SPOKANE RIVER REGIONAL TOXICS TASK FORCE

Coordinated Response to EPA Regarding the Remand from Judge Rothstein

FINAL DRAFT: June 8, 2015

EPA has requested the following information as a coordinated response from the Spokane River Regional Toxics Task Force ("Task Force") in order to provide information associated with Judge Rothstein's order in the matter of *Sierra Club v. Dennis McLerran; EPA, et al*..(U.S. Dist. W. Wash. No. 11-CV-1759-BJR) This correspondence was formally approved by the Task Force on June 15, 2015.

Executive Summary

The Task Force is a well-functioning, collaborative effort that is making progress in identifying and reducing PCB sources in the Spokane River watershed. Each entity has expended significant time, effort, and funding to work towards the common goal of achieving PCB water quality standards. Work has been done collectively to not only create scientifically defensible data on PCBs in the watershed, but to also to identify and mitigate sources of PCBs.

Task Force actions to reduce PCBs include:

- Completing the first comprehensive, simultaneous, bi-state data collection project to identify the magnitude of dry weather PCB sources
- Identifying and reducing PCB sources in wastewater and stormwater systems
- Changing procurement practices to reduce use of products higher in PCBs
- Driving for the necessary modification of TSCA rules that allow PCBs in products at concentrations up to 50 billion times greater than water quality standards
- Educating the public
- Task Force funding to date totals about $1 million
- See "**Current Actions**" for an expanded list of Task Force accomplishments.

The Spokane River is among the more than 80,000 miles of threatened or impaired rivers in the United States that are listed for PCBs. Only about 10% of these impaired waterbodies have a TMDL. To date, not one of these waterbodies has achieved water quality standards, regardless if a TMDL was created.

Ecology and EPA selected an innovative direct-to-implementation approach for the Spokane River watershed, creating the Task Force to make progress towards meeting water quality standards in lieu of the traditional Total Maximum Daily Load (TMDL) process. This process is in concert with EPA's "alternatives" goal outlined in the 2013 EPA document, "A Long-Term

Vision for Assessment, Restoration, and Protection Under the Clean Water Act Section 303(d) Program" (Attachment D). Task Force members strongly believe that the work they are performing under the direct-to-implementation approach is the most effective tool to address water quality protection and restoration efforts. Continuing upon the momentum that has been gained by the Task Force is in the best interest of the Spokane River.

Framework for the Toxics Task Force

In 2011, the Department of Ecology ("Ecology") issued NPDES permits for all Spokane River wastewater dischargers in Washington. These permits require participation by the permittees in a Regional Toxics Task Force ("Task Force"). In 2015, EPA issued permits for Idaho dischargers requiring their participation in the Task Force. The goal of the Task Force is to develop a comprehensive plan to bring the Spokane River into compliance with applicable water quality standards for PCBs.

The NPDES permits specify that if Ecology determines that the Task Force is failing to make measurable progress toward meeting applicable water quality criteria for PCBs, Ecology would be obligated to proceed with the development of a TMDL in the Spokane River for PCBs, or determine an alternative to ensure water quality standards are met.

Task Force participants currently include NPDES permittees, conservation, environmental, and health interests including Lake Spokane Association, Spokane Riverkeeper and the Lands Council; Spokane Regional Health District; Ecology; Idaho DEQ; Washington State Department of Health; the Coeur d'Alene Tribe; and USEPA. By late 2012, the Task Force was organized, had developed an operating Memorandum Of Agreement ("MOA") (Attachment A), established an administrative and contracting entity, and procured a national expert as a community technical advisor for the important work it was undertaking. Funding for the Task Force to date has been obtained primarily from NPDES permittees in Washington and Idaho, as well as grants and a Washington State Legislative Procurement in 2013.

Background: Early Studies Showed Data Gaps

In April 2011, Ecology published a PCB Source Assessment for the Spokane River. This report relied on data collected between 2003 and 2007 using various sampling methods. As a result, the understanding of PCBs in the Spokane River (the river) in 2011 showed significant data gaps and inconsistencies with today's technology. For example:

- The report calculated PCBs crossing the Idaho/Washington state line to be approximately 477 mg/day
- Between the Idaho/Washington state line and Long Lake Dam, approximately 3,187 mg/day of PCBs were estimated to be entering the river
- Measured discharges from Washington point sources (NPDES Permit Holders) accounted for about 307 mg/day of PCBs
- Tributaries to the Spokane River accounted for 97 mg/day of PCBs

- 690 mg/day of PCBs were estimated to be entering the River from the City of Spokane's stormwater system. (Recent sampling and analysis by the City shows the estimated stormwater contribution to be approximately 46 mg/day.)

In summary, the 2011 report findings indicated that at least 66% of the PCB sources measured in the River were unknown, and much of these data were uncertain.

Development of the Work Plan

To achieve their goal of developing a Comprehensive Plan to bring the Spokane River into compliance, the Task Force developed and adopted an initial Work Plan in 2012 (Attachment B), setting forth the Task Force vision, identifying the anticipated work required to accurately identify primary sources of PCBs, and the possible schedule for the completion of that work. The Task Force is currently on schedule with the work, and is making measurable progress in the reduction of PCBs in the Spokane River. As more information is learned, the Comprehensive Plan may be amended and additional source reduction measures may be implemented.

Initial Task Force Actions: Expedient and On Target

The Task Force developed and organized the work plan by breaking the work out into Phases 1-4. In April 2013, the Task Force engaged LimnoTech, a firm with national expertise on the fate and transport of PCBs, as a technical advisor to assist with the development of an initial scope of work for its technical efforts.

Phase 1 *(late 2012 – early 2014)*

These initial efforts included compilation of all PCB data which may be relevant for characterizing either potential PCB source contribution or instream PCB conditions, review and evaluation of the compiled data for future use, analysis of the data to identify data gaps which are critical to developing a clear understanding of current conditions, development of a data collection strategy, companion sampling, analysis, and quality assurance project plans.

Existing PCB Data Compilation

An inventory of existing groundwater, stormwater, point source discharges, and river and lake sampling data has been compiled and includes publically available information (e.g. Ecology publications and open literature), as well as data from known public and private sources and Task Force members. These data were placed into an Access data base for future use. These data, while critical, require supplementation to identify reduction opportunities.

Review and Evaluation of Compiled Data

Once the data compilation effort was completed, the data was reviewed and characterized based on quality and usability with respect to potential source identification, source delivery pathways to the river, and instream fate and transport.

Data Gap Analysis

An inventory of missing information (data gaps) has been developed using a conceptual model for the river. This model considered potential sources and source pathways and covered the river from its origin at the outlet of Lake Coeur d'Alene to Nine Mile Dam, below the Spokane urban area. Four main data gaps have been formally identified:

- The magnitude of true sources contributing to stormwater loads
- Sources between the outlet of Lake Coeur d'Alene and the Idaho/Washington State Line
- Loading from atmospheric sources
- Loading from groundwater sources

Data Collection Strategy

Based upon the above identified data gaps, the initial "Phase 2" data collection strategy was developed. This strategy was to focus on dry weather monitoring of the Spokane River between Lake Coeur d'Alene and Nine Mile Dam in order to quantify PCB loading from groundwater sources and Idaho. The strategy for the dry weather monitoring (baseline monitoring) included all point sources as well as all river and tributary locations where flow was either measured or calculated. Although uncertainty regarding exact PCB concentrations exists, this strategy assisted in the develop a report which quantifies the relative magnitude of sources for each river segment between river flow gages so that the contribution of PCB loads via unknown sources (presumably groundwater) could be determined.

Ecology, Idaho DEQ and EPA approved a Quality Assurance Project Plan (QAPP) to provide consistency and uniformity with collection of data. Data collection, associated sampling, analysis, and quality assurance are especially challenging because of the extremely low concentrations of PCBs in the water column and the low sediment deposits in the Spokane River. As such, the Task Force's work in measuring PCBs at such low levels is precedent setting. We have learned that concentrations of PCBs in the laboratory blanks are near or even above those concentration levels in the samples. The QAPP and its unanimous approval by the Task Force ensures all data generated from the study is consistent and as accurate as possible. Such collaboration regarding acceptance of data is noteworthy. Therefore, confidence in the data allows decisions and actions to move forward in a more expeditious manner.

Phase 2 *(2014 to end of 2015)*

Dry Weather Synoptic Sampling Event in 2014: the First Comprehensive Analysis

In August 2014, the Task Force implemented the Phase 2 data collection strategy. This represents the *first comprehensive, simultaneous, bi-state data collection* effort performed on the Spokane River for PCB loading between the outlet of Lake Coeur d'Alene to Nine Mile Dam. Sampling was conducted over a very short time period (synoptic) so that a contemporaneous "snapshot" of the river from the outlet of Lake Coeur d'Alene to Nine Mile Dam could be

obtained. Approximately 70 water samples from instream locations, point sources, and flow data at each river segment were obtained at a cost of about $400,000. Initial analysis of this new data shows:

- The river has gaining and losing reaches as it interconnects with the groundwater in the Spokane Valley Rathdrum Prairie (SVRP) aquifer. During the dry season sampling, more than half of the river flow at the Trent gage enters the river from groundwater between the Barker and Trent gages. PCB loading from groundwater flowing into the river for this segment of the river represented the single largest mass source (mg/day) measured during the synoptic sampling event.
- Data indicates that a second segment (Greene Street to Spokane Gage) may exist where groundwater flows into the river could be contributing a significant PCB load.

Work of the Task Force Achieves PCB Reductions

The Task Force has completed approximately one-half of the Phase 2 data collection work to identify data gaps and to create adequate data in order to characterize and quantify PCB sources. Additional data collection is needed in order to: (1) evaluate if wet season sampling will give meaningful data to define seasonal variations in PCB loadings; (2) assess concentrations of PCBs in groundwater across the Rathdrum Prairie Spokane Valley Aquifer to better estimate PCB loading into the Spokane River and Little Spokane River; and (3) assess the effect of aerial deposition as a potential source to determine if aerial deposition is a significant source of PCBs into the Spokane River. When the initial work plan was developed in 2012, little was known about the technical complexity of these comprehensive PCB sampling efforts, the funding levels that would be necessary compared to available dollars, and additional data gaps that were discovered during Phase 1 and 2 activities.

Phase 3 *(mid 2015 to early 2016)*

Phase 3 involves characterization and quantification of the identified sources of PCBs entering the Spokane River. It is anticipated that these sources will include all of the known point sources including wastewater treatment facilities that discharge to the Spokane River and stormwater from the City of Spokane. PCB contributions estimated from groundwater and other sources will be included as well.

Characterizing point sources will include an evaluation of PCB reduction measures that are expected to result as each wastewater treatment facility implements their facility upgrades per the Spokane River Dissolved Oxygen TMDL.

Phase 4 *(2016)*

Phase 4 of the initial Work Plan will develop a Comprehensive Plan, summarizing the identified sources of PCBs into the Spokane River to date. For each identified source, a range of Best Management Practices (BMPs) that could eliminate or reduce the source of the PCBs will be

identified with recommendations for implementation. To address remaining data gaps, recommendations will be made for future studies to be implemented over the next permit cycle.

Future Work

The Task Force will facilitate implementation of the Comprehensive Plan, which will include recommendations for BMPs and future studies to fill data gaps. Major known data gaps remaining at this time include the magnitude of PCB contribution from aerial deposition, snowmelt, groundwater, sediment, and hatchery fish. Completion of these studies and the advancement of technology over time will identify where to target efforts in the future. There is much to be learned on this subject, and the Task Force is gaining significant knowledge in coordination with its collaborators across the country.

Current Actions:

Task Force Completed Actions that Quantify and Reduce PCB Sources

Based on the information developed to date, the Task Force is implementing a number of actions to reduce potential PCB sources. Maintaining this progress is the most likely pathway to reducing PCBs in the Spokane River. It is prudent that EPA's workplan continue these actions and consider the resulting measurable progress made.

Current actions include:

- Low flow synoptic sampling has shed light on previously unidentified areas of the river where there is groundwater contribution of PCBs. The Task Force has authorized future evaluation of these areas that will direct source removal efforts.
- On a parallel track with the technical analyses, the Task Force and Task Force members are identifying and eliminating PCB contributions from stormwater runoff sources and street waste solids within their own jurisdictions.
- Task Force members are funding the establishment and maintenance of stream gages on the Spokane River to understand river flow in areas where significant PCB loading has been found.
- Task Force members are now involved in product testing to identify products which may have the greatest concentrations of PCBs. This is important to identify PCB sources that may contribute significant PCBs to the Spokane River.
- Based recent sampling by the City of Spokane, hydroseed has been identified as a source of PCBs. The Task Force is sampling and analyzing additional hydroseed samples to identify the specific product component containing the greatest amount of PCBs. The hydroseed project demonstrates the necessity of the collaborative effort: Ecology provided the grant funding, and the Task Force engaged manufacturers and state agencies for the purposes of identifying and implementing BMPs.
- Hatchery fish food is a potential source of PCBs. Task Force members will be sampling and testing for PCB concentrations in the tissue of hatchery fish used to stock the river.
- The Task Force pushed for state adoption of legislation that restricted PCB procurement.

- The City of Spokane and Spokane County have approved policies to allow for the preferential purchase of products (or products with packaging) that do not contain PCBs above established thresholds.
- Task Force members are conducting additional studies within their wastewater and stormwater collection systems to identify specific sources of PCBs.
- The Toxic Substances Control Act (TSCA) currently allows a level of inadvertently produced PCBs that is up to 50 parts per million compared to the Spokane River standard of less than 2 parts per quadrillion. The Task Force has requested EPA support and is working with elected officials to eliminate or significantly reduce this allowance.
- Task Force members are collaborating on public outreach activities to engage the Spokane Community and reduce the usage of products containing inadvertently produced PCBs that enter the waste stream. Posters, power point presentations, website information, printed literature and brochures, public service announcements on radio and television, opinion editorials in local news papers, and presentations at scientific conferences such as the Spokane River Forum have been completed.
- The Task Force has held several technical workshops, inviting experts from around the country to share their professional expertise and to best determine the path forward at critical junctures.
- Task Force members are collaborating with synergistic efforts such as the Columbia River Toxics Reductions Work Group, Northwest Green Chemistry, University of Iowa Superfund Basic Research Program, The WSU Center for Environmental Research, Education, and Outreach, Rutgers University, and the Northwest Pollution Prevention Center.

Funding

About $1 million has been spent on direct Task Force efforts to date, including over $500,000 in contributions from NPDES permittees and another $500,000 from state funding through Ecology. In addition to Task Force activities, individual members have contributed significant funding towards efforts in their own communities. Nearly $250 million is being invested in upgrades to municipal treatment facilities, and several million dollars have been spent on collection system PCB sampling efforts, Toxics Management Plans, and stormwater management.

Task Force members have spent a significant amount of time and resources developing outreach strategies and distributing information. These efforts contribute to public literacy around the nature of PCBs as well as educate the public about the efforts of the Task Force in bringing the Spokane River into compliance.

Wastewater Treatment Upgrades are Underway

Concurrent with the Task Force efforts to identify the unknown sources, permittees are investing in significant upgrades to address the known discharges to the Spokane River. These upgrades will further increase removal of PCBs. Driven by the Dissolved Oxygen TMDL, NPDES permits for the regional treatment facilities discharging to the Spokane River require that the next level

of treatment be installed and then optimized by the year 2021 for Washington permit holders and 2024 for Idaho permit holders. For municipalities, the next level of treatment will generally include sophisticated technology such as membrane filters. This technology will potentially improve the PCB removal efficiency up to 99% and is anticipated to cost a total of nearly $250 million for the municipal dischargers. The Spokane County wastewater treatment facility, which became operational in December 2011, has demonstrated that membrane filtration technologies are capable of removing up to 99% of PCBs from municipal wastewater facilities. Industrial wastewater treatment facilities will also undergo significant multi-million dollar upgrades using innovative site specific technologies. Permittees are already removing PCBs from their discharge with current treatment technology. A summary of PCBs currently being removed from municipal and industrial wastewater is provided as Attachment C.

PCB TMDL Scientific Challenges

Many scientific challenges complicate the development of a TMDL. The efforts of the Task Force have significantly increased the body of knowledge with regard to PCBs in the Spokane River, but substantial data gaps still prevent the development of a scientifically credible TMDL.

Initial studies have led to both an improved understanding of the Spokane River and to the realization that much uncertainty remains to be resolved. The following examples illustrate some of the data that would be required, which is outside the scope of the Task Force:

- At this time, there is no strong correlation between the concentrations of PCBs in the river water and in fish tissue. Initial dry season testing demonstrated that average concentrations in the river water do not exceed the current Washington State standard for PCB concentrations. A study to evaluate the correlation between PCB concentrations in river water and fish tissue must be done before a credible TMDL could be completed.
- There are insufficient data on the quantity of PCBs in sediments throughout the Spokane River basin. This information is needed to determine the effects of sediment on fish tissue, before a TMDL could be completed.
- There are insufficient data on the quantity of PCBs in invertebrates throughout the Spokane River basin. This information is needed to determine the effects of invertebrates on fish, since they are a major food source for fish.
- A fish tissue “finger printing” study is necessary to identify which PCB compounds are accumulating in fish compared to the PCB compounds that are found in the water column and discharged from specific sources. This study would show whether there is a specific correlation between PCBs in the Spokane River water column and PCBs found in fish tissue.
- It is not possible to successfully implement a TMDL to achieve the PCB water quality standard for the Spokane River as long as the current Federal TSCA allowances for PCBs in products exist (these allowances are as much as 50 billion times greater than the current water quality standard).

- Current analytical methods do not provide low enough detection limits for PCBs relative to potential applicable water quality standards for the Spokane River.
- EPA has not promulgated a sampling or analytical method for PCBs to measure to the levels necessary to demonstrate compliance with a TMDL on the Spokane River.

Without this data there is inadequate information to understand how PCBs enter the river water and accumulate in the fish tissue. This information is necessary to have a more complete understanding of how to meet applicable water quality standards.

Future Role of the Task Force

In 2013, the EPA published "A Long-Term Vision for Assessment, Restoration, and Protection Under the Clean Water Act Section 303(d) Program," describing an "alternatives goal" that encourages States to use alternative approaches to TMDLs tailored to specific circumstances where such approaches are better suited to implement actions that achieve water quality goals. The Task Force is embracing this guidance and is making strides toward PCB reductions using this alternate direct-to-implementation method that efficiently identifies non-point and point sources and actionable BMPs.

The Task Force collectively possesses the strongest scientific understanding of the Spokane River ecosystem available. Each member is an expert within their river segment, a particular area, or has a particular focus. Utilizing this group and building upon their efforts to develop the necessary scientific studies is the best opportunity in existence to close the data gaps.

The Task Force is well organized and is methodically researching the sources of PCBs to establish a credible scientific understanding of the river system. Scientific study developed with the input of critical stakeholders is less likely to result in legal and technical challenges. Involving all interested parties and building upon the momentum of the collective Task Force, using sound science to answer the questions at hand, is the most likely path toward success.

The Task Force has a high degree of confidence that continuing on the direct-to-implementation approach is the most successful path towards meeting water quality standards. The Task Force requests that EPA include continuing the direct-to-implementation approach in its response to Judge Rothstein's order.

[Note: In addition to Attachments A through C, individual members of the Task Force will submit supporting attachments to this coordinated response directly to the EPA.]

Attachments

Attachment A – SRRTTF MOA
Attachment B – SRRTTF Initial Work Plan (2012) and Milestones/Schedule
Attachment C – Permittee PCB Reduction Activities to Date (SRSP)
Attachment D – EPA 2013 Document Regarding Alternative TMDL Approaches

ATTACHMENT A – SRRTTF MOA

OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

February 2, 2012

City Clerk File No.:
OPR 2012-0059

COUNCIL ACTION MEMORANDUM:

RE: MEMORANDUM OF AGREEMENT FOR THE CITY OF SPOKANE'S PARTICIPATION IN THE SPOKANE RIVER REGIONAL TOXICS TASK FORCE

During its 3:30 p.m. Administrative Session held Monday, January 30, 2012, upon review of the January 30 Consent Agenda items, the Spokane City Council took the following action:

> **Motion** by Council Member Allen, seconded by Council Member Salvatori, **to accept the amended version** of the Memorandum of Agreement for the City of Spokane's participation in the Spokane River Regional Toxics Task Force (as filed with the City Clerk's Office on January 26); **carried unanimously.**

Subsequently, Council Member Salvatori requested that the Memorandum of Agreement be moved to the Council's 6:00 p.m. Legislative Session for consideration.

During its 6:00 p.m. Legislative Session on January 30, the Council then considered the Memorandum of Agreement. Following an overview of the Memorandum of Agreement by Assistant City Attorney Carrie Holtan, Council inquiry and discussion, and an opportunity for public testimony, with no individuals requesting to speak, the City Council took the following action:

> **Upon Unanimous Roll Call Vote,** the City Council **approved the Memorandum of Agreement, as amended,** for the City of Spokane's participation in the Spokane River Regional Toxics Task Force.

Terri L. Pfister, MMC
Spokane City Clerk

06.19.2013 SBC

Agenda Sheet for City Council Meeting of: 01/30/2012		**Date Rec'd**	1/17/2012
		Clerk's File #	OPR 2012-0059
		Renews #	
Submitting Dept	WASTEWATER MANAGEMENT	**Cross Ref #**	
Contact Name/Phone	DALE ARNOLD 625-7901	**Project #**	
Contact E-Mail	DARNOLD@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Contract Item	**Requisition #**	CR12188
Agenda Item Name	4310 - MEMORANDUM OF AGREEMENT - SPOKANE RIVER REGIONAL TOXICS TASK FORCE		

Agenda Wording

Memorandum of Agreement for City of Spokane's participation in Spokane River Regional Toxics Task Force.

Summary (Background)

Attached Memorandum of Agreement formalizes the City's participation in the Spokane River Regional Toxics Task Force, as required by Section S16 of the Riverside Park Water Reclamation Facility's NPDES Permit issued by the Washington Department of Ecology. The Memorandum of Agreement outlines the Task Force's membership, purpose and goals, governance structure/voting, and funding.

Fiscal Impact		**Budget Account**
Expense	$ $5,560.00	# 4310-43100-35141-54101-99999
Expense	$ $5,560.00	# 4310-43354-35141-54101-99999
Select	$	#
Select	$	#

Approvals		**Council Notifications**	
Dept Head	ARNOLD, DALE	**Study Session**	
Division Director	GEMMILL, GERRY	**Other**	Pub Works 1/23/12 & 11/28/11
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	HOLTAN, CARRIE	darnold@spokanecity.org	
For the Mayor	FEIST, MARLENE	ggemmill@spokanecity.org	
Additional Approvals		lhendron@spokanecity.org	
Purchasing		lschmidt@spokanecity.org	
		kbrooks@spokanecity.org mlesesne@spokanecity.org	
		choltan@spokanecity.org	
		bpatrick@spokanecity.org	

APPROVED BY SPOKANE CITY COUNCIL
on
1/30/2012
SPOKANE CITY CLERK

3

City of Spokane City Clerk File No. OPR 2012-0059
Spokane County File No. 12-0145

MEMORANDUM OF AGREEMENT REGARDING SPOKANE RIVER REGIONAL TOXICS TASK FORCE

THIS MEMORANDUM OF AGREEMENT is entered into and effective this first day of March, 2012, by and between the below signed parties (signature pages attached to back of document and signing parties are listed in the table at end of documents.).

RECITALS

WHEREAS, the parties have reached an agreement in principal relative to the organization and governance of the Spokane River Regional Toxics Task Force, as set forth in the document entitled "Spokane River Regional Toxics Task Force Operational and Organizational Concepts," ("Operational and Organizational Concepts") which is attached hereto as "Attachment A" and hereby incorporated by reference; and

WHEREAS, the parties desire to enter into a Memorandum of Agreement to more formally memorialize and bind the parties to the provisions of the Operational and Organizational Concepts; and

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein, and the mutual promises and benefits exchanged by the parties herein, the parties do hereby agree as follows:

1. Operational and Organizational Concepts. The parties agree that the governance, roles and responsibilities, funding and other key aspects of the Spokane River Regional Toxics Task Force described in the Operational and Organizational Concepts are acceptable and will begin guiding implementation of the parties' participation in a regional effort to make measurable progress toward meeting applicable water quality criteria for PCBs.

2. Amendments. This Memorandum of Agreement may be changed, amended or modified at anytime through a written Amendment to this Agreement mutually agreed upon and signed by all parties.

3. Additional Parties. Additional parties may join the Spokane River Regional Toxics Task Force by duly authorized amendment to this Memorandum of Agreement in accordance with Section 2 herein, entitled "Amendments."

4. Term. This Memorandum of Agreement is effective when signed by all the parties and will continue in effect during the Ecology 2011 through 2016 NPDES wastewater permit cycle, and may continue in effect thereafter if future NPDES wastewater permits require participation in the Task Force. In the event any party to this Memorandum of Agreement withdraws from the Task Force, written notification shall be submitted to the remaining parties. This Memorandum of Agreement shall remain in effect for all remaining participating parties.

remaining parties. This Memorandum of Agreement shall remain in effect for all remaining participating parties.

5. Counterparts. This Memorandum of Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6. Consideration. The consideration for this Memorandum of Agreement shall consist of the performance of the mutual promises and terms set forth herein.

7. Non-Waiver. No waiver by any party of any of the terms of this Memorandum of Agreement shall be construed as a waiver of the same or other rights of that party in the future.

8. Entire Memorandum of Agreement. This Memorandum of Agreement contains the entire understanding of the parties. No representations, promises, or agreements not expressed herein have been made to induce the parties to sign this Memorandum of Agreement.

9. Compliance with Laws. The parties shall observe all federal, state and local laws, ordinances and regulations, to the extent that they may be applicable to the terms of this Memorandum of Agreement.

ATTACHMENT A
Spokane River Regional Toxics Task Force
Operational and Organizational Concepts

REVISED
Rcv'd January 26, 2012

Spokane River Regional Toxics Task Force

Attachment A:

Operational and Organizational Concepts

REVISED
Rcv'd January 26, 2012

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REVISED
Rcv'd January 26, 2012

REVISED
Rcv'd January 26, 2012

Introduction

The 2011 Washington NPDES wastewater discharge permits issued by the Department of Ecology for facilities discharging into the Spokane River include the requirement for creation of a Regional Toxics Task Force (Task Force). These permits state that the Task Force membership should include the NPDES permittees in the Spokane River Basin, conservation and environmental interests, the Spokane Tribe of Indians, Spokane Regional Health District, Ecology, and other appropriate interests. It is anticipated that similar permit requirements will be in the permits issued to the NPDES permittees with facilities discharging to the Spokane River in Idaho by the Environmental Protection Agency. This MOA can be amended to accommodate addition of the Idaho NPDES permittees discharging to the Spokane River at that time. The following document provides an organizational structure, identification of the roles and responsibilities of the membership, and governance structure for formation of the Task Force. The goal of the Task Force will be to develop a comprehensive plan to bring the Spokane River into compliance with applicable water quality standards for PCBs.

For purposes of this Agreement, all references to "toxics" shall mean PCBs and Dioxins that were included on the Washington 2008, Category 5, 303(d) list.

To accomplish that goal it is anticipated that the Task Force functions will include:

- Identify data gaps and collect necessary data on PCBs and other toxics on the Washington 2008, Category 5, § 303(d) listing for the Spokane River.
- Further analyze the existing and future data to better characterize the amounts, sources, and locations of PCBs and other toxics as defined above entering the Spokane River.
- Prepare recommendations for controlling and reducing the sources of listed toxics in the Spokane River.
- Review proposed Toxic Management Plans, Source Management Plans, and BMPs.
- Monitor and assess the effectiveness of toxic reduction measures.
- Identify a mutually agreeable entity to serve as the clearinghouse for data, reports, minutes, and other information gathered or developed by the Task Force and its members. This information shall be made publicly available by means of a website and other appropriate means.

To accomplish these functions the Task Force will provide for an independent community technical advisor(s) who shall assist in review of data, studies, and control measures, as well as assist in providing technical education information to the public.

The permits also state that if Ecology determines the Task Force is failing to make measurable progress toward meeting applicable water quality criteria for PCBs, Ecology would be obligated to proceed with development of a TMDL in the Spokane River for PCBs or determine an alternative to ensure water quality standards are met.

The permits require 1) the permittees to participate in a cooperative effort to create a Regional Toxics Task Force and participate in the functions of the Task Force, and 2) that by November 30, 2011, the Task Force shall provide Ecology with the details of the organizational structure, specific goals, funding and the governing documents of the Task Force. The following sections present the Task Force concept and organizational structure required by the permits:

Section 2. Task Force Vision Statement for 2012 through 2016.
Section 3. Task Force Goals Relating to NPDES Permit Compliance.
Section 4. Task Force Operating Guidelines.

Task Force Vision Statement for 2012 Through 2016

The following statement is the Task Force Vision Statement for the first five years, from 2012 through 2016:

> *The Regional Toxics Task Force will work collaboratively to characterize the sources of toxics in the Spokane River and identify and implement appropriate actions needed to make measurable progress towards meeting applicable water quality standards for the State of Washington, State of Idaho, and The Spokane Tribe of Indians and in the interests of public and environmental health.*

Accomplishing this vision will involve, among other things, technical studies, monitoring, education, and recommendations for specific actions that will reduce toxics in the Spokane River. The Task Force will:

- Provide a forum for the review and discussion of Spokane River toxics issues.
- Participate in public education and engagement to advance the understanding of Spokane River toxics issues.
- Consider the results of past and future studies and implementation actions including those conducted by individual dischargers within their operations and/or service areas.
- Consider the technical studies needed to understand the sources of toxics and advance region-wide understanding of toxics in the Spokane River.
- Provide specific recommendations for the development of a Spokane River toxics reduction plan.

Significant efforts, collaboration and funding by many organizations will be required to identify and reduce the sources of toxics to the Spokane River. The Task Force will play a prominent role in this effort.

Specific Task Force Goals Relating to NPDES Permit Compliance

The specific goals for the Task Force during the 2011 to 2016 permit cycle following the Department of Ecology's acceptance, in consultation with other agency and sovereign

government members, of the November 30, 2011 submittal required from the NPDES permittees are:

1. Within 12 months of Ecology's approval of the November 30, 2011 required Washington NPDES permittee submittal:
   - Initial Task Force funding will be confirmed.
   - Identification and contracting with appropriate staffing.
   - Development of a 2012 through 2016 Task Force work plan that addresses:
     - Approach for and analysis of existing data on PCB and other toxics on the Washington 2008, Category 5, § 303(d) list to (1) understand what is known, (2) identify data gaps, and (3) determine where additional characterization of amounts, sources and locations is needed.
     - Development and implementation of a Monitoring Plan for the Spokane River that, (1) establishes the baseline conditions for PCBs and the other identified toxics, (2) monitors and assesses the effectiveness of toxic reduction measures, and (3) can be adapted to take into account newly generated data and sampling techniques.
     - Identification or establishment of a publicly accessible clearinghouse for storing data, reports, Task Force meeting minutes or summaries, and other information gathered or developed by the Task Force and its members.
     - Review of proposed Toxic Management Plans, Source Management Plans, and BMPs.
     - Approach for preparing recommendations to control and reduce point and nonpoint sources of PCBs and other toxics, on the Washington 2008, Category 5, 303 (d) list, to the Spokane River.
     - Public education needs and approach, including pollution prevention and public and environmental health determinations
   - As appropriate, begin implementation of work plan elements.
2. Prior to submittal to Ecology, the Task Force will develop and review all documents related to a comprehensive plan identifying actions required to bring the Spokane River into water quality compliance for PCBs.

Task Force Operating Guidelines

These operating guidelines are intended to clarify the Task Force governance process. It is assumed that the Task Force will convene and stay operational during the 2011 through 2016 NPDES wastewater permit cycle, and may continue to operate as long as the Spokane River

NPDES wastewater permits have requirements for participation in the Task Force. The following describe:

- Membership.
- Roles and Responsibilities.
- Organizational Structure.
- Decision Making.
- Funding.
- Meeting and Notices.
- Communications.
- Committees.
- Staffing.
- Work Plan.

Membership

The Task Force membership represents the Spokane River community. Membership in the Task Force is intended to encompass a wide field of expertise, community interest, and support a transparent process. Initial membership in the Task Force will include the following groups:

NPDES Permittee Membership:

NPDES permittee members of the Task Force shall consist of any private or public entity which is issued a NPDES permit for a discharge to the Spokane River, and which includes a permit requirement to participate in the Task Force. The NPDES permittee members will have the roles and responsibilities as described below. If an entity does not participate as a member of the Task Force, and in accordance with the NPDES permit condition, the issuing state or federal agency for that entity shall be responsible for enforcement of the permit condition. The Task Force does not have any regulatory authority over NPDES permittee members including any authority to determine non-compliance with any NPDES permit.

Agency and Sovereign Government Membership:

Agencies and sovereign governments that regulate or establish policies relating to PCBs and toxics shall be an Ex-officio Task Force member. Ex-officio, non-voting agency and sovereign government members shall include the WA State Department of Ecology (Ecology), Environmental Protection Agency (EPA), Spokane Tribe of Indians, Coeur d'Alene Tribe of Indians, and Idaho Department of Environmental Quality (IDEQ). The agency and sovereign government members will have the roles and responsibilities as described below.

Additional Government Agency Membership:

Additional government agencies may include the Spokane Regional Health District, Washington State Department of Health, Idaho Department of Health, Idaho Panhandle Health District, Idaho NPDES wastewater permit holders, stormwater permit holders, and other appropriate interests. The additional government agency members will have the roles and responsibilities as described below.

Stakeholder Membership:

Stakeholders, other than those referenced above, with roles and responsibilities identified below will receive a letter of invitation to join the Task Force from Ecology within 30 days of approval of this document. Those invited organizations that provide, in writing, an interest in being a member of the Task Force within 30 days of notification will be considered a stakeholder member of the Task Force. After expiration of the initial invitation time period, a new member may be added to the Task Force only by a consensus vote of the existing members of the Task Force. The stakeholder members will have the roles and responsibilities as described below.

Membership Governance

Membership Primary and Alternate Delegates:

Each Task Force member organization will appoint a primary and an alternate delegate. Each entity's primary delegate will strive to attend all Task Force meetings. If the primary delegate is unable to attend, the alternate delegate will attend on the primary delegate's behalf and will have all the rights and responsibilities of the primary delegate. It is the responsibility of the primary delegate to brief their alternate on status of the Task Force. Task Force member organizations with more than one division, section, or department identifying Task Force interests, may have more than one representative become a Task Force member. However, for voting purposes, an entity can only have one representative vote.

Removal from Membership:

If a stakeholder member entity misses three consecutive meetings of the Task Force, the stakeholder member will be automatically removed from the Task Force. NPDES permittee, Ex-Officio sovereign and regulatory/governmental members will not be removed from the Task Force.

Non-Voting Participants:

Entities and individuals with an interest in Task Force proceedings may attend Task Force meetings and will be called upon to provide input when appropriate.

Roles and Responsibilities

Organization[1]	Membership Type	Roles and Responsibilities

Washington NPDES Dischargers: City of Spokane, County of Spokane, Liberty Lake Sewer and Water District, Inland Empire Paper, Kaiser	NPDES Permittee Membership	• Comply with appropriate Task Force related permit conditions • Provide administrative oversight, coordination and funding for the operations of the Task Force • Participate in the formation and on-going functioning of Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Ensure regulatory agency concurrence/approval of any data collection/analysis work plans.
Ecology	Agency and Sovereign Government Membership	• Participate as an ex-officio, non-voting Task Force member. • Participate in the formation and on-going functioning of the Task Force. • Provide regulatory oversight of Task Force actions relative to compliance with Washington permits issued • Provide and coordinate timely technical review and, as appropriate, approval of Task Force technical effort work plans. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Identify and assist in obtaining applicable grant funding for Task Force activities. • Lead consultation with EPA, the Spokane Tribe, IDEQ, Coeur d'Alene Tribe, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions, as appropriate.
EPA	Agency and Sovereign Government Membership	• Participate as an ex-officio, non-voting Task Force member • Participate in the formation and on-going functioning of the Task Force. • Provide regulatory oversight of Task Force actions relative to compliance with permits issued. • Provide and coordinate timely technical review and, as appropriate, approval of Task Force technical effort work plans. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Identify and assist in obtaining applicable grant funding for Task Force activities.

		• Participate in consultation with Ecology, the Spokane Tribe, Coeur d'Alene Tribe, IDEQ, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions, as appropriate.
IDEQ	Agency and Sovereign Government Membership	• Participate as an ex-officio, non-voting Task Force member. • Participate in the formation and on-going functioning of the Task Force. • Provide regulatory oversight of water quality standards. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Participate in consultation with EPA, Ecology, the Spokane Tribe, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions, as appropriate.
Spokane Tribe	Agency and Sovereign Government Membership	• Participate as an ex-officio, non-voting Task Force member. • Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Participate in consultation with EPA, Ecology, IDEQ, Coeur d'Alene Tribe, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions, as appropriate.
Coeur d'Alene Tribe	Agency and Sovereign Government Membership	• Participate as an ex-officio, non-voting Task Force member. • Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Participate in consultation with EPA, Ecology, Spokane Tribe, IDEQ, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions, as appropriate.

Spokane Regional Health District	Additional Government Agency Membership	• Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Washington State Department of Health	Additional Government Agency Membership	• Provide public health and technical oversight relating to fish advisories. • Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Stormwater Agencies[2]	NPDES Permittee Membership	• Participate in the formation and on-going functioning of the Task Force. • Participate in funding Task Force activities relating to Stormwater. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Conservation/ Community/ Environmental Interests	Stakeholder Membership	• Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Other Appropriate Interest[3]	Stakeholder Membership	• Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.

Notes:

1. It is anticipated that SRRTTF will have approximately 15-20 active members.
2. Stormwater agencies include Spokane County Stormwater, City of Spokane Valley, City of Spokane, City of Millwood, Washington State Department of Transportation, Stevens County and other appropriate agencies. Stormwater agencies will have an independent vote unless they are part of an entity also represented on the Task Force. In instances where one entity has more than one representative on the Task Force, they will share one vote for decision making purposes.
3. Potential appropriate interests include but not limited to: Avista Corp, Counties, Agencies and others.

Organizational Structure

The Task Force will be formed and operate under this Memorandum of Agreement which provides the Task Force structure and governing principles. A more robust organizational structure may be required to address the administrative, funding and contractual needs of the Task Force.

Decision Making

The Task Force will strive to reach consensus on all Task Force decisions. If the Task Force is unable to reach consensus, a "unanimity minus one" decision rule will be used as described below. A simple majority of the voting Task Force members shall constitute a quorum. A quorum must be present before a decision can be brought to a vote.

Consensus / "Unanimity Minus One" Decision Making Process:

The goal of the decision making process is to come to a decision that Task Force members can support following a respectful hearing of all concerns. The Task Force will use consensus-based decision making to guide the efforts toward studying, developing and implementing a comprehensive adaptive management plan to meet water quality standards in the Spokane River.

During the Task Force set-up/implementation phase, while the Task Force is in the facilitator/administrator candidate identification process, a meeting facilitator will be needed. The Task Force members present at each meeting will select/request that an Ex-officio member facilitate the meeting. Once the Facilitator/Administrator is retained, they will take over the role of meeting facilitator. The facilitator will endeavor to reach true consensus on Task Force decisions as follows:

Consensus on a decision about a project, recommendation or other action the Task Force plans to take will be reached when the voting membership present can make one of the following statements about the decision:

- I agree with the decision and will publicly support it
- I agree with the decision, but will refrain from publicly supporting it
- I can live with the decision (and won't disparage it in public)

If a member cannot support a decision, that member shall present a solution to the full group for discussion and consideration. However, the Facilitator has the authority to cut off discussion, if no further progress is being made toward resolving the concerns of voting members. When consensus is not reached, the Facilitator will move to a "unanimity minus one" decision rule described as follows:

A 'unanimity minus one' decision rule will be used to confirm and finalize consensus-based decisions. Whenever a decision is to be made, it will be an affirmative decision if one or fewer of the attending members oppose the proposed decision and vote accordingly. If two, or more, of the attending members oppose the proposed decision and vote accordingly, the decision will not be affirmed.

Any decision by the Task Force will be based on a vote of the members in attendance at a meeting where a decision is made. Decisions will not be made on topics that are not included on

a meeting agenda, or on topics where associated documents were not sent out with the agenda. Meeting notices, agendas, and associated documents will be sent out no less than five business days prior to a Task Force meeting. Each Task Force voting member organization, authorized delegate, will represent one vote for decision making purposes. Any attending member or technical expert may be called upon to provide information during the decision making discussion process.

Once a decision is made, and the meeting has ended, a decision will not be revisited unless the members, by consensus, agree to bring the decision back to the table for further consideration. Once the Task Force membership agrees to reopen a topic, the decision making process must be followed to change the original decision.

The Task Force does not make decisions about the funding contributions from Task Force members to the Task Force, or how NPDES permittees meet permit requirements.

Dispute Resolution

If Task Force decisions cannot be reached through the consensus /'unanimity minus one' based decision making process described above, the Task Force may request that the issue be forwarded to dispute resolution. Depending on the issue and related decision needed, the dispute resolution will be addressed by appropriate agency and sovereign government members, and/or any voting Task Force members and any appropriate technical consultants.

In the event a NPDES permit holder disputes a decision by the Task Force that impacts compliance with their permit, that dispute may be presented to the agency responsible for issuing the permit to the permit holder. The agency that issued the permit will consult with the other regulatory agencies/sovereigns to come to resolution and provide direction to the Task Force. The resolution by the agency that issued the permit will not be binding on the NPDES permit holder unless it is issued as a permit modification or administrative order, unless the agency and NPDES permit holder agree that a permit modification or administrative order is not necessary. If the permitting agency reaches the conclusion that a dispute resolution request does not pertain to an applicable permit condition, it reserves the right to return the dispute to the Task Force without opinion.

Task Force Funding

It is anticipated that Task Force funding will be provided by a combination of private and public sources including but not limited to Task Force members, non-members, grants, governmental agency contributions, sovereign contributions, and other identified outside sources. Funding will be required for administrative, technical support, and implementation activities. Regulatory agencies have agreed to provide up to fifty percent of the first year administrative operational costs up to $50,000. The NPDES permittees and other Task Force members will provide a

commitment for the remaining administrative operational budget for the first year by the signing deadline, February 1, 2012.

Ecology will be the contracting entity for the first year; however, Ecology assumes that the administrative and contractual needs will be transferred to the Task Force upon adoption of an organizational structure that supports these activities or after the first operational year, whichever occurs first. Funding beyond the first year administrative costs will be provided by a combination of private and public sources including but not limited to Task Force members, non-members, grants, agency contributions, sovereign contributions, and other outside sources.

Meetings and Notices

The Task Force will meet at least four (4) times (approximately quarterly) per year, but may meet more frequently when appropriate for selection of consultants, for decision making, for review of project recommendations, review of work plans, for review of data and results, or other activities. It is expected that the Task Force will meet more frequently during the first year. The Task Force may adjust the frequency or schedule of meetings however, all members must be notified prior to a change in the meeting schedule or if additional meetings are implemented.

All Task Force members will strive to participate in the Task Force meetings in person. If the primary or alternate member is unavailable to attend in person, and if they provide advance notice to the meeting facilitator, participation through electronic means will be allowable if available.

The Task Force will be as open and transparent as possible. A person will be selected to take notes at the meeting and meeting notes will be sent out to those present for edit/comment. Once meeting minutes are finalized, they will be made available. The Task Force will provide a document review process and will identify a mutually agreeable entity to serve as a clearing house for data, reports, minutes, and other information gathered or developed by the Task Force. This information shall be made publicly available by means of a website and other appropriate means.

The Task Force will strive to meet the following:

- All meetings open to the public.
- Task Force can't require members of public to "register" name, affiliation, or other information in order to attend meeting.
- Task Force can remove disruptive members of the public who interfere with orderly conduct of a meeting.
- No voting by secret ballot.

- The public is not entitled to speak at meetings (although usually opportunity is provided, with specific/consistent procedural guidelines).
- Task Force is held to the following specific procedure for meeting notices:
  - Contents of notice:
    - The time and place.
    - The business to be transacted.
  - Timing of notice - written notice must be delivered personally, by mail, by fax, or by e-mail at least five business days before the time of the meeting to all members of the Task Force. A special meeting may be held with 24 hours notice, but no decisions will be made at special meetings.
  - Notice of change in date, location, time of meetings.
- The Task Force may take final action only concerning matters identified in the notice of the meeting.
- As available, the minutes from meeting will be posted to the website.
- No member will act as a representative of the Task Force unless assigned as such through a vote of the membership.

Communications

We have developed the following operating protocol regarding how we work together.

- To promote trust and respect, in our work together we agree to:
  - Respect each other in and outside of meetings.
  - Operate in good faith.
  - No backroom deals.
  - Respect the personal integrity and values of participants and organizations.
  - All participants in the negotiation bring with them the legitimate purposes and goals of their organizations. All parties recognize the legitimacy of the goals of others and assume that their goals will also be respected. These negotiations will try to maximize all the goals of all the parties, as far as possible.
  - Honor agreements; commitments will not be made lightly and will be kept.
  - Regard disagreements as "problems to be solved," rather than as "battles to be won."
- To enhance open and honest dialogue, we will:

- Participate in discussions and will encourage each other to "explore without committing." This frees up the group to explore potential solutions without viewing those explorations as formal proposals.
- State interests, problems, and opportunities, not positions – positive candor is an effective tool.
- Air problems, disagreements, and critical information during meetings to avoid surprises.
- Commit to search for opportunities and alternatives. Group creativity can often determine the best solution.
- Substantiate rumors at the meeting before accepting them as fact.

- To communicate clearly in specific discussions, we agree to:
  - Disclose interest.
  - Listen fully to understand.
  - Look for ways to address not only your own interests, but those of others as well.
  - Participate, share the floor, be concise.
  - Look ahead – acknowledge the past but don't rehash it.
  - Be explicit and factual – ask for clarification if confused.

- To ensure inclusivity and transparency, we acknowledge and expect that:
  - Participants represent a broad range of interests, each having concerns about the outcome of the issues.
  - Participants commit to keeping their colleagues/constituents informed about progress.
  - Participants will not publicly represent the views of others.

Committees

The Task Force has the option to form Committees, provided it is determined by the Task Force that committees will improve the effectiveness and efficiency of the Task Force. Task Force members and appointed members may participate in committees. The Task Force will designate a chair for each committee formed from the membership of the committee. The committee chair will provide regular updates to the Task Force on the efforts and recommendations of the committee.

Appropriate Staffing

The Task Force will select staff and a technical consultant. The Task Force will select staff through an open and competitive process.

Facilitator/Coordinator

The role of the facilitator will be as follows:

- Keep website up to date.
- Post meeting notices.
- Manage the meeting agenda.
- Facilitate decision-making process.
- Keep meeting minutes.
- Post information from meetings on website.
- Facilitate communications between Task Force and the public.

Technical Consultants

The Task Force will hire one or more independent technical consultants. The role of the technical consultant will be as follows:

- Provide unbiased scientific and technical assistance.
- Review work plan.
- Provide technical guidance.
- Facilitate technical communications between Task Force members and the public.

Task Force Work Plan

During the first year, the Task Force will develop a five-year work plan (2012 to 2016) for review by lead regulatory agency in consultation with the other appropriate agencies and tribal governments. The first work plan will contain first year specific tasks and projected five year conceptual work plan needed to meet the permit requirement of a comprehensive plan for PCBs. Each year, a work plan with specific activities for the upcoming year will be submitted. The work plan will clearly demonstrate a relationship to development of a comprehensive plan.

The Task Force will address agency comments and revise the annual plan as needed. The revised work plan will be submitted to the agencies for final approval. The agencies will approve the work plan and confirm that the work plan will meet regulatory requirements with respect to permit compliance and activities required to develop a comprehensive plan.

Table 1 Amendment and Signatory Tacking

Organization	Name of Primary Signatory	Date Amended

Signature Pages

REVISED
Rcv'd January 26, 2012

SIGNED ON: 2/3/2012

CITY OF SPOKANE

By: David A Condon

Title: Mayor

ATTEST:

Terri Pfister, City Clerk
City of Spokane

APPROVED AS TO LEGAL FORM:

Carrie E. Holtan, Assistant City Attorney
City of Spokane

CITY OF SPOKANE WASHINGTON

REVISED
Rcv'd January 26, 2012

Spokane County File No. 12-0145

Signature Pages

Adopted by the Board of County Commissioners of Spokane County, Washington this 10th day of January, 2012.

BOARD OF COMMISSIONERS SPOKANE COUNTY SEAL SPOKANE COUNTY, WA

Todd Mielke, Chair

ATTEST:

Mark Richard, Vice-Chair

Daniela Erickson 12-0145
Clerk of the Board

Al French, Commissioner

22510 East Mission Avenue • Liberty Lake, WA 99019
(509) 922-5443 District Office • (509) 928-6123 Treatment Facility • (509) 926-7691 FAX

MEMORANDUM OF AGREEMENT REGARDING SPOKANE RIVER REGIONAL TOXICS TASK FORCE

SIGNED ON 12/21/11 **LIBERTY LAKE SEWER AND WATER DISTRICT**

By: _____

Title COMMISSIONER

By: _____

Title: COMMISSIONER

By: _____

Title: Commissioner

Attest: _____

Title: MANAGER

INLAND EMPIRE PAPER COMPANY

3320 N. ARGONNE
SPOKANE, WASHINGTON 99212-2099

PHONE 509/924-1911
FAX 509/927-8461

Spokane River Regional Toxics Task Force Memorandum of Agreement

By: _____ Date: 3/22/12

Kevin D. Rasler
President and General Manager

KAISER ALUMINUM

Best in Class

Flat Rolled Products

Trentwood Works

Memorandum of Agreement Regarding
Spokane River Regional Toxics Task Force

Kaiser Aluminum Washington, LLC

By: _____ Date: February 10, 2012

John M. Donnan
Senior Vice President, General Counsel and Secretary

Dated: February 28, 2012

Name of Origination The Lands Council

By: Mike Peterman

Title: Executive Director

25 West Main Avenue Suite 222 Spokane, Washington 99201
www.landscouncil.org Phone (509) 838-4912 Fax (509) 838-5155

Earth Share of Washington

SPOKANE RIVERKEEPER®

A program of the Center for Justice.

Dated: 2-15-12

Spokane Riverkeeper

By: Bart Mihaly

Title: Spokane Riverkeeper

35 West Main▪Suite 300▪Spokane, Washington 99201▪ p:509/835-5211▪ f: 509/835-3867▪ www.spokaneriverkeeper.org

WATERKEEPER® ALLIANCE MEMBER

February 20, 2012

The Lake Spokane Association appreciates the opportunity to be a member on the Spokane River Regional Toxics Task Force. Galen Buterbaugh will be the primary attendee, with Eric Staggs as alternate.

Galen Buterbaugh, Technical Advisor

Eric Staggs, Vice President

Greg Weeks, President

18520 N West Shore Rd | Nine Mile Falls WA 99026 | www.lakespokaneassociation.org

STATE OF WASHINGTON

DEPARTMENT OF HEALTH

101 Israel Road SE □ PO Box 47905 □ Olympia, Washington 98504-7905
Tel: (360) 236-3900 □ FAX: (360) 586-2655 □ TDD Relay Service: 1-800-833-6388

March 12, 2012

Mr. James Bellatty
Washington State Department of Ecology
Eastern Regional Office, Water Quality Program
4601 N. Monroe Street
Spokane, WA 99206-1295

Re: Memorandum of Agreement Regarding Spokane River Regional Toxics Task Force
Department of Health Contract Number N19455

Dear Mr. James Bellatty:

The Department of Health agrees to enter into the above-mentioned Memorandum of Agreement by signing below.

The agreement states that it may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Please send the agreement including all signatures of signing members to the address provided below.

Thank you.

Sincerely,

Cindy Thompson 3/12/12

Contracting Officer Signature (print name) Date
Department of Health
Contracts Management Unit
PO Box 47905
Olympia, WA 98504-7905
(360) 236-3936

SPOKANE REGIONAL HEALTH DISTRICT

1101 West College Avenue
Spokane, WA 99201-2095

509.324.1500 | TEL
509.324.1464 | TDD
www.SRHD.org

By signing this Memorandum of Agreement the Spokane Regional Health District shall not be obligated to provide funding for the Spokane River Regional Toxics Task Force.

IN WITNESS WHEREOF, the party hereby signs this Agreement:

SPOKANE REGIONAL HEALTH DISTRICT

Lloyd Lee Smith 2/29/12

Lloyd L. Smith Date
Administrator

Spokane River Regional Toxics Task Force
MOA January 23, 2012
File Name: SRRTTF MOA Final 1-23-2012.docx

Signed On: Feb. 9, 2012

Washington State Department of Ecology

By: _____

Title: Director

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Mr. Jim Bellatty
Water Quality Section Manager
Washington Department of Ecology
4601 North Monroe Street
Spokane, Washington 99203

Dear Mr. Bellatty:

The U.S. Environmental Protection Agency Region 10 is writing this letter to affirm our commitment and participation in the Spokane River Regional Toxics Task Force (Task Force). The EPA is committed to the goals of the Task Force to develop a comprehensive plan to bring the Spokane River into compliance with applicable Clean Water Act water quality standards for Polychlorinated Biphenyls (PCBs).

To show our support, we are assigning two EPA senior staff to participate in the Task Force, Don Martin and Mary Lou Soscia. Don Martin is based in Coeur d'Alene, Idaho and will be providing facilitation services to the Task Force until a Task Force Facilitator and Coordinator is hired. At that time, Don will represent the EPA in the Task Force, focusing on the development of implementation actions to reduce PCBs and other toxics and will be able to attend Task Force meetings in person. Mary Lou Soscia, EPA Columbia River Basin Coordinator, is also periodically available as a senior policy and technical advisor drawing on her work in the Columbia River Basin Toxics Reduction Working Group. She has significant expertise in collaboration and funds management and will provide advice to Don in these and other areas as appropriate.

I also want to apologize for the EPA's not meeting the November 29, 2011, deadline for submission of comments on the Spokane Regional Task Force Draft Memorandum of Agreement (MOA). I understand that by now you have been provided the EPA comments for Task Force Review. I also understand that the Task Force participants are in the process of signing the November 29th version of the MOA. Due to our late submittal of comments, and our desire to not delay the current signature process that is underway, we will not be signing the MOA at this time but will do so in the near future as described below. Despite the fact that we are not signing the MOA at this time, the EPA remains committed to the goals of the task force and will continue our active participation.

As you know, we are currently involved with the development of NPDES permits for the three Idaho dischargers to the Spokane River. As noted in the Introduction of the November 29th version of the MOA, "*This MOA can be amended to accommodate the addition of the Idaho NPDES permittees discharging to the Spokane River....*" We are interested in having any concerns that we may have discussed with the Task Force incorporated into the MOA at the time the Idaho NPDES permits are final. Therefore, in order to not interfere with the current signatory process underway we would like to postpone our becoming signatory to the MOA until the final issuance of the Idaho NPDES permits and also capture any other amendments at that time.

In my August 26, 2011, letter to the three Idaho dischargers, I indicated our strong support for the formation of the Task Force and encouraged their participation. I assure you that the EPA firmly supports the goal of the Task Force to address clean up of PCBs and other toxic materials in the Spokane River watershed. We plan to continue our active participation on the Task Force, and we look forward to further progress in Spokane River watershed restoration. If you have any questions or need further information regarding the EPA's involvement in the Task Force, please contact Don Martin at (208)665-0458, or Mary Lou Soscia at (503)326-5873.

Sincerely,

Michael A. Bussell, Director
Office of Water and Watersheds

cc: Mr. Dan Redline, Regional Administrator, Idaho Department of Environmental Quality

Mr. Barry Burnell, Administrator, Water Quality Division, Idaho Department of Environmental Quality

Mr. Kelly Susewind, Manager, Water Quality Program, Washington Department of Ecology

AVISTA

February 16, 2012

Mr. James M. Bellatty
Section Manager
Water Quality Program
Washington Department of Ecology
N. 4601 Monroe Street
Spokane, WA 99205-1295

Dear Mr. Bellatty:

I am writing to express Avista's support of and interest in participating in the Spokane River Regional Task Force (Task Force). As you noted in your February 7, 2012 letter, the Task Force established a Memorandum of Agreement (MOA), which memorializes the intent of the required participants. Avista agrees to participate in the task force and abide by the key concepts of consensus and mutual respect in communications; however, we do not believe it is necessarily appropriate for us to be a signatory party to the MOA itself.

Even though we are foregoing the opportunity of being a voting member of the MOA, we look forward to working with the Task Force as a community participant, and will look for opportunities to coordinate our efforts with those of the Task Force. This is especially important, given the wide range of ongoing work related to the Spokane River that we are all involved in.

We wish Ecology the best in continuing its efforts with and through the Task Force, and again are happy to continue our work together. Please feel free to call me at (509) 495-2941 if you have any questions or wish to discuss our decision pertaining to our role in the Task Force.

Sincerely,

Bruce Howard
Director, Environmental Affairs

Spokane Tribal Natural Resources
P.O. Box 100 • Wellpinit, WA 99040 • (509) 258-9042 • fax 258-9600

MEMORANDUM

February 21, 2012

Mr. Jim Bellatty
Water Quality Section Manager
Washington Department of Ecology
4601 N. Monroe Street
Spokane, Washington 99203

RE: Spokane River Regional Toxics Task Force Memorandum of Agreement

Dear Mr. Bellatty:

The Spokane Tribal Natural Resources Department ("Department") is writing to inform you that at this time the Spokane Tribe will not be a signatory to the Spokane River Regional Toxics Task Force Memorandum of Agreement ("MOA") for reasons described below. The Department recommended this action to the Tribe's leadership and they gave their concurrence. Regardless, the Tribe plans to be an active participant in the organization and is committing funds for the Task Force's administration.

For the following reasons it would be premature for the Tribe to sign the MOA. First and foremost, the Tribe is extremely concerned about the outcome of EPA's decision making process in reviewing Idaho's proposed fish consumption rate ("FCR"), and its influence on the Task Force's goals. The Tribe does not want its participation within the Task Force to be viewed as supporting the 17.5 grams/per day FCR currently proposed by Idaho. Second, EPA has now stated publicly that it does not intend to sign the MOA until it finalizes the NPDES permits within Idaho. Accordingly, it would be imprudent for the Tribe to approve an MOA prior to the EPA, a federal agency that owes a trust responsibility to the Tribe. Third, there are several pending legal actions in both federal court and Washington's Pollution Control Hearings Board that may affect the Task Force, and the Tribe does not want its participation/signature to be used as a sign of approval/disapproval of any of the participating sovereigns' actions. Those legal proceedings should be judged on the law and regulations, and not on which parties support the sovereigns' activities.

The Tribe will always support actions in the region that have the potential to improve the water quality of the Spokane River. Accordingly, the Tribe fully supports the mission of

the Task Force, which is to bring the Spokane River into compliance with applicable water quality standards for PCBs, and it will participate with the group as much as possible. But until that time when the above issues are resolved it will not be a signatory to the MOA. If you have any questions or need further information regarding the Tribe's involvement, please contact Brian Crossley at 509-626-4409.

Sincerely,

B.J. Kieffer
Director
Spokane Tribal Natural Resources Department

cc: **Greg Abrahamson**, Chairman, Spokane Tribal Business Council
Brian Crossley, Water Resource Program Manager, Spokane Tribal Natural Resources Department
Dennis McLerran, Regional Administrator, Region 10, EPA
Michael A. Bussell, Director, Office of Water and Watersheds, EPA
Christine Psyk, Associate Director Office of Water and Watersheds, US EPA
Mr. Kelly Susewind, Manager, Water Quality Program, WDOE

ATTACHMENT B – SRRTTF INITIAL WORK PLAN (2012) AND MILESTONES/SCHEDULE

Spokane River Regional Toxics Task Force (SRRTTF)

First Draft Work Plan

Adopted 10-24-2012

Vision: *The Regional Toxics Task Force will work collaboratively to characterize the sources of toxics in the Spokane River and identify and implement appropriate actions needed to make measurable progress towards meeting applicable water quality standards for the State of Washington.*

INTRODUCTION/BACKGROUND

The Spokane River Regional Toxics Task Force (SRRTTF) has been formed through the execution of a Memorandum of Agreement (MOA), as required by permit conditions in the NPDES permits for the Washington Spokane River wastewater dischargers. The overarching goal for the SRRTTF is to develop a comprehensive plan to bring the Spokane River into compliance with applicable water quality standards for PCBs. The MOA identifies a goal of developing a work plan for the years 2012 through 2016 by the end of December 2012. The MOA indicates that the work plan should address the following six work elements:

1. Approach for and analysis of existing data on PCB and other toxics on the Washington 2008, Category 5, § 303(d) list to (1) understand what is known, (2) identify data gaps, and (3) determine where additional characterization of amounts, sources and locations is needed.
2. Development and implementation of a Monitoring Plan for the Spokane River that, (1) establishes the baseline conditions for PCBs and the other identified toxics, (2) monitors and assesses the effectiveness of toxic reduction measures, and (3) can be adapted to take into account newly generated data and sampling techniques.
3. Identification or establishment of a publicly accessible clearinghouse for storing data, reports, Task Force meeting minutes or summaries, and other information gathered or developed by the Task Force and its members.
4. Review of proposed Toxic Management Plans, Source Management Plans, and BMPs.
5. Approach for preparing recommendations to control and reduce point and nonpoint sources of PCBs and other toxics, on the Washington 2008, Category 5, 303 (d) list, to the Spokane River.
6. Public education needs and approach, including pollution prevention and public and environmental health determinations.

This document, once approved by the SRRTTF members, will constitute the First Draft Work Plan for the Spokane River Regional Toxics Task Force.

WORK PLAN DEVELOPMENT PROCESS

The work plan is meant to be a dynamic living document, which will be an effective management tool to be used by the SRRTTF toward accomplishing the goals of the SRRTTF. As such, the work plan will evolve and become more detailed and specific as the task force learns more about PCBs in the Spokane River. There will be at least three levels of work plan development adopted by the SRRTTF:

- First Draft Work Plan—This document is the first draft of the work plan, and is a high level description of the work element activities that are anticipated for the SRRTTF. It does not have the benefit of input from the yet-to-be hired SRRTTF technical consultant (referred to as a technical advisor in the MOA) regarding the specific approaches to the work elements.
- Technical Consultant Work Plan—The Technical Consultant Work Plan will be developed by the technical consultant after they have been hired, and when a Phase 1 detailed scope of work has been negotiated with the technical consultant. The Technical Consultant Work Plan will be specific and detailed regarding the review of existing data and analysis, the approach to identifying data gaps, and the approach to collecting additional data necessary to characterize and quantify PCBs in the Spokane River.
- Annual Work Plan Update—The Technical Consultant Work Plan will be formally revised and adopted annually by the SRRTTF, based on new information gained during the previous year. Ultimately, after PCBs have been characterized and quantified, the annual updated work plans will provide details related to assessing Best Management Practices (BMPs), development of plans for implementation of reduction measures, effectiveness monitoring, and other appropriate implementation tracking measures.

DEFINITIONS AND MEANINGS

For purposes of this document, the following definitions and meanings shall apply:

Analytical Models or Analytical Modeling means tools used for the scientific analysis of data, such as Excel spreadsheets, computer modeling software, or other similar tools for processing data sets.

Comprehensive Plan for purposes of this document means a report that will be prepared near the end of Work Plan Element 1 that describes the data, describes the analytical modeling process including key assumptions, describes the outcome of the analytical process, identifies available BMPs, assesses the potential effectiveness of BMPs, recommends a plan for implementation of BMPs that are potentially suitable toward toxic reduction in the Spokane River Watershed, and recommends an implementation plan.

First Draft Work Plan, Technical Consultant Work Plan, and Annual Work Plan means this document and all of its subsequent revised versions.

Monitoring Plan for purposes of this document means a document that describes how a baseline condition for the Spokane River will be established, and then how sampling in the Spokane River will be conducted in the long term to assess the effectiveness of the toxic reduction measures.

Sampling and Analysis Plan is a document that describes where samples will be taken, frequency of sampling, sampling protocols, laboratory protocols, and other detailed procedures for obtaining data. The Sampling and Analysis Plan is often included in, or is synonymous with **Quality Assurance Project Plan.**

Whenever this document references **PCBs, toxics, other toxics, or other identified toxics** it shall mean that the intention is to consider both PCBs and Dioxins, as listed on the Washington 2008, Category 5, § 303(d) list.

WORK PLAN ELEMENTS

The MOA identifies six work plan elements, which will be addressed in this First Draft Work Plan. Subsequent revisions to the work plan may result in the addition of work plan elements, or the consolidation of work plan elements, as appropriate.

Work Plan Element 1.—Data review, data gap evaluation, analysis, and implementation plan

It is anticipated that Work Plan Element 1 will be accomplished in four discreet phases:

- Phase 1—Review of existing data and reports, development of a data gaps assessment with recommendations for additional sampling, preparation of a Quality Assurance Project Plan for collection of additional data, and recommendation of analytical modeling tools to be used in Phase 3. Phase 1 will also include development of the Technical Consultant Work Plan referenced above
- Phase 2—Collection of additional data
- Phase 3—Analysis of data to characterize and quantify PCB sources
- Phase 4—Assessment of potential BMPs and development of a BMP implementation Plan

PHASE 1

Initially, all existing PCB data for the Spokane River watershed will be collected and reviewed by the SRRTTF technical consultant for quality, accuracy, applicability, and for use in future PCB analytical models.

After reviewing existing data and other available information on PCBs in the Spokane River, the technical consultant will develop recommendations for analytical modeling that will be used in Phase 3 to characterize and quantify PCBs in the Spokane River watershed. The Phase 3 analytical model will be used to characterize and quantify sources and sinks of PCBs in the watershed, and shall accommodate the seasonal variability in watershed runoff conditions. The analytical model will be capable of being refined over time as new information becomes available. The analytical model shall also complement and be compatible with the monitoring plan that is defined under Work Element 2 below.

Based on the review of data, and on the recommended analytical modeling approach, the technical consultant will provide an assessment of data gaps, and will address the adequacy of the existing data for performing the analytical work to characterize and quantify PCBs in the Spokane River. The assessment of data gaps will include recommendations for additional sampling necessary for the analytical modeling to characterize and quantify PCBs.

The recommended analytical modeling approach and proposal for additional data collection will be reviewed and approved by the SRRTTF members prior to execution of the following work elements.

Based on the Data Gaps Analysis, the technical consultant will prepare a recommended sampling and analysis plan for quantification and characterization of PCBs throughout the Spokane River watershed, including results by specific appropriate Spokane River segments. The outcome will lead to an inventory of sources and sinks by source category, by watershed geographic areas, and by river segments starting at the outlet of Lake Coeur d'Alene, and progressing downstream to the initial boundary of the jurisdiction of The Spokane Tribe of Indians.

The technical consultant will prepare a Quality Assurance Project Plan (QAPP) that documents the sampling and analysis plan for data collection, sample collection methods, analytical protocols, and data management, to ensure that all resulting data is of adequate and consistent quality for use in the analytical modeling efforts. The QAPP will be submitted to the SRRTTF for review and approval, and then to Ecology for review and approval.

The Sampling and Analysis Plan, and the QAPP, will identify who will perform specific sampling and analysis. For example, the sampling could be jointly performed by staff

from Ecology, staff from Tribes, staff from wastewater management agencies, and staff from the technical consultant.

PHASE 2

Then the sampling and analysis plan will be undertaken and completed by the parties that have been identified in the plan. The result of Phase 2 will be a sufficient data set to characterize and quantify PCB's using the analytical model selected for Phase 3.

PHASE 3

Following the collection of a sufficient data set to perform a scientifically defensible analysis to quantify and characterize PCBs in the Spokane River watershed, the technical consultant will perform the analysis in accordance with the previously approved analytical methodology.

The outcome of the analysis will be a detailed inventory of sources and sinks by source category, by watershed geographic areas, and by river segments starting at the outlet of Lake Coeur d'Alene, and progressing downstream to the terminus of the Spokane River.

PHASE 4

Following completion of the analysis, a comprehensive plan will be prepared that summarizes the sources of PCBs in the Spokane River, identifies potential BMPs, and recommends an implementation plan for measures (BMPs) to reduce PCBs in the Spokane River watershed.

<u>Work Plan Element 2.—Development and implementation of a Monitoring Plan</u>

Work Plan Element 2 should be done in conjunction with Phase 1 of Work Plan Element 1 described above.

The Technical Consultant, working with Ecology and the SRRTTF, will prepare a recommended monitoring plan for establishing (1) a baseline for PCBs; and (2) a system for monitoring of PCBs over time to assess the effectiveness of source reduction efforts in the Spokane River watershed, and (3) can be adapted to take into account newly generated data. The baseline condition in the Spokane River watershed will be determined based on a combination of existing data and additional data collected to fill in the data gaps. The monitoring plan will recommend how to divide the watershed into regions, how to divide the Spokane River into segments, and frequency of monitoring for purposes of long term tracking.

Routine PCB monitoring conducted by agencies, wastewater dischargers and The Spokane Tribe of Indians will be considered when developing the Monitoring Plan. It is

assumed that multiple parties will assume responsibility for implementing elements of the monitoring plan.

Work Plan Element 3.—Establish a publicly accessible information clearing house

Work Plan Element 3 should commence immediately, and continue for the duration of the SRRTTF activities.

The following scope of work is included in the Ecology contract with the Ruckelshaus Center, who has been retained to perform facilitation for the SRRTTF.

> *"Facilitate the development of standards for maintenance of the Task Force web page. Set up an independent web page on behalf of the Task Force that is transferable. Manage and update the web page in accordance with the standards. Ensure that the web page is an effective public communications tool, and is a timely representation of Task Force activities."*

For purposes of this First Draft Work Plan, it is assumed that this scope of work will satisfy Work Plan Element 3, and that the Ruckelshaus Center will conduct this effort so long as they are contracted with the SRRTTF to provide facilitation.

Work Plan Element 4.—Review of Toxic Management Plans, Source Management Plans, and BMPs

Work Plan Element 4 is expected to occur so long as the SRRTTF is active, provided that NPDES permits include conditions related to Toxics Source Control Action Plans.

Each Washington NPDES permittee with a discharge into the Spokane River has a permit condition requiring the permittee to prepare a Toxics Source Control Action Plan. The goals of the plans are to (1) reduce toxicant loadings, including PCBs, to the Spokane River to the maximum extent practicable realizing statistically significant reductions in the influent concentration of toxicants to the treatment facility of the next 10-years, and (2) reduction of PCBs in the treatment facility effluent to the maximum extent practicable so that in time the effluent does not contribute to PCBs in the Spokane River exceeding applicable water quality standards.

To meet these permit conditions, each discharger will undertake certain measures to quantify PCBs and PCB sources in their collection system, and will identify Best Management Practices (BMPs) to reduce or eliminate PCB sources. An annual Toxics Management Report will be prepared by each discharger and submitted to the Washington State Department of Ecology.

The SRRTTF and their technical consultant will review these activities and annual reports in the context of the work that the SRRTTF is performing in the Spokane River watershed, and provide feedback. The goal will be to achieve the highest possible level of consistency and coordination between the efforts of the task force and the permittees

to maximize the effectiveness of the PCB reduction programs. The SRRTTF will not oversee or dictate the NPDES compliance efforts by the permittees, but may offer suggestions in the spirit of regional collaboration.

Work Plan Element 5.—Develop strategy for reduction of point sources and non-point sources of PCBs

Work Plan Element 5 is expected to occur for the duration of the SRRTTF activities.

PCBs were banned from production in 1979 under the Toxic Substance Control Act (TSCA). It was widely believed that TSCA would end the production or presence of new PCBs. However, the fact is that under TSCA, new products may contain concentrations of PCBs, including inadvertently generated PCBs, that are less than an average of 25 parts per million (PPM), with a 50 ppm maximum. There are believed to be more than 200 products in use today containing PCBs approaching these allowable limits.

The SRRTTF will develop a strategy and take measures to encourage the United States Environmental Protection Agency (EPA) to amend the TSCA regulations to fully eliminate PCBs from products manufactured in the United States and from products imported into the United States. As an initial measure, SRRTTF members have brought this to the attention of The Environmental Council of the States (ECOS), who have adopted a resolution that will be sent to EPA. Other organizations that should be targeted for adoption of similar resolutions include the Water Environment Federation, the Association of American Metropolitan Sewerage Associations, and the National Association of Clean Water Agencies.

In addition, a strategy for bringing this to the attention of federal congressional delegates will be developed and implemented.

Reduction of point sources and nonpoint sources of PCB will also be identified by Washington NPDES permittees, as part of their individual permit requirements, within their wastewater systems. The SRRTTF and its technical consultant will be able to review the reduction strategies developed by the permittees.

Considering the PCB sources and sinks identified from implementation of Work Plan Element 1, and the PCB reduction efforts by various parties in the Spokane River watershed, the SRRTTF technical consultant will develop a strategy for reducing point and non-point source PCBs in the Spokane River through improvements to regulations.

Work Plan Element 6.—Develop strategy and measures for public education

Work Plan Element 6 is expected to occur for the duration of the SRRTTF activities.

The SRRTTF, with the assistance of the technical consultant, will undertake a program to identify commonly used products that may contain PCBs, which could be released into our environment. Then, a public education campaign will be developed to utilize broadcast media, print media, direct mailings, and other public education opportunities to inform our citizens about the existing health advisories, effects of PCBs on public health, and on measures that the average citizen can adopt to reduce the amount of PCBs in our environment. The public education materials will include public service announcements as well as printed materials. All public education materials will be approved by the SRRTTF prior to their use. The SRRTTF will communicate the accomplishments to its members and the public.

After BMPs have been identified to reduce PCB sources in the Spokane River watershed, and a BMP implementation plan has been prepared and adopted by the SRRTTF, a public education campaign will be developed to inform the public about the PCB loadings in the watershed, and on the implementation measures that are proposed.

WORK PLAN MILESTONE GOALS

Work plan milestones are shown on the attached figure.

SPOKANE RIVER REGIONAL TOXICS TASK FORCE
WORK PLAN MILESTONE GOALS
AS AMENDED BY SRRTTF ON 10-24-2012

	2012			2013											2014												2015												2016											
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
SRRTTF Administrative Activities																																																	
Form Business Entity																																																		
Issue RFQ and Select Independent Technical Advisor																																																	
Negotiate Contract with Independent Tech. Advisor																																																	
Annual updates of work plan																						•												•												•				
Establish annual budget for following calendar year	•								•													•												•												•				
Work Plan Element 1-Technical Work																																																	
Phase 1-Review of existing Data and Reports																																																	
Phase 1-Prepare a data gaps report																																																	
Phase 1-Prepare a Technical Consultant Work Plan																																																	
Phase 1-Prepare a QAPP for sampling and testing																																																	
Phase 1-Identify and evaluate analytical models, recommend modeling tool																																																	
Phase 2-Collection of data and lab analysis--Dry Season*																																																	
Phase 2-Collection of data and lab analysis--Wet Season*																																																	
Phase 3-Analysis of Data and characterization/quantification of PCB sources																																																	
Phase 4-Assessment of potential BMPs and development of a Comprehensive Plan																																																	
Work Plan Element 2-Development of Monitoring Plan																																																		
Work Plan Element 3-Publicly accessible information clearing house	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Work Plan Element 4-Reviw of Toxic Management Plans, Source Management Plans & BMP's	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Work Plan Element 5-Develop strategy for reduction of point sources & non-point sources of PCB's	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Work Plan Element 6-Develop strategy and measures for public education	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

* Phase 2 sampling may have a duration of multiple years.

LEGEND

Ongoing periodic activities are shown with	• • • •
Activities with estimated durations are shown with	

ATTACHMENT C – PERMITTEE PCB REDUCTION ACTIVITIES TO DATE (SRSP)

Spokane River Stewardship Partners

Working every day for a healthy river

Spokane County • City of Spokane • Liberty Lake Sewer & Water District • City of Coeur d'Alene • City of Post Falls • Hayden Area Regional Sewer Board
Avista • Inland Empire Paper Company • Kaiser Aluminum

SRSP Measureable Progress

A Summary of Collective SRSP – PCB Reduction Activities

I. Overview

The Spokane River Stewardship Partners (SRSP) have been participating in an innovative and holistic effort at removal of PCBs in the Spokane watershed as part of the (Spokane River Regional Toxics Task Force (SRRTTF or Task Force) for over two years. The SRSP provide time, resources and funding to the direct operation of the Task Force. In addition, each SRSP member has invested significantly in their individual facility investigations and implementation of facility improvements that will result in reductions in PCB loading to the Spokane River.

II. General Activities

General activities that specifically address PCBs in the Spokane watershed that have been conducted by SRSP members include:

- Direct and external funding of SRRTTF operations
- Consumer product work and implementation of a PCB products sampling study
- TSCA reform and TSCA Coalition
- Assisting in conducting workshops
- Staffing ACE (the Administrative and Contracting entity of the Task Force)
- Education and Outreach amongst constituent groups
- Supporting (and at times leading) media strategies
- Preparation of toxics management plans for municipalities
- Assistance in coordinating the preparation of the SAP/QAPP for the synoptic sampling event with LimnoTech (and proposing sample assessment methodology)
- Funding of and coordination with the SRRTTF technical consultant
- Participating in the preparation of the Chemical Action Plan developed by Ecology
- Implementation of source trace studies
- Cleanup efforts directed toward PCBs in storm water and CSO retrofits
- Commitment to green stormwater infrastructure
- Seeking additional funding opportunities
- Adopted an ordinance prohibiting City of Spokane department purchase of PCB-laden products
- Adoption of an Integrated Clean Water Plan, which outlines the City of Spokane's present and future efforts to significantly reduce its PCB discharges to the Spokane River.
- Discharge water quality monitoring
- Surface water and groundwater monitoring

III. Specific Actions Resulting in Measureable Progress

In addition to the general activities listed above, each SRSP member has been responsible for investments in specific treatment plant improvements and/or source removal that will reduce the overall loading of PCBs in the watershed. Table 1 summarizes the quantity of PCB removed through 2013 or as otherwise noted via implementation of treatment plant upgrades and source removal activities. As SRSP members continue to implement treatment system upgrades, install advanced treatment systems and reduce PCBs in stormwater, additional removal of PCBs is expected to occur.

Idaho permittees initiated monitoring for influent and effluent PCBs in 2014. Upon obtaining a more robust dataset, this table will be updated to include the mass removed from the system by the City of Post Falls, Hayden Area Regional Sewer Board, and the City of Coeur d'Alene. Preliminary results suggest similar removal results to other treatment facilities along the river.

Table 1

Summary of Washington SRSP Member Improvements [(a)]

SRSP Member	Total Estimated Treatment System PCB Removal (grams)	Internal or Collection System PCB Removal (grams)
City of Spokane	3060 [e]	157[e]
Spokane County	398[f]	
Kaiser	735[c]	6,532[d]
Liberty Lake Sewer and Water District	41.3 [b]	
IEP	2086[g]	

(a) Best estimate based on best available data collected under multiple QAPPs and SAPs.
(b) Since 2006 treatment plant upgrade, through 2014.
(c) Since Walnut Shell Filtration System installed on process water discharge in April 2003.
(d) Internal conveyance system cleanout actions conducted under Ecology approved work plans.
(e) 2010 through 2014 RPWRF PCB removal; 1 g/year CSO reductions applied to 2010-2014 time frame only. Internal collection system removals include remedial maintenance and catch basin maintenance 2010-2014.
(f) December 2011 through August 2014
(g) Since the installation of IEP's integrated recycling system in 1991

ATTACHMENT D – EPA 2013 DOCUMENT REGARDING ALTERNATIVE TMDL APPROACHES

A Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program

The Clean Water Act Section 303(d) Program provides for effective integration of implementation efforts to restore and protect the nation's aquatic resources, where the nation's waters are assessed, restoration and protection objectives are systematically prioritized, and Total Maximum Daily Loads and alternative approaches are adaptively implemented to achieve water quality goals with the collaboration of States, Federal agencies, tribes, stakeholders, and the public

"Prioritization**"** For the 2016 integrated reporting cycle and beyond, States review, systematically prioritize, and report priority watersheds or waters for restoration and protection in their biennial integrated reports to facilitate State strategic planning for achieving water quality goals

"Assessment**"** By 2020, States identify the extent of healthy and CWA Section 303(d) impaired waters in each State's priority watersheds or waters through site-specific assessments

"Protection**"** For the 2016 reporting cycle and beyond, in addition to the traditional TMDL development priorities and schedules for waters in need of restoration, States identify protection planning priorities and approaches along with schedules to help prevent impairments in healthy waters, in a manner consistent with each State's systematic prioritization

"Alternatives**"** By 2018, States use alternative approaches, in addition to TMDLs, that incorporate adaptive management and are tailored to specific circumstances where such approaches are better suited to implement priority watershed or water actions that achieve the water quality goals of each state, including identifying and reducing nonpoint sources of pollution

"Engagement**"** By 2014, EPA and the States actively engage the public and other stakeholders to improve and protect water quality, as demonstrated by documented, inclusive, transparent, and consistent communication; requesting and sharing feedback on proposed approaches; and enhanced understanding of program objectives

"Integration**"** By 2016, EPA and the States identify and coordinate implementation of key point source and nonpoint source control actions that foster effective integration across CWA programs, other statutory programs (e.g., CERCLA, RCRA, SDWA, CAA), and the water quality efforts of other Federal departments and agencies (e.g., Agriculture, Interior, Commerce) to achieve the water quality goals of each state

Timeline for Goal Statements
2014 – Engagement
2016 – Prioritization, Protection, Integration
2018 – Alternatives
2020 – Assessment (Site-specific)
2022 – Evaluate accomplishments of the Vision and Goals

Purpose

The purpose of this document is to describe a new, long-term Vision and associated Goals for the Clean Water Act Section 303(d) Program, as well as present implementation plans for achieving the Vision and Goals. Recognizing the significant input from individual states and the Association of Clean Water Administrators (ACWA), EPA is pleased to present this Vision and these Goals to help guide the realization of our clean water goals in a manner that best reflects lessons learned from the past two decades of CWA 303(d) Program implementation and that anticipates new challenges that are likely to present themselves in the coming years.

How Have We Gone About the Task?

EPA and State program managers launched the effort to develop a new long-term Vision and Goals for the program in August 2011. Following a number of discussions and meetings with program managers and staff, the States generated a comprehensive "wish list" of potential program improvements that was then distilled into key issue threads. Over the span of several months, State and EPA participants discussed these issue threads and formulated both a working draft Vision and six Goal statements that would significantly contribute to achieving that Vision.

Throughout the development of the Vision and Goals, EPA and the States were guided by the preeminent importance of successful implementation of our CWA assessment, restoration, and protection activities, in the context of ensuring the use of good scientific and technical information and methods, having appropriate and relevant water quality standards, engaging individuals and organizations that have a role in reducing nonpoint as well as point sources of pollution, facilitating the use of listing and TMDL information by stakeholders, and assessing results to guide adaptive management strategies. EPA and the States recognize that the CWA Section 303(d) Program is only one part of the CWA and one part of how we can drive water quality attainment, but it is a key part – translating the water quality standards and goals of States into analyses and pollution reduction targets that describe a path to clean water. In the summer of 2012, the States and EPA provided the draft Vision and Goals to external stakeholders for their review. As a result of that stakeholder review, additional modifications were made to this document, including clarifications of the Goal statements.

In a parallel effort, in the fall of 2012, the States and EPA also initiated a workgroup to discuss creation of measures that would help track the CWA 303(d) Program's success in light of the new Vision and Goals. The workgroup was tasked with developing a new measure or a set of metrics that would balance (1) State diversity in implementing the Vision and its Goals, (2) the need for national aggregation of information to communicate overall program progress, and (3) guiding principles for measures compiled by the States and EPA over the previous year (for example, measures that reflect incremental progress, are outcome-oriented, and consider reporting burden).

The revised Vision and Goal statements were presented (along with several suggested approaches for program measures, and preliminary implementation plans for Prioritization and Assessment Goal statements), and well–received, at the February 2013 ACWA mid-year meeting.

To provide more detail on the path for achieving the long-term Vision and Goals of the CWA 303(d) Program, the States and EPA developed implementation plans for each Goal statement that contain action milestones and timelines to help States build their individual strategies to achieve the CWA

303(d) Program Vision. These Vision Goal Statements and their implementation plans and milestones, reflect discussions among almost every State, three Tribes, the District of Columbia, Puerto Rico, an interstate organization and EPA at an April 2013 State/EPA Workshop. While no Tribe currently administers the CWA 303(d) Program, Tribal, State and EPA representatives recognize the importance of Tribal perspectives and concerns in implementing the CWA 303(d) Vision.

The revised Vision and Goals , along with the near-final draft implementation plan, were presented at the ACWA meeting in August 2013. Additionally, external stakeholder input was sought on that draft. The product of these extensive efforts is today's version of the Vision and what the States and EPA are now implementing.

Important Considerations

The Vision and Goals presented here are designed to help coordinate and focus EPA and State efforts to advance the effectiveness of the Clean Water Act Section 303(d) Program direction in the coming decade. Prior to this effort, CWA 303(d) Program direction largely had been described through broader CWA program management goals and specific performance measures, such as the EPA's annual National Water Program Guidance and the States' water quality commitments. It is expected that such program goals and performance measures will evolve to reflect this new long-term Vision and Goals, with such changes being proposed and reflected as a part of those processes.

This new, long-term Vision and associated Goals are not regulation, policy, or new mandates. They do, however, provide focus for EPA and State efforts to better manage the CWA 303(d) Program activities to achieve water quality goals for the Nation's aquatic resources such as streams, rivers, lakes, estuaries and wetlands. States and EPA retain their flexibility in how they implement their CWA 303(d) Program responsibilities (including, specifically, identification of impaired waters and development of TMDLs) consistent with existing statutory and regulatory authorities and their individual priorities.

The Goal statements are presented in an order beginning with the cornerstone Goals of Prioritization and Assessment – with the Prioritization Goal as the foundation to guide planning and implementation of the other Goals, and the Assessment Goal to develop a full understanding of the condition of priority areas identified. The next two Goals of Protection and Alternatives pertain to actions that a State may consider to advance its water quality objectives, in addition to TMDL development. Finally, under the Integration and Engagement Goals, coordination of the CWA 303(d) and other CWA program objectives and involvement of stakeholders around mutually identified priorities are key themes to deal with the technical challenges of water quality restoration and protection, limited funding and other resources, and the specific objectives of individual States and their public. The Engagement Goal is a key means to implement the Vision and as a result, is expected to be initiated immediately.

States and EPA encourage their CWA 303(d) Program managers to adopt the Vision concept. We anticipate this Vision will be implemented at two levels. At one level, State and Federal program managers work together and measure their collective progress. At another level, States individually employ their specific strategies to achieve the overall Program Vision and their own specific goals; in concert with the public, States may develop a Vision strategy that outlines a comprehensive, integrated, and iterative approach to addressing the challenge of achieving and communicating water

quality improvements. We believe such State-level Vision strategies can be generated through evaluating the Goals of the long-term Vision at the individual State level. The intent is to generate, through thoughtful discussion and debate, ideas and information on workable approaches for developing and implementing State efforts to achieve the Goals of the Vision and, ultimately, each State's water quality standards. Thus, there will likely be variability in State strategies to achieve the Vision.

Relationship to EPA Strategic Plan Measures for the CWA 303(d) Program

There are also implications for reshaping relevant EPA Strategic Plan measures that reflect the new Vision and Goals. Previous performance measures for the Program have served to draw attention and effort to areas important during those times, such as tracking the number of TMDLs approved. Although it is expected that TMDLs will continue to be the primary feature of the Program, the Program will become better positioned as States and EPA work with stakeholders to carry out this Vision and Goals, to meaningfully capture implementation success through a new measure. States will have flexibility in developing strategies to achieve their Vision Goals, producing information that national tracking will report through a new national measure, and additional metrics, to communicate overall progress and provide accountability.

A workgroup of States and EPA is developing a metric to replace, by FY 2015, the simple tally of TMDLs completed with one that measures the extent of State priority waters addressed by TMDLs or alternative approaches in impaired waters or by protection approaches in waters of existing good quality. The metric will have a defined universe, baseline, and annual targets. Recognizing that TMDLs and alternative approaches may take several years to be developed, and that States engage in actions outside of priority areas, a complementary measure also is envisioned to track incremental progress toward development of TMDLs or alternative approaches in priority areas, as well as such activities outside of priority areas. This complementary metric approach will provide the opportunity for States not only to report on their focused progress within their priority waters, but also to communicate overall progress.

Prioritization Goal

For the 2016 integrated reporting cycle and beyond, States review, systematically prioritize, and report priority watersheds or waters for restoration and protection in their biennial integrated reports to facilitate State strategic planning for achieving water quality goals

The intent of the Prioritization Goal is for States to express CWA 303(d) Program priorities in the context of the State's broader, overall water quality goals. The CWA 303(d) Program provides an integrating function because it translates state water quality standards into pollution reduction targets for the point source permitting and nonpoint sources management programs as well as other programs outside the CWA. Linking the CWA 303(d) Program priorities with those of other programs can aid in strategically focusing limited State resources to address priority waters through water quality assessments, TMDL or alternative approaches, water quality protection strategies, implementation actions and follow-up monitoring. Establishing CWA 303(d) Program priorities will lead to more efficient and effective program management, yielding faster progress toward water quality improvement and protection.

While existing CWA 303(d) statutory and regulatory obligations remain in force (including requirements to identify impaired and threatened waters and develop TMDLs for such waters according to a priority ranking and schedule), we believe these requirements can be implemented through the lens of a State's prioritization framework. Prioritization provides a framework for focusing the location and timing of TMDL development efforts and/or alternative actions that are best suited to the water quality goals of each state. In addition to identifying high priority waters, it is also important to identify those waters that will be a lower priority for TMDL development.

The State's CWA 303(d) priority framework should be transparent to the public and clearly address how the States will implement the CWA 303(d) Program Vision and work toward the associated Goals over the next decade. The priorities provide the foundation to guide the planning and implementation of the other CWA 303(d) Vision Goals, and States and EPA will work collaboratively in defining them. Important venues for such State/EPA collaboration include the Performance Partnership Agreement/Performance Partnership Grant (PPA/PPG) discussions and development of CWA State Water Quality Management Plans and CWA Integrated Reports (IRs). The IR process, with its existing provisions for public notice and comment as well as prioritization for TMDL development, is a logical repository for such State prioritization efforts, even if such efforts are developed in other venues such as PPA/PPGs.

States and EPA envision using existing and emerging tools to help develop the priority frameworks. For example, state-wide probability-based water quality surveys can assist States in identifying, based on the State WQS, particular pollutants/stressors and/or geographic areas of the State that may warrant particular attention. Tools like Recovery Potential Screening are emerging as beneficial to States to consider where to invest their efforts for the greater likelihood of success, based on the traits of their geographic area's environment and communities. Some States may have an existing

prioritization process that addresses many of these issues (e.g., use of the rotating basin approach) and thus, States may include their existing efforts as appropriate.

Milestones and Proposed Timeline

1) ACWA surveys States on their current approaches and rationales to prioritizing water quality restoration and protection (e.g., PPA/PPG discussions, biennial impaired waters list, State Water Plans) to establish a baseline of prioritization philosophy. (2013)
2) States provide to EPA, through ACWA, good examples of systematic prioritization processes/products of States, including emerging TMDL Vision Strategies. (2013)
3) EPA and States collaborate on a workshop to present tools to aid priority-setting, such as the Recovery Potential Tool, Healthy Watersheds Initiative, and wetland restoration priority setting tools, as well as to address data availability issues and develop a template to account for State reporting on priorities for TMDL or alternative approaches. (2014)
4) EPA provides training on tools to assist States in the use of State-scale statistically representative survey results for prioritization. (2014)
5) EPA includes in IR guidance for 2016 examples of how IR reporting process can house/reference State prioritization reports, including the appropriate definition and metric for such reporting. (2015)
6) States house/reference State prioritization reports in 2016 IRs, including: priority lists of waters slated for near term (~2 year) TMDL development or alternative approaches; priority waters scheduled for likely TMDL development or alternative approaches over 2016 - 2022; priority waters awaiting management to protect their current condition from degradation; and/or the strategic rationale of the State in setting these priorities, which may include customized Vision Strategies. (2016)

Assessment Goal

By 2020, States identify the extent of healthy and CWA Section 303(d) impaired waters in each State's priority watersheds or waters through site-specific assessment

The purpose of this Goal is to encourage a comprehensive understanding of the water quality status of at least each State's priority areas. These assessments are a key step in ensuring that appropriate management actions can be taken to protect and restore these waters. Detailed assessments of the nation's waters have been a challenge given the number and extent of waters, the variety of pollutants that could affect them, and the limited resources available to undertake the task. States and EPA recognize that given these challenges it is important to be strategic about how limited monitoring and assessment resources are deployed.

Most states employ a combination of cost-effective monitoring and assessment approaches to address CWA data needs. The most widely used approaches include: targeted data collection to characterize site-specific water quality conditions; statistically representative survey designs to describe water quality conditions across a basin or State; and, modeling, literature values, and reference watersheds to predict water quality conditions or impacts from individual dischargers or sources of pollutants. Advances in technology and data transmission offer potential for improvements in the amount of data available and the efficiency of data interpretation. States and EPA will continue to apply existing tools and explore new ones as appropriate to assess and track changes in the extent of impaired and healthy waters in priority areas, at the State-scale and nationally in order to assess progress toward CWA goals.

A comprehensive understanding of the water quality status of at least the State priority areas is essential to effectively address the water quality challenges in the priority areas and to effectively measure the progress on the CWA 303(d) Program performance. As a general matter, targeted monitoring is expected to be the primary approach for accomplishing the comprehensive assessment of States' priority areas. However, some States may also use the results of state-wide or sub-state representative surveys when the results of such approaches may be compelling enough (i.e., have a high degree of confidence) to support site-specific water quality attainment decisions.

Milestones and Proposed Timeline

1) States and EPA develop and distribute tools to support consistency in cycle-to-cycle tracking of water quality status. (2016)
2) States and EPA develop and publish approaches to ensure linkage between priority waters and assessment units, and how to roll up different State approaches into a National total. (2018)
3) States develop plans to complete "baseline" monitoring to gather needed data to assess pre-implementation conditions in priority areas. (2018)
4) States develop plans to complete "effectiveness" monitoring to gather needed data to assess post-implementation conditions in priority areas. (2018)

Protection Goal

For the 2016 reporting cycle and beyond, in addition to the traditional TMDL development priorities and schedules for waters in need of restoration, States identify protection planning priorities and approaches along with schedules to help prevent impairments in healthy waters, in a manner consistent with each State's systematic prioritization

The intent of the Protection Goal is to encourage a more systematic consideration of management actions to prevent impairments in healthy waters (i.e., unimpaired waters) in order to maintain water quality or protect existing uses or high quality waters. Although protection of healthy waters is envisioned specifically as an objective of the CWA – "restore and maintain the chemical, physical, and biological integrity of the nation's waters" – substantial resources to date have been focused on restoring impaired waters; protection efforts have lagged. Protection and restoration are interdependent goals regarding the "integrity of the nation's waters." Protection of healthy headwaters and wetlands, for instance, helps reduce downstream restoration challenges and costs, while restoration reduces risks to adjacent protected, healthy waters. Successful restoration of impaired waters can lay the foundation for committed and continued protection of those same waters.

Although not all States may ultimately choose to use protection approaches, opportunities for protection within the context of state-wide water quality goals can be an important component to achieving water quality objectives. For example, setting CWA 303(d) Program priorities could involve consideration of the restoration potential of impaired waters adjacent or upstream to healthy watersheds. Such coordinated efforts could lead to realizing more effective results than isolated, individual protection or restoration actions. Also, under the protection Goal, healthy waters at risk of becoming impaired, could be identified as part of the CWA 303(d) Program prioritization process.

Some States have used their CWA 401 certification or antidegradation programs to protect healthy waters and habitats. Some Tribes have also promoted the concept of protection in their water programs. Protection provisions are included in the CWA 303(d) regulations, including the opportunity to establish TMDLs for information purposes ("informational TMDLs") or the need to list threatened waters. EPA is also promoting a voluntary Healthy Watershed Initiative whereby it will work with State and other partners to identify healthy watersheds and to develop and implement healthy watershed protection plans to maintain the integrity of those waters. Likewise, States could consider leveraging their existing work to identify high quality waters and Outstanding National Resource waters for antidegradation purposes.

Milestones and Proposed Timeline

1) ACWA surveys States on their current approaches and rationales to prioritizing protection of healthy waters (e.g., PPA/PPG discussions, State Water Plans, high quality water designations, protection-based TMDLs, etc.) to establish a baseline of priority philosophy. (2013)
2) States provide to EPA, through ACWA, good examples of systematic prioritization processes/products of States, including emerging TMDL Vision Strategies that include aspects of protection. (2013)
3) EPA and States collaborate on a workshop to present tools to aid in protecting healthy waters, as well as to develop a template to account for State reporting on protection priorities and schedules. (2014)

Alternatives Goal

By 2018, States use alternative approaches, in addition to TMDLs, that incorporate adaptive management and are tailored to specific circumstances where such approaches are better suited to implement priority watershed or water actions that achieve the water quality goals of each state, including identifying and reducing nonpoint sources of pollution

The purpose of this Goal is to encourage the use of the most effective tool(s) to address water quality protection and restoration efforts. For the past two decades, many TMDLs have been developed in response to litigation. As a result, States and EPA have not always had the opportunity to objectively evaluate whether a TMDL would be the most effective tool to promote and expedite attainment of State water quality standards. With most of their consent decree and settlement agreement TMDLs completed, States and EPA are using their program experience to make more informed decisions about selecting and using the tools that have the best opportunity to restore and protect water quality.

While TMDLs will remain the most dominant program analytic and informational tool for addressing impaired waters, a major focus of this Goal is to identify, evaluate, and promote (as appropriate) other tools (or "alternatives") that may be more immediately beneficial or practicable to achieving applicable water quality standards under certain circumstances. For example, additional opportunities with long-standing program tools (e.g., Category 4b) will likely be considered along with emerging tools, wherein impaired waters remain on the State's CWA 303(d) list until water quality standards are attained, but are assigned lower priority for TMDL development as alternatives designed to achieve water quality standards are pursued in the near term. If water quality standards are not fully attained through these alternative approaches, development of the TMDL would be necessary.

Recognizing the importance of effective implementation to achieve water quality standards, another major focus of this Goal is to further explore and identify how principles of adaptive management can most effectively be applied to improve water quality whichever restoration tool is chosen. Adaptive management will help the program incorporate new data and information, identify opportunities and actions to pursue under the Integration Goal of the Vision, and iteratively adjust and integrate subsequent implementation actions to meet water quality standards.

Milestones and Proposed Timeline

1) States compile an inventory of current and potential types of State approaches and rationales for pursuing near-term, alternative approaches to the traditional TMDL process (e.g., subcategories of Category 5 for on-going restoration efforts, Category 4b; Category 4c) to address impaired waters. (2014)
2) EPA and States collaborate to identify factors or tools to aid States in deciding to pursue a TMDL or a non-TMDL alternative approach. Such factors or tools will address multiple considerations, including opportunities for a weight-of-evidence approach for selecting a TMDL or non-TMDL alternative approach, as well as identify circumstances where a TMDL or non-TMDL alternative are likely to be more successful. (2014)
3) EPA and States compile a catalogue of good examples for each type of TMDL alternative approach based on the inventory results and guiding principles. (2014)
4) EPA and States collaborate on a workshop and create a blueprint communicating how adaptive management can be applied during the implementation of TMDL and non-TMDL approaches to achieve water quality standards. (2016)
5) EPA and States develop a reporting method for tracking non-TMDL approaches employed and their environmental results. (2017)

Engagement Goal

By 2014, EPA and the States actively engage the public and other stakeholders to improve and protect water quality, as demonstrated by documented, inclusive, transparent, and consistent communication; requesting and sharing feedback on proposed approaches; and enhanced understanding of program objectives

The purpose of the Engagement Goal is to ensure the CWA 303(d) Program encourages working with stakeholders to educate and facilitate actions that work toward achieving water quality goals. Facilitating meaningful engagement with the public and stakeholders on watershed goals, the prioritization processes, watershed restoration plans, and necessary watershed actions related to CWA 303(d) is vital. Levels of engagement range from public outreach and communication efforts to more strategic civic and technical engagement for long-term capacity building in the watershed. EPA and States will further explore the various types of engagement and delineate some of the barriers to, and opportunities for, each level of engagement. In addition, an effort to develop a national message for the program (i.e., "branding") may be beneficial for consistently communicating the Vision and associated Goals to general audiences. Branding of the Program provides a communications umbrella under which States can utilize a common set of talking points for engaging broad audiences, yet have the ability to tailor them when communicating with more specific audiences. It is generally recognized by EPA and States that strategic engagement efforts could be aided by improved communication to develop a CWA 303(d) Program brand that would enable the public to more readily identify and support water quality restoration and protection goals and actions. An engagement strategy for this Goal will consider effective methods currently employed by States, and identify ways engagement efforts and strategies support other Vision Goals such as Prioritization, Alternatives, and Integration.

Milestones and Proposed Timeline

1) States develop (or enhance an existing) framework or strategy to engage the public and other stakeholders. A public engagement strategy will identify key opportunities and actions to: communicate the Vision Goals to the public and other stakeholders and encourage their participation in achieving them; provide information about the purpose and critical importance of the program; and, encourage their participation in the process of listing and developing TMDLs or alternatives. (2014)
2) States develop a framework to ensure they have data to measure each Goal, with the aim of communicating the most relevant outputs and/or outcomes to key stakeholders in their state, and informing the public about their progress and accomplishments. (2015)
3) EPA develops a strategy for communicating results of Federal and State progress in implementing the Program-wide Vision. (2015)
4) States share success stories and/or lessons learned regarding engagement and report to EPA and ACWA. (2017)

Integration Goal

By 2016, EPA and the States identify and coordinate implementation of key point source and nonpoint source control actions that foster effective integration across CWA programs, other statutory programs (e.g., CERCLA, RCRA, SDWA, CAA), and the water quality efforts of other Federal departments and agencies (e.g., Agriculture, Interior, Commerce) to achieve the water quality goals of each state

The intent of this Goal is to integrate the CWA Section 303(d) Program with other relevant programs that play a role in influencing water quality, in order to collectively and more effectively achieve the water quality goals of States, Tribes, and Territories. Because TMDLs are not self- implementing, effective integration of key programs – especially key CWA programs (listing and TMDLs, water quality standards, monitoring and assessment, CWA 319, CWA 404, and NPDES) that encompass assessment and point source and nonpoint source control actions – is important to realize the pollutant reduction goals identified in TMDLs or alternative approaches. It also is important that integration occur among the different offices in charge of CWA programs within a department or agency as well as between and among local, State, Federal and tribal jurisdictions. Interaction between agencies and non-governmental interests also may promote effective implementation. Integration is particularly important for addressing impairments caused by non point sources of pollution, especially in watersheds crossing multiple jurisdictions and those involving different CWA programs. A consequence of not integrating effectively is less successful implementation, especially for TMDLs or alternative approaches that include sources of nonpoint pollution that typically lie outside the regulatory reach of the CWA.

This Integration Goal aims to overcome barriers in coordination by aligning diverse program goals for mutual benefit. To achieve this, cross-program education will be important, in addition to active leadership and engagement among groups managing these key programs. Sharing of institutional knowledge and the history of established networks will enable the next generation of State and EPA employees and managers to sustain integrated successes.

Milestones and Proposed Timeline

1) The following milestones are expected to occur within the States and EPA in parallel efforts.
    a) States and EPA (HQ and Regions) individually bring their CWA programs together to identify areas for improved coordination and partnership and develop a plan for fostering better communication and coordination moving forward. (2014)
    b) States and EPA individually bring other applicable statutory program representatives and partner agencies together to identify areas for improved coordination and partnership and develop a plan for fostering better communication moving forward. (2014)
2) States and EPA communicate the results of these discussions, at the regional level with the pertinent States and EPA Region, or at national level with all States and all EPA Regions and HQ. (2015)
3) ACWA surveys States for good example case-studies of such key collaboration efforts among CWA programs, other EPA statutory programs, or external partner agencies or authorities (as available). (2015)
4) EPA and States collaborate on a workshop to discuss and identify the most important actions, partnerships, and authorities for the States and EPA to pursue in the near-, mid-, and long-term, with each program partner. (2016)
5) States and EPA initiate implementation of near-, mid-, and long-term actions. (2016)