



SPOKANE  
RIVERKEEPER®

It's Your River ♦ We Protect It

ATT: Heather Bartlett  
Program Manager Water Quality Program  
Washington Department of Ecology  
300 Desmond Drive Lacey, WA 98503

10/26/18

**RE: Follow-up to September 25 Meeting on Spokane River NPDES Permits and Variances**

Dear Heather:

Thanks very much for meeting with Rick Eichstaedt and me on September 25<sup>th</sup>. I appreciate that you took the time to discuss the future of the Spokane River with us.

I wanted to recap very clearly where we stand in our interest in getting to a river that is clean, healthy, and safely fishable:

- 1) We appreciate the response of WSDOE to the EPA in terms of the potential to rescind the Water Quality Standard for PCBs.
- 2) We do not feel that variances are a viable solution to addressing the problems in the Spokane River. Variances are an untried mechanism for toxics such as PCBs and have little chance to get us to the clean river we all desire. They have questionable outcomes, as they deviate from the Water Quality Standard promulgated in 2016 by the EPA, which was based on getting the water column down to levels that would produce healthy, edible fish. Variances open the door to unending extensions wherein dischargers are never actually held to high enough standards to effectively get to science-based water quality standards in a timely manner. In effect, variances open the door to an alternate, less protective water quality standard.
- 3) We feel that legally defensible permits (for the five major dischargers in the Washington reach of the river) need to be issued as soon as possible. This also means that permit development should be accelerated and permits issued no later than 2019. Currently, these permits should have compliance plans and schedules that taper effluent PCBs down over time (this position is unchanged since our presentation last November at the Spokane River Forum) and captures the original intent expressed at the time of the development of the Task Force – that the initial permits would be used to collect data and that subsequent permits would gradually meet standards. These compliance plans could run for two permit cycles (10 years). Numeric effluent limits for PCBs should be a functional part of the NPDES permits. These could start at a range of current effluent but taper to meet goals set by Ecology by 2027. Permits should include a range of BMPs (such as running Next Level Treatment all year round) as well as Toxic Management Plans.

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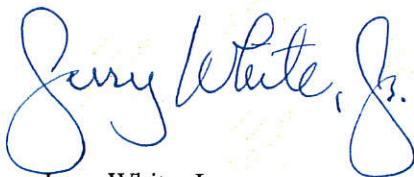
- 4) If current permits (developed in 2011) are extended and provisions for discharging into the Spokane River are further developed inside Agreed Orders, then that process needs to:
  - Include some of the improvements that the 2016 draft NPDES permits (for Kaiser, City of Spokane, and Liberty Lake) included, such as numerical effluent limits for PCBs based on current performance.
  - Include an open and public process throughout their development for the public to understand and comment on the Agreed Orders.
  - Provide concrete, fixed, and reasonable expiration dates for the Agreed Orders.
- 5) The WSDOE should begin the creation of a TMDL, and the work of the Spokane River Regional Toxics Task Force should be folded into this effort. Waste load allocations for point sources and load allocations for non-point sources should be developed so that dischargers have a clear idea of what the future holds for their effluent and operations. This is a legal obligation of the WSDOE and consistent with the commitment made to the Federal Court.

We feel that sticking with these tenets and provisions of the Clean Water Act will get our community and our river to clean water much more rapidly than the path currently charted by WSDOE. We also feel that the public needs more inclusion in this process; it is they who bear the cost of a dirty river and fish that are too often unsafe for consumption.

We understand that this is difficult work, but sticking to established law with a great deal of public input is the right path. Thanks for the opportunity to talk and discuss these matters and I hope that we may do so again in the near future.

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Respectfully,



Jerry White, Jr.

CC: Maia Bellon  
Adriane Borgias  
Karl Rains