, and siding contractors.
- How to get the tool kit out there? Let contractors know the best way to deal with it (depending on age of the building). Compile information and distribute to local permitting authorities.
- Ecology: it helps to have local laws and ordinances to address these things (same with Health District).
- Obtain and adapt SFEI toolkit on testing building materials prior to demo permit issuance (add toolkit to permit). Encourage regulations/ordinances requiring management of PCB- containing materials during demolition and renovation.

**ACTION ITEM:** Education and Outreach work group to look into adapting the SFEI tool kit.

***Waste Disposal Assistance: Bucket B***

- Infrastructure for product take back is not very developed for PCBs.
- PCBs in household products are mentioned in the waste directory developed by the Spokane River Forum.
- Raise awareness on how to identify and dispose of PCB-containing items (integrate PCBs into waste disposal programs).
- Education to raise awareness is needed for household hazardous waste disposal sites.
- Task Force make recommendations to organizations on how they can help achieve goals.

***Education on Septic Disposal (critical aquifer recharge areas): Bucket D***

- Consider education to owners of septic systems.
- Has anyone sampled the impact of septic discharge to groundwater?
- Bigger picture public education: what would we tell them to not put down the drain?
- Requirement exists to pump septage every five years (in permit for septic). This could get enforced more, but it is expensive.
- Raise awareness of septic system maintenance. Gather information on septage loads.
- Provide education on proper waste disposal for septic system owners over aquifer recharge areas, and encourage them to pump out tanks regularly.
- Contribution of septage to the problems is unknown and may be negligible. Option for further study: targeted sampling to isolate a household source from a source that has traveled through the sewer system.

***Accelerated Sewer Construction: Bucket D***

- Future studies and actions: gauge impact from septic systems over the aquifer (these are scattered) and septic systems, where sewer connection is prohibited (e.g. mobile home parks);
- Note: those outside urban growth boundary cannot connect to sewer. Is there an active transport from these septic systems to the river? Sample septic systems to test contribution.
- This is basically done within the urban growth area (UGA). Mobile home parks, under current law, cannot be hooked up to sewer. It would require a regulatory rulemaking to change this.

***Regulatory rule making (TSCA): Bucket B***

- Engage with state and federal agencies to reform TSCA, along with FDA packaging regulations.
- Evaluate and comment on rulemaking (policy advice).
- State/federal level changes to "color box" requirements for road paints.
  - Adopt a new color box for road paint in Washington.
  - MTCA/TCP stronger clean up rule.

### **Compliance with PCB Regulations: Bucket B**

- Demolition, imports, etc. Focus on imported pigments?
- Unknown impact of changing administration.
- Oil burning (used oil), city did testing on virgin oil – should this be permitted, needs more research. Regulation of waste disposal, review of laws (oil burning, vector waste).
- Atmospheric deposition study could inform regulations?
- Pigments violating TSCA? Continue to give oversight to other NPDES/Clean Water Act compliance/ permits as they are issued- Rivers on 303-d list PCBs. It is a fine line between the Task force and permit compliance.
- Bucket D? Engage with agencies to require stricter accountability for compliance with existing rules, note: oil burning.
- TSCA and pigment compliance is a specific control action. (Bucket “B”)
- CWA programs and comments on permits like fin-fish permit and compliance with rivers on 303(d) list and discharge of PCB into rivers. (OK to talk about how permits work as a tool but not whether or not a facility is in compliance with the CWA requirements.)

### **Confirmation of New Actions for Inclusion in Comp Plan**

After discussing all the control actions, the Task Force went through Buckets C and of control actions to identify potential responsible parties, funding, timelines and monitoring.

### **Other Miscellaneous Ideas:**

- Atmospheric research study on oil burning? Wait until Ecology study for further research?
- PCB product-labeling law: circumstances are not ready for this now. Add this item to education and outreach about public education on PCB containing materials?
- An important Task Force action is the ability to comment on permits.
- EnviroStars: PCBs are not a target waste at this time. This program focuses on managing solid household waste.

**ACTION ITEM: Next steps:** Ruckelshaus and LimnoTech pull notes from the workshop together, update the spreadsheet, and provide for review at the August 3<sup>rd</sup> Technical Track Work Group meeting. (COMPLETE)

No Public Comment.

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Special SRRTTF Meeting is August 10, 2016 from 9 a.m. to 11:30 a.m. at the Liberty Lake Sewer and Water District Office

Regular monthly SRRTTF meeting on August 24<sup>th</sup> from 9 a.m. to 12:30 a.m. at the Liberty Lake Sewer and Water District Office

The next TTWG meeting August 3, 2016 from 10 a.m. to 12 p.m. at the WA Department of Ecology in Spokane.