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May 16, 2025

VIA Online Comment Form

Jared Mathey
State Authorization Regulatory Analyst
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Mr. Mathey:

Thank you for the opportunity to comment on the Performance Partnership Agreement for 2026-2027. We submit the following comments for your review and consideration.

Spokane Riverkeeper is a non-profit, advocacy organization that works to protect the Spokane River Watershed. The mission of the organization is to protect and restore the health of the Spokane River watershed. On behalf of Spokane Riverkeeper we submit the following comments for your consideration in regards to the provision regarding the Spokane River PCB TMDL implementation.

Water Quality Section 4F - regarding Spokane River PCB TMDL Implementation

Ecology Must Retain Full Responsibility for Implementing the Spokane River PCB TMDL

We urge the Department of Ecology to retain full responsibility for implementing the Spokane River and Little Spokane River PCB TMDL. While collaborative engagement with stakeholders is appropriate in developing the implementation plan, it is not acceptable to delegate or effectively subrogate Ecology's statutory obligations to the Spokane River Toxics Advisory Committee (SRTAC), a group dominated by dischargers.

Mandating implementation through SRTAC shifts primary authority and accountability away from Ecology. The TMDL is a regulatory tool designed to meet water quality standards, and its success depends on strong leadership by the agency. While coordination with SRTAC may be

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valuable during plan development, final responsibility for implementation, oversight, and enforcement must rest squarely with Ecology.

Limitations of the Advisory Committee

SRTAC's composition and structure are inadequate for leading TMDL implementation. Membership is heavily skewed toward point source dischargers—more than 50% of the participants represent wastewater dischargers, their consultants, and legal representatives. The committee lacks requirements for balanced stakeholder input, public transparency, or Indigenous and community participation.

This structure results in a bias toward protecting discharge permits, minimizing liability, and delaying enforceable action. Discharger participants have repeatedly challenged the applicability of Washington's PCB water quality standards before the Pollution Control Hearings Board—demonstrating a conflict between their interests and the goals of the TMDL.

Historical Precedent of Ineffectiveness

The Spokane River Regional Toxics Task Force (SRRTTF), the precursor to SRTAC, struggled for nearly a decade without making measurable progress in reducing PCB levels in the river. The final comprehensive plan emphasized education and additional studies but failed to achieve concrete reductions in discharges or address legacy contamination. Ecology should not repeat this ineffective model. Instead, it must establish a clear framework for action, led by the agency itself.

Measurable Goals and Accountability

This agreement should explicitly include implementation goals aligned with the TMDL's purpose: achieving water quality standards. We urge Ecology and EPA to adopt a two-year implementation milestone that includes specific metrics, such as reductions in PCB loading and progress toward downstream compliance with applicable water quality standards. Adopting a strong measurable goal in this agreement will demonstrate that both agencies are committed to seeing real progress toward meeting the standards set out in the PCB TMDL.

Environmental Justice and Subsistence Fishing

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Deferring implementation to a group led by dischargers also undermines Ecology's obligation to uphold environmental justice. PCB contamination disproportionately affects communities who rely on fish from the Spokane River, including the Spokane Tribe—whose fish consumption rate is 865 grams/day—and immigrant and low-income communities in urban Spokane. Walleye, a species consumed by many anglers and promoted by local sport fishing groups, is particularly prone to PCB bioaccumulation.

Ecology must ensure that TMDL implementation protects these communities, not the regulated dischargers. Environmental justice requires proactive agency leadership, not delegation.

We urge Ecology to uphold its regulatory responsibilities and ensure that the implementation of the Spokane River PCB TMDL is led by the agency, not delegated to a discharger-dominated advisory group. The people and ecosystems that depend on a clean Spokane River deserve a plan that is transparent, accountable, and centered on measurable progress toward water quality standards. By committing to a clear implementation goal and retaining direct responsibility, Ecology can fulfill its duty to protect public health, ensure environmental justice, and restore the river for future generations.

We appreciate your attention to these concerns and welcome the opportunity for continued dialogue.

Respectfully submitted,

Katelyn Scott, Esq.
Water Protector

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