

Spokane River TMDL Oversight Committee

March 5, 2007

The Full Group Co-Chairs, following discussions with City of Spokane and the City of Spokane Valley, prepared the underlying discussion for the purpose of creating a TMDL Oversight Committee. This paper is presented solely for discussion purposes.

The Foundational Concepts for the Spokane River TMDL Managed Implementation Plan document specifies the formation of an Oversight Committee to perform the following:

Ecology and the dischargers will immediately collaborate to develop an oversight and coordination group. The intent is to form a collaborative group to oversee and coordinate the required regional actions including, but not limited to, the NPS, monitoring, modeling, reporting and public outreach programs, however the participating entities retain their individual authorities. Ecology and the dischargers will share in the administrative cost of this group.

The following discussion points have been developed to advance the design and formation of an Oversight Committee. Each of the major elements of forming an Oversight Committee listed below is for discussion purposes only:

PURPOSE

The Oversight Committee will have three principal responsibilities:

- I.** Track implementation of the Foundational Concept Agreement and assess progress on each action included therein.
- II.** Direct the implementation of specific elements of the Foundational Concepts.

The Oversight Committee will work with each of the jurisdictions, the Washington Conservation Commission and the Spokane County Conservation District as well as other government and non-government organizations in the design, funding and implementation of a non-point source control program to control phosphorus discharges to the Spokane River and Lake Spokane Reservoir.

- III.** Outreach and report to the public on the progress in implementing the Foundational Concepts and TMDL.

FUNCTIONS

The Oversight Committee will carry out the following specific functions to accomplish its three principal responsibilities:

1. By-Laws. The Oversight Committee will develop By-Laws for the operations of the Oversight Committee, including appointment of members, terms of office, eligibility, and other relevant matters.

2. Non-point source control program. The Oversight Committee will direct the implementation of the non-point source control program including but not limited to the following:

- a. Approve the scope of work for the Regional Non-point Source study.
- b. Allocate funds contributed from those entities signing the Foundational Concepts, Memorandum of Agreement, to non-point source control programs.
- c. Coordinate and assess progress in reducing non-point sources of phosphorus.
- d. Allocation of credit to Dischargers from Non-point source phosphorus reduction

3. Monitoring. Oversee the development and implementation of a monitoring program to collect information needed to accomplish the following: (a) assess how well the River and reservoir respond to phosphorus reduction, (b) report to the public progress in reducing phosphorus input the river and reservoir and (c) to refine the model used by the Department of Ecology in preparing its TMDL report.

The Oversight Committee is expected to create a monitoring team or committee of agency staff who will develop and manage, through cooperative efforts, a monitoring program. The Oversight Committee will provide approval on scope, schedule and budget for the monitoring program.

4. Implementation of Foundational Concepts. The Oversight Committee will monitor the progress of all entities in the implementation of delta management programs.

The Oversight Committee will periodically review the progress in implementing actions agreed upon in the Foundational Concepts and report progress to the public.

5. Phosphorus trading. The Oversight Committee will oversee the development and implementation of a phosphorus trading program or exchange program consistent with the Environmental Protection Agency rules and regulations guiding trading programs.

6. Water conservation communications. The Oversight Committee will assure communication of consistent and supportive messages regarding water conservation

Water conservation will be carried out by the individual jurisdictions as independent. However, the Oversight Committee will coordinate with the participating actions jurisdictions to facilitate coordination of programs and actions to assure a consistent message is being communicated to the public.

7. Water reuse communication. The oversight Committee will act to assure communication of a consistent and supportive message regarding water re-use:

Water re-use will be carried out by the individual jurisdictions as independent actions. The Oversight Committee will coordinate with the participating jurisdictions to facilitate coordination of water re-use programs and actions to assure that a consistent message is being communicated to the public about the value of water re-use.

8. Report to the public. The Oversight Committee will report on a bi-annual basis, through a major public conference, actions taken and progress made in reducing the discharge of phosphorus and improving the dissolved oxygen in the Spokane River and Lake Spokane Reservoir.

FORMATION

The Oversight Committee will be formed through an Interlocal Cooperation Act Agreement. The Interlocal Agreement will provide for the following operating bodies of the Oversight Committee:

1. **An Executive Board** will be formed from the municipal agencies with discharge permits to manage the affairs of the Oversight Committee. The Executive Board will be composed of Elected Officials from the City of Spokane, Spokane County and Liberty Lake Sewer and Water District, as well as an At-Large Member who may serve as the Chair.
2. **Technical Committees** will be used to advise the Oversight Committee on matters of a technical nature. Additional, short term, technical Committees will be formed as needed and serve the Oversight Committee .
3. **A Standing Advisory Committee** will be formed for the purpose of advancing the goals of the Oversight Committee as described in the Foundational Concept
4. **Special Advisory Bodies** will be created to provide advice and guidance to the Oversight Committee as needed on unique or special topics.
5. **Oversight Committee staff** will be independent employees of the Oversight Committee. Staff will report to the Executive Board.

COMPOSITION

The Oversight Committee will be composed of one member from each (names provided by each entity, except the At Large Member) of the following organizations:

1. **City of Spokane**
2. **Spokane County**
3. **City of Spokane Valley**
4. **Liberty Lake Water and Sewer District**

5. **One at-large member** (to be defined). An “At-large” member will be nominated by the Executive Committee and approved by the Oversight Committee. The At-large member may serve as the Chair of the Oversight Board.

6. Washington State Department of Ecology

The Standing Advisory Committee shall consist of approximately 11 members, with nominees submitted by each group, and the appointment made by the Oversight Committee. It may be composed of representatives from the following organizations and/or interest groups:

1. Idaho Department of Environmental Quality
2. Spokane Tribe of Indians
3. Stevens County
4. City of Coeur d’Alene
5. Environmental interest groups
6. Conservation District(s)
7. Avista
8. Inland Empire Paper
9. Kaiser Aluminum
10. Others as may be recommended, and approved by the Oversight Committee

Representatives named by their respective organization and/or interest group to participate on the Advisory Committee will be expected to participate fully in Advisory Committee work on a timely basis.

Technical committees will be formed by the Oversight Committee as needed to provide advice and guidance on special topics. The technical committees will be composed of individuals with expertise and/or special knowledge and experience in the topics to be addressed.

Special advisory bodies will be formed for time limited and defined topics as needed by the Oversight Committee. Special advisory bodies will be composed of individuals who may represent special interests, knowledge and or experience regarding the topics to be addressed.

FUNDING

The Oversight Committee will be funded through contributions from the participating jurisdictions.

1. Development of an Interlocal Agreement (ILA) to form the Oversight Committee will be lead, jointly, by the City of Spokane, Spokane County and the Washington Department of Ecology.

2. Seed money to fund the initial work of the Oversight Committee will be contributed from each jurisdiction, including the Washington Department of Ecology.
3. The Executive Committee will develop an initial and an on-going funding mechanism for Oversight Committee responsibilities. Legal review of initial funding sources will be done, jointly, by City of Spokane and Spokane County.

Potential funding sources include:

- a. Administrative charge to the non-point source control program grants.
 - b. Creation of a Watershed Protection Authority
 - c. Annual assessment to each wastewater utility
 - d. Other
4. Spokane County will serve as the Fiscal Agent for initial grant funding and administration of the ILA until such time as the Oversight Committee is established and operating with proper authority and procedures in-place to function independently.