

City of Spokane City Clerk File No. _____
Spokane County File No. _____

**MEMORANDUM OF AGREEMENT REGARDING
SPOKANE RIVER REGIONAL TOXICS TASK FORCE
(REVISED MARCH 2020)**

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 principle relative to the organization and governance of the Spokane River Regional Toxics Task Force (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 any time 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” and consistent with the Operational and Organizational Concepts document (Attachment A).

Commented [RK(1)]: TO BE RESOLVED:

Not aware of any executed Amendments to the MOA, but new members (City of CDA, KEA, and WDFW) have signed MOA post 2012. KEA and CDA were confirmed/voted in by membership as documented in Sept 2015 meeting notes.

WG Recommendation for SRRTTF consideration to clarify path to become voting member:

1. Discharge Permittee Membership: requirement in NPDES permit and sign MOA (does not require a vote of the SRRTTF).
2. Stakeholder Membership: voted-in by SRRTTF (unanimity minus one) and sign MOA.

A page memorializing new members (City of CDA, KEA, WDFW, and possibly others) is included and should be executed by the SRRTTF as part of the Revised MOA or as stand-alone Amendment if a Revised MOA cannot be agreed upon by all parties.

Spokane River Regional Toxics Task Force

Revised MOA March 2020

File Name: SRRRTF MOA Final_Revised_20200###.docx

4. Term. This Memorandum of Agreement is effective when signed by all the parties and will continue in effect as long as Washington and Idaho wastewater discharge 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.

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.

Spokane River Regional Toxics Task Force

Attachment A: Operational and Organizational Concepts

(REVISED March 2020)

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Commented [RK(2): Update page numbers once final

Introduction

The 2011 National Pollutant Discharge Elimination System (NPDES) wastewater discharge permits issued by Washington Department of Ecology (Ecology) for facilities discharging into the Spokane River include the requirement for creation of a Regional Toxics Task Force (Task Force). These permits further 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. In 2014, the U.S. Environmental Protection Agency (EPA) issued NPDES wastewater discharge permits to facilities in Idaho discharging to the Spokane River that also included a requirement to participate in the Task Force. Collectively those in Washington and Idaho with facilities discharging in the Spokane River are referred to as “discharge permittees” throughout this document. This document provides an organizational structure, identification of the roles and responsibilities of the membership, and governance structure for formation and implementation activities of the Task Force.

The goal of the Task Force is to develop and coordinate implementation of a comprehensive plan to bring the Spokane River into compliance with applicable water quality standards for polychlorinated biphenyls (PCBs). The Task Force completed the development of a comprehensive plan in 2016 and is working to implement aspects of the plan that identify and reduce PCBs in/to the Spokane River.

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 and support actions for controlling and reducing the sources of listed toxics in the Spokane River.
- Review proposed Toxic Management Plans, Source Management Plans, and best management practices (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.

Commented [LDW3]: There is a 2016 303(d) list. Consider updating (not a need to have)

Commented [LDW4]: 2016

The Washington 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 Total Maximum Daily Load (TMDL) in the Spokane River for PCBs or determine an alternative to ensure water quality standards are met.

The Washington 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 Idaho permits require the permittees to participate in the Task Force under the terms and conditions of this Memorandum of Agreement (MOA) and the Operational Concepts incorporated therein. In June 2018, the Idaho Department of Environmental Quality (IDEQ) received EPA authorization to administer the Idaho Pollutant Discharge Elimination System (IPDES) in place of the NPDES. Future wastewater discharge permits for facilities in Idaho discharging into the Spokane River will be issued by IDEQ.

The following sections provide an update to the Task Force concepts and organizational structure:

- Task Force Vision Statement.
- Task Force Goals Relating to Permit Compliance.
- Task Force Operating Guidelines.

Task Force Vision Statement

The following statement is the Task Force Vision Statement:

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.
- Support implementation of the Task Force [2016 Comprehensive Plan to Reduce Polychlorinated Biphenyls \(PCBs\) in the Spokane River](#); [Task Force Work Plans, as described below](#); and updated priorities and PCB reduction strategies identified collectively by the Task Force through adaptive management.

Commented [LDW5]: Modify after discussion of work plan language

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 following specific goals developed for the Task Force for the 2011 to 2016 permit cycle have been accomplished and/or remain applicable for current discharge permits/permittees:

Commented [LDW6]: Suggest removing this section Originally written for 2011 – 2016 permit cycle No longer relevant. Original language states

- “Within 12 months of 2011”
- “Comp plan”

The language change makes it relevant, but another way to deal with it is to remove the entire section. This would also eliminate any confusion regarding the Task Force having oversight of NPDES permit compliance

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 as long as the Spokane River discharge 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. Membership in the Task Force will include the following groups:

Discharge Permittee Membership

Discharge permittee members of the Task Force shall consist of any private or public entity which is issued a NPDES or IPDES permit for a discharge to the Spokane River, or which includes a permit requirement to participate in the Task Force. The permittee members will have the roles and responsibilities as described below. If an entity does not participate as a member of the Task Force in accordance with the associated 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 discharge permittee members including any authority to determine non-compliance with any 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),

Commented [LDW7]: Differentiate between Member and Non-member advisory capacity:
Voting Member
Non-voting Member
Stakeholder Voting Member
Stakeholder Advisory Non-Member
Eg., Avista is not a member of the TF, but they are listed as a stakeholder member, similar to Lands Council or KEA

Environmental Protection Agency (EPA), 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 and Welfare, Idaho Panhandle Health District, municipal separate storm sewer system (MS4) permit holders, and other appropriate interests. The additional government agency members will have the roles and responsibilities as described below.

Stakeholder Membership

Stakeholders with an interest in joining the Task Force may submit a letter to the Task Force stating the organization's desire and intent to participate as a voting member of the Task Force. New stakeholder members may be added to the Task Force only by a vote of the existing members of the Task Force. Stakeholder members will have the roles and responsibilities as described below.

Commented [LDW8]: Voting or non-voting (e.g., Avista)??? See earlier comment on page above

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 may be removed from the Task Force. Members other than discharge permittee members, may withdraw from the Task Force with written notification to the remaining parties. Discharge permittee and Ex- Officio sovereign and regulatory/governmental members will not be removed from the Task Force; membership is reserved for these entities, even during periods of non-participation.

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 ²	Roles and Responsibilities
Washington NPDES Dischargers: City of Spokane, County of Spokane, Liberty Lake Sewer and Water District, Inland Empire Paper, Kaiser Aluminum, Washington Department of Fish & Wildlife	NPDES Permittee Membership (Voting)	<ul style="list-style-type: none"> • 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.
Idaho NPDES/IPDES Dischargers: City of Coeur D’Alene, City of Post Falls, Hayden Area Regional Sewer Board (HARSB)	NPDES Permittee Membership (Voting)	<ul style="list-style-type: none"> • Comply with appropriate Task Force related permit conditions.
Ecology	Agency and Sovereign Government Membership (Advisory)	<ul style="list-style-type: none"> • 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, 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.

Commented [LDW9]: Remove – inconsistent with language in the permit

Organization ¹	Membership Type ²	Roles and Responsibilities
EPA	Agency and Sovereign Government Membership (Advisory)	<ul style="list-style-type: none"> • 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. • 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 potential grant funding for Task Force activities. • Participate in coordination with Ecology, 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 (Advisory)	<ul style="list-style-type: none"> • 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 relative to compliance with Idaho permits issued. • 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 EPA, Ecology, 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 (Advisory)	<ul style="list-style-type: none"> • 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, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions, as appropriate.

Organization ¹	Membership Type ²	Roles and Responsibilities
Spokane Regional Health District	Additional Government Agency Membership (Voting)	<ul style="list-style-type: none"> • 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 (Voting)	<ul style="list-style-type: none"> • 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	NPDES Permittee Membership (Voting ³)	<ul style="list-style-type: none"> • 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 (Voting)	<ul style="list-style-type: none"> • 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 ⁴	Stakeholder Membership	<ul style="list-style-type: none"> • 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.
<p>Notes:</p> <ol style="list-style-type: none"> 1. It is anticipated that the Task Force will have approximately 15-20 active members. 2. Unless otherwise indicated, parties that sign the MOA will have a vote for decision-making purposes. 3. Stormwater (MS4) agencies (e.g. Spokane County, City of Spokane Valley, City of Spokane, Washington State Department of Transportation, and Washington State University Spokane) may participate on a voluntary basis, unless participation is required by permit. 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. 4. 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. The Task Force Administrative and Contracting Entity (ACE), a Washington State 501(3)(c) nonprofit corporation, was created to provide organizational structure to address the administrative, funding and contractual needs of the Task Force. ACE reports to the Task Force and operates under bylaws, which include the 2012 MOA, as adopted on February 28, 2013. Membership in ACE is defined by the [Bylaws of SRRTTF Administrative and Contracting Entity](#).

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.

A facilitator/administrator or ~~alternate~~ Task Force member (see Meetings and Notices below) will endeavor to reach true consensus on Task Force decisions as follows:

Commented [LDW10]: Suggested change (current verbiage suggests alternate TF members versus primary)

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 discharge 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 discharge 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 discharge permit holder unless it is issued as a permit modification or administrative order, unless the agency and discharge 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. The Task Force Administrative and Contracting Entity, a Washington State 501(3)(c) nonprofit corporation, was created to provide organizational structure to address the administrative, funding and contractual needs of the Task Force. Funding will be required for administrative support, technical support, and implementation activities, as prioritized and approved by the Task Force.

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. 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. Provisions will be made for remote participation whenever possible.

The Task Force will be as open and transparent as possible. A Facilitator/Administrator may be retained to facilitate Task Force meetings. In the event that the Task Force chooses not to retain a facilitator, Task Force members present at each meeting will select/request that a member facilitate the meeting. The Facilitator/Administrator or alternate Task Force member will be selected to take notes at the meetings 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.

Commented [LDW11]: See comment above

The Task Force will strive to meet the following:

- All meetings open to the public.
- 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 means for remote participation (if available).
 - The business to be transacted.
 - Timing of notice – written notice must be delivered to all members of the Task Force at least five business days before the time of the meeting. A special meeting may be held with 24 hours advance notice, but no decisions will be made at special meetings.
 - Notice of change in date, time, location 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 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/Work Groups

The Task Force has the option to form work groups, provided it is determined by the Task Force that the work groups will improve the effectiveness and efficiency of the Task Force. Work groups serve at the will and direction of the Task Force, and provide information for consideration by the full membership of the Task Force. Work groups will strive for an open and transparent process. Each work group will identify a work group lead. The work group lead will be accountable for providing advance notice of meetings and means for remote participation, as available, and for providing regular updates to the Task Force on the efforts, recommendations, and effectiveness of the work group. Work group leads will strive to maintain an up-to-date list of work group participants, and provide timely meeting materials and distribution of meeting notes. Participation in work groups is open to members of the Task Force or non-members at the request of a Task Force member.

Commented [LDW12]: Word choice
Commented [LDW13]: consider deletion

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 plans.
- Provide technical guidance.
- Facilitate technical communications between Task Force members and the public.

Task Force Work Plan

The Task Force will develop and maintain a 'living' work plan, to include specific activities for the upcoming year. The work plan will outline prioritized goals and scopes of work for projects to address those goals. Goals and projects identified in the work plan may shift in priority based on new data and information considered by the Task Force. The work plan should clearly demonstrate a relationship to the implementation of the 2016 Comprehensive Plan, but also should allow flexibility to adaptively respond to revised priorities. The work plan will be updated no less frequently than every other December in order to be an effective tool to pursue legislative funding. The work plan will also be used to track progress in accomplishing the goals of the Comprehensive Plan and other Task Force priorities.

Commented [LDW14]: who is tasked with Work Plan
Why is this in the MOA? Additional process piece. Can it be voted upon and memorialized in meeting minutes?
Can Annual Summary of Accomplishments and Progress (in White Bluffs scope) track progress

Table 2: SRRTTF Membership Summary

Commented [LDW15]: Missing Cd'A Tribe

Organization	Date of Membership	Membership Type	Membership Notes
Liberty Lake Sewer and Water District	12/12/2011	Voting	Required by NPDES permit; signed 2012 MOA
Spokane County	1/10/2012	Voting	Required by NPDES permit; signed 2012 MOA
US Environmental Protection Agency (EPA)	1/27/2012	Advisory	Letter of support; has not signed MOA
City of Spokane	2/3/2012	Voting	Required by NPDES permit; signed 2012 MOA
WA Dept of Ecology	2/9/2012	Advisory	Signed 2012 MOA
Kaiser Aluminum	2/10/2012	Voting	Required by NPDES permit; signed 2012 MOA
Avista	2/12/2012	Advisory	Interested Party, Letter of Support
Riverkeeper	2/15/2012	Voting	Signed 2012 MOA; letter of withdrawal (6/4/2019)
Lake Spokane Association	2/20/2012	Voting	Signed 2012 MOA
The Lands Council	2/28/2012	Voting	Signed 2012 MOA
Spokane Regional Health District	2/29/2012	Voting	Signed 2012 MOA
WA Dept of Health	3/12/2012	Voting	Signed 2012 MOA
Inland Empire Paper	3/22/2012	Voting	Required by NPDES permit; signed 2012 MOA
City of Coeur D'Alene	2/3/2015	Voting	Required by NPDES permit; signed 2012 MOA
Kootenai Environmental Alliance (KEA)	9/1/2015	Voting	Voted in by Task Force on 2015; signed 2012 MOA
WA Dept of Fish & Wildlife	11/21/2016	Voting	Required by Administrative Order to NPDES permit; signed 2012 MOA
City of Post Falls	2020	Voting	Required by NPDES permit; signed 2020 Revised MOA
Hayden Area Regional Sewer Board (HARSB)	2020	Voting	Required by NPDES permit; signed 2020 Revised MOA
Other Participants by Type			
Discharge Permittee		Voting	Required by permit; sign MOA
Agency/Sovereign Government		Advisory	Membership reserved
Additional Government Agency		Voting	Voted in by Task Force; sign MOA
Stakeholder Member		Voting	Voted in by Task Force; sign MOA

Commented [LDW16]: Should Avista be on the table of membership in their role as an Advisor?

Commented [LDW17]: Do they need to sign the MOA?

Stakeholder (Avista) Non-member		Advisory Non-member	Interested Party, Letter of Support,
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Commented [LDW18]: Avista

Signature Pages