

Spokane River Regional Toxics Task Force Zoom Meeting

February 22, 2023, Meeting Notes

Facilitated by White Bluffs Consulting

Meeting Documents: <https://srrttf.org/?p=13036>

Attendees:

Voting Members and Alternates

Tom Agnew – Liberty Lake Sewer and Water District
Rob Lindsay – Spokane County
Elena Wolf – Kaiser Aluminum
Doug Krapas – Inland Empire Paper
Jeff Donovan, Cadie Olsen – City of Spokane
Vikki Barthels, Bruce Williams – Spokane Regional Health District (SRHD)
Mike Anderson, Ben Martin – City of Coeur d’Alene
Galen Buterbaugh – Lake Spokane Association
Holly Davies – WA State Department of Health

Advisors

Adriane Borgias, Cheryl Niemi, Jeremy Schmidt, Sandra Treccani, Suman Paudel, Diana Washington, Stephanie May – 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, Craig Borrenpohl – City of Post Falls
Ken Windram – Hayden Area Regional Sewer Board
Jerry White – Spokane Riverkeeper
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 January meeting summary and Lara Floyd will post the final notes to the website.

ACE – Jeff said ACE had \$147,000 in bank at the end of January and \$731,000 in uncommitted funds. There are a couple contracts from the last TF meeting they have been working on – the AKWA DC contract and final details are getting worked out, and the Spokane River Forum money was sent for the conference. The groundwater flow direction study for LimnoTech is pending and they are coordinating with Dave.

Education and Outreach: Vikki shared the following:

Next meeting: March 14, 2023 @ 11am via teams

Tech Track: Lisa shared the following:

TTWG (2/2023) topics included:

- 1) Third round of 2022-2023 SPMD Sampling – Water column trend assessment with interim 6/30 deliverable. TTWG approved draft SOW in January for recommending to Task Force. The budget being approved will be \$45K for work to be completed by June 30. Ecology has determined they can hold the samples for up to a year.
- 2) Additional SRRTTF Projects - Summary Scope to be developed for Mission Reach and GE Area sampling of groundwater/Spokane River interface, seeps and wells downgradient of GE. If supported by TF, then full scope(s) will need to be developed prior to June 30. More information to come at March TF meeting.
- 3) Wait for data from SGS-AXYS prior to scoping additional biofilm sampling or canine detection work
- 4) Discussed presentations for Spokane River Forum - Dave questioned whether he can attend the River Forum conference and if he will have the data to provide by then.

Project Updates from the Field: All 2022 field work has been completed and waiting for laboratory analyses.

Next meeting March 15th 8:00 – 10:00 am. Expect longer or more frequent meetings once data are received from lab.

iPCB/TSCA: Doug shared the following:

2023 Projects:

- Petition EPA to evaluate impacts of iPCB TSCA allowance (cost/benefit, risk & rule congruity): AKWA-DC implementing plan – had kick-off meeting on 02/14/23 and have another meeting on 2/23/2023.
 - Continue to support SB 5369, passed unanimously out of Environ. Committee on 02/07/23
 - Working w/Publishers to promote Chlorinated Pigments tool - pilot project using non-chlorinated pigments - The intent is working to put together scientific study to see if inks have similar properties as alternatives and wean people off chlorinated pigments.
 - Opportunity to work with EPA on testing of TiO₂ – EPA confirmed availability - Working with Cheryl Niemi to help determine what they need to purchase and purchasing TiO₂ pigments and shipping off to EPA.
 - PCB-11 Toxicity Testing - Outreach to NIH, OPPT & EPA - PCB-11 testing has been completed and reaching out to see what happened with study and reaching out to scientist directly.
- TF recommendations for action: None

Next meeting: Wednesday, March 1st @ 10:00 AM via ZOOM

Third round SPMD Water Column Trend Assessment Sampling Proposal: Dave gave some background on information that was shared at the last TF meeting. Ecology has offered to store the samples. They can be stored for a year and if the TF chooses to move forward with the first half of the project, now there is a place to store them until the work can be continued. The proposal is for \$45,000 pre-June 30 and \$49,000 post-June 30. Ben asked if the TF wanted to approve the recommendation.

Comments:

- It seems like a waste of \$45,000 if no one is willing to follow up on the rest of the work after June 30.
- Adriane said there will be a transition period, but it should be high on the list of priorities if the new group chooses to do the rest of the work.
- Do you see a concern with getting the QAPP approved? Dave said he has never written a QAPP with just collecting samples and not analyzing them.
- Adriane said there is a section in the QAPP where it talks about knowns and unknowns and it would be good to discuss with Brandee and Arati from Ecology.
- Dave said the QAPP has SGS AXYS doing the lab work and they wouldn't have to identify them in as doing the work (this lab has been recently behind in processing samples). Lisa said there has been some discussion about using other labs and with trend assessment they thought it would be good to stick with the same lab as they had used for other work. The TF doesn't have any say after June 30 but could be put in QAPP under reproducibility and lab considerations.

Lisa wondered if QAPP approval can occur on time and that is one consideration. If something comes up, it may not proceed but Dave will let the TF know.

The TF approved collecting the samples and the work for \$45,000 to be spent by June 30 and then giving the samples to Ecology to be stored for up to one year.

Task Force Direction to Tech Track Work Group (TTWG) on Future Projects Scoping: Lisa said the TTWG is discussing summary scopes of work and Dave is developing them with his existing discretionary budget. If the group decides it's good to scope them, then LimnoTech will develop these scopes prior to June 30 to hand off to the new advisory group. The work will be to summarize projects to recommend to the TF and then LimnoTech would develop scopes prior to June 30.

Dave and Lisa gave an overview of the summary scopes being discussed:

1668 sampling at GE site monitoring wells monitoring plan – Sample a sufficient number of stations to define the presence and extent of the GE plume near the river. Sample two wells on city property and monitor, go down to the river itself and use piezometers. Ecology had identified some seeps upstream and will sample during low flow to check PCB concentrations. Dave has the scope just about put together for this effort, with some detail.

Lisa said they are also considering additional sampling at the groundwater interface near the high biofilm hits of the Mission Reach (MR). Dave said the first one is GE wells and seeps near Upriver Dam and groundwater interface near MR and seeps near that area, so two summary scopes that would be prepared. If projects are funded, then once we get data back there could be plans to scope additional work based on direction the samples provide but it will likely be canine detection work around Springfield catchment area and potential biofilm work. Dave said they aren't asking for approval now but asking for support in putting together rough scopes with current budget. The TF may be asked to invest additional funds to turn them into more detailed scopes at a future meeting.

Task Force Transition Discussion: Ben shared the document provided and reminded the group that discussions on this topic have been happening for months now. He had updated the

options for transition document but heard members aren't ready for a vote yet. Today we want to have a discussion around what the path forward looks like and discuss the potential options. It would be good to find out what options each organization supports but no official action will be taken at this time. He went over the three options:

Option 1 - Statement of Action (End Task Force targeting June 30, 2023)

Task Force members intend to take action to direct the termination/dissolution of ACE and individual organization action to withdraw from the Task Force by June 30, 2023. This is with the understanding that:

- Individual withdrawal from the Task Force by all existing members would, in effect, dissolve the Task Force
- Ecology will establish a new bi-state and more inclusive advisory group process is in place (in some form) by June 30, 2023, allowing Task Force members to remain in compliance with permit conditions, as applicable.

Option 2 - Statement of Action (no specific date, but after Ecology establishes new group)

Task Force members intend to maintain the Task Force at least until after Ecology has established a new bi-state and more inclusive advisory group process. After the new group is established by Ecology, then Task Force members would consider the future of the Task Force and ACE.

Option 3 - Statement of Action (Maintain Task Force)

Task Force members intend to maintain the Task Force for the foreseeable future, even after Ecology has established a new advisory group process.

Comments:

- Adriane said looking at Ecology's strict regulatory responsibility, Ecology would only be required to establish a PCB TMDL advisory committee when the TMDL is complete, and she doesn't believe that this would be a bi-state committee as Ecology does not have regulatory authority in Idaho. But Ecology plans to go beyond the regulatory minimum and have a broader, more inclusive group that could include Idaho.
- Jeff said the options laid out by the facilitation team don't work for the city. Our permit requires us to participate in the TF or an alternative organization. It is not our decision to step back from the TF. The permit does not say the City or other dischargers have to carry the administrative burden of the TF. The city will pull back on their assistance with ACE after the biennium ends. The City actually developed a 4th option - which is one where Ecology assumes all administrative funding and responsibility by June 30, 2023. Other TF members will take action to dissolve ACE by June 30 or shortly thereafter and transfer responsibility to Ecology. The TF could then be dissolved after Ecology establishes the new advisory group and the City is ready to participate in the future group.
- Rob said the County agrees but would add they recognize Ecology may find some value in having a 501(c)3 and a contracting mechanism to support work going forward. We will continue to participate, and our position is we no longer want to voluntarily assume

the administrative load for the process. Jeff and I recognize that after biennium funding ends, it will take time to get invoices in, reports out, and pay contractors and we will probably be engaged until mid-August or so with getting reimbursement requests out.

- How will this work with end of biennium schedule with June and July? There is a month to get things wrapped up and Rob said they will have them to Ecology by then. Adriane said they have 30 days by law and Rob said they have seen it be longer. What would Ecology like to see? Would there be a separate 501(c)3 or would individual entities at the TF table apply to Ecology for project funds?
- Doug said mandatory participation in the TF or other organization is an element of their appeal before the PCHB (Pollution Control Hearings Board) and they can't vote on an option. He didn't disagree with what has been laid out, but termination of TF is no fault of any dischargers and was made by a federal judge. Our legal counsel doesn't believe if the TF goes away, they are in violation of their permit. If Ecology wants to provide some insulation that's fine. They can't take a vote. ACE is operating as an independent 501(c)3 and has bylaws; it is not the TF that makes decision of termination of ACE, but it is by the ACE board members. ACE will need to have a board meeting and make that determination.
- Adriane said with the articles of incorporation, if you read the wording, ACE does report to the TF. ACE would have to be dissolved before the TF is dissolved. Doug affirmed ACE may need to get some legal counsel and Adriane will check in with the Attorney General's office on this question to see if they might be willing to share some advice on how it would need to happen.
- Rob said having the independent 501(c)3 could be a value to the process going forward and Doug said there was a lot of work to get ACE off the ground. Adriane said feedback on this topic might be a good question for the community assessment that Ruckleshaus will be doing soon.
- Mike said he has a discharger hat and the TF hat. His permit says he will be part of the TF and he doesn't think it's proper to vote on this matter. It's between him and IDEQ.
- Galen said almost everyone does not want to take a position between the three options and he doesn't want to pick one either. He would like to see advisory group be put in place before the TF dissolves and he would vote for option two if he had to. Lake Spokane Association no longer is really functioning, and the people really aren't interested in participating or providing money for the group without an active threat. They do not have a viable membership and just a board of directors. At the time the TF dissolves, the Lake Spokane Association will just drop out. Rob said it is unfortunate to lose engaged citizens and Adriane suggested it is a result of the success of the DO TMDL that the group doesn't feel a threat exists now.
- Tom said Liberty Lake is agreeable to the suggestions made this morning and will withstand from a vote at this time.
- Vikki said they will abstain from voting also or giving comments as they have not had an opportunity to discuss.
- Craig said looking at the options, they are not in favor of option 1. Option two is closest to where they are, and they are continuing to work with IDEQ on compliance and participating in TF until something different is brought up. Then they will see if they are

required to participate. They would like to participate in a regional process addressing toxics in the watershed.

- Holly said she hopes that something continues to move forward, and it has been great working together on the issues.
- Kristin said she is just listening in and very interested in staying involved with any new group that evolves.
- Ken had nothing more to add than what the other Idaho groups have expressed.
- Brian had nothing to say how the TF wants to continue or not. There is permit language that may limit what some of the permit holders can do and IDEQ is working on reissuing ID permits right now and language may be different from what it is now. The decisions about how to implement the TMDL is up to Ecology and not EPA.

Ben called for public comment:

- Jerry (RiverKeeper) said they are still studying this, and they would be partial to option 1. The idea of dissolving the TF by June 30, creating an advisory group that is inclusive would be positive, and then taking the remaining funding over to Ecology to be used going forward. As far as governance, reorient the group to implementation of the PCB TMDL. They will be producing a letter on this subject to Ecology and will also copy others in this meeting when sending it.

Ben reiterated some key discussion points.

- Rob said if Ecology expresses an interest in a 501(c)3 to administer funds, there is no point in getting another one and maybe it could be repurposed. The key thing is it is the voluntary management of the organization that they are looking to be relieved of.
- Adriane said June 30 is the date Ecology funding ceases. There could be some admin work that goes beyond that date. In addition, if the 501(c)3 sunsets there may be some tax things, etc. to do. Is that on a calendar year? Yes. Adriane said they may want to think of the timing and other funds. Jeff said there is a plan to discuss how much to set aside for wrapping up the admin items. The excess funds may have to go to another 501(c)3? Adriane said they could disband and contract out the rest of the ACE work? ACE has the ability to do that, and Rob agreed. Rob said the surplus money is our operating account and contractors get paid from it and get reimbursed later from Ecology.
- Jeff said there is discomfort with the dischargers on overseeing how the funding gets spent. They are controlling the funding and contracting as part of the administrative burden, and he agreed with Rob as it puts them in the position of driving the ship and they think Ecology should do it now.
- Cadie said that throughout TF history they have discussed the model of the Puget Sound Partnership, which is a much broader inclusive group. What do people think of heading that direction? White Bluffs Consulting put some information together when discussing codifying the TF regarding the partnership. Brian Nickel shared the link: <https://www.psp.wa.gov/puget-sound-partnership.php>
- Tom said regarding the discussion on ACE and 501(c)3 and the expectation of continuing as a group, they could hire a staff person or people to do the work. The TF has less

broad participation than desired, and this is not without major efforts on part of the TF members to broaden the participation. This is a challenging situation for all of us. My hope is being able to continue the good work that is being done.

Ben said the TF will have this topic scheduled for the March meeting along with an update on a plan for transitioning websites and addressing other items.

Brian Nickel gave an update on the PCB TMDL:

Recent developments on the Spokane River PCB TMDL have been focused on refinement of watershed hydrology and total PCB mass-balance modeling. Stakeholder outreach has included a recent meeting with representatives from the Sierra Club and Spokane Riverkeeper and a meeting next week with IDEQ. The Spokane Tribe of Indians was also recently briefed on progress to date and anticipated project schedule milestones. Upcoming public engagement opportunities include a webinar to be hosted by EPA the last week of March. The SRRTTF members and anyone who has requested email updates via the project website will be notified once a schedule has been finalized. EPA also plans to present during the 2023 Spokane River Forum Conference 4/26-4/27.

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