

# Spokane River Regional Toxics Task Force Zoom Meeting

October 27, 2021, Meeting Notes

Facilitated by White Bluffs Consulting

Meeting Documents: <http://srtrtf.org/?p=12132>

## Attendees:

### ***Voting Members and Alternates***

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

Doug Krapas – Inland Empire Paper

Brent Downey – Kaiser Aluminum

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

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

### ***Advisors***

Karl Rains, Adriane Borgias, Jeremy Schmidt, Cheryl Niemi, Bill Fees, Curtis Johnson, Sandy

Treccani, Myles Perkins – Washington State Department of Ecology (Ecology)

Brian Nickel – Environmental Protection Agency (EPA)

### ***Interested Parties***

Dave Dilks – LimnoTech

Ben and Lara Floyd – White Bluffs Consulting (WBC)

Lisa Dally Wilson – Dally Environmental and SRSP

Bruce Williams – SRHD

Bryce Robbert - Avista

Dave Darling – American Coatings Association

Gary Jones – United Printing Alliance

Robert Mott – Mott Consulting

Anna Montgomery – Braided River Consulting

Kris Holm

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

**Meeting Summary Action:** The Task Force (TF) approved the September 22 meeting summary and Lara Floyd will post the final notes to the website.

**ACE Update** – Rob said they submitted annual reports to the state and put a contract in place with LimnoTech. ACE plans to schedule a board meeting in November or early December and Rob will let WBC know when it is taking place. Jeff D. said Ecology still has the contract and Karl said hopefully by the next TF meeting it will be executed. ACE has funds for the next couple of months and has 1.3 million of unallocated funds remaining.

**Data Management** – Nothing new to report.

**PMF** – Mike H. said they have two ongoing projects – the fish, biofilm and SPMD analysis and the majority was completed in July then they waited for the second and third rounds of SPMD analysis. Dr. Rodenburg has completed the analysis and will be getting it into the report for review soon by the work group. She is also working on the holistic analysis and doing mass balance on factors identified in the PMF analysis. They hope to have documents to review for a meeting in November with the work group.

**Education and Outreach** – Vikki said they are working with Andy Dunau on the media campaign and are looking at doing one from February 2022 – May 2023 and each month having different topics to spread messaging out while emphasizing seasonal items. Once they finalize the work plan it will be brought to the TF for approval and the next work group meeting will be November 9.

They are looking into hiring a video or PR firm to get videos out about the TF. They are planning to have them help update the TF and PCB free websites also.

**Environmental Justice** – Chelsea said the committee has met recently and identified goals and action items. Diversifying membership and participation is one goal and may want to consider making the general TF website materials more accessible and inclusive. Another goal is supporting community and tribal projects that meet the mission of the TF. The first Monday at 10 am they will have meetings.

#### **Comments/Questions:**

- With reaching out to the community, what types of potential projects? *They would need to be aligned with the TF and currently don't have any right now but want to reach out to them to see if they have anything.*
- The idea is that this may be an opportunity to engage with tribal community members where they may partner on a project level that addresses PCBs.
- Rob offered his time to reach out to Tribal communities as he thinks the TF needs this and broadening the scope with different organizations is important.
- Is this offering financial incentives to attempt to get more participation? If they haven't participated so far, what is the draw? *The draw is participation in a project with shared interest and where they may need support.*
- Telling our story is important and reinventing organizations. The Native project is a well-respected local organization consumed by the target of providing indigenous people a health program.

**ACTION:** The Task Force approved the initial draft goals and actions of the EJ work group work plan.

**Funding/MOA** – Karl reported nothing new since last meeting.

**Tech Track** – Lisa gave a report on upcoming plans:

Mission Reach (MR) field work – They have results from the Canine and Object Detection surveys and are waiting for analytics (artesian well, water column and sediment samples) which

will be presented at next TTWG. They will talk about historical work for MR that LimnoTech will conduct.

A mini synthesis workshop in early 2022 is part of the plan also. Lisa will send out the draft SPMD report to the work group today. The scope of the PCB 11 phase 2 work will also be discussed and reviewing status of baseline studies on SPMDs and fish.

Another TTWG meeting will happen before end of year to discuss the Comprehensive Plan. All of the MR hotspot work will be summarized in one report that LimnoTech will do in February and March of 2022 and will need budget approval for the workshop also.

Dave said the SPMD monitoring report will have a 2<sup>nd</sup> draft others will be able to review after TT comments. Hopefully the report will be available for approval at the December TF meeting. The next TT meeting will be Wednesday, November 3 from 11 – 1:30 pm.

#### **iPCB/TSCA –**

- Doug said they developed a list of questions for the Titanium Dioxide Stewardship Council (TDSC) after the TiO<sub>2</sub> study presentation. He sent it over to the TDSC.
- iPCB national effort – Lands Council presented draft of website at last meeting and will present today for approval.
- There are three proposals in for Developing Industry List of Pigments: Chlorinated vs. Non-Chlorinated and they are getting a selection committee together to look at them.
- EPA letter – talk about today
- RFP proposal on Evaluating the success of PCB procurement policies by Braided River Consulting will be discussed today
- TSCA meeting first meeting of month usually at 10 am but this month will be at 9:30 am as Michelle Mullin from EPA is giving a presentation on Safer Products of WA.

**PCBs in Building Materials Presentation:** Myles Perkins from Ecology gave the presentation. He is the Toxics Reduction supervisor in the NW regional office which is focused on pollution prevention. They have been pursuing source issues at industries and looking at different types of chemicals and products that could end up in stormwater. It was set up back in Fall of 2020 and awarded \$373,000 to establish TF and work with EPA to raise awareness of the issue.

#### **Comments/Questions: (answers in italics by Myles Perkins)**

- What is your current enforcement strategy and regulatory levers? TSCA has authority over managing building materials and we do defer to EPA. What is your integration process with CETA and other clean buildings legislation? *With levers, currently if you find PCBs in concentrations greater than 50 ppm the building cannot be used. Regarding new legislation, we do want to take as many measures as possible to protect stormwater. We want to look at cost and we may recommend incorporating into some form of stormwater piece.* Cadie clarified what she meant by CETA (Clean Energy Transformation Act) that the state has passed and a lot of legislation regarding clean energy in buildings. She mentioned it would be great if they would reach out to Commerce on this. They do not have an integration process yet.
- I'm surprised you didn't engage with private industry contractors early in this process and they were not part of original TF. *We did reach out to a lot of business associations*

*as far as guidance and if you have any recommendations we would love to follow up and get them involved now.*

- With all that is happening in MR and results of canine survey, it seems that everything being worked on with this project has direct implications of what we are trying to address here in the Spokane watershed and potential challenges trying to further sample buildings as we try to find sources in the MR area. Karl mentioned Myles returning in the future as guidance gets further developed.
- With regards to amounts of PCBs in caulking materials and paints, it's wrong. It was actually in 20-35% range and the TSCA Act has done nothing to cause those materials to be taken out of service. Sometimes it has forced closure of buildings. I hope the program is not focusing primarily on new construction but remodeling.
- I am disappointed that industry and property owners were not involved. When will public comment happen? *The guidance is in rough draft form and hope to do that in early 2022. We will include more owners going forward.*

**iPCB/TSCA RFP Proposal:** Doug gave an introduction about the proposal regarding evaluating the success of PCB procurement policies.

Anna Montgomery said the whole research team is from Northwest Greem Chemistry. An evaluation study is not possible but talked about how to conceptualize the study to make it the most valuable to the TF. They reframed it and looked at both procurement policies and certification. They incorporated all the questions that were part of the RFP. They will benchmark those based on all the factors and provide all the literature, do interviews to talk to other state agencies and evaluate what's working to reduce PCBs through those processes and what is needed to engage stakeholders. The budget is not to exceed \$20,000.

#### **Comments/Questions:**

- There was a change in the scope and don't know why it wasn't discussed at work group level. I thought the focus was to determine if procurement guidelines were effective and I disagree as far as the data and needs to be explored if data is available.
- Doug said the scope and the questions are still the same but there aren't a lot of policies that exist out there.
- Anna said HP and Apple are under no obligation to share their information with us. If we don't have enough information to do an evaluation study, then we will do these things we have provided so we don't just come back and say the companies won't provide their data.

**ACTION:** The TF approved the proposal by Braided River Consulting.

**EPA Follow Up Letter:** Doug said it goes all the way back to 2015 where the director of EPA region 10 made a commitment to the TF on toxicity of iPCB 11. They asked for an update in 2018 that the work was progressing and had been expanded beyond PCB 11 to several other congeners and Aroclors. They have tried to get updates with no response so decided to send another letter asking for an update. Karl mentioned the Ecology WQ program manager needs to be updated from Heather Bartlett and he will provide the information.

Brian N. said it will be tracked internally and will set a deadline for response which is usually about 30 days.

**ACTION: The TF approved moving forward with the letter to EPA.**

**iPCB Website Presentation:** Doug said this is step one to develop an education tool for educating the supply chain and different groups on the issue of iPCBs that came from the iPCB workshop. Chelsea said the plan was for active outreach to different groups and creating and providing the entities with a tool kit and trying to unify a national effort. Chelsea presented the website that was created, and they took information that already existed or was approved by the TF. They created a comment response document in response. They want to move forward with it and are seeking approval.

**Comments/Questions:**

- Gary Jones expressed disappointment that the Lands Council didn't reach out directly in response to their comments and that the response to comments is less than satisfactory as there is inaccurate information. Even though the TF may have accepted certain information, information appearing on this webpage is inaccurate or misleading. Ben mentioned having Doug and the work group review the comments before approval. *Chelsea said they are making the information accessible based on information the TF has already approved in the past.*
- This may allow us to credit industry participation that is worthy of emulation? To what extent is that included? *Chelsea said at this point it is not the intent but will be considered.*
- Doug said the appropriate process is to discuss the comments at an iPCB/TSCA meeting in early December.
- Are our TF members required to respond to anybody out there who has a comment? What are our obligations to those outside required participation? *Ben said there are not specific requirements but have members of the public who are participating in the work groups. Doug said we have had an open process with the iPCB/TSCA process but since I have not seen the response to these comments, I suggest we look at them further before approval. Someone mentioned coming up with some ground rules for public comment in the meetings.*
- If it is an indifference on how we characterize things or difference of opinion, we need to move forward if the TF approves but if it is not factual, that is different. Karl suggested getting the comments and responses distributed to the work group soon before the next work group meeting for review, so it is not delayed too long. Chelsea mentioned moving forward earlier than December 15 regarding the website would be nice. Doug will forward the comments/responses to the work group to discuss next week at their meeting and Ben commented that an additional short meeting could be scheduled for approval before the TF meeting in December.

**Task Force Discussion on Technology:** Ben went over the background history as presented in the presentation and multiple members mentioned Technology in the TF interviews that WBC conducted. We want to give the TF members an opportunity to have a discussion around

technology and see if there is common ground. Multiple people mentioned in the TF interviews technology.

#### Comments/Questions:

- Spokane County is willing to evaluate their own facility.
- From what I recall, it seemed like people were proposing a group that could share information from their own research? *I think the proposal was to review all the different technologies and how that will happen is yet to be determined. It could be through an RFP process or through Spokane County?* Rob said when the county submitted pollutant minimization plan to do the work, we could have funded it. I see this PCB issue much larger than Spokane wastewater, and this was in response to the Monsanto settlement. From our perspective, being able to use public funding is appropriate and Spokane County would like to make a request for some of this funding to evaluate wastewater treatment technologies.
- I agree this is much larger than just wastewater. My concerns are we have been told by Ecology that the tertiary membrane filtrations updates we've done aren't considered AKART (all known and available technologies). What we are doing is removing greater than 99% and it is considered AKART technology. I feel being directly targeted is not appropriate. We will continue to chart down this path.
- Ben said what he heard was not just focused on wastewater technology, if that is helpful.
- From a wastewater perspective those that have tertiary filtration are removing the vast majority of PCBs from their treatment already. The other avenues besides wastewater may be better for getting more benefits. For stormwater, do you consider green infrastructure solutions part of the treatment? Ben said it hasn't been determined and haven't gotten far enough but it is a great question to include.
- For the record, I'm not opposed to tech studies and investigations. We have invested millions already in our facility and I couldn't support treatment tech studies related directly to wastewater but think it could be for other studies.
- Ben said Rob has mentioned areas they would like to evaluate relative to their facility, would that be something the TF could support? I don't know that I would support using TF dollars.
- The effluent streams are not created the same and the membrane tech is proving to be effective at removing PCBs at the municipal locations, there may be benefit of looking at effluent treatment technologies trying to capture it's a wide spectrum, not just wwtp. If a technology were to start looking at storm or groundwater and you can find common ground on or some subset, that would be positive.
- Is it possible to provide the funding to an institution or land grant university to do the research?
- For some of our variance application we are getting over 99% from our wastewater treatment system. We spent 20 years investigating different technologies. Our focus is wastewater.

- For Kaiser, we are unique as we aren't a municipality and have been looking at different technologies. We are making advancements as far as groundwater. We are starting to evaluate on wastewater. I would support the TF using money regarding this.
- The City is in a unique position with all the different lines of water we work with, and we spend a lot of money in those areas. In one arena, we have spent extensive research for planning and execution of integrated clean water plan. We have spent in excess of 12 million in real research pilots and feel good about it. We are more interested in can we reach agreement on what is the next specific research question. I like the land grant university idea mentioned by Alyssa.
- Ben said there is some support for this but others who don't want it for wastewater or stormwater.
- We also have the perennial constraint of project management, and can we handle larger projects like this with capacity? Ben said we talked about an RFP or an engineering team that could look at this.
- With all of the work that has been done the TF should authorize a report that encompasses all of the current technology that is being used for treatment. It would be a compilation of technologies that were examined and then chosen.
- What I am hearing is that in order to comment on this, we need a specific proposal on a specific medium. Ben said this is more of a general ask to see if there is potential to pursue.
- I hear comments such as attracting more participants and broadening appeal and we are sitting on a bucket of money but apparently unwilling to use the money or look at themselves. The EPA is moving towards water quality of 7 and none of us are close to that. The City council just supported the tribal standard of 1 part/quadrillion. It's sad our message is we can't do any better. I love the idea of a research institution. What we are communicating to the community is we don't want to look at it.
- I couldn't agree more with Brian N. I don't think it makes much sense to keep looking at wastewater and there isn't a lot of room to improve.
- Ben said If we take wastewater aside, does it make sense to look at stormwater and groundwater?
- This is a source control issue, and we need to eliminate PCBs at the source. This isn't a treatment issue. Rob said most of the PCBs we are dealing with is coming out of people's homes.
- Is there anyone that would oppose developing a proposal around stormwater and groundwater treatment?
- Jeremy mentioned the idea of forming a technology work group to scope.
- I don't know how we regulate groundwater, and it would be hard to do without City of Spokane regarding stormwater.
- Ben mentioned if anyone has a specific proposal in the future, we are open to entertain and bring back to the group for further discussion.

**Information Update:** Karl said Ecology continues to advance the permits with rolling out for public review and comment at the end of this year or early 2022. All five will not be released at the same time.

**Public Comment:** Kris Holm - This past week Ecology issued their new draft rule for salmon habitat which includes major provisions or revisions to the DO freshwater criteria that applies to the Spokane river, and it will have an impact.

**Upcoming Task Force Meeting Topics to add:**

- iPCB website approval
- Discussion and approval for additional funding if necessary for mini data synthesis workshop
- Chlorinated vs non chlorinated RFP proposal approval

**The next SRRTTF meeting will be held on December 15, 2021, at 8:30 am**