

Spokane River Regional Toxics Task Force Meeting

DRAFT Meeting Notes

Facilitated by White Bluffs Consulting (Ben and Lara Floyd)

Wednesday, February 27, 2019 | 8:30 a.m. – 12:45 pm

Spokane County Water Resource Center | 1004 North Freya Street, Spokane, WA

Meeting Documents: <http://srtrtf.org/?p=9999>

Attendees:

Voting Members and Alternates (*Denotes Voting Member)

Tom Agnew*, BiJay Adams – Liberty Lake Sewer and Water District
Mike Anderson* – City of Coeur d'Alene (C'DA)
Galen Buterbaugh*(phone) – Lake Spokane Association
Doug Krapas* – Inland Empire Paper
Mike LaScuola*, Vikki Barthels – Spokane Regional Health District
Bud Leber*, Brent Downey – Kaiser
Rob Lindsay*, Amy Sumner – Spokane County
Cadie Olsen*, Jeff Donovan – City of Spokane
Mike Petersen*, Amanda Parrish, Chelsea Updegrove – Lands Council
Jerry White*, Lydia Newell – Riverkeeper
Chris Donley* - Washington Department of Fish and Wildlife
Dave McBride* (phone) - Washington State Department of Health

Advisors

Karl Rains, Adriane Borgias, Jeremy Schmidt, Catherine Glick and Brandee Era Miller (phone) – Washington State Department of Ecology (Ecology)
Brian Nickel (phone) – Environmental Protection Agency (EPA)
Joel Breems –Avista

Interested Parties

Lisa Dally Wilson – Dally Environmental and Spokane River Stewardship Partners (SRSP)
Jim Kimball – JUB Engineering
Dave Dilks (phone) – LimnoTech
Lauren Heine (phone) – Northwest Green Chemistry
David Darling, Raleigh Davis (phone) – American Coatings Association
Jay West (phone) – American Chemistry Council
Natalie Rogers (phone) – Latham and Watkins
Michael Ober – Titanium Pigments
Craig Borrenpohl – City of Post Falls

Introductions and Agenda Review: After introductions, Ben Floyd reviewed the agenda.

Meeting Summary Action: The Task Force (TF) approved the December 12, 2018 meeting notes with minor edits such as designating Mike Anderson (City of C'DA) as a voting member and adding that the GE site mentioned on page 5 is on Mission Ave. Lara Floyd will post the approved meeting notes to the TF website after these changes. (complete)

Project Management Update and Work Group Reports:

Education and Outreach: The work group has been working on a PCB fact sheet for utility billing inserts and hopes to have a final version at the April TF meeting for review. BiJay is working with various utilities such as the City of Spokane, City of C'DA, Spokane County and Hayden Area Regional Sewer Board on how to get these inserts in their billings. The TF discussed the timing about when to conduct the utility billing inserts campaign, including whether to coincide with the spring media campaign or follow it. A primary purpose of the spring media campaign is to improve understanding of what media communications are most effective, and so the preference was to have the utility inserts follow after the spring campaign, perhaps in the summer or early fall. BiJay noted there are different bill types and lead times for each utility, and so it may be that the timing is staggered for when the utility billings are inserted.

The work group is also starting to generate ideas for a school campaign led by Chelsea Updegrove from the Lands Council.

Fish Sampling: Chris Donley said Brandee has been doing preliminary analysis on the Spokane River biofilm and sediment data collected last fall, and the Fish Sampling work group is waiting on that data along with LimnoTech synoptic sampling and data synthesis information before future meetings are scheduled. They need to figure out what the right species are to sample in the river. When the work group gets through the synthesized information, they will then have a discussion about how to sample the fish.

Funding: Karl said the group is tracking what grant opportunities are coming out and they will compile a list of different opportunities later this year to go after in 2020.

Green Chemistry: Adriane said they are finishing Lauren's work on the TiO₂ study. Comments on the draft TiO₂ report were provided, a comment matrix made and Lauren is ready to present and get final approval later in the meeting. Ecology has created a database of alternative product testing and has shared the link to this database. The work group needs to identify future actions and they are also coordinating with the TSCA work group on the pigments workshop. Lauren's current Green Chemistry Phase 2 work goes through the end of June.

Groundwater PCB Upgradient of Kaiser: Bud said there has been no activity for this work group since they are waiting to see the biofilm data and will have that data from the river soon.

Mass Balance: The Technical Activities report is complete and Dave will be giving a presentation later in the meeting on the findings and asking for TF acceptance of the final work product.

Database Management: In addition to CDM Smith finishing their work, the Data Management work group has talked about how to make the data publicly available. Spokane County is working on making the database information available online using GIS and hopes to have this available by this summer. The County has started uploading other data into the system such as fish tissue and groundwater data to check functionality.

PMF: The Phase 1 report has been reviewed by the work group and is being updated. At the April TF meeting Dr. Rodenburg will present the report and have an action for acceptance. Later today an early action request to coordinate with Dave Dilks and others on a data synthesis

workshop will be discussed. The Phase 2 PMF analysis is scheduled for this summer with some early coordination planned for the data synthesis workshop.

Tech Track: Bud noted the work group is cataloging future work for the TF to see what could be in front of them for work activities. They are looking at the scope and budget plus timing of actions for 2019. One key item is the proposed data synthesis workshop, which will help map out a technical work path forward along with suggested data sampling for late summer 2019. This will be done in parallel with the PMF Phase 2 work.

TSCA: Doug shared they have a budget request included in the 2019 draft work plan for development of the pigments workshop. The work group has also been discussing opportunities for product testing. The group is looking for feedback from the municipalities to see what products they might want to test. Lauren will talk about TiO₂ and the possibility of testing silicone products in her presentation scheduled for later in the meeting. Adriane said the clearinghouse database identified as an action for Ecology in the TF Comprehensive Plan has been completed and is available online. Since the TF Comprehensive Plan was written, terminology has changed and Ecology is no longer referring to the database as a clearinghouse. If the TF wants to do additional product testing it will be under a different action than the database clearinghouse, since this action is completed.

Comments: *(replies by Adriane Borgias from Ecology)*

- Jeff asked about the products testing database and if it includes just Ecology data or if it includes City of Spokane or other product testing data also? *Other product testing information is not included at this time as there were limitations in incorporating other data sets. The TF could ask again if Ecology could include other product testing data.*
- Cadie asked if what EPA is offering is a different task from the clearinghouse? *What happens in the next round of testing may or may not be included in the clearinghouse.*
- Doug said there is not one central repository of information on product testing and so it may be worth looking into how we can incorporate EPA, City of Spokane and other product testing information into the Ecology database.
- Lisa said EPA had an intern search for product testing information and the only information found was from Ecology, City of Spokane and other information from the Spokane basin. What the TF has done is primarily what is out there or available. It does not look like there is a lot of other testing happening.
- Karl cautioned the group on expectations. The TF should consider how much time, energy and money should be put into product testing when there is not a lot of other information coming in from others.
- Lauren asked if anyone has thought of aligning with the State procurement system, where some products without PCBs have been identified?
- Ben mentioned this would be a good topic to discuss at the TSCA or Green Chemistry work group meetings. They could formulate a recommendation and bring it back to the TF. Any suggestions of what products should be tested would be helpful. It would be good to get any other product testing information into the Ecology database.
- Dave Darling asked if the Ecology most recent testing results will be coming out soon? *Most of the Ecology work goes through Manchester Environmental lab and it has slowed down as the person that works on it has had health issues. It takes awhile to process the data when it is received from the lab also.*

Technical Work Action – PCB Mass Balance Synoptic Survey Presentation and Final Report:

Bud gave an overview. The sampling was done in the summer on particular parts of the river, which was coordinated with the biofilm and sediment sampling conducted by Ecology. The purpose was to collect more data in 2018 and compare results with prior mass balance assessments. Dave Dilks from LimnoTech gave the presentation and answered questions.

Comments: (replies by Dave Dilks)

- Chris asked Dave what his theories are about why volatilization is occurring? *There is likely volatilization loss when passing through the Upriver Dam, along with preferential loss to groundwater in the losing reach of the river, and the groundwater flow patterns are likely more complicated than our mass balance assumes.*
- Chris asked if they are volatilized out into the open environment, is that a way we can we keep them out?
- Adriane said the best approach is pollution prevention to begin with and keeping toxics out of the river.
- Chris commented that maybe operations at dam facilities can be changed and discharging can be worked on. If it is not in the water then it cannot get in the fish tissue.
- Jeremy said that Upriver Dam was a clean-up site in the past because of deposition of PCBs and there is probably still some contributions occurring to the water column. UV destruction and volatilization are both likely occurring once PCBs are in the water column, but it likely only resulting in an incremental change. This topic could be discussed further at a future Tech Track meeting.
- Jerry commented that it looked like there was an outlier data point on Hangman Creek. *There were two outliers with the data, one at Hangman and the other at Mirabeau, with the fingerprint matching blank contamination.*
- Adriane suggested to Dave that the page 5 GPS points be changed to latitude and longitude and asked if he could check the Spokane River below Nine Mile Dam point as it could be wrong. *Yes, LimnoTech will make updates to the report based on this input.*

Action: The Task Force approved the PCB Mass Balance Synoptic Survey final report, with the suggested changes. Lisa suggested the Tech Track work group address the higher total PCB hits upriver of the dam and talk about volatilization at their next meeting.

Technical Work Action – Database Pilot Final Report and User Guide: (replies by Amy Sumner)

Amy Sumner from Spokane County gave an update. CDM Smith developed the database and they created a final report with a recommendation to make it available for web viewing. The county has prepared a user's guide. They have an ArcGIS platform being worked on where members of the public will be able to see locations of sampling and pull up information. The county is the database manager.

Comments:

- Rob asked what amount of money is needed for CDM Smith? *\$5,000-\$15,000 per year for on call support.*
- Karl asked if that budget is just for the database? *Yes, It is just for the database support. Spokane County will provide the ArcGIS service with its IT group.*

- Jerry asked what kinds of data will be accepted into the database? *The Database Management work group reviews data to determine if it is appropriate for including. Synoptic data and groundwater data from the GE site are already included.*
- Rob asked if there is specific data Jerry is thinking of?
- Jerry commented that at the last meeting he thought some Ecology data had been rejected from the Spokane tribal area along the river. It would be useful to know the criteria for what data is acceptable.
- Rob commented that the county can work together with others on the work group to define specific criteria.
- Karl suggested that once the Data Management work group develops specific criteria to put it in the front of the user's guide.
- Amy said the report is final but the user guide will be updated as needed.

Action: The Task Force approved the Database Pilot Final Report and the User Guide will be updated with data acceptability criteria, as discussed.

Technical Work Action – Green Chemistry Phase 1 White Paper:

Karl said the paper has two recommendations and the work group hopes the TF approves the white paper today. Lauren Heine gave the presentation, which describes how TiO_2 is manufactured and the potential for generating inadvertent PCBs as part of these processes.

Comments:

- Doug said the potential is around 16 grams for our area according to the presentation. Is it more effective or efficient than in years past? Maybe Ecology or EPA should test this recommendation by Lauren. Is there a specific fingerprint that could be used by our treatment plants involving personal care products? It is worth further exploration.
- Michael Ober commented that the 16 gram number is key and it is hypothetical. TiO_2 does end up in a lot of paints, coatings, adhesives, etc., where there is a binding agent. A lot of it ends up in plastics or paints where it is bound to another media and typically remains fixed.
- Doug commented that the PCBs can still be in the matrix of things that are washed off in stormwater.
- Michael said over time the mixture is degrading but not very quickly.
- Lauren asked Michael if he could speak to how TiO_2 is used in paper?
- Michael said it is bound in the paper but is different than paints, etc. It is one of the lower uses of TiO_2 .
- Mike P. said he supports testing TiO_2 from different manufacturers. TiO_2 is an active ingredient in sunscreen and it would be interesting to test. Determining how much TiO_2 exists in our area is worthwhile.
- Brian commented that while TiO_2 are intentionally added to paints he would be more concerned about addressing contributions from old paints on buildings with several layers.
- Michael agreed with Brian and liked that Lauren had reached out to different industries. He is on the chair of the Titanium Dioxide Stewardship Council (TDSC) and they would like to help groups like the TF however they can.

- Doug mentioned that the water quality standards are so small that nothing is too small to look at for contributions.
- Michael said there are bigger rocks to overturn. Looking at fingerprinting is worthwhile.
- Adriane said that addressing supply chain issues are important in the long run. It may only be a part/billion or trillion according to quick calculation but it may be worthwhile to look at.
- Doug said they will consider this topic at a future TSCA work group meeting. Many thanked Michael for his participation.

Action: The Task Force approved the Green Chemistry Phase 1 White Paper.

SRRTTF Final Draft 2018 Implementation Summary:

Bud gave an overview of how the Tech Track work group went through the comprehensive plan and determined the status of all the actions worked on in 2018 and used this information to prepare the summary. Ben showed the changes made to the summary from the last TF meeting.

Comments:

- Adriane said action item 5.8.2 is complete and should be updated in the summary. She said the TF should be careful to not duplicate work Ecology or Washington Department of Fish and Wildlife are already doing regarding action 6.3. Clarify the description of this action.
- Chris and Adriane suggested changing the wording in action 6.3 to “Investigate the need for developing a yardstick approach for measuring and tracking PCB levels in fish tissue, and the efficacy of this approach in tracking comprehensive plan implementation.”
- The intent was to ask Ecology what element needs sampling.
- Jerry commented that there are other efforts happening now with fish tissue studies in Columbia basin, and wondered if these should be incorporated into the TF work?
- Chris said we do not want to lose sight of how dischargers measure whether there is change.
- Karl said this table is mainly past actions but maybe we should preface we are finalizing a separate table with future activities for 2019. The language should be kept general for future steps discussion.
- Lisa commented that Dave will be synthesizing a lot of data for the synthesis workshop to look at trends in fish tissue.
- Adriane suggested the need to include the regulatory perspective in the action 6.3 discussion about Ecology policy 1-11 and the upcoming water quality assessment, how it works for PCBs, and the relationship of that policy to fish concentrations. This may inform some of the fish tissue and sampling discussion.

Action: The Task Force approved the 2018 Implementation Summary (with WBC updating different actions per the discussion)

Education and Outreach Spokane River Forum Spring Outreach Campaign Recommendation:

Vikki Barthels and Tonilee Hanson gave the presentation. What is being recommended to the TF was developed through a collaborative effort between the Education and Outreach work group

and the Spokane River Forum. They recommend supporting the spring campaign for \$15,000 with radio ads and using social media such as Facebook and Instagram and Pandora radio.

Comments:

- Tom had a suggestion for ink and toner cartridges. The TF should encourage purchase of Apple and HP products since they have required ink providers to meet lower PCB standards.
- Tonilee said they could add that inside of the Waste Directory promoting these safer alternatives. TSCA work group has information on HP and Apple standards for PCBs and will share it with the Education & Outreach work group.
- Lauren suggested touching bases with these companies before putting promotions on the Waste Directory website.
- The River Forum can track public access on the Waste Directory site during the campaign and will also obtain radio station and social media analytics. This will provide a comprehensive picture of who the campaign is reaching, and what methods are effective.
- Lisa asked about the timing of the campaign and when to send out utility billing inserts? If they are done together it will be hard to know exactly what methods are making the difference. The TF may want to separate the utility billing inserts from the media campaign.
- Vikki said they could put the flyer with the Got Waste Wednesday ads also.
- Ben said it sounded like there was consensus to do the spring campaign and then do utility billings later in the summer.
- BiJay stated it would be good to do the utility billing inserts after the push from the spring campaign, and there was general agreement with this approach.

Action: The Task Force approved the Education and Outreach Spring Outreach Campaign.

ACE Update:

Bud Leber gave an update. They will get \$182,000 from Ecology plus had \$66,000 in the bank at the end of January. They also executed the Limnotech contract of \$44,000 for TF support in 2019. Some funds were able to be cleared from the Ruckleshaus contract. The current bottom line is ACE has \$212,000 in committed funds assuming they get the Ecology funds, plus cash on hand which brings the total funding to around \$248,000. \$35,000 is the maximum available right now for additional work. The best case may be \$30,000 due to insurance that needs to be paid. Rob said the balance was \$35,000 yesterday but they have \$30,000 out in payment to AXYS right now. ACE has submitted an invoice payment request to Ecology but expect they will not receive payment for a couple weeks.

COMMENTS:

- Lisa mentioned that often Ecology will find extra money at the end of biennium and wondered if this is an option for funding some of the identified needs between now and June 30? The TF hopes to receive additional funding from the legislature on July 1.
- Adriane cautioned that additional funds within Ecology may not be available at this point. There is an act in Congress that allowed EPA to fund grants. It may be worth exploring if any federal grants are available for the Columbia basin.
- Ben said they will add this for the Funding work group to explore in the future.
- Cadie said the TF may need to broaden the Funding work group and develop a matrix for a sustainable plan and a long-term funding strategy.

- BiJay agreed and said an alternative for self-funding may need to be explored.
- Cadie said it needs to be done far in advance with cities because right now they are planning for 2020 needs and 2019 is already planned.
- Lisa shared that the SRSP has discussed the TF funding and it is pending with their boards, counsels, etc. but if this group needs help with early actions it is possible the SRSP could help with funding through July 1.

SRRTTF Updated Draft of 2019 Planned Actions: Bud Leber gave an overview and noted that the draft early actions developed by the Tech Track work group add up to \$56,000.

Comments:

- Karl suggested maybe HP or Apple could be willing to help with the Education & Outreach campaign if they are highlighted on the website.
- Lisa mentioned a coordinated approach be taken with HP and Apple since they will also be invited to help sponsor the TSCA pigments workshop also.
- Tom cautioned that until the TF knows about legislative funding, money should not be obligated if it is not available. There is a need to send emails to representatives in Olympia and encourage Model Toxics Control Act (MTCA) funding support for the TF.
- Rob said that currently there is only around \$10,000 available with cash flow considered.
- Adriane asked if the biofilm budget of \$3,000 is a request from EAP? Could this flow through and the contract with Ecology be amended to put back \$3,000 in to TF funds? She also asked about the pigments workshop and the timing for holding it.
- Lisa said that they may be able to find some sponsorship funding support but there needs to be a little up front investment to start planning the workshop. It may be put on hold if funding does not come through.
- Lisa said the whole point of TSCA workshop prep is working with Ken Zarker and Ecology and other possible sponsors. Ken is looking for funding sources and it will be a six-month planning process. Lisa shared her concern about not enough budget for the workshop prep and funding for venues, food, etc.
- Karl suggested charging a nominal fee for people to attend the workshop.
- Ben asked about database management and if it could be put on hold for a little while? Amy said that yes, it is possible.
- Ben noted that if the TF moves forward with the synthesis workshop planning, then Dr. Rodenburg's work will also be important to fund in conjunction with this planning.
- Doug commented that the biofilm samples also contribute important information to the synthesis workshop and should be funded.
- Jerry wondered about possible unspent money in the public participation grants for Ecology, and if this funding source may be used for the spring outreach campaign or synthesis workshop, or both?
- Doug asked if \$15,000 would be needed at the beginning of the spring campaign (i.e., April)? Vikki followed up with the Tonilee and found out that the money will not be due until June near the end of the campaign.
- Adriane asked if the paperwork to Ecology involves an amendment? Yes
- Ben commented that in 2 to 4 weeks the cash flow issue may be resolved, once Ecology has processed the agreement amendment and Ecology has paid ACE for their recent invoice.

- Chris suggested the TF support the \$5,000 for Dr. Rodenburg's work, \$10,000 for the LimnoTech work and \$15,000 for the spring campaign for a total of \$30,000.
- Ben suggested follow up with Ecology funding sources and possible sponsorship from Apple and HP.
- Chris mentioned that unspent grant money seems to be a big possibility for TF funding also.
- Amanda asked if it is easier to get unspent funding when Lands Council and Riverkeeper already has some of this funding?
- Adriane will follow up with Ecology on the grant funding availability and if it would work best to run any funding that might be available through an existing contract by way of amendment.
- Bud and ACE will sort out funding details and look at finances at their upcoming meeting.
- Ben asked if the suggestion of \$5,000 for Dr. Rodenburg work, \$10,000 for synthesis workshop and \$15,000 for the spring campaign seems reasonable to the TF and there was consensus to move forward with this recommendation.
- Lisa asked if there is a timeline for these funding options?
- Adriane suggested the TF hold a funding conference call in March to discuss the topic further.
- Ben suggested having a March 27 funding conference call at 11 am, and the TF agreed to it.
- Jeremy asked when SRSP could say if they have money available? It was uncertain since different boards need to be checked with.

ACTION: The Task Force approved the recommended early actions subject to availability of funds, and holding an 11 AM, March 27 conference call to receive an update on funding status.

2019 State Legislative Funding Request Update:

Doug Krapas gave an overview of efforts to secure funding in this year's session and shared this is a difficult budget year. The TF is not on the radar of the legislature, and he is not confident funding will be secured this year. As funding was being sought, Spokane-area legislators approached him about preparing a TF authorization bill. The intent of introducing such a bill was to be able to get an audience with the Appropriations Committee, with the expectation that the bill would not likely move forward. It was to get this on the appropriators' radar and hopefully be a means to schedule a hearing in the next couple of weeks. It needs TF support if it does.

Comments:

- Chris asked what is the funding amount being asked for? *\$800,000 for the 2019 - 2021 biennium.*
- Adriane said there are some troubling things with this. TF process was not followed in the preparing and introducing of the bill; where did the language in this bill come from? *From the budget writers. A legislator found the TF MOA and wrote it. Doug's attorney reviewed it and provided comments.*
- This puts Ecology in a difficult position and needs to support the MOA process. *The intent was to get a public hearing to tell about the good work the TF is doing.*
- Adriane said If there is a hearing the TF needs to coordinate what will happen and follow a process.

- Chris said from the utility of getting a hearing, the language in the bill is fine. If the TF is going to strategize it would be good to see lobbyists engaged in that strategy as the TF is not equipped to do it alone.
- The TF will need city, county and all dischargers to send someone over to Olympia.
- Mike P said if the TF is codified it does have a better chance of getting long-term funding.
- Tom said It looks like this bill was dropped before Doug had knowledge of it being dropped. The legislature has a process also and the suggested approach seems to have some advantages.
- Cadie said she does not feel like the city has enough information to support anything yet.
- Jerry said they have process concerns as well and it is not clear what codifying would mean. The correct language is important also for them as a stakeholder.
- Doug said there is a need to work collaboratively to see if this could happen for the next biennium, with coordination occurring ahead of time.
- Adriane said the concept of having this recognition is important but Ecology can only support what is in the governor's budget. Ecology has to be neutral on the language. It is a challenge not being in the budget. Ecology does not want to be put in a position to say no to funding something they support.
- Chris noted there are positives and negatives to this idea, and he hopes that collectively the TF can talk about how this can be positive.
- Adriane said that part of the dilemma for Ecology is the process of how the bill came about.
- Ben asked if the process can be changed going forward?
- Chris said they have a number of things that do not get funded and asked if the mechanism is different if it is not a state entity that is codified?
- Doug commented that those are some things to find out.
- Cadie asked if it is the TF or is it ACE receiving the funding? *ACE receives funding on behalf of the TF.*
- Ben mentioned more regular communications might help the TF going forward.
- Adriane said the challenge is the TF needs a week to make a decision. She wondered who would testify if the hearing is held and if there would be a planned message?
- Karl asked if there was any major opposition to the hearing to decide today before leaving?
- Jerry said he needs to know what codifying means before supporting it but does not oppose having a hearing.
- Adriane said the TF needs to develop key messages that everyone agrees with.
- Ben asked if the TF should have a call a week from this Friday with more information and to draft key messages? *Yes, the TF would like to schedule a conference call.*
- Tom mentioned how in the past they have used a one-page position paper when meeting with legislators, and that this could be the basis for the talking points and TF position.
- Adriane suggested providing a one-page paper by this Friday, March 1 and then have a decision the following Friday at 9 am on March 8, to approve it if there is a hearing. Ben and others agreed.

The next SRRTTF meeting is April 24, 2019 at Liberty Lake Sewer & Water district, 8:30 am – noon