

Spokane River Regional Toxics Task Force Meeting

DRAFT Meeting Notes

Facilitated by White Bluffs Consulting (Ben and Lara Floyd)

Thursday, December 5, 2019 | 8:30 am – 12:00 pm

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

Meeting Documents: <http://srrttf.org/?p=10898>

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 (CDA)

Doug Krapas* – Inland Empire Paper

Brent Downey* – Kaiser

Rob Lindsay*, Mike Hermanson – Spokane County

Cadie Olsen*, Jeff Donovan – City of Spokane

Mike Peterson* – Lands Council

Chris Donley* – WA Department of Fish & Wildlife

Galen Buterbaugh* - Lake Spokane Association (phone)

Advisors

Karl Rains, Bill Fees, Adriane Borgias, Sandra Treccani, Catherine Glick and Cheryl Niemi (phone)

–Washington State Department of Ecology (Ecology - DOE)

Brian Nickel – Environmental Protection Agency (EPA)

Joel Breems – Avista

Interested Parties

Lisa Dally Wilson – Dally Environmental and Spokane River Stewardship Partners (SRSP)

Dave Dilks (phone) – LimnoTech

Craig Borrenpohl, Alyssa Gersdorf – City of Post Falls

Amy Sumner – Spokane County

Bruce Williams – Spokane Regional Health District

David Darling (phone) – American Coatings Association (ACA)

Jim Kimball – Sustainable Engineering

Kris Holm (phone)

Anna Montgomery (phone) – Northwest Green Chemistry (NWGC)

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

Meeting Summary Action: The Task Force (TF) approved the October 23 meeting summary and Lara Floyd will post the final notes to the website.

Project Management Update and Work Group Reports:

ACE: Rob Lindsay gave an update. The ACE board met and selected new leadership. Rob was elected President. Jeff Donovan will serve as Treasurer and Doug Krapas will remain Vice President. Amanda Parrish will continue as secretary. They have identified cash flow position and have less than \$50,000 available right now. Much of the ACE contract work looking to the

future will be covered through the ACE contract with Ecology, but it is taking some time to get this contract in place. To improve ACE's financial position, bills were sent to the SRSP members for matching contributions to get more money in the ACE bank account so bills can be paid more quickly, rather than having to wait for Ecology reimbursements. ACE wants to get the new contracts in place for 2020.

Database Management: Mike H. said they recently got a contract extension with CDM Smith to maintain the database and they are working on fixes and reporting tools. Spokane County IT is working with them to develop a data interface web base and he saw a demo of it which looked good, but it is a work in progress. The work group won't have a meeting this month, but in January they expect to meet once they can share the data web base tool.

Comments:

- Was the quest for a database system to provide interface both with Ecology and other systems? *It will be a system that is hosted by the County and IT department and Amy and I are working to develop it.*
- As you are working on GIS interface is there thought to coordinate with the Education & Outreach work group in terms of getting the word out for a broader public tool? Yes
- It may be nice to have a Webex or webinar once it is operational to show how to use it along with informational displays.

Education and Outreach: No update as Vikki Barthels was absent.

Fish Sampling: Chris Donley said that he will put together a sampling work plan focused on shorter lived fish such as Rainbow Trout. Siana Wong shared the Ecology work with Chris and he will continue to coordinate with Ecology on preparing a Quality Assurance Project Plan (QAPP). They are targeting conducting the work by summer or late fall 2020. He promised Dave Dilks he will have a draft work plan with costs information to him by February 2020. Stay tuned for additional follow up in early 2020, as Chris expects to email out the sampling strategy to the work group or have a conference call.

Lisa mentioned the fish tissue "yardstick" approach is designed to describe where are we at right now (set an updated baseline for PCB fish tissue levels), and it is also the intention to do this at certain times in the future to track PCB levels in fish through time to see if there are any trends that can be determined. Dave Dilks is looking at all media to assess long term trends and this can help set the stage for the fish tissue monitoring process.

Funding (MOA committee): Will be covered later in meeting with specific agenda topics.

Green Chemistry: No update. Cheryl Niemi has taken a new position in the Washington Department of Ecology (Ecology) toxics program (she used to work in water quality). She may be interested in leading the Green Chemistry work group, but Adriane Borgias will discuss this with her. Ken Zarker is also in the Ecology toxics group.

Comments:

- Keeping TSCA and the GC work groups separate for now would be preferable.

- What Green Chemistry focuses on going forward is not clear and it would be good to know who will be the lead of this group and what the focus will be.
- The contract with NWGC is almost complete
- Future work plans will be discussed at a future work group meeting.

PMF: Mike H. shared they are currently waiting on the report from Lisa Rodenburg. She did extensive data analysis over the summer for the litigation with Monsanto, and she is formulating this information into a form that the TF can review. He hopes she can share it by mid-December. She did not analyze all the data sets the TF is interested in. If the TF has other questions of her analysis, she may be able to include other data sets in future analysis work.

Tech Track: Rob shared that the role of leading the group has yet to be filled. The TF needs to discuss it and he was not sure it needs to be a singular person. Lisa Dally Wilson has been providing some good support and there are multiple people with technical skills on the TF.

Comments:

- Tech Track (TT) work is figuring out long term monitoring strategy and scoping initial targeted investigations.
- There was hesitation about changing the name to a monitoring work group. The TT has tried to advance things to identifying and reducing sources of PCBs.
- It would be better to have a separate monitoring work group. The TT activity level ebbs and flows based on work needs.
- Simplifying what we do is a goal. One issue last year is all the different activities being conducted by the various work groups and the administration involved. Some had more structure than others. We should consider consolidating and simplifying work groups, and not create additional work groups.
- When a funding opportunity comes in it would be nice to get organized and be able to apply for them instead of scrambling at the last minute. We had a Tech Track group that met regularly in the past, but then work assignments were delegated to other work groups. We may only need to have TT meetings as needed. TT should identify priorities of TF and have them be ready for grant opportunities. Joel Breems is willing to assist as needed.
- A lot of time has been spent on trying to find a lead for the group. Lisa has the experience and background to do this for now.
- The Task Force agreed that Lisa will lead the TT work group with help from Dave Dilks and Joel Breems.

TSCA: The work group has been looking at the study of TiO₂ and they have a current effort with the TiO₂ council. They will test multiple products to see if there are inadvertently produced PCBs. They are testing TiO₂ in products such as paints and plastics. They are looking for a 3rd party and did hire someone. The QAPP has been developed and it is going through the approval process, which may be ready to share in January 2020. They want to collect samples in early 2020. The QAPP will be provided to the TF for review and comment. An Environmental Standard group will also be involved with data analysis.

They are working on a PCB products database and Rutgers may be the keeper of it. They may have graduate students help with it, but they are not sure yet. More to come on this topic in the future.

Facilitation Services and Status on ACE/Ecology Contract: Rob L. shared that the amendment of an additional \$2,700 for WBC was due to additional work White Bluffs was asked to do which was not part of their scope.

Comments:

- Can we have a review of process of authorizing change orders? I'm not aware of any orders or amendments that have been done before. Going forward how do we vet this before the work is done? The TF approved a contract for the year and a change order should be done before additional work is done.
- The Data Synthesis Workshop wasn't envisioned when this contract was put in place.
- Little increments were asked of WBC along the way and everyone should take responsibility for this scope creep.
- In the future if additional work needs done, it should be approved ahead of time.
- The Task Force approved the White Bluffs amendment.

Ben explained the draft WBC scope of work for 2020.

Comments:

- The Task Force supported the first two tasks and discussed Task 3, Project Coordination and the activities described under this task.
- The Task Force would like WBC to still be involved with the work groups and tracking work activities.
- The Task Force agreed to align the White Bluffs and LimnoTech contracts with the end of the current state biennium by having an 18-month contract ending June 30, 2021, with 6-month check ins also planned to see how the workload matches the budgeted hours, and if adjustments are needed.
- The Task Force asked ACE to contract with White Bluffs for tasks 1 and 2, and to bring task 3 back to the TF for an amendment to consider at the January conference call.
- WBC will participate in Task 3 activities as needed in January.

ACE/Ecology contract: Karl said he has the contract and has reviewed a majority and should have it back by end of day Monday, December 8. He hopes it will be approved by mid-January. Ben noted they may need to shift deliverable dates out, since the deliverables schedule in the draft agreement is based on December 1 start date. The contract is through June 30, 2021.

Discuss Potential Task Force Codification: Ben mentioned over the summer he did research on codification and identified other TF's that have been codified in Washington State, and provided a packet of information in August to the TF members. Karl suggested we may want a decision by early 2020 on interest in seeking codification to avoid the risk of this topic becoming an issue again in the next legislative session.

Comments:

- Ecology was open to pursuing codification with changes in the wording. The big hang up was the disconnect with MOA and language used.
- Can we align the MOA and the language this time? It would require some coordination with TF and the legislators to make sure it aligns.
- Do we invite Senator Andy Billig to come and help explain how to do this and what the benefits might be (for codifying the Task Force)? We know the pros as far as making legislative requests but is there potential that one or more entities are not wanting to pursue it?
- Codifying wasn't problematic but the bill introduced in 2019 wasn't consistent with MOA language. Codification language needs to be aligned with the updated MOA. We have a year to think about how to do this if all are interested in it.
- Having Senator Billig come in to have a discussion with the TF is a good idea.
- Doug already has a request in to the Senator to have a briefing.
- Would it interfere with our funding having the Idaho entities involved? No.
- Invite Democrats and Republicans both to be involved?
- WBC asked TF members to discuss this internally within their respective organizations to see if there any concerns with going forward with codification.
- Would be nice to have a one-page summary with supporting material about codification to give to entities to support internal discussions, and there is one available already that WBC can distribute again.

MOA Update Options: Karl said the MOA ad hoc work group under the Funding work group has been working on the update and comments have been received. The original intent was to keep edits minimal and update outdated information. The comments that have come in have been more extensive than planned. The group is separating comments into "need to have" vs. "nice to have." The plan is to sort those "need to have" vs. "nice to have" comments by the January TF meeting conference call. Maybe there is a way to frame codification with whatever is in place with the MOA at the time?

Lisa said there are multiple versions and they plan to pull one document together with all necessary changes. This will inevitably go to everyone's attorneys and we're hoping the process won't get bogged down with changes as it has in the past.

Comments:

- There are a lot of things that are outdated in the MOA such as clarifying responsibilities and how to join the TF, etc.
- I would like to see final version with the "need to have" and then see what the lawyers think.
- The object is to make it work and we need to express that to the lawyers, so they understand this as they conduct reviews.
- Clean up document and address need to have and distribute to the TF.
- Add a one-page cover to it expressing why we are doing it and have it ready by next TF meeting. Lisa and Karl will lead this effort.

Organization for Economic Cooperation and Development (OECD) Application submission:

Doug shared that it would be a good opportunity for the TF. The working group is evaluating policy misalignments at the Chemical Waste interface. The Clean Water Act and TSCA is an example of the kind of policy misalignments being looked for in this application process. IEP and NWGC submitted an application and were accepted based on the application. They are on the docket to present the case to OECD at a Feb 3, 2020 meeting in Paris, France (Doug will present remotely). He needs to have a presentation to them January 24. The TSCA work group hopes it will be sponsored by the TF.

Anna Montgomery from NWGC talked about the benefits and there is a hope that other countries may have policy solutions to share. A lot of groups are not aware of the issues and it will help with awareness. Hopefully there will be a lot of benefits and it can lay groundwork for continued discussions following the iPCB workshop.

If the TF is interested there is a February 11 timeline to complete the application submittal. They would provide the draft to the OECD and let the TF comment before the final application. The TF would be added on the application if there is approval.

Comments:

- To read the draft application is to recognize how important this is, and it isn't just about IEP's situation. All who are in the business of getting a cleaner Spokane river are impacted by this and I approve supporting this.
- There was a concern with the suggestion about mono and di-chlorides and studies showing they aren't as harmful. Mono's and di's aren't regulated in other places besides the United States and that is why. You may want to leave out the reason that they aren't considered harmful.
- OECD is an intergovernmental company, and does it include EPA and other intergovernmental organizations? Anna said they do lead US engagement and work in many different policy areas and EPA also participates in the group.
- What about process? The presentation is due January 24 and the TF will review and comment on it. Doug said he could get it out soon.
- The TF agreed to support the application contingent upon having the opportunity to review of the application and draft presentation ahead of time. Doug will get the application to WBC by early next week and have a due date for review around January 15. Also, Doug will need to get the presentation out for review by early January for approval at the TF conference call later on January 22. Doug said the presentation will focus mostly on recycling.

Inadvertently Produced PCBs Stakeholder Workshop Report: Doug said it was organized and attended by many different interested individuals and groups. There used to be about 1,000 pigments but now there are only 300 or so due to PCBs and of those only 24 are of the chlorinated version but these are widely used in the industry. The ink manufacturers and publishers were unaware of this before the workshop. The iPCBs are likely coming from the

pigments and they are looking at options to help. Most pigments are produced overseas, and no new pigments have been produced since the 1980's, due to high development costs. How do we incentivize to produce new ones?

Lisa said there were 65-70 people in attendance. They stayed within the TF budget and Ecology and NWGC participated also. The Lands Council did all the work for registration through a website portal. Pigment manufacturers and others presented. The information from the workshop is all on the TF and NWGC websites. The workshop helped industry attendees understand that their materials contain PCB inks. Outreach to businesses is important and educating them on this issue. We hope the corporate and business outreach can happen. The pigment manufacturers are interested in this. Doug said HP has adopted stringent standards and we asked them how they are monitoring it. It's unclear whether they are proving their materials fall within a certain limit.

Anna Montgomery from NWGC said she met with the Sustainable Packaging Coalition (SPC) and talked about the lack of awareness. If they want to see change, brands need to be involved and it's where SPC can help. They invited NWGC to speak at the annual conference in March where large brands such as Walmart, Microsoft, etc. will attend. They came up with a list of questions that can be edited and added to, suggesting brands that can be used. They are holding a series of webinars each month and have 3 separate groups focused on actions going forward - considering market drivers, government regulations and technical issues surrounding alternatives to pigments and how available they are. There is concern with new pigments since there are already small profit margins for pigment companies. They are holding the working group meetings through March and will look at additional funding to keep them going. They will continue to invite people to attend and so far, they have about 20 interested in being involved in each group.

Comments:

- Do we need to talk scope and budget with NWGC for future work? *Currently this is not being funded by the TF. In future the TF may want to consider this.*
- There is a chunk of money not allocated yet from legislative money but there may be some other resources available, but we would need to get this work under contract by mid-year.
- The SRRTTF work could have national and international implications, and this is something the TF should be proud of and we should speak liberally with peers about this risk and the opportunities to help them understand.

SRRTTF contract extension to cover road paint case study: Doug said it was a work product of the TSCA work group to have Washington state adopt a specification that utilizes yellow road paint. There have been a lot of inquiries about how this unfolded. We have tried to capture it in a document and NWGC pulled the information together and held interviews. NWGC wants to take the information and compile it into a white paper. They would like to complete the process and the TSCA work group supports it and would like TF approval of \$2,460 to support it.

Comments:

- This is an advocacy piece but not a plan and I would like to see how we use this to advocate in the white paper and see recommendations for moving forward in the white paper. Anna said they don't do a lot of advocacy, but Mike suggested that someone from their Lands

Council organization could help with it. Anna said they would be happy to make recommendations with the current budget, and work with the Lands Council on a follow up strategy.

- A question was asked about the last bullet on the scope, discussing implementation challenges and successes and what organizations are providing sample results in procurement process. Could Anna address this? Anna said they did get feedback that DES drove a lot of the work and they will discuss this further with DES to see if they can get more clarity about compliance.
- NWGC will revise it and send it onto Doug.
- The TF approved supporting the additional budget for NWGC work on the white paper with the inclusion of the advocacy line outline.

Columbia River Toxics Grant Opportunity: Karl said the Columbia River Reductions group has been around awhile and they are now formalizing the group. They have \$1 million available the first year and this opportunity fits with the TF mission of looking at toxics in the watershed. They are looking for things that are shovel ready with good stories, and there is potential for EPA to distribute up to \$30 million annually. The TF is well suited for applying. Ecology couldn't lead an application but could be included as a partner. Someone from the TF would need to put it together. It can take up to a couple weeks to set up and may not be realistic for this funding cycle due to the deadline being soon, but it reinforces the need to have preliminary scopes set in place, so the TF is ready when opportunities arise in the future.

Comments:

- How do we go about this? *Identify opportunities and hopefully members of funding group could help advance the process, but it is not the Funding work group's job to develop a scope of work.* It may fall under the TT work group and once scope or funding needs are lined out then Funding group can help with identifying funding opportunities.
- I don't see shovel ready projects that we have that are ready, which is one criteria. The range is broad though such as education and outreach work, etc.
- This needs to be on a future Task Force agenda to go through brainstorming of projects, so we can be prepared to submit an application in December 2020.
- We have trend analysis, fish yardstick sampling and targeted investigations that could be used for this grant also in the future. It would be nice if the Funding work group could get a grant template that the TF could use. The Lands Council has a grants.gov account.
- The discussion about advocacy from the iPCB workshop could also be a future work activity to seek grant funding for.
- ACE could look at being able to apply for these and getting a grants.gov account.
- Karl could look at modifying a template that the TF can use.
- Can we set a date where we can have some grant application boilerplate for the Task Force developed? *The Funding work group could work on this.*
- The TF may be able to use funding to hire someone to prepare a template.
- This group (Task Force) has all the elements that EPA likes to find - multiple stakeholders, a comprehensive plan developed, list of things to accomplish, etc. There is a good chance this group could win a grant like this in future.
- Karl will bring a plan back to the TF in February and lay out a strategy for feedback.
- Hopefully the TT work group will have developed a list of what the TF wants to accomplish as well.

- We recently received another list of grant opportunities from Michelle Mullin from EPA also.
- We should be looking at other opportunities of financial support in case we don't get legislative funding.
- Mike from Lands Council will look at the grant opportunity by Friday to see if he feels there is time to submit an application. The TF agreed to provide a letter of support through ACE if the Lands Council decides to prepare an application.

Draft 2019 Accomplishments Summary: Ben went over the draft and noted there is need more input from Ecology and Avista. TF members will provide comments to WBC by January 15 on the draft, and WBC will update for approval at January or February 2020 TF meeting. WBC will send out as a word file to TF members for input.

Karl said the November 14 Variance workshop went well and Ecology will have another one in an evening for members of the public that can't make daytime meetings. They won't do a webinar but another that is more geared statewide, and it may happen mid to late February. There will be some updated information.

Upcoming Task Force Meetings:

Jan. 22 conference call from 1:30 – 3:00 pm and WBC will send out appointment