

**INTERAGENCY MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

AND

THE PROVINCE OF BRITISH COLUMBIA
MINISTRY OF ENVIRONMENT, LANDS AND PARKS
KOOTENAY REGION**

This two party agreement is made and entered into by and among the Department of Ecology, hereinafter referred to as “Ecology” and the Ministry of Environment, Lands and Parks, hereinafter referred to as “BC Environment.”

Whereas, the Environmental Cooperation Agreement of May 7, 1992 between the Province of British Columbia and the State of Washington, mandated coordinated action and information sharing between the State and the Province on environmental matters of mutual concern and the establishment of Task Forces to address issues of major environmental significance.

Whereas, environmental pollutants in the international boundary portion of the Columbia River drainage can travel across the border and may be a source of concern to the parties to this MOU and area residents,

Whereas, Ecology and B.C. Environment are parties to a formal Memorandum of Understanding regarding information sharing on air emission sources (April 14, 1994).

Whereas, the Lake Roosevelt Water Quality Council which provided a forum for Ecology and B.C. Environment to cooperate on water quality issues related to Lake Roosevelt and the Upper [Lower] Columbia River ceased operation in September, 1995 as a planning and coordinating body.

Whereas, at the June 9, 1995 meeting of the British Columbia/Washington Environmental Cooperation Council, B. C. Environment and Ecology managers were directed to prepare a Memorandum of Understanding to assure continued coordination and cooperation relative to major environmental issues within the international portion of the Columbia River drainage.

Whereas, the regulatory/oversight responsibilities over waste discharges rests primarily with Ecology and B.C. Environment as the regulatory agencies of the State and the Province.

Therefore, B. C. Environment and Ecology hereby enter into this Memorandum of Understanding, hereafter called the MOU.

This MOU incorporates by reference the four party MOU on Air Quality between the State of Washington Department of Ecology, The State of Washington Northwest Air Pollution Authority, The Province of British Columbia Ministry of Environment, Lands and Parks, and The Greater Vancouver Regional District, as it applies to this portion of the Columbia River drainage.

B. C. ENVIRONMENT AND ECOLOGY, MUTUALLY AGREE TO:

- in accordance with section III a) of attachment 1, provide timely prior notification of proposed discharges to the water or land which have significant potential for cross boundary water quality impacts.
- in accordance with section III b) of attachment 1, provide timely prior notification of proposed significant consumptive water use.
- in accordance with section III c) of attachment 1, provide an opportunity for comment on planning activities that may have trans-boundary impacts.
- in accordance with section III d) of attachment 1, provide timely notification of significant spills to the Columbia River including tributary streams.

- in accordance with section III e) of attachment 1, share air and water quality monitoring data.
- in accordance with section III f) of attachment 1, provide the opportunity for trans-boundary public comment on proposals under consideration by the agency with jurisdiction.
- in accordance with section III f) of attachment 1, jointly facilitate public information sharing meeting upon mutual agreement of need.
- specify appropriate contacts within each agency to facilitate timely sharing of information.

Statutory Powers


Nothing in this Memorandum of Understanding shall be construed as affecting or limiting the legislative or statutory powers of the signatories to this memorandum.

Termination

The period of performance of this MOU shall commence on the date it is signed by both parties and remains in effect until terminated by either or both of the parties by way of 30 days prior written notification.

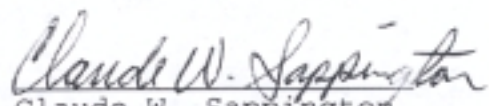
IN WITNESS THEREOF, the parties execute this agreement.

Province of British Columbia
Ministry of Environment, Lands,
and Parks



Dennis G. McDonald
Regional Director
Kootenay Region

State of Washington
Department of Ecology



Claude W. Sappington
Regional Director
Eastern Region

ATTACHMENT 1
SCOPE OF WORK
PRIOR CONSULTATION AND INFORMATION SHARING
ON
ENVIRONMENTAL ISSUES

I. Coordination and Cooperation

Air and water quality are issues of mutual concern to both parties in this agreement. Because point and nonpoint sources of contamination on one side of the international boundary have the potential to impact environmental quality on the other side, it is imperative that regulatory agencies in both Washington and British Columbia coordinate their regulatory actions and cooperate in sharing relevant environmental quality information necessary to ensure environmental protection as provided by both jurisdictions. To this end, this MOU is entered into by the agencies on both sides of the border with the most direct regulatory impact on cross-boundary environmental quality issues. These are the British Columbia Ministry of Environment, Lands and Parks and Washington State Department of Ecology. This MOU addresses the roles and responsibilities of these agencies in consulting with each other early in the application process concerning significant environmental permits, licenses, monitoring and planning activities.

II. Geographic Area of the Scope of Work

The area of work encompasses the international portion of the Columbia River drainage defined as the main stem Columbia River between Grand Coulee Dam and

Hugh Keenleyside Dam and the Pend Oreille River within Washington State and British Columbia.

III. Elements of Prior Consultation and Information Sharing

There shall be prior consultation and information sharing concerning environmental activities between B. C. Environment, Kootenay Regional Office (Nelson) and Ecology, Eastern Regional Office (Spokane) as follows:

- a) Wastewater Discharges/permits – At least thirty (30) days prior to the issuance, re-issuance of a permit, or significant modification (significant being defined in accordance with normal business practices followed by the regulating agency) of an existing waste discharge permit that may affect the international portion of the Columbia River drainage, the parties will submit a complete application package to each other for review and comment. The permitting agency shall provide a copy of the final permit and upon request, the Responsiveness Summary (technical report) of the reviewing agency. Discharges of effluent to ground that may adversely affect the cross boundary surface or ground water quality shall also be included in the review and consultation process.
- b) Consumptive Use of Water – at least thirty (30) days prior to the issuance of significant (in excess of 10 cfs) permanent consumptive water rights that could effect cross border stream flow, the permitting agency shall provide application information to the reviewing agency for comment. The final decision will be copied to the reviewing agency.
- c) Water Drainage Basin Planning – From time to time, water drainage basin planning activities may be contemplated for a basin located within the geographic

- area of this MOU. If in the opinion of the planning agency there will be cross-boundary impacts, the jurisdiction affected by the planning activities or decisions will be offered the opportunity to review and participate in the planning process.
- d) Emergency Spill Response – In addition to formal notification procedures, Ecology and B. C. Environment will continue informal early notification of spills to the international portion of the Columbia River drainage.
 - e) Data Exchange – Upon request, all available environmental data from the international portion of the Columbia River drainage within the possession of either party to this agreement will be shared between the agencies.
 - f) Public Involvement – Either agency may have the lead responsibility for approving environmentally significant projects or activities that have the potential to cause cross border impacts. Upon the request of either B.C. Environment or Ecology, the public within the geographic area of this agreement, will be given the opportunity to review and comment in writing or verbally on a proposal under consideration by the agency with jurisdiction. B. C. Environment and Ecology agree to jointly facilitate public information sharing meetings as the need arises. The location of these meetings will alternate between British Columbia and Washington State.