SPOKANE RIVER
REGIONAL TOXICS TASK FORCE

COLLABORATION INNOVATION PROGRESS

SRRTTF Letterhead
May 2, 2018

Chris Hladick
Regional Administrator
EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Dear Administrator Hladick;

The Spokane River Regional Toxics Task Force (Task Force) would like to thank you for taking time to attend our meeting of March 28th and for listening to the concerns of Task Force members regarding control of polychlorinated biphenyls (PCBs) in the Spokane River watershed. As you know, the Task Force is comprised of diverse stakeholders representing municipal, industrial, environmental, conservation, and regulatory communities who have worked together since 2012 to identify and reduce sources of PCBs in the Spokane River. It is evident from our analysis that a significant contribution of PCBs to the Spokane River watershed originate from sources currently allowed under Federal Toxics Substance Control Act (TSCA) (40 CFR § 761). This letter summarizes the collective concerns of our various member groups and serves as the 'issue letter' you requested.

Background:

In November of 2016, the EPA published revised Water Quality Standards for Washington State[1] that reduced the state standard for total PCBs from 170 parts per quadrillion (ppq) to 7 ppq. This new standard was found to be protective of populations that consume fish in our waterways. Yet the Environmental Protection Agency (EPA) authorizes a nominal 50 parts per million (ppm) use allowance for inadvertently generated PCBs in products under TSCA regulations. The TSCA allowance is seven billion times higher than our state water quality standard.

Our Issues:

Water quality regulations focus on managing PCBs at end-of-pipe~~, which are not effective when water quality standards are below levels of detection~~. However,~~,~~ no end-of-pipe solutions currently exist to meet the new water quality standard~~,~~ and TSCA allows continued manufacture of PCBs at levels that are billions of times higher than the water quality standards. As you know, municipalities and their ratepayers, already burdened with removing PCBs that are not created by them, are now held to even stricter treatment standards. Many industries (including Task Force member, Inland Empire Paper) do not produce PCBs in their

Commented [LDW1]: Riverkeeper request for language change

[1] https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-28424.pdf

manufacturing processes, however, they are unable to meet water quality standards due to their 'sustainable' recycling practices using TSCA approved materials.

Municipalities in the Spokane watershed are currently installing the next level of wastewater treatment and are subject to the most stringent nutrient regulations in the country. We are unable to meet the new water quality standard for PCBs with state-of-the-art-treatment. Furthermore, we are finding that lower weight PCB congeners are very difficult to remove in our state-of-the-art treatment processes. These lighter weight PCBs are legally being "inadvertently generated" in the production of pigments, printed materials and other products under TSCA.

State regulators are challenged as well. Under the revision to the state of Washington's Water Quality Standard, potentially every waterbody in the State of Washington will fail to meet the 7 ppq limit for PCB. This situation is not unique to Washington. EPA's ATTAINS database[2] documents the national magnitude of this problem. The Spokane River is included in the more than 81,000 miles of rivers and streams nationwide that are listed for PCB. To date, not one water body in the country has been able to successfully meet the water quality standards for PCBs.

We must eliminate PCBs at the point of generation if we are to be successful in achieving these stringent water quality standards and provide economic fairness to all communities. Consistently lowering the allowable limits of PCBs in waterbodies, but maintaining their level of generation in manufacturing processes, makes it nearly impossible for communities to meet their Clean Water Act obligations.

What can EPA Do?

1. EPA should address the discrepancy between the allowable concentrations of PCBs in products and the regulated levels once those products reach our waterways by:
    - Initiating rulemaking to eliminate or lower the allowable level of inadvertently produced PCBs to less than 50 ppm.
    - Providing effective oversite and enforcement on the import of materials containing high levels of PCBs[3].
    - Collaborating with stakeholders to continue to promote substitutes for products that contain inadvertently produced PCBs.
2. EPA should provide support and flexibility for WA Department of Ecology and local dischargers as they develop regulatory mechanism(s) that allow time to achieve these

[2] https://ofmpub.epa.gov/tmdl/attains_index.home

[3] Ministry of Economy, Trade and Industry (METI), Japan, *Compiled results of reanalysis of the presence of polychlorinated biphenyls (PCBs) as byproducts in organic pigments*, May 2013.

water quality standards that cannot currently be achieved with state-of-the-art technology.

3. EPA should prioritize toxicity assessment for PCB congeners associated with consumer products and their breakdown congeners, to identify those PCB congeners which are likely to be less bioaccumulative, persistent and toxic. This could facilitate the prioritization of additional research and over the long term, and a list of PCB congeners by rank.

Commented [LDW2]: Riverkeeper request to remove item 2

Commented [LDW3]: Lucy Edmonson request to add item 3

The Task Force thanks you for your interest in our community and our river. Since its inception the Task Force has used an inclusive approach to engage diverse interests and solve difficult problems. We look forward to working with you, your staff at Region 10 and EPA Office of Pollution Prevention and Toxics (OPPT) to implement positive change.

If you have any questions or require clarification, please contact _____.

Respectfully Submitted,

Cc:

Maia Bellon, Director, WA Dept. of Ecology

Heather Bartlett, Water Quality Program Manager, WA Dept. of Ecology

Grant Pfeifer, Eastern Regional Director, WA Dept. of Ecology

Adriane Borgias, Water Quality Manager, Eastern Region, WA Dept. of Ecology

Erin Chancellor, Counsel to the Administrator, USEPA

(add other cc per TF direction)