RE: Implementation of TSCA to Reduce PCB Inputs to our Nation’s Waters

Dear Mr. Jones and Ms. Giles:

The Spokane River Regional Toxics Task Force (SRRRTTF) requests a meeting, within the next 2 months, with your agency to discuss current Toxic Substances Control Act (TSCA) allowances for polychlorinated biphenyls (PCBs) and the revised Water Quality Standards for Washington that were published by the EPA on November 28th of this year.

The Task Force has worked diligently since 2012 to identify and reduce sources of PCBs from entering the Spokane River. When we last wrote to you in 2013 (see attached letters) we requested that the EPA assist us in this effort. Specifically, we requested the EPA to consider reducing the nominal 50 parts per million (ppm) use allowance authorized under TSCA regulations. Our studies show that allowable concentrations of PCBs in consumer products represent an ongoing source of PCB loading to the Spokane River that, through normal use, contributes to exceedances of the applicable water quality standards.1,2 We also requested that the EPA provide enforcement on the use and importation of products containing PCBs in concentrations exceeding the 50 ppm levels. Studies have shown levels of “inadvertently generated PCBs” in pigments, printed materials and other products that exceed the TSCA standard.3,4

On November 28, 2016, the EPA published revised Water Quality Standards for Washington State.5 The EPA rule lowered the PCB criterion applicable in Washington State from 170 parts per quadrillion (ppq) to 7 ppq. With this new rule, potentially every water body in the State of Washington will fail to meet water quality standards for PCBs. This situation is not unique to Washington.

The Spokane River is included in the more than 81,000 miles of rivers and streams nationwide that are listed for PCBs.6 Of the limited number of PCB clean-up plans, also known as Total Maximum Daily Loads (TMDLs),

3 https://fortress.wa.gov/ecy/publications/SummaryPages/1604014.html
6 https://ofmpub.epa.gov/tmdl/attains_index.home
prepared to date, not one water body in the country has successfully met applicable water quality standards for PCBs through the TMDL process.

TSCA allows continued use of PCBs at levels that are billions of times higher than the PCB water quality standard. Municipal ratepayers and businesses, already burdened with removing PCBs that are not created by them, will now be held to even stricter standards that are neither measurable nor attainable with approved test methods and current treatment technologies. Our only opportunity for success in achieving these stringent water quality standards and providing economic fairness to all communities is to eliminate PCBs at the point of generation.

Since its inception, the Task Force has used an inclusive approach to engage diverse interests to solve difficult problems. We would like to meet with key members of EPA’s TSCA and Water Quality programs within the next two months to discuss our thoughts on how to engage regulators, businesses, and environmental groups in a way that achieves mutually acceptable solutions. Please respond to Chris Page, with the Ruckelshaus Center, our third-party facilitator regarding your availability for this meeting. We will contact you in the next two weeks to set up a time to meet.

Sincerely,
Spokane River Regional Toxics Task Force
c/o Chris Page
WILLIAM D. RUCKELSHAUS CENTER
901 Fifth Avenue, Suite 2900
Seattle, WA 98164

CC
Jeffery Morris, Acting Director, EPA Office of Pollution Prevention and Toxics (OPPT)
Susan Shinkman, Director, EPA Office of Civil Enforcement (OCE)
Joel Beauvais, Deputy Assistant Administrator, EPA Office of Water
Dennis McLerran, EPA Region 10 Regional Administrator
Ed Kowalski, Director, Office of Compliance and Enforcement, EPA Region 10
Lauris Davies, Associate Director, Office of Compliance and Enforcement, EPA Region 10
Dan Opalski, Director, Office of Water and Watersheds, EPA Region 10
Janis Hastings, Office of Air, Waste and Toxics, EPA Region 10
Mary Lou Soscia, EPA Region 10, Portland, Oregon
Christine Psyk, EPA Region 10, Seattle, Washington
Laurie Mann, EPA Region 10, Seattle, Washington
Brian Nickel, EPA Region 10, Seattle, Washington
Washington State Governor Jay Inslee/Rob Duff, Olympia, Washington
Department of Ecology Director Maia Bellon/Heather Bartlett, Lacey, Washington
Congresswoman Cathy McMorris Rogers
Senator Maria Cantwell
Senator Patty Murray
Senator Michael Crapo
Senator James Risch
Mailing Addresses

Jeffrey Morris  
Acting Director  
Office of Pollution Prevention and Toxics (OPPT)  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 7401M  
Washington, DC 20460  
Email: Morris.jeff@Epa.gov

Susan Shinkman  
Director  
Office of Civil Enforcement (OCE)  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 2241A  
Washington, DC 20460  
Email: Shinkman.susan@Epa.gov

Dennis McLerran  
Region 10 Regional Administrator  
USEPA REGION 10  
1200 Sixth Avenue  
Mail Code: RA-210  
Seattle, WA 98101  
Email: McLerran.dennis@Epamail.epa.gov

Ed Kowalski  
Director  
Office of Compliance and Enforcement  
USEPA REGION 10  
1200 Sixth Avenue  
Mail Code: OCE-101  
Seattle, WA 98101  
Email: Kowalski.edward@Epamail.epa.gov

Joel Beauvais  
Deputy Assistant Administrator  
Office of Water USEPA Headquarters  
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 4101M
Washington, DC 20460
Email: Beavais.joel@Epa.gov

Lauris Davies
Associate Director
USEPA REGION 10
1200 Sixth Avenue
Mail Code: OCE-101
Seattle, WA 98101
Email: Davies.lauris@Epamail.epa.gov

Dan Opalski
Director
USEPA REGION 10
1200 Sixth Avenue
Mail Code: OWW - 19
Seattle, WA 98101
Email: Opalski.dan@Epamail.epa.gov

Janis Hastings
Associate Director
Office of Air, Waste and Toxics
USEPA REGION 10
1200 Sixth Avenue
Mail Code: OAW-150
Seattle, WA 98101
Email: Hastings.janis@Epamail.epa.gov

Mary Lou Soscia
USEPA Region 10 - Oregon Operations Office
805 SW Broadway
Suite 500
Mail Code: OOO
Portland, OR 97205
Email: Soscia.marylou@Epamail.epa.gov

Laurie Mann
USEPA REGION 10
1200 Sixth Avenue
Mail Code: OWW-192
Seattle, WA 98101
Email: Mann.laurie@Epamail.epa.gov
Brian Nickel  
USEPA REGION 10  
1200 Sixth Avenue  
Mail Code: OWW-191  
Seattle, WA 98101  
Email: Nickel.brian@Epmail.epa.gov

Christine Psyk  
USEPA REGION 10  
1200 Sixth Avenue  
Mail Code: OWW-192  
Seattle, WA 98101  
Email: Psyk.christine@Epmail.epa.gov

Washington State Governor Jay Inslee  
Governor Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-002  
Email: https://fortress.wa.gov/es/governor/

Rob Duff  
Office of the Governor  
PO Box 40002  
Email: robert.duff@gov.wa.gov

Maia Bellon  
Director  
Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503  
Email: maib461@ECY.WA.GOV

Heather Bartlett  
Water Quality Program Manager  
Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503  
Email: heba461@ECY.WA.GOV

Congresswoman Cathy McMorris Rogers  
203 Cannon House Office Building  
Washington, D.C. 20515  
Email: https://mcmorris.house.gov/contact/
Senator Maria Cantwell  
511 Hart Senate Office Building  
Washington, DC 20510  
Email: https://www.cantwell.senate.gov/contact

Senator Patty Murray  
154 Russell Senate Office Building  
Washington, D.C. 20510  
Email: https://www.murray.senate.gov/public/index.cfm/contactme

Senator Michael Crapo  
610 Hubbard Street  
Suite 209  
Coeur d' Alene, ID 83814  
Email: http://www.crapo.senate.gov/contact/email.cfm

Senator James Risch  
Harbor Plaza  
610 Hubbard, Suite 213  
Coeur d'Alene, Idaho 83814  
Email: http://www.risch.senate.gov/public/index.cfm/email