

Spokane River Regional Toxics Task Force

FINAL Meeting Notes | Facilitated by the William D. Ruckelshaus Center (Chris Page and Kara Whitman)

Wednesday, May 31, 2017 | 9:00 a.m. – 12:30 p.m.

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

Meeting Documents: <http://srrttf.org/?p=8048>

Attendees:

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

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

Kris Holm (phone) –City of Coeur d’Alene

Doug Krapas*, Ryan Ekre –Inland Empire Paper

Mike LaScuola* –Spokane Regional Health District

Bud Leber* – Kaiser

Rob Lindsay* –Spokane County

Lisa Manning* (phone) –Kootenai Environmental Alliance

Dave McBride *(phone) –WA Department of Health

Mike Petersen* –Lands Council

Elizabeth Schoedel*, Cadie Olsen –City of Spokane

Jerry White* –Riverkeeper

Advisors

Karen Baldwin, Adriane Borgias, Susan Braley (phone), Brandee Era-Miller (phone), Cheryl Niemi (phone), Grant Pfeifer, Jeremy Schmidt, Diana Washington – Washington Department of Ecology (Ecology)

Kevin Booth –Avista

Lucy Edmondson (phone), Brian Nickel (phone) –U.S. Environmental Protection Agency (EPA)

Public/Interested Parties

John Beacham –City of Post Falls

Eric William –Gallatin

Dave Dilks (phone) –LimnoTech

Ken Windram (phone) –Hayden Area Regional Sewer Board

Introductions and Agenda Review:

After introductions, Chris Page suggested, and the Task Force agreed, to move the Toxic Substance Control Act (TSCA) meeting and Color Pigment Manufacturers Visit updates earlier in the meeting.

DECISION: The Task Force approved the April 26th, 2017 and May 10th, 2017 meeting notes (with minor edits).

ACTION ITEM: Kara Whitman to finalize and upload approved meeting notes to SRRTTF website. (COMPLETE)

TTWG Report and Technical Topics

ACE Budget: Bud Leber summarized spending by the SRRTTF Administrative & Contracting Entity (ACE) through April 30th. At that time, committed funds were \$207,590, and uncommitted funds \$48,822.

EPA Meeting Notes: The notes from the April 26th, 2017 meeting with the EPA were posted May 31st, 2017 to the webpage with the announcement for this meeting. Task Force members are asked to review the notes and provide feedback. Brian Nickel and Lucy Edmondson (EPA) are advisors on the Task Force. They would like to review the notes quickly and provide them in time for a decision on at the June Task Force meeting. Lucy Edmondson thanked the Task Force for putting together a letter on regulatory reform/TSCA.

ACTION ITEM: Task Force participants to send comments/revisions on notes from 4/26/17 Task Force/EPA meeting to Adriane Borgias.

2016 Technical Activities Report

LimnoTech provided the draft 2016 Technical Activities Report in early May for Task Force review. The majority of comments focused on: contextualizing how sampling locations were selected, revising Figure 2, adding in homolog percentages, explaining how flows were determined, and addressing the issue of the elevated levels during wet weather for Latah Creek (revised to say that homolog was a split between 1260 and 1254). There were no outstanding comments or requested revisions.

DECISION: The Task Force approved the 2016 Monthly Monitoring Report as final.

Quality Assurance Project Plan (QAPP) Addendum 4:

LimnoTech developed this addendum to the existing Task Force QAPP to address the homolog-specific mass balance assessment. The QAPP addendum clarifies the objectives of this phase of the study. Dave Dilks has been working with Adriane Borgias to incorporate Ecology comments (following the Ecology QAPP checklist).

The Task Force primarily discussed a paragraph on page 4 titled “Background.” The PCB water quality standard has changed, so some numbers in the paragraph became inaccurate. The group agreed this is a vital discussion about the moving target and the regulatory challenges facing the region. Understandably, many in the group want to clearly define the regulatory framework; however, at this point that is difficult to encapsulate in a single paragraph in a QAPP. The group discussed options for addressing the shifting water quality standards, to allow LimnoTech to move forward. When the group reached agreement, the paragraph reads:

“The Spokane River Regional Toxics Task Force (SRRTTF) has developed a comprehensive plan to reduce PCB inputs to the Spokane River and bring it into compliance with applicable water quality standards for PCBs established under the Clean Water Act. According to the State of Washington 2008 303 (d) list, the Spokane River and Lake Spokane exceed the water quality standard of 170 pg/L for polychlorinated biphenyls (PCBs) in several segments. Fifteen waterbody segments of the Spokane River and Lake Spokane (also known as Long Lake) and one segment of the Little Spokane River are on the 2008 303 (d) list for exceeding human health water quality criteria for PCBs. On November 15, 2016, the US Environmental Protection Agency (EPA) made a decision on Washington state’s surface water quality standards, resulting in a revised water quality standard for PCBs of 7 pg/L”.

The Task Force also made minor revisions on Page 6 (third line – word missing “results from the model”) and Page 7 (second paragraph – take out “the remaining” to read: “the purpose of this task is to conduct homolog specific mass balance analyses on river reaches to determine the presence...”).

CDM Smith Update: Data Management Pilot Project

Rob Lindsay updated the Task Force on the work of its database contractor. CDM Smith issued a draft memo, distributed to data management work group members May 30th, 2017. PCB data has been collected in five formats (AXYS and Pacific Rim). Some data is easily aligned, while additional coordination will be needed to pull in data from Pacific Rim. CDM Smith has proposed the need to establish analysis and reporting protocols for future data analysis for this lab. The scope of work for CDM Smith includes two in person presentations to the Task Force. Once presentation will occur at the end of the process when the tool is completed. The work group proposed that CDM Smith present their work to date, at the June 2017 Task Force Meeting.

ACTION ITEM: The Data Management Work group to meet to review the technical memo provided by CDM Smith for database task 1&2 (PCB Data Compatibility/Database Functionality Review) and provide recommendations for the next steps to the Task Force. Report draft to be sent to Ruckelshaus Center for posting by June 21st, 2017 for a decision at the June 28th, 2017 Task Force meeting.

ACTION ITEM: The Data Management Work Group to invite CDM Smith to attend and present at the June 28th, 2017 Task Force meeting.

Quarterly Work Group Updates:

Identify Sites of Concern for Contaminated Groundwater: QAPP is moving forward for first phase of this.

Green Chemistry: Adriane Borgias contacted Tom McKee from UC Berkeley (Greener Solutions). Tom works with students on projects related to green chemistry. Each year they do evaluation and a case study on multidisciplinary teams, while considering economic considerations. Adriane talked to Tom about the challenges with pigments and water quality, and suggested this as a topic for his class. Tom said he may include this in the fall. Adriane has introduced him to David Wawer from the Color Pigment Manufacturers Association (CPMA). They will need sponsors. There are many potential sponsors for this work (Task Force, CPMA, California Water Quality Control Board, Hewlett Foundation etc.).

ACTION ITEM: Adriane to communicate with Tom McKee about sponsorship and what next steps can move this forward. (Note: this task may be handed off to Karen Baldwin (interim) or to Adriane's permanent replacement).

Regulatory Rulemaking (TSCA Reform and WSDOT Color box)

EPA Headquarters TSCA Meeting: Adriane said the meeting was well attended by staff from both EPA's D.C. headquarters and Region 10. Task Force members who attended did not feel they got very far with EPA headquarters; however, Region 10 has committed to be a leading force for addressing the of "inadvertent" generation of PCBs. Adriane thinks in hindsight that the TSCA work group could have been better prepared. The conversation shifted from focusing on the manufacture (beginning of product chain) to water quality permit variances—which was not the purpose of the meeting. The dialogue needs to move past stories/perspectives to vetting solutions. Lucy Edmondson noted that getting everyone "in the room" was the first step. Peter Gimlin was clear about the challenge in the regulatory environment (specifically PCBs in TSCA). The EPA Office of Water in Region 10 has continued these conversations. Tom Agnew noted that Crayola recently removed a yellow crayon due to PCB contamination. This presents an opportunity for providing public information that could bring TSCA issues more exposure, and subsequently increase pressure to address them.

Meeting with Color Pigment Manufacturers Association (CPMA): 30 people attended this meeting (at Inland Empire Paper and by phone). Three representatives from the CPMA participated, along with an attorney, Ecology representatives, Department of Enterprise Services (DES) representatives, and Task Force members. This kickoff meeting was to build a common understanding of the challenges the Task Force and its members are facing. There was pushback from CPMA at the beginning of the meeting, but as they progressed through the discussion they started to see some benefit and potential business opportunities. They ended on a good note. Some highlights of the discussion:

- Solution: encourage the use of non-chlorinate pigments (need communication on identified sources).
- Solution: DES suggested a competitive marketing opportunity toward lower toxicity end product.
- DES also suggested a database of PCB products (CPMA). Pigment development is slow – only two new pigments have been introduced in the last few decades (only four in the last 80 years). Regulatory process associated with development is onerous and expensive. TSCA reform may help to refine this process.
- 99% of pigments used to be manufactured in the U.S., but regulation has driven this abroad.
- For Hewlett Packard products – money is made in the ink they sell.
- Bob Mott: "no advantage to creating expensive wastewater."
- Outreach: PCB per gallon of waste water/water may be a good way to state the case.
- The interest in looking at demand-driven strategies for reducing toxins in inks seems to be growing. Michelle Mullen (EPA) will bring this to the national group she is on.

ACTION ITEM: The TSCA Work Group to meeting and develop next steps.

Building Demolition and Renovation: Ecology is doing a study on PCBs released during demolition by sampling soil, groundwater, and stormwater. They had planned on sampling building materials also, but WSDOT did not allow it for this project. The study will use a phased approach, with the first step to identify whether there is a PCB problem associated with demolition. This study looks at demolition of 14 buildings (building age ranging from 1920 to the 1980s). In April 2017, Ecology sampled soil and groundwater, along with stormwater from the conveyance along that street. On May 31st, 2017 the sampling crew did post-demolition soil sampling along each building's footprint plus a composite sample of the perimeter of the 14 demolished properties. This is a big-picture screening analysis since the sample size and study limitations will not establish causality (only characterize the conditions). Demolition standards and waste designations (from characterization) could help ensure that building materials can be sampled during demolition in a future study. Results should be back from the lab in the fall of 2017.

Waste Disposal Assistance: After Ted Hamlin's retirement, Ecology is working to fill an open position with its Urban Waters program. The position is designed to work closely with the Spokane Regional Health District (as in the past) on assistance to the public for waste disposal. Mike LaScuola said the Health District has been meeting with Lisa Brown. Current activities include the gotwaste.org website, which includes an interactive house and will also add a narrative (Mike would like Task Force input on the narrative when a draft is ready). This page will be a place where the public can get a general idea of what products contain PCBs (using the City's list).

Public Outreach: The outreach group will meet on June 7th, 2017 to develop messaging for the online outreach clearinghouse.

PCB Control Action Implementation Spreadsheet: Ecology has offered to maintain the spreadsheet as part of its tracking of "Measurable Progress," including acting as liaison with Control Action work groups.

ACTION ITEM: The Regulatory Reform/TSCA Work Group to meet via conference call to determine next steps.

Policy 1-11 Update

Susan Braley (Ecology) explained that scoping occurred last year on the policy. Ecology identified five key issues:

- 1) How data is used and quality assurance;
- 2) Management standards;
- 3) Bio-assessments (biological data to make listing determinations);
- 4) TMDL priorities – TMDL prioritization of waters on the 303 (d) list; and
- 5) Human Health Criteria and how fish tissue is used in making determinations.

Ecology completed a series of public dialogue meetings in March (notes are available), and is now in taking all the feedback and revising the draft of Policy 1-11. When revised, it will go out for public review. The internal draft policy revision will be ready by June 30th, at which time they will consult tribes and then move on to public review (in late July or early August). There will be a minimum of 30-day public review with workshops to obtain feedback on the revised policy, at which time the policy will go through a technical review. Ecology will call for data that is dated up through the end of 2016, when the public review begins to facilitate timelier technical review.

Q&A/COMMENTS:

- **Q.** Is Ecology receiving Task Force data as part of the Policy 1-11 revision? **A.** Ecology submits any Environmental Assessment Program (EAP) data in its Environmental Information Management (EIM) system.

If there is other data being collected that is not submitted to EIM, then perhaps it needs to be submitted. Ecology will confirm they have all the SRRTTF-collected data.

- **Q.** Can the Task Force get a sneak peek on areas of policy that will be changed? **A.** At this point, no. They are spending a lot of time focusing on how data is used, data representativeness and data quality assessment. They received lots of feedback on bioassessment, and are working on how bioassessment data is used. For TMDLs, there will be better communication via an annual statewide process that everyone can contribute to. There will also be sediment management clarifications. For the Human Health Criteria, the agency is holding internal deliberation and dialogue to take into account feedback received.
- **C.** The water quality assessment process is not bound by the approved process for NPDES program. They will use any useful quality data if from an approved QA process.

Ecology Transition Plan for Spokane River Water Quality Lead

Grant Pfeifer announced that Adriane Borgias has been selected to serve as Water Quality Section manager for Ecology's Eastern Region. She was to start on June 1st, but actually started already due to the Airway Heights water supply contamination issue. The program has a 60-day requirement for filling empty positions (the legislative budget process may interfere with this). Karen Baldwin will assist the Task Force in the interim.

Adriane's position will be open to the public in the next few weeks. The state budget also needs to pass; if it does not, this has serious consequences to Ecology (agency is working on contingency plan if not signed), and may affect the current contract with ACE. Adriane will continue to participate with the Task Force, but in a different, broader capacity. **Q.** 60-day process to replace Adriane, is it possible to get SRRTTF members on to the hiring committee? **A.** Yes, this would be a benefit to the process. Ecology would like to ensure that an individual is the right fit for the SRRTTF.

ACTION ITEM: Adriane Borgias to provide a list of actions that she is working on that need to be completed (i.e. picked up by another Task Force member or Ecology representative).

Events and Outreach, Funding

- **Legislative Funding:** \$310K in Senate version of state budget, \$650K in House version. Legislature not likely to finalize budget before end of June. On legislative request, ACE sent a synopsis of how funding would be used, how past funding was used, and how different levels of funding would impact Task Force work.
- **Funding Work Group:** There is a funding strategy document in place (approved by Task Force) that needs updating to match the Comprehensive Plan. Adriane's replacement can tackle this. In the meantime, ACE or Task Force member organizations could look at foundation funding opportunities. Given the pause on permits, the national election, budgeting challenges, and change in Ecology staffing, it is unlikely that the funding work group will meet in the near term. Karen Baldwin said Ecology's annual grant cycle starts in August with a workshop. The grants can enable partnership approaches (i.e. ACE and another entity).

Updates, Announcements, Housekeeping items

- **NPDES Permit timeline and process:** Ecology is in a listening process, through fall. Ecology has an internal target of January 2018 for deciding how to proceed (not necessarily final permits). Ecology has the regulatory authority to move forward as they see fit, but wants to work with stakeholders via listening sessions. This process has statewide implications, but Ecology understands that some solutions to permitting challenges will be site-specific so this will not be a one size fits all situation. They will meet with sovereigns and tribes first. They will report on the process at the Spokane River Forum in the fall. Chris Page reminded the group that the 2011 Task Force memorandum of agreement is valid until those permits are finalized.
- **Green Street Gage:** Spokane County has been engaged with United States Geological Survey (USGS) and Spokane Community College (SCC) and National Weather Service. Spokane County has entered into an

agreement with USGS to increase monitoring of this site and obtain accurate and defensible river flow data. This will include some equipment upgrades, and USGS site management. SCC will continue to utilize this station. Spokane County also has a contract with USGS for some real-time flow assessment at other locations, and has some available that could be done this summer if needed.

- **Federal Sites/PCB contamination:** Brian Nickel got permission to provide the report on the missile site that was discussed at the last Task Force meeting (minus some redacted material).

No Public Comment

The next Full Task Force Meeting is Wednesday June 28, 2017 at Liberty Lake Sewer and Water District
The next Technical Track Work Group meeting is Wednesday June 7, 2017 at Ecology

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