

JUL 02 2019

WATER QUALITY PROGRAM

To: Susan Braley  
Washington State Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

June 27, 2019

RE: EIS scoping for WAC 173-201A Rulemaking for Variances on the Spokane River

Dear Ms. Braley,

We are writing today to comment on the WDOE Environmental Impact statement on the scoping process for proposed pollution discharger variances on the Spokane River. We would like to express our extreme opposition to the adoption of these pollution discharger variances by the WDOE. Such variances would allow industrial and municipal dischargers to determine and propose their own pollution limits and this is entirely unacceptable.

Instead of these proposed discharger variances, which would leave dischargers unaccountable, it is important to have dischargers accountable to the public. Thus we are requesting WDOE implement the conventional clean up plan called the Total Maximum Daily Load or TMDL. This kind of plan would require loading limits and timelines that would require dischargers to ratchet down their pollution and allow the public to be informed.

The WDOE's Environmental Impact Statement on discharger variances must do the following things:

1. Ecology must consider how a variance will impact the ability to meet the Spokane Tribe's Water Quality Standards (for poly chlorinated biphenyls or PCBs). Ecology cannot take action that will cause or contribute to a violation of the Tribe's standards.
2. Ecology must explain how a variance will comply with the Federal Court order to develop a clean-up plan called a Total Maximum Daily Load (TMDL) for PCBs.
3. Ecology must address issues of environmental justice -- who is eating fish and how will they be impacted by a decision to weaken the water quality standard for PCBs? Will the variance disproportionately impact Native Americans or other fishing and minority communities?
4. Ecology must assess all technological options to address PCBs.
5. Ecology must assess impacts of PCBs on the entire food web.
6. Ecology must fully assess the effectiveness of issuing pollution permits with compliance schedules to meet the EPA/WA water quality standard.
7. Ecology must assess the social and economic costs of continued toxic pollution shouldered by the community in the form of lost and degraded uses. For example, who does not use the river any longer because of polluted fish and what is that costing us?

Thank you for your time,

AUSTIN ZIMMERMANN +  
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