

SRRTTF Memorandum of Agreement Work Group (MOA WG)

DRAFT Meeting Summary

December 4, 2014 | 10:00am – 12:00pm

Department of Ecology

4601 North Monroe Street | Spokane, WA 99205-1295

Attendees:

Adriane Borgias, WA Dept. of Ecology
Don Keil, City of Coeur d'Alene (Idaho Dischargers)
Mike LaScuola (*on phone*), Spokane Regional Health District (Health agencies)
Chris Page (*video conference*), Ruckelshaus
Sandy Phillips (*on phone*), Spokane Regional Health District
Dan Redline, ID Dept of Environmental Quality
Elizabeth Schoedel, City of Spokane (Washington Dischargers)
Jerry White, RiverKeeper (NGOs)
Kara Whitman (*on phone*), Ruckelshaus

Note: Tom Eaton did not attend due to previously noted schedule conflict.
Elizabeth Schoedel will expand role to include discussions with Washington Dischargers.

Proposed agenda for meeting was provided by Chris Page

Meeting Objectives

1. Basics of work effort—how long does WG think this will take, what is the process.
2. If there is time, address some comments that are “low hanging fruit.”

Roles and Responsibilities for the MOA Work Group

Ruckelshaus Center will

- Set the meeting times and places, facilitate the process, and provide agendas upon request.
- Document control and manage edits as WG progresses.
- Put together a timeline for revisions and review process.

Work Group will

- Caucus with the entities that they represent
- Arrange to ensure that there is attorney feedback.
- Comes to consensus agreement on a recommended revised MOA

Timeline:

- Work on revisions in December
 - Meeting December 18th
 - Meeting(s) in January
 - Recommendation for Task Force (February?)

General Discussion and Action items

ACTION ITEM: Ruckleshaus Center to maintain versions of MOA during the Work Group deliberations. Versions to include 1) Date and Time Stamp and 2) Revision marking showing current version vs. original MOA.

ACTION ITEM: Kara Whitman to add line numbers to MOA versions for ease of review. (COMPLETE)

Version that was discussed was posted on website as: [http://srттf.org/wp-content/uploads/2014/12/SRRTTF-MOA EPA City-Spokane Spokane-Co- Riverkeeper-comments.doc](http://srттf.org/wp-content/uploads/2014/12/SRRTTF-MOA_EPA_City-Spokane_Spokane-Co_Riverkeeper-comments.doc)

This version has EPA's comments in redline and other comments as noted by TF members.

The group discussed attorney review and when this should happen.

- This version has not been through IDEQ attorney review or IDEQ discharger review
- Better to have attorney involvement early rather than at the end.
- WG members to review from perspective of the "business" – that is, what works and what doesn't

Voting vs. Non Voting Members

The group discussed the historical context of the MOA and how the membership was delineated. Other than Mike LaScuola, no one at the table was present during the initial discussions.

Voting membership is as follows:

- All voting members are signatories to the MOA but not all signatories to the MOA are voting members (see below).
- It is understood that the dischargers in Washington are required by their permits to be members and are voting members.
- Environmental groups and agencies without water quality jurisdiction (i.e., health departments) are also voting.
- Members who submitted letters of support are non-voting advisory members (Avista).
- Government agencies and sovereigns (Ecology, IDEQ, EPA, and Tribes) are non-voting advisory members whether or not the MOA is signed.
- Ecology is the only agency that signed the MOA. EPA is the only agency that submitted a letter of support
- Spokane Tribe initially submitted a letter of support and later withdrew support. The SRRTTF has acknowledged a seat at the table for the Tribe.

Suggestions for revision (summarized from meeting discussion)

- Membership categories should be reviewed and WG should decide if clarification is needed.
- Clarify the roles and responsibilities with respect to reporting Measurable Progress. Ecology's responsibility is to determine MP. Whose responsibility is it to report the progress data? (Task Force vs. dischargers vs. environmental groups vs. agencies vs. local source control group)
- Delineate between ID and WA requirements (especially in sections relating to permits).
- Restructure the document to be more like a standard interagency agreement and review for consistency

- Add definitions section
- Add historical preamble?

Review of what works and what doesn't

<i>Name</i>	<i>Works</i>	<i>Fix</i>
Don Keil	Useful tool Minor differences between MOA and permits Represents a plan for addressing PCBs	Clarify scope: PCBs vs. PCB and dioxin. If dioxin, one congener (2, 4, 7, 8 TCDD vs. TCDD equivalents). Prefers to stay on task with respect to PCB efforts.
Jerry White	Vision Statement refers to measurable progress.	Needs a report out for measurable progress More is needed with respect to education (see references on p 5, 4 and 6 with respect to measurable progress). Does more need to be added to vision statement? Measurable progress reports should be released on a regular basis (annual? Other timeframe?) This relates to roles and responsibilities
Elizabeth Schoedel	MOA works for conducting the business of the TF.	How to put things on an agenda. Follow up on Action Items is needed. Regulators are in the MOA so as to provide assistance. This should be valuable and timely. Regulators are on the hook to comply and can't be bound otherwise.
Adriane Borgias	MOA works for conducting the business of the TF. Has "carrots" and "sticks" that keep the group together and functional. 5-day rule is important for maintaining transparency of action and obtaining involvement of agencies in a timely manner.	Elements of the MOA are scattered throughout the document making it difficult to follow from a procedural perspective. It could be reorganized. Could add a decision making process that would enable the TF to waive the 5 day rule under certain circumstances.
Dan Redline	MOA supports collaboration and allows interested parties to participate in the process, even without being signatories to the MOA.	Clearly delineate differences between ID and WA participants where relevant. See p 4, 5 and references to permits.
Sandy Phillips	MOA has served its purpose and is useful when questions about process need to be answered. The comments that others have provided are good.	Remove repetition from the document, update sections and clean it up. Add report on Task Force progress (is this the same as Measurable Progress?)
Mike LaScuola		Has an interest in Measurable Progress and how fish advisories, etc. tie into public health.

Link to Idaho Permits <http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Current+ID1319>

The next meeting of the MOA WG is December 18, 2014 from 10am-12pm at the Department of Ecology