

Appendix E1 - Ecology Responses to Comments for Liberty Lake Sewer and Water District (LLSWD) Permit WA0045144 and Fact Sheet

The legal notice that informed the public that a draft permit and fact sheet were available for review was published in the Spokesman Review on March 18, 2022. Ecology hosted two identical online workshops, each immediately followed by a public hearing, on April 19 and 26, 2022. Ecology received comments on the draft documents during the 45-day public comment period. No comments were provided during the public hearings. Below are a summary of the commenters, the comments, and Ecology's responses. A copy of all comment documents are available upon request.

The comments received were reviewed and evaluated by Washington State Department of Ecology. Comments were categorized into 16 areas for response, though many comments touched on aspects of more than one comment category. The comment categories include:

1. Reopener
2. Spokane River Regional Toxics Taskforce
3. PCB Monitoring Frequency
4. PFAS Monitoring
5. Monitoring Frequency
6. Receiving Water Study
7. WET Testing
8. Limits
9. Clarification
10. Typo
11. Reporting
12. Toxics
13. Reasonable Potential Calculation Error
14. Compliance Schedule
15. PCB Monitoring
16. Variance

Comments and Responses:

Comments and Responses are grouped together and organized by topic. Ecology received 22 individual comments that were form letters. These comments are grouped by topic and followed by a single response. Some comments fall under a topic with other comments but require an individual response. In this case, Ecology's response references the comment number to which the response applies.

Affiliation	Commenter Name	Topics where comments were assigned	Associated Comment numbers
Individual			
	Susan Amstadter	Reopener	I-1-1
		Spokane River Regional Toxics Taskforce	I-1-2
		PFAS Monitoring	I-1-3
	Kirsten Angell	Reopener	I-8-1
		Spokane River Regional Toxics Taskforce	I-8-2
		PFAS Monitoring	I-8-3
	Anonymous	Reopener	I-19-1
		Spokane River Regional Toxics Taskforce	I-19-2
		PFAS Monitoring	I-19-3
	Carla Brooks	Reopener	I-17-1
		Spokane River Regional Toxics Taskforce	I-17-2
		PFAS Monitoring	I-17-3
	Deanna Camp	Reopener	I-3-1
		Spokane River Regional Toxics Taskforce	I-3-2
		PFAS Monitoring	I-3-3
	Barry Chapman	Reopener	I-7-1
		Spokane River Regional Toxics Taskforce	I-7-2
		PFAS Monitoring	I-7-3
	Amy Compestine	Reopener	I-14-1
		Spokane River Regional Toxics Taskforce	I-14-2
		PFAS Monitoring	I-14-3
	James Cronin	Reopener	I-18-1
		Spokane River Regional Toxics Taskforce	I-18-2
		PFAS Monitoring	I-18-3
	Bridget Curran	Reopener	I-9-1
		Spokane River Regional Toxics Taskforce	I-9-2
		PFAS Monitoring	I-9-3
	Marc Fryt	Reopener	I-22-1
		Spokane River Regional Toxics Taskforce	I-22-2
		PFAS Monitoring	I-22-3
	Hollis Higgins	Reopener	I-16-1
		Spokane River Regional Toxics Taskforce	I-16-2

		PFAS Monitoring	I-16-3
	Paulette Hines	Reopener	I-2-1
		Spokane River Regional Toxics Taskforce	I-2-2
		PFAS Monitoring	I-2-3
	Claudia Hume	Reopener	I-11-1
		Spokane River Regional Toxics Taskforce	I-11-2
		PFAS Monitoring	I-11-3
	Jonathan Keeve	Reopener	I-4-1
		Spokane River Regional Toxics Taskforce	I-4-2
		PFAS Monitoring	I-4-3
	Sheri Lattimore	Reopener	I-21-1
		Spokane River Regional Toxics Taskforce	I-21-2
		PFAS Monitoring	I-21-3
	Charlie Martin	Reopener	I-12-1
		Spokane River Regional Toxics Taskforce	I-12-2
		PFAS Monitoring	I-12-3
	John McKee	Reopener	I-20-1
		Spokane River Regional Toxics Taskforce	I-20-2
		PFAS Monitoring	I-20-3
	Alex Richardson	Reopener	I-6-1
		Spokane River Regional Toxics Taskforce	I-6-2
		PFAS Monitoring	I-6-3
	Gary Rogers	Reopener	I-15-1
		Spokane River Regional Toxics Taskforce	I-15-2
		PFAS Monitoring	I-15-3
	Debbie Stempf	Reopener	I-13-1
		Spokane River Regional Toxics Taskforce	I-13-2
		PFAS Monitoring	I-13-3
	C. G. Sweeney	Reopener	I-10-1
		PFAS Monitoring	I-10-2
	James Tuck	Reopener	I-5-1
		Spokane River Regional Toxics Taskforce	I-5-2
		PFAS Monitoring	I-5-3
Agency			
Environmental Protection Agency	Susan Poulson	Reasonable Potential Calculation Error	A-1-2
		PCB Monitoring	A-1-1

		Compliance Schedule	A-1-3
Organization			
Spokane Riverkeeper/Sierra Club	Jerry White, Jr	Reopener	O-1-6
		Spokane River Regional Toxics Taskforce	O-1-5
		PFAS Monitoring	O-1-7
		Monitoring Frequency	O-1-2 , , O-1-8
		Receiving Water Study	O-1-9
		Limits	O-1-1
		PCB Monitoring	O-1-3
		Variance	O-1-4
Tribal Government			
Spokane Tribe of Indians	Chad McCrea	Reopener	T-1-1
		PCB Monitoring Frequency	T-1-2
Permit Applicant			
Liberty Lake Sewer and Water District	Bilay Adams	Spokane River Regional Toxics Taskforce	PA-1-26
		Monitoring Frequency	PA-1-1 , PA-1-20, PA-1-11 , PA-1-12 , PA-1-13 , PA-1-14 , PA-1-15 , PA-1-17 , PA-1-19 , PA-1-27 , PA-1-29
		Receiving Water Study	PA-1-2 , PA-1-18 , PA-1-23
		WET Testing	PA-1-3 , PA-1-24
		Limits	PA-1-4 , PA-1-6 , PA-1-7 , PA-1-8 , PA-1-9 , PA-1-32 , PA-1-36
		Clarification	PA-1-5 , PA-1-30 , PA-1-31 , PA-1-35
		Typo	PA-1-10 , PA-1-21 , PA-1-28 , PA-1-33
		Reporting	PA-1-22
		Toxics	PA-1-25
		Reasonable Potential Calculation Error	PA-1-34
		PCB Monitoring	PA-1-16

1. Comments on Reopener

Summarized Commenters: Susan Amstadter, Paulette Hines, Deanna Camp, Jonathan Keeve, James Tuck, Alex Richardson, Barry Chapman, Kirsten Angell, Bridget Curran , C. G. Sweeney, Claudia Hume, Charlie Martin, Debbie Stempf, Spokane Tribe of Indians , Spokane Riverkeeper/Sierra Club, Amy Compestine, GARY ROGERS, Hollis Higgins, Carla Brooks, James Cronin, Anonymous, John McKee, Sheri Lattimore, Marc Fryt

Commenter: Susan Amstadter - Comment I-1-1

1. Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Kirsten Angell - Comment I-8-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Anonymous - Comment I-19-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Carla Brooks - Comment I-17-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Deanna Camp - Comment I-3-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Barry Chapman - Comment I-7-1

1. This permit should include a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facility in question.

Commenter: Amy Compestine - Comment I-14-1

1. Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: James Cronin - Comment I-18-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Bridget Curran - Comment I-9-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Marc Fryt - Comment I-22-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Hollis Higgins - Comment I-16-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Paulette Hines - Comment I-2-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Claudia Hume - Comment I-11-1

1. Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Jonathan Keeve - Comment I-4-1

Every one of these permits needs to a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Sheri Lattimore - Comment I-21-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Charlie Martin - Comment I-12-1

1. Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: John McKee - Comment I-20-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Alex Richardson - Comment I-6-1

Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Gary Rogers - Comment I-15-1

Each of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopening if/when the State standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Debbie Stempf - Comment I-13-1

1. Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: C. G. Sweeney - Comment I-10-1

Given the urgency of protecting the Spokane River with enforced clean water standards, each permit granted should include a reopener clause, or similar language, to guarantee compliance when the state standard for PCBs is revised to Fed Standard of 7 pg/L and/or if the PCB TMDL is approved in 2024. Also require a Waste Load Allocation (limit) for the facilities in question.

Commenter: James Tuck - Comment I-5-1

1. Every one of these permits needs to have a "reopener clause" or definite language that will trigger an absolute reopener when the state standard for PCBs is revised to 7 pg/L and/or the PCB TMDL is approved in 2024 and requires a Waste Load Allocation (limit) for the facilities in question.

Commenter: Jerry White, Jr - Comment O-1-6

NPDES Permit must have automatic and specific re-opener clauses:

We ask that specific requirements be created inside the permit that directly and affirmatively states that upon adoption of the federally promulgated Human Health Criteria of 7 pg/L, the NPDES Permits for both Liberty Lake Sewer and Water as well as Spokane Co Public Works will be reopened, and the new standard will be written into the permits in all pertinent and applicable places. We would ask that this be written as a re-opener clause that automatically reopens the NPDES permits to:

1. Conform to the federal or State promulgation of a new Human Health Criteria and Water Quality Criteria for any number of parameters to include PCBs.
2. To the development of a new Total Maximum Daily Load for PCBs and the attendant Waste Load Allocations for permitted PCB pollution.
3. The federal or State promulgation of a new Aquatic Life Criteria for toxics.

Commenter: Chad McCrea - Comment T-1-1

The permits should include an automatic reopener to address any discrepancies that arise if the water quality standards change during the term of these permits and when WLAs are finalized.

Ecology's Response to Reopener

Thank you for your comment. General Condition G3 allows Ecology to modify a permit for changes in water quality criteria or the development of a TMDL. Ecology has modified the verbiage in permit conditions G3 to state that Ecology will reopen the discharge permits when EPA finalizes a change to the Human Health Criteria. For the TMDL and Aquatic Life Criteria, Ecology will evaluate the situation and consider the timing for those actions. Ecology may reopen the permits during the current 5-year cycle or include the new requirements in the next permit cycle, depending on when the action occurs with respect to the permit cycle.

2. Comments on Spokane River Regional Toxics Taskforce

Summarized Commenters: Susan Amstadter, Paulette Hines, Deanna Camp, Jonathan Keeve, James Tuck, Alex Richardson, Barry Chapman, Kirsten Angell, Bridget Curran , Claudia Hume, Charlie Martin, Debbie Stempf, Liberty Lake Sewer and Water District, Spokane Riverkeeper/Sierra Club, Amy Compestine, GARY ROGERS, Hollis Higgins, Carla Brooks, James Cronin, Anonymous, John McKee, Sheri Lattimore, Marc Fryt

Commenter: Susan Amstadter - Comment I-1-2

2. End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Kirsten Angell - Comment I-8-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Anonymous - Comment I-19-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Carla Brooks - Comment I-17-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Deanna Camp - Comment I-3-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Barry Chapman - Comment I-7-2

2. End the mandatory participation of this pollution discharger in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Amy Compestine - Comment I-14-2

2. End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: James Cronin - Comment I-18-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Bridget Curran - Comment I-9-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Marc Fryt - Comment I-22-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Hollis Higgins - Comment I-16-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Paulette Hines - Comment I-2-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Claudia Hume - Comment I-11-2

2. End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Jonathan Keeve - Comment I-4-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Sheri Lattimore - Comment I-21-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Charlie Martin - Comment I-12-2

2. End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: John McKee - Comment I-20-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Alex Richardson - Comment I-6-2

End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: GARY ROGERS - Comment I-15-2

Please, end the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: Debbie Stempf - Comment I-13-2

2. End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: James Tuck - Comment I-5-2

2. End the mandatory participation of these pollution dischargers in the Spokane River Regional Toxics Task Force as it is no longer a community-based process.

Commenter: BiJay Adams - Comment PA-1-26

Draft Permit Comment S17.B., page 43

This proposed Permit includes a provision stating the permittee must continue to work with the Spokane River Regional Toxics Task Force to identify strategies for reducing toxics in the Spokane River Watershed. The District requests that participation not be mandatory (and questions the authority for including that requirement) particularly given the near-term development of the PCB TMDL. As described below, the District will want to assess the nature and extent of its participation in advisory organizations in the context of TMDL development and implementation.

LLSWD supports the concept of Community Based Toxics Reduction, but not via the Spokane River Regional Toxics Task Force (Task Force). The Task Force was proposed and developed by local NPDES permittees to conduct a voluntary alternative to a traditional TMDL process to identify and reduce sources of PCBs in the Spokane River. Now that the EPA has committed to develop a TMDL for PCBs in the Spokane River, the fundamental purpose for voluntarily participating in the Task Force is eliminated. Nevertheless, the Task Force has performed excellent technical work in documenting the fate and transport of PCBs in the watershed and the District sees value in continuing the process. The District recommends Ecology lead a new, coordinated multi-agency effort to re-engage tribes, NGOs and other stakeholders to identify sources of PCBs and other toxics in the watershed. Funding of projects to reduce toxics in the watershed could be an open process via grants to various qualified organizations to conduct projects as appropriate.

Commenter: Jerry White, Jr - Comment O-1-5

Cut the SRRRTF requirement:

Omit the requirement to take part in the Spokane River Regional Toxics Task Force. The SRRRTF should be dissolved.

Ecology's Response to Spokane River Regional Toxics Taskforce

Thank you for your comment. We believe the current situation is an opportunity for Ecology to work towards a more inclusive organization and advisory process. Ecology has also found that SRRTTF activities contributed to a better understanding of PCBs in the Spokane River and the collaborative actions of SRRTTF members were responsible for reducing sources of PCBs to the river.

Ecology modified Section S17. B of the permit to require participation in the Spokane River Regional Toxics Task Force pending the formation of an Ecology-approved citizen advisory organization. This will provide permittees with the ability to work collaboratively on BMPs while Ecology initiates the process to create a more inclusive advisory group.

3. Comments on PCB Monitoring Frequency

Summarized Commenters: Environmental Protection Agency, Spokane Tribe of Indians, Spokane Tribe of Indians, Spokane Riverkeeper/Sierra Club

Commenter: Susan Poulosom - Comment A-1-3

In Table 14, the draft permit [for Spokane County] requires effluent monitoring for PCBs using method 1668 at a frequency of once per year. This contrasts with the draft permit for the Liberty Lake Sewer and Water District, which is a smaller facility and requires effluent monitoring for PCBs using method 1668 twice per year (see the Liberty Lake Sewer and Water District permit at Table 10). Sampling twice per year would result in 10 samples being collected over the 5-year permit term. The EPA's Technical Support Document for Water Quality-based Toxics Control indicates, on Page 53, that 10 data points is the minimum necessary to calculate a standard deviation or mean of effluent data with sufficient confidence.

Ecology should require effluent monitoring for PCBs using method 1668 at least as frequently as required in the Liberty Lake Sewer and Water District permit.

Commenter: Jerry White, Jr - Comment O-1-2

The draft is written to sample for PCB in Waste Water Influent twice a year. We ask that this occur at a frequency of once per month.

Commenter: Chad McCrea - Comment T-1-1

The Tribe recognizes the current loophole in the enforcement of PCB water quality standards eloquently described by Justice Gonzalez dissenting in *Puget Sound Keeper v. Dep't of Ecology, et al.*, 191 Wn.2d 631, 646-653 (2018). This as interpreted by Ecology requires that enforcement monitoring for PCBs only be conducted with a method that cannot detect down to the water quality standards for PCBs, method 608. PCBs are currently an unenforceable limit in Ecology's view.

With that said, it is critically important that Ecology revise these draft permits to include appropriate monitoring for PCBs utilizing Method 1668 or an equal and similar method for all monitoring purposes, most importantly the FINAL EFFLUENT.

This is an appropriate use of Method 1668. *Nw. Pulp & Paper Ass'n v. Dep't of Ecology*, No. 55164-1-II, 2021 Wash. App. LEXIS 2970, at *7–8 (Ct. App. Dec. 14, 2021).

It is important that all discharges, including the final effluent from these facilities, into the Spokane River be monitored at the very least on a quarterly basis for PCBs appropriately for three important reasons.

First, the PCB TMDL will be completed by the EPA and will include appropriate Waste Load Allocations (WLA) for PCBs. The data EPA uses to develop the WLAs should be the best quality possible to increase the PCB TMDL's effectiveness. Requiring the entities that discharge toxic pollution into the Spokane River to monitor their effluent at all discharge points will help gather the most relevant and current data and will in turn make the PCB TMDL more accurate.

Second, apart from the numeric limits for PCBs, Ecology has narrative limits that must be monitored which Method 1668 can assist with. The following applies to all NPDES permits.

"(b) Human health protection. The following provisions apply to the human health criteria in Table 240. All waters shall maintain a level of water quality when entering downstream waters that provides for the attainment and maintenance of the water quality standards of those downstream waters, including the waters of another state. The human health criteria in the tables were calculated using a fish consumption rate of 175 g/day. Criteria for carcinogenic substances were calculated using a cancer risk level equal to one-in-one-million, or as otherwise specified in this chapter. The human health criteria calculations and variables include chronic durations of exposure up to seventy years. All human health criteria for metals are for total metal concentrations, unless otherwise noted. Dischargers have the obligation to reduce toxics in discharges through the use of AKART.

WAC 173-201A-240(b)(emphasis added). Here, the Tribe is a downstream state (with a PCB water column standard of 1.3 pg/L) and Method 1668 monitoring of effluent can help provide data on whether this standard can be attained and maintained under the permit conditions.

Third, 40 C.F.R. Section 122.4(d) requires that: "No permit may be issued: (d) When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected States." Again, the Tribe is an "affected" State for purposes of the Clean Water Act and requiring Method 1668 for final effluent monitoring will allow the Tribe and the EPA to better monitor the effectiveness of the permit conditions.

Ecology's Response to PCB Monitoring Frequency

Thank you for your comment. Based on the EPA's comment, Ecology will continue to require twice per year PCB sampling for the District's influent and effluent using Method 1668. EPA's guidance document indicates that this will provide enough samples, 10 over the permit period, for development of the standard deviation and the mean for the data set.

4. Comments on PFAS Monitoring

Summarized Commenters: Susan Amstadter, Paulette Hines, Deanna Camp, Jonathan Keeve, James Tuck, Alex Richardson, Barry Chapman, Kirsten Angell, Bridget Curran , C. G. Sweeney, Claudia Hume, Charlie Martin, Debbie Stempf, Spokane Riverkeeper/Sierra Club, Amy Compestine, GARY ROGERS, Hollis Higgins, Carla Brooks, James Cronin, Anonymous Anonymous, John McKee, Sheri Lattimore, Marc Fryt

Commenter: Susan Amstadter - Comment I-1-3

3. Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Kirsten Angell - Comment I-8-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Anonymous - Comment I-19-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Carla Brooks - Comment I-17-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Deanna Camp - Comment I-3-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Barry Chapman - Comment I-7-3

3. Include language that insures testing for PFAS toxics in the pollution effluent coming out of the discharge pipe(s) of this facility.

Commenter: Amy Compestine - Comment I-14-3

3. Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: James Cronin - Comment I-18-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Bridget Curran - Comment I-9-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Marc Fryt - Comment I-22-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Hollis Higgins - Comment I-16-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Paulette Hines - Comment I-2-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Claudia Hume - Comment I-11-3

3. Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Jonathan Keeve - Comment I-4-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Sheri Lattimore - Comment I-21-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Charlie Martin - Comment I-12-3

3. Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: John McKee - Comment I-20-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Alex Richardson - Comment I-6-3

Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: GARY ROGERS - Comment I-15-3

Additionally, please test for PFAS toxins in the pollution effluent coming out of the WWTP.

Commenter: Debbie Stempf - Comment I-13-3

3. Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: C. G. Sweeney - Comment I-10-2

In each case for each discharger listed above, a test for PFAS toxics in the pollution effluent should also be included.

Commenter: James Tuck - Comment I-5-3

3. Please test for PFAS toxics in the pollution effluent coming out of the WWTP.

Commenter: Jerry White, Jr - Comment O-1-7

Please add PFAS to the list of Persistent Bioaccumulative Toxins (PBT) and require monitoring and reporting to the public:

Perfluorinated chemicals are finally being recognized as a persistent and present danger to our communities and our waters and their ecosystems. Additionally, they are being identified in wastewater treatment systems, biosolids, sewers, and stormwater systems. The CWA states clearly that it aims to prevent, reduce, and eliminate pollution in the nation's water in order "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters," and to achieve "wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water. 33 U.S.C. § 1251(a) and (a)(2)."

We can find no reference in the draft permits to the potential discharge of, or pollutants called per-and polyfluoroalkyl substances. We ask that Ecology incorporate testing/monitoring for per-and polyfluoroalkyl substances - PFAS, a group of chemicals commonly known to be in wastewater and now commonly found in human blood and tissue. PFAS should be incorporated into the Toxics Management Plans, data from sampling the influent, effluent, and receiving waters should be collected and BMPs should be developed over the cycle of this permit. Further, these aspects of the permit should be folded into the Toxics Reduction Strategies.

As per the CWA and EPA guidance, the permits should address all pollutants known to threaten our waters and their ecological integrity. Therefore, the permit should require that IEPs WWTP test for PFAS.

Please see EPA statements on their future ambitions and strategic directions with regards to finding and preventing PFAS from entering our ground and surface waters. Monitoring of receiving waters should be included in this permit as well as monitoring of CSOs, Biosolids, pretreatment influents, and wastewater effluent.

Ecology's Response to PFAS Monitoring

Thank you for your comment. While PFAS is of concern in the Spokane area, the primary PFAS impacts are associated with groundwater and drinking water contamination in the area near Fairchild AFB, west of the Spokane aquifer and river. In 2016 Ecology conducted a statewide study that provides data about Spokane River water, fish and wastewater treatment plant effluent. Compared to other waterbodies, the Spokane River has some of the lowest concentrations of PFAS in the state. The concentrations of PFAS in fish are below DOH's level of concern for high fish consumers. PFAS concentrations in effluent are in the median range compared to other wastewater treatment plants.

We currently do not have federal criteria for regulating PFAS discharges under the Clean Water Act. However, the Department of Health recently passed regulations that establish monitoring and State Action Levels for PFAS in public water systems. Should PFAS be discovered in Spokane public water systems, the public water system operators are required to report, investigate the cause of contamination, and take action.

Ecology will not be requiring PFAS (and related chemicals) monitoring in this permit. However, because PFAS in Spokane drinking water supplies would be a source to wastewater treatment plants, we will track the situation and evaluate next steps should PFAS be discovered in the Spokane public water systems or EPA issues a drinking water standard for PFAS.

5. Comments on Monitoring Frequency

Summarized Commenters: Liberty Lake Sewer and Water District, Spokane Riverkeeper/Sierra Club

Commenter: Bijay Adams - Comment PA-1-1

Draft Permit Comments

Comment 1 Table 1, page 5, S3.A, and page 18, S3.A.4

Historically, the District under previous permit cycles has been required to submit only monthly DMR reports and not bimonthly, quarterly, semiannual and annual DMR reports. These are now listed as required submittals. What would be the justification for such an increase in the number of required DMR reports? We request to continue filing only monthly DMR reports.

Commenter: Bijay Adams - Comment PA-1-20

Draft Permit Comment

Number 4 a-f, page 20

Is the inclusion of quarterly, bimonthly, semiannual and annual DMR's an error?

The District has only ever been required to submit monthly DMR's in the past. What is the rationale for requiring all of these extra DMR reports?

In addition, Bi-monthly DMR's are not listed on Table 1: Summary of Permit Report Submittals.

Ecology's Response to Comment PA-1-1 and PA-1-20

Thank you for your comment. Ecology sets up sampling frequencies with variable day, week or month as a way to improve on the representativeness of the monitoring. As a result, the various sampling frequencies are set up on a separate DMR. In this permit cycle the District has sampling frequencies that are weekly, biweekly, monthly, bimonthly, quarterly, semiannually and annually. These DMRs are set up in the PARIS Database with the required submittal dates.

Ecology can provide the District with cut and paste DMRs to help facilitate the DMR submittal process.

Commenter: BiJay Adams - Comment PA-1-11

Draft Permit Comment

S2.A. Monitoring Schedule, page 11 With regards to BOD, CBOD and cadmium sampling frequency – Table 9 and 10: The District believes that a reduction in sampling frequency for BOD, CBOD and cadmium is warranted based on previous performance. In accordance with Chapter 13, Section 1.3.3 of the WSDOE Permit Writer's Manual the Liberty Lake Sewer and Water District is requesting monitoring reduction for BOD, CBOD and Cadmium based on plant performance.

A reduction in: BOD frequency from 2/week to 2/Month CBOD from 2/week down to 2/Month Cadmium reduction from 2/month to 1/quarter.

Based on the procedures outlined in the Permit Writer's Manual the District requests that the monitoring frequency for BOD, CBOD, and Cadmium be reduced as described above.

Ecology's Response to Comment PA-1-11

Thank you for your comment. Ecology reviewed the information provided and the request for a reduction in monitoring. Ecology agrees that the data supports a reduction in sampling frequency. The following changes were made in Section S2.A to the influent and effluent sampling:

- BOD₅ influent and effluent changed to twice per month
- CBOD₅ influent and effluent changed to twice per month
- Cadmium effluent changed to once per quarter.

Commenter: BiJay Adams - Comment PA-1-12

Draft Permit Comment

With regards to Cyanide sampling frequency – Table 10

The District believes that the reasonable potential does not exist for cyanide, and thus it does not require a limit and should also be removed from any increased monitoring.

Ecology's Response to Comment PA-1-12

Thank you for your comment. Ecology reviewed the data submitted with the District's comment. Ecology removed the limit for cyanide and included in Table 10 quarterly sampling for the first two years of the permit cycle. Ecology will review the data at the end of the two years to identify the need for a cyanide limit.

Commenter: BiJay Adams - Comment PA-1-13

Draft Permit Comment

With regards to lead and zinc sampling frequency - Table 10:

The District requests that the sampling frequency remain at 1/month for lead and zinc as specified in the current permit. What is the rationale for doubling the sampling frequency to 2/month?

Ecology's Response to Comment PA-1-13

Thank you for your comment. Ecology reviewed the compliance data for the District Sewer and Water District (District). The District had 4 zinc violations in the spring of 2021. Ecology reviewed the compliance data for the past year and it appears that the District resolved the zinc compliance issue. As a result, Ecology reduced the zinc and lead sampling in Table 10 to once per month as requested.

Commenter: Bijay Adams - Comment PA-1-14

Draft Permit Comment

With regards to arsenic, chromium, nickel, copper, silver and mercury sampling frequency - Table 10:

The District asserts that the insertion of these 6 parameters are in error. What would be the rationale for listing them separately for increased monitoring on a quarterly basis when we have not previously had to sample them outside of a routine priority pollutant scan? We suggest Ecology remove these 6 parameters from the monitoring requirements.

Ecology's Response to Comment PA-1-14

Thank you for your comment. Ecology agrees that these parameters are being sampled during the priority pollutant scan so additional monitoring will not be needed. Ecology removed the quarterly sampling requirement in Table 10 for arsenic, chromium, nickel, copper, silver, and mercury.

Commenter: Bijay Adams - Comment PA-1-15

Draft Permit Comment

With regards to fecal coliform and E. coli sampling frequency – Table 10:

1. We suggest that the sampling frequency should remain at 2/week and not increased to 3/week. Given that our fecal results over several years have a monthly average of 1.39 CFU/100 mL, what is the rationale for the increased testing frequency at such low bacterial levels?
2. We suggest that it is not necessary to test for both fecal coliforms and E. coli.

The District recognizes that E. coli has become the new bacterial water quality criterion for protecting water quality standards, replacing fecal coliforms as the indicator group. The District believes that in our specific situation, dual monitoring for both fecal coliforms and E. coli are not necessary.

From page 44 of the Fact Sheet under Wastewater Monitoring:

"Ecology has required monitoring of both fecal coliform and E. coli in the proposed permit for the first two years of the proposed permit cycle. This dual monitoring will help inform both Ecology and the District of the correlation between the two indicators." We suggest that in our case there is no value in dual monitoring at such low levels of bacteria.

Our monthly fecal coliform average over the last several years is 1.39 CFU/100 mL (most all growth plates show zero colonies, and are reported as <1 CFU/100 mL). At such low levels of growth, it seems unreasonable to try and develop a ratio of fecal bacteria to E. coli. Dual monitoring would have the effect of increasing costs with no added benefit. What is the rationale Ecology is using for requiring dual monitoring? We suggest that we be removed from the dual monitoring requirement. Please see comment 18 for related information.

Ecology's Response to Comment PA-1-15

Thank you for your comment. Ecology removed the dual monitoring requirements from the permit and fact sheet.

Commenter: Bijay Adams - Comment PA-1-17

Draft Permit Comments

Table 13, Permit renewal application requirements, page 17

Comments here are in regard to the priority pollutant scans associated with permit renewal and with regards to the monitoring frequency of priority pollutants in general. Could Ecology clarify in Table 13 both the frequency and timeframe of the required priority pollutant scan in connection to permit renewal and also clarify in the permit if priority pollutant scans are required as part of routine monitoring, and if so, at what frequency, as this is not clearly communicated in either the Permit or Fact Sheet.

Ecology's Response to Comment PA-1-17

Thank you for your comment. Ecology clarified in Table 13 the sampling frequency and timing of the renewal application priority pollutant sampling. The permit requires The District to sample for priority pollutants once a year every year in a different quarter. The results must be submitted per the reporting requirements in Permit Section S3.A.15 and must be submitted on the renewal permit application. Ecology removed the permit renewal application temperature and PCB sampling. Temperature and PCB sampling is included in Table 10 routine effluent monitoring.

Commenter: Bijay Adams - Comment PA-1-19

Draft Permit Comment Section S5.G.b Operation and Maintenance (O&M) Manual Components, Page 30 Item 9 and 10 are unnecessary to be included in the O&M Manual and these items are not listed in the Orange Book for O&M Manuals.

The District's effluent complies with state ground water standards and most state drinking water standards. Thus, we request the language requiring the monitoring of irrigation water be removed from the permit including Table 15, Page 18.

Ecology's Response to Comment PA-1-19

Thank you for your comment. In order to remove the language requiring monitoring the irrigation water, the District must have a reclaimed water permit with a use of irrigation. The District's treatment system is not considered a reclaimed water facility. Until the District has a reclaimed water permit, the District must demonstrate that treated wastewater is applied at agronomic rates.

Monitoring the treated wastewater assures that the 4 acre application area is not overloaded with nutrients and groundwater is protected. WAC 173-240-080 requires that "the operations and maintenance manual include a process description... and a discussion of the detailed operation of each unit..." Ecology requires reporting for all land treatment systems that includes the loading and flows to the acreage used for application of treated wastewater. The proper operations and maintenance of the land treatment area must be included in the operations and maintenance manual. No changes were made to the permit.

Commenter: Bijay Adams - Comment PA-1-27

Draft Permit Comments

Appendix A, List of Pollutants and Recommended Analytical Protocol With regards to Fecal Coliform, page 51 and E. coli, page 52:

The District currently uses method SM922D, membrane filtration on m-FC media for detection of fecal coliforms. The methods listed for E. coli in Appendix A are multiple tube fermentation or quanti-tray methods that require additional time and equipment to complete compared to membrane filtration. If monitoring for E. coli is required then we would like to suggest the inclusion of EPA method 1603 as an appropriate method. This is a membrane filtration method developed specifically for E. coli. This method is performed just like SM922D that we already use and thus it would be compatible with the experience and training of lab personnel and not require any additional lab equipment.

Ecology's Response to Comment PA-1-27

Thank you for your comment. Ecology removed all requirements for E.coli from the permit, see response to comment PA-1-15.

Commenter: Jerry White, Jr - Comment O-1-8

Fact Sheet - Spokane Co. Page 36, Section F, PBDEs:

This section states: The municipal dischargers to the Spokane River will be required to continue testing of influent and effluent for PBDEs and will be required to develop best management plans during the proposed permit cycle to identify sources and potential mechanisms for removing sources of PBDEs before they get to the wastewater treatment plant and the Spokane River.

We support the ongoing testing for this toxic parameter in both influent and effluent and support the initiation of BMP requirements for both Liberty Lake and Spokane Co. Additionally, we ask that this parameter (testing results, BMP guidance, BMP Effectiveness Monitoring) be folded into the Toxic Management Plans (and/or Toxic reduction strategies) for Spokane County and for the City of Liberty Lake.

Specifically, the WWTP of Liberty Lake seems to have a less robust program of testing for PBDEs. We ask that the Liberty Lake WWTP be required to consistently (monthly) test SIUs Influent, WWTP influent, effluent, and receiving waters for PBDEs. A monthly average and a Maximum daily average should be characterized and documented with Ecology. Additionally, Liberty Lake WWTP should develop and implement BMPs to address and prevent PBDE pollution.

We ask that the frequency of monitoring (section S2.A. Monitoring Schedule Liberty Lake pg 12) be carried out once/month rather than twice per year as currently written in the draft permit.

Ecology's Response to Comment O-1-3

Thank you for your comment. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, significance of pollutants, and cost of monitoring. The proposed permit requires the District to test for PBDEs twice per year, which results in 10 data points, the minimum necessary to calculate a standard deviation or mean of effluent data with sufficient confidence. Section S.17 of the proposed permit also requires the District to incorporate PBDEs into its Best Management Practices Plan. No changes will be made to the permit.

6. Comments on Receiving Water Study

Summarized Commenters: Liberty Lake Sewer and Water District, Spokane Riverkeeper/Sierra Club

Commenter: Bijay Adams - Comment PA-1-2

Draft Permit Comments

Comment 2 Table 1, page 6, S12.A.1 The District feels that a time period of 6 months from the effective date for a Mixing Zone Dye Trace Plan of Study is not enough time to effectively complete the study and thus requests additional time.

Due to the District's limited staff and resources, the District requests a minimum of 1-year from the effective date of the permit to submit the plan of study.

Ecology's Response to Comment PA-1-2

Thank you for your comment. The proposed permit requires the District to develop a plan of study in six months for review by Ecology prior to starting the study. The study does not have to be completed in six months. The study is due four years from the effective date of the permit. Ecology wants to work with the District to verify that the plan of study meets the study requirements before the District begins the study. Section S12 was modified in the final permit to allow one year to develop the plan of study.

Commenter: Bijay Adams - Comment PA-1-18

Draft Permit Comment

Table14, Temperature Receiving Water Study, Page 18 and S13. Temperature receiving water study, Page 38

The District completed a QAPP and receiving water temperature monitoring study during the last permit cycle. The District has collected river temperature data every year since 2012. Ecology also has temperature data for the Spokane River from other organizations reaching back many years.

Could Ecology address the following questions:

1. What is the rationale or purpose of continuing to collect additional temperature monitoring data in general, when so much data has already been collected, and specifically the listed requirement to now collect data year-round?
2. Why do we need to submit an updated QAPP when one has already been completed?
3. Why is the District the only discharger with a receiving water interim and final temperature limit in our permit?

In light of all the data that has been collected, the District requests that the ongoing temperature study and data collection requirement be removed from the permit.

If this is not granted, we at least request that temperature data collection be limited to the July 1 through September 31 monitoring period required in the previous permit and to also change the requirement to allow the submission of temperature data at the end of the data collection period rather than with monthly DMR's.

Ecology's Response to Comment PA-1-18

Thank you for your comment. Ecology's rationale for continuing to collect additional temperature monitoring data year round is to assess the temperature change resulting from the discharge to the river throughout the year. The District is the only discharger with limits for temperature because the District is exceeding the temperature criteria in a listed segment of the river. Ecology will use the data collected to identify the season that temperature criteria will apply to in the next permit cycle.

Additionally, the River has a trout spawning season in the spring and there is no data available for the shoulder season.

Data will be needed to assess reasonable potential and develop a temperature limits for the District. As a result, Section S13 requires the District to collect temperature data year round for the duration of the permit cycle. Ecology modified the dates in Permit Section S13.7. Data collection will end on the permit expiration date.

Section S13 requires the District to update the QAPP for year round data collection. The guidelines for a temperature QAPP are available in the permit.

Commenter: Bijay Adams - Comment PA-1-23

Draft Permit Comment

S14. Conduct DO, pH and alkalinity receiving water sampling, page 39

Why do we need to monitor for DO in the receiving water when there is already a DO TMDL for the river and limits are already established? In addition, Ecology has included in the draft permit a requirement to install a DO meter on the effluent discharge with a numerical limit as described in Table 5.

Furthermore, if the facility is meeting its pH limits, then what is the rationale for us to monitor pH and alkalinity in the river?

Ecology's Response to Comment PA-1-23

Thank you for your comment. As discussed Section III.G of the Fact Sheet, the DO TMDL was developed to correct the far field effects of the point and nonpoint discharges to the Spokane River. Ecology is required to implement the DO TMDL in the permit and Ecology is also required to evaluate the reasonable potential for dissolved oxygen (DO) near field effects caused by the discharge at the edge of the chronic mixing zone.

When the District's discharge mixes with the river, the DO at the edge of the chronic mixing zone drops below the DO criteria. As a result, the permit has a limit for the minimum DO and average DO discharged to the River. Monitoring for DO helps Ecology verify that the limits are protective.

Ecology requires the District to install a continuous meter because the dissolved oxygen varies as a result diurnal flow, operations of the treatment facility and temperature throughout the day. Ecology must verify the discharge is meeting the permit limits.

Ecology uses river pH and alkalinity to evaluate the reasonable potential. The data available for pH and alkalinity was collected in 2008 before the flow changes in the river. Ecology requires recent pH and alkalinity data in order to evaluate the reasonable potential in the next permit.

Ecology made no changes to the Permit.

Commenter: Jerry White, Jr - Comment O-1-9

NPDES Draft Permit Section S13 - Liberty Lake, Draft Permit Section S11 for Spokane Co - Receiving Water Temperature Study:

The conditions the Spokane County draft permit reads: S11.1 Receiving Water and Effluent Study of Temperature – Quality Assurance Project Plan (QAPP) Update 1/permit cycle 1-Year from the effective date (add specific date at issue) S11.7 Receiving Water and Effluent Study of Temperature Results 1/permit cycle 4 years from the effective date (update with specific date at issue)

The conditions the Liberty Lake draft permit reads: S13.1 Receiving Water and Effluent Study of Temperature – Quality Assurance Project Plan (QAPP) Update 1/permit cycle 1 year from effective date S13.7 Temperature Receiving Water and Effluent Data Monthly with DMR Starting first June after QAPP approval.

The difference is that Spokane County is given four years from the date of the final permit whereas the City of Liberty Lake is given one year. While we realize that the temperature issues in the receiving waters is more extreme at the outfall 001 of Liberty Lake as this is losing reach that is wholly dependent on water from Lake Coeur d’Alene, we nevertheless ask that Spokane County also turn their study around in a year from the effective permit date.

Ecology’s Response to Comment O-1-9

Thank you for your comment. Ecology required studies take into account the characteristics of the facility and discharge location. Requirements between facilities may vary in response to their unique circumstances. The District is required to submit an updated temperature QAPP within one year. Then the District is required to collect data which they will submit with the discharge monitoring report every month of the permit cycle. Ecology made no changes to the permit.

7. Comments on WET Testing

Summarized Commenters: Liberty Lake Sewer and Water District

Commenter: Bijay Adams - Comment PA-1-3

Draft Permit Comments

Comment 3 Table 1, page 6, S15.A and S16.A

There seems to be some inconsistency in the frequency of sampling required for Acute and Chronic Toxicity WET testing.

- 1.) The testing frequency in Table 1, page 6 indicates quarterly in year three of the permit cycle.
- 2.) Table 12 on page 16 indicates the testing frequency is quarterly during year three only.

3.) Section S15 and S16 on page 39-40 indicate that the testing frequency is once during the last summer and once in the last winter in the third year of the permit cycle prior to submission of the application for permit renewal.

In addition, page 40 of the LLSWD Fact Sheet says: WET testing conducted during effluent characterization showed no reasonable potential for effluent discharges to cause receiving water acute or chronic toxicity. The proposed permit will not include an acute WET limit. The District must retest the effluent before submitting an application for permit renewal.

Since the District does not have an acute toxicity limit according to the draft Fact Sheet, nor have any previous WET testing found any toxicity, we feel that quarterly testing in year three is unreasonable and presents an unnecessary financial cost.

What is the rationale for increasing testing from 1/permit cycle to quarterly in year three? We suggest that the testing frequency of 1/permit cycle prior to permit renewal is the appropriate requirement that should apply to the District.

Ecology's Response to Comment PA-1-3

Thank you for your comment. Part E of EPA Permit Application Form 2A requires facilities with a design flow of one MGD or more and a chronic dilution factor of less than 100 to conduct quarterly WET test for a minimum of one year or one test per year for four years.

However, based on the lack of industrial dischargers to the District and previous negative WET testing, Ecology is only requiring acute and chronic WET testing twice in year three of the permit, for submittal with the permit application. Ecology updated Table 1, Table 12, and the text in S15 and S16. The District is required to complete an acute and chronic WET tests, in the summer and an acute and chronic WET in the winter of year three of the permit cycle.

Commenter: BiJay Adams - Comment PA-1-24

Draft Permit Comment S15. Number 7, page 40 and S16. Number 7, page 42

Indicates the permittee may choose to conduct a full dilution series test during compliance testing in order to determine dose response. We don't believe this applies to the District.

Ecology's Response to Comment PA-1-24

Thank you for your comment. Please note that S15.B.7 states the Permittee may choose to, but does not require the Permittee to, conduct a full dilution series. No changes were made to the permit language.

8. Comments on Limits

Summarized Commenters: Liberty Lake Sewer and Water District, Spokane Riverkeeper/Sierra Club

Commenter: Bijay Adams - Comment PA-1-4

Draft Permit Comments

Comment 4 Table 3, page 8 Why are the proposed limits for weekly geometric mean less than the end-of-pipe water quality standards of 200 CFU or MPN/100 mL for fecal coliform and 320 CFU or MPN/100 mL for E. coli? The previous criterion for primary contact recreation was based on a weekly geometric mean of 200 organisms/100 mL and the design of the effluent disinfection system is based on a weekly geometric mean of 400 CFU/100 mL.

Also, when accessing Ecology's online proposed Washington State Water Quality Assessment, fecal coliform was listed as Category 1 on the stretch of the Spokane River to which the District discharges. Category 1 means that the state water quality standards were met.

Could Ecology please verify the assessment category for fecal coliform, and whether or not a mixing zone may be allowed for both fecal coliform and E. coli?

Ecology's Response to Comment PA-1-4

Thank you for your comment. The segment that the District discharges to is not listed for fecal coliforms. The segment downstream of the discharge is listed for fecal coliforms.

Ecology evaluated the information provided in the District's approved engineering report. The District provided fecal design limits monthly geometric mean of 200 organisms/100 mL and weekly geometric mean of 400 CFU/100 mL. These are the fecal coliform technology limits for activated sludge. The District has upgraded from secondary activated sludge facility to a tertiary membrane filtration facility. Ecology evaluated the data and developed performance based limits for the upgraded technology.

Ecology found that the maximum for the technology was 18 fecal coliforms per 100 mL. The geomean was 1.08 fecal coliforms. Given that the majority of the data is below the detection limit, Ecology will use the maximum as the monthly geomean and 1.5 times the maximum as the monthly average as the weekly geomean or 27 fecal coliforms per 100 mL.

Section S1 Table 3 of the permit has been updated with the performance based effluent limits. E.coli sampling was removed from Section S2 Table 10. The Fact Sheet Summary and Section III Proposed Permit Limits was also updated. Ecology removed the dual monitoring requirements discussed in Section IV of the Fact Sheet for monitoring requirements.

Commenter: BiJay Adams - Comment PA-1-6

Draft Permit Comments

Table 4: Effluent Limits: Cyanide, Cadmium, Lead, Zinc & Temperature, page 8.) In regards to an effluent limit on Cyanide. The District is aware that the data used to characterize the effluent in terms of setting limits covers the period of January 2018 - October 2021. When running the calculations for determining a limit for cyanide, only one sample value was used. This sample was obtained from the priority pollutant scan from February 2021. We believe the results of the sample are reversed due to either (1) an error during collection through the inadvertent switching of the influent and effluent sample containers, or (2) an error through reversing of the samples during analysis at the lab, as the effluent concentration was higher than the influent concentration. Listed below are the cyanide results for the effluent and influent going back several years including dates both before and after installation of tertiary membranes. Also included are the results from a current analysis done on both the influent and effluent in February 2022. All samples were analyzed by an outside laboratory. Taken as a whole we believe that the historical results do not indicate a reasonable potential or the need for a limit.

8/17/2011, Influent, Non-detect 8/17/2011, Effluent, Non-detect 6/18/2013, Influent, Non-detect 6/18/2013, Effluent, Non-detect 1/22/2016, Effluent, Non-detect 2/24/2021, Influent, 0.0172 mg/L 2/25/2021, Effluent, 0.0511 mg/L 2/14/2022, Influent, Non-detect 2/14/2022, Effluent, Non-detect.

Ecology's Response to Comment PA-1-6

Thank you for your comment. Ecology agrees that a limit for cyanide does not appear to be warranted at this time based on the uncertainty of the data used for the analysis. Ecology removed the limit for cyanide in Permit Section S1.A Table 4. Ecology added two years of quarterly sampling for Cyanide to the permit Section S2 Table 10. Ecology will reassess these results and may modify the permit if needed.

Commenter: BiJay Adams - Comment PA-1-7

Draft Permit Comment

Table 4 Temperature (Final Limit) LLSWD recognizes the Spokane River is listed as impaired for temperature. That listing is, however, based on data from summer months and likely reflects natural conditions. Ecology's listing information recognizes that: the LLSWD is discharging to a losing reach of the Spokane River that originates from surface level outflows from Coeur d'Alene Lake; and the Spokane River temperature exceeds the criterion at Stateline Bridge (see 303(d) listing 3737) upriver from the District's discharge. In turn, Ecology's Assessment remark states that "the Spokane River originates from surface-level outflows from a large natural lake that may cause temperature criteria exceedances under natural conditions. A rationale with supporting documentation submitted by Lincoln Loehr on 17 December 2002 suggests the high temperature values are a natural condition caused by effects of Lake Coeur d'Alene upstream. However, there is insufficient data to rule out the possibility that human activities have increased water temperatures over natural conditions in excess of allowable limits, such as from dams or point source discharges located on the river.

This river also flows into tribal jurisdiction. Until further study is done, it is not possible to rule out that human factors aren't contributing to the problem. (Pickett, ECY/EAP, 2003) (Parodi, ECY/ERO, 2003)".

Given that Ecology recognizes that natural conditions may be the foundation for the listing, LLSWD suggests it delay establishing final permit limits for temperature pending the results of the temperature receiving water studies inherent in the development of a TMDL. See WAC 173-201A-260 (recognizing that when natural conditions exceed the identified criteria those conditions become the pertinent water quality criteria as prescribed by rule).

The District cannot confirm the calculations on the temperature performance based effluent limit because we do not have the data set used for the calculation, and the Fact Sheet does not include all of the calculations performed. The District would like to request the PermitCalc spreadsheet in order to review the accuracy of the calculations.

Furthermore, the following data in the basis statement for the 303(d) Listing 3737 contains the following:

303(d) Listing 3737: Basis Statement from Ecology: Location IDs: 57A150 / SPOKBD-PB -- In 2009, 3 of 13 sample values (23%) showed an excursion of the criteria (20°C) for this waterbody; Location ID: 57A150 -- In 2008, 2 of 12 sample values (17%) showed an excursion of the criteria (20°C) for this waterbody;

Location ID: 57A150 -- In 2007, 3 of 12 sample values (25%) showed an excursion of the criteria (20°C) for this waterbody;

Location ID: 57A150 -- In 2006, 2 of 12 sample values (17%) showed an excursion of the criteria (20°C) for this waterbody;

Location ID: 57A150 -- In 2002, between 7/30/2002 and 9/27/2002, the 1-day daily maximum values (1-Dmax) exceeded the criterion for this waterbody (20°C) on 48 of 60 days (80%); The maximum exceedance during this period was 23.6°C on 8/28/2002;

Location ID: 57A150 -- In 2001, between 7/10/2001 and 9/25/2001, the 1-day daily maximum values (1-Dmax) exceeded the criterion for this waterbody (20°C) on 73 of 78 days (94%); The maximum exceedance during this period was 26.2°C on 8/14/2001;

Dept. of Ecology unpublished data from core ambient monitoring station 57A150 (Spokane R. at Stateline Bridge) shows a 7-day mean of daily maximum values of 25.9 for mid-week 14 August 2001.

Hallock (2001) Dept. of Ecology Ambient Monitoring Station 57A150 (SPOKANE RIVER AT STATELINE BRIDGE) shows 8 excursions beyond the criterion out of 63 samples collected between 1993 - 2001.

Cusimano (2001) station 57A150 (Spokane R. at Stateline Bridge) shows 6 excursions beyond the criterion out of 8 samples collected between 06/00 - 09/00.

Dept. of Ecology unpublished data from the Spokane River TMDL at RM 96 shows excursions beyond the criterion from a 7-day mean of maximum daily continuous Hydrolab measurements collected during August 2001.

U.S. Geological Survey data from NWIS database station 12419500 (Spokane R abv Liberty Br. Nr Otis Orchard, WA) shows 1 excursions beyond the criterion out of 10 samples collected between 01/93 - 10/00.

Dept. of Ecology unpublished data from the Spokane River TMDL at RM 96 shows excursions beyond the criterion from continuous Hydrolab measurements collected during 16-17 August 1999.

Even if Ecology delays further assessment of the natural conditions of the receiving waters, the proposed performance-based interim limits should not apply end-of-pipe, year-round. The data are, as documented in the proposed Fact Sheet, derived from summer month temperature data. See Proposed Fact Sheet at 37. Given that the stretch of the Spokane River to which the District discharges complies with the temperature water quality criteria outside of the critical season warm weather months, could a mixing zone for temperature be granted outside of those critical months?

The Permit Writer's Manual acknowledges that dilution may be available where the listing data may be subject to question. See Permit Writer's Manual at Figure 23. Correspondingly, the District suggests that Ecology reconsider the temperature limits to account for mixing during the majority of the year the river temperature appears to be compliant with the water quality standards.

Ecology's Response to Comment PA-1-7

Thank you for your comment. The segment of the river that the District discharges to is listed as impaired for temperature and therefore there is no mixing available. The water quality criteria is the end of the pipe limit.

The temperature criteria for the Spokane River is a daily maximum of 20 degrees C. This is the final water quality based effluent limit in the permit. The District has been given an interim limit based on reported performance and a compliance schedule. Ecology has requested that the District collect year round temperature data for the River.

Ecology will review the temperature data and revise the limits as needed, based on the new data collected upstream of the outfall.

Draft Permit Comment

Table 4 PCB's LLSWD objects to the requirement that it implement analytical method 1668C as a method for obtaining PCB data. As drafted, the proposed permit would definitively require use of the unapproved method for monitoring wastewater influent and effluent and for submission of PCB data as part of a renewal application, Ecology's Permit Writer's Manual specifies that data generated by Method 1668C "is more complex and extensive" than data generated by other analytical methods and "must be carefully managed, assessed and applied." Permit Writer's Manual at 224. The District suggests that there is no current basis for imposing Method 1668C and requiring its use as a condition of the LLSWD Permit does not necessarily address Ecology's data needs, imposes substantial costs and is premature.

The congener method (1668) is, according to Ecology's statements in the proposed Fact Sheet, "needed to characterize influent, effluent, or ambient water quality where PCBs are expected to be below 0.016 micrograms/L. These data may be used to evaluate trends over time and to quantify reductions in influent, effluent and/or receiving waters." Proposed Fact Sheet at 48. Ecology states that using the results from this method "will enable [the agency] to continue making measurable progress determinations related to reduction of toxicant loading to the Spokane River." Proposed Fact Sheet at 46. Ecology has not, however, consistently recognized the viability of Method 1668. Specifically, Ecology has stated that the method is "unreliable because that test does not allow Ecology to determine whether any of the PCBs detected come from the discharger, the test container itself, or the ambient air." *Puget Soundkeeper Alliance v. State*, 191 Wn.2d 631, 642, 424 P.3d 1173, 1178 (2018).

The District recognizes that there is substantial work that will be essential for development of the PCB TMDL for the river. The District does not want its permit to be the vehicle to gather additional data where there are serious underlying questions regarding the viability of the information to be obtained. The District maintains its position is particularly compelling in that Ecology has specifically recognized the discharge has no reasonable potential to contribute to violations of the numeric water quality criteria for PCBs. Proposed Fact Sheet at 42. Accordingly, until an alternative PCB test methodology is identified as approved by EPA in its Part 136 testing requirements, the District should not be obligated to run resource intensive tests that may or may not result in data that are reproducible and defensible. And, notably, despite Ecology's admonitions regarding use of data assembled pursuant to Method 1668, the proposed permit would require the unreliable method for nearly all the data collection and numeric limit development. Those proposed permit provisions seem at odds with Ecology's prior reticence to rely on Method 1668.

LLSWD maintains that its permit likely should not be subject to any PCB limitations. As noted, Ecology has recognized that the District has no reasonable potential to violate the numeric PCB criteria; the only reason it is including a permit limit is because it asserts that any discharge of PCBs could contribute to impairment related to fish tissue concentrations. Ecology should consider eliminating statements that the District's effluent has reasonable potential to violate narrative criteria; those statements are without support.

The near-term PCB TMDL will presumably include additional information on the source of PCBs in fish tissue and will provide an opportunity to document, with sound science, information related to PCBs in the fish tissue.

Ecology's Response to Comment PA-1-8

Thank you for your comment. Ecology provides permit writers with guidance in the Water Quality Program Permit Writer's Manual (PWM) for the appropriate uses of the Method 1668C for evaluation of PCBs. The PWM indicates that, "Ecology recognizes many situations where targeted monitoring under Method 1668C is useful for identifying PCB sources or characterizing media of interest for use in assessments other and compliance with numeric effluent limit (such as evaluating the effectiveness of a best management practice)."

The proposed permit requires the use of Method 1668C on the influent and the effluent to evaluate the effectiveness of the treatment system (treatment BMP). The permit also requires the District to use the method to evaluate BMPs in the sewer shed if it is identified as the appropriate method depending on the quality assurance project plan.

The PWM also provides guidance for evaluating the data provided using Method 1668C depending on the objective of the data collections. Ecology used a 10x censoring process for data used to evaluate the effectiveness of treatment and the reasonable potential to exceed the criteria in the discharge. This censoring level eliminates the possibility of false positives. The PWM provides guidance on the development of the QAPP for using Method 1668C, including the level of censoring (3x, 5x, or 10x) to be used depending on the objectives of the monitoring.

Ecology does not use Method 1668C to evaluate compliance with permit limits. The only approved method for compliance with PCB limits is Method 608. Ecology does consider the data collected using Method 1668C as valuable for evaluating the total PCBs being discharged and evaluating BMPs that remove PCBs.

Ecology did take into consideration the size of the facility. As a result, Ecology is only requiring the District to sample the influent and effluent twice a year. Larger facilities discharging to the River are required to sample the influent and effluent 4 time per year. Ecology recognizes the impacts of increase sampling on the District. Ecology has added quarterly sampling instead of monthly sampling of the effluent for compliance using Method 608. The expected effluent concentration is orders of magnitude below the detection level of Method 608.

Ecology evaluated the discharge's potential to violate the water quality standards as required by 40 CFR 122.44(d). The evaluation showed the discharge does not have a reasonable potential to exceed the numeric criterion for PCB but does have a reasonable potential to impact the designated use of fish harvest. The discharge has a reasonable potential to contribute to violations of the water quality narrative criteria for PCBs, based on the fish harvest usage, because PCBs are known to be present in the effluent.

No changes were made to the permit or fact sheet.

Commenter: Bijay Adams - Comment PA-1-9

Draft Permit Comment

Table 4 Cadmium

The Spokane River is no longer listed as impaired for cadmium under Washington State's most recent Water Quality Assessment. The District requests that a mixing zone be granted for cadmium. The end of pipe limits required as part of the Spokane River Dissolved Metals Total Maximum Daily Load should no longer be applicable.

Ecology's Response to Comment PA-1-9

Thank you for your comment. The Cadmium, Lead, and Zinc TMDL is in effect until it is withdrawn or modified by Ecology and approved by EPA. The TMDL is the water quality criteria for Cadmium, Lead and Zinc. Ecology is required to implement the TMDL in the Permit.

No changes were made to the permit.

Commenter: Bijay Adams - Comment PA-1-32

Fact Sheet Comment

Under Notes, page 42

It says "For PCBs, the data collected for the new treatment system indicated that the facility does not have a reasonable potential to exceed the numeric criteria. However, the discharge does have a reasonable potential to effect the narrative criteria for PCBs. As a result, the District will have a numeric and narrative limit for PCBs."

If no reasonable potential exists for PCBs, then PCB numerical limits should not be required and narrative limits should also be removed as they are unnecessary.

Ecology's Response to Comment PA-1-32

Ecology evaluated the discharge's potential to violate the water quality standards as required by 40 CFR 122.44(d). The evaluation showed the discharge does not have a reasonable potential to exceed the numeric criterion for PCB but does have a reasonable potential to impact the designated use of fish harvest because PCBs are known to be present in the effluent.

No changes were made to the permit.

Commenter: BiJay Adams - Comment PA-1-36

Fact Sheet Comment

Bacteria, Page 34 and Table 26, Page 41

The Fact Sheet states: “The water quality bacteria criterion has changed from fecal coliform to E. coli. Because the transition is a change in bacterial indicator not more or less stringent than the current standards, the proposed permit includes an interim fecal coliform effluent average monthly geometric mean limit of 100 organisms/100 mL and a weekly geometric mean of 150 organisms/100 mL based on the previous criterion for primary contact recreation. In addition, the Permittee will be required to monitor for both fecal coliform and E. coli in order to develop a site-specific correlation. The proposed permit will implement the E. coli limit after three years.

The previous criterion for primary contact recreation was based on a weekly geometric mean of 200 organisms/100 mL. Therefore, if no mixing zone is allowed, the criterion for fecal coliform should be a weekly geometric mean of 200 organisms/100 mL.

Ecology's Response to Comment PA-1-36

Thank you for your comment. Ecology evaluated this comment and found that a performance based limit for the new technology is more stringent than the new water quality based limit and applicable to this permit. Ecology removed the E.coli limit and updated the permit and fact sheet to remove all E.coli requirements as identified in Comment PA-1-4.

Commenter: Jerry White, Jr - Comment O-1-1

Comments on Discharge Effluent Limits for PCBs:

PCBs are toxic chlorinated chemicals that are at once a carcinogen as well as endocrine disrupters. These chemicals are found in the effluent of both pollution dischargers and are currently at levels that cause and contribute to water quality violations of the Washington State Water Quality Standard (WQS) as well as the Spokane Tribal WQS for the Spokane River. PCBs bioaccumulate in the food chain and cause a disruption in the human uses of fishing and cause biological problems in the receiving food web and aquatic ecosystems. The Spokane River currently violates the HHC and many portions of the river for surface WQS. Additionally, discharges of PCBs from both facilities contribute to violations of the downstream water quality standard of the Spokane Tribe (which has a WQS of 1.3 pg/L).

This numerical effluent limit represents progress in moving NPDES permittees to a measurable, legally defensible standard for the discharge of toxic PCBs into the States surface waters.

SC and SRK appreciate and support the Washington State Department of Ecology (WDOE) using numeric limits for Total PCBs in the effluent of Spokane County and Liberty Lakes discharges to the Spokane River.

We appreciate and support the (average monthly) numeric effluent limit of 170 picograms per liter at the end of outfall 001 for Spokane County, and outfall 001 of Liberty Lake Sewer & Water as the limit conforms to the Washington State water quality standard (WQS).

Moving to a numeric effluent standard at outfalls has been a benchmark that has been requested by numerous stakeholders since and prior to the NPDES permit being issued for all Spokane River dischargers in 2011. Notably, the 2011 permit was absent numeric effluent limits for PCBs.

However, we have found differences between facilities and the permits regarding final effluent and maximum daily numeric limits. Liberty Lakes outfall has a maximum daily limit is 341 pg/liter. Spokane County has Maximum Daily limit is 414 pg/L. This represents a difference of 73 pg/L between the two Maximum Daily limits for the WWTPs. We ask that you make the daily maximum limit a uniform 340 pg/L for both facilities.

Ecology's Response to Comment O-1-1

Thank you for your comment. Ecology calculates the maximum daily concentration as identified in Appendix D of the Fact Sheet. This calculation depends on the coefficient of variation (Cv) of the data collected and reported by the facility. The Cv is affected by the number of samples in the data set. Larger datasets may result in a different Cv based on the actual standard deviation and mean. As a result, the maximum daily effluent limit varies from facility to facility depending on the Cv for the data reported.

The District reported 13 samples. Ecology does not consider this a large enough sample size to calculate a Cv therefore Ecology applied the standard Cv of 0.6 to calculate the effluent limits.

No changes were made to the permit.

9. Comments on Clarifications

Summarized Commenters: Liberty Lake Sewer and Water District

Commenter: BiJay Adams - Comment PA-1-5

Draft Permit Comments

Comment 5 Table 4: Effluent Limits: Cyanide, Cadmium, Lead, Zinc & Temperature, page 8 1.) The title of Table 4 should include the word "PCB's" since they are included in the table.

Ecology's Response to Comment PA-1-5

Thank you for your comment. Ecology added PCBs to the caption for Table 4 in Permit Section S1.A.

Commenter: Bijay Adams - Comment PA-1-30

Fact Sheet Comment

Table 10, page 18

The table indicates that the Local Limit Development and the Industrial User Survey Update submittals have not been received. Please see “Appendix A” with supporting documentation showing Ecology’s receipt of the documents.

Ecology’s Response to Comment PA-1-30

Thank you for your comment. Ecology changed Fact Sheet page 18 Table 10 to reflect that those document have been received. Ecology also updated PARIS to reflect the dates documents were received.

Commenter: Bijay Adams - Comment PA-1-31

Fact Sheet Comment

Table 17, Page 27

The Table specifies the critical conditions with the 7Q10 flow specified as 500 CFS, uncertain what “verification” is needed, request that this is removed from paragraph below the table.

Ecology’s Response to Comment PA-1-31

Thank you for your comment. The mixing zone evaluation should predict the flows at the outfall based on the groundwater data and other information that may exist that was used in development of the Instream Flow Rule for the Spokane River. The outfall for the treatment plant is located in a losing reach 9 miles downstream from the dam where the 500 cfs is measured. Ecology will use the information provided by the mixing zone study to verify that 500 cfs is expected to be the low critical flow (7Q10 or 4B3) for the Spokane River at the point of discharge.

No changes were made to the permit.

Commenter: Bijay Adams - Comment PA-1-35

Fact Sheet Comment

Section III.B, Page 21

The Fact Sheets states: “The table below identifies technology-based limits for, fecal coliform, CBOD5, BOD5 and TSS, as identified in the Design Criteria Phase 2 upgrade As-built Drawings Page 5 of 205 for the tertiary treatment system provided with the permit application for renewal.

These limits are more stringent than the secondary treatment technology-based limits in chapter 173-221 WAC. Chapter 173-220-130 requires that “effluent limitations shall not be less stringent than those based upon the treatment facility design efficiency contained in approved engineering plans and reports.”

This statement is incorrect. The As-Built Drawings and the Engineering Report list the current effluent fecal coliform design criteria as 200 CFU/100 mL Monthly Geometric Mean and 400 CFU/100 mL Weekly Geometric Mean. These design criteria are not more stringent than the secondary treatment technology-based limits in chapter 173-221 WAC.

Ecology's Response to Comment PA-1-35

Thank you for your comment. Ecology is required to set limits based on the stricter of performance, technology, or water quality based limits. Limits set at the design capacity of the system are used for reclaimed water.

The Ecology approved As-Built Drawings and the Engineering Report are for an activated sludge facility and the District has installed a tertiary membrane treatment system. A tertiary membrane treatment system has much greater bacterial removal than does an activated sludge facility. Ecology applied the stricter technology limit to this permit.

This should remove the confusion of implementing the E.coli Water Quality Based Effluent Limit and will remove the need for additional Lab accreditation.

10. Comments on Typo

Summarized Commenters: Liberty Lake Sewer and Water District

Commenter: Bijay Adams - Comment PA-1-10

Draft Permit Comment Table 5, page 9 and footnotes below Table 5, page 10 Footnote "g" is a duplication of footnote "f" and should be removed. As a result, footnote "i" on the Minimum Daily column in Table 5 should be changed to refer to the correct footnote below the table.

Ecology's Response to Comment PA-1-10

Thank you for your comment. Ecology removed the repeated footnote and changed the numbering in Table 5 of the permit.

Commenter: Bijay Adams - Comment PA-1-21

Draft Permit Comments

A slight re-listing is needed in Number 11 and 12 on page 21.

These two should be re-labeled as “a” and “b” respectively under Number 10 (i.e., 10a, 10b)

Ecology's Response to Comment PA-1-21

Thank you for your comment. These bullets are numbered correctly. No changes made to the permit.

Commenter: Bijay Adams - Comment PA-1-28

Fact Sheet Comments: Facility description, page 8

The following sentence should be deleted as the digester blowers were not replaced: "The District replaced the aerobic digester blowers in 1998"

Ecology's Response to Comment PA-1-28

Thank you for your comment. Ecology removed reference to the aerobic digester blowers from the fact sheet.

Commenter: Bijay Adams - Comment PA-1-33

Fact Sheet Comment

Appendix D – Technical Calculations, page 68

The following table headings listed on page 68 have typos that do not match the table headings that follow on pages 69-79.

Table D-3: RPA Inputs

Table D-4: Freshwater Un-ionized Ammonia Criteria Calculation

Table D-5: RPA Calculations

Table D-4: PCB RPA Calculations No Dilution

Table D-14: Dissolved Oxygen WQBEL

Ecology's Response to Comment PA-1-28

Thank you for your comment. Ecology updated the tables and heading in the Fact Sheet Appendix D.

Commenter: Bijay Adams - Comment PA-1-29

Fact Sheet Comments

Description of the receiving water, page 12

The last sentence in the paragraph says "The propose(d) permit will require Liberty Lake to collect annual samples upstream out of the influence of their outfall for PCBs."

There is no mention elsewhere in the Permit or the Fact Sheet of having to collect PCB samples from the receiving waters. Is this sentence in error? We request to be removed from any requirement to collect PCB samples from the river. Could Ecology please clarify this statement?

Ecology's Response to Comment PA-1-29

Thank you for your comment. This is a typo. Ecology is not requiring the District to sample the Spokane River for PCBs. Ecology removed this sentence from the Fact Sheet.

11. Comments on Reporting

Summarized Commenters: Liberty Lake Sewer and Water District

Commenter: Bijay Adams - Comment PA-1-22

Draft Permit Comment

S10, Engineering Documents, page 34

There is no need for an Engineering Report or Facilities Plan for reclaimed water until improvements to the facility is required. Upgrades to reclaimed water standards are not required at this time and the District has not determined that the effluent will be put to beneficial use. In addition, the document reference listed under 3c, Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems (Washington State Department of Ecology, Publication No. 93-36, 1993) is not applicable to the District.

Ecology's Response to Comment PA-1-22

Thank you for your comment. The compliance schedule requirement for engineering documents is not for reclaimed water. The District has a compliance schedule for dissolved oxygen, temperature, and zinc. Engineering documents required in the compliance schedule must meet the requirements of Permit Section S10. With respect to the guidance for preparation of land treatment engineering reports, please see the response to comment PA-1-19.

12. Comments on Toxics

Summarized Commenters: Liberty Lake Sewer and Water District

Commenter: Bijay Adams - Comment PA-1-25

Draft Permit Comment

S17.A, Number 1, page 43

The District has under substantial cost, previously performed source identification testing with regards to PCB's. No definitive source could be identified as PCB's were found to be ubiquitous in the collection system. The 2016 Toxic Management Plan discussed the varied results of the data from testing completed on samples taken from the collection system and recommended that testing be focused on influent and effluent at the WRF.

WSDOE agreed that the results from tests taken from the collection system were not useful in determining controllable sources and allowed the District to test at the WRF only. We request to be removed from the requirement to perform continual source testing.

Furthermore, the permit includes a numeric limit on PCBs with which the District is in compliance with using all known, available, and reasonable methods of prevention, control, and treatment (AKART). It is unnecessary to require a Toxics Reduction Best Management Practices Plan.

Ecology's Response to Comment PA-1-25

Thank you for your comment. The exact nature of the BMP Plan and effectiveness monitoring is provided by Liberty Lake for approval by Ecology. As long as the District's discharge contains PCBs, the District will be required to take a best management approach to removing PCBs from the discharge. The BMPs used by the District may not require monitoring on a regular basis. It is up to the District to develop a BMP Plan with the identified sampling required to measure improvement. If the District's main BMP is to provide educational materials or incentives to use products with lower PCB concentrations then the only sampling to measure the effectiveness of this BMP is to monitor the influent of the treatment facility. However, the District does receive some light industry wastewater. It may be that the District's Plan includes monitoring of those waste streams to evaluate the need for industrial pretreatment permits.

No changes were made to the permit.

13. Comments on Reasonable Potential Calculation Error

Summarized Commenters: Environmental Protection Agency, Liberty Lake Sewer and Water District

Commenter: Susan Poulson - Comment A-1-2

Reasonable Potential Analysis The reasonable potential analysis in Table D-5 on Page 71 does not include calculations for some of the parameters measured in the effluent and listed in Table 6 on Pages 14-15, which have applicable numeric water quality criteria, specifically lead, tetrachloroethylene, and zinc. Reasonable potential calculations should be performed for these parameters and the results should be included in Table D-5.

Ecology's Response to Comment A-1-2

Thank you for your comment. Cadmium, lead, and zinc have a TMDL that provides wasteload allocations and have been included in the reasonable potential spreadsheet. Cadmium was moved from the reasonable potential spreadsheet that includes dilution factors to the reasonable potential spreadsheet that does not include dilution because it is covered under the TMDL. Tetrachloroethylene was added to the RPA spreadsheet and was determined to not have reasonable potential.

Ecology updated the RPA figures in Appendix D. Ecology added text to Section III.H of the Fact Sheet indicating that there is no reasonable potential for tetrachloroethylene.

Commenter: Bijay Adams - Comment PA-1-34

Fact Sheet Comment

PCB RPA Calculations, Page 72

The reasonable potential calculation Max. or 95th Percentile input for PCBs is listed as 1.27×10^{-7} µg/L. This does not appear to be the correct value for the units of µg/L.

Ecology's Response to Comment PA-1-34

Thank you for your comment. This was an error. It has been corrected and the Spreadsheets have been updated in Appendix D.

14. Comments on Compliance Schedule

Summarized Commenters: Environmental Protection Agency

Commenter: Susan Poulosom - Comment A-1-3

Draft Permit Compliance Schedule for Cadmium and Lead Effluent Limits The fact sheet explains on Page 36 that the draft permit includes a 10-year compliance schedule for water quality-based effluent limits for cadmium, lead, and zinc. The final water quality-based effluent limits are consistent with the assumptions and requirements of the wasteload allocations for this facility in the Spokane River Dissolved Metals Total Maximum Daily Load.

The U.S. Environmental Protection Agency NPDES Permit Writers' Manual States, in Section 9.1.3, that permit writers should demonstrate that the permittee cannot immediately comply with the new water quality-based effluent limitations on the effective date of the final permit before establishing a compliance schedule. The 95th percentile effluent concentrations of cadmium and lead listed in Table 6 (0.5 µg/L and 1.49 µg/L, respectively) are lower than the final average monthly water quality-based effluent limits for cadmium and lead (0.89 µg/L and 2.1 µg/L, respectively). The reasonable potential analysis in Table D-5 on Page 71 of the fact sheet shows that there were 45 samples for cadmium, which is adequate to calculate a 95th percentile value. As such, it appears that the facility can meet the water quality-based effluent limits for cadmium and lead immediately on the effective date of the final permit and therefore compliance schedules should not be authorized for the cadmium and lead water quality based effluent limits.

EPA notes that Tables D-6 and D-7 show that the performance-based effluent limits (plus 10%) for cadmium and lead are higher than the final effluent limits, which suggests that the facility cannot comply with the water quality-based effluent limits immediately. However, since the performance based effluent limits are much higher than the 95th percentile effluent concentrations in Table 6, the performance based effluent limits do not appear to accurately reflect the facility's performance.

Ecology's Response to Compliance Schedule

Thank you for your comment. Ecology reevaluated the data submitted by the District for cadmium and lead. The District's data for cadmium was reported as below the detection limit. As a result, Ecology could not calculate a performance based limit for cadmium. Instead, Ecology set the performance at the reported detection limit plus 10%. This was less stringent than the WQBEL. Ecology set a water quality based limit and removed the compliance schedule for cadmium.

The District's data for lead consisted of 43 values, of which 33 values were below the detection limit reported by the District. Ecology calculated a performance based plus 10 limit based on the values reported above the detection limit.

These values were more stringent than the WQBEL for Lead. As a result, Ecology used the performance plus 10% to set the limits and removed the compliance schedule for lead.

Ecology changed the Permit Section S1 Table to remove the interim limits for cadmium and lead. Ecology added a note to Permit Section S2 Table 10 requiring that the cadmium and lead sampling use Method 200.8. Ecology changed Permit Section S9 Table 17 to state zinc instead of metals. Ecology changed the Fact Sheet Table 28 to remove the interim limits for Cadmium and Lead and to change the basis. Ecology added text to the Fact Sheet Section III.G explaining the method for calculating these limits.

15. Comments on PCB Monitoring

Summarized Commenters: Liberty Lake Sewer and Water District, Environmental Protection Agency, Spokane Riverkeeper/Sierra Club

Commenter: BiJay Adams - Comment PA-1-16

Draft Permit Comment

With regards to PCB analytical method – footnote 'w' – Table 10:

This footnote requires that EPA Method 1668 be used for monitoring effluent PCBs, however, as noted above, this method has not yet been approved under 40 CFR Part 136 for use in NPDES permit compliance monitoring, whereas EPA Method 608.3 is approved for compliance. Please clarify how PCB effluent limit compliance will be determined if only EPA Method 1668 is used for monitoring. Furthermore, the footnote does not specify the blank correction factor for reporting using EPA Method 1668, or if instead the raw data from the analytical report should be submitted to Ecology for Ecology's analysis.

In its comments, EPA has recommended that Ecology include a discussion in the Fact Sheet of another PCB congener method (1628). While the District has no objection to a review of the various ways PCBs can be analyzed, it underscores that, unless adopted as 40 CFR Part 136-approved analytical methods, alternative methodologies should not be implemented in any aspects of the permit.

Ecology's Response to Comment PA-1-16

Thank you for your comment. Ecology added to Table 10 quarterly sampling and analysis using Method 608 for determining compliance with the PCB effluent limit.

Ecology provides permit writers with guidance in the Water Quality Program Permit Writer's Manual (PWM) for the appropriate uses of the Method 1668C for evaluation of PCBs. The PWM indicates that, "Ecology recognizes many situations where targeted monitoring under Method 1668C is useful for identifying PCB sources or characterizing media of interest for use in assessments other and compliance with numeric effluent limit (such as evaluating the effectiveness of a best management practice)".

The proposed permit requires the District to sample the effluent and influent twice a year using and analyze using Method 1668C to evaluate the PCB removal effectiveness of the treatment system (treatment BMP).

Commenter: Susan Poulosom - Comment A-1-1

Fact Sheet PCB Analytical Methods The discussion of total PCB analytical methods beginning on Pages 45 and 46 of the fact sheet should include EPA Method 1628. This is a PCB congener method which was published in July 2021, and which has undergone multi-laboratory validation, although it has not yet been approved under 40 CFR Part 136 for use in NPDES permit compliance monitoring.

Ecology's Response to Comment A-1-1

Thank you for your comment. Ecology has added EPA Method 1628 to the list of PCB analytical methods in the Fact Sheet Section IV.D Total PCB analytical methods and Table 32.

Commenter: Jerry White, Jr - Comment O-1-3

Compliance Test Method for PCBs in both facilities:

We would recommend that the total PCB loads from both Spokane County and Liberty Lake outfalls be monitored for compliance with test method 1668c rather than the test method 608.3 as stated in the draft permit. The method, while not approved for compliance by the EPA, does have a much more accurate read on the actual type, and amounts of PCBs being discharged from outfalls. The 608c test method would allow for a false sense of compliance and therefore illegally pollute the States waters and human health criteria thereby downgrading the designated uses of fishing. The test method 608c test is not accurate enough to accurately assess compliance with RCW.90.48.520.

For test method 608 the detection limit for PCBs is 0.065 parts per billion (ug/L). This means that the detection limit is 65,000 parts per quadrillion (picograms/Liter). However, the human health criteria (HHC) limit is set at only 170 parts per quadrillion (pg/l) to protect the health of the public. In other words, test method 608 is not sensitive enough to adequately detect whether the WQS for PCBs is being met at the end of the outfall pipe.

This leaves a public, who is entitled to be able to consume fish (designated use) without risk to their health, vulnerable to bioaccumulated toxics. According to the EPA, PCBs have been established to have negative health effects when consumed at very low levels. They cause cancer, they have negative impacts on the reproductive and endocrine system and they cause disruption to the immune system. 2 According to the Department of Health fish consumption advisories, the public is at risk of consuming unhealthy levels of PCBs that have bioaccumulated into Spokane River fish. 3 This makes the detection and effective regulation of PCBs being dumped into the Spokane River extremely important.

Ecology's Response to Comment O-1-3

Thank you for your comment. Ecology is required to use the 40 CFR Part 136 approved method for evaluating compliance with permit limits. Method 608 is the approved PCB compliance method. Ecology added quarterly testing with Method 608 for compliance to Table 10 of the permit.

Ecology provides permit writers with guidance in the Water Quality Program Permit Writer's Manual (PWM) for the appropriate uses of the Method 1668C for evaluation of PCBs. The PWM indicates that, "Ecology recognizes many situations where targeted monitoring under Method 1668C is useful for identifying PCB sources or characterizing media of interest for use in assessments other and compliance with numeric effluent limit (such as evaluating the effectiveness of a best management practice)."

The proposed permit requires the District to sample the effluent and influent twice a year using and analyze using Method 1668C to evaluate the PCB removal effectiveness of the treatment system (treatment BMP).

16. Comments on Variance

Summarized Commenters: Spokane Riverkeeper/Sierra Club

Commenter: Jerry White, Jr - Comment O-1-4

Reject or deny all applications for discharger and/or waterbody variances for PCBs:

Discharger (nor Waterbody) Variances should not be used (in this or any future permit cycle) to downgrade the designated uses of the Spokane River and allow for the discharge of bioaccumulative toxic such as PCBs, PFAS, PBDEs, or any other persistent pollutant. Variances for bioaccumulative toxins will violate EPA regulations regarding variances. Discharger or water body variances for bioaccumulative toxins in a system wherein polluters continue to discharge these same pollutants is illegal and unethical. Our perspective is that these potential approaches would amount to a violation of the spirit and intentions of the CWA.

Please refer to the document (referenced above) assembled in 2020 by Gonzaga Law School and included in this submission. This was originally a part of the SEPA (unofficial comment period) on the 5 applications for PCB variances in the Spokane River.

Ecology's Response to Variance

Thank you for your comment. Ecology has re-reviewed the 2020 material by the Gonzaga Law School. Thank you for providing this information.

The variance is a rulemaking process and is separate from the permit reissuance. On June 12, 2019, Ecology initiated the variance rulemaking using the 2016 PCB standards that were in effect at that time. On June 12, 2020, these standards were rolled back by EPA and no longer in effect. Because of this Ecology is unable to move forward with the variance applications and has not made a decision on the variance request. No changes will be made to the fact sheet.