

Spokane River Regional Toxics Task Force Zoom Meeting

July 28, 2021, Meeting Notes

Facilitated by White Bluffs Consulting

Meeting Documents: <http://srrttf.org/?p=11998>

Attendees:

Voting Members and Alternates

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

Doug Krapas – Inland Empire Paper

Elena Wolf – Kaiser Aluminum

Craig Borrenpohl, Alyssa Gersdorf – City of Post Falls

Rob Lindsay, Mike Hermanson – Spokane County

Jeff Donovan, Cadie Olsen, Mike Coster – City of Spokane

Vikki Barthels – Spokane Regional Health District (SRHD)

Ken Windram – Hayden Area Regional Sewer Board

Chelsea Updegrove – Lands Council

Chris Donley – Washington State Department of Fish and Wildlife

Mike Anderson, Ben Martin – City of Coeur d’Alene

Advisors

Karl Rains, Adriane Borgias, Jeremy Schmidt, Cheryl Niemi, Brandee Era- Miller, Bill Fees, Diana Washington, Curtis Johnson, Cathrene Glick, Millie Piazza – Washington State Department of Ecology (Ecology)

Brian Nickel – Environmental Protection Agency (EPA)

Interested Parties

Dave Dilks – LimnoTech

Lisa Dally Wilson – SRSP and Dally Environmental

Ben and Lara Floyd – White Bluffs Consulting (WBC)

Bruce Williams – SRHD

Raylene Gennett – City of Spokane

Andy Dunau, Tonilee Hanson – Spokane River Forum

Dave Darling – American Coatings Association

Robert Mott – Mott Consulting

Kris Holm

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

Meeting Summary Action: The Task Force (TF) approved the June 23 meeting summary and Lara Floyd will post the final notes to the website after making one edit. On page 2 mid paragraph the artificial bottom fill concentrations should be changed to “not elevated” instead of “elevated.”

ACE Update – Rob said following the approval of the projects from the last meeting, there was a meeting to identify how to get all the new contracts in place. They now have a schedule and are looking to get things in place by early to mid-August. ACE sent a draft contract to WBC and is looking to extend payment terms to net 90 for all these new contracts and may not be paying as timely since they will be moving more money around. Jeff shared the commitment report. He

put together the final June 2021 invoice to Ecology which should cover the remainder of the \$87,000 on the contract that ended June 30. Karl is in the process of reviewing it and should get back to Jeff with comments soon; final must be in by August 7. The Task Force went over the budgeted costs through June 30 by \$31,000 so they dipped into ACE funds and should have a little less than \$200,000 carried forward for the next two years. Please note the latest commitment report doesn't have all updates made for items approved at the June Task Force meeting.

- Does this mean 70% of available funds weren't spent? *Jeffs said no - all \$500,000 of the state funds were spent. The \$87,000, which is the final past contract reimbursement, hasn't been deposited into the bank yet.*
- Will we start with a new slate of committed funds that start after June 30? *Jeff said yes. Also, if anyone has ideas on how to make the reports more clear, let him know.*

Data Management – Mike H. said they are working with Lisa Rodenburg on getting data for PMF analysis and received information from Toni Taylor at the Education and Outreach work group meeting about adding a data evaluation feature to the data portal and will be looking into this. There was a request to have summary data to display for looking at trends.

PMF – Mike said they are into phase 2 which involves evaluating the biofilm, new fish tissue and SPMD data using the PMF analysis method. Dr. Rodenburg has done analysis on the rest of the available data to date, and they recently had a work group meeting to present and discuss results. They will wait to get remainder of SPMD data so she can incorporate it and they will do an updated draft report to bring to the TF hopefully in September. The second phase is to do a holistic analysis of all data. The scope of work has a number of questions to be answered by the holistic analysis. They will have a PMF meeting to go through questions and brainstorm things to look at and evaluate and hope to schedule a meeting in the first couple of weeks in August.

Education and Outreach (E & O) – Vikki said Andy Dunau (Spokane River Forum) will give the media presentation and the EJ update will be given later by Karl and Chelsea. Vikki will be stepping down as chair of the work group due to time availability but will still be involved.

Fish Sampling – Report later in meeting.

Funding/MOA – Nothing new since last meeting.

Tech Track – Lisa said they are working to get all details, scopes of work and QAPP addendum together. Ecology has gone through the review process of the QAPP addendum already and the rest will be covered by Dave Dilks. Dave said he put together a short draft QAPP addendum regarding consolidated sampling being done later this summer and received feedback. SGS and Gravity are reviewing scopes and things have been moving along.

iPCB/TSCA –

- Doug said they haven't heard the status lately of the TiO₂ study but have emailed them to find out.
- The E & O national campaign for iPCBs - during last meeting tasked with how to move forward and determined it will be kept with the TSCA work group. The E & O work group will look over and provide input for outreach strategy.

- Follow up on work that the NTP toxicity analysis on various congeners and aroclors and received input in past from Chris Hladick from EPA but haven't heard anything since then and want to know the status of it. They would like to submit another letter to EPA to see if the TF can get a response. Doug and Ben will work on a draft letter.

2021-2023 Work Planning – Ben said at the last TF meeting there was a discussion about how Tech Track (TT) facilitation should proceed going forward. Ecology came up with some different options and coordinated with an Ecology contract ethics specialist on these. Based on this information and other discussions held, Ben proposes having Lisa continue as TT facilitator and continue to have SRSP fund these costs, to avoid potential conflict of interest concerns. This recommendation is based on the SRSP continuing to support paying for Lisa's time to conduct this work. It was further recommended a TF member come forward to lead the TT work group.

Comments:

- Spokane County supports the status quo decision and what we have already been doing.
- With the City of Spokane being the largest contributor to SRSP we have similar concerns as the state's ethics person indicated and am uncomfortable with SRSP continuing to fund or increase funding for this work.
- It is the status quo and not an increase. More work needs to be done as to how we go about these types of approvals.
- As a TF member, if the TF is facing external criticism about becoming a club for dischargers to protect its own interests, I see a problem with an SRSP agent serving as facilitator on a TF committee.
- Karl said he misunderstood where Ecology stood on this issue in the past and he didn't portray Ecology's position accurately at the June meeting. The perception issue is a real concern, but we don't see a difference between Lisa doing work for the TF on behalf of SRSP or another TF member leading a work group.
- It is not the same as Lisa is not a TF member but an agent of a discharger group and is not a voting member of the TF. Under status quo Lisa, who is paid by SRSP, does receive public funds.
- Lisa is different than one of the TF members and I support continuing the status quo by having SRSP continue to fund her efforts.

The TF supported the decision to continue having Lisa Dally Wilson be facilitator of the TT work group, assuming the SRSP will continue to fund her time to do so. Ben encouraged a TF member come forward to lead the TT work group.

Approval of Fish Tissue Sampling and Artificial Bottom Fill reports – Dave gave a presentation, and the reports were provided back in June and comments were received, incorporated and resubmitted last week for approval. He received two comments on the fish tissue redline draft he went over. The first comment was regarding blank correction and the second was related to the discussion comparing fish tissue PCB concentrations through regulatory thresholds. The blank contamination comment was deleted, and Dave deferred to the TF regarding the second comment.

Comments/Questions:

- This is a general statement and applies to all work products going forward for this group. Since we are under the microscope, we need to be cautious as to what we put out and say within work products especially with water quality standards and fish tissue. I don't think we should make any conjectures without detailed scientific analysis.
- The comment was from the County and when we look at these numbers, we have no basis or baseline and feel Dave did a good job qualifying the statement.

City of Spokane, Post Falls, Spokane County, WDFW, Lands Council, City of Couer d Alene, Liberty Lake, and SRHD voted to keep it in, but IEP disagreed. Further discussion occurred to see if consensus could be reached.

- Someone asked about the comment regarding there being no standard method of blank contamination. Dave said there is a long and detailed method, but the caveat is it depends on what purposes you are applying it to.
- Chat - EPA has "Interim Guidelines for the Validation of Data Generated Using Method 1668 PCB Congener Data" and it recommends applying a "B" qualifier to blanks at a 5x level. It doesn't specifically address censoring/correction per se. It's also pretty old and is based on method 1668A, which is not the most recent revision of the method (1668C).
<https://www.epa.gov/sites/default/files/2015-06/documents/pcbcongenerdv.pdf> So, I am comfortable with Dave's characterization that there's no standard method of blank censoring.

ACTION: The TF approved the bottom fill sediment and the fish tissue sampling reports.

Spring Media Campaign Report Presentation: Andy Dunau from Spokane River Forum shared the presentation. Vikki said overall it was a good campaign and at last E & O meeting made some recommendations to bring to the TF in future on moving forward with more campaigns. The campaign ran April 26 – June 15. It reached almost 125,000 people via radio. The 2021 campaign went deeper into targeted video displays and website re-targeting with Facebook and Instagram and therefore was more successful than the 2020 campaign. It was suggested to move to monthly media buys instead of just one campaign per year and vary the ads with seasonality and timing. There is the question to retain existing content or add specific content such as the iPCB free campaign and the EJ piece. Someone suggested possibly partnering with the stormwater stewardship campaign. Andy asked about developing a biennium strategy with the E & O committee going forward and there were general indications that this would be a good idea.

iPCB Outreach and Environmental Justice (EJ) Work Group/HEAL Act Update – Chelsea shared they have established a timeline and will keep the website toolkit housed in TSCA and once completed the outreach campaign will be housed with the E & O work group. In September they will bring feedback to TSCA and will bring the plan to the E & O work group also then will bring the website and plan to the entire TF for feedback in September and make edits for the October TF meeting. They have an outreach contract list of over 200 contacts. The site needs more pages. If there are materials that would be relevant to the national campaign such as studies, petitions, etc., please send them to Chelsea.

The EJ work group and Lands Council is looking at how EJ can be part of their mission and work. Their goal is to include diverse voices and look at projects that can help the community. They are also looking at how the TF work will have an impact and encourage anyone with interest to join this work group.

Karl Rains gave a presentation about EJ, and it is gaining a lot of momentum right now in the country. They have had discussions about where the TF falls into EJ. The presentation talked about WA state and where it is with EJ. Ecology has an EJ webpage. The state has an EJ task force, which Millie Piazza from Ecology (Office of Equity and EJ manager), who also shared some remarks along with Karl, is a part of.

Comments/Questions:

Chat (Brian N.) - EPA's GIS tool for environmental justice screening:

<https://www.epa.gov/ejscreen>

Chat (Millie Piazza) - EPA EJ Speaker Series recorded webinars:

<https://www.epa.gov/environmentaljustice/environmental-justice-systemic-racism-speaker-series>

Mapping Inequality national HOLC maps (Spokane, Tacoma, Seattle):

<https://dsl.richmond.edu/panorama/redlining/#loc=5/39.1/-94.58>

Chat - It should be remembered that these were official policies enforced by the government and were not secret documents. This was publicly available information.

Millie - Great point - And racial restrictive covenants were legal:

<https://depts.washington.edu/civilr/covenants.htm>

And there is ongoing effort to remove them (Spokane County)

<https://www.spokanecounty.org/4272/Restrictive-Covenant-Modification>

State EJ Council application period is open: <https://www.governor.wa.gov/boards-commissions/board-and-commissions/profile/Environmental%20Justice%20Council>

- Millie mentioned there are 22 positions available on the council and they are reviewing applications through the second week of August (link provided above). Millie is available if anyone would like to discuss this further.

Regional Grassroots Stormwater Stewardship Campaign Letter: Cadie Olsen shared information about the grant and letter. They are requesting a letter of support between City of Spokane Valley, City of Spokane and Spokane County applying to water quality program from Ecology for about \$40,000 for an E & O grant. It parallels the TF biennium.

ACTION: The TF approved the letter.

Permitting Update: Ecology continues work on drafting permits for Spokane river dischargers NPDES permits. There has been a lot of media coverage regarding EPA's actions on human health criteria. From Ecology's perspective there has been uncertainty regarding human health criteria. It has shifted from courts to EPA's process. Permits aren't just about PCBs and there are other reasons they need to be updated and reissued. We have committed to reissuing

permits in 2022 and writers are working hard to get them ready. They anticipate they will go out for public review near end of year or early next year in hopes of being issued March of 2022 at the latest.

Upcoming Task Force Meeting Topics to add:

EPA letter Doug mentioned for September

Update on iPCB move to September

Follow up with Brandee on report and Karl on Measurable Progress

- Regarding opposition in the press towards the TF and the negative press, it is frustrating to see this when we have a lot of good work going on.
- Maybe we could set up a spokesperson for the TF as the press inquiries come to us at Ecology.
- Each individual party should speak on behalf of itself, and the facilitator speaks about process. I don't think designating a spokesperson for TF would be in our best interest.
- We could use some of the money to update the look and feel of the website where people could find annual TF accomplishments easier. White Bluffs Consulting will follow up on this suggestion.
- The TF needs a chairman. It is interesting there is a chairman of ACE. Rob said the subcommittee chairs bring recommendations back to the TF. ACE is an administrating and contracting entity.

The next SRRTTF meeting will be held on September 22, 2021, at 8:30 am