

Spokane River Stewardship Partners

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April 30, 2014

Mr. Jim Bellatty and Ms. Adriane Borgias
Washington Department of Ecology, Eastern Region
4601 N. Monroe St.
Spokane, WA 99205

Subject: Comment on draft definition of Measurable Progress as provided in "Preliminary Discussion Draft 03262014"

Dear Jim and Adriane,

The signatories of this letter include all of the NPDES permittees who are members of the Spokane River Stewardship Partners (SRSP) with the exception of the City of Spokane who provided comment in an earlier letter. The NPDES permittees appreciate the opportunity to review and provide comment on the draft definition of "measurable progress", both as it pertains to the reference in the NPDES permits and to the broader goals of the Spokane River Regional Toxics Task Force (SRRTTF) as described in the SRRTTF Memorandum of Agreement. The subject definition has great relevance to us, as the NPDES permits issued to the Washington dischargers provide that the SRRTTF is to make measurable progress towards meeting applicable water quality criteria for PCBs in the Spokane River.

Our comments regarding the definition of "measurable progress" as proposed in the March 26, 2014 draft are included both as general themes in this letter and as specific track change comments and edits that address the general themes discussed below. The specific changes are shown on the definition in the attached word document.

1. The NPDES permit language regarding measurable progress states:

*If Ecology determines the Task Force is failing to make measurable progress **toward** meeting applicable water quality criteria for PCBs, Ecology would be obligated to proceed with development of a TMDL in the Spokane River for PCBs or determine an alternative to ensure water quality standards are met.*

The March 26, 2014 draft definition refers to measureable progress as "achieving water quality criteria" rather than "**making progress toward** achieving water quality criteria", consistent with the definition in the permit language.

2. Reference to "toxics" versus PCBs. NPDES permit language refers specifically to measurable progress on reducing PCBs while the MOA for the SRRTTF refers to toxics (defined on page 7 of the MOA as PCBs and Dioxins that were included on the Washington 2008, Category 5, 303(d) list). We have suggested edits to this definition of measurable progress that provides specificity on "toxics".
3. It would be helpful to focus the document on the definition of Measurable Progress, consistent with the SRRTTF Memorandum of Agreement, rather than the consequences of not having

“achieved” Measurable Progress. Much of the draft document discusses consequences rather than the actual definition.

4. “Outcomes” are referred to both on page two of the subject draft and in Attachment A of the subject draft. Language changes have been suggested that provide for a more consistent definition of “Outcomes” throughout the entire document.
5. The MOA extends the measurable progress requirement to many stakeholders and signatories of the MOA. While we understand that this is a requirement of our permits, this draft definition focuses the measurable progress responsibility on the permittees, when it is, in fact, a collaborative effort by the community.

We appreciate the efforts Ecology has made in reaching out to the diverse membership of the SRRTTF to help craft the definition of ‘measurable progress’. Thank you again for engaging the SRSP on this important issue. We look forward to continued collaboration with your agency and members of the Task Force in decreasing the sources of PCBs in our environment and the concentrations of PCBs in our River.

If you have any questions or concerns regarding our comments, please do not hesitate to contact our facilitator, Lisa Dally Wilson.

Respectfully Submitted,

Spokane County
Liberty Lake Sewer and Water District
Hayden Area Regional Sewer Board
City of Post Falls
City of Coeur d’Alene
Inland Empire Paper Company
Kaiser Aluminum