Spokane River Regional Toxics Task Force
DRAFT Meeting Notes
Wednesday, March 7, 2018 |10:00 am – 12:00 pm
Department of Ecology | N. 4601 Monroe St | Spokane, WA 99205
Meeting Information: https://srrttf.org/?p=8978

Attendees:

BiJay Adams (Phone) –Liberty Laker Sewer and Water District (LLSWD)
Tom Agnew –LLSWD
Mike Anderson –City of Coeur d'Alene
Karin Baldwin –Ecology
Vikki Barthels –Spokane Regional Health District
Adriane Borgias, Susan Braley –Ecology
Ben Brattebo –Spokane County
Jennifer Carlson (Phone) – Ecology
Lisa Dally Wilson –Dally Environmental
Dave Dilks (Phone) –LimnoTech
Jeff Donovan –City of Spokane
Brandee Era-Miller (Phone) –Ecology
Doug Krapas –Inland Empire Paper
Bud Leber –Kaiser
Rob Lindsay –Spokane County
Patrick Lizon –Ecology
Meaghan Lunney (Phone) –Avista
Dave McBride (Phone) –Department of Health
Cheryl Niemi (Phone) –U.S. Environmental Protection Agency (EPA)
Brian Nickel (Phone) –EPA
Cadie Olsen –City of Spokane
Monica Ott –City of Post Falls
Chris Page (Video) – Ruckelshaus Center
Bryce Robbert –Avista
Jeremy Schmidt –Ecology
Jerry White (Phone) –Riverkeeper
Kara Whitman –Ruckelshaus Center
Bruce Williams –Spokane Regional Health District
Ken Windram –Hayden Area Regional Sewer Board

Announcement: The SRRTTF Fish workgroup meeting will occur Friday March 9th from 8:30am to 12pm at the Spokane Valley Washington Department of Fish and Wildlife (WDFW) office.

Part 1 of Meeting: Policy 1-11 Q and A:

Introductions and Agenda Review: After introductions and agenda review Susan Braley (Ecology) said her purpose in attending is so folks can ask questions and better understand what is in Policy 1-11, so the public can provide better, more focused comments. Susan explained that the afternoon meeting on March 7, 2018 at 1 pm (later today) at CenterPlace will run through all the areas of the policy that are changing. (There is also a webinar on Ecology's website that folks can watch after March 7th.)

Q&A/COMMENTS:

- **Q:** Can you provide an example calculation of PCBs in fish tissue? How do you perform the calculation? (Example calculation handouts posted to the Task Force website here.)
- **Q.** Is there a threshold used in analyzing the data? **A.** Threshold calculations are included in the example calculation handout. Some chemicals have carcinogenic and non-carcinogenic effects, or both. The inputs for the two equations are numbers from the human health criteria (HHC) equations. Water column numbers consider exposure for tissue and water together. Tissue numbers reference the dose number times the body weight from HHC divided by the fish consumption rate. A different paradigm is in this new policy, a straight up tissue number is now used. The number in the past policy was 5.3 micrograms per kilogram; that is now 9.1 micrograms per kilogram. These are numeric thresholds (not water column numbers). This accounts for whether you are ingesting more of the chemical daily than you should be.

- **C.** Brian Nickel said the numbers for Contaminants of Potential Ecological Concern (PEC) are different now due to the fish consumption rate being much higher than it was previously. Also, this calculation does not use bioconcentration factor at all.
- **C.** Direct evaluation of the water column, or direct harvest and use for fish and shellfish, and water supply all use a Drinking Water Exposure Concentration (DWEC) number (direct exposure and ingestion to a person).
- **Q.** There are multiple lines of evidence, how will these be used? **A.** Each line of evidence is to be evaluated separately. The primary line of evidence is fish tissue; if it exceeds the criteria then it would be listed. For domestic use, the primary lines of evidence are the Drinking Water Exposure Concentration for carcinogenic effects (DWEC C), plus evidence of persistence of elevated chemical over time. DWEC numbers are higher than the HHC. We don't have very many water bodies that see the DWEC numbers.
- **Q.** When you calculate the DWEC for PCBs, what is the actual concentration? **A.** It is close to the aquatic life toxics number for PCBs *(the exact number was not readily available)*. HHC and aquatic life numbers are much lower and would likely trigger it before the DWEC would; .014 ppb -aquatic life criteria, DWEC is .017 ppb (this has to do with the primary route of exposure).
- **Q.** Category 5 – where did the 10x come from? **A.** When we get to concentrations this low as compared to thresholds and compared to uncertainty, there is a numeric threshold. The 10x is an order of magnitude to make this more certain, for all carcinogens. In the fall, they were trying to find a unique way to do PCBs (considering background, etc.) but could not find a good way to do it. EPA did not agree, and promulgated the number we are now dealing with, we reached a point that assessment is not going to fix or get around the criteria, so they backed off on trying to find a unique way to treat PCBs. They are collecting samples of fish, to determine if harvest use is impaired, due to exposure over many years. They want to know the typical amount that would be ingested, and there is uncertainty around this.
- **Q.** How many new listings statewide are anticipated for PCBs? **A.** They looked at PCB concentrations statewide but did not aggregate those by water body. There is a handout with Statewide PCB data distribution that can be available. With 2.3 as the cutoff, 80% of tissue samples in Washington exceed it.
- **Q.** Prioritization: if we assume most water bodies would violate the water quality standard, how will they prioritize water bodies? **A.** They do not now have any datasets robust enough to apply directly to the HHC.
- **Q.** If a water body is above the 7 ppq water quality standard, but not above the other criteria, would they list the water body? **A.** Yes. It must address the assumptions of the HHC. **C.** The more we know about our water bodies, the more we know PCBs are ubiquitous.
- **Q.** How do you correlate the fish PCB concentrations with water column concentrations? **A.** The relationship with what is in the water and in the fish can vary depending on pathways and food chain dynamics. If water column concentration meets standard and fish does not, then the harvest use is still impaired.
- **C.** At this point there is no guarantee that if we meet 7ppq, it will fix the fish. Permit limits based on HHC (water column number) won't be held to some new level because the water body is still impaired for harvest.
- **Q.** What data is needed and what needs to be looked at? The permitting system puts it as a water column problem. **A.** There is an assumption that fish tissue levels will go down as sources are removed. The length of time for this response is not really known (and is context-specific).
- **Q.** What practical support to pollution control does the new policy offer? What about delisting? **A.** When implementing the policy, they only look at data, not source controls in place. Section 4b does flesh out what this would look like. The policy is set purely off data to determine what defines each category; this drives control efforts. Category 4b was created by EPA (4a- TMDL, 4b- pollution control program, 4 c- some other problem a TMDL would not resolve, and category 5- 303(d) list. 4b has several requirements: a monitoring

program, funding, enforcement etc. Ecology looks at whether a program is meeting the objectives of 4b, and that must be approved by EPA and monitored every two years. The first Category 4b listing occurred in Kitsap County – they knew the source, created a program with funding, monitoring, source tracing, and enforcement.

- **Q.** Categorical listing: is this guidance, with some flexibility, or hard rules? The Task Force has a lot of attention as a leader in addressing this problem. Is there flexibility in category 4b objectives to match the Task Force approach? **A.** This would be a question to EPA. They need justification as to why the process would fit into category 4b. This would be a good thing to comment on for Policy 1-11, but make sure to justify it. Laurie Mann is the EPA liaison working on Total Maximum Daily Loads (TMDLs) – she works directly with the State TMDL.
- **Q.** To what extent have they participated in a discussion about how long it takes to reduce bioaccumulation in fish – how long will it take for a fish tissue response? **A.** The science is not clear on this. The toxics unit has done some work on this but has not seen much change in the past 10 or 15 years in fish levels. **C.** There is an article on Puget Sound studies that show some toxics going down, but not PCBs. **A.** Brandee Era-Miller explained that without modeling or a lot of data, it could be 50+ years before we see the response in fish. We have seen some reductions in the river (2005 and 2012) but concentrations are above the numeric thresholds. Note: the book "Biocidal" catalogs the substantial quantities of PCBs out there that could still be released. We will see movement in the right direction, but it may take a while.
- **Q.** Other considerations include the age of fish and the body burden, versus when actions were taken. From an assessment standpoint, tracking a consistent age of fish as time goes on may give a clearer picture. Older fish already have a burden, so they may need to look at the age of the fish that is being assessed. What data needs to be looked at to see the real impact of source controls? The Task Force is learning from WDFW that life history, food, etc. of different species is important, perhaps more important than age of fish. **A.** The current policy out for public review has modified the age of fish, and now contains the flexibility to consider different factors. They are looking at typical levels in fish that people will be consuming.
- **Q.** Page 66, "use upper trophic levels of edible species", what does this mean? **A.** We do not want to go back later and use a different species – want to look at predatory, game fish, that most likely people will be consuming. This would be water-body specific (large scale sucker, rainbow trout, etc.).
- **Q.** If the Task Force wants to continue this conversation, should folks reach out to Laurie Mann and Helen Bressler? **A**. In the past Laurie was the one who reviewed the category 4b proposals. If you think you have a pollution control program that would fit in 4b, this should be justified with the 4b objectives. It is recommended they go to Ecology first, then ultimately to EPA. The TMDL program would make a determination of this sort. EPA says that 4b plans must be designed to meet water quality standards, so a plan alone may not fit this category. **Q.** Is there flexibility in these objectives? **A.** This would be something to discuss with EPA. **C.** Laurie Mann would know the most about this.
- **Q.** Is Ecology unified in this: the concept of the Comp Plan and what the Task Force plans to do? **A.** The Task Force's Comp Plan would be one consideration, but it is bigger than this, and would require some type of commitment to achieving the water quality standard. The permit process might become the other piece of this, this is an evolving situation.
- **C.** Advocating for a 4b status for the Spokane River, is appropriate for individual entities, but not for the Task Force who should be focused on finding and reducing sources of PCBs.

Process timing: Ecology is accepting comments until 11:59 pm on March 28th. Will take all the comments and finalize Policy 1-11 as quickly as possible. The final policy will be out sometime in May 2018. Ecology is now

calling for additional data, through 2017, to go into the Environmental Information Management (EIM) system (coordinator is Jake Kleinknect). Draft results will be available in early 2019 – listings and candidates for 4b.

Part 2 of the Meeting (TTWG subgroup): Task Force Management/Contracting Needs

Attendees: Cadie Olsen, Bud Leber, Rob Lindsay, Tom Agnew, Monica Ott, Adriane Borgias, Lisa Dally Wilson, Kara Whitman, and Chris Page. Chris explained the three areas that he thought may be needed: Coordination, Facilitation Tasks, and Project Management. Chris also noted that Ecology has played a larger role in the past (on logistics and coordination) than they can going forward.

Discussion:

- What is our leadership model now? We had an implicit leadership model when Adriane was more involved, but we may need a new model. During project management, decision making will be smaller and more numerous, different than during Comp Plan development.
- What is the best structure now that the Task Force is in implementation? Small dedicated work groups, with scopes, and their responsibility is to make those scopes happen. Key things to consider:
  - Project oversight: we need an organizational structure that supports the new work.
  - Structure changes, and monthly meetings may not work for this phase.
  - Task Force level: check-ins, exchanges of information, and status report.
  - Frequency of full Task Force meetings: quarterly?
  - Information exchange is an increasing role for the Task Force. Can provide direction on resource usage as well, more an oversight role, rather than needing every detail of every workgroup.
  - What resources are needed to make this happen? (We could model it after watershed planning units, however the difference is that watershed planning did not have a central figure, such as Bud Leber, sometimes it is done through a contractual agreement.)
  - Recommendation: consider a hired facilitator/director that fills the role that Bud currently fills, who can lead meetings and manage projects/business continuity. That person could provide regular reporting to ACE. ACE will need to interact more regularly moving forward (for grant reimbursements)—could ACE's role shift as well? May need to combine planning and ACE into more of an executive steering committee. Could Ecology staff be part of this?
  - Idea: Executive Steering Committee? **C.** Some efficiencies could be found with ACE and how it works, but Task Force success has centered on collaborative decision making.
  - We need someone who is not an active participant. When you are creating a plan, it involves everyone, but in project implementation there is a shift in who does the actual work. How do we create a structure that protects the best of the Task Force process, but gets projects done? Executive director – mutually acceptable to all parties. ACE takes direction from Task Force. Facilitator – neutral. Work groups – project expediting.
- Group decision making is important to preserve, but there are also certain entities who will do the work. Are leadership and decision making different in a new model?
- A steering committee may not work in the spirit of collaboration in the Task Force Memorandum of Agreement (MOA). That would not give the appearance of a collaborative model.
- TTWG is serving the same purpose as the full Task Force. Could meet as needed, but not frequently.
- The group agreed on the following general areas of need: coordinator, project management, logistics, facilitation of the group (may need two people to address all these).
- Some work groups may need more oversight (e.g. education and outreach), and maybe more structure like a charter, to communicate what the workgroup is charged to do (and manage expectations).

- Need to note that there could be delays in decision making when there are contractual obligations.

ACTION ITEM: Adriane Borgias to talk to Rick Eichstaedt about what was discussed at the meeting. (COMPLETE)

ACTION ITEM: Kara and Chris to pull together a diagram (COMPLETE)

ACTION ITEM: Lisa Dally Wilson to pull together a position description RFQ and sent to the work group for comments and feedback. Rob Lindsay to send a facilitator description to Lisa. (COMPLETE)

ACTION ITEM: The work group to schedule a conference call to finalize materials for a decision at the March 28th, 2018 Task Force meeting. (COMPLETE)

Next SRRTTF meeting Wednesday March 28, 2018, 8:30am - 12:00pm, Spokane County Water Resource Center.