

## MOA Edits (October 23, 2019 Update)

### Background

The Task Force asked the MOA ad hoc group, organized under the Funding Work Group, to work with White Bluffs Consulting to review and make suggested edits to the Task Force MOA and associated Operational and Organizational Concepts, and bring these suggested revisions back to the Task Force for further consideration. The MOA ad hoc group met twice in July to discuss draft revisions made by White Bluffs Consulting (and also edits proposed by Karl Rains, Ecology) to the MOA/Operational and Organizational Concepts document.

Edits identified by the MOA ad hoc group centered around the following:

- Updating Task Force purpose and responsibility to include coordinating implementation of the 2016 Comprehensive Plan for Reducing PCBs in the Spokane River
- Identifying both WA and ID discharger responsibilities to participate in the Task Force based on discharge permits, and combine/edit language related to these responsibilities in appropriate areas (the current language describes adding ID dischargers as a future action)
- Eliminated language that confined Task Force roles and responsibilities to the 2012 to 2016 period, where appropriate
- Included more general terminology relating to discharge permits to acknowledge the different names in WA (NPDES) and ID (IDPES)
- Updated Membership discussion and clarified process for how a new stakeholder member may be added to the Task Force
- Updated roles and responsibilities of certain organizations, and acknowledge IDEQ now administers discharge permits instead of EPA
- Edited discussion of “committees” to “work groups” consistent with Task Force current terminology

The draft MOA changes were discussed with the Task Force at their August 27, 2019 meeting. Then the MOA was sent out for Task Force members to review and provide comments by the end of September 2019. Comments were provided by City of Spokane, City of Post Falls (provided in coordination with other Idaho dischargers), Washington Department of Ecology and EPA.

### Review Comments Summary

#### **MOA**

- Clarifications in the MOA how new members to the Task Force may be added as amendment to the agreement
- Clarifying MOA applies as long as dischargers required in permits to participate on Task Force

- Add new recital – “WHEREAS, the Parties have outgrown the original Memorandum of Agreement and desire to Amend and Restate the Spokane River Regional Toxics Task Force and its Operational and Organizational Concepts for the future, as provided below”
- Other minor wording comments/updates

***Operational and Organizational Concepts***

- Introduction – Acknowledge that the Task Force developed a comprehensive plan and are working to implement the Plan.
- Specific Task Force Goals – Move history to Introduction section and update with future goals
- Stakeholder Membership – remove history info or clarify focus on new members
- Agency and Sovereign Government Membership – make tribal discussion more accurate as Spokane Tribe withdrew from process in 2012
- Additional Government Agency Membership – Add WDFW
- Removal from Membership – clarify parties can also withdraw from task force by written notice
- Roles and Responsibilities
  - Separate Idaho dischargers from WA and describe responsibilities as “Comply with appropriate Task Force related permit conditions” only
  - Update tribal responsibilities (and remove Spokane tribe?)
  - Voting members should be participating financially and functionally
  - Suggest listing WDFW specifically
  - Clarify stormwater agencies
  - Other more minor clarifications of roles and responsibilities
- Organizational Structure – update to include ACE and potentially discuss funding/dues
- Consensus/Decision Making – Leave provision stating Task Force can designate Ex-officio member to run meetings if not using facilitator services
- Task Force Funding
  - Remove outdated language and update with annual work planning, identifying available funding and budgeting process description
  - Note ACE exists in this section as well
- Meeting and Notices
  - Remove outdated language
  - Update discussion on participation to acknowledge remote participation option
  - Regarding not requiring public to identify affiliation, etc., “would be nice to know who is attending the meeting”
  - Timing of notice – make more general and current
- Work Groups – regarding question about notification requirements, suggested that Work Groups strive for an open and transparent process and use the same protocols for meetings and notices as the Task Force
- Task Force Work Plan – Delete outdated info and clarify intent for annual work planning review and approval, including whether Task Force is seeking Ecology approval of work plan, and how approval would be sought.

- Other minor updates/clarifications
- Signature Pages – Each organization should create their own signature page

***Other***

- Washington State AG's office needs to review once Task Force has agreed upon changes

**Recommended Next Steps**

The ad hoc MOA group will be reviewing and discussing the comments on an upcoming conference call and be providing at a future Task Force meeting (December or early in 2020) an updated MOA with additional recommended changes.