

Potential Options for SRRTTF Future

May 23, 2022

Background

At recent Task Force meetings, discussions have been held about the future of the SRRTTF. These discussions have been prompted by the fall 2021 EPA announcement that work was beginning for preparing a PCB TMDL for the Spokane River, as a settlement to a lawsuit on the matter.

The Task Force process was a voluntary alternative to the traditional TMDL process, but with the EPA TMDL announcement, many have wondered if the Task Force still has a purpose for existing. Also, representation on the Task Force has also been reduced in recent years, making some wonder if the Task Force current makeup represents a broad enough cross-section of the community. Ecology has also acknowledged this uncertainty in the recent draft discharge permits, where language has been broadened to require dischargers to participate in the Task Force or similar community-based process.

Additionally, the ongoing administrative burden of managing the Task Force provided by the Administrative Contracting Entity (ACE) is substantial, and some of those volunteering for positions on ACE have indicated they do not plan to continue providing this support into the future.

At the April Task Force meeting, an ad hoc group was organized to frame the issue and develop some options for consideration – addressing organization purpose, administration burden and representation. Several Task Force members volunteered to serve on this group, including Rob Lindsay, Jeff Donovan, Brent Downey, Tom Agnew and Lisa Dally Wilson. Ecology staff were also invited to participate but was unable to make the first meeting. The group has developed the information in this document as a starting point for discussions at future Task Force meetings.

Discussion Topics and Options

The ad hoc group met on May 23 and discussed the following.

- With a TMDL in place, the voluntary nature of the Task Force is essentially over.
- The Task Force should not be responsible for determining a new community process, Task Force structure or other solutions – and hence, does not plan to address these topics; the ad hoc group focus will be on how to sunset the Task Force and ACE and the existing work underway.
- Request Ecology and EPA work together to determine a new Advisory process for the PCB TMDL development and implementation plan. Perhaps setting up a TMDL Implementation Advisory Committee, similar to the DO DTMDL Advisory Committee.
- Make sure that “Exit Strategy” (for sunseting the Task Force/ACE) is developed with Ecology participating.
- The existing Task Force MOA provides flexibility on how administrative functions are performed – ACE is not specifically called out in the MOA; the MOA acknowledges that a “more robust organizational structure may be required to address the administrative, funding and contractual needs of the Task Force.”

- Do not want to cancel contracts but insist on a hard stop of ACE contracting by no later than June 30, 2023.
- The Task Force could take action at any time to change its administrative and contracting approach, work plan and meetings frequency, and potential options were discussed with this in mind:
 - **Option 1 - Set a date for later in 2022 (Oct or Nov) to sunset ACE and the Task Force,** give Ecology notice of this date, and invite Ecology to manage ongoing technical work contracts that would continue through June 30, 2023. If Ecology chose not to manage this work, then the work would also stop on the date ACE and the Task Force are disbanded, unless another arrangement was made. Ecology could use this time to determine how it would like to establish a new community-based organization with broader representation and updated purpose(s).
 - **Option 2 - Set a date later in 2022 (Oct or Nov) to sunset ACE and find a local entity to serve as the administrative and contracting agent for the Task Force on an interim basis through June 2023,** managing the remaining contracts and providing support to the Task Force through June 30, 2023. Give notification to Ecology that the Task Force will no longer continue after June 30, 2023. Ecology could use this time to determine how it would like to establish a new community-based organization with broader representation and updated purpose(s).
 - **Option 3 - Continue ACE and the Task Force per the current structure through June 30, 2023, and then sunset.** Support to ACE for contracting and other administrative support may be pursued to reduce the workload for existing ACE board members. Give notification to Ecology that the Task Force will be disbanded June 30, 2023. Ecology could use this time to determine how it would like to establish a new community-based organization with broader representation and updated purpose(s).

No option is being recommended at this time. Details on how each of these options would actually be implemented would need to be determined.