

Spokane River Regional Toxics Task Force Zoom Meeting

November 30, 2022, Meeting Notes

Facilitated by White Bluffs Consulting

Meeting Documents: <http://srtrtf.org/?p=12909>

Attendees:

Voting Members and Alternates

Tom Agnew, BiJay Adams – Liberty Lake Sewer and Water District
Rob Lindsay – Spokane County
Brent Downey, Elena Wolfe – Kaiser Aluminum
Doug Krapas – Inland Empire Paper
Cadie Olsen – City of Spokane
Vikki Barthels, Bruce Williams – Spokane Regional Health District (SRHD)
Mike Anderson, Ben Martin – City of Coeur d’Alene
Holly Davies – WA State Department of Health
Chris Donley – WA State Department of Fish and Wildlife

Advisors

Adriane Borgias, Annie Simpson, Cheryl Niemi, Jeremy Schmidt, Sandra Treccani, Suman Paudel,
Curtis Johnson, Brandee Era-Miller, Diana Washington – Washington State Department of
Ecology (Ecology)
Brian Nickel, Gunnar Johnson – Environmental Protection Agency (EPA)
Kristen Lowell, Matthew Colling, Matt Stutzman, Thea Wickersham – Idaho DEQ

Interested Parties

Dave Dilks – LimnoTech
Ben and Lara Floyd – White Bluffs Consulting (WBC)
Lisa Dally Wilson – Dally Environmental and SRSP
Craig Borrenpohl, Alyssa Gersdorf – City of Post Falls
Ken Windram – Hayden Area Regional Sewer Board
Lauren Heine – ChemFORWARD
Tyson Schlect – HDR Engineering

Introductions and Agenda Review: After introductions, Ben Floyd reviewed the agenda. Doug mentioned the human health criteria water quality changes that happened recently and a desire to have a discussion if there is time.

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

ACE – Rob said they finalized contracts with WDFW and the labs. Field work is ongoing, and Jeff has been working with Annie in getting the recent reimbursement request in. ACE is down to \$69,000 in the account but has a significant amount of state appropriation funds that are remaining. They need to receive a reimbursement to do more work. Annie forwarded the reimbursement on and is waiting to hear back. Rob said the timing can be variable. ACE is having a virtual board meeting tomorrow from 3:30 pm – 5 pm and anyone is invited.

Education and Outreach: Vikki shared the following:

Highlights: Discussion of topics for social media until June 2023.

- Utilizing social media to get people involved in the new version of the task force
- Discussion of the transition plan
- Recirculating stormwater ads and seasonal topics
- Talked about adding all the social media videos we have done onto the PCB free website.
- **Next meeting:** January 10, 2022 @ 11am via teams

Tech Track: – Lisa shared the following:

Highlights - TTWG (11/22) topics included:

- 1) Hamilton Bridge monitoring well data – County installed data loggers and analysis of first 3 months of data show movement of water from river to aquifer. County will download data in December. One year of data will provide a better understanding of seasonal groundwater fluctuations in this area. County will leave data loggers in until April and LimnoTech will do preliminary work.
- 2) Next Level Historical Review – Final draft approved by TTWG to recommend to TF 11/30/22
- 3) NEXT STEPS for high-ranking sites from Historical PCB Source Review – Need direction from Task Force in terms of confirmation sampling, etc.
- 4) Fish Trend Assessment – WDFW collected fish this month. It is supposed to occur every four years instead of two now. Dave said the fish have been sent and received at an SGS Axis lab in Wilmington.
- 5) Compilation of Groundwater Monitoring Well Data (Requested SOW from LimnoTech, will include Hamilton Street Bridge well data analysis)
- 6) Third round of 2022-2023 SPMD Sampling – Water column trend assessment with interim 6/30 deliverable. TTWG was supportive, final decision to be discussed by Task Force and ACE. The lab results and final review would not be done by June 30 but may be able to use other funds for the last round of sampling which will be discussed later.
- 7) Additional SRRTF Projects - LimnoTech to scope:
 - a. 1668 sampling at GE site monitoring wells (where accessible)
 - b. Mission Reach monitoring well/water level paper study to determine flow direction (see #5 above)
 - c. Confirmation sampling – hold for discussion with Task Force

Upcoming TF recommendations for action

- Approval of Spokane River Historical PCB Source Review Memo TODAY
- Project Approval in Jan 2023 – Compilation of monitoring well data to assess connectivity to SR in Mission Reach (including Hamilton Street Bridge data from County installed data loggers)
- Project Approval in Jan 2023 – Sampling of select GE wells for PCBs using Method 1668
- Possible project approval in Jan 2023 – Confirmation Sampling (Request TF direction)

All 2022 field work has been completed, waiting for laboratory analyses. Dave said the second round of sampling Gravity will be doing in winter.

Next meeting

Tentative Meeting on December 20 to address new project scopes and analytical results from summer field work (if available). Lisa will send out a doodle poll for attendance.

iPCB/TSCA: Doug shared the following:

Develop Industry List of Chlorinated Pigments (ChemForward):

- Pigment resource completed
- Demonstration and approval at November SRRTTF Meeting

Safer Products WA – Legislative Action, TSCA Petition (SRRTTF, Legislative Directive, Gov./AG's Office)

2022 Project Proposals:

- Petition EPA to evaluate impacts of iPCB TSCA allowance (cost/benefit, risk & rule congruity)
- Opportunity to work with EPA on testing of TiO₂ – arrange meeting w/EPA

TF recommendations for action:

Approval of RFP for TSCA Petition Strategies/Proposals

Approval of iPCBs in pigments resource

Next meeting: Wednesday, December 7th @ 10:00 AM via ZOOM

- Brian shared that Michelle Mullin is not the region 10 coordinator anymore and it is Brett Feldhahn now. Michelle is still involved in the iPCB workgroup though.
- A while back EPA had taken on risk assessment for PCB congeners, one being PCB 11 and wonder what the status of that is? Brian did not know, and he will check on it. Maybe it could be covered at the next TSCA or TF meeting. Doug said back in November of last year they received a response from EPA that the study had been completed and it would be 6 months for a report, and they will inquire.

Inadvertent PCB Pigment Database Presentation: Lauren Heine gave the report and Doug gave an overview. He said it was awarded to ChemFORWARD and Mark Vincent was involved with research and had given a presentation to the TF years ago regarding pigments. The idea was to evaluate pigments being used in Commerce to determine if they are utilizing chlorinated processes to produce which would have a higher amount of PCBs.

They wanted to develop a tool that could be utilized by industries and others to evaluate processes being used. They have reached out to several publishers that are under the impression they are providing a green or iPCB free product. They are looking at furthering use of the tool by doing an outreach campaign to those using these pigments in their products.

Lauren said they are looking at pigments that include chlorine in molecular structure and whether chlorinated solvents were used in the manufacturing process. She provided the home website link and the iPCB pigment resource tool along with other background information. How would the TF like to proceed with hosting the website and resource? And for providing outreach to key stakeholders? Doug and Lauren have been invited to present this in a webinar sponsored by ChemFORWARD in January. Doug asked for approval from the TF so they can move forward with outreach.

Ben said later on in the meeting the TF will discuss transition activities regarding websites and he suggested ChemFORWARD keep hosting the site until the TF gets things figured out.

The TF approved the inadvertent PCB resource website and database.

RFP to develop an approach to petitioning change in TSCA regulations: Doug gave some background. They are finding advanced treatment technologies are very effective with removing higher molecular weight congeners and more soluble ones are passing through which have higher PCBs. With the new 7 ppq limit possibly no one can meet that limit. PCB 11 alone is higher than 7 ppq and they won't be able to achieve the water quality standard.

Since EPA has implemented more stringent criteria for state of WA, costs will become significant. The goal is to reduce or eliminate the TSCA allowance for iPCBs in the environment by petitioning EPA to review the current limits. They want to send an RFP out to various resources to get proposals by Dec. 15. Ben questioned 15 days being enough time for proposals to be submitted. Doug said they want to expedite it due to timing and budget constraints but can grant an extension. It was suggested they move the deadline to December 23.

Comments:

- This could turn into a lawsuit against EPA, but someone needs to do this. *Doug said this is a regulatory process and it's widely used. Once they get results back who files the petition is yet to be determined.*
- Are you requesting a schedule as far as time frame as how this will be rolled out? Yes
- The ask is to have a consultant provide a plan to petition EPA? Or are there other strategies to achieve the same objective? When the TF gets a decision back from them the TF would need to decide how work would be accomplished? *Doug said yes. The actual filing of it would be a determination by the TF and who would petition EPA. Then EPA has to respond in 30 days.*
- Does the RFP need to only go to law firms? I know an organization that hired a lobbyist that was effective. *This is open to any who is qualified.*
- Can we use money provided by the state to pursue a legal avenue against EPA whether it's a petition or lawsuit or anything else? *Doug said that is a great point and they would like to use funding received and he will check with the legislators that helped get the funding. I thought funding was specifically for finding and eliminating PCBs. I think it meets the definition of reducing PCBs.*
- In the state of CA state procurement policies follow state money.
- The biggest challenge will be to get a list of recipients that is broad enough and have different approaches. Reaching out to TF members and others as to who should receive this RFP is important. The reason of the date is because it's important that whatever proposals are provided that they are approved at the January TF meeting.
- Early in the TF formation there was a lot of talk about holding organizations like Monsanto responsible for PCBs or take them to court. I don't think the TF needs to develop financing and expertise to sue EPA, but we shouldn't ignore a discussion about a lawsuit against them.
- Ben said the TF should consider publishing this request in the Spokane newspaper and in fairness it should be widely distributed. Lisa mentioned in the Daily Journal of Commerce and with the qualifier that the TF can use Ecology funding on this project.

The TF approved sending out the RFP.

Spokane River Historical PCB Source Review Memo: Dave Dilks shared the memo and requested any final comments.

Comments:

- What is the issue with the 24-28 East Spokane Falls Blvd site? Dave said It is a cleanup site and last time soil was collected there was a hotspot and they followed up with groundwater monitoring. There is not a concern of potable groundwater near the area, and it is still listed as a monitoring area. Sandy said it is a Voluntary Clean Up site with intent to clean up and develop it, but it has stalled whether the developer wants to continue. Jeremy said just because they said water isn't potable does not mean Ecology agreed to that determination.
- Cadie requested one of the sites be renamed as just incinerator because the City of Spokane does not own it anymore.
- Will truck wrecking and blacksmith be updated with Kreislser site? Dave said it is a TCP site because of underground storage tank and could go either way. Jeremy suggested calling it truck wrecking and blacksmith Kreislser site and Sandy agreed.

The TF approved the memo.

Next Steps on Historic PCB Sites Assessment work and follow up: Dave said the purpose was to prioritize sites and they are looking for TF input. With sites prioritized by Sanborn maps they can do a deeper dive into site history and characteristics and with sites where data exists, they can do analyses of existing data if the TF desires.

Comments:

- The deeper dive into site history seems reasonable.
- Brandee said with the Brass and Iron Works site that was identified by the Sanborn map, it is the only one that is directly in the vicinity with biofilm spots seen a few years and she felt like there could be something there. Dave said they could pick a couple of sites to do more research.
- Can the TTWG scope and determine what the level of work will look like and bring this back to the TF? Dave would like to know before investing effort to do scopes. No one had a concern with moving forward.
- This work is interesting when the objective is identifying and eliminating PCBs but given the winding down of TF, I'm reluctant to support work that can't be completed by June 30.
- Lisa said it depends on what is scoped by the TTWG and some of the deeper dive can be done by June 30.
- I recommend we pass this work on to Ecology and not create any new work that may trickle past June 30.
- Dave said the one that would concern me is the monitoring but many of the others could be wrapped up before June 30.
- Ben said the funds that get submitted in early July may be able to get reimbursed quickly and Annie agreed as long as everything is done with final edits by the of June.

- Adriane said for the contract, all work has to be completed and deliverables received by June 30. The paperwork can be submitted in July, typically the end date is July 31. Rob said he and Jeff are committed to closing out the work. This applies to state funding. ACE can continue to have expenses that are not state funded after that period.
- Lisa said the TTWG will meet in December to discuss.

EPA update on Spokane River PCB TMDL Process: Gunnar Johnson from EPA gave the presentation and shared the anticipated project schedule and background information. EPA is planning to hold a quarterly public listening session starting in 2023. He shared the project website link and people can join an interested parties list for updates.

Comments:

- At what point does attainability get addressed? How do you come up with a TMDL that will attain water quality standards? Gunnar said they will put forth math on what the numbers need to be and will work with Ecology on implementation. The Spokane River is pretty short and there a lot of community members who regularly consume fish from the river. It will be a challenge. Dave said you will have decades of PCBs flowing down outside of the standard.
- On a quarterly basis EPA will convene a meeting and will invite interested stakeholders to listen to a progress report and ask questions? Gunnar said yes and meetings will probably be at least two hours long with an update and then questions. They would like to have the first one in March and then every 3 months with email traffic in between.
- Does EPA anticipate including groundwater to surface water sources? Gunnar said the work the TF has done is informative and they hope to finalize the technical approach early next year.
- The 190 pg/L vs. 7 pg/L, is that being driven by proximity to lake or point sources on WA side or is it political? The 190 is human health standard for PCBs and the 7 is WA state standards and they are being updated as we speak.
- Brian said the difference comes down to the Idaho PCB standard which is based on lower fish consumption rates than in WA and the state of ID was willing to accept a higher cancer risk from these pollutants.

Diana from Ecology said when they lowered from 170 pg/L to 7 pg/L they had done calculations using a different rate as well, but EPA overrode theirs. Will they be assessing against WA state criteria or tribal? Are you considering overriding ID standards to make it the same as Ecology as you did in 2016 with the Ecology standard? Gunnar said with respect to the Spokane Tribe it is a critical element that needs to be protective of applicable downstream water quality standards. With a short, fairly fast river, need to find ways how PCB concentration in total will meet Spokane Tribe of Indian standards at the border of the reservation. It will be a challenge. Diana suggested someone from water quality could participate in the future. Brian shared the document explaining the approval of Idaho's human health criteria:

https://www.epa.gov/sites/default/files/2019-04/documents/04042019_cover_letter_approval_of_deq_human_health_criteria_signed.pdf

Gunnar Johnson shared the Federal register entry for the new Washington PCB standard:
<https://www.federalregister.gov/documents/2022/11/18/2022-25150/restoring-protective-human-health-criteria-in-washington>

SRRTTF Transition: Ben shared the memo with information on the action to recommend sunseting the Task Force. Ben shared a tentative transition schedule developed by Ecology and Annie reviewed it.

Comments:

- Rob said the County and City are committed to a smooth transition. If ACE needs to go beyond June 30, they are fine with that. They also recognize there are some funds that will be residual from SRSP members. Participation in this group or some other community process is required as part of their permit. He hopes to see some organization that is led by the regulatory agency and the decisions for how TF spends money are made by regulatory agencies like other processes.
- We want Ecology to weigh in on participating in the TF. Whatever action is taken want to make sure we are meeting our permit requirements.
- Adriane said she would be interested in hearing what “protections” for permit compliance would look like. Agreed order, permit amendment/modification, etc. We would be looking to the agency for providing us with this assurance.
- What do you envision that this group will be doing after the biennium ends? Annie said she does not know, and the first thing is to ensure they have funding secured and develop structure as they go.
- Adriane said they are evolving as much as the TF is and right now, they are hearing what is going on and how it continues in a new structure. The other piece is funding and they talked to OFM yesterday and sounds like they will be able to use that funding. As they move forward, they will gather information from the public about what this looks like. An advisory group will need ground rules, scope of work and how do you parse out the work that involves technical pieces, grants and implementation plan. Initially some of the work will be organizational until the group starts forming. The goal is to get a group that will function as the TF has.
- Is this action needed to allow Ecology to move forward with their planning? Is this officially being proposed by a member? We operate by consensus, and it has been discussed in past meetings. We haven’t discussed this with ID DEQ and don’t know if I have enough information to make a decision today.
- Adriane said this is based on what is in the MOA regarding sunseting.
- Diana said as a permit developer, the permit was written to allow the TF to evolve into an advisory group for the TMDL and the development of the implementation plan. The important piece would be to make sure the TF attend meetings until there is an alternative available. The TF is an entity and Ecology has no control over how long that entity functions. Instead of having a date in there it should be until the alternative group is available or have a TF to attend until the group is up and running.
- This change in direction is important enough and I propose a motion to move forward with this without spending a lot of time. A motion was made to have ACE’s

responsibility as the contracting entity end on July 1, 2023, and have WA DOE become the contracting entity for the TF but no one was ready to second the motion.

- Adriane said this is a great straw man for discussion and signatories are the ones making the decision. She suggested each voting member go back to their legal counsel and confirm this is the appropriate process. There is a requirement in their permit that allows transition out and how do you leave the TF? The permittees were not allowed to leave in the original MOA and now there is something about sending in a letter and resigning. This statement of action is agreeing to start the process.
- I don't think we need a vote. Ben asked if there is anyone opposed to dissolving the TF and ACE between now and Dec. 2023? I don't think there needs to be a sunset date but should be when all obligations of permit are met. Ben can edit the document and send out for action at the January meeting.
- Too much time was taken in the past with attorneys, and it is clear we are not prepared to make a decision today.
- Can the TMDL advisory group be considered the alternative to the Task Force? Adriane said yes and we will be engaging in broader conversations on the topic and what the final organizational structure will be remains to be determined.

WBC will share an updated version and action will be taken in January on intention.

The next SRRTTF meeting will be held on January 25 at 8:30 am at the Spokane County Water Resource Center.