

**Action on Task Force Future**  
**January 2023**  
**(prepared by Facilitation Team)**

**Background**

At recent Task Force meetings, discussions have been held about the future of the SRRTTF, the PCB TMDL process for the Spokane River being led by the US Environmental Protection Agency (EPA), and the Washington State Department of Ecology (Ecology) process for establishing an advisory committee for the PCB TMDL implementation plan. These discussions began with 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, and have continued through early 2023.

The Task Force process has been a voluntary alternative to the traditional TMDL process. 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, raising a question about whether 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 for much longer.

Recent Task Force meetings have focused on potential futures for the Task Force, what would be required to sunset the Task Force and its Administrative Contracting Entity (ACE), and what the steps would be for the Task Force to take formal action on the Task Force future. Questions have also been raised about the timing of Task Force sunset and the need for this to occur after a new advisory group process (that includes finding and reducing PCB as part of its charter) is in place. This new group would need to be supported by Ecology and IDEQ/EPA as a replacement for the requirement to participate on the Task Force, allowing dischargers to remain in compliance with their respective NPDES permit requirements.

**Purpose and Method**

The purpose of this document is to provide a proposal for the Task Force to take an advisory vote on sunseting the Task Force. The Task Force facilitator will ask all voting Task Force members (those identified in the original MOA along with those that would have been voting members in the revised MOA had it been fully approved by member organizations) to determine/confirm support for this action. Meeting notes will reflect the results of this advisory vote for each organization.

**Statement of Action**

Task Force members collectively intend to take actions to dissolve the Task Force and ACE at a date shortly after WA and ID regulatory agencies have established/supported a separate community-based

process that includes finding and reducing PCBs as part of its mission. It is expected that the Task Force and ACE would be dissolved sometime between June 30 and December 2023, once this new community-based process has been established.

#### **Potential Actions if Sunsetting the Task Force and ACE is Desired**

One way the intention of sunsetting the Task Force is as follows: WA Dischargers receive communications from Ecology and ID dischargers receive communications from IDEQ/EPA that participation in the new advisory group that includes finding and reducing PCBs as part of its charter would meet the referenced permit conditions. These communications could be provided around the time this new organization is being formed (targeting between June and December 2023).

Individual organizations would then make individual decisions on whether to withdraw from the Task Force (and dissolve ACE), then take such action consistent with the procedures defined in the original Task Force MOA (letter of withdrawal from the Task Force) and associated legal guidance provided by each organization's legal advisors. Such a letter would include intention to withdraw from the Task Force and could also refer to the letter received by Ecology or IDEQ/EPA recognizing that this new group has been determined by the regulators to be a suitable replacement to the Task Force. If all the members of the Task Force withdraw then it is assumed the Task Force would no longer exist as an organization. ACE would then also be dissolved by its board of directors.