



INLAND EMPIRE PAPER COMPANY

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Via Ecology Online Comment Portal and by U.S. Mail

Ms. Laurie Niewolny
Washington Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Re: Comments on Draft Upland Finfish Hatching and Rearing General Permit

Dear Ms. Niewolny:

Inland Empire Paper Company (IEP) appreciates the opportunity to provide these comments on the Draft Upland Finfish Hatching and Rearing Permit (Hatchery Permit).

IEP has been addressing Polychlorinated Biphenyls (PCBs) through its NPDES permit and as required under the permit, a member of the Spokane River Regional Toxics Task Force (Task Force). IEP was also a party to an appeal of the Washington Department of Fish and Wildlife (WDFW) Permit for its Spokane Hatchery under permit number WAG137007. That appeal resulted in the issuance of Administrative Order No. 13422 dated July 1, 2016.

IEP has the following comments regarding the draft permit:

1. The 2016 administrative order required WDFW to engage in more specific efforts to address PCBs than will be required under the proposed Condition S6.C of the draft Hatchery Permit. Can Ecology explain why it is reducing the PCB compliance measures from the administrative order?
2. The administrative order required WDFW to monitor fish, water and fish feed during and after 2017. The draft permit does not require WDFW to monitor or test for PCBs in any medium. All other NPDES permitted dischargers to the Spokane River are required to test for PCBs using a method that achieves a 50 pg/L target method detection limit, or lower, for all PCB congeners. Can Ecology explain why it is eliminating the requirement for PCB monitoring and testing in the draft permit?
3. The administrative order required WDFW to submit a Best Management Practices Plan (Plan) to Ecology by June 30, 2018 and to submit an annual report every year thereafter on the status of implementing and updating the Plan. Can Ecology explain the status of compliance

with these conditions in the administrative order and whether the requirements in the proposed Condition S6.C are replacing or supplementing the requirements in the administrative order?

4. The draft permit will not require WDFW to continue to be a participant in the Task Force as required in the administrative order. WDFW has been an important and constructive member of the Task Force and should be required to continue as a participant as required in IEP's NPDES permit and as required for all other individual NPDES permit holders on the Spokane River in Washington and Idaho.

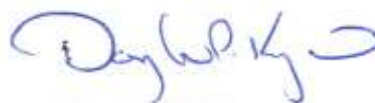
5. The Fact Sheet for the Draft Upland Finfish Hatching and Rearing NPDES General Permit (April 2021) states "*The draft permit does not authorize a violation of surface water quality standards or any other applicable local, state, or federal laws or regulations.*" Ecology is currently pursuing litigation against EPA that may result in a repeal and replacement of the state water quality standard for PCBs from 170 pg/L to 7 pg/L. Has Ecology conducted a reasonable potential analysis to determine whether the Spokane Hatchery will cause or contribute to a violation of the 7 pg/L standard?

6. Proposed Condition S6.C would require WDFW to eliminate PCB discharges from the Spokane Hatchery to the "maximum extent possible." Can Ecology explain the legal and regulatory basis for this qualification? Will this qualification apply as well to IEP's obligation to develop and implement toxic reduction plans under its NPDES permit? If not, can Ecology explain why it would not apply the same qualification for individual NPDES permits on the Spokane River?

7. Ecology reported in 2018 that the "estimated PCB loads from hatchery operations were comparable to PCB loads from individual municipal wastewater treatment plants." Ecology, Evaluation of Fish Hatcheries as Sources of PCBs to the Spokane River, at 30 (April 2018). Has Ecology concluded that it is not required to impose numeric water quality based effluent limits in NPDES permits for discharges to the Spokane River? In response to this comment can Ecology explain the basis for not including numeric PCB limits in the permit for the Spokane Hatchery?

I appreciate your time in considering these comments and invite Ecology staff to contact me for further information and clarification.

Sincerely,



Douglas P. Krapas
Environmental Manager