

# Spokane River Regional Toxics Task Force Zoom Meeting

March 22, 2023, Meeting Notes

Facilitated by White Bluffs Consulting

Meeting Documents: <https://srrttf.org/?p=13097>

## Attendees:

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

Tom Agnew – Liberty Lake Sewer and Water District  
Rob Lindsay, Ben Brattebo – Spokane County  
Elena Wolf – Kaiser Aluminum  
Doug Krapas – Inland Empire Paper  
Jeff Donovan – 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

### ***Advisors***

Adriane Borgias, Annie Simpson, Brandee Era-Miller, Cheryl Niemi, Jeremy Schmidt, Sandra Treccani, Suman Paudel, Diana Washington, Cathrene Glick, Curtis Johnson, Pat Hallinan – Washington State Department of Ecology (Ecology)  
Gunnar Johnson, Michelle Mullin, Xiaou Liu – Environmental Protection Agency (EPA)  
Kristen Lowell – Idaho DEQ  
Bryce Robert - Avista

### ***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  
Gary Jones – United Printing Alliance  
Robert Mott – Mott Consulting  
James Tupper  
Melynda Beam

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

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

**ACE** – Rob said the ACE board met to agree on a recommendation to bring to the TF about sunseting ACE. They will see the contract through with Ecology and won’t enter into any agreements that extend beyond June 30. They will stay in place until the reimbursement report is submitted and they are square with all contractors. They will initiate activities to close out the 501c3. There are residual funds the dischargers provided, and they will start spending down those funds so that when the process of closing the 501c3 starts, only a small amount is left to cover administrative expenses and any money left will be used how the TF wants. They hope to spend it down over the next several months and not seek reimbursement. Jeff said there is

\$116,000 left in the bank at the end of February and \$688,000 in uncommitted funds which includes discharger funds. They need to do a reimbursement request soon. Most of the work after this meeting will probably be approved and then they can work on the final contract amendment.

Do you know how much may not be used of the state funding? Jeff said maybe the \$688,000. \$200,000 is discharger funds and it may be between \$600,000 - \$800,000. You can safely say there is a half million but there are some what ifs out there. Jeff is going to get a list of websites ACE is funding, when they are due and try to pre-pay them for some time until the new process gets in place. Ecology will look into it as well and talk to their IT department.

There is not an agreement in place with AKWA-DC, but a contract has been sent. Doug will follow up. They also still need a contract with Gravity but there is \$30,000 in their previous contract that hasn't been spent. Dave is in the process of finalizing the scope with Gravity and it may be \$29,000.

**Tech Track:** Dave shared the following on Lisa's behalf:

- 1) Summary and Detailed Scopes of Work – Difficulty in preparing detailed scopes of work that will occur post-TF Sunset. TTWG Recommends development of Summary Scopes only, for use by future organization.
- 2) Groundwater Flow Direction Study – Hamilton Street data need further assessment, data for conceptual model are inadequate, but limited additional analysis and reporting are required to complete the work. Additional 10K budget, but no larger scale conceptual model development.
- 3) Third round of 2022-2023 SPMD Sampling: TF will collect samples –Ecology will hold samples after TF sunset until future organization can pursue analysis and reporting. QAPP currently being developed.
- 4) Discussion of Summary Scope for Mission Reach and GE Area sampling of groundwater/Spokane River interface, seeps and wells downgradient of GE. Recommend Approval of summary scope for future organization's use.
- 5) Continue to wait for data from SGS-AXYS prior to scoping additional biofilm sampling or canine detection work.
- 6) Receipt of lab results for first 9 samples. Hopeful more on the way.

**Next meeting** Tentative 3/28 from 9:30 – 11:30. Pending receipt of laboratory data. 4/18 10:00 – noon (regularly scheduled)

Dave said they are recommending not doing more detailed work on some of the projects and there is too much unknown and we don't have the work back yet. Regarding the SMPD sampling, Gravity is going out in April and giving third flow regime and they will take the data and combine with two flow events that were already conducted. They are still waiting for data from SGS AXIS. The data are starting to trickle in and they hope to get a lot more soon. Dave will make the decision this Friday on whether the TTWG meeting will happen on 3/28.

**iPCB/TSCA:** Doug shared the following:

**2023 Projects:**

- Petition EPA to evaluate impacts of iPCB TSCA allowance (cost/benefit, risk & rule congruity): they met with Chris Hladik, are reviewing things and intending to meet with other EPA officials at HQ and locally, preparing general outline for petition strategy. Adriane said regarding section 9 of TSCA – if admin determines that a risk could be eliminated or reduced the admin should use to protect and she will send it to Doug to be used.
- AKWA-DC implementing plan approved by the SRRTTF in January, 2023
- Continue to support SB 5369, passed unanimously out of Senate 03/02/23, Hearing in the House Environment & Energy Committee on 03/13/23
- Proposal to Pilot the Inadvertent PCB (iPCB) Pigment Resource Tool – request SRRTTF Approval
- Opportunity to work with EPA on testing of TiO<sub>2</sub> – EPA confirmed availability and they will take care of acquiring samples and he is working with Cheryl Niemi on it.
- PCB-11 Toxicity Testing - Outreach to NIH, OPPT & EPA

**TF recommendations for action:** Approval of Inks/Pigments project w/Publishers & Manufacturers

**Next meeting:** April 5<sup>th</sup> @ 10:00 AM via ZOOM

**Inadvertently Generated PCBs in Consumer Products EPA Presentation:** Michelle Mullin and Xiaoyu Liu from EPA gave the presentation. This is an update to their previous iPCB research they have shared in the past. The research focused on potential risks from products that are in use. They have some upcoming sampling they will be doing.

#### **Comments:**

Ben shared that Dr. Steven Ferguson called him back this morning. He said they have completed their work and it is being reviewed which it is a draft manuscript. The SOT website should have a poster uploaded to their site which gives more detail. He said they found PCB 11 doesn't act that much differently from other PCBs, except for PCB 126. There is more information on the poster. Holly Davies provided the poster later in the day after contacting some people and it was shared with all the TF members.

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

- Will you explain how this info might be used for either TSCA or updating the national toxics rule for the Clean Water Act (CWA)? *Michelle said she can't say anything about CWA other than it's different from TSCA and has different considerations. For potential rulemaking on TSCA, it would be part of a much bigger effort. Showing there are PCBs in products isn't enough to show there is harm from using those products but showing models is helping. I don't know how headquarters would feel about using a model for rule making. Overall, there needs to be more pathway analysis, exposure assessment and then risk assessment. You have to get through a risk assessment process to see direct harm such as with breathing in a product, etc.*
- TSCA is using one risk assessment and CWA is using another and because of that there are different regulatory outcomes. I don't know what risk assessment is for CWA, but there are different statutes for different things. TSCA regulates use of products and CWA regulates what is in the water. The problem is the risk assessments are different and

there are no ven diagrams so with the end result there is a disconnect. *Michelle said risk and disposal are two different things.* If it gets into water, it needs to be disposed of and because there are different ven diagrams, that is the problem. TSCA is allowing it in products in amount that exceeds disposal. If it isn't in products in the first place, then we don't have to worry about treatment at the end. *Michelle said she doesn't agree TSCA is allowing in amounts that exceed disposal amounts. It is not a direct comparison.* It externalized the cost of disposing of this material from the producers who make it but are no longer responsible and the dischargers are responsible for paying to dispose of it. The CWA gives us the number.

- Why didn't you include children less than 3 years and pregnant women? I was in a conference from WSU found there was an impact on pregnant women. *Michelle said no, the evaluations didn't include pregnant people. Xiaou said they needed to have those parameters and didn't have enough data to include them.*
- You have to establish a clear nexus and we know we are getting PCBs through our paper products and recycling and know what concentrations are in fish tissues from this. We should take what she said to utilize the actions around the petition.

**iPCB Pigment Resource Pilot Proposal:** Doug introduced the project and shared information. They started off working with a couple of publishers and received recycled paper from both and evaluated inks they are currently using to see if they could come up with substitutions. Doug went over the proposal and due to time constraints, they are only going to focus on yellow pigment. They have found a 20-day turnaround on all 1668 samples they send to them and if the proposal gets approval, they can send samples right away. Samples have been submitted for simulation to Wikoff Color corporation and the ChemForward research team. Once they provide alternatives, they will be tested also with method 1668 and will do evaluation. The long-term goal is to reduce iPCBs and find alternatives and a white paper will be produced. They will go to trade organizations, etc. to see if it can be utilized on a wider basis. The budget ask is up to \$140,000.

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

- Will this be paid out of state funds? Doug said he does not know. In the budget there is a 50% payment at the start of project and Lauren Heine said their organization wants to mitigate risk. Doug said they could reimburse quickly. Lauren asked if ACE could make the payment directly.
- Jeff said they would need an Ecology reimbursement first to make the initial payment. Doug will work with Lauren to see if it can be worked out.
- There needs to be a QAPP for the project. Doug wondered if there is an existing QAPP that can be used. Dave said if you could get by with a QAPP addendum that would help.
- Mark Vincent said they are a distributor of pigments and dyes and have been in the industry over 25 years. They are giving suggestions on iPCB less pigments that can be used as alternatives to pigments currently being used. There is a need to assess how good the alternatives are and how they perform, what is the total PCB reduction from existing to current inks.

**The TF approved moving forward with the recommendation as long as the contracting and money can be figured out in a timely fashion along with the QAPP.**

**Tech Track Summary Scopes of Work:** Dave gave the presentation on the MR GW flow direction study and the ask is \$5,000 (recommendations for filling gaps) to \$21,000 (conceptual site model). There is insufficient data to support development of conceptual site model but sufficient to support analysis beyond merely reporting data gaps by doing a deeper dive into Hamilton Street data and defining groundwater flow direction allowed by available data and so the phase 2 budget ask is \$10,000.

**Comments:**

- Regarding the graph of river elevation levels, it seems like it is flipped as you would probably have higher elevation in May and June. Dave said they will be looking at whether this data is suspect and looking at other data sources.
- The thing that strikes me is if you look at the blue and red lines, they are flat and then all of a sudden there is a sharp change and then there is a flip to previous behavior. Did someone move them to make them more sensitive? If you look at the variation of changes of two feet or more in May that seems odd. *Dave said we are not accepting this data at face value and have no other data.*
- It seems explainable as it is spring run-off time.
- Maybe Avista opened their diversion structure that caused the river to drop dramatically?
- Bryce Robbert from Avista said you are only going to get a little snapshot of what is going on. What I recommended in February is there is an existing conceptual site model and I recommend using it to help draw better conclusions.

Dave says he will have the analysis done by the end of April, with a report at the May TF meeting and finalization in June.

**The TF approved the proposal for \$10,000.**

Dave reviewed the summary scopes of projects the TTWG found of interest where conceptual scopes of work were developed to gauge interest. They decided not to develop more detailed scopes and specific sampling locations will be better informed when 2022 data are available and there are too many uncertainties regarding who will do the work.

**Ruckleshaus Assessment Update:** Annie provided the update. They are going to host a session at the Spokane River Forum Conference now and there were some edits to the budget. The process is moving forward with the interview process. The TF has already approved \$50,000 and there is an ask of an additional \$10,000.

**The TF approved the additional budget of \$10,000 for the Ruckleshaus Assessment.**

Gunnar Johnson gave an update on the TMDL. They are hosting a public meeting next Thursday at 2 pm for a presentation, discussion and questions. They anticipate having these quarterly and will do an update in person at the Spokane River Forum Conference also.

**ACE SRRTF Recommendation:** Rob reviewed the recommendation provided by the ACE board.

- Adriane said ACE needs to close before the TF can sunset.
- Rob said they won't be done with administrative actions to terminate ACE until mid to late August.
- Ben said the TF will still exist but be in a hiatus after ACE ends.
- Why must ACE cease prior to the TF since they initiated its existence? The TF formed ACE and it is in the charter of ACE. Rob said this recommendation is based on the fact another 501c3 could operate or someone else take over. Ecology does not want a 501c3 with the new advisory group.
- Adriane said if you read the MOA individual organizations need to submit their resignations. We want to be considerate of the permittees from ID and we are in conversation with ID on the topic. We can keep them in compliance until the advisory group is established. The TF will remain in existence until the advisory group is in existence.

#### **Upcoming meeting topics to add:**

- How to approach websites for transition update schedule in May
- Schedule a lunch in June and invite previous TF member attendees.

Rob shared that the City of Spokane and County of Spokane are members of the organization of Clean Water, and they were asked to provide information on what's happening regarding PCBs and their NPDES permits and an update on the TF. Rob reached out to Dave Dilks to give a presentation at the CCW at their April meeting to give a summary of work the TF has done in terms of mass balance, point sources and what the TF is learning about non points in the river. It is virtual and open to interested parties. They will provide a link to the TF. Dave said he will recycle the slides that he and Adriane gave at the Ecology seminar last month.

Annie said Jeremy had taken some sediment samples when they were rebuilding the Trent Bridge next to Lo-Li and where the samples are being stored will lose power. Does the TF want to move the sediment samples somewhere else and maintain them? The samples have been stored more than one year.

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

- You might look at the regulations related to disposing of hazardous waste was mentioned in the chat.
- Brandee asked if they seemed like regular sediment samples? Jeremy said there was no field screening, some have a lot of finds and some have almost none. There is no certainty of what they represent.

The TF decided to dispose of the samples.

**The next SRRTTF meeting will be held on May 24 at 8:30 am at the Spokane County Water Resource Center.**