

## EPA Comments on Spokane MOA - December 14, 2011

- Page 13 or 21, last bullet in box for EPA where it reads "Provide written approval of task Force decisions as appropriate." What does that mean and refer to? What is envisioned? Main concern here would be that we somehow not imply that we are not subsuming our regulatory authority under the Task Force umbrella. That would not be appropriate.
- Page 17 or 21, first paragraph under "Task Force Funding", delete third full sentence that reads "Regulatory agencies have agreed to provide up to fifty percent of the first year administrative operational costs up to \$50,000." We can't make that commitment.
- Page 7 of 20. The first paragraph under introduction talks about the WA permit requirements and then says "It is anticipated that similar permit requirements will be in the Idaho permits....." That sentence and where it is placed is misleading since it builds an expectation that our Idaho permits will require Idaho discharges to participate on the task force in the same way as the WA dischargers which is not the current thinking, plus the permits have not been through the public process yet so we're not sure how they will end up. A number of ways to fix this. Suggest replacing the sentence with "EPA intends to issue NPDES permit to facilities discharging to the Spokane River in Idaho in 2012 which will include permit conditions to address toxics (see EPA letter of 8/26/11 to Idaho facilities)."
- This page should then retain the next sentence which says "This MOA can be amended to accommodate addition of the Idaho permittees..... at that time."
- page 13. Like Christine I did not understand the last bullet of our role - provide written approval of Task Force decisions although I noticed all Sovereign's had that statement. Other roles identified for EPA looked OK to me with appropriate caveats that are included.
- Page 16. Dispute Resolution, second paragraph. Don - I can not understand this paragraph. Seems important relative to determining compliance with the permit but it is confusing. Obviously nothing in this MOA can alter the permit or compliance determinations by the permit authority. Let's discuss if you have background on this paragraph which I notice was added in this latest version.
- Page 16. "regulatory agencies have agreed to provide up to 50%...of costs" should be changed to Ecology has agreed to provide...