

In the Matter Of:

WASHINGTON STATE DEPARTMENT OF ECOLOGY PUBLIC HEARING FOR PROPOSED PERMITS

VOL VEMENT

August 02, 2016

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WASHINGTON STATE DEPARTMENT OF ECOLOGY
PUBLIC HEARING FOR PROPOSED PERMITS

PERMIT NOS:	APPLICANTS:
W A0000892	KAISER ALUMINUM WASHINGTON, LLC
W A0024473	CITY OF SPOKANE/SPOKANE COUNTY
W A0045144	LIBERTY LAKE SEWER and WATER DISTRICT

BE IT REMEMBERED that on the 2nd day of August 2016, at the hour of 6:36 p.m., the public hearing in the above-referenced matters was taken at the request of the Washington State Department of Ecology, before Caryn E. Winters, RPR, CCR, CSR, Washington CCR No. 2496, Idaho CSR No. 237, at Mirabeau Park Hotel and Convention Center, 1100 North Sullivan Road, Spokane Valley, Washington.

A P P E A R A N C E S:
HEARING OFFICER:
DEPARTMENT OF ECOLOGY
Eastern Regional Office
Toxics Cleanup Program
By: Erika Bronson
Public Involvement Coordinator/Hearing Officer
4601 North Monroe Street
Spokane, Washington 99205-1295

1 FOR DEPARTMENT OF ECOLOGY:

2 DEPARTMENT OF ECOLOGY
Eastern Regional Office

3 By: M. Eleanor Key
Facility Engineer/Permit Manager Water Quality Program
4 4601 North Monroe Street 99205-1295
Spokane, Washington 99205-1295

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I N D E X

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SPEAKERS: RICK EICHSTAEDT
10 FRANK OVONO
GARRETT WILSON

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1 EXAMINATION

2 HEARING OFFICER BRONSON: I'm Erika Bronson, the
3 Hearing Officer for this hearing on the proposed discharge
4 permits for Kaiser Aluminum Washington, LLC, City of
5 Spokane, and Liberty Lake Sewer and Water District.

6 Let the record show that it is 6:36 p.m. on
7 August 2nd, 2016, and this hearing is being held within the
8 Mirabeau Park Hotel and Convention Center, located at 1100
9 North Sullivan Road, Spokane Valley, Washington, 99037.

10 Legal notice of the public comment period and
11 this hearing was published in the Washington State Register
12 on June 30, 2016.

13 Ecology issued a news release to Spokane County
14 media and posted on social media channels about the public
15 comment and hearing on June 30th, 2016.

16 In addition, Ecology placed information about
17 the comment period and hearings on our website for the rule
18 and on the online public calendar.

19 Ecology sent announcements via e-mail to the
20 following e-mail distribution lists on June 30th, 2016:

21 Washington Quality ListServ, with 1,138
22 subscribers

23 Water Quality Partnership, with 58 members

24 Ecology News ListServ, with 1,471 subscribers

25 Spokane River Regional Toxics Taskforce

1 And the Spokane River Forum, with 3,400
2 subscribers

3 It is now the formal comment time for anyone who
4 would like to comment. I'll be calling you to testify in
5 the order in which you signed in.

6 When I call your name, please come up to the
7 recorder and state your name and the company or organization
8 you represent, if any.

9 Remember, audience, no extra noise, please.

10 And we will begin with Rick Eichstaedt, who will
11 be followed by Frank Ovono.

12 SPEAKER: Good evening. My name is Rick
13 Eichstaedt. I'm an attorney with the Center for Justice,
14 and also direct the Environmental and Land Use Clinic at
15 Gonzaga.

16 I want to thank Ecology for the opportunity to
17 provide comment today.

18 I also want to thank Liberty Lake, the city of
19 Spokane, Kaiser Aluminum, and all the other participants in
20 the Spokane River Regional Toxics Task Force.

21 And if I didn't mention this, I'm providing
22 comment today on behalf of Jerry White from the Spokane
23 Riverkeeper.

24 The Riverkeeper is committed to the Spokane
25 River Regional Toxics Task Force process. We believe that

1 is a good process to address PCBs and other toxics issues in
2 the Spokane River.

3 You're going to hear tonight from a couple of
4 students from Gonzaga some initial comments on the task
5 force -- or, excuse me, on the draft permits.

6 You're also going to receive shortly a formal
7 request from the Spokane Riverkeeper, and I believe some of
8 the other nonprofit groups that are involved in the river
9 clean-up issues, requesting additional time for comments.
10 Specifically, 30 days.

11 We'd like this additional time to have the task
12 force meeting on August 10th, where these permits will be
13 discussed.

14 We also want time to address the concerns that
15 we are in the process of identifying with the dischargers
16 themselves.

17 As Ecology knows, many of the issues that -- of
18 concern specifically about PCBs were resolved outside of the
19 comment period/formal process between some of the nonprofit
20 groups and the dischargers themselves, and that resulted in
21 the Spokane River Toxics Task Force.

22 So we believe granting additional more time --
23 or, more time is warranted to allow more dialogue on these
24 issues.

25 It's also our understanding that Kaiser Aluminum

1 has asked for some more time as well. So we certainly
2 support that.

3 Thank you.

4 HEARING OFFICER BRONSON: Thank you. Rick.

5 Okay. So next we'll have Frank Ovono, who will
6 be followed by Garrett Wilson.

7 SPEAKER: Good evening. My name is Frank Ovono.
8 I'm a limited licensed attorney at Gonzaga University Legal
9 Assistance in the Environmental Law section.

10 I'm also a Gonzaga law student, and I'm here to
11 represent the Spokane Riverkeeper.

12 I'd like to start by congratulating the city of
13 Spokane and the city of Liberty Lake for participating in
14 the task force and for making sure that the total phosphorus
15 and the CBOD comply with the TMDLs.

16 I also would like to thank them for making sure
17 that they set specific numerical limits in the -- concerning
18 their PCB effluent.

19 While these steps constitute substantial steps
20 towards our goal, I would like to make a few suggestions as
21 well.

22 The first being that I would like them to
23 develop and implement effluent limits for arsenic as
24 recommended by the EPA. I believe the standard for the EPA
25 for arsenic is 0.018 micrograms per liter, and I believe

1 that adopting that specific recommendation would
2 substantially help us.

3 I also would like them to consider adopting all
4 the recommendations in general by the EPA in the document
5 attached, your document 1.29 -- or, 129 attached in the
6 Appendix B in the package at the entrance. And I think
7 these recommendations as well provide a clear understanding
8 of what are the EPA standards.

9 Thank you.

10 HEARING OFFICER BRONSON: Thank you.

11 All right. So can we get Garrett Wilson,
12 please?

13 SPEAKER: I'm Garrett Wilson from Gonzaga
14 University Environmental Law and Land Use Clinic here on
15 behalf of the Spokane Riverkeeper for concerns about the
16 Kaiser Aluminum permit.

17 We would like to see effluent levels -- effluent
18 limits for arsenic be added to meet the more conservative
19 EPA standards --

20 REPORTER: Excuse me. Can you speak up a bit?

21 SPEAKER: Yes.

22 I would like to see limits for arsenic be added
23 that more reflect the more conservative standards; 0.018
24 micrograms per liter. Also include a schedule for
25 compliance.

1 We would also like to see total limits be set
2 with the compliance schedule.

3 We would also want to assure that the final
4 water quality effluent limits be met by July of 2021. And
5 that footnote be concerned -- be verified because it sets up
6 a different limit.

7 Concerning PCBs, we are pleased that there are
8 numerical effluent limits in the permit, but feel that they
9 should be met by 2024.

10 We suggest that the limits should be at 95
11 percent of those proposed in the draft permits and that this
12 would demonstrate measurable progress in achieving these
13 limits, as required by Ecology.

14 We also would like to include all
15 recommendations that the EPA provides for industrial
16 individual permits and discharges. We ask that those be
17 included in the permit. Those are our concerns.

18 Thank you.

19 HEARING OFFICER BRONSON: Thank you.

20 Okay. So that gets us through everyone who
21 signed up to comment. Is there anyone else who would like
22 to testify at this time?

23 All right. Well, then I will go ahead and close
24 the hearing.

25 If you would like to send in written comments,

1 Visit us at: Spokanereportingservice.com
2 STATE OF WASHINGTON)
3 : ss: REPORTER'S CERTIFICATE
4 COUNTY OF SPOKANE)

5 I, Caryn E. Winters, a notary public in and for
6 the State of Washington, do hereby certify:

7 That the foregoing Department of Ecology Public
8 Hearing and Comment was taken on the date and at the time
9 and place as shown on Page 1 hereto;

10 That the foregoing is a true and correct
11 transcription of my shorthand notes of the requested hearing
12 transcribed by me or under my direction;

13 WITNESS my hand this 6th day of August
14 2016.

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16 _____
17 CARYN E. WINTERS, RPR
18 WA CCR No. 2496, ID CSR No. 237.

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