WASHINGTON STATE UNIVERSITY

THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

Situation Assessment on Engaging the Public on Mitigating Toxics in the Spokane River Watershed

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

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Table of Contents

DISCLAIMER

The following report was prepared by the William D. Ruckelshaus Center, a joint effort of the University of Washington and Washington State University whose mission is to act as a neutral resource for collaborative problem solving in the Stat e of Washington and Pacific Northwest. University leadership and the Center's Advisory Board support the preparation of this and other reports produced under the Center's auspices. However, the key themes contained in this report are intended to reflect the opinions of the interviewed parties, and the findings are those of the Center's assessment team. Those themes and findings do not represent the views of the universities or Advisory Board members.

I. EXECUTIVE SUMMARY

This report summarizes input from interviews with 45 representatives of interested and affected parties the William D. Ruckelshaus Center (the Center) conducted on how the Washington state Department of Ecology (Ecology) can best engage the Spokane River community[1] in mitigating toxic chemicals in the Spokane River (referred to as "the River" in this report) and the surrounding watershed *(interview documents in Appendixes A, B, C, and D)*.

For geographic scope and breadth of that work, interviewees pointed out that this community includes downstream residents (impacted by what happens upstream), the Spokane River's many tributaries in Washington and Idaho, and the Spokane Valley-Rathdrum Prairie Aquifer given its robust hydraulic continuity with the surface water of the Spokane River (River) and its tributaries.

The Center asked the same questions to each respondent to understand which toxic chemicals cause people concern, what challenges and opportunities they see around engaging the community in toxics reduction, what lessons might be learned from the work of the Spokane River Regional Toxics Task Force (SRRTTF or Task Force), and how they think Ecology can best engage the interested and affected parties and the community at large in mitigating toxic chemicals' impacts on the River.

This document is not meant to provide a definitive or exhaustive catalog of issues, facts, policies, or parties related to toxics in the River. Its aim is to assist Ecology's Eastern Region water quality staff in how to constructively work with parties interested in and affected by toxics in the Spokane River along with residents of the watershed, in mitigating the impacts of those toxic chemicals.

Toxics of Concern: The assessment found that in addition to PCBs, the focus of the Task Force, most respondents view the PFAS/PFOA family of contaminants, PBDEs, and heavy metals such as lead and zinc as chemicals of concern. The next most cited were microplastics and 6PPP-Quinone from tire rubber. Multiple people also mentioned dissolved oxygen (and its related parameter, phosphorus/phosphates).

Challenges & Opportunities to Engaging the Community: For Ecology to engage the community in addressing toxics in the River system, interviewees cited several challenges:

- People are busy and don't see or feel a direct impact from toxics, and most have higher-priority concerns.
- The issues around toxics are complex, and beyond basic messages (e.g., don't dump oil or paint down the drain) it's hard to explain how people can participate in mitigating toxics.
- Source control is crucial for mitigating toxics, but faces significant barriers, e.g.:
    - the proprietary nature of chemicals in products
    - conflicting regulatory rules at both the state and federal levels regarding toxic chemicals in products and site cleanup standards.
- There is a lack of trust among many constituencies of the involved government agencies and distrust among some participants in the Spokane River Regional Toxics Task Force.

Ecology does have some opportunities to leverage as it seeks to engage the community:

- There have been many successes that can—and should be—celebrated and highlighted, e.g., the community has made progress on key water quality parameters and the River is cleaner now on multiple parameters than in the past.
- They can build on the successes the Task Force had in understanding and identifying sources of PCBs to the River and PCBs in products—and find ways to address those sources.

[1] *For this report, the River community is defined as those who live, work, and play—on, in, and around—the River and its watershed.*

- There are multiple opportunities to participate in, have a presence at, and/or sponsor events to get people out on the River such as walking the Centennial Trail, kayaking/canoeing, or River cleanup events.
- They can work with existing organizations to foster a sense of pride and communal ownership of the River to generate a feeling of shared responsibility for the health of the watershed.

Lessons from the SRRTTF: Most respondents thought the Task Force functioned well for several years. However, dynamics shifted after EPA changed the PCB water quality standard in 2017. At that point, the overarching conversation became polarized as it shifted from "How can we best clean the River?" to "How clean is clean enough?" Those with direct experience in the Task Force lauded its scientific work and some of the public outreach it accomplished; however, multiple respondents described a power imbalance and lamented the lack of participation from some key parties. For any potential future collaboration, it will be vital to include (and sustain engagement from) Native American tribes and the environmental community, and also to make sure the effort stays laser-focused on reducing toxics.

Potential Recommendations: How Ecology Should Engage the Community. Respondents had mixed views on whether Ecology should convene a collaborative advisory body in addition to conducting general education and outreach to residents, or simply stick to the latter. While most interviewees expressed support for a collaborative approach to engaging the community on toxics reduction, a few did not think it would be worth the effort or make sense at this juncture (for reasons detailed below).

Interviewees made clear that for any collaborative effort on toxics to succeed, it would need:

- Clearly defined purpose and goals.
- To differentiate between the role of advising on the implementation of the forthcoming Total Maximum Daily Load (TMDL) for PCBs, which would have narrowly prescribed participation, and making recommendations or otherwise advising on other contaminants of concern.
- To balance the power dynamics among participating entities.
- Ecology and other parties to take ownership of past occurrences that have led to mistrust (based on input received, this might consist of mixed messages coming from different levels of an agency, some social media posts, saying one thing—or people hearing one thing—and doing another, or miscommunications or unclear communications around variances or compliance schedules) and take steps to ensure that those types of events and dynamics do not reoccur.
- Ecology—and EPA—to commit to, and follow through on, incorporating the advice of participants into its decision-making.
- To include representatives of key parties not included in the SRRTTF, e.g.:
    - Recreational interests
    - Native American Tribes, in some manner *(see below)*
    - Key environmental nonprofits
    - The most highly impacted communities (those cited include subsistence fishers and high fish consumption families, West Plains residents, and the Hillyard neighborhood). (Note: See West Plains Strategy in Appendix E)

To avoid duplication of effort, any potential future collaboration must also recognize existing watershed-wide forums; this would also sidestep the pitfall of demanding too much from entities with limited resources who already participate in other watershed-wide efforts. It would also help the chances of success to engage in conversations specifically designed to build (or rebuild) trust. That includes trust among key parties as well as the trust those parties have for Ecology's water quality division in general.

Working with tribes deserves special attention, as those federally recognized hold the status of sovereign nations with powerful treaty rights. Based on this, any collaborative process carries potential

to compromise that sovereignty. It would require careful consideration of how to structure the rules of engagement to acknowledge and account for these factors.

Including the Voices of Disadvantaged Communities: In asking interviewees how Ecology might reach and involve communities that have not usually been "at the table" in collaborative processes or often included in public outreach, the following themes emerged:

- Meet them where they are; don't expect them to come to you.
- Compensate representatives of disadvantaged constituencies for their participation in any potential collaborative advisory body.
- Provide food, childcare, and interpreters, and hold meetings in the evening.
- Where possible, identify—and create relationships with—existing community groups and trusted messengers.
- Translate information into other languages spoken in the region.

Considerations for Engaging with Idaho Parties: Respondents recognized the importance of working across state lines; neither the River nor its toxics start or stop there. For a potential two-state collaborative advisory body, with precedent in the form of existing regular meetings among Ecology and IDEQ staff, the foundation exists to invite other key parties[2]. Interviewees encouraged EPA, with jurisdiction in both states, to take a leadership role in convening Ecology, the Idaho Department of Environmental Quality (IDEQ), and potentially other entities to assist in implementing the TMDL for PCBs. The Memorandum of Agreement for the SRRTTF, which included such Idaho entities as permitted dischargers, environmental nonprofits, and IDEQ, provides a template for a potential structure and set of commitments.

Recommendations for other tools of community engagement outside of a collaborative process include:

- Contract or otherwise partner with established organizations that have established connections in various constituencies, professionals in community engagement, and trusted messengers to meet people where they are.
- Conduct routine and convenient education and outreach not only using online tools but in person at community centers, churches, parks, and other gathering spaces.
- Engage youth through in-school presentations and hands-on workshops, since engaging children not only helps future leaders and community members understand how to care for the River, but can also help inform parents about these issues.

Top-Line Recommendation for Community Engagement on Toxics Reduction in the Spokane River

Based on input provided during this assessment:

- To assist with implementing the **PCB TMDL**, Ecology should work with federal and state government leadership to convene a collaborative Advisory Committee (as it did for the TMDL on Dissolved Oxygen).
- At the same time, and into the future, the agency should approach reducing **toxics in general** via community public outreach. That includes following specific suggestions in this report for engaging disadvantaged communities, partnering with groups already doing effective outreach, and leveraging existing watershed-wide conversations.

[2] *Other key parties in Idaho mentioned by interviewees include environmental nonprofits and municipal separate storm sewer system (MS4) permittees such as the Idaho Department of Transportation.*

II. FINDINGS ON KEY TOPICS

The following summarizes the areas of agreement, common themes, and areas of difference in how Ecology should engage the public in issues of toxics.

A. SCOPE: GEOGRAPHY & TOXICS OF CONCERN RELATED TO THE SPOKANE RIVER

Most respondents noted, without prompting, that 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. Others noted that geographic consideration of toxics in the watershed should extend beyond the Spokane River, to include watershed connections to the River upstream such as Lake Coeur d'Alene and its tributaries in Idaho, as well as tributaries to the Spokane River along with recognition of the impacts that toxics in the River have on downstream waters such as Lake Spokane and the Columbia River.

Interviewees generally agreed on the primary toxics of concern in the Spokane River watershed, with all citing Polychlorinated Biphenyls (PCBs) and virtually all mentioning the "forever chemicals"—Per- and polyfluoroalkyl substances (PFAS) and Perfluorooctanoic acid (PFOA). Many also mentioned heavy metals such as lead, zinc, and cadmium from mining contamination coming downriver from Lake Coeur d'Alene. Around half the interviewees cited Polybrominated Diphenyl Ethers (PBDEs) or flame-retardant chemicals, dissolved oxygen and phosphates, and 6PPD-Quinone, a tire anti-degradant byproduct (from interaction with ozone) recently pinpointed as lethal to coho salmon and other sensitive species[3].

Other toxics mentioned by fewer respondents included personal care products, microplastics, pesticides such as neo-nicotinoids, and polycyclic aromatic hydrocarbons (PAHs). A few respondents said all toxics known and regulated on the Clean Water Act 303(d) list (which expands the list above to include mercury), with many noting that the universe of toxics of concern keeps expanding as manufacturers continuously evolve chemical processes—so we might not even know what other problematic toxics might be getting generated, consumed, and passed into the River.

While some respondents see the Spokane River as beset with problematic chemicals, others noted that the River tests cleaner on many parameters than it has since measurements to gauge levels of contaminants began.

B. CHALLENGES & OPPORTUNITIES FOR BROAD & DIVERSE COMMUNITY ENGAGEMENT ON TOXICS REDUCTION

Whether via a diverse, collaborative advisory body comprised of representatives of various constituencies or via direct community outreach, Ecology will face several challenges for engaging communities in mitigating toxics. Communities most impacted by toxics in the watershed are often disadvantaged communities that have greater concerns and priorities in their lives. These barriers to participation range from not being able to take time off from work, securing childcare to attend meetings, limited food/meal options, access to transportation, and many other important life factors that naturally take precedence in people's lives.

An additional barrier to diverse community participation is the complexity of relevant information, as the issues of toxics in the watershed and the regulatory legislation around these toxics are difficult for laypersons to understand. To turn this into an opportunity, interviewees suggested that the information must be presented to communities in ways that:

- make the issues clear,
- show how toxics can directly impact them, and

[3] *Source: Department of Ecology website*

- provide easy actions they can take to mitigate them.

C. LESSONS LEARNED FROM THE SPOKANE RIVER REGIONAL TOXICS TASK FORCE (SRRTTF OR TASK FORCE)

Though most interviewees saw the SRRTTF as effective at least for some time, specifically lauding the Task Force's science work, others saw it as compromised from the beginning. Some suggested that while going "straight to implementation" (of a prospective TMDL for PCBs) was an innovative and smart choice, it should have occurred in parallel with developing a TMDL and not instead of that.

Others perceived a power imbalance in which some parties had multiple paid staff able to participate fully in the Task Force and its subcommittees, while other entities with fewer resources simply could not devote the time and attention to ensure their voices were consistently heard. From the perspective of these interviewees, the permitted dischargers (and their interests) were overrepresented and thus unduly prioritized in the SRRTTF process. From the dischargers' perspective, this did not seem fair: as the only constituencies legally required to participate in the Task Force, they felt the need to prioritize the SRRTTF and its work.

Multiple respondents pointed to the completion of the Task Force's Comprehensive Plan in 2017 as a turning point. With nothing big to unite the SRRTTF after that, the tenor of the Task Force's conversations changed (after the water quality standard for PCBs tightened around the same time). The focus shifted from "how can we clean the river"? to "how clean is clean enough"? This led to finger-pointing and erosion of the trust that participants had built. Multiple interviewees saw the Task Force after that point as driven primarily by the permitted dischargers, who some viewed as more focused on studying the problem than mitigating it.

Several interviewees identified that if Ecology truly wishes to convene another collaborative body in the wake of the SRRTTF, it would help immensely for Ecology to take ownership of its role in the shortcomings of the SRRTTF process. Based on input from respondents in this assessment, that might involve acknowledging that, as the primary Washington state regulatory agency, it could have asked the Task Force to focus on implementing the cleanup actions identified in its Comprehensive Plan instead of putting resources into more scientific studies. This would be an important first step in rebuilding trust among members. In addition to Ecology acknowledging previous shortcomings, for some parties to participate with an open mind the agency must clearly identify how it plans to address those issues moving forward.

WHAT WORKED WELL:

Good at generating funding and raising awareness: While a wide variation emerged how folks perceived the overall effectiveness of the SRRTTF and its success as a "direct to implementation" approach, the assessment found general agreement about what worked well and what positive outcomes came out of the collaborative effort. Most agreed that the SRRTTF did strong work in leveraging of financial resources and technical expertise to better understand the scope of the PCB problem including scientific methods of sampling and monitoring, source identification, and "fingerprinting" sources. Interviewees highlighted the work of the SRRTTF subcommittee (Technical Track Working Group, Education and Outreach Workgroup, and the Regulatory / TSCA[4] Reform Workgroup) as particularly successful.

Successful building scientific knowledge: Most agreed that the Task Force helped increase scientific understanding of PCBs in the River and made progress identifying potential sources of PCBs (beyond existing regulated pipes in the River). This provides an opportunity for regulatory agencies to build upon the work of the Task Force, both by utilizing its data and knowledge in developing the TMDL and to

[4] *Federal Toxic Substances Control Act*

target other sources of PCBs to the River. Respondents also noted that the SRRTTF contributed to the knowledge base by mapping the overall flow of the contaminant throughout the system and identifying two previously unknown "hot spots" (the Mission Reach and General Electric sites).

Effective public outreach: Interviewees lauded the work of the Task Force's Education and Outreach Workgroup, which has participation from multiple individuals with expertise in outreach on toxics and industry representatives with expertise in inadvertent PCBS in products. Respondents noted that the Education and Outreach Workgroup was very successful in funding, developing, and rolling out social media campaigns in coordination with partners such as the Spokane River Forum on PCB sources, PCBs in products, waste disposal, and more. Some examples of this work include PCB fact sheets, outreach presentations, updates to the Spokane Kootenai Waste and Recycle Directory[5], social media campaigns on platforms such as Facebook, Instagram, radio and other to focus messaging on consumers (e.g. paint, caulk, personal care products etc.).

The SRRTTF identified source control and regulatory concerns that need addressing: Respondents appreciated the Task Force's work to build understanding of the regulatory landscape around source control, suggesting that this level of knowledge would not have been possible without the SRRTTF collaborative approach. Based on the input received, any list of lessons learned from the Task Force must mention concerns around regulatory limits or conflicts that prevent effective source control. Specifically, people noted that the TSCA allowance of 50ppm of PCBs in products ensures a steady supply of PCBs into the waste stream, while the MTCA[6] site cleanup standard of 1ppm is nine (9) orders of magnitude greater than the 7ppq state water quality standard—which means groundwater moving from closed, "clean" MTCA sites can make the River exceed the standard no matter what comes out of the pipes. While the Task Force took steps to try to address these regulatory "loopholes" through discussions with state regulators about the MTCA standard, letters, and conversations with Federal-level EPA staff on TSCA, and direct engagement with pigment manufacturers, the regulatory conflicts still stand. Respondents noted that the work of the Task Force and its TSCA Reform Work Group were instrumental in the passage of the recent bill, SB 5369[7], in Washington directing Ecology to petition the US EPA to amend TSCA regulations to address this regulatory loophole for iPCBs in products.

Success in identifying PCBs in products: The Task Force coordinated with Ecology on product testing and raised the issue of PCBs in road paint with state agencies (Washington Departments of Enterprise Services and Transportation, or DES and WSDOT). WSDOT then worked with DES on how to purchase "low PCB" road paint. This led to WSDOT no longer purchasing road paint with a specific pigment known to have high PCB content.

D. PROSPECTS FOR COLLABORATION ON TOXICS REDUCTION IN THE RIVER

Different opinions emerged around whether a collaborative approach to finding and reducing toxics in the River would be worthwhile at this juncture. While most interviewees expressed support for collaboration, others adamantly stated that the existing regulatory framework provides Ecology with all it needs to mitigate toxics. A third segment of respondents made clear that they thought collaboration could prove fruitful only if carefully designed, e.g., it must include parties previously not at the table, avoid undue influence by one party or type of interest, etc. More detail on how a productive collaboration might look is below, in Recommendations for a Collaborative Process.

Most respondents would support some form of collaboration on toxics as they see benefits in building relationships, sharing information, rebuilding trust, and regular communication on chemicals of concern.

[5] Spokane Kootenai Waste and Recycle Directory https://spokaneriver.net/wastedirectory/

[6] *Washington state Model Toxics Control Act*

[7] Washington State Senate Bill 5369

However, many respondents also pointed out that any collaborative process that Ecology convenes must have a clear overarching purpose and goals. And as noted above, some respondents also noted that Ecology would do well to publicly acknowledge mistakes and challenges of past collaborations and explain how they plan to address those in the future—for example, ***by committing to incorporating advice and input from the collaborators into its decisions and actions, and then doing so***.

While most interviewees expressed support for collaboration, others questioned its necessity, asking:

- Why convene a collaborative process if there is no decision 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, permitting) are in place to address the 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)?

While convening representatives of interested and affected parties provides one model of collaboration, other suggestions emerged. Ecology could partner with local organizations (e.g., the Spokane River Forum, Spokane Conservation District, Lands Council, Spokane Regional Health District) to inventory noteworthy activities in the watershed related to water quality. Then, Ecology could make funding from the state legislature available via grants to leverage, complement, and build on those activities.

Barriers

Interview respondents noted the following potential barriers to future collaboration:

- Some noted a lack of trust among parties in the SRRTTF and in state and federal government institutions as an impediment to potential future collaboration. Specifically, respondents reported that though they appreciate Ecology staff as people, the Eastern Region water quality division gets unduly influenced by the politics of the west side of the state. Related to EPA, folks commented that the federal agency has not provided support for implementing cleanup actions, despite making statements to the contrary.
- There is not currently a clear purpose to engage, particularly given the development of the PCB TMDL.
- Some believe collaboration is not necessary given other existing tools, suggesting that Ecology should focus on enforcement.
- There are limited resources for a diverse and representative community to participate. Respondents noted a historical lack of sustained engagement with Tribes and underrepresented community groups. At least one interviewee suggested that Ecology touts its commitment to collaboration despite not truly engaging some key parties.
- Even engagement by all the interested and affected parties cannot move the needle on PCBs even close to the state or Tribal PCB water quality standard give the regulatory discrepancies that need to be addressed, e.g., the TSCA "Loophole"[8], differences in State (Idaho and Washington) and Spokane Tribe water quality standards, and the MTCA cleanup standard for PCBs (which is nine (9) orders of magnitude greater than the state or Tribal PCB water quality standard).

Opportunities

Interviewees noted many potential opportunities for collaboration across the watershed including:

- Inter-state and cross agency collaboration between the IDEQ and the Washington Department of Ecology (Ecology).

[8] *TSCA, for all intents and purposes, allows the "inadvertent" manufacture of PCBs in products up to concentrations of 50 parts per million (ppm). 40 CFR Part 761*

- The Environmental Protection Agency (EPA) could take a more active role in supporting and coordinating collaboration between Washington and Idaho parties.
- Ecology could take a strong leadership role in convening collaboration on toxics mitigation.
- As mentioned above, multiple watershed-wide forums exist that Ecology could leverage to assist in toxics mitigation: in addition to those cited above, interviewees also suggested building on the work of the Spokane River Forum.

III. RECOMMENDATIONS FOR BROAD & DIVERSE COMMUNITY ENGAGEMENT IN TOXICS MITIGATION THROUGH COLLABORATION & GENERAL OUTREACH

The assessment team explored with interviewees two different models for community engagement:

1. Collaborative Advisory Body of Representatives of Interested and Affected Parties and Tribes
2. General Public Outreach to Residents and Communities

The assessment did not find a clear mandate for either collaboration or a generalized, non-collaborative engagement approach. However, given the challenges and complexities of reducing toxics in the Spokane River watershed, interviewees largely supported the idea of a paired approach on toxics, with both a collaborative advisory body and general public outreach and engagement.

Nearly all respondents spoke of the paramount importance of engaging tribal communities. Synthesizing the input gained throughout this assessment, constructive next steps for engaging with tribes, connecting with underrepresented communities, and convening a collaborative advisory body on toxics reduction are summarized below.

A. OPPORTUNITIES & RECOMMENDATIONS FOR ENGAGING TRIBAL COMMUNITIES

Most interviewees advised that either a collaborative advisory body or general public outreach to communities needs to center on tribal communities, since the tribes have acted as stewards of the watershed since time immemorial and rely on the river for its salmon as a part of their culture and subsistence. According to input received, this deep history and connection to the Spokane River makes participation by tribes[9] vital in any effort going forward one of the top priorities.

Many believe that tribal communities will not engage unless they see a benefit. When asked, folks suggested that benefit might consist of some compensation or allowing their consultation on process design or implementation. The suggestion arose for Ecology to invite the Spokane and/or Coeur d'Alene Tribes to co-lead a potential collaborative advisory body on toxics, along with Ecology representing the state of Washington and, ideally, the U.S. EPA representing the federal government. However, some noted that consensus or collaborative engagement may lesson or limit tribal sovereignty.

Interviewees highlighted that Ecology should engage tribal communities as sovereign states rather than an affected party or community. One interviewee noted that Ecology should partner with people and/or tribal organizations that can provide education on tribal perspectives and on the disproportionate exposure of indigenous people to toxics. It was also suggested that Ecology engage with an organization called One River, Ethics Matter[10] to improve the ethics of decisions regarding the River and engagement with indigenous communities.

[9] *Most commonly-mentioned tribal entities, in order of frequency: the Spokane Tribe of Indians, the Coeur d'Alene Tribe, Upper Columbia United Tribes, and the Kalispell Tribe*

[10] OREM, One River, Ethics Matter. *https://riverethics.org/*

One interviewee offered legislation passed in 2021 in Canada as a model: On June 21, 2021, Canada formally adopted the Doctrine of the Duty to Consult from the United Nations Declaration on the Rights of Indigenous Peoples. This act requires the Canadian government to[11]:

- take all measures necessary to ensure the laws of Canada are consistent with the Declaration
- prepare and implement an action plan to achieve the Declaration's objectives
- table an annual report on progress to align the laws of Canada and on the action plan

The action plans in this Act require the Government of Canada to[12]:

- address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination against Indigenous peoples, including elders, youth, children, persons with disabilities, women, men, and gender-diverse and two-spirit persons
- promote mutual respect and understanding, as well as good relations, including through human rights education
- related to the monitoring, oversight, follow up, recourse or remedy or other accountability with respect to the implementation of the Declaration

The Act also ensures that any collaboration between the Canadian government and tribal nations take place with "free, prior, and informed consent." This means any consent given by the tribal nations is free of coercion and manipulation, occurs prior to any decision so Indigenous rights and interests can be incorporated into the decision-making process, and is informed by accurate and adequate information[13].

B. OPPORTUNTIES AND RECOMMENDATIONS FOR PRIORITIZING FAIR TREATMENT & MEANINGFUL INVOLVEMENT OF *ALL* COMMUNITIES

Before asking their advice on engaging disadvantaged communities, the assessment team read the following verbiage from Ecology's website: *"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."*

Interviewees identified several opportunities for Ecology to engage underrepresented constituencies and to better engage the broader community. Several stated that Ecology should prioritize providing access to information to underserved communities and to those most affected by toxins. To do this, Ecology must:

- clearly distill complex information for a broad audience who are not experts in toxics and do not work in this field, and
- identify very specific ways in which they can participate in addressing the problem of toxics (both source control, as well as reducing their exposure to toxics).

Respondents also suggested Ecology provide resources and tools to community members to reduce the barriers to participation discussed above, including:

- providing compensation for time under Washington's new Lived Experience Compensation law[14],
- providing food at outreach/collaborative events,
- supplying transportation to and childcare at community outreach/collaborative events to allow broader participation from the community, and

[11] Department of Justice, Canada. *United Nations Declaration on the Rights of Indigenous Peoples Act.* https://www.justice.gc.ca/eng/declaration/about-apropos.pdf

[12] *Ibid*

[13] *Ibid*

[14] WA State Office of Equity, *Community Compensation Guidelines.* https://equity.wa.gov/people/community-compensation-guidelines

- translating information and materials into other languages commonly spoken in the area (languages noted included Marshallese, Russian, Ukrainian, Spanish, Korean, Vietnamese, and Hmong). Respondents noted that some entities like the Spokane Regional Health District have experience in translating important public health information into different languages and could be a partner in development and disseminating information.

Multiple respondents also noted the opportunities to increase the reach of information by engaging environmental justice groups and neighborhood organizations, as well as identifying community leaders and other trusted messengers and representatives who are part of or have channels of communication in disadvantaged communities. These groups or individuals can help to relay information to community groups and could provide representation of these groups if a collaborative process/advisory body were to be used. Groups noted by interviewees include: AHANA, Blue-Green Alliance, the Upper Columbia chapter of the Sierra Club, Kootenai Environmental Alliance, Columbia River Intertribal Fishing Commission, Peace and Justice Action League, Inland Northwest Land Conservancy, Spokane River Keeper, Afghan Health Initiative, and the Center for Environmental Law and Policy.

Many respondents noted that to ensure broad and meaningful community engagement, Ecology (directly or via partners or grantees) must conduct routine and convenient education/outreach not only using online tools but in person at community centers, churches, parks, and other gathering spaces. Ecology must bring the information to the communities if they want their participation.

Multiple interviewees suggested that engaging in schools is a great opportunity to expand community outreach/engagement, noting that this approach brings benefits on two levels: educating the future generation of river stewards on issues the River faces and via youth engagement, raising awareness of whole families. This approach can effectively conduct outreach to both the current and future community stewards of the watershed, fostering a deeper community connection to the river.

Many interviewees also highlighted the importance of positive messaging while communicating around toxics of concern. This could include highlighting all the progress made on source identification and control of toxics, the River showing lower measurements of PCBs (or higher levels of dissolved oxygen) over time, and other successes on key water quality issues. Celebrating successes can bolster community engagement and build a culture of watershed ownership and pride, through a positive/virtuous feedback cycle.

C. RECOMMENDATIONS FOR A PROSPECTIVE COLLABORATIVE PROCESS

The recommendations in this section arise from:

- An analysis of what the Assessment Team heard and learned from interviews,
- Exploration of and experience with similar governance processes in other contexts, and
- The Assessment Team's expertise in collaborative and multiparty processes.

Most respondents expressed general support for collaboration on toxics reduction, citing the precedent and track record of collaboration in the area on similar issues and the benefits of increased communication, coordination, and information sharing. A few interviewees recommended looking to other effective collaboratives as models for how Ecology could structure and advisory body such as the "Our Green Duwamish" or the "League to Save Lake Tahoe."

The suggestion emerged to engage local higher education institutions such as the two masters-level leadership programs in Spokane (at Gonzaga and Whitworth universities). Faculty and grad students could dedicate research and analysis in thinking through how to design a collaborative structure to include the voices of all interested and affected constituencies (perhaps as a thesis topic developed and completed in consultation with key parties).

Process Recommendations

Based on this input and its previous experience with similar processes, the Assessment Team suggests the following as guidance for organizing a collaborative process:

Have a clear purpose: Many noted that any potential collaborative on water quality would need a crystal-clear purpose (examples bulleted below) and that the participants would need to agree with and commit to that overarching purpose. It would help to draft a purpose and/or vision statement and a handful of goals—then take the time to vet those with potential participants, modifying them as appropriate based on the feedback received, and communicating with the parties as things evolved. That way, folks could come together with an understanding of what they would be committing to.

Interviewees suggested the following for potential goals/purposes around which to center a collaborative effort:

- A collaborative to develop a watershed plan on water quality. One suggestion that was made during the interviews was that Ecology could convene and sponsor the development of a water quality focused watershed plan for the Spokane River watershed. Benefits of this could include providing a basis for streamlining project approval and funding from ecology to implement water quality related projects.
- Advisory group to provide feedback/input on the PCB TMDL
- Advisory group on toxics in general, for example, to engage in:
    - Information sharing
    - Suggestions and assistance on messaging and outreach
    - Feedback to Ecology on where to invest resources and development of studies on toxics
    - Combined advocacy for regulatory and policy adjustments (e.g., on TSCA and/or MTCA standards)

Some interviewees noted the need to avoid duplication, citing the multiple already-operating watershed-wide committees. Many different organizations and state agencies are working on similar efforts but many doing this work are siloed within their own organizations. More collaborative efforts among these existing entities could help avoid duplicative efforts.

Develop strong rules of engagement with commitments by participants to observe them*:* In addition to a clear purpose and goals for the advisory body, there would need to be agreement by all participants to work together constructively, agreement by all to abide by clear rules of engagement, and a commitment by Ecology to demonstrate how it incorporated the advice and recommendations from that collaborative process—or explanations of why it did not follow the advice and recommendations it received.

Separate the advisory role on PCB TMDL implementation from other toxics: Interviewees pointed out the need to differentiate the role of advising on the PCB TMDL implementation and a broader scope encompassing all toxics and water quality issues throughout the river/aquifer system. If the collaborative launched with a broad scope of toxics and participants, it would quickly become compromised when the PCB TMDL is issued, since that promises to occupy lots of attention and energy (and anticipated litigation); beyond the permitted dischargers, other parties would have less incentive to remain engaged at that point. So, either from the start or when the PCB TMDL is issued, the advisory role on its implementation should run on a separate track than a broader, all-toxics conversation. Either way, folks emphasized the need for clear communication around the tools of compliance schedules and variances, to ensure all parties understand these options and why or when they might be used.

Have strong leadership from regulatory agencies: Multiple interviewees relayed the importance of Ecology taking stronger leadership in collaborative efforts on toxics. This applies retroactively to the SRRTTF and to any advisory body moving forward. Ecology needs to make it clear from the beginning of

the process that this body serves only in the advisory role and that Ecology retains all decision-making power. This will help address issues and perceptions of power imbalances between dischargers and environmental/community groups, and ensure no constituency has an undue influence in the process. The agency should also demonstrate how advice and recommendations from an advisory body will be received and incorporated into its decision making—and show participants how it is doing so.

Interviewees also believed the EPA needed to take a stronger leadership role to foster inter-state collaboration among Idaho and Washington agencies (most often mentioned: IDEQ and Ecology). Inter-state collaboration was identified as critical for the success of any future collaborative effort, but many interviewees recognized the difficulty of Idaho and Washington agencies working together without the EPA taking a stronger role in mandating these efforts.

Include previously marginalized, disengaged, or sidelined constituencies: Respondents also noted that any collaborative process should be broadly inclusive, with representatives of underserved or disadvantaged communities. In addition, it should focus on raising public awareness, providing routine positive messaging (when applicable) on progress to keep people engaged.

Suggested structure and participants

Interviewees suggested modeling potential collaborative participant lists along similar lines as the State of Idaho's Watershed Advisory Groups (WAGs) and Basin Advisory groups or Washington's Integrated Watershed Management legislation.[15] Each has legislative requirements for participants representing specific constituencies.

For its WAGs, the State of Idaho requires participants representing agriculture, mining, point source dischargers, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, environmental interests and the land managing or regulatory agencies with an interest in the management of that watershed and the quality of the water bodies within it.[16]

Additionally, interviewees suggested it would be important to include elected officials, department directors, and other decision makers in any advisory collaborative or find other ways for the body to directly inform the policy-makers. Other suggested participants included representatives from neighborhood councils, environmental justice groups, recreation, and business organizations (see section above on "Opportunities and recommendations for prioritizing fair treatment and meaningful involvement of *all* communities" for more potential advisory body participants.

[15] Washington's Integrated Watershed Management groups must include: one member representing each county in the management area; one member representing cities for each county in the area; one member representing water supply utilities for each county in the area; one member representing all conservation districts in a single Water Resource Inventory Area (WRIA) management area or up to two members representing all conservation districts in the multiple WRIA area; three members representing various major interests in the area, appointed jointly by the counties and/or cities in the area; one member representing the general citizenry appointed jointly by the counties in the area; two members representing the general citizenry appointed jointly by the cities and counties; representatives of the Department of Natural Resources, the Department of Fish and Wildlife, the Department of Ecology, and the Department of Transportation. If one or more federal Indian reservations are located in whole or in part in the management area, or if one or more tribes located in this state have federally recognized ceded land in that area or fishing rights recognized under federal case law on lands in that area, the planning unit must promptly invite the tribal governments of each of these reservations and tribes to appoint one member.

[16] "Title 39 Health & Safety: Chapter 36 Water Quality." Idaho State Legislature. https://legislature.idaho.gov/statutesrules/idstat/title39/t39ch36/sect39-3615/.

While of course the Department of Ecology can pick and choose which elements of the ideas and suggestions above, the Center provides the following as its overarching recommendation for how the agency can most effectively engage the Spokane River Community in mitigating toxics.

Top-Line Recommendation for Community Engagement on Toxics Reduction in the Spokane River

Based on input provided during this assessment:

- To assist with implementing the **PCB TMDL**, Ecology should work with federal and state government leadership to convene a collaborative Advisory Committee (as it did for the TMDL on Dissolved Oxygen).
- At the same time, and into the future, the agency should approach reducing **toxics in general** via community public outreach. That includes following specific suggestions in this report for engaging disadvantaged communities, partnering with groups already doing effective outreach, and leveraging existing watershed-wide conversations.

If Ecology staff decide to pursue collaboration on general toxics reduction, that effort should have a clear purpose and goals, be convened in partnership with other sovereigns, and kept distinct from the PCB TMDL implementation process (and to explicitly state the implied: it could also benefit from other suggestions in this report).

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

The section details recommendations not directly related to general community engagement or a potential collaborative process. The assessment team gathered ideas and suggestions for how Ecology could find and reduce toxics from among all its tools and methods, including both regulatory and non-regulatory approaches.

Many interviewees noted that end-of-pipe solutions are less effective than source control. Before (or in addition to) community outreach or end-of-pipe tools, several challenges loom that Ecology should work on to effectively address the entire PCB toxics problem (these may also apply to other toxics of concern, but mostly arose during discussions around PCBs):

- Prioritize closing the Toxics Substances Control Act (TSCA) regulation "loophole" that allows for "inadvertent" manufacture of PCBs in products (at 50 parts per million) to align with Spokane River water quality standards. Ecology has been legislatively tasked (in SB 5369) to petition the US EPA to amend TSCA regulations to address this regulatory loophole for PCBs in products. Most respondents suggested that this should be a priority. A collaborative approach could provide opportunities for addressing this loophole by bringing together many voices from different groups to initiate change at a federal level, as it has been effective in getting legislative action in Washington state.
- Proactively explore ways to address differences in water quality standards that progressively get more stringent (as one moves downstream) from the State of Idaho's standard to that of the State of Washington, to that of the Spokane Tribe. Water from Idaho (PCB surface water quality standard 190 picograms per liter, or pg/L) contributes to concentrations in the Washington state stretch of the Spokane River, which has a PCB water quality standard of 7 pg/L. Washington's standard is far lower than Idaho's, and both greatly exceed the Spokane Tribe water quality standard for PCBs of 1.3 pg/L.

- Approve and adopt more sensitive analytical methods for PCB detection. The current technical capabilities for measuring PCBs in water limit the ability to detect PCBs as low as the Washington state and Spokane Tribe water quality standard levels. At least one respondent noted that Ecology should engage with EPA to utilize and approve the analytical method 1628, if not at a state level, at least in a limited capacity in the Spokane River watershed.
- Tackle local legacy sources of PCBs. Many interviewees identified paint and caulk in buildings and stormwater runoff as two major sources Ecology should prioritize addressing.
- Continue work on PCB "hotspots" identified by the SRRTTF such as the Mission Reach and the GE site. Respondents noted that the extensive work the SRRTTF did to identify previously unknown sources of PCBs should not be abandoned; follow-up work is needed.
- Work to align the MTCA site cleanup standard with surface water quality standards and/or work to allow for "reopening" cleanup sites if sources of toxics (e.g. PCBs) from the site are found to be contributing to not meeting the water quality standards. Interviewees noted that this is a significant challenge due to the legal ability to look further into sites that have been "cleaned up" under MTCA.
- Ecology should continue to identify products that contain PCBs and/or other toxics of concern and both provide information to the public and engage with the Washington Department of Enterprise Services and the Legislature around state preferential purchasing rules to avoid the purchase of these products.
- Interviewees support Ecology providing funding (e.g., grants) for:
    - Site clean-ups
    - Implementation of cleaner technologies
    - Community outreach and engagement
    - PCB mitigation research and pilot projects
- Some respondents stated that Ecology should focus on regulatory tools and strengthen its enforcement of discharger limits and permits. Those who shared this view saw this as the most important work for Ecology to focus on, suggesting the agency should prioritize it over all other tools of toxics reduction. A focus on enforcement would mean Ecology would and should not issue variances; these interviewees stated that these tend to drag out over long time horizons and postpone when dischargers take the necessary steps to meet water quality standards. This subset of respondents see Ecology getting tougher on dischargers and strongly enforcing regulations as the best chance for a cleaner River.
- More than one respondent noted that if human health is the driver of regulatory standards and actions, decisionmakers should consider changing how PCB water quality standard violations are determined. They noted that EPA and Ecology should not use total PCBs but should consider the bioaccumulation of higher (legacy PCBs/congeners and Aroclors) vs. lower atomic weight PCBs (e.g., PCB-11). For example, PCB-11 is not highly bio-accumulative; however, it contributes to total PCB quantities and is difficult to remove with current wastewater treatment technology.

Conclusion

This assessment explored two different models for community engagement on Spokane River toxics mitigation: a potential collaborative advisory body of representatives of interested and affected parties, and general outreach to residents and communities. Overall, the assessment did not find a clear mandate for either collaboration or a generalized, non-collaborative engagement approach; most respondents expressed support for both approaches. The most constructive path forward would combine multipronged community outreach (as detailed above) with a carefully designed collaborative-style advisory body that has a clear purpose and goals, strong rules of engagement that level the playing field, and a way to distinguish it from PCB TMDL implementation work.

When the assessment team presented preliminary findings on June 28th to the SRRTTF, Ecology indicated that they have already begun planning a collaborative advisory body. If the timeline they announced holds, the first meeting of this new advisory body will occur in September 2023. In the coming months as the process develops, it will be important to establish and maintain clear lines of communication among key parties. This includes targeted engagement with key constituencies that have historically been disengaged with discussions around toxics—both those identified in this report and those suggested by the participants in the upcoming advisory body.

The Ruckelshaus Center is pleased to submit this report to the Washington Department of Ecology. Assessment team members are grateful for the willingness and openness of those willing to talk with us. We hope these findings help the agency's Eastern Region Water Quality staff in formulating and advancing constructive next steps for meaningful and effective community engagement in reducing toxics in the Spokane River.

V. APPENDICES

A. ASSESSMENT BACKGROUND AND OVERVIEW

1. The William D. Ruckelshaus Center

The William D. Ruckelshaus Center (the Center) serves as an impartial resource for collaborative problem solving in the state of Washington and the Pacific Northwest, providing expertise to improve the quality and availability of voluntary collaborative approaches for policy development and multi-party dispute resolution. The Center operates as a joint effort of Washington's two research universities, the University of Washington (UW) and Washington State University (WSU). For more information, see attached overview (see Appendix A) or visit www.ruckelshauscenter.wsu.edu.

The Ruckelshaus Center specializes in collaborative governance, designing and facilitating solution-focused processes of fact-finding, identification of common interests, dialog and deliberation, and consensus decision-making. Based on that specialty and the above verbiage, the Center interprets the verbiage "Consult with…" (followed by a list of several entities) as a directive to convene a facilitated collaboration among interested and affected parties, beginning with those identified in the legislation and adding other participants identified by those knowledgeable about the issues and players.

The first step in the Center's methodology is a tool called a situation assessment, an interview-based effort to better understand and explore relevant issues and interests of involved parties, along with the situation dynamics. A situation assessment is a typical first step in exploring a potential collaborative process that reveals useful information about the issues and the parties that informs next steps forward, whether that involves a collaborative process or not. For the purposes of this report, a collaborative process is defined as a solution-focused dialogue among all key interests, participating willingly, that is convened and facilitated by an impartial facilitator. If the parties to a collaborative process reach agreement, the results typically get channeled through traditional legislative, executive, and/or agency policy forums for consideration and possible action.

2. Spokane Toxics Situation Assessment

There has been more than a century of industry on and around the Spokane River and contamination from toxic chemicals has emerged as a significant concern. Since 2012, Ecology has worked collaboratively with the Spokane Regional Toxics Task Force (SRRTTF) to find and reduce sources of polychlorinated biphenyls (PCBs) to the River. The Task Force work is now wrapping up, and Ecology seeks feedback on how they can best continue this type of work while also engaging a broader community around all toxics. Reimagining a community-based advisory group and/or engagement options presents an opportunity to re-engage, maintain the momentum of previous collaboration, and rebuild trust. Further, the Department of Ecology (Ecology) is interested in developing a watershed-wide community advisory body to assist in addressing PCBs and other contaminants in the Spokane River. To that end, Ecology asked the William D. Ruckelshaus Center (the Center) to seek input from community members on the potential benefits and challenges of an advisory body and how best to constitute such an advisory body as well as find other opportunities to better engage the public on toxics. The Center conducted an impartial situation assessment of issues, challenges, and opportunities connected to this effort. This included XX interviews of interested and affected parties for the Center's assessment of the potential for a collaborative, community-based, watershed-wide advisory body on Spokane River toxics.

The Center reached out to a broad and balanced range of parties between April and June of 2023 to capture a wide range of perspectives. Interview candidates were identified via the Center's background research, conversations with Ecology staff, and chain referral sampling (in which all interviewees are asked to identify additional potential interviewees). The assessment was intended to identify the major issues and key parties involved and document their interests and perspectives. It also explored the

prospects for a collaborative process and sought to identify other opportunities for Ecology to engage the public on those issues.

B. ASSESSMENT PROCESS

1. Assessment Team

Chris Page (Lead Facilitator) managed the situation assessment, with strategic oversight from Phyllis Shulman (Interim Director of the Ruckelshaus Center). Chris, Phyllis, and Kara Whitman (Faculty at Washington State University) designed the assessment process, developed the protocols and guide for the interviews and conducted the interviews. Project Coordinator Zack Cefalu scheduled interviews and managed communications for the assessment process, and both Zack and Nathan Enos (WSU Graduate Student) took notes and helped to synthesize themes of around areas agreement and disagreement from the interviews. Chris and Kara synthesized and summarized findings and drafted this report with significant input and contributions from both Zack and Nathan.

2. Identification of Parties

The Center consulted with the Department of Ecology to identify and initial list of parties that the Center should consult in the assessment process. Additional background research and initial conversations with Ecology and with current facilitators of the Spokane River Regional Toxics Task Force and its Technical Track Work Group produced a preliminary draft list of interested and affected parties.

Broad criteria used to guide selection of the interested parties to interview were:

- Broadly representative of interests related to toxics in the Spokane River Watershed
- Geographically dispersed
- Representative of the diverse perspectives and views on past and future engagement on toxics
- Organization and/or subject matter expertise and leadership
- Fits within the project time ad resource constraints

The assessment team selected an initial round of interviews representing a broad and balanced range of interests. Based on suggestions from these interviewees, the Center conducted a second round of interviews, reaching a total of 45 parties included in *Appendix C*). The list is not meant to be exhaustive but rather to include a balance from each significant category of interested constituency. The goal is for all interested parties to feel that their perspective was included in the assessment, whether they themselves were interviewed or not.

3. Interview Protocols

The assessment team developed a set of protocols to govern the interview process, based on university human subject research principles and best practices in the field of collaborative decision-making. The Center invited interviewees by email and/or phone to participate in an interview and provided background information explaining the process, the purpose, and how the interview would be used.

The preliminary information emphasized that the interview would be confidential (to be consistent with university research protocols and encourage interviewees to be as frank as possible), in that the results would be aggregated in a summary report and specific statements would not be attributed to individual interviewees. Interviewer notes of the conversation were not retained beyond the drafting of the report, per research protocol. The Center conducted interviews by zoom video meeting technology or in person.

C. LIST OF PARTICIPANTS

Name	Title	Affiliation/Agency
Bruce Howard	Water Quality-Spokane River Licensing	Avista Utilities
Meghan Lunney	Water Quality-Spokane River Licensing	Avista Utilities
Mike Anderson	Wastewater Utility Superintendent	City of Coeur D'Alene
John Beacham	Public Works Director	City of Post Falls
Alyssa Gersdorf	Environmental Specialist	City of Post Falls
Craig Borrenpohl	Utilities Manager	City of Post Falls
Jeff Donovan	Environmental Analyst	City of Spokane
Rebecca Stevens	Restoration Coordinator/Program Manager Hazardous Waste Management Program	Coeur D'Alene Tribe
Julia McHugh	Community Member	West Plains Resident
Monica Lowney	Environmental Consultant/Advocate	Spokane Resident
Lisa Dally Wilson	Owner of Dally Environmental	Dally Environmental
Annie Simpson	Eastern Washington Watershed Planner	Department of Ecology
Diana Washington	Senior Engineer/Permit Manager	Department of Ecology
Adriane Borgias	Water Quality Section Manager	Department of Ecology
Holly Davies	Senior Toxicologist	Department of Health
Brian Nickel	NPDES Permits-Environmental Engineer-Region 10	EPA
Gunnar Johnson	Washington State TMDL Coordinator	EPA
Jennifer Ekstrom	North Idaho Lakes Conservation Associate	Idaho Conservation League
Robert Steed	Surface Water Manager	IDEQ
Doug Krapas	Environmental Manager	Inland Empire Paper
Brent Downey	Manager-Environmental Affairs	Kaiser Aluminum
BiJay Adams	General Manager	Liberty Lake Sewer & Water District
Tom Agnew	District Commissioner	Liberty Lake Sewer & Water District
Dave Dilks	Senior Principal	LimnoTech
Tom Soeldner	Spokane River Team	Sierra Club
Kristin Lowell	Senior Water Quality Analyst	IDEQ

Breean Beggs	Spokane City Council President	Spokane City Council
Ben Brattebo	Water Programs Manager	Spokane County Environmental Services
Rob Lindsay	Environmental Services Administrator	Spokane County Environmental Services
Mike LaScuola	Technical Advisor, Environmental Resources	Spokane Regional Health District
Vikki Barthels	Environmental Health Specialist	Spokane Regional Health District
Andy Dunau	Executive Director	Spokane River Forum
Tonilee Hanson	Program Director	Spokane River Forum/Spokane Aquifer Joint Board
Jerry White	Executive Director	Spokane RiverKeeper
Brian Crossley	Program Manager, Water & Fish	Spokane Tribe of Indians
Chad McCrea	Director of Natural Resources	Spokane Tribe of Indians
Billy-Joe Kieffer	Policy Analyst	Spokane Tribe of Indians
Brent Nichols	Division Directors Fisheries and Water Resources	Spokane Tribe of Indians
Amanda Parrish	Executive Director	The Lands Council
Dan Wilson	President Emeritus	United Steel Workers
Chris Donley	Region 1 Fish Program Manager	WDFW
Ben Floyd	Owner, White Bluffs Consulting	White Bluffs Consulting
Lara Floyd	Owner, White Bluffs Consulting	White Bluffs Consulting
Margo Hill	Eastern Washington University Associate Professor	Spokane Tribe of Indians
Marc Gauthier	Wildlife Program Manager	Upper Columbia United Tribes

D. SITUATION ASSESSMENT INTERVIEW QUESTIONS

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."[17] *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 the barriers to collaboration on toxics reduction in the River?*
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:*
    a. *Would you / your organization participate? [If you have doubts, what would it take to get you to join with a good will?]*
    b. *Who else should be included? Who might best represent that entity?*
    c. *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 QUESTION: *How long do you think it will take to clean up the River?*

E. STRATEGY FOR THE WEST PLAINS: ISSUES FOR THE WEST PLAINS RELATED TO TOXICS

The following is a summary of the collective aspirations of some residents of the West Plains, shared with the assessment team by one respondent.

- **Expansion of the FAFB PFAS study boundary** to include the rest of the West Plains outside the existing study area;
- Using all forms of media, **notification of all West Plains residents and businesses** who are on well water, about the presence of PFAS in our sole source wells; - **mandatory notification** of all West Plains permittees when they obtain an Ecology well drilling permit or a County building permit that there are contaminants known to be in the groundwater on the west plains; - establish a possible cost basis 'buying club' or other means, to **provide affordable resources** for residents who voluntarily have their water tested, in **order to access options for filtration** and the necessary basic replumbing of affected residences, the only option known at this time beyond importing bottled water;

[17] *From the Dept of Ecology website here.*

- **Mandatory ongoing sampling and reporting of monitoring well results by Spokane International Airport** to Ecology, and possibly through the Dept of Health PFAS dashboard to report out to the rest of us;
- Harness the energy of the two medical schools in our area, along with our regional health district and our state Dept of Health, to do a **comprehensive health study of the residents on wells** and the types and frequencies of cancer and other diseases we may know about or discover in the process here on the west plains.
- **Establishment of a West Plains 'Potential Contaminant Source Inventory'** that tracks small, medium, and large quantity generators' hazardous waste through the Airway Heights municipal water business customer list, provided to Fire District 10 through annual or bi-annual report-back by businesses. This will build a list of contaminants (and map) held and used on site that protects firefighters when responding to a fire and allows residents to have knowledge of contaminants used and potentially impacting the groundwater. This is a system in place for the Spokane Valley Rathdrum Prairie Aquifer.
- **Establishment of an official 'Aquifer Protection Area'**, a designation that enabled the Spokane Valley Rathdrum Prairie Aquifer protection program to be funded by modest property taxation, including funding the STEP program (septic tank elimination program). This will require a ballot issue and a 'vote of the people'. The distinct West Plains aquifer system is no less in need of protection.
- Working with our area's numerous higher education institutions & media outlets, begin capturing these various and numerous citizen efforts and events on voice, video, and other graphic means to **create a documentary-type piece that will inform others** of the history, efforts, and solutions we will achieve. The Story Map begun by Dave Stasney, hydrogeologist and SCC faculty and his students, is a great start to capturing the knowledge base we're building on.
- At every opportunity to inform and collaborate, **tie the health of the west plains aquifer system to the health of the Spokane River**, with numerous recorded physical connections and interactions that is well researched and reported on. Aquifer waters and surface waters are continually interacting.