

City of Spokane

See attached.



PUBLIC WORKS
808 WEST SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201

February 28, 2022

Diana Washington
Senior Water Quality Engineer/Permit Manager
Water Quality Program
Washington State Department of Ecology
4601 N Monroe Street
Spokane, WA 99205-1295

RE: Public Comments
City of Spokane, Riverside Park Water Reclamation Facility
NPDES Draft Permit WA0024473

Dear Diana,

Please find enclosed the City of Spokane's Public comments for the NPDES Draft Permit and Fact Sheet for the Riverside Park Water Reclamation Facility (Permit No. WA0024473). While we have serious concerns with some of the conditions in the Draft Permit, we are hopeful that workable solutions can be mutually agreed upon. The City is proud of the investments we've made in improving Spokane River water quality and values the support we've been given by Ecology in achieving our shared goals. Building on this long-term good working relationship, we look forward to meeting with you to discuss the enclosed comments.

The City appreciates being given this opportunity to provide comments on the proposed Permit and looks forward to hearing your response. If you have questions, comments, or require additional information on the enclosed material, please contact Jeff Donovan (jdonovan@spokanecity.org, 509-625-4638).

Sincerely,

A handwritten signature in blue ink that reads "Marlene Feist".

Marlene Feist
Public Works Director

Enclosure

City of Spokane Public Review Comments: RPWRF Draft NPDES Permit and Fact Sheet

The City of Spokane (City) offers the following comments on the Washington Department of Ecology's (Ecology) Draft National Pollutant Discharge Elimination System (NPDES) Permit No. WA0024473 for the City's Riverside Park Water Reclamation Facility (RPWRF) and controlled Combined Sewer Overflows (CSOs) (Draft Permit). The Draft Permit proposes revisions to the City's administratively extended 2011 NPDES Permit.¹ The City's comments apply to the December 29, 2021 Public Review version of the Draft Permit. The City supports Ecology's efforts to prepare the Draft Permit for review and requests that Ecology consider and incorporate the comments below in the final version of the Permit (final Permit).

Summary

The City respectfully requests that Ecology address the following revisions and comments to the Draft Permit:

- **pH Limits**. The current pH limits of 6.0 to 9.0 should be maintained in the final Permit. Until more current upstream data is obtained, there is no sound, scientific basis to raise the minimum pH limit to 6.5. Further, raising the pH minimum limit to 6.5 would result in numerous violations without process modifications and significantly more chemical use. Such changes could lead to adverse environmental impacts and require an alternatives assessment under the State Environmental Policy Act (SEPA).
- **PCB Limits**. The final Permit should address polychlorinated biphenyl (PCB) limits by (1) dropping all narrative PCB limits as unnecessary and (2) correcting the reasonable potential analysis and reevaluating the PCB numeric limit. The final Permit should also acknowledge that it may be premature to include a PCB limit due to the regulatory uncertainty posed by ongoing litigation over the PCB total daily maximum load (TMDL) and PCB human health water quality standard. The final Permit and Fact Sheet must also address the status of and Ecology's eventual final decision on the City's application for an individual discharger variance from the PCB water quality standard.
- **Proposed Studies**. The City does not see a way of successfully implementing the requested CSO pollutant monitoring and several of the Draft Permit's proposed studies, as described. To address the City's concerns with the proposed studies, Ecology should adopt the City's alternative approaches outlined below, including a more realistic scope of work and/or deliverable schedule. With respect to certain studies (e.g., sediment sampling study, mixing zone

¹ In December 2015, the City of Spokane submitted a complete application for renewal of its 2011 NPDES Permit. In January 2016, Ecology administratively extended the 2011 Permit.

study), Ecology should eliminate the studies from the final Permit or, at the very least, provide additional clarity regarding the regulatory basis for and purpose of the proposed studies.

- **NLT and Net Environmental Benefit.** The City requests language added to the final Permit memorializing the Net Environmental Benefit of Next Level Treatment (NLT). This includes agreed-upon operation of the facility to treat flows up to 50 MGD through tertiary membranes. Flows exceeding 50 MGD, resulting from storm/runoff events, will be treated with a combination of secondary and tertiary treatment.

The City appreciates the opportunity to offer Ecology comments on the Draft Permit. These comments and others are discussed in further detail below.

Priority Comments

The comments in this section address the City's high priority issues with the Draft permit. The City requests that Ecology adopt in the final Permit the alternative approaches outlined below.

pH Limits

- **Permit § S1.A., Table 2: pH limits.** The proposed minimum pH limit of 6.5 (versus the current limit in the 2011 permit of 6.0) is currently unattainable at RPWRF. For the period which data was analyzed in Ecology's reasonable potential analysis (Sep 2016 – Aug 2021), there were 230 days where the minimum effluent pH value was between 6.0 and 6.5. Due to the increased alum usage for NLT, required to meet the Dissolved Oxygen (DO)-TMDL related limits, there were 135 days in 2021 alone where the pH was between 6.0 and 6.5. The City currently adds Magnesium Hydroxide to the secondary process for pH control. There are diminishing returns on how far the current system can drive up pH in the effluent, and we are currently close to the limits of that system. NLT was designed around the assumption that the current pH limits would stay in place.

This change may result in adverse environmental impacts. For example, complying with the proposed pH limit will increase chemical usage and greenhouse gas emissions. How does the agency intend to comply with SEPA and assess reasonable alternatives?

The City understands that the reasonable potential to exceed pH has more to do with changes to pH greater than 0.5 at the edge of the chronic mixing zone rather than a depression below the water quality standard of 6.5. It appears, from utilizing the PermitCalc sheet available on Ecology's website, that a reasonable potential to exceed exists regardless of whether the limit is 6.0 or 6.5. There currently exists only a small set of upstream pH and alkalinity data, which provide insufficient data to use in the reasonable potential calculation. Ecology recognized as much in the Fact Sheet for the Draft Permit, stating "[the majority of pH and alkalinity data . . . does not reflect the current conditions." Draft Permit Fact Sheet, p. 66.

The City proposes the following (in decreasing order of preference):

- Maintain the pH limit range of 6.0 to 9.0.

- Allow the City to conduct the river study of pH and metals, as proposed in the Draft Permit. If the results of this study show a reasonable potential to exceed still exists, the City would then pursue making process modifications to allow for additional pH control.
- Include a compliance schedule in the draft permit so that the City has time to fully address the new pH limits.

Toxics Limits and BMP sections

- **Permit § S1.A, Table 2 PCB Limits:** It is not clear why Ecology is imposing both a numeric and narrative limit on PCBs when it only imposes a narrative limit on similar pollutants such as PBDEs. If the agency does impose a numeric limit for PCBs, then a narrative limit (i.e., Section S17) should no longer be necessary and the City's work on toxics reduction and removal (other than via the RPWRF) can shift from PCBs to other pollutants.

With respect to the numeric limit for PCB, as discussed below, an error was made in the reasonable potential calculation for PCBs. A revised reasonable potential calculation demonstrates that no reasonable potential exists. If no reasonable potential exists for PCBs, then PCB limits should not be required. At the very least, Ecology must revise the numeric limits.

While the City believes the proposed PCB numeric limits are currently attainable with the allowed mixing zone, the pending TMDL and potential upcoming revisions to the human health water quality standard for PCBs could make meeting any revised numeric limits challenging. On February 11, 2022, a federal judge approved the proposed consent decree to resolve litigation brought by the Sierra Club v. the U.S. Environmental Protection Agency (EPA) in 2011 regarding a TMDL for PCBs in the Spokane River. Under the consent decree, EPA will develop a PCB TMDL for the Spokane River by September 2024. While EPA is in charge of completing the PCB TMDL, Ecology will be responsible for the PCB TMDL implementation plan. Still pending is a separate lawsuit brought by Ecology against EPA with regard to the State's human health water quality standard for PCBs. As the PCB TMDL is scheduled to be developed by 2024 and litigation involving the PCB water quality standard is ongoing, it may be premature to issue NPDES permits for the Spokane River with a numeric PCB limit.

- **Permit § S17.A, Toxics narrative limits (BMPs):** Pages 64 – 65 requires use of BMPs “throughout the City” to control toxics, such as PCBs, PBDEs, and methyl mercury. If no reasonable potential exists for PCBs, then neither numeric nor narrative limits should apply. It does not appear a reasonable potential analysis was conducted for PBDEs or methyl mercury. Narrative limits should not apply to these pollutants unless a reasonable potential can be established.
- **Permit § S17.B, Toxics narrative limits (SRRTTF):** The City supports the concept of Community Based Toxics Reduction achieved through a diverse set of stakeholders. However, the City does not believe the current organizational structure of the Spokane River Regional Toxics Task Force (SRRTTF) supports this mission effectively. Continued support of SRRTTF should be voluntary, particularly if Ecology imposes a numeric limit for PCBs. Requiring participation in a group such as SRRTTF is outside the scope of the NPDES permitting process. A truly community-based organization can only be effective when everyone is at the table because they want to participate.

The City has concerns about other toxics such as PBDEs and methyl mercury being a required part of the SRRTTF comprehensive plan. The current structure and funding mechanisms in place for SRRTTF may not allow for these pollutants to be addressed. The 2021-2023 Funding from the State Legislature specifies funds be used "...solely for the Spokane river regional toxics task force to address elevated levels of *polychlorinated biphenyls* in the Spokane river [emphasis added]." Should the SRRTTF transition to taking on pollutants other than PCBs, this should be decided by SRRTTF and not mandated through the NPDES Permits.

- **Fact Sheet - Page 29, PCB discussion:** The ongoing uncertainty around the applicable water quality standard for PCBs gives the City concern. The City does not believe the 7 ppq EPA criteria is attainable for RPWRF. For this reason, and at Ecology's request, in February 2019, the City applied for an individual discharger variance from the PCB water quality standard. Ecology has not yet made a decision on that application. The current status of Ecology's variance rule (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-variances>) and any decision by Ecology on the City's variance application should be explained in the Fact Sheet and incorporated into the final Permit. Should the water quality standard again change for PCBs, please issue a decision on the City's pending variance application prior to implementing changes to the permit.
- **Fact Sheet - Pages 46 – 48, Effluent PCB limits:** The agency proposes both numeric and narrative effluent limits for PCBs. Previously, the limits were only narrative in nature, requiring the City to prepare and implement a plan to control PCBs and participate in the SRRTTF. The proposed numeric limit (1,800 pg/L) appears to apply at the point of discharge. The agency also proposes a mixing zone beyond which PCBs may not exceed the (current) water quality standard of 170 pg/L. It is not clear why Ecology decided to propose a numeric limit, or how the agency decided 1,800 pg/L was an appropriate "end-of-pipe" standard for the City.

Note that Ecology proposes narrative effluent limits, and no numeric limits, for other toxics such as PBDEs. The narrative limits' focus on BMPs and toxic reduction and removal strategies rather than "end-of-pipe" solutions (see pages 37 – 39). The rationale for narrative, rather than numeric, limits for PBDEs seems to apply equally to PCBs: the 303(d) listings are based on fish tissue samples and not water column samples; the segment where RPWRF discharges is not listed as impaired for PBDEs or PCBs; they are legacy pollutants; they are persistent and bioaccumulate; they are no longer intentionally created or used; and, RPWRF already reduces concentrations prior to discharge by over 95%.

In addition to the City's comments above regarding the PCB limit, the City requests that Ecology explain the rationale and regulatory basis for the numeric limit and the basis for the different approach to PCBs as compared to PBDEs.

- **Fact Sheet - Page 88-89, PCB Reasonable Potential Calculation:** An error was made in the reasonable potential calculation for PCBs. The effluent values used in the table were entered as pg/L whereas the rest of the values are all in the units of µg/L. This results in an overestimate of PCBs in the effluent by 1 million (1,000,000) times. Additionally, it appears different receiving water values were used in the reasonable potential calculation versus those that were used to develop PCB effluent limits.

Based on the City's calculations and available upstream PCB water column data compiled by Ecology (http://srrttf.org/wp-content/uploads/2021/05/5-Technical-Memo_Spokane-PCB-Central-Tendency_3-22-2021.pdf), no reasonable potential exists. See calculations below:

Pollutant, CAS No. & NPDES Application Ref. No.		Polychlorinated Biphenyls (PCB's) 53469219, 11097691, 1104282, 11141165, 12672296, 11096825, 12674112 18P-24P
Effluent Data	# of Samples (n)	23
	Coeff of Variation (Cv)	0.81
	Effluent Concentration, ug/L (Max. or 95th Percentile)	0.000643
	Calculated 50th percentile Effluent Conc. (when n>10)	0.000265
Receiving Water Data	90th Percentile Conc., ug/L	0.0001932
	Geo Mean, ug/L	0.0000674
Water Quality Criteria	Aquatic Life Criteria, Acute ug/L	2
	Chronic	0.014
	WQ Criteria for Protection of Human Health, ug/L	0.00017
	Metal Criteria Acute	-
	Translator, decimal Chronic	-
	Carcinogen?	Y

Aquatic Life Reasonable Potential

Effluent percentile value		0.950
s	$s^2 = \ln(CV^2 + 1)$	0.710
Pn	$Pn = (1 - \text{confidence level})^{1/n}$	0.878
Multiplier		1.00
Max concentration (ug/L) at edge of...	Acute	0.001
	Chronic	0.000
Reasonable Potential? Limit Required?		NO

Human Health Reasonable Potential

s	$s^2 = \ln(CV^2 + 1)$	0.71025731
Pn	$Pn = (1 - \text{confidence level})^{1/n}$	0.878
Multiplier		0.43733744
Dilution Factor		12.5
Max Conc. at edge of Chronic Zone, ug/L		8.3208E-05
Reasonable Potential? Limit Required?		NO

CSO Monitoring

- **Permit § S2.B, Table 13 CSO monitoring:** The Draft Permit requires the City to catch an overflow event with a composite sampler. This monitoring requirement is impractical and/or infeasible for such widely intermittent events, and therefore should be revised or eliminated as described below. Having crew and equipment on standby for the design of less than one (1) event per year from all CSO outfalls will be very expensive and will be a waste of resources. Flow-triggered composite samplers are not reliable enough to collect samples from all overflows. Power failures, connectivity issues, programming errors, air aspiration due to turbulent flow, and numerous other issues have all been common in the City's previous stormwater/CSO sampling efforts. Overflow events will rarely (if ever) last continuously for 24-hours – sample types should not be listed as 24-hour composite samples.

As an alternative to composite sampling of overflows, the City proposes one of the following options:

1. Historical ammonia, total phosphorus, and CBOD data is available for CSO 6 and CSO 34 outfalls. The average of this data could be used, in conjunction with currently in place flow monitoring equipment, to assess compliance with the DO-TMDL related limits in table 4 of the draft permit.
2. Allow the City to collect grab samples instead of composite samples to assess CSO pollutant concentrations. Many CSO outfalls currently have the ability for passively collecting a grab sample during an overflow event.

Under Permit Table 4, additional language should be added to reflect any updated sampling changes. Suggested language to be added to Table 4, Footnote a: "...and average of concentration values established in previous Ecology-approved City CSO Planning documents or average of more recent CSO outfall water quality samples as described in S2.B. Table 13."

- **Permit § S2.B, Table 13 CSO monitoring footnote "a":** The "per event" definition in the Draft Permit does not match the current and historical definition used to define an overflow event. Currently, any overflow between the start of a storm (rain on any rain gauge) until 24 hours after the end of the storm (no rain on any rain gauge) is considered one event. If there is a three-day storm event and there is an overflow on the first day and the last day, they are considered the same part of the same overflow event. This allows time (at least 24 hours) for flows to go back down to normal and to drain the CSO tanks. The definition, as written in the Draft Permit, would count this situation as two events. Changing the definition now would complicate any future assessments of the performance standard of one overflow per year per outfall, on a 20-year average.

The CSO definition under WAC 173-245-020 (6) does not dictate a minimum inter-event period. Page 142 of Ecology's Permit Writer's manual lists several options for defining a CSO event. The City's current definition most closely matches Definition 5 – Statistical Independence. Page 145 of the manual states: "An analysis of the Spokane rainfall record showed independent events at a MIET of 24 hours" but this is in reference to 24 hours between rainfall/storms, not 24 hours between overflows. This event definition was used in modeling overflows in the City's 2013 CSO Plan Amendment, approved by Ecology in 2015. The City requests that Ecology maintain the City's current method of determining an event for statistical consistency with the many years of

previous CSO event reporting. The current methodology makes more sense for a system such as the City's which relies upon storage tanks to prevent overflows.

- **Permit § S14.C, CSO performance standards:** Pages 57 – 58 discuss performance standards for CSOs, however, this section of the Permit does not refer back to the new CSO outfall limits articulated on page 15. This section of the permit should clarify the relationship between the narrative performance standards and the numeric effluent limits. If the CSOs are meeting numeric limits, narrative limits should no longer be necessary.

Bypasses

- **Permit § S5.F, Bypasses:** The City's NLT Engineering Report/Wastewater Facilities Plan Amendment No. 3, approved by Ecology, includes the operation of the membrane facility to treat flows of up to 50 million gallons per day (MGD). This was also a key part of the City's Integrated Clean Water Plan, accepted by Ecology. Flows beyond this may only receive secondary treatment. The Draft Permit is unclear as to whether bypasses of the NLT facility fall under any of the listed bypass conditions. To provide clarity, as well as recognize the net environmental benefits of NLT, the City requests that Ecology add language to the final Permit, similar to what was in the 2016 draft permit, as follows:
 - *Normal operation of Next Level of Treatment includes treatment of up to 50 MGD through the membrane filtration process and blending with secondary effluent prior to disinfection/dichlorination and discharge. Ecology agrees that there is a net environmental benefit to operating the facility in this manner and does not consider this normal operation to fall under any bypass conditions. Effluent limits still apply to this combined discharge.*

Exfiltration Testing

- **Permit § S5.H, Collection System Exfiltration Testing:** The City does not see a successful way of completing this effort, as written, within the time given. The criteria of "Adjacent to (within 100 yards) surface water" and "Within 50-feet above the groundwater table" will encompass large swaths of the sewer system and likely more than 100 miles of pipe. Simply identifying applicable areas to be tested for exfiltration, will be an overly burdensome undertaking. Is there a regulatory basis for this requirement? Ecology should provide an example protocol for this testing. Is this requirement just for new sewer construction or would it apply to existing sewer pipes? This requirement should be removed unless a regulatory basis and feasible exfiltration testing protocol can be provided.

Sediment Studies

- **Permit § S13 Sediment Monitoring:** The City requests that Ecology eliminate the proposed sediment sampling study from the final Permit. At the very least, additional clarity is needed regarding the basis for and purpose of the proposed sediment sampling.

The basis for Ecology requiring this study is not clear. The Fact Sheet says the Agency has made a "determination" but does not articulate what data that determination was based on, or when it was made. There is no support in the Draft Permit or Fact Sheet to show that Ecology considered the required factors in 173-204-400 before imposing the sediment study.

It is also unclear what, if any, value such a study would provide in terms of NPDES permit requirements. How far downstream would such a study entail? Would the study include both the RPWRF and CSO outfalls? What would distinguish sediment between the City discharge and other upstream sediment loading. It is well established that Hangman Creek provides most of the sediment load to the river upstream of the RPWRF outfall. This loading dwarfs any load coming from the treatment facility, especially now with membranes operational and CSOs controlled.

It will also be difficult to differentiate between current and historic discharges and impacts from other potential sources of sediment pollution. If Ecology is ultimately looking for information on historical impacts and potential natural resource damages rather than an analysis focused on the impact of current discharges on sediment quality, other programs such as MTCA should be used to develop that type of information.

- **Fact Sheet - Page 49, Sediment Quality:** This section states that “Ecology determined that this discharge has the potential to cause a violation of the sediment quality standards” for toxics. When was this determination made? What was the basis for it? Appendix D to the Fact Sheet presents the agency’s “reasonable potential” analyses but sediment quality is not addressed.

Was Ecology’s Sediment Management Unit (SMU) consulted on the proposed sediment study? The Ecology Permit Writers Manual states for fresh water permits: “Contact the SMU before placing any sediment-related requirements in permits.” Please cite the guidance given by the SMU in the Fact Sheet.

Permit Elements Requiring Additional Clarity

This section highlights potential issues with the Draft Permit where the requirements are confusing or require additional definition. The City proposes a meeting with Ecology so we can participate in creating approaches that address Ecology’s regulatory interests and the City’s concerns on staffing, timing, cost, and overall ability to comply with the Permit.

Studies/Submittals

- **General comment:** There are numerous studies/plans/submittals that are listed, most to be finished within one (1) year of Permit issuance. The City questions the value being gained on much of this work. Most of these proposed studies/plans/submittals are elaborate and will require significant City staff time to develop. Many of the studies/plans/submittals will require additional FTEs and/or subcontracting of portions of the work.

The City requests that Ecology eliminate from the final Permit some of the studies that are of limited value to the community. For those deemed necessary, the City requests that Ecology spread the deliverable due dates throughout the term of the Permit. Completing all the studies/plans/submittals described in the Draft Permit within one year of Permit issuance will not give the City adequate time to produce quality and meaningful submittals and will force the City to concentrate costs within a limited time period. Example requirements in the Draft Permit which have limited value include:

- CSO Pollutant Monitoring.

- Sediment Monitoring (CSOs and RPWRF Outfall).
 - Mixing zone study.
 - Collection system source tracing for PCBs.
 - Receiving water temperature monitoring (10+ years of data has already been collected during the current permit cycle).
 - CSO Post Construction Monitoring (Permit § S14.C.c).
- **Permit § S10, Mixing and Tracer Study:** The City requests that mixing study be eliminated from the final Permit. As stated in the Fact Sheet “Ecology has effectively minimized the size of the mixing zone authorized in the proposed permit.” Fact Sheet p. 35. That is all the regulations require. Accordingly, there is no need for the mixing zone and tracer study to verify the mixing zone is minimized. Ecology should therefore eliminate the study in the final Permit. Further, a similar study was done in 1992. The effluent outfall structure is still the same and flow conditions have not changed significantly. The 1992 study should be sufficient to meet Ecology’s needs.
 - **Permit § S12, Receiving water trace metals and pH study:** Just to emphasize the City’s concerns on the new pH limit discussed above, the goal of this study will be: “...to determine if the effluent has a reasonable potential to cause a violation of the water quality standards for pH and metals.” The City believes it is premature to impose new pH limits prior to analyzing the results of this study.
 - **Permit § S12.2:** The requirements under headings c & e appear contradictory. Under “c”, it states “Time the sampling as close as possible to the **critical period**.” Under “e”, it states “Collect at least ten receiving water samples that reflect **seasonal variation** in concentration...” Please clarify what is required with regards to timing of sampling.

Other

- **Permit § S1.A., Tables 2 & 3, Footnote g.** Please clarify that CBOD, ammonia, and TP are allowed to be above the average early in the Critical Season so long as the average comes down by the end of the Season.

The City suggests rewording the footnote to read: “Compliance with the effluent limitation for CBOD5, NH3-N, and TP will be assessed at the end of the season.”

- **Permit § S1.A, Table 2 Cadmium Limits:** Given the Spokane River is no longer listed as impaired for cadmium, the City believes the performance-based limits specified under the 1992 Metals TMDL are no longer necessary. The way the performance-based limits are calculated in the Metals TMDL will eventually lead to compliance issues as they are continually ratcheted down over permit cycles. If the river is no longer listed for cadmium, it seems that limits have been lowered enough, and the Metals TMDL should be declared a success for cadmium. The current cadmium limits in the 2011 permit should be maintained.
- **Permit § S2.A, Table 6 Influent Monitoring:**
 - Monthly FOG/TPH monitoring seems unnecessary. The FOG/TPH monitoring should be changed to quarterly, which would match the rest of the priority pollutant monitoring.

- Influent PCB and PBDE monitoring (methods 1668 and 1614) have historically been with 24-hour composite samplers (same as effluent). The City requests keeping this as a 24-hour composite for comparability with historical data.
- **Permit § S2.A, Table 7 Effluent Monitoring.** Is there a reason more frequent monitoring of cadmium, lead, and zinc is needed compared to the current 2011 permit? The City requests that the final Permit maintain the current monitoring schedule of one (1) event every two (2) weeks for these metals. Table 37 of the Ecology Permit Writers Manual (page 398) suggests that the monitoring frequency can be maintained. For example, by following the procedure on page 397-398, zinc concentrations for the last two years averaged 36.8 µg/L. The proposed average monthly limit (AML) of 50.9 µg/L would mean the City averaged 72% of the AML, and according to Table 37, the monitoring frequency can be kept at the same frequency. For cadmium and lead, the two-year averages were 56% and 71% of the respective AMLs in the Draft Permit and should also be allowed at the current monitoring frequency, according to Table 37.
- **Permit § S3.A.4.e, CSO Monitoring Annual Report:** January 15 does not give the City adequate time to compile and analyze all the rain, flow, and pollutant data for the previous year. The City requests that the due date in the final Permit be changed to Apr 15. The City also requests additional information on the data that would be included in this report.

S14.D discusses a CSO Annual Report (due October 1). Is this a different report from the report due on January 15? If so, they should be distinguished more clearly in the final Permit.

- **Permit § S3.G, Other Reporting:** Ecology should provide additional guidance on what amount constitutes a reportable spill. For instance, is a single drip from a truck's oil pan considered a spill?
- **Permit § S6.A.1.j:** This section implies that the City would need two (2) separate agreements (contracts and MOU/ILA) with contributing jurisdictions. Current MJAs which are in place with Spokane County and Airway Heights are single contracts which contain all of the requirements in one document. This should be adequate. Please clarify Ecology's concern.
- **Permit § G21., Service agreement review:** Page 62 requires the City to submit all "service agreements" to Ecology and to send all proposed revisions to existing "service agreements" to the Agency. This provision is not in the 2011 permit and its purpose is unclear. The permit mentions "RCW 70.150.040(9)" but this provision no longer exists and may have been recodified as part of RCW 70A. The agency should clarify the purpose of this requirement and the regulatory basis for it.
- **Fact Sheet - Page 54, question:** Please clarify the specific reason why primary clarifier effluent sampling is now required. This was not a requirement in the current 2011 permit. The City does not see a reason or benefit from conducting this monitoring. Please remove the primary clarifier monitoring requirement unless a regulatory or technical reason can be explained.

Comments Addressing Typos and other Errata

- **Permit Table 1.** This table references a 1/year requirement under § S17.B for “Measurable Progress Assessment Data” but does not articulate any such requirement in the body of the permit. This requirement should be removed from the table, as there’s no basis for it in the body of the Draft Permit.
- **Permit Table 1. Formatting Issues.** Section S13 is duplicated in the table (and in the body of the document) and has extra text erroneously copied into the table under the heading “Permit Section”.
- **Permit § S1.A., Table 4.** Table 4 does not define the season for the CSO outfall limits. The DO-TMDL CSO waste load allocations were developed for the March through October season. “March through October” should be added after the Table 4 title.
- **Permit § S1.A., Table 4, Footnote a.** See City’s concerns below under S2.B. Table 13.
- **Permit § S2.A, Table 7 Effluent Monitoring. Formatting issue.** Footnotes d & e are grouped together under one heading
- **Permit § S2.A, Table 12, typo:** The last item in table should read: “Submit SAP Sediment Evaluation Report (four years from effective date of the permit)”
- **Permit § S2.B, Table 13 CSO monitoring footnote “c”:** The “Measurement/Calculation” footnote states: “Precipitation must be measured by the nearest possible precipitation-measuring device...” Currently, precipitation monitoring is conducted on multiple gages throughout the City.
- **Permit § S13, Sediment monitoring:** Formatting error – S13 section is repeated after S14.B and before S14.C in the document – and again after S14.C and before S14.D.
- **Permit § S14.A Table 15:** CSO 41 outfall coordinates should be changed to: 47.676667, -117.355412
- **Fact Sheet - Page 1 (Summary):** Permit Status - It would be useful context in the Summary paragraph to note that Ecology administratively extended the 2011 permit in July 2016, after the City submitted a complete application for renewal in December 2015.
- **Fact Sheet - Page 1 (Summary):** Variance – At Ecology’s request, in February 2019 the City applied for a variance from the PCB water quality standard. Ecology has not yet made a decision on that application. The fact that the variance application was submitted, and is still pending, should be mentioned in the Summary section. If the agency made a decision on that application, then the agency’s decision should be articulated in detail in the body of the Fact Sheet.
- **Fact Sheet - Page 11, Next Level Treatment:** This Page introduces the concept of NLT. It would be worth mentioning in this paragraph that NLT was developed by the City to comply with the 2010 DO TMDL, although the design has been optimized to remove toxics such as PCBs as well. Ecology indicates the “Construction Completion Certificate” has not been submitted for NLT.

Page 22 also mentions this Certificate as well as a Start Up Notice. The City provided Ecology with a notice of substantial completion of the NLT Program on September 29, 2020. Please advise if Ecology requires additional information to satisfy these two items.

- **Fact Sheet - Page 15, Metals:** This section indicates that the most recent data for metals in the River near the outfall is from the mid-1990s and this data was used to develop more stringent effluent limits. If more recent data is available, it may be worth mentioning and using it in this analysis.
- **Fact Sheet - Page 23, Typo:** Pretreatment report due 3/31/15 received 3/28/14 15.

Conclusion

The City is committed to protecting and improving water quality in the Spokane River and working with Ecology to successfully implement the final Permit with the changes described in this comment letter.