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
FOR DEPARTMENT OF ECOLOGY:

DEPARTMENT OF ECOLOGY
Eastern Regional Office
By: M. Eleanor Key
Facility Engineer/Permit Manager Water Quality Program
4601 North Monroe Street 99205-1295
Spokane, Washington 99205-1295

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SPEAKERS:
RICK EICHSTAEDT
FRANK OVONO
GARRETT WILSON

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

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

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

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

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

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

- Washington Quality ListServ, with 1,138 subscribers
- Water Quality Partnership, with 58 members
- Ecology News ListServ, with 1,471 subscribers
- Spokane River Regional Toxics Taskforce
And the Spokane River Forum, with 3,400 subscribers

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

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

Remember, audience, no extra noise, please.

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

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

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

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

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

The Riverkeeper is committed to the Spokane River Regional Toxics Task Force process. We believe that
is a good process to address PCBs and other toxics issues in
the Spokane River.

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

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

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

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

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

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

It's also our understanding that Kaiser Aluminum
has asked for some more time as well. So we certainly support that.

Thank you.

HEARING OFFICER BRONSON: Thank you. Rick.

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

SPEAKER: Good evening. My name is Frank Ovono. I'm a limited licensed attorney at Gonzaga University Legal Assistance in the Environmental Law section. I'm also a Gonzaga law student, and I'm here to represent the Spokane Riverkeeper.

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

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

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

The first being that I would like them to develop and implement effluent limits for arsenic as recommended by the EPA. I believe the standard for the EPA for arsenic is 0.018 micrograms per liter, and I believe
that adopting that specific recommendation would substantially help us.

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

Thank you.

HEARING OFFICER BRONSON: Thank you.

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

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

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

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

SPEAKER: Yes.

I would like to see limits for arsenic be added that more reflect the more conservative standards; 0.018 micrograms per liter. Also include a schedule for compliance.
We would also like to see total limits be set with the compliance schedule.

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

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

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

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

Thank you.

HEARING OFFICER BRONSON: Thank you.

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

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

If you would like to send in written comments,
they must be received by five p.m. on Monday, August 29th.

You may submit comments by mail to Shari Li-Joy, Washington State Department of Ecology, Water Quality Program, 4601 North Monroe Street, Spokane, Washington, 99205.

Comment can also be e-mailed to stra461@ecy.wa.gov, or faxed to 509.329.3570.

All testimony received at this hearing, as well as e-mails and hard copy comments received by five p.m. on Monday, August 29th, 2016, will be part of the official record for the proposed permits.

After the public comment period closes, Ecology will summarize substantive comments and provide responses to them.

Ecology will include the summary and responses to comments in the fact sheet as an appendix and publish the responses to comments when issuing the final NPDES permit.

Ecology generally will not revise the rest of the fact sheet.

The full document will become part of the legal history contained in each of the facility's permit files.

The next step is to review and respond to the comments and then issue the final discharge permits.

Ecology expects to issue the permits no earlier than September 15th, 2016.

If we can be of further help to you, please do not hesitate to ask.

On behalf of the Department of Ecology, thank you for coming tonight.

Let the record show that this hearing was adjourned at 6:46 p.m.

(DOE Public Hearing concluded at 6:46 p.m.)
I, Caryn E. Winters, a notary public in and for the State of Washington, do hereby certify:

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

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

WITNESS my hand this 6th day of August 2016.

___________________________________
CARYN E. WINTERS, RPR
WA CCR No. 2496, ID CSR No. 237.