

Spokane Riverkeeper

Spokane Riverkeeper (SRK) believes that the Little Spokane River (LSR) Facility is the primary hatchery within our area of concern. The following comments primarily focus on this facility unless specified.

The LSR hatchery is a hatchery that discharges high levels of Total Phosphorus into the LSR that contributes nearly half of the nutrient loading at the critical low flow time of year. This is a significant source of pollution and a degradation of uses in the watershed. The LSR TMDL recommends a 50% reduction of phosphorus. SRK supports this reduction of pollution loading and the recommended Waste Load Allocation for Total Phosphorus inside the NPDES draft permit and the Dissolved Oxygen TMDL. We appreciate that the WDOE produced the LSR TMDL and are following the guidance of this approved TMDL for water quality improvement in the LSR and main stem Spokane River.

We support the reporting requirements for nutrients and Total Phosphorus (TP) as presented inside the draft permit.

We support the infrastructure spending on design and construction of LSR Hatchery upgrades to minimize pollution for both TP, TSS and PCBs.

We support the prioritization of this infrastructure upgrade both within the WDFW priority list as well as Washington State infrastructure upgrades. We would add that this upgrade needs to occur in an expedited manner as it is critical to water quality improvements.

Compliance Schedule: We support the development of a compliance schedule (for the LSR Facility) but feel that optimally, the development of terms and conditions be specifically outlined inside the permit to contain binding benchmarks, schedules and water quality outcomes prior to permit approval. This is optimal rather than nonspecific references to the terms and conditions after the draft permit and comment period for the permit closes. However, since this will occur later in the permit cycle (and is conditional on funding), we feel that the public should at least have access to the terms and conditions of the compliance schedule and that the conditions should also be open for public input before April of 2022. This could lead to significant improvements and providing a mechanism for public input during the development would be constructive. Prior to the design phase and the construction phase, the compliance schedule should contain a public process around the development of those benchmarks, targets, schedules. That process should include windows for input and comment, and include email updates (to public stakeholders) via listserv, posted on the WDOE/WDFW web pages and are publicly reported.

PCB pollution:

The Spokane Hatchery discharges PCBs into state surface waters that are on the Category 5 list of impaired waterbodies for PCBs. As such, we ask that a PCB TMDL for the the Little Spokane River and the Spokane River be developed and approved so that any facility planning and Waste Load Allocations for facilities such as the LSR Hatchery are made in adherence to a final loading number and a larger loading calculus that is relevant to both rivers and the ultimate achievement of meeting Water Quality Standards for PCBs. As such we also ask that a WLA for PCBs be developed

and then compliance planned for, documented and reported on. In the absence of TMDL guidance, and a coherent plan with implementation guidance that contains outcomes, relevant WLAs, targets for fish tissue, water column improvements, progress is not guided with precision and accuracy. Without a TMDL, efforts to regulate individual pollution sources and meet water quality standards in both rivers are and will remain, vague, ad hoc, incoherent and ineffective.

We recommend that this permit permanently and specifically dissolve the requirement of WDFW to participate in the Spokane River Regional Toxics Task Force. Given the lack of measurable progress in the implementation side, we feel that WDFW's participation is not an effective use of public resources, and that WDFW energy and time could be better spent independently to improve Washington's waters and accomplish their own mission and objectives by simply coordinating directly with the WDOE where and when substantive water quality improvements can be coordinated - agency to agency.

Compliance schedule 2b: We suggest a compliance plan/schedule that includes the evaluation of PCBs removal and the study, development and implementation of AKART for this pollutant as well as Total Phosphorus.

In an appendix to the permit, we ask that WDOE report (for the LSR operations) the result and progress of the PCB removal work as per AO 13422 (specifically SC61.a, SC.6.1b, SC.6.1.c which pertain to paint and calk removal). This should be included inside the Fact Sheet and the appendices of the general permit. Further, the results should then spell out specifically the continued work that needs to happen in the LSR Hatchery in this permit cycle (2021-2026). The current disconnection of information makes it difficult for the public to connect with the history of PCB removal, the 2016 AO, WDOE and WDFW actions and progress in addressing PCB pollution with remedial actions.

Further, if the (paint, caulk, and construction materials) work needs to continue, we suggest folding into the framework of the compliance schedule (alongside facility upgrades) - to include benchmarks, schedules and outcomes. This was referenced and contested in the last round of permitting and should have specific terminal dates around which these paints and caulks are removed.

Monitoring for PCBs at periods of high facility production should continue in receiving waters using Method 1668c.

WDFW and WDOE should maintain efforts and public report outs on the effort to find and or develop fish feeds that have minimal PCB content. A record of the search and the effort to meet the fish feed requirement should be available to the public.

Pollution Prevention Plans (PPP): Any revisions, updates and progress inside of PPPs (sections S9 and S6) should be reported to the public. via a web page updates on the WDOE website and listserv announcements, quarterly PPP reviews should be available to the public via email on listserv updates.

Comments by permit sections:

Spokane Riverkeeper supports all suggestions to the general permit (with exceptions in 6C). From Test of Draft Fact Sheet: The changes proposed for this reissuance of the permit include:

- Condition S1.E: SRK supports this and appreciates the modification.

- Condition S3.G.1: SRK supports this and appreciates the modification.
- Condition S3.G.1: SRK supports this and appreciates the modification.
- Condition S3.G.2: SRK supports this and appreciates the modification.
- Condition S4.A: SRK supports this and appreciates the modification.
- Condition S5.C.2: SRK supports this and appreciates the modification.

S6.C Comments (also see above):

S6.C, 1. And 2: We suggest two reporting periods during the life of the permit. These should be accompanied by a progress report from last permit cycle - report required December 31, 2017

- Condition S7.C1: SRK Supports these and appreciates their inclusion.
- Condition S11 - Engineering Documents: SRK Supports these and appreciates their inclusion.

Thank you very much for the opportunity to comment.