

Borgias, Adriane P. (ECY)

From: Borgias, Adriane P. (ECY)
Sent: Tuesday, August 07, 2012 2:14 PM
To: 'Rick Eichstaedt'; info@spokaneriver.net; Aubri Wall; Booth, Kevin; brawls@spokanecounty.org; DArnold@SpokaneCity.org; dmoss@spokanecounty.org; Moore, David (ECY); Washington, Diana (ECY); dougkrapas@iepc.com; Bellatty, James (ECY); Gray, Kelsey (GMB); sarah@hubbardgray.com; Schoedel, Elizabeth; tom@agnewConsulting.com
Subject: RE: Spokane River Regional Toxics Task Force Updates CORRECTION

Rick,

You are correct. The summary analysis by the Ecology attorney (and I am paraphrasing) is that agencies have only the authorities that are expressly granted or necessarily implied by statute. Ecology does not have express or implied statutory authority to become a member of a non-profit corporation, as proposed in the draft documents.

However, Ecology can participate in the SRRTTF since it relates to Ecology's responsibilities under the CWA. This can be done without being a member of a non-profit corporation.

Adriane Borgias

Spokane River Water Quality Lead
Washington State Department of Ecology
Water Quality Program - Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205-1295
(509) 329-3515

From: Rick Eichstaedt [mailto:ricke@cforjustice.org]
Sent: Tuesday, August 07, 2012 1:32 PM
To: Borgias, Adriane P. (ECY); info@spokaneriver.net; Aubri Wall; Booth, Kevin; brawls@spokanecounty.org; DArnold@SpokaneCity.org; dmoss@spokanecounty.org; Moore, David (ECY); Washington, Diana (ECY); dougkrapas@iepc.com; Bellatty, James (ECY); Gray, Kelsey (GMB); sarah@hubbardgray.com; Schoedel, Elizabeth; tom@agnewConsulting.com
Subject: RE: Spokane River Regional Toxics Task Force Updates CORRECTION

Is this going to be a concern for Ecology as well?

Rick Eichstaedt
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From: Borgias, Adriane P. (ECY) [<mailto:ABOR461@ECY.WA.GOV>]
Sent: Tuesday, August 07, 2012 12:28 PM
To: Borgias, Adriane P. (ECY); Andy Dunau (info@spokaneriver.net); Aubri Wall; Booth, Kevin; Bruce Rawls (brawls@spokanecounty.org); Dale Arnold (DArnold@SpokaneCity.org); Dave Moss (dross@spokanecounty.org); Moore, David (ECY); Washington, Diana (ECY); Doug Krapas (dougkrapas@iepco.com); Bellatty, James (ECY); Gray, Kelsey (GMB); Rick Eichstaedt; Sarah Hubbard-Gray (sarah@hubbardgray.com); Schoedel, Elizabeth; Tom Agnew (tom@agnewConsulting.com)
Subject: FW: Spokane River Regional Toxics Task Force Updates CORRECTION

Background Information for the Administrative WG meeting tomorrow.

Adriane Borgias

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From: McBride, David (DOH)
Sent: Thursday, August 02, 2012 3:54 PM
To: Borgias, Adriane P. (ECY)
Cc: Snarski, Joanne (DOH)
Subject: RE: Spokane River Regional Toxics Task Force Updates CORRECTION

Hi Adriane

As you suggested, we sent off the MOA to our AG's office for their consultation. Our Senior Counsel recommended that DOH not be a signatory to the MOA or more accurately, to remove our agency from the MOA. Our take on this is that DOH serves in a consultative role insofar as issues relate to human health concerns. However, SRRTFF is not a legislatively established entity and DOH does not have clear statutory authority to become a member of a nonprofit entity that includes private members. This conclusion is reinforced by the fact that members will be assessed dues and DOH does not have clear statutory authority to pay such dues and would not control the amount of the dues.

Therefore, our Senior Counsel recommends that DOH submit comments on the proposal pointing out that DOH cannot become a member of the entity, but would appreciate the opportunity to continue in its consultative role. If you don't believe that role is sufficient under the proposed new structure, we can discuss other alternatives, such as having DOH representatives serve as ex officio members, but those measures may be unnecessary.

Best regards,
Dave

Dave McBride, Toxicologist
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Public Health - Always Working for a Safer and Healthier Washington

From: Borgias, Adriane P. (ECY)
Sent: Monday, July 23, 2012 3:01 PM
To: Mike LaScuola (MLaScuola@spokanecounty.org); Sandy Phillips (sphillips@spokanecounty.org); McBride, David (DOH); Washington, Diana (ECY); Moore, David (ECY); Bellatty, James (ECY)
Cc: Don Martin (martin.don@epa.gov); Marylou Soscia (Soscia.Marylou@epamail.epa.gov); Ted C. Knight (theodoreknight@hotmail.com); Brian Crossley (crossley@spokanetribe.com); Dan Redline (daniel.redline@deg.idaho.gov); Rebecca Stevens (rstevens@cdatribe-nsn.gov); Gray, Kelsey (GMB)
Subject: FW: Spokane River Regional Toxics Task Force Updates CORRECTION

Dear Sovereigns and Agencies:

Please view this very important information from the SRRTTF Administrative Work Group and supply comments to me by August 2, 2012.

If your agency has signed the MOA then it is listed as a "member" in the By-Laws of the organization. This applies to the Department of Ecology, Department of Health, and the Spokane Regional Health District. You may wish to have your attorney review this.

I am also attaching a copy of the minutes from the last meeting as background information.

Sincerely,

Adriane Borgias

Spokane River Water Quality Lead
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From: SRRTTF [<mailto:abor461@ecy.wa.gov>]
Sent: Monday, July 23, 2012 1:31 PM
To: Borgias, Adriane P. (ECY)
Subject: Spokane River Regional Toxics Task Force Updates CORRECTION

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Spokane River Regional Toxics
Task Force

Visit SRRTTF

www.srrttf.org

The Spokane River Regional Toxics Task Force Administrative Work Group requests comments on the proposed Business Entity Documents.

These will be discussed at the next SRRT full Task Force Meeting, which is scheduled for August 22, 2012.

You may access the documents here:

[Click Here](#) to view the Draft Articles of Incorporation

[Click Here](#) to view the Draft By-Laws (**revised link**)

Please submit your comments to Adriane Borgias (abor461@ecy.wa.gov) before August 2nd, 2012.

Note: the website has been updated!

New ways to navigate the website:

- Click on the topic of interest in the Cloud Tag at the bottom of the page
- View posts by category (Background information, Meetings, Workshops)
- View posts by date using the Archives link
- Access the new pages by clicking on the Menu bar



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