

ACE Conflict of Interest Resolution Determination for LimnoTech

Background

On October 30, 2013, the Spokane River Regional Toxics Task Force (SRRTTF) posted a Contractor Notification of Other Employment. On October 31, 2013, the Department of Ecology (Ecology) registered a concern and requested a conflict of interest evaluation be made by ACE, the administrative contracting entity for the SRRTTF. A general statement of potential conflicts of interest is:

Can LimnoTech provide general services to any party related to monitoring, modeling, or technical input for the DO TMDL and the 10th year assessment?

Articulation of Concern

While Ecology approves of the concept of working with LimnoTech on the DO TMDL 10-year assessment, Ecology has a concern regarding a blanket approval of all work to be done.

Ecology requests the following:

- A list of the current and potential future planned projects relating to the DO TMDL 10-Year Assessment, including the client, scope of the activity and estimated timeframe.
- Disclosure of each project (defined as a new contract or substantial changes to existing contract)

LimnoTech Conflict of Interest Statement

LimnoTech has been approached by members of the SRSP to review and provide input on a list of planned or potential data collection activities or studies related to Dissolved Oxygen (DO) in the Spokane River and Lake Spokane. The purpose of the review is to provide input as to the merit of these data collection activities or studies relative to improving potential future modeling efforts associated with the 10th year assessment of the Spokane River DO TMDL. LimnoTech believes that it can conduct this work without posing a conflict with its current work with the SRRTTF on developing a comprehensive plan for achieving the applicable water quality standards for PCB. The DO TMDL work involves providing input on efforts to potentially enhance an existing and defined regulatory tool (water quality model) for an upcoming assessment of conditions while the PCB related efforts are ultimately directed toward identifying actions to reduce sources of PCB to the river.

ACE Proposed Resolution

ACE has reviewed the concern raised by Ecology, had a discussion of the concern with LimnoTech, who has provided their views relative to input on

Spokane River DO TMDL efforts associated with the 10th year assessment, and taken into account the input provided by the SRRTTF at the October 23, 2013 meeting.

After careful consideration, ACE finds that:

1. It would be speculative of LimnoTech to identify any potential future work that they may be approached about performing.
2. The work that is currently being discussed is related to a review data collection activities or plans or potential studies to enhance or support the 10th year assessment for the Spokane River DO TMDL.

Based on these findings, ACE determines there is no conflict of interest for LimnoTech to provide technical services to any member of the DO TMDL Advisory Committee related to monitoring, modeling, or technical evaluations for the Spokane River DO TMDL and the 10th year assessment.

Project requests beyond monitoring, modeling, or technical evaluations related to the Spokane River DO TMDL would be the subject of a separate conflict of interest review.