

Spokane River Regional Toxics Task Force

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

Wednesday, March 22, 2017 | 9:00 a.m. – 12:30 p.m.

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

Attendees:

*Voting Members and Alternates (*denotes a voting member)*

Tom Agnew*, BiJay Adams –Liberty Lake Sewer and Water District
Galen Buterbaugh* –Lake Spokane Association
Adrienne Cronebaugh* --Kootenai Environmental Alliance
Doug Krapas* –Inland Empire Paper
Don Keil*, Kris Holm (phone) –City of Coeur d’Alene
Bud Leber*, Brent Downey –Kaiser Aluminum
Dave Moss*, Rob Lindsay—Spokane County
Mike Petersen*—Lands Council
Elizabeth Schoedel *, Jeff Donovan, Adriane Pearson Cadie Olsen –City of Spokane
Jerry White* –Riverkeeper

Advisors

Ivy Anderson, Adriane Borgias, Holly Davies (phone), Brandy Era-Miller (phone), Kathy Falconer, Ted Hamlin, Sarah Hunt, Pam Marti, Grant Pfeiffer, Jeremy Schmidt, Sandy Trecanni – Ecology (all);
Lucy Edmondson (phone), Brooke Hanson (phone), Brian Nickel (phone), Mary Lou Soscia (phone) –
Environmental Protection Agency (EPA)

Public/Interested Parties

Lisa Dally Wilson –Dally Environmental
Dave Dilks (phone) –LimnoTech
Sarah Hubbard-Gray –Citizen
Collin O’Sullivan –Citizen
Monica Ott –City of Post Falls
Ken Windram –Hayden Area Regional
Eric Williams –Gallatin

Introductions and Agenda Review

After a round of introductions, Chris Page went over the agenda. Dave Dilks added an additional item to the agenda regarding a potential conflict of interest and LimnoTech work for the City of Spokane (he will keep the Task Force posted on whether LimnoTech does this work).

Announcement: Lisa Dally-Wilson is taking a 6-month sabbatical. She will be coming back in October 2017, Sarah Hubbard-Gray is filling in for Lisa while she is gone. Also, Sarah Hunt (Ecology) is filling in for Jim Bellatty for the time being.

DECISION: The Task Force approved the March 22, 2017 meeting summary with minor revisions.

ACTION ITEM: Kara Whitman to make the minor revisions to the March 22, 2017 meeting summary and then post to the Task Force website. (COMPLETE)

Technical Topics:

Monthly Sampling: AXYS has completed lab analysis of the samples, and is preparing the report now. Dave Dilks will have a report prepared for the next Technical Track Work Group (TTWG) meeting.

ACE Commitment Report: Dave Moss summarized committed and uncommitted Task Force funds, highlighting the \$181,000 uncommitted dollars in the bank. Committed funds cover the following:

- Limnotech: sampling effort
- CDM Smith: data management project
- Ruckelshaus Center: facilitation through June 2017)

ACE has also filed a tax return.

Technical Consultant (LimnoTech) Support to the Task Force Scope of Work: Dave Dilks walked the group through the proposed LimnoTech scope of work for upcoming activities (based on discussion and feedback at the last Task Force meeting and the March TTWG meeting).

- **Task 1:** Revise Quality Assurance Project Plan (QAPP) for to cover Task 2 and 3. Cost \$2,000.
- **Task 2:** Reach-by-Reach, homolog-specific mass balance calculations. This will address part of Comp Plan Task 5.14.1, which specifically calls for the identification of potential groundwater PCB sources using existing data. This work stems from Mike Hermanson's homolog-specific analysis between Trent and Green Street, which revealed a gain of some homologs and loss of others, indicating a potential source not discernable in a total PCBs analysis. Dave proposes to break this area into sub-sections (gaining reaches and losing reaches) to see how much is being gained and lost, and what the new source may look like. Dave will use a USGS flow measurement for 2015 and a Modflow model to get flows for the analysis. Cost \$9,000.
- **Task 3:** Compilation of available groundwater data and comparison to homolog patterns of suspected groundwater loads. This task would identify patterns of suspected groundwater PCB loads using 1668 data, blank-corrected congener concentrations, and homolog concentrations, all formatted to go into a database. LimnoTech would conduct a screening-level fingerprinting analysis, i.e. parse out Trent to Green, fingerprint for what PCBs the groundwater adds to the river. Originally costing \$12,000, after discussion the group agreed to budget an additional buffer budget of \$3,000 to validate previously collected groundwater data. Cost \$15,000.
- **Task 4:** Ongoing Technical Support: Continued ongoing technical support from LimnoTech, April to December 2017. Task 4a: Continued Task Force Support, cost \$10,800; and 4b: Unspecified Technical Support (requiring additional written scope and Task Force approval), cost \$10,000.

DECISION: The Task Force approved the LimnoTech Scope of Work, as amended at the meeting, for a total of \$46,800.

ACTION ITEM: ACE to put together the contract with Limnotech for Task 1, 2, 3, and 4 as discussed at the meeting. (COMPLETE)

Data-Related Updates:

- **CDM Smith Contract:** The CDM Smith contract for the database pilot project is going out today (3.22.17). The work goes for 12 weeks starting late next week.
- **Lisa Rodenburg:** Adriane Borgias recently attended a presentation on Dr. Lisa Rodenburg's work on PCBs in the Duwamish River. Dr. Rodenburg assisted on a pollutant loading assessment. She looked at different factors and how those factors vary spatially from the outlet of the Duwamish up to Enumclaw. She also looked at how congeners vary as they move through different environmental media. Lisa Rodenburg would like to know where the Task Force is at, and if they will be needing her expertise in PMF/fingerprinting that was proposed to the Task Force last year.

ACTION ITEM: Adriane Borgias to send information on the Duwamish including access to their listserv and Kara Whitman to send it out to the Task Force. (COMPLETE)

ACTION ITEM: Chris Page to ask Lisa Rodenburg if she would present to the Task Force on her work with the Duwamish. (COMPLETE. Update: Dr. Rodenburg to present at the April 2017 Task Force meeting)

LimnoTech: Potential Conflict of Interest. Attorneys working on the lawsuit against Monsanto asked Dave Dilks to serve as an expert witness in the case (LimnoTech is considering it). Task Force members are encouraged to consider if this is an issue, if LimnoTech decided to do this work.

Reopening Ecology Toxics Cleanup Program Sites (as mentioned on page 65 of Comp Plan): The Model Toxics Control Act (MTCA) cleanup standards are higher than PCB levels the Task Force must meet to comply with water quality standards. Kathy Falconer and Ivy Anderson (both with Ecology) discussed the potential to reopen Toxics Cleanup Program (TCP) sites if evidence indicates they may be contributing to PCB contamination in the River. Ecology has tools to address toxins if shown to contribute to river contamination (MTCA, TCP, sediment standards, and the Resource Conservation and Recovery Act). TCP addresses contaminants in various ways, depending on the status of the site:

- Independent cleanups have little Ecology oversight.
- Under the voluntary cleanup program, Ecology provides information and recommendations.
- If there is a Contract/Agreed Order, all parties agree to it and Ecology (MTCA/TCP) tells the party what they have to do.
- With a Consent Decree (settlement filed in court), Ecology stipulates the cleanup level. Once legal obligations have been fulfilled, it is difficult to reopen a site for the same pollutant.

The response to contamination changes, based on the type of cleanup and the degree of Ecology oversight. Ecology can consult with the Task Force to identify needed data related to sites of potential PCB contamination. With new information, Ecology TCP could potentially provide assistance to address them. Most cleanups to date have met MTCA cleanup standards but not water quality standards.

If the Task Force traces contamination to a specific site that met legal cleanup obligations, Ecology may not have wherewithal to reopen the site depending on whether cleanup got done under an order or decree; it also depends on the phrasing in the decree. If the Task Force identifies a new pathway of concern, TCP will want to revisit the site. Consent decree sites are the most difficult to reopen; however, there each decree has a reopener clause to allow revisiting the site in certain circumstances (timing, specific wording in the decrees). Examples of such potential pathways to reopen include:

- Potential risk to human health;
- New information on pathways and magnitude of issue;
- Wording in the decree;

There may be additional sites with PLPs (potentially liable parties) that did not have a settlement with the State.

ACTION ITEM: Dave Dilks and the TTWG discuss this further with Sandy Trecanni and Bill Fees of TCP.

The Task Force discussed how TCP determines background concentrations in different media (air, soil, surface water, sediment, groundwater). Task Force members expressed interest in seeing background calculation for PCBs for an example site. Ted Hamlin explained that Ecology conducted a pilot study on “natural background” PCB levels in Liberty Lake (2009, using method 1668C). Sandy Trecanni clarified that “natural background” is defined as outside of any inferred anthropogenic input, while “Area background” has anthropogenic input. If a site has an impact, it is only required to be cleaned up to the level already coming into the site. Five-year reviews evaluate natural background levels over time.

EPA Options: Lucy Edmondson (EPA) mentioned an interface with EPA and water quality standards; she offered to find people at the EPA Region 10 office to interface with MTCA cleanup. Brian Nickel has inquired within EPA about who can help take a second look at cleanup sites that have a federal connection. He has started this dialogue with site assessment and grounds program to figure out if sites exist that may need a second look.

Columbia River Restoration Act: Mary Lou Soscia (via phone) presented on the Columbia River Restoration Act. She explained that this Act, developed in a long collaborative process with many stakeholders, currently has no funding. It took a lot to get this legislation passed; when funded, it will enable much important work. The U.S. Senate committee that put this bill through requested the General Accounting Office (GAO) investigate needed toxic cleanup work on the Columbia River system. This will create a good record and pathway for future work. The language is general enough that when funding becomes available, the work of the Task force falls into the kind of things the Act covers.

ACTION ITEM: Mary Lou to send the Act language to Chris Page to send to the Task Force. (COMPLETE)

PCBS in Products: Holly Davies updated the Task Force on her work with PCBs in products and the database Ecology is building. This work can dovetail with the Task Force Outreach Work Group. They found PCBs in most of the products (Ecology selected a mix of products based on what they thought might contain PCBs) and sent information to manufacturers with PCBs identified in their products. With the relatively new Washington state law to avoid PCBs when possible, Ecology met with Senator Billig about how to implement purchasing preferences. Senator Billig wants implementation to ask vendors to come forward on their own, which will make it easier for the Department of Enterprise Services (DES).

Ecology published an addendum in January to the previous product-testing QAPP, specific to state-purchased products. In the first study, yellow sidewalk chalk, yellow cereal box (honey nut cheerios) and yellow glitter foam paper had PCBs in the ppm range (exceeding the Toxics Substances Control Act (TSCA) standard). When Ecology contacts manufacturers, they send a letter explaining the need for the work.

The current study focuses on products Washington state tends to purchase in large quantities, such as medical supplies (gloves), or transportation supplies (deicer). Ecology will continue to work with the WA Department of Transportation and City Spokane, and is planning product testing for the next year focused on which ones have a pathway to water. They are not currently considering hydroseed, but they will add in landscape materials. They are working with manufacturers to put the onus on them, including working with the pigment manufacturers association.

ACTION ITEM: The SRRTTF Outreach work group to brainstorm how to tell a coherent story of PCBS in products without causing undue alarm (Discussion in progress, but group needs further discussion.)

Events and Outreach

EPA TSCA Meeting: The meeting with EPA representatives will occur April 26th, 2017 after the Task Force meeting at Liberty Lake Sewer and Water District from 12:30pm to 2:00pm. Lucy Edmondson will coordinate with Adriane Borgias on meeting specifics (webinar, conference phone, food). The meeting will focus on the conflict between the PCB levels allowed under TSCA and the Washington Water Quality Standards. This is a listening opportunity for EPA, and an opportunity to learn what the Task Force is working on. This will be the first of many conversations.

ACTION ITEM: Adriane Borgias and Doug Krapas to coordinate with Lucy on meeting details.

Color Pigment Manufacturers: They will visit on May 9th from 10am to 4pm for a meeting at Inland Empire Paper (IEP). Doug said anyone can attend, and if interested they should contact him; he will need a head count for lunch. David Wawer, the new director, wants to sit down and discuss the pigment issues. Saskia VanBergen (Ecology) may want to attend. Adriane will let Saskia know about the meeting.

Funding Workgroup: Adriane updated the Funding Strategies document to match the Comp Plan. The Funding work group will meet in coming weeks; when scheduled, it will be sent out to the Task Force.

Legislative Funding: The Senate budget has an appropriation for the Task Force for \$310,000, The House budget will likely come out in a week. The Task Force needs to ramp up outreach/letters/calls.

ACTION ITEM: Ruckelshaus Center to send the list of contacts for house budget, clarifying that individual organizations should contact legislators. (COMPLETE)

ACTION ITEM: Adriane to contact work group leads to discuss populating the Comp Plan tracking spreadsheet.

ACTION ITEM: Ruckelshaus Center, with Adriane's assistance, convert the Comp Plan tracking spreadsheet into a google doc to send to Task Force members for updating. (COMPLETE)

Facilitation for 7/1/17 -6/30/18? The Ruckelshaus contract ends June 30th. If the Task Force would like the Ruckelshaus Center to pull together a Scope of Work for consideration, they need to consider whether any additional meetings would be needed. The Task Force requested the option for a month-to-month contract.

ACTION ITEM: The Ruckelshaus Center to put together a Scope and budget for 7/1/17-6/30/18, for consideration at the April 2017 Task Force meeting.

Future of the Task Force and Participation: Some Task Force members expressed concerns about the myriad unknowns that could impact the long-term outlook for the Task Force. Doug Krapas explained that if their final discharge permits contain numerical PCB limits with a 10-year compliance schedule, IEP would not be able to participate in the Task Force, rather would need to put all their resources into meeting the compliance schedule. Jerry White expressed his understanding of these difficulties that industry and other point source dischargers face with new water quality standard; however, Riverkeeper is concerned that if without numerical limits, the river will never be in compliance. Riverkeeper feels that specific goals, outcomes are needed to get measurable progress.

Grant Pfeifer explained that there have been several internal conversations within Ecology about this quandary facing the Spokane River (and all Washington) dischargers. Ecology has decided not to "panic," and will not just pick a number and take unilateral action. Ecology will instead work collaboratively with each discharger over (an as-yet unknown) timeline. Ecology does not want to sabotage the Task Force and its work. Ecology does have a legal responsibility and therefore will talk about all options, and will include the dischargers into this conversation as they move forward.

No Public Comment

The next full Task Force meeting will be held on April 26th, 2017 at Liberty Lake Sewer & Water District, 9:00 am to 12:30 pm.
The next TTWG meeting will be April 5, 2017 at the Department of Ecology from 10:00 am to 12:00 pm.