WASHINGTON STATE UNIVERSITY

THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

Situation Assessment: Engaging the Community in Mitigating Toxics in the Spokane River Watershed *(Preliminary Results)*

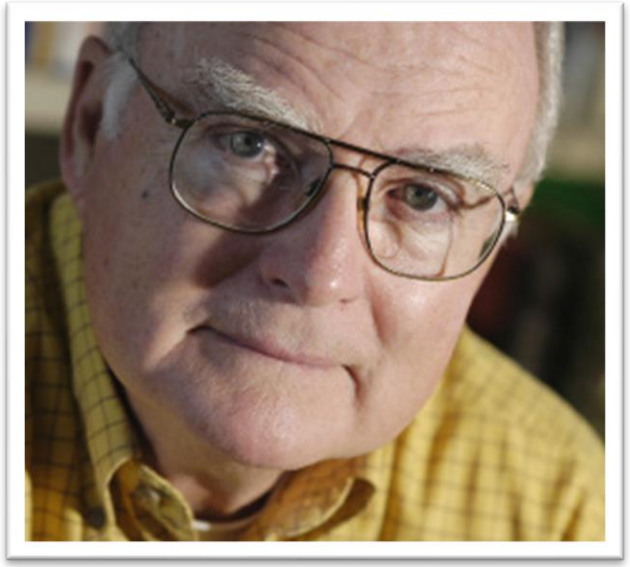
Conducted for the Washington Department of Ecology by the William D. Ruckelshaus Center

Presentation to the Spokane River Regional Toxics Task Force | June 28th, 2023

The William D. Ruckelshaus Center

We help governmental leaders, policy makers, stakeholders, and citizens work together to develop shared solutions to challenging public policy issues.

- Neutral resource for collaborative problem solving
- Improve availability and quality of voluntary collaborative approaches
- Advance teaching and research missions of the universities



Presentation Overview

- Assessment Process & Overview
- Scope: Geography & Toxics of Concern to the Spokane River
- Challenges & Opportunities for broad & diverse engagement on Toxics Reduction
- Lessons learned from the SRRTTF
- Prospects for Collaboration
- Recommendations for Broad & Diverse Engagement in Mitigating Toxics

THANK YOU! To the Task Force for partnering with Ecology to allocate funding to support this work.

Situation Assessment Overview

- Chris Page (Lead Facilitator) managed the assessment.
- Chris & Kara Whitman (Faculty at WSU) designed the assessment process, developed interview protocols & guide, and conducted the interviews.
- Zack Cefalu (Project Coordinator) scheduled interviews & managed communications.
- Both Zack and Nathan Enos (WSU Graduate Student) took notes & helped synthesize themes around areas of agreement & disagreement.
- Chris & Kara synthesized & summarized findings and are drafting the assessment report, w/significant contributions from Zack & Nathan.
- Original timeline for report: draft out early to mid June, and final by June 30th. Now extended into July; draft goes to all interviewees to review for inaccuracies then input incorporated & final due by July 31st.

As of June 21st, 2023, the Center has conducted 40 interviews (with 43 individuals).

- Coeur d'Alene Tribe
- Spokane Tribe of Indians
- Upper Columbia United Tribes
- City of Coeur d'Alene
- City of Post Falls
- City of Spokane
- Community members
- Department of Ecology
- Department of Health
- U.S. EPA
- Hayden Area Regional Sewer Board
- Idaho Department of Environmental Quality
- Idaho Conservation League
- Spokane Regional Health District
- WA Department of Fish and Wildlife
- WA Department of Transportation
- The Lands Council
- Sierra Club
- Idaho Conservation League
- United Steel Workers (Blue-Green Alliance)
- Spokane Riverkeeper
- Spokane City Council
- Inland Empire Paper
- Kaiser Aluminum
- Liberty Lake Sewer and Water District
- Spokane County Wastewater Treatment
- Avista
- White Bluffs Consulting
- Dally Environmental
- LimnoTech
- Spokane Aquifer Joint Board
- Spokane River Forum

The questions we asked

1. *Would you please introduce yourself and your role related to toxics in the Spokane River?*
2. *What do you regard as toxics of concern in the Spokane River?*
3. *How can Ecology best engage broad and diverse participation from the community in mitigating toxics in the Spokane River? What approach would work best in the community?*
4. *What are the key issues, challenges, and opportunities for engaging the community in toxics reduction?*
5. *Have you had experience with the Spokane River Regional Toxics Task Force collaboration? If so, what worked well, and what would you suggest be done differently?*
6. "In actions and decision-making, Ecology prioritizes fair treatment and meaningful involvement of all people — regardless of race, color, national origin, or income. Environmental justice is made possible when all communities can access information and decision-makers." *How can Ecology structure an advisory committee that will achieve this goal? Are there other ways that Ecology can include the voices of disadvantaged communities?*
7. *What do you see as barriers to collaboration on toxics reduction in the River?*

The questions (cont.)

8. *What advice to you have for Ecology in fostering long-term community engagement toward a cleaner River?*
9. *Do you think collaboration would be effective? If so:*
    1. *Would you / your organization participate? [If you have doubts, what would it take to get you to join with a good will?]*
    2. *Who else should be included? Who might best represent that entity?*
    3. *If not: what other approach to engaging the River community watershed wide to help mitigate toxics? Either way: how should Ecology work with the parities in Idaho?*
10. *What ways would be best for Ecology to find and reduce toxics in the River (grants to third party organizations, Ecology led studies, technical assistance, regulation and compliance, education and outreach, water quality standards, enforcement, issue permits, water quality improvement plans)?*
11. *What should we have asked that we didn't?*
12. *Who else is it important for us to talk with and why?*

- BONUS Q: *How long do you think it will take to clean up the River?*

Summary of findings (preliminary)

Scope

The Spokane River and the Spokane Valley Rathdrum Prairie Aquifer (SVRP) connect hydrologically so should be treated as one connected system when working to mitigate toxics.

So, to engage folks, the "River Community" includes the Aquifer Community

Toxics of Concern

- Polychlorinated Biphenyls (PCBs)
- Per- and polyfluoroalkyl substances (PFAS) and Perfluorooctanoic acid (PFOA)
- Heavy metals (lead, zinc, cadmium)
- Polybrominated Diphenyl Ethers (PBDEs)
- 6PPD-Quinone
- Dissolved oxygen and phosphates
- *Mentioned by fewer*: microplastics, personal care products, pesticides (e.g., neo-nicotinoids, polycyclic aromatic hydrocarbons (PAHs).
- A few respondents said all toxics known & regulated on the 303(d) list; at least one mentioned mercury.

Challenges & Opportunities for Broad & Diverse *GENERAL* Community Engagement in Toxics Reduction

Barriers to engagement:

- Communities most impacted are often disadvantaged communities w/greater concerns & priorities in their lives
- Complexity of the topics

Opportunities:

- Celebrate progress!
- Show how toxics can directly impact people
- Provide easy actions folks can take to reduce them
- Work w/existing outlets, organizations, and efforts

Lessons Learned from the SRRTTF

- Most interviewees saw the SRRTTF as effective at least for some time. Many praised the Task Force's scientific work.
- Some saw the SRRTTF as compromised from the beginning. Interviewees cited the following reasons:
  - The "straight to implementation" approach should have occurred in a parallel process with a TMDL
  - Power imbalances
- Folks cited completion of the Comprehensive Plan & tightening of water quality standards as turning points, after which:
  - No specific overarching goal united the SRRTTF
  - Focus shifted from "how can we clean the river" to "how clean is clean enough"?

Lessons Learned from the SRRTTF Process (What Worked)

The SRRTTF was good at generating funding and raising awareness

The SRRTTF was successful at building scientific knowledge.

The SRRTTF was effective at public outreach.

The SRRTTF identified source control & regulatory roadblocks & other challenges.

The SRRTTF successfully identified PCB source hotspots and PCBs in products.

At end of this presentation = Lessons Learned: ***What should be done differently*** *for potential future collaboration around toxics*

Prospects for Collaboration

While a **STRONG MAJORITY** of interviewees **expressed SUPPORT** for collaboration, others questioned its necessity, asking:

- Why convene a collaborative process without obvious decisions to be made? What would be its purpose?
- Why convene a collaborative group when the River is cleaner than it has ever been, and regulatory actions (e.g., TMDL, permits) are in place to address toxics of concern?
- Why convene another watershed-wide entity given others exist already on salmon habitat (SRFB-related) and water supply (Idaho-WA Aquifer collaborative; WRIA 54 planning unit)?

Barriers

Interviewees noted the following potential barriers to future collaboration:

- Lack of Trust: Numerous respondents noted a lack of trust, both among SRRTTF parties & in state & federal government
- There is not currently a clear purpose to engage, post PCB Comprehensive Plan
- Historical lack of sustained engagement w/Tribes & underrepresented community groups; limited resources for a diverse & representative community to participate.
- Some see collaboration as unnecessary, believing Ecology should focus on other tools.
- Many noted multiple regulatory issues that need addressing: the TSCA “loophole,” MTCA cleanup standard, differences in State (ID vs. WA) & Spokane Tribe water quality standards

Opportunities for Collaboration

- Track record, history, and culture of collaboration
- Inter-state & cross-agency collaboration between IDEQ & Ecology *(EPA could actively coordinate collaboration among WA & ID parties)*
- Multiple watershed-wide forums exist that Ecology could leverage to assist in toxics mitigation: in addition to those above, interviewees also suggested building on the Spokane River Forum's work.
- Many interviewees suggested that strong leadership roles by Ecology (& EPA & IDEQ) in convening collaboration on toxics mitigation would really help.

Recommendations for Community Engagement

- The assessment explored two different models for community engagement:
  - Potential Collaborative Advisory Body of Representatives of Interested/Affected Parties
  - General Public Outreach to Residents and Communities

BOTTOM LINE: The assessment did not find a clear mandate for EITHER collaboration OR a generalized, non-collaborative engagement approach.

The most constructive path forward would likely COMBINE community outreach at large w/a carefully designed collaborative-style advisory body that has a clear purpose & goals, rules of engagement structured for a level playing field, and a way to distinguish it from PCB TMDL implementation work.

Engaging Tribal Communities

Many interviewees said either a collaborative advisory body or general public outreach needs to center tribal communities.

- Many believed that tribes will not engage unless they see a benefit to do so.
- Tribal communities need to see how any advisory or outreach effort would address their interests and concerns before committing to participation.

Interviewees suggested that Ecology should engage tribes the way it engages other state entities, treating them as the sovereign states that they are rather than an affected party or community.

From a tribal perspective, a consensus or collaborative engagement might lessen or limit their sovereignty.

Engaging Tribal Communities: Interviewee Suggestions *(note these are not ideas shared by all interviewees)*

- Ecology/Washington State could adopt the United Nations "Doctrine of the Duty to Consult, Declaration on the Rights of Indigenous Peoples."
- When Ecology needs to consult Tribes through the Tribal Council, they should also communicate with specific individuals from Tribal Environmental Offices(?) So that they can help to ensure that request is prioritized.
- If a collaborative effort occurs, then it should be led by Tribes

Engagement of Disadvantaged Communities: "Prioritizing Fair Treatment and Meaningful Involvement of All"

- Prioritize information access to underserved communities & those most affected by toxics.
- Clearly distill complex information in multiple outlets for a broad audience (not experts in toxics).
- Clearly identify how community members can help address twin problems of toxics: source control AND reducing their exposure.
- Highlight positive progress on toxics reduction.
- Engage environmental justice groups & neighborhood organizations to increase access & reach.
- Provide resources and tools to community members to reduce barriers to participation.
  - Go to where they are, don't expect them to come to you.
  - Identify trusted organizations & individuals and give them incentives to assist in serving as entry points to affected communities.
  - Provide food, transportation, and childcare at outreach events or meetings & hold them outside of the workday.
  - Translate information into other dominant languages in the area.

Recommendations for a Potential Collaborative Process

IN GENERAL:

- *Most support collaboration on toxics reduction*
- *Folks appreciate precedent & track record of collaboration in the area on similar issues, noting the benefits of increased communication, coordination, and information sharing.*
- For any potential future collaboration on Spokane River toxics reduction to succeed, it would do well to observe the following:
  - Have a CLEAR PURPOSE, GOALS, & RULES OF ENGAGEMENT
  - Go slowly. Start w/face-to-face, heart-to-heart conversations designed to rebuild trust among key parties where it has eroded. Develop (& vet w/key parties over time) draft purpose, goals, rules of engagement
  - Separate out an advisory role on PCB TMDL implementation from an advisory role on other Toxics.
  - Commitment by Ecology to at least consider (if not incorporate) advice & recommendations into its decisions.
  - Include previously marginalized or sidelined constituencies.
  - Ecology: Take a strong leadership role in any advisory body convened
  - EPA: take a leadership role in fostering inter-state collaboration between Idaho and Washington (Ecology and IDEQ)

IDEAS & RECOMMENDATIONS FOR HOW ECOLOGY CAN BEST FIND & REDUCE TOXICS

- End-of-pipe solutions less effective than source control:
  - Prioritize closing the Toxics Substances Control Act (TSCA) regulation “loophole”
  - Work to align MTCA site cleanup standard w/state surface water quality standard
  - PCBs & other toxics still in products, continue product testing & preferential purchasing
  - Work w/EPA on ways to address higher Idaho PCB water quality standard
- Issue grants to parties doing effective outreach or treatment/mitigation work
- Tackle local sources of inadvertent PCBs: caulks & paints in buildings, stormwater runoff
- More work on hotspots identified by SRRTTF (Mission Reach, GE site)
- Improve capabilities for measuring PCBs (support EPA to approve compliance method 1628)

What's Next

- Draft of Assessment Report out for review to all interviewees: early to mid July
- Final Draft to Ecology – by July 31, 2023
- Ecology decides what comes after that

QUESTIONS?