

# Spokane River Regional Toxics Task Force Zoom Meeting

January 25, 2023, Meeting Notes

Facilitated by White Bluffs Consulting

Meeting Documents: <https://srrttf.org/?p=12987>

## **Attendees:**

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

Tom Agnew, BiJay Adams – Liberty Lake Sewer and Water District  
Rob Lindsay, Ben Brattebo – Spokane County  
Brent Downey, Elena Wolfe – Kaiser Aluminum  
Sarah Gilbert – Inland Empire Paper  
Jeff Donovan, Cadie Olsen – City of Spokane  
Vikki Barthels, Bruce Williams – Spokane Regional Health District (SRHD)  
Mike Anderson – City of Coeur d’Alene  
Rebekka Stevens – Coeur d’Alene Tribe

### ***Advisors***

Adriane Borgias, Annie Simpson, Cheryl Niemi, Jeremy Schmidt, Sandra Treccani, Suman Paudel,  
Diana Washington – Washington State Department of Ecology (Ecology)  
Brian Nickel – Environmental Protection Agency (EPA)  
Kristen Lowell – Idaho DEQ

### ***Interested Parties***

Dave Dilks – LimnoTech  
Ben and Lara Floyd – White Bluffs Consulting (WBC)  
Lisa Dally Wilson – Dally Environmental and SRSP  
Alyssa Gersdorf – City of Post Falls  
Ken Windram – Hayden Area Regional Sewer Board  
Jerry White - Riverkeeper  
Andy Dunau – Spokane River Forum  
Lori Terry – Foster Garvey  
Ann Robertson – AKWA-DC  
Gary Jones – United Printing Alliance

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

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

**ACE** – Jeff said ACE has \$206,000 in the bank and received the Ecology reimbursement in December. There is \$800,000 in uncommitted funds. They took the North Central high school project off the schedule as the TF never heard back from them. ACE is working with Fruci and Associates who will work on tax returns for ACE. They haven’t heard anything regarding the Aquifer Atlas as far as invoicing, etc. or the status of it. Andy D. said the atlas is going through final proof with stakeholders and going to print by end of April at the latest. Andy will let Tonilee Hanson know and Jeff will follow up with Rob. Alyssa said she can be a contact also. ACE had a board meeting and talked about capacity issues and Amanda Parrish from Lands

Council is no longer the secretary, but Mike Anderson took over. Lara will get the notes from Rob.

**Education and Outreach:** Vikki shared the following:

- **Highlights:**
  - Recirculate ads that have already been produced. Will be meeting as a smaller group to discuss which ads to recirculate.
  - Discussed using the remainder of the \$4,000- \$5,000 left in the social media budget to be used for Spokane River Forum Spring Conference.
- **Action Item:**
  - E&O workgroup recommends using the remainder of the \$4,00-\$5,000 in the social media budget to be used for the Spokane River Forum Spring Conference
  - SRRTTF Topics for the conference: (Andy will be presenting this information later in the task force meeting)
    - EPA PCB TMDL Development
    - Task Force Future
    - Monitoring
    - Petitioning EPA on PCBs allowable under TSCA
- **Next meeting: March 14, 2023 @ 11am via teams**

**Tech Track:** – Lisa received a request from Gunnar Johnson and Ben Cope from EPA requesting data and calculations from a 2019 report of the TF (2019 report of MB conducted in 2018 low flow synoptic survey data). Dave can provide but will need to do some organizing of the spreadsheets. Does everyone support providing this to EPA? Dave felt like he can provide it this week and the TF supported it. Did that summarize previous MB also? Dave said it had some point backs to 2014 and 2015 MB.

**Highlights –**

- TTWG (12/2022&1/2023) topics included:
  - Project - Compilation of Groundwater Monitoring Well Data – 2 Phases (TTWG approved Phase 1 SOW, will include Hamilton Street Bridge well data analysis). Pre-June 30, \$23.1K.
  - Project - Third round of 2022-2023 SPMD Sampling – Water column trend assessment with interim 6/30 deliverable. TTWG approved SOW. \$45K Pre-June 30 and \$49K Post June 30. March check-in re. laboratory progress
  - December discussion on Laboratory Alternatives given SGS-AXYS performance issues (defer to Ecology upon transition)
  - Additional SRRTTF Projects - Deferred further discussion and scoping until post transition follow-up is confirmed and sample data are provided by SGS-AXYS.

**Confirmation sampling - NEXT STEPS** for high-ranking sites from Historical PCB Source Review – Nov TF Meeting: Request for direction from Task Force, TF deferred back to TTWG. TTWG approach to 1) determine whether there will be follow-through on Task Force projects post **June**

30 prior to scoping further work, and 2) work to focus on high PCB concentrations in the river. Work from river toward upland sources to assess potential PCB contribution.

### **Next meeting**

Regularly scheduled TTWG meetings: Tuesday before the third Wednesday of the month from 10:00 – noon, as needed. February 14. March to be scheduled by doodle poll. Expect longer or more frequent meetings once data are received.

### **Upcoming TF recommendations for action**

- Project Approval – Compilation of monitoring well data to assess connectivity to SR in Mission Reach (including Hamilton Street Bridge data from County installed data loggers) – TODAY
- Project Approval – High Flow SPMD Sampling to Support Water Column Trend Assessment - TODAY
- May need additional funding for development of project scopes prior to TF transition.

### **Project Updates from the Field**

All 2022 field work has been completed and waiting for laboratory analyses.

**iPCB/TSCA:** Ben shared the following on Doug's behalf:

#### **Develop Industry List of Chlorinated Pigments (ChemForward):**

- Pigment resource completed
- Working w/Publishers to promote tool and pilot project using non-chlorinated pigments
- IEP & ChemForward presentation to A4 - <https://saferalternatives.org/resources/past-webinars>

#### **Projects 2023:**

- Petition EPA to evaluate impacts of iPCB TSCA allowance (cost/benefit, risk & rule congruity): AKWA-DC Proposal to develop strategies
- Support for PCB Bills - sign in "pro" on SB 5369, Environment Committee on 01/25/23 @ 8:00 AM: <https://app.leg.wa.gov/csi>
- Opportunity to work with EPA on testing of TiO<sub>2</sub> – EPA confirmed availability
- Draft SRRTTF Letter to OCCP directly (copy NIH, OPPT & EPA) regarding the PCB-11 Toxicity Testing

Lisa said regarding the PCB bill, at the state level it also requests Ecology petition EPA regarding allowances. Sara G. said Doug was hoping everyone that has an interest can sign in on the link and sign in favor of it.

**TF recommendations for action:** Approval of \$10,000 for development of TSCA Petition Strategies

**Next meeting:** Wednesday, February 1<sup>st</sup> @ 10:00 AM via ZOOM

**Proposal for petitioning EPA on PCBs allowable under TSCA:** Lisa said at the November TF meeting the group discussed the development and release of an RFP. They received the

proposal from AKWA-DC and the work group approved the proposal but also requested an additional piece that spelled out deliverables and timelines. The work will occur over 1.5 months once the contract is signed. They are wanting to understand what it would take to petition or approach EPA about the limits under TSCA for inadvertent PCBs.

Ann Robertson is the policy director at AKWA-DC. Between she and Ephraim Froehlich they have about a decade of Capitol Hill service. They will spend one month looking at the process of section 21 petitions and doing some outreach to groups that have submitted those petitions looking at barriers or catalysts for success. The plan is to provide two deliverables to the TF and have a larger outreach in 45 days after the contract is signed. They recently did successfully petition EPA with another client.

**Comments:**

- Is there any concern using the state funding to support a petition to EPA? Are there any rules around this? If so, we should figure out what those are first. Lisa asked Doug this question and he said they are not petitioning but are researching past petitions, providing background but funds would not be used to petition EPA. Ann said they aren't doing any advocacy work on behalf of the TF. It is strictly the research and putting the plan together.

**The TF approved the support of the proposal from AKWA-DC for \$10,000.**

**Task Force Transition Process Update/Advisory Vote on Intention to Sunset Task Force:** Annie said they are researching the process of development of an advisory group and are committed to have it established at the time of the TF sunset. The level of establishment they can't answer right now, but they are not going to allow the permittees to go out of compliance during this transition period. Regarding project scopes, those projects should move forward with scoping as the money is there. As far as reassurance they will be carried forward, but without knowing structure of the new group Ecology can't say for sure that they all will move forward. The group will decide which things will move forward and they want to be more inclusive of who is involved.

**Comments:**

- Do you mean pre-June 30 funding? Annie said yes, current funding. Annie does not believe they will be able to simply roll contracts over, but she is looking at ways to use funds without having to go through the contract process and looking at the easiest ways to use funds.
- Rob said there are no contracts that go beyond June 30 as the money ends. They don't have any interest managing any contracts or money after June 30.
- Annie said regarding the work that is being scoped by Dave and the question of him being brought back on after June 30, she is not sure after the transition how everything will proceed. There will be a fair process where people can bid on work, and hopefully they will provide more information at the next meeting. She said it seems worthwhile to continue to scope new projects that make sense and will be considered going forward.

- Would that look like consultants working without a contract doing scoping in hopes of getting future work? Annie said the scoping would happen now with current funding and have a running lists of projects that need wrapped up by June 30 but hope to have a list of projects that they carry forward with the new group. Annie said it makes sense to continue scoping projects. Ben said the Tech Track group hasn't completely scoped some and there are a few procedural steps that would need to happen before June 30.

**Ruckleshaus Situation Assessment:** Annie said they thought it would be a good way to capture everyone's thoughts and opinions and if it is something the TF wants to consider, they will bring a proposal back for a vote at the next meeting. The interviews will happen to see what all parties think would be most constructive in terms of the new advisory group. They will be confidential interviews and it would be an anonymous assessment. They will talk to different groups besides the TF members.

**Comments:**

- Jeff asked if the TF is funding the whole assessment and how would the contracting work? Will it be done by June 30, and would ACE hold the contract? Annie did not know. Adriane said their thinking is they would do it with an inner agency agreement and they would reduce the contract amount from the TF out of the current funds through a contract amendment.
- We have contracted with Ruckleshaus before, and it was good work but please handle and manage your expectations. We spent more money on a product we could have managed ourselves with our own facilitator.
- Do you have a facilitation team in mind from Ruckleshaus? Yes, we talked with Kara Whitman and potentially using graduate students also for the assessment.
- Ben asked if the TF would like Ecology to bring back a more specific proposal at the next TF meeting? Annie said they can also have some of the questions answered for everyone at the next meeting.
- Is the ask for \$35,000 or \$50,000? Annie said she would go back to Ruckleshaus to put something together that is more definitive.
- The work and opinions of the TF and Ecology owning and conducting a process, it might be possible to approve now for a set amount and start sooner. This may be better for expediency.
- Adriane said it will take some time to get back to Ruckleshaus and get a proposal together but if it is possible to make a decision today, that would help.
- A motion was made to give \$50,000 to Ecology to conduct the assessment.

**The TF approved giving back Ecology \$50,000 for the situational assessment.**

Ben went over the memo that was developed surrounding an action to ending the TF.

**Comments:**

- In the interests of transparency, can you clarify the make-up of the facilitation team? Yes, White Bluffs Consulting.
- This is an important topic, and the information was provided this week. This can be discussed today but any vote would be outside our MOA guidelines. I am proposing that

the TF members take this back to their organizations to discuss. Ben clarified that the information was actually sent out last Friday.

- Adriane said it should be taken back to organization's lawyers and organizations first.
- Rob said the statement of action is not attractive to ACE to wait on regulatory agencies to establish a process beyond June 30. Currently it is in our permit to participate and we will comply. If Ecology just tells us where to meet and when after June 30, we will be there. He suggested a sunset date of June 30.
- Ben asked if the ID dischargers have any thoughts on the June 30 date? Mike said they would need to talk to DEQ as well as their attorney. Kristin from DEQ said she would need to see a proposal to sunset the TF and regarding the advisory group.
- It would be good to see, and I am still wondering why Ruckleshaus is being used if the TF is dissolving. Annie said it is to inform the development of the new group post TF. We are in the process of developing that group but looking to have the assessment inform how that group looks like and how it will be structured.
- Ben asked different members if they felt comfortable with the June 30 date and most said they needed more time to discuss.
- I want to complement our facilitation team for bringing this forward as it helps us know what we should be thinking about
- Adriane said the key documents here are the MOA and what it says about sunseting, ACE and its charter and the permit requirement which allows for the transition. I recommend people take these documents back to their organizations and have the discussion next month.
- Does ACE need to be dissolved first before the TF? Adriane said that is her understanding.
- When this comes back to the TF next month, would it be helpful to remove the statement of action and make it a stand-alone piece? And then have the rest of the document as background and Ben agreed.
- I like the fact that non-MOA signatories are invited to vote but if we take formal action as a TF, is there a way to be prepared and waive certain portions of the MOA to include more opinions that are not signatories? How do we honor our consensus process? Ben said we could discuss it, have public comment to get other opinions first and then take action as one suggestion.
- The MOA has a process for decision making and a process for individuals to remove themselves from the group. With the new permit there is availability to remove oneself from the TF. Does everything quit at once or is there a slowdown of activity until there is none at all?
- We don't want to lose what is of value as it is being changed into a new form.

WBC will revisit the document and send out an email on Friday with the updated version.

**Proposal for supporting the Spokane River Forum Conference:** Andy shared the presentation of the April 26-27 conference with details surrounding it. They are asking for \$10,000 support for the conference. He also shared information about the past Spring Media Campaign. The Education and Outreach work group plans to take the best ads from the last two years and use for the upcoming campaign.

## Comments:

- The TMDL development could be a full 90-minute session.
- EPA is doing this themselves in an isolated way and they told the TF in November there would be two stakeholder outreach efforts.
- Annie said in lieu of a public meeting Ecology wants to be involved and have a 90 minute session and a portion could be regarding the TF path forward and they should know more by then.
- Ben suggested it being a topic for a TTWG meeting discussing the monitoring and what could be shared at the Spokane River Forum, and they will discuss it at their next meeting.
- Lisa said AKWA-DC will have completed their work by then and there may be something to share regarding petitioning EPA on PCBs allowable under TSCA.
- Cadie suggested renaming topics to be more like public engagement around toxics in the watershed and Andy said the topic names aren't final.
- Cheryl said regarding a safer products of WA update, public comment closes on Feb. 5 and they are planning to adopt on June 1. They will be working on the rule and won't be talking about what will be in the final rule yet. But they could talk about what is in the draft rule, timeline, process and what some of the comments are and its relevance to water quality.

**ACTION: The TF approved supporting the proposal of \$10,000 for the conference.**

**Third round SPMD Water Column Trend Assessment Sampling:** Dave shared the presentation, and it has been shared with the TTWG already. Work would be done by December 2023 and overall work is \$94,000 (\$45,000 pre-June, \$49,000 post June 30)

## Comments:

- Lisa said one other option is to go ahead with the work all the way up to sample collection and then wait until Ecology could potentially move the rest of trend assessment work forward. Dave said they could hold the samples up to a year and Ben asked who would keep the samples?
- Where would the money come from after June 30? And how would Dave get paid? Lisa said her understanding is there is 2 million in the governor's budget for work that is going to be done by this group. Annie said one task is to find ways that the TF can utilize that funding for projects like this moving forward. Ben said there is no guarantee that this funding will be available to do the lab analysis. If the money is carried forward, then it would be approved.
- If things are approved, it looks like things will carry forward then if the funding is available.
- Ben suggested the TF take the scope, QAPP and field planning and coordination and come back to get the rest of the work authorized later. Is there any hurry to this? Lisa said yes, it is the second year-round cycle of trend assessment and if they forego, they do not have the ability to look at PCB trends in high flow.
- Is the part that takes place after June 30 the analysis? Dave said it is the assessment of the data also.

- A proposal was made to table this for another month (until February meeting) to think through the issues a little more, and come up with some options for solutions to them, and the Task Force agreed to this approach. Dave Dilks said the work could still be completed in time if an updated approach were shared at the February Task Force meeting. Annie will explore more options on the Ecology side for potential to store samples, if needed.

**Mission Reach Groundwater Flow Direction Study:** Dave shared a presentation.

**The TF approved the scope of work and budget for \$23,100 for tasks 1 and 2 of the study.**

**The next SRRTTF meeting will be held on February 22 at 8:30 am at the Spokane County Water Resource Center.**