

Appendix E1 - Ecology Responses to Comments for City of Spokane Riverside Park Water Reclamation Facility Permit WA0024473 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 December 29, 2021. Ecology hosted two identical online workshops, each immediately followed by a public hearing, on February 1 and 3, 2022. Ecology received comments on the draft documents during the 60-day public comment period and from public hearing testimony. Due to the changes made during response to the first comment period, Ecology provided a second comment period from May 11, 2022 – June 10, 2022. Below are a summary of the comments from both comment periods and Ecology's responses. A copy of all original comment documents are available upon request.

After release of the draft permit and fact sheet, Ecology became aware of a correction to the fact sheet language regarding natural conditions. Ecology has made changes to this language based on EPA's recent disapproval of 'natural conditions' language in the State's Water Quality Standards in Section III.D, Designated uses and surface water quality criteria and Section III.G, Evaluation of surface water quality-based effluent limits for numeric criteria, Temperature discussion. Ecology also corrected errors identified in the reasonable potential calculations and updated Appendix D, Reasonable Potential Spreadsheet and Table 7, Wastewater Characterization in the Fact Sheet. Ecology changed the limits for pH and PCBs in the permit and added interim limits and a compliance schedule for pH and PCBs. The corrected RPA also resulted in removal of the ammonia limits that were in the last permit. Ecology recalculated the receiving water flows and updated the dilution factors in the permit and fact sheet. Ecology updated the design criteria in the permit section S4 to include the capacity limiting flows affecting the operations of the facility

The comments received were reviewed and evaluated by Washington State Department of Ecology. Comments were categorized into 28 areas for response, though many comments touched on aspects of more than one comment category. The comment categories include:

1. Reopener Clause
2. Variances
3. Mixing Zones
4. SRRTTF
5. PFAS Monitoring
6. PCBs
7. Reduce Pollution
8. Methylmercury
9. PCB TMDL Advisory Group
10. Typo
11. pH limits
12. PCB Limits
13. Proposed Studies

14. Reasonable Potential
15. CSOs
16. Reuse/Reclaimed Water
17. Delegated Pretreatment Program
18. AKART
19. Toxics
20. Limits
21. Monitoring
22. Next Level of Treatment
23. Mixing Zone Size
24. Mixing Zone Flows
25. Bypass
26. Clarification
27. Compliance Schedule
28. Reporting

A total of 21 persons provided comments regarding the draft documents. In the comment table below, each commenter is referenced by an assigned commenter number. Those who commented twice were assigned a new number for their second set of comments.

Table 1: Comment Summary Table

Affiliation	Commenter Name	Topics where comments were assigned	Associated Comment numbers
Individual			
	Anonymous	Reopener Clause	I-14-3
		PFAS Monitoring	I-14-2
		PCBs	I-14-1
	James Cronin	Reopener Clause	I-11-3
		Mixing Zones	I-11-5
		SRRTTF	I-11-4
		PFAS Monitoring	I-11-2
		PCBs	I-11-1
		PCB TMDL Advisory Group	I-11-6
	Erin Dascher	Reopener Clause	I-16-3
		SRRTTF	I-16-4
		PFAS Monitoring	I-16-2
		PCBs	I-16-1
		PCB TMDL Advisory Group	I-16-5
	Patty Gates	Reopener Clause	I-10-4
		Mixing Zones	I-10-6
		SRRTTF	I-10-5

		PFAS Monitoring	I-10-3
		PCBs	I-10-2
		Reduce Pollution	I-10-1
		PCB TMDL Advisory Group	I-10-7
	Beatrice Harrison	Reopener Clause	I-3-3
		Mixing Zones	I-3-5
		SRRTTF	I-3-4
		PFAS Monitoring	I-3-2
		PCBs	I-3-1
		PCB TMDL Advisory Group	I-3-6
	GL Kiser	Reduce Pollution	I-2-1
	Mark Kreilkamp	Reopener Clause	I-9-3
		Mixing Zones	I-9-5
		SRRTTF	I-9-4
		PFAS Monitoring	I-9-2
		PCBs	I-9-1
		PCB TMDL Advisory Group	I-9-6
	Paul Kropp	Reopener Clause	I-6-4
		Mixing Zones	I-6-2
		SRRTTF	I-6-5
		PFAS Monitoring	I-6-3
		PCBs	I-6-1
		PCB TMDL Advisory Group	I-6-6
	Sheri Lattimore	Reopener Clause	I-12-3
		Mixing Zones	I-12-5
		SRRTTF	I-12-4
		PFAS Monitoring	I-12-2
		PCBs	I-12-1
		PCB TMDL Advisory Group	I-12-6
	Dr. Paul Lindholdt	Reopener Clause	I-5-2
		Mixing Zones	I-5-1
		SRRTTF	I-5-4
		PCBs	I-5-3
		PCB TMDL Advisory Group	I-5-5
	Kaela Mansfield	Reopener Clause	I-13-3
		Mixing Zones	I-13-6

		SRRTTF	I-13-4
		PFAS Monitoring	I-13-2
		PCBs	I-13-1
		PCB TMDL Advisory Group	I-13-5
	Robin Miller	Reopener Clause	I-15-1
	Bart Rayniak	Reopener Clause	I-1-3
		Mixing Zones	I-1-5
		SRRTTF	I-1-4
		PFAS Monitoring	I-1-2
		PCBs	I-1-1
		PCB TMDL Advisory Group	I-1-6
	Walther Soeldner	Reopener Clause	I-4-4
		Mixing Zones	I-4-1
		SRRTTF	I-4-5
		PFAS Monitoring	I-4-3
		PCBs	I-4-2
		PCB TMDL Advisory Group	I-4-6
	Debbie Stempf	Reopener Clause	I-8-1
		PFAS Monitoring	I-8-2
		PCBs	I-8-3
	James Tuck	Reopener Clause	I-7-3
		Mixing Zones	I-7-5
		SRRTTF	I-7-4
		PFAS Monitoring	I-7-2
		PCBs	I-7-1
		PCB TMDL Advisory Group	I-7-6
Agency			
EPA	Susan Poulson	Mixing Zones	A-1-1
		SRRTTF	A-1-7
		PCBs	A-1-8, A-1-9, A-1-10, A-1-11, A-1-12, A-1-14
		Methylmercury	A-1-6
		Typo	A-1-2, A-1-5, A-1-13
		Mixing Zone Size	A-1-4
		Mixing Zone Flows	A-1-3
	Rob Lindsay	Variances	A-2-1

		SRRTTF	A-2-2
		pH limits	A-2-4
		Limits	A-2-3
Organization			
Spokane Riverkeeper	Jerry White, Jr	Reopener Clause	O-1-2, O-1-11, O-1-13
		Variances	O-1-9
		Mixing Zones	O-1-10
		SRRTTF	O-1-12
		PFAS Monitoring	O-1-14
		PCBs	O-1-5, O-1-6
		PCB Limits	O-1-1
		CSOs	O-1-16, O-1-17
		Reuse/Reclaimed Water	O-1-7
		Delegated Pretreatment Program	O-1-8
		AKART	O-1-19
		Monitoring	O-1-3, O-1-4, O-1-18
		Clarification	O-1-15
Spokane Riverkeeper	Jerry White, Jr	Reopener Clause	O-2-8
		Mixing Zones	O-2-2
		SRRTTF	O-2-7
		PCBs	O-2-1
		CSOs	O-2-4
		Reuse/Reclaimed Water	O-2-6
		Monitoring	O-2-3
		Compliance Schedule	O-2-5
Tribal Government/Agency			
Lower Elwha Klallam Tribe, Port Gamble S'Klallam Tribe, and Suquamish Tribe	Jane Steadman	Reopener Clause	T-2-1
Spokane Tribe of Indians	Ted Knight	Reopener Clause	T-1-2
		PCBs	T-1-1
Permit Applicant			
City of Spokane	Marlene Feist	Variances	PA-1-41
		SRRTTF	PA-1-8
		Typo	PA-1-31, PA-1-32, PA-1-33, PA-1-34,

		pH limits	PA-1-1, PA-1-5
		PCB Limits	PA-1-2, PA-1-6, PA-1-10
		Proposed Studies	PA-1-3, PA-1-16, PA-1-17, PA-1-18, PA-1-19, PA-1-20, PA-1-21, PA-1-22
		Reasonable Potential	PA-1-11, PA-1-43
		CSOs	PA-1-12, PA-1-13, PA-1-14, PA-1-27
		Delegated Pretreatment Program	PA-1-29, PA-1-30
		Toxics	PA-1-7
		Limits	PA-1-23, PA-1-24
		Monitoring	PA-1-25, PA-1-26
		Next Level of Treatment	PA-1-4, PA-1-42
		Bypass	PA-1-15
		Reporting	PA-1-28
		Variances	PA-1-9, PA-2-9, PA-2-17
City of Spokane	Marlene Feist	SRRTTF	PA-2-8
		pH limits	PA-2-4
		PCB Limits	PA-2-6
		Proposed Studies	PA-2-11, PA-2-14, PA-2-15, PA-2-16
		Reasonable Potential	PA-2-10
		CSOs	PA-2-20
		Toxics	PA-2-7
		Limits	PA-2-12
		Monitoring	PA-2-13
		Next Level of Treatment	PA-2-2, PA-2-3
		Bypass	PA-2-1
		Compliance Schedule	PA-2-5
		Clarification	PA-2-18, PA-2-19

Comments and Responses are grouped together and organized by topic. Under each topic heading you can see the comments Washington State Department of Ecology received for that topic. Where appropriate, Ecology provided a single response to a group of similar comments under a topic area. Comments received that fall under the topic but require an individual response will be followed by an individual response with the comment number identifying the individual response and the comment it addresses.

1. Comments on Reopener Clause

Summarized Commenters: Bart Rayniak, Beatrice Harrison, Walther Soeldner, Dr. Paul Lindholdt, Paul Kropp, James Tuck, Debbie Stempf, Mark Kreilkamp, Patty Gates, James Cronin, Sheri Lattimore, Spokane Riverkeeper, Kaela Mansfield, Anonymous, Robin Miller, Erin Dascher, Spokane Tribe of Indians, Lower Elwha Klallam Tribe, Port Gamble S'Klallam Tribe, and Suquamish Tribe, Spokane Riverkeeper,

Commenter: - Comment I-14-3

When regulations change or testing methods improve, this permit should automatically reopen and be rewritten to include these changes. This could be the WQS for PCBs changing or the TMDL finishing (including implementing a stakeholder advisory committee different from the SRRTTF).

Commenter: James Cronin - Comment I-11-3

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Erin Dascher - Comment I-16-3

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Patty Gates - Comment I-10-4

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Beatrice Harrison - Comment I-3-3

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Mark Kreilkamp - Comment I-9-3

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Paul Kropp - Comment I-6-4

Both permits should state they will be automatically re-opened and re-written if the water quality standards for PCBs is changed and/or when the TMDL is finished by US EPA.

Commenter: Sheri Lattimore - Comment I-12-3

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Dr. Paul Lindholdt - Comment I-5-2

Require DOE to declare that it will re-open and update when the TMDL is final and water-quality standards for PCBs are developed by the EPA in 2022.

Commenter: Kaela Mansfield - Comment I-13-3

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Robin Miller - Comment I-15-1

It is so important to respect and abide by updated numerical limits for pollutants and contaminants released into the Spokane River. The community recreates in this river and it's a matter of public health and safety, plus it is an issue of our reputation as a city that is a good place to live and do business in the long term.

Commenter: Bart Rayniak - Comment I-1-3

Both permits should be automatically opened and re-written if the WQS for PCBs is changed and/or the TMDL is finished in 2024.

Commenter: Walther Soeldner - Comment I-4-4

Since there is now an EPA study for writing a TMDL for PCBs in the Spokane River, and since it is possible that the water quality Standard may also be changed, these permits should be automatically opened and re-written if the WQS is changed and/or when the TMDL is finished and put in place.

Commenter: Debbie Stempf - Comment I-8-1

The Washington State Department of Ecology should state in the permit that it will re-open and update when the TMDL is final and/or the water quality standards for PCBs are developed by the EPA in 2022.

Commenter: James Tuck - Comment I-7-3

Both permits should be automatically re-written if the water quality standards for PCB's and/or the TMDL is finished by 2024.

Commenter: Jane Steadman - Comment T-2-1

The Tribes request that the Washington State Department of Ecology ("Ecology") revisit and strengthen the language of the reopener provisions in these permits, as well as any new NPDES permits or permit renewals that Ecology may issue.

Commenter: Jerry White, Jr - Comment O-2-8

Reopener Clause - G3 We appreciate and support this revision in the draft NPDES permit as found in Section G3.

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

We understand that the permits for two facilities will be receiving Waste Load Allocations for PCBs in 2024 under a Settlement Agreement and who may be accountable to a different Water Quality Standard after the EPA revisits the current Washington Standard and the Aquatic Life Standard.

These permits require a clause that states that permit will be reopened and the effluent limits, attached to a Waste Load Allocation, for both facilities will be assigned at such times that 1) a TMDL is issued and/or the Human Health Criteria for PCBs inside the WQS or the Aquatic Life Criteria for toxics (and other toxics) changes over the next five years. (Similar comments are included in both permit comments below).

Commenter: Jerry White, Jr - Comment O-1-11

Additionally, please make a reference to the fact that the calculations are based on aquatic life criteria that the EPA is now updating. Very soon new aquatic life criteria will be in place and this permit must state that it will be reopened within 60 days at such time these are promulgated, and calculations refigured based on new information and regulations.

Commenter: Jerry White, Jr - Comment O-1-13

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

The permit must contain a reopener clause that initiates the reopening of the NPDES permit to:

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

Commenter: Ted Knight - Comment T-1-2

These permits should account for the uncertainty presented by developing permits when the very standards used to develop the permits are subject to two separate lawsuits and an EPA administrative process, along with the development of a PCB TMDL. 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 Clause

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 Variances

Summarized Commenters: Spokane Riverkeeper, City of Spokane, Spokane County Public Works / Environmental Services, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-41

Fact Sheet - Page 1 (Summary): Variance – At Ecology’s request, in February 2019 the City applied for a variance from the PCB water quality standard. Ecology has not yet made a decision on that application. The fact that the variance application was submitted, and is still pending, should be mentioned in the Summary section. If the agency made a decision on that application, then the agency’s decision should be articulated in detail in the body of the Fact Sheet.

Commenter: Marlene Feist - Comment PA-2-9

Fact Sheet - Page 29, PCB discussion: The ongoing uncertainty around the applicable water quality standard for PCBs gives the City concern. The City does not believe the EPA's proposed 7 pg/L criteria is attainable for RPWRF. For this reason, and at Ecology's request, in February 2019, the City applied for an individual discharger variance from the PCB water quality standard. Ecology has not yet made a decision on that application. The current status of Ecology's variance rule (<https://ecology.wa.gov/Regulations-Permits/Laws-rules/rulemaking/Rulemaking/WAC173-201A-variances>) and any decision by Ecology on the City's variance application should be explained in the Fact Sheet and incorporated into the Final Permit. Should the water quality standard again become more restrictive for PCBs, please issue a decision on the City's pending variance application prior to implementing changes to the permit.

Commenter: Marlene Feist - Comment PA-2-17

Fact Sheet - Page 1 (Summary): Variance - At Ecology's request, in February 2019, the City applied for a variance from the PCB water quality standard. Ecology has not yet made a decision on that application. The fact that the variance application was submitted, and is still pending, should be mentioned in the Summary section. If the agency has made a decision on that application, then the agency's decision should be articulated in detail in the body of the Fact Sheet.

Commenter: Rob Lindsay - Comment A-2-1

Status of Application for Variance from PCB limits: Similar to Spokane County, the City of Spokane submitted, at Ecology's request, an application for a variance from potential effluent limits for polychlorinated biphenyls. Ecology has not provided a response to these variance applications. These variance applications should be considered in the Draft Permit in light of the on-going EPA activities to develop the Spokane River PCB Total Maximum Daily Load and set new human health water quality criteria for PCBs in Washington.

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

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

Variances should not be used (in this or any future permit cycle) to downgrade the designated uses in the Spokane River and allow for the discharge of bioaccumulative toxic such as PCBs, PFAS, or PBDEs. 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.

They would amount to a violation of the spirit and intentions of the CWA and frustrate the goals and outcomes envisioned by the original architects of the CWA.

Commenter: Jeff Donovan - Comment PA-1-9

Fact Sheet - Page 29, PCB discussion: The ongoing uncertainty around the applicable water quality standard for PCBs gives the City concern. The City does not believe the 7 ppq EPA criteria is attainable for RPWRF. For this reason, and at Ecology's request, in February 2019, the City applied for an individual discharger variance from the PCB water quality standard. Ecology has not yet made a decision on that application.

The current status of Ecology's variance rule (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-variances>) and any decision by Ecology on the City's variance application should be explained in the Fact Sheet and incorporated into the final Permit. Should the water quality standard again change for PCBs, please issue a decision on the City's pending variance application prior to implementing changes to the permit.

Ecology's Response to Variances

Thank you for your comment. 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.

3. Comments on Mixing Zones

Summarized Commenters: Bart Rayniak, Beatrice Harrison, Walther Soeldner, Dr. Paul Lindholdt, Paul Kropp, James Tuck, Mark Kreilkamp, Patty Gates, James Cronin, Sheri Lattimore, Spokane Riverkeeper, Kaela Mansfield, EPA, Spokane Riverkeeper,

Commenter: James Cronin - Comment I-11-5

Please do not include mixing zones in these permits.

Commenter: Patty Gates - Comment I-10-6

Finally please do not include mixing zones in these permits.

Commenter: Beatrice Harrison - Comment I-3-5

Finally please do not include mixing zones in these permits.

Commenter: Mark Kreilkamp - Comment I-9-5

Finally please do not include mixing zones in these permits.

Commenter: Paul Kropp - Comment I-6-2

do not include mixing zones in these permits.

Commenter: Sheri Lattimore - Comment I-12-5

Please do not include mixing zones in these permits.

Commenter: Dr. Paul Lindholdt - Comment I-5-1

Test at the end of outfalls; do not use "mixing zones" in the Spokane River.

Commenter: Kaela Mansfield - Comment I-13-6

Finally please do not include mixing zones in these permits.

Commenter: Bart Rayniak - Comment I-1-5

Finally please do not include mixing zones in these permits.

Commenter: Walther Soeldner - Comment I-4-1

Testing for PCB pollution should be done at the end of the pipes coming from the dischargers rather than using "mixing zones" for testing. In fact, mixing zones should not be used for these permits.

Commenter: James Tuck - Comment I-7-5

Lastly, do not include mixing zones in these permits.

Commenter: Susan Poulson - Comment A-1-1

Because of the multiple 303(d) listings for PCBs in segments of the Spokane River and Spokane Lake both upstream and downstream of the discharge, the persistent, bioaccumulative nature of PCBs, a designated fishing area located just downstream of the discharge, and nearby tissue concentrations similar in magnitude to those observed in 303(d)-listed segments of the river, any apparent capacity for discharges of PCBs at concentrations above the water quality criterion is likely illusory if the fish tissue exposure pathway is considered. Therefore, EPA recommends that Ecology not authorize a mixing zone for PCBs for the Spokane RPWRF and that reasonable potential and effluent limit calculations for PCBs be repeated with applicable water quality criteria applied at the point of discharge.

Commenter: Jerry White, Jr - Comment O-1-10

Do not use or allow mixing zones. Neither the facts nor the law justifies using these. Mixing zones do not make sense for bioaccumulative toxins in that no matter the dilution, these toxins find their way into the food chain and aquatic organisms as well sediments in low velocity reaches and stretches of the river.

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

Mixing zones for PCBs Section S1A, Table 2. While Table 2 suggests a dilution factor of 12.2 for Carcinogens, like PCBs, we continue to oppose discharge over the WQS at end of outfalls. The use of a mixing zone for pollutants under the assumption that the discharge of higher levels of pollutants will mix, or dilute, is flawed for certain pollutants that are bioaccumulative and carcinogenic. In short, they do not mix and continue to be carcinogenic far downriver. Toxic compounds like PCBs should not be discharged in amounts that are above the WQS.

Ecology's Response to Mixing Zones

Thank you for your comment. Ecology has reviewed the comments received and agrees that applying a mixing zone for PCBs is not appropriate for the City of Spokane discharge to the Spokane River. Ecology has recalculated the limits for PCBs and has added an explanation to the fact sheet and added an end of pipe limit for PCBs to the Permit. Ecology added language to the Fact Sheet Section III. H. Total PCBs and limits to the Permit Section S1.A Table 2. Ecology added a statement to S1.B indicating that the mixing zone does not apply to PCBs.

4. Comments on SRRTTF

Summarized Commenters: Bart Rayniak, Beatrice Harrison, Walther Soeldner, Dr. Paul Lindholdt, Paul Kropp, James Tuck, Mark Kreilkamp, Patty Gates, James Cronin, Sheri Lattimore, Spokane Riverkeeper, Kaela Mansfield, Erin Dascher, City of Spokane, EPA, Spokane County Public Works / Environmental Services, Spokane Riverkeeper,

Commenter: James Cronin - Comment I-11-4

Dismantle the SRRTTF.

Commenter: Erin Dascher - Comment I-16-4

Dismantle the SRRTTF.

Commenter: Patty Gates - Comment I-10-5

Dismantle the SRRTTF.

Commenter: Beatrice Harrison - Comment I-3-4

Dismantle the SRRTTF.

Commenter: Mark Kreilkamp - Comment I-9-4

Dismantle the SRRTTF.

Commenter: Paul Kropp - Comment I-6-5

Finally, dismantle the Spokane River Toxics Task Force (SRRTTF)

Commenter: Sheri Lattimore - Comment I-12-4

Dismantle the SRRTTF.

Commenter: Dr. Paul Lindholdt - Comment I-5-4

Waive requirements that permittees be part of the Spokane River Toxics Task Force (SRRTTF).

Commenter: Kaela Mansfield - Comment I-13-4

Dismantle the SRRTTF

Commenter: Bart Rayniak - Comment I-1-4

Dismantle the SRRTTF.

Commenter: Walther Soeldner - Comment I-4-5

Finally, the Spokane River Regional Toxics Task Force should be dismantled. It is a waste of money, now more than ever.

Commenter: James Tuck - Comment I-7-4

Please dismantle SRRTTF.

Commenter: Jeff Donovan - Comment PA-1-8

Permit § S17.B, Toxics narrative limits (SRRTTF): The City supports the concept of Community Based Toxics Reduction achieved through a diverse set of stakeholders. However, the City does not believe the current organizational structure of the Spokane River Regional Toxics Task Force (SRRTTF) supports this mission effectively. Continued support of SRRTTF should be voluntary, particularly if Ecology imposes a numeric limit for PCBs. Requiring participation in a group such as SRRTTF is outside the scope of the NPDES permitting process. A truly community-based organization can only be effective when everyone is at the table because they want to participate.

The City has concerns about other toxics such as PBDEs and methyl mercury being a required part of the SRRTTF comprehensive plan. The current structure and funding mechanisms in place for SRRTTF may not allow for these pollutants to be addressed. The 2021-2023 Funding from the State Legislature specifies funds be used “...solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river [emphasis added].” Should the SRRTTF transition to taking on pollutants other than PCBs, this should be decided by SRRTTF and not mandated through the NPDES Permits.

Commenter: Susan Poulson - Comment A-1-7

On Page 39, the fact sheet states, “Participation in the Spokane River Regional Toxics Task Force will enable dischargers to the Spokane River to coordinate efforts to find and reduce sources of PBDE to the River.” The Task Force’s memorandum of agreement states that, “For purposes of this Agreement, all references to ‘toxics’ shall mean PCBs and Dioxins that were included on the Washington 2008, Category 5, 303(d) list.”⁶ PBDE was not among the parameters causing category 5 listings in the Spokane River in the 2008 integrated report. As such, PBDE are not addressed by the Task Force’s memorandum of agreement, and it is not clear that the Spokane River Regional Toxics Task Force will specifically address PBDE sources to the Spokane River.

Commenter: Rob Lindsay - Comment A-2-2

Community Based Toxics Reduction: Spokane County 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 has been eliminated. The Draft Permit includes the option of ‘participation in an equivalent citizen advisory organization’ as an alternative.

Spokane County recommends this alternative include Ecology leading the development of a coordinated multi-agency effort to re-engage tribes, NGOs and other stakeholders to identify sources of PCBs and other toxics in the watershed. This citizen advisory process should not be imposed on the City of Spokane and other dischargers.

Commenter: Jerry White, Jr - Comment O-2-7

S S17.B Spokane Regional Toxics Task Force Requirement. We ask that the Washington State Department of Ecology (WDOE) sunset the SRRTTF and that the funding be returned to the WDOE and earmarked specifically for funding projects or strategies that are in the service of implementing the removal of PCBs from the Spokane River and/or effluent.

We support the Inclusion of a requirement to network with community stakeholders in an "equivalent advisory organization" to identify implementation strategies and actions, so long as any "equivalent advisory organization" conforms to the following conditions:

1. The group is constructed such that there is no way in which it can transform, drift into, or function in any way as a quasi or proxy regulatory body or be involved in any kind of decision that could affect the regulatory process under the CWA.
2. Strict boundaries should be put on the "equivalent advisory organization" to limit its function to a strictly "advisory" capacity for implementation actions.
3. The group be open to all community stakeholders and put a special emphasis on "under-represented" communities whose uses are protected under the CWA.

Commenter: Jerry White, Jr - Comment O-1-12

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

Commenter: Marlene Feist - Comment PA-2-8

Permit§ S17.B, Toxics narrative limits (Community Based Toxics Reduction): The City is a proponent of community-based collaborative problem solving. We worked side by side with our regulators, fellow dischargers and the environmental community to create the Spokane River Regional Toxics Task Force. At that time, the City and the community believed that a voluntary collaborative approach using direct-to implementation strategies to solving PCB issues in the watershed better served the community than a TMDL. Now that the Task Force is no longer a TMDL alternative, no longer voluntary, collaborative or community-based, there is no further reason to convene. The City is committed to continuing to serve as fiscal agent alongside the County to complete our stewardship of the funds awarded to the Task Force through the end of the biennium, June 2023. The City is supportive of exploring future structures for collaboration around water quality improvements to the Spokane River when a compelling problem statement can be developed. Collaboration works best when a problem exists that is better solved collectively than individually. Therefore, we request the requirement for participation in the Task Force or similar collaborative be removed from the Final Permit.

Ecology's Response to SRRTTF

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.

5. Comments on PFAS Monitoring

Summarized Commenters: Bart Rayniak, Beatrice Harrison, Walther Soeldner, Paul Kropp, James Tuck, Debbie Stempf, Mark Kreilkamp, Patty Gates, James Cronin, Sheri Lattimore, Spokane Riverkeeper, Kaela Mansfield, Anonymous, Erin Dascher,

Commenter: - Comment I-14-2

This means that the City of Spokane should have to test for pollution they put into the water (now or in the future) – particularly for PCBs using the best method available (1668c) and PFAS. This testing should be site specific – not from mixing water from different zones.

Commenter: James Cronin - Comment I-11-2

Additionally both permits should require the facilities to test for PFAS.

Commenter: Erin Dascher - Comment I-16-2

Both permits should require the facilities to test for PFAS.

Commenter: Patty Gates - Comment I-10-3

Additionally both permits should require the facilities to test for PFAS.

Commenter: Beatrice Harrison - Comment I-3-2

Additionally both permits should require the facilities to test for PFAS.

Commenter: Mark Kreilkamp - Comment I-9-2

Additionally both permits should require the facilities to test for PFAS.

Commenter: Paul Kropp - Comment I-6-3

Both permits should require these facilities to test for PFAS.

Commenter: Sheri Lattimore - Comment I-12-2

Both permits should require the facilities to test for PFAS.

Commenter: Kaela Mansfield - Comment I-13-2

Additionally both permits should require the facilities to test for PFAS.

Commenter: Bart Rayniak - Comment I-1-2

Additionally both permits should require the facilities to test for PFAS.

Commenter: Walther Soeldner - Comment I-4-3

The permits should also require the facilities to test for PFAS.

Commenter: Debbie Stempf - Comment I-8-2

Add PFAS to the list of chemicals that are monitored in the discharge into the Spokane River.

Commenter: James Tuck - Comment I-7-2

Additionally both permits should require the facilities to test for PFAS.

Commenter: Jerry White, Jr - Comment O-1-14

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

...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 Spokane's WWTP test for PFAS.

...Monitoring of Receiving Waters should be included in this permit as well as monitoring of CSOs, Biosolids, Pretreatment influent, and wastewater effluent. Also, PFAS should be added to the PBT list in Appendix A.

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 and 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.

6. Comments on PCBs

Summarized Commenters: Bart Rayniak, Beatrice Harrison, Walther Soeldner, Dr. Paul Lindholdt, Paul Kropp, James Tuck, Debbie Stempf, Mark Kreilkamp, Patty Gates, James Cronin, Sheri Lattimore, Spokane Riverkeeper, Kaela Mansfield, Anonymous, Erin Dascher, City of Spokane, EPA, Spokane Riverkeeper, Spokane Tribe of Indians,

Commenter: - Comment I-14-1

This means that the City of Spokane should have to test for pollution they put into the water (now or in the future) – particularly for PCBs using the best method available (1668c) and PFAS... This testing should be site specific – not from mixing water from different zones.

Commenter: James Cronin - Comment I-11-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Erin Dascher - Comment I-16-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Patty Gates - Comment I-10-2

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Beatrice Harrison - Comment I-3-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Mark Kreilkamp - Comment I-9-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Paul Kropp - Comment I-6-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum test the effluent at their outfalls for PCBs using the most appropriate test method called 1668c only,

Commenter: Sheri Lattimore - Comment I-12-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Dr. Paul Lindholdt - Comment I-5-3

The permits should require Kaiser and the City of Spokane to use Method 1668 consistently for testing at the ends of pipes.

Commenter: Kaela Mansfield - Comment I-13-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Bart Rayniak - Comment I-1-1

Please write the pollution permits so that they have the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best test method called 1668c.

Commenter: Walther Soeldner - Comment I-4-2

In addition, testing at the end of the City of Spokane's and Kaiser Aluminum's pipes for PCBs should use the best test method, viz., test 1668c. It will provide a much better indicator of the pollution even if it is not yet used for compliance.

Commenter: Debbie Stempf - Comment I-8-3

The permits should require Kaiser and the City of Spokane use Method 1668 consistently when testing at the end of pipes.

Commenter: James Tuck - Comment I-7-1

Please write the permits so that they have both the City of Spokane and Kaiser Aluminum testing the pollution coming out of the end of their pipes for PCBs using the best testing method called 1668c.

Commenter: Susan Poulosom - Comment A-1-11

The fact sheet states, on Page 58, that "Ecology has specified Method 1668 to evaluate BMP effectiveness in this proposed permit..." EPA notes that the permit requires monitoring of the influent for PCBs, using Method 1668. In the Permitting Recommendations for the Spokane River Watershed submitted to Ecology on July 13, 2015, EPA recommended that Ecology require monitoring of the final effluents of POTWs for PCB congeners using EPA Method 1668C at least quarterly. EPA continues to recommend this effluent monitoring to evaluate the effectiveness of both source control BMPs and treatment and to quantify PCB loadings from point sources.

Commenter: Ted Knight - 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 purposes of the effluent on at least a quarterly basis and during Combined Sewer Overflow (CSO) events as the case may be. 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).

Ecology's Response to PCBs

Thank you for your comment. Ecology update the Permit Section S2 Table 7 to include quarterly effluent testing using Method 1668c.

Commenter: Susan Poulosom - Comment A-1-14

Best Management Practices and Implementation Plan

EPA supports the requirement in this section to operate the “next level of treatment” (NLT) upgrade year-round. EPA expects this will result in reduced discharges of PCBs and other particulate and particle-bound pollutants in the winter when phosphorus effluent limits are not in effect.

Ecology's Response to PCBs Comment A-1-14

Thank you for your comment.

Commenter: Susan Poulosom - Comment A-1-8

The discussion of total PCB analytical methods beginning on Page 58 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 PCBs Comment A-1-8

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 29.

Commenter: Susan Poulosom - Comment A-1-9

There are errors and inconsistencies in the PCB reasonable potential and effluent limit calculations in Tables D-5 and D-6. Specifically, as Brian Nickel of my staff discussed with you on January 25, 2022, the effluent concentrations of PCBs in Table D-5 were labeled as having units of µg/L, but the listed values are expressed in units of pg/L. Assuming the effluent PCB concentrations in table D-5 are accurate except for the mismatched units, these concentrations should be a maximum or 95th percentile of 0.000643 µg/L and a 50th percentile of 0.000265 µg/L.

Commenter: Susan Poulson - Comment A-1-10

The receiving water concentrations of PCBs differ between Tables D-5 (the reasonable potential analysis) and D-6 (effluent limit calculation). In Table D-5, the 90th percentile and geometric mean PCB concentrations are listed as 0.000374 and 0.000199 µg/L, respectively, whereas in Table D-6, the 90th percentile and geometric mean PCB concentrations are listed as 0.00011 µg/L and 0.000028 µg/L, respectively. Please verify that the background concentrations of PCBs used in reasonable potential and effluent limit calculations are correct and consistent. Please also list the background PCB data and its source(s) in Table 4 of the fact sheet.

Ecology's Response to PCBs Comment A-1-9 and A-1-10

Thank you for your comment. Ecology acknowledges the error made in the reasonable potential calculations for PCBs. Ecology double checked all values used in the PermitCalc worksheets, updated flows and dilution factors, recalculated all reasonable potentials and updated all limits in the Permit Section S1 and updated Fact Sheet Section II Table 4, Section III and the Tables in Appendix D.

Commenter: Susan Poulson - Comment A-1-12

EPA also recommends that the permit specify that a "sufficiently sensitive" method be used for determining compliance with effluent limits for total PCBs, instead of specifying the use of EPA Method 608.3. Currently, Method 608.3 is the most sensitive EPA-approved analytical method for PCBs and is therefore currently "sufficiently sensitive" as per 40 CFR 122.44(i)(1)(iv). However, a more sensitive method such as EPA Method 1628 may be approved for compliance purposes during the term of the permit. Requiring the use of a sufficiently sensitive method would require the permittee to switch to a more sensitive method if one is approved during the permit term, rather than continuing to use Method 608.3 until the permit is modified or reissued.

Ecology's Response to PCBs Comment A-1-12

Thank you for your comment. The final permit does not include a generic requirement to use the most sensitive test method for PCBs approved under 40 CFR Part 136. If during the permit term, EPA revises 40 CFR Part 136 to include a more sensitive test method for PCBs, Ecology would consider modifying the permit to include the newly approved test method. This permit modification would follow normal public notice and comment procedures.

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

Effluent Limits, Section 1: We support and appreciate this revision. Making the permit cap PCB discharge at 170 PG/L is the beginning of one (of several) ways in which the State and the community will achieve clean water. It is an improvement to the previous draft permit. We would further ask that compliance monitoring be done with test method 1668c for reasons elaborated on in the previous comments submitted.

Ecology's Response to PCBs Comment O-2-1

Thank you for your comment. The Clean Water Act regulations require Ecology to evaluate compliance using 40 CFR Part 136 approved methods. The proposed permit requires us of Method 608 to evaluate compliance with the PCB limit. No changes made to the permit.

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

Please require Spokane to report the results of the 1668c monitoring data Ecology's PARIS website and on to the Spokane Utility web page [13] and in the Annual Waste Water Report (which should be produced to inform the public each year). This is to include PCB monitoring at Interceptors or in CSOs. See 2011 Annual Report (for Spokane Waste Water)[2].

Response to PCBs Comment O-1-5

Thank you for your comment. Ecology, the permittees, and the Spokane River Regional Toxics Task Force (SRRTTF) have conducted numerous studies to characterize the river system and continue to engage in collecting river data using Method 1668c. This information is available to the public through Ecology's PARIS database, the Environmental Information Management Database, and the SRRTTF database.

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

Please require all PMPs to be renamed BMPs (and included inside "Toxics Management Plans" (thereby replacing this term that is relevant and a part of "water quality variance"). Additionally, create a system whereby the permittee is required to catalog all BMPs and list them on a BMP effectiveness scale that allows for prioritization. Further, create schedules and record-keeping schema so that the permittee can report the ongoing actions and then create the effectiveness of these BMPs. This should be done in cooperation with WDOE to calibrate the actual PCBs removed from the facility.

Response to PCBs Comment O-1-6

Thank you for your comment. The reissued permit for the City of Spokane specifically calls the plan, a Toxics Reduction Best Management Practices Plan (BMP Plan). The plan requires implementation and evaluation of the efficacy of the identified best management practices (BMP). The toxics management plans were focused on identifying sources of toxics. The focus of the Best Management Plan is to identify and implement practices (activities) that reduce toxics before they get to the treatment facility. The BMP requirement in Permit Section S17A indicates that the City must evaluate the effectiveness of the practices implemented and modify selected activities according to effectiveness removing PCBs from the collection system before they get to the treatment facility

7. Comments on Reduce Pollution

Summarized Commenters: GL Kiser, Patty Gates,

Commenter: Patty Gates - Comment I-10-1

As a lifelong resident of Spokane it is my responsibility to appreciate and protect my community including its natural resources. I urge you to rigorously review the comments from those of us who are standing up to protect the River and its tributaries.

Commenter: GL Kiser - Comment I-2-1

Please protect the Spokane River and our aquifer from industrial pollution!

Ecology's Response to Reduce Pollution

The purpose of Ecology's NPDES permits are to maintain the highest possible purity of public waters by minimizing pollutant discharges to the extent practicable. NPDES permits are conditioned such that beneficial uses of the receiving water (aquatic life, recreation, and human health) are protected.

8. Comments on Methylmercury

Summarized Commenters: EPA,

Commenter: Susan Poulosom - Comment A-1-6

On Page 38, the fact sheet states, "methylmercury only has criteria for marine waters." This is not correct. Although the criterion of 0.03 mg/kg methylmercury in fish tissue that EPA promulgated for the State of Washington is an "organisms only" human health criterion, and such criteria are generally applicable to marine waters, the methylmercury fish tissue criterion is applicable to waters designated for domestic water, which includes the Spokane River. See 40 CFR 131.45(d)(2). Ecology should 4 <https://pubs.er.usgs.gov/publication/tm4A11> 4 evaluate the reasonable potential for the Spokane RPWRF to cause or contribute to excursions above the methylmercury fish tissue criterion. EPA has published the Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion to assist permitting authorities with this analysis.⁵

Ecology's Response to Methylmercury

Thank you for your comment. In response to this comment, Ecology evaluated a reasonable potential for the discharge to cause or contribute to excursions above the fish tissue criterion for methylmercury assuming that the receiving water failed to meet the methylmercury criterion. Ecology used guidance from its Permit Writer's Manual which recommends calculating a reasonable potential for methylmercury using the chronic aquatic life criterion for mercury of 0.012 ug/L applied at the end-of-pipe. This analysis showed no reasonable potential. The final fact sheet includes the results of this determination under Appendix D, Reasonable Potential Spreadsheet – No Mixing Zone.

The permit continues to require total mercury sampling. Ecology removed the BMP monitoring language from the Fact Sheet section V.J.

9. Comments on PCB TMDL Advisory Group

Summarized Commenters: Bart Rayniak, Beatrice Harrison, Walther Soeldner, Dr. Paul Lindholdt, Paul Kropp, James Tuck, Mark Kreilkamp, Patty Gates, James Cronin, Sheri Lattimore, Kaela Mansfield, Erin Dascher,

Commenter: James Cronin - Comment I-11-6

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Erin Dascher - Comment I-16-5

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Patty Gates - Comment I-10-7

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Beatrice Harrison - Comment I-3-6

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Mark Kreilkamp - Comment I-9-6

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Paul Kropp - Comment I-6-6

Require an implementation advisory committee of stakeholders when the EPA TMDL is finished.

Commenter: Sheri Lattimore - Comment I-12-6

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Dr. Paul Lindholdt - Comment I-5-5

Create an advisory committee for the implementation of water quality upgrades instead.

Commenter: Kaela Mansfield - Comment I-13-5

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Bart Rayniak - Comment I-1-6

Require an implementation advisory committee of stakeholders when the TMDL is finished.

Commenter: Walther Soeldner - Comment I-4-6

Once a TMDL is finished a new advisory committee might be gathered from all stakeholders, not just or primarily dischargers, for implementation of the TMDL.

Commenter: James Tuck - Comment I-7-6

Require an implementation advisory committee of stakeholders when the TMDL is finished

Ecology's Response to PCB TMDL Advisory Group

Thank you for your comment. Once EPA completes the Spokane River PCB TMDL, Ecology will be tasked with writing the TMDL Implementation Plan and will be establishing a citizen's advisory group. We believe the current situation is an opportunity for Ecology to work towards a more inclusive organization and advisory process.

We have modified the permits Section S 17.B to require participation in the Spokane River Regional Toxics Task Force until an Ecology approved equivalent citizen advisory organization is available. This will provide permittees with the ability to work collaboratively on BMPs while Ecology initiates the process to create a more inclusive advisory group.

10. Comments on Typo

Summarized Commenters: City of Spokane, EPA,

Commenter: Jeff Donovan - Comment PA-1-31

Permit Table 1. This table references a 1/year requirement under § S17.B for “Measurable Progress Assessment Data” but does not articulate any such requirement in the body of the permit. This requirement should be removed from the table, as there’s no basis for it in the body of the Draft Permit.

Ecology's Response to Typo Comment PA-1-31

Thank you for your comment. Ecology corrected Table 1. A measurable progress assessment is not required.

Commenter: Jeff Donovan - Comment PA-1-32

Permit Table 1. Formatting Issues. Section S13 is duplicated in the table (and in the body of the document) and has extra text erroneously copied into the table under the heading “Permit Section”.

Ecology's Response to Typo Comment PA-1-32

Thank you for your comment. Ecology corrected the duplicated text and formatting issue in the permit.

Commenter: Jeff Donovan - Comment PA-1-33

Permit § S1.A, Table 4. Table 4 does not define the season for the CSO outfall limits. The DO-TMDL CSO waste load allocations were developed for the March through October season. “March through October” should be added after the Table 4 title.

Ecology's Response to Typo Comment PA-1-33

Thank you for your comment. Ecology added the critical season March 1-October 31 to the Permit Table 4.

Commenter: Jeff Donovan - Comment PA-1-34

Permit § S1.A, Table 4, Footnote a. See City's concerns below under S2.B. Table 13.

Ecology's Response to Typo Comment PA-1-34

Thank you for your comment. Ecology is not sure how comment affects Footnote a. Compliance with the seasonal wasteload allocation is based on the average load for the critical season. Example calculation: if there are three CSOs that discharges during the critical season, the TP load for CSO1 is 0.4 lbs per day, CSO2 is 0.2 lbs per day and CSO3 is 0.2 lbs per day then the sum is 0.8 lbs per day. Each CSO had only 1 overflow so when added and compared to the WLA which is 0.95 lbs per day so the CSO would be in compliance for the season.

Commenter: Jeff Donovan - Comment PA-1-35

Permit § S2.A, Table 7 Effluent Monitoring. Formatting issue. Footnotes d & e are grouped together under one heading

Ecology's Response to Typo Comment PA-1-35

Thank you for your comment. Ecology separated Permit Table 7 Footnotes d & e and clarified footnotes.

Commenter: Jeff Donovan - Comment PA-1-36

Permit § S2.A, Table 12, typo: The last item in table should read: "Submit SAP Sediment Evaluation Report (four years from effective date of the permit)"

Ecology's Response to Typo Comment PA-1-36

Thank you for your comment. Typo corrected in Permit Table 12.

Commenter: Jeff Donovan - Comment PA-1-37

Permit § S2.B, Table 13 CSO monitoring footnote "c": The "Measurement/Calculation" footnote states: "Precipitation must be measured by the nearest possible precipitation-measuring device..." Currently, precipitation monitoring is conducted on multiple gages throughout the City.

Ecology's Response to Typo Comment PA-1-37

Thank you for your comment. Should a CSO overflow, the precipitation reported for that CSO would be the precipitation measured at the closest gauge(s) representing the precipitation affecting that CSO.

Commenter: Jeff Donovan - Comment PA-1-38

Permit § S13, Sediment monitoring: Formatting error – S13 section is repeated after S14.B and before S14.C in the document – and again after S14.C and before S14.D.

Ecology's Response to Typo Comment PA-1-38

Thank you for your comment. Ecology corrected formatting errors in the Permit S13 and S14.

Commenter: Jeff Donovan - Comment PA-1-39

Permit § S14.A Table 15: CSO 41 outfall coordinates should be changed to: 47.676667, - 117.355412

Ecology's Response to Typo Comment PA-1-39

Thank you for your comment. Ecology updated the longitude for CSO 41 in the permit Section S14 Table 15.

Commenter: Jeff Donovan - Comment PA-1-40

Fact Sheet - Page 1 (Summary): Permit Status - It would be useful context in the Summary paragraph to note that Ecology administratively extended the 2011 permit in July 2016, after the City submitted a complete application for renewal in December 2015.

Ecology's Response to Typo Comment PA-1-40

Thank you for your comment. Ecology added a sentence to the Fact Sheet Summary first paragraph, "Ecology administratively extended the permit in July 2016." Fact Sheet Table 2 Permit Status includes the dates that City of Spokane submitted permit applications.

Commenter: Jeff Donovan - Comment PA-1-44

Fact Sheet - Page 23, Typo: Pretreatment report due 3/31/15 received 3/28/ ~~14~~ 15.

Ecology's Response to Typo Comment PA-1-44

Thank you for your comment. Ecology updated Fact Sheet - Page 23, Typo: Pretreatment report due 3/31/15 received 3/28/15.

Commenter: Jeff Donovan - Comment PA-1-45

Permit § G21, Service agreement review:

Page 62 requires the City to submit all "service agreements" to Ecology and to send all proposed revisions to existing "service agreements" to the Agency. This provision is not in the 2011 permit and its purpose is unclear. The permit mentions "RCW 70.150.040(9)" but this provision no longer exists and may have been recodified as part of RCW 70A. The agency should clarify the purpose of this requirement and the regulatory basis for it.

Ecology's Response to Typo Comment PA-1-45

Thank you for your comment. The City is correct that this was recodified and is now RCW 70A.140.040(9). However, nothing in the requirements were changed during recodification. If the City were to move to a contract operator, Ecology must review all service agreement for the operation of any wastewater treatment facility covered by this permit for consistency with chapter 90.46 and 90.48. Permit, Section S.G21, updated with the recodified RCW.

Commenter: Susan Poulosom - Comment A-1-2

In Table 5, on Page 16 of the fact sheet, there are two lines for influent temperature, both labeled as "Average 7-DADMax," but with different values. Based on a discussion between you and Brian Nickel of my staff on January 25, 2022, we understand that the second row, with a higher temperature value, is actually a 1-DMax temperature, not a 7-DADMax. Please correct the table as needed.

Ecology's Response to Typo Comment A-1-2

Thank you for your comment. Ecology corrected Fact Sheet Table 5.

Commenter: Susan Poulosom - Comment A-1-5

The mixing zone dilution factors for human health criteria in Tables 19 and D-5 of the fact sheet do not match those in Table D-6 of the fact sheet or Table 5 of the draft permit. Tables 19 and D-5 of the fact sheet list the carcinogen and non-carcinogen dilution factors as 12.7 and 4.5, respectively, whereas Table D-6 of the fact sheet and Table 5 of the draft permit list these dilution factors as 12.5 and 3.8. Please ensure that the dilution factors are correct and consistent.

Ecology's Response to Typo Comment A-1-5

Thank you for your comment. Ecology updated the dilution factors in the Permit Section S1.B and the Fact Sheet Section III based on the modeled flows in the Spokane River. The Fact Sheet tables in Appendix D were also updated.

Commenter: Susan Poulosom - Comment A-1-13

The sediment monitoring requirements appear in the draft permit twice, starting on Page 50 and once again on Page 53. Please delete the repeated language.

Ecology's Response to Typo Comment A-1-13

Thank you for your comment. Ecology corrected the formatting in the permit and fact sheet.

11. Comments on pH limits

Summarized Commenters: City of Spokane, Spokane County Public Works / Environmental Services, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-1

pH Limits. The current pH limits of 6.0 to 9.0 should be maintained in the final Permit. Until more current upstream data is obtained, there is no sound, scientific basis to raise the minimum pH limit to 6.5. Further, raising the pH minimum limit to 6.5 would result in numerous violations without process modifications and significantly more chemical use. Such changes could lead to adverse environmental impacts and require an alternatives assessment under the State Environmental Policy Act (SEPA).

Commenter: Jeff Donovan - Comment PA-1-5

Permit § S1.A, Table 2: pH limits. The proposed minimum pH limit of 6.5 (versus the current limit in the 2011 permit of 6.0) is currently unattainable at RPWRF. For the period which data was analyzed in Ecology's reasonable potential analysis (Sep 2016 – Aug 2021), there were 230 days where the minimum effluent pH value was between 6.0 and 6.5. Due to the increased alum usage for NLT, required to meet the Dissolved Oxygen (DO)-TMDL related limits, there were 135 days in 2021 alone where the pH was between 6.0 and 6.5. The City currently adds Magnesium Hydroxide to the secondary process for pH control. There are diminishing returns on how far the current system can drive up pH in the effluent, and we are currently close to the limits of that system. NLT was designed around the assumption that the current pH limits would stay in place.

This change may result in adverse environmental impacts. For example, complying with the proposed pH limit will increase chemical usage and greenhouse gas emissions. How does the agency intend to comply with SEPA and assess reasonable alternatives?

The City understands that the reasonable potential to exceed pH has more to do with changes to pH greater than 0.5 at the edge of the chronic mixing zone rather than a depression below the water quality standard of 6.5. It appears, from utilizing the PermitCalc sheet available on Ecology's website, that a reasonable potential to exceed exists regardless of whether the limit is 6.0 or 6.5. There currently exists only a small set of upstream pH and alkalinity data, which provide insufficient data to use in the reasonable potential calculation. Ecology recognized as much in the Fact Sheet for the Draft Permit, stating "[the majority of pH and alkalinity data. . . does not reflect the current conditions." Draft Permit Fact Sheet, p. 66.

The City proposes the following (in decreasing order of preference):

- Maintain the pH limit range of 6.0 to 9.0.
- Allow the City to conduct the river study of pH and metals, as proposed in the Draft Permit. If the results of this study show a reasonable potential to exceed still exists, the City would then pursue making process modifications to allow for additional pH control.
- Include a compliance schedule in the draft permit so that the City has time to fully address the new pH limits.

Ecology's Response to pH limits Comment PA-1-1 and PA-1-5

Thank you for your comments. Ecology has reviewed the data and the issued permit will continue the technology based limits of 6-9 standard units as an interim limit. The permit has final pH limits of 7.85-8.5. The permit has a compliance schedule for meeting the water quality based permit limits. The compliance schedule requires the City of Spokane to:

- Submit a quality assurance project plan for a pH study of the Spokane River by the end of year one of the permit cycle exact dates are in the permit.
- Complete the receiving water pH evaluation by the end of year two of the permit cycle.

- Submit an engineering report addendum identifying how the City will meet the water quality based pH limits by the end of year 3 of the permit cycle.
- Submit plans and specification and a construction schedule for installation by the end of year 4 of the permit cycle

Commenter: Marlene Feist - Comment PA-2-4

Permit § S1.A, Table 2, pH Limits: Please remove the final pH limits of 7.85 to 8.5 and maintain the current and proposed interim pH limits of 6.0 to 9.0 throughout the duration of the Final Permit. Establishing final limits now, based on very limited data, could be overly restrictive and result in anti-backsliding issues in future permit cycles. The City questions whether a valid reasonable potential analysis could be conducted, given the limited nature of previous upstream pH measurements. Only four pH samples were measured in the data set that Ecology reportedly used (EIM Study ID WHM_WAM0 Spokane River at RM 69 .6). Allowing the City to conduct the pH study of the receiving water, as outlined in the proposed permit, will allow Ecology the ability to conduct an accurate reasonable potential analysis and permit limit calculation. Imposing final pH limits without further study are premature and could lead to adverse environmental impacts and require an alternatives assessment under the State Environmental Policy Act (SEPA).

Other draft permits issued to dischargers on the Spokane River have much less stringent pH limits. For example:

- Spokane County Regional Water Reclamation Facility has pH Limits of 6.5 to 8.5
- Liberty Lake Sewer and Water District has pH Limits of 6.8 to 8.5
- Inland Empire Paper Company has pH limits of 6.6 to 9.0
- Kaiser Aluminum (final permit) has pH limits of 6.0 to 9.0

Please describe why the City's facility requires much more stringent limits than these other dischargers.

What changes occurred that necessitated a modification in Ecology's approach to pH limits for the RPWRF discharge? When did the change happen? Had the City been made aware of the proposed stricter pH limits that would have factored into the facility planning and construction of NLT. Engineering and building a pH control system now will be much more expensive for the community than if it had been included in the NLT Facility Plan. The City has concerns whether a system could be reliably operated given the proposed tight range of 0.65 pH units and the various flow and operational regimes that need to be considered.

Ecology's Response to pH limits Comment PA-2-4

Thank you for your comment. Ecology is providing an interim limit that allows the City the opportunity to evaluate the pH and alkalinity up stream of the City's discharge. Rivers often have limited buffering capacity. As a result, the pH for the river is unlikely to change much as a result of the study.

With respect to the City's concerns regarding the backsliding provision, Ecology is allowed to recalculate the limit based on the new data available without triggering backsliding. Ecology will be able to apply this new information to verify and adjust the permit limit range based on the new data collected during the study.

The other dischargers have limits that are based on the conditions in the segment of the river to which they discharge and much higher dilution factors.

Dilution factors for the dischargers:

- City of Spokane Riverside Park Water Reclamation Facility chronic dilution factor of 3.5.
- Spokane County Regional Water Reclamation Facility chronic dilution factor 15.7
- Liberty Lake Sewer and Water District chronic dilution factor 41.4
- Inland Empire Paper Company chronic dilution factor 16.4
- Kaiser Aluminum (final permit) chronic dilution factor 20.4

WAC 173-201A requires that the discharge must not result in a change of greater than 0.5 standard pH units. This change is measured at the edge of the chronic mixing zone when there is not a listing. Ecology calculates the pH at the edge of the chronic mixing zone using the river and discharge: pH, alkalinity, and temperature. The calculation uses the 10th percentile river alkalinity and the 5th percentile effluent alkalinity; the 90th and 95th percentile river and discharge temperature respectively. The calculations evaluate the low pH limit and maximum river pH for change in the river at the chronic boundary. Ecology iterates until a pH is identified that does not result in greater than a 0.5 standard unit change for the upper limit and lower limit. The calculations are available in Appendix D Table D-11.

With respect to what changes occurred to cause the City to be dealing with pH limits now, Ecology identified an error in the previous fact sheet. The previous permit developer used the 90th and 95th alkalinity for the river and discharge respectively. This evaluation was not completed at the critical condition. Ecology recognizes that this is a difficult situation. As a result, Ecology has provided interim limit and a compliance schedule, providing the City with time to identify a solution.

No changes were made to the permit in response to this comment.

Commenter: Rob Lindsay - Comment A-2-4

Proposed final pH limits: The proposed final pH limits should be deleted to allow the City of Spokane to complete the required receiving water pH study. It is premature to set future final effluent limits with a limited, site specific data set. For example, it is likely that the receiving water alkalinity during the summer low flow period is higher than the value used in the Draft Fact Sheet calculation of the proposed high and low pH limits. The receiving water study will provide site specific alkalinity for use in a future calculation.

Ecology's Response to pH limits Comment A-2-4

Thank you for your comment. At the technical limits of 6-9 Standard Units (s.u.) Ecology has identified a reasonable potential for the discharge to exceed the allowed 0.5 pH unit change at the chronic mixing zone boundary. When a reasonable potential is identified Ecology is obligated under the Clean Water Act to implement a plan to eliminate the potential violation of the receiving water criteria. Ecology has done so by implementing an interim and final limit that will result in compliance with water quality criteria. Ecology will evaluate the data submitted during the permit cycle and adjust the limits based on the new data. This is allowed under the exception for new data and will not trigger the antibacksliding regulation.

No changes were made to the permit as a result of this comment.

12. Comments on PCB Limits

Summarized Commenters: Spokane Riverkeeper, City of Spokane, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-2

PCB Limits. The final Permit should address polychlorinated biphenyl (PCB) limits by (1) dropping all narrative PCB limits as unnecessary and (2) correcting the reasonable potential analysis and reevaluating the PCB numeric limit. The final Permit should also acknowledge that it may be premature to include a PBC limit due to the regulatory uncertainty posed by ongoing litigation over the PCB total daily maximum load (TMDL) and PCB human health water quality standard. The final Permit and Fact Sheet must also address the status of and Ecology's eventual final decision on the City's application for an individual discharger variance from the PCB water quality standard.

Ecology's Response to PCB limits Comment PA-1-2

Thank you for your comment. Based on other comments received and evaluation of the information provided by the EPA, Ecology withdrew the mixing zone for PCBs described in Fact Sheet Section III.H. As a result, the City's permit has both end of pipe limits for PCBs and narrative limits requiring best management practices for removal of PCBs from the sewershed.

General Condition G3 allows Ecology to modify a permit for changes in water quality criteria or the development of a TMDL. When the TMDL is finalized, 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.

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.

Commenter: Jeff Donovan - Comment PA-1-6

Permit § S1.A, Table 2 PCB Limits: It is not clear why Ecology is imposing both a numeric and narrative limit on PCBs when it only imposes a narrative limit on similar pollutants such as PBDEs. If the agency does impose a numeric limit for PCBs, then a narrative limit (i.e., Section S17) should no longer be necessary and the City's work on toxics reduction and removal (other than via the RPWRF) can shift from PCBs to other pollutants.

With respect to the numeric limit for PCB, as discussed below, an error was made in the reasonable potential calculation for PCBs. A revised reasonable potential calculation demonstrates that no reasonable potential exists. If no reasonable potential exists for PCBs, then PCB limits should not be required. At the very least, Ecology must revise the numeric limits.

While the City believes the proposed PCB numeric limits are currently attainable with the allowed mixing zone, the pending TMDL and potential upcoming revisions to the human health water quality standard for PCBs could make meeting any revised numeric limits challenging. On February 11, 2022, a federal judge approved the proposed consent decree to resolve litigation brought by the Sierra Club v. the U.S. Environmental Protection Agency (EPA) in 2011 regarding a TMDL for PCBs in the Spokane River. Under the consent decree, EPA will develop a PCB TMDL for the Spokane River by September 2024. While EPA is in charge of completing the PCB TMDL, Ecology will be responsible for the PCB TMDL implementation plan. Still pending is a separate lawsuit brought by Ecology against EPA with regard to the State's human health water quality standard for PCBs. As the PCB TMDL is scheduled to be developed by 2024 and litigation involving the PCB water quality standard is ongoing, it may be premature to issue NPDES permits for the Spokane River with a numeric PCB limit.

Ecology's Response to PCB limits Comment PA-1-6

Thank you for your comment. Ecology acknowledges the error made in the reasonable potential calculations. Ecology recalculated the reasonable potential. Ecology, after considering comment provided during the public comment period withdrew the mixing zone allowance for PCBs. This will require the City of Spokane to meet the water quality criterion for PCBs at the end of the pipe with no dilution. The reasonable potential assessment indicates that the end of pipe limits will be:

Average Monthly Effluent Limit: 170.0 pg/L

Maximum Daily Effluent Limit: 392 pg/L

The permit provides interim performance based PCB limits for 3 years while the City optimizes and evaluated their treatment technology for meeting year round PCB limits.

Performance Based Limits:

Average Monthly Effluent Limit: 720 pg/L

Maximum Daily Effluent Limit: 1,994 pg/L

The other municipal facilities discharging to the Spokane River have demonstrated that with tertiary membranes, they can achieve compliance with the current water quality criteria. The water quality based effluent limit become effective (3 years from effective date) unless the City of Spokane's evaluation identifies the need for additional engineering to meet the final limits. If additional engineering is required, the amendment to the engineering report will be required three years from the effective date. Plans and specifications with a construction schedule will be required four years from the effective date. The exact due dates are in the permit submittals schedule and the compliance schedule in Section S18.

Commenter: Jeff Donovan - Comment PA-1-10

Fact Sheet - Pages 46 – 48, Effluent PCB limits: The agency proposes both numeric and narrative effluent limits for PCBs. Previously, the limits were only narrative in nature, requiring the City to prepare and implement a plan to control PCBs and participate in the SRRTTF. The proposed numeric limit (1,800 pg/L) appears to apply at the point of discharge. The agency also proposes a mixing zone beyond which PCBs may not exceed the (current) water quality standard of 170 pg/L. It is not clear why Ecology decided to propose a numeric limit, or how the agency decided 1,800 pg/L was an appropriate “end-of-pipe” standard for the City.

Note that Ecology proposes narrative effluent limits, and no numeric limits, for other toxics such PBDEs. The narrative limits’ focus on BMPs and toxic reduction and removal strategies rather than “end-of-pipe” solutions (see pages 37 – 39). The rationale for narrative, rather than numeric, limits for PBDEs seems to apply equally to PCBs: the 303(d) listings are based on fish tissue samples and not water column samples; the segment where RPWRF discharges is not listed as impaired for PBDEs or PCBs; they are legacy pollutants; they are persistent and bioaccumulate; they are no longer intentionally created or used; and, RPWRF already reduces concentrations prior to discharge by over 95%.

In addition to the City’s comments above regarding the PCB limit, the City requests that Ecology explain the rationale and regulatory basis for the numeric limit and the basis for the different approach to PCBs as compared to PBDEs.

Commenter: Marlene Feist - Comment PA-2-6

Permit § S1.A, Table 2, PCB Limits: The Final Permit should acknowledge that it may be premature to include a numeric PCB limit due to the regulatory uncertainty posed by ongoing litigation over the PCB TMDL and PCB human health water quality standard. EPA is currently in rulemaking status to reinstate certain human health water quality criteria applicable to Washington State, which when finalized, would have an impact on the Draft Permit. EPA's final action is expected in the next few months. The Final Permit and Fact Sheet must also address the status of and Ecology's eventual final decision on the City's application for an individual discharger variance from the PCB water quality standard, which was filed over three (3) years ago. Action should be deferred on implementing a numeric PCB limit until these issues are resolved.

It is not clear why Ecology is imposing both a numeric and narrative limit on PCBs when it only imposes a narrative limit on similar pollutants such as PBDEs. If the agency does impose a numeric limit for PCBs, then a narrative limit (i.e., § S17) is no longer necessary. The Final Permit should not require narrative limits for PCBs if the numeric limits are maintained.

The City is uncertain whether the proposed final PCB numeric limits will be attainable (170 pg/L average monthly, 392 pg/L maximum daily). The pending TMDL and potential upcoming revisions to the human health water quality criteria for PCBs could make meeting any revised numeric limits even more challenging. On February 11, 2022, a federal judge approved the proposed consent decree to resolve litigation brought by the Sierra Club v. EPA in 2011 regarding a TMDL for PCBs in the Spokane River. Under the consent decree, EPA will develop a PCB TMDL for the Spokane River by September 2024. While EPA is in charge of completing the PCB TMDL, Ecology will be responsible for the PCB TMDL implementation plan. Still pending is a separate lawsuit brought by Ecology against EPA with regard to the State's human health water quality criteria for PCBs. As mentioned above, EPA is currently undertaking a rulemaking to reinstate the previous human health criteria for PCBs of 7 pg/L. As the PCB TMDL is scheduled to be developed by 2024 and litigation involving the PCB water quality criteria is ongoing, it may be premature to issue NPDES permits for the Spokane River with a numeric PCB limit.

Ecology's Response to PCB limits Comment PA-1-10 and PA-2-6

Thank you for your comment. Ecology has implemented a numeric end of pipe permit limit in the City's permit, because there is a numeric criterion for PCBs. Additionally there is narrative criteria for fish harvest use in the Spokane River. As a result of impacts to the narrative use, Ecology has implemented both the numeric and the narrative limits for PCBs.

PBDEs do not have a numeric criterion. They do impact the narrative fish harvest criteria for the Spokane River. As a result, they only have narrative limits that require a BMP approach.

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

The permit should require numeric effluent limits for polychlorinated biphenyls or PCB pollution at the end of the wastewater outfall pipe.

Ecology's Response to PCB limits Comment O-1-1

Thank you for your comment. Ecology has reviewed the comments received and agrees that applying a mixing zone for PCBs is not appropriate for the City of Spokane discharge to the Spokane River, which means an end of pipe limit applies. Ecology has recalculated end of pipe limits for PCBs and has added an explanation to the Fact Sheet Section III. H and added end of pipe limit for PCBs to the Permit Section S1.A Table 2.

13. Comments on Proposed Studies

Summarized Commenters: City of Spokane, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-3

Proposed Studies. The City does not see a way of successfully implementing the requested CSO pollutant monitoring and several of the Draft Permit's proposed studies, as described. To address the City's concerns with the proposed studies, Ecology should adopt the City's alternative approaches outlined below, including a more realistic scope of work and/or deliverable schedule. With respect to certain studies (e.g., sediment sampling study, mixing zone study), Ecology should eliminate the studies from the final Permit or, at the very least, provide additional clarity regarding the regulatory basis for and purpose of the proposed studies.

Ecology's Response to Proposed Studies Comment PA-1-3

Thank you for your comment. The studies required in the permit are required to demonstrate that the City of Spokane's discharge is meeting the requirements identified in the Washington Administrative Code as indicated in the fact sheet discussion and discussed for each study.

Commenter: Jeff Donovan - Comment PA-1-19

General comment: There are numerous studies/plans/submittals that are listed, most to be finished within one (1) year of Permit issuance. The City questions the value being gained on much of this work. Most of these proposed studies/plans/submittals are elaborate and will require significant City staff time to develop. Many of the studies/plans/submittals will require additional FTEs and/or subcontracting of portions of the work.

The City requests that Ecology eliminate from the final Permit some of the studies that are of limited value to the community. For those deemed necessary, the City requests that Ecology spread the deliverable due dates throughout the term of the Permit. Completing all the studies/plans/submittals described in the Draft Permit within one year of Permit issuance will not give the City adequate time to produce quality and meaningful submittals and will force the City to concentrate costs within a limited time period. Example requirements in the Draft Permit which have limited value include:

- CSO Pollutant Monitoring.
- Sediment Monitoring (CSOs and RPWRF Outfall).
- Mixing zone study.
- Collection system source tracing for PCBs.
- Receiving water temperature monitoring (10+ years of data has already been collected during the current permit cycle).
- CSO Post Construction Monitoring (Permit § S14.C.c).

Ecology's Response to Proposed Studies Comment PA-1-19

Thank you for your comment. The following is a list of the studies required and the dates that components of the study including the final study submittal.

- Exfiltration Report:
 - Collection system exfiltration prevention plan Due approximately June 2024
 - Exfiltration testing and repairs starts approximately June 2025. Ecology removed the completion timeline and instead requires the City to submit a report annually that identifies the segments tested and the actions taken to repair segments with identified exfiltration.
- Spill control Plan update due approximately June 2024. Ecology extended this plan due date a year to give the City more time given the number of submittals due in June 2023.
- Mixing study
 - Plan of study due June 2023
 - Results due June 2025
- Temperature Study
 - QAPP due June 2023
 - Sampling starts November 2023
 - Temperature Effluent study Results June 2026
- Trace Metals and pH
 - QAPP due June 2023
 - Metals and pH study results were due June 2026. Ecology changed the due date because the City needs the pH information to recalculate the pH limits for the engineering required by compliance schedule.
- Study
 - Sediment sampling plan due June 2023
 - Sediment evaluation report June 2026
- CSO Post Construction Monitoring Plan due June 2023
- Toxics Reduction BMP plan due annually starting in June 2023

As noted, the plan of study for these studies are due in 2023 and 2024. However, the final report for each is not due until June 2025 or June 2026. The schedule was developed to give the City adequate time to collect the data and write the final report. Ecology met with the City and changed the due dates as indicated above.

Ecology believes that these studies are of value to the community. Each of these studies is needed by Ecology to verify that the City is meeting water quality criteria. The following explains the need for each of permit requirements identified by the City as being of limited value:

- CSO Pollutant Monitoring.

The permit has water quality based limits for the CSO based on the wasteload allocation in the DO TMDL. Ecology is required by 40 CFR 134 to require compliance monitoring. The City must demonstrate that they are meeting the limits of the wasteload allocation provided under the DO TMDL. The City must also provide monitoring that demonstrates that the controlled CSO is not violating numeric and narrative water quality criteria.

- Sediment Monitoring (CSOs and RPWRF Outfall).

The City discharges wastewater containing PCBs and other listed pollutants. As a result, there is a reasonable potential that the sediments may be impacted by the City's discharge. Ecology requires dischargers to evaluate the impact of pollutants in the discharge on downstream sediments.

- Mixing zone study.

To grant a mixing zone, Ecology must verify that the mixing zone will meet the requirements of WAC 173-201A-400. The mixing zone study submitted in 1992 does not demonstrate that this is the case. If the discharge does not meet the requirements of WAC 173-201 A-400, Ecology can't authorize a mixing zone. Ecology must have a report demonstrating that the discharge meets the requirements of WAC 173-201A-400 in order to provide a mixing zone in the next permit cycle.

- Collection system source tracing for PCBs.

When a treatment technology does not completely eliminate a bioaccumulative toxics then Ecology must require BMPs that remove toxics before they get to the river. Testing for PCBs with Method 1668 demonstrates that a fraction of PCBs is discharging to the receiving water which has a potential to impact the fish harvest use even if the technology can meet the water quality numeric criteria. The City must demonstrate whether the BMP being implemented is reducing PCBs and other bioaccumulative toxics from the collection system. If the BMP is not effective then the City must implement an effective BMP. Without source trace testing of the collection system Ecology and the City will not know if the implemented BMP is effective.

- Receiving water temperature monitoring (10+ years of data has already been collected during the current permit cycle).

Ecology appreciates that the City collected temperature data for the last 10 years. However, that data was only collected during the critical season July – September. The Spokane River has a trout spawning season April – June. The City must collect data to demonstrate that they are meeting the spawning season for trout.

If the segment that the City discharges into experiences significant groundwater input that affect the seasonality of the temperature then the City must sample year round to verify the effects of groundwater on the temperature regime of the river in the vicinity of the discharge. The 1992 mixing zone study identified upstream affects at least 100 feet upstream of the flow. The QAPP for the study must identify a location for upstream testing that is outside of the influence of the discharge.

- CSO Post Construction Monitoring (Permit § S14.C.c).

The additional monitoring required by the CSO Post Construction Monitoring Plan demonstrates that the City is in compliance with the performance limits for the CSOs. This includes demonstrating that the pollutants discharged during CSO overflows do not cause or contribute to an impairment of the receiving water.

Commenter: Jeff Donovan - Comment PA-1-17

Permit § S13 Sediment Monitoring:

The City requests that Ecology eliminate the proposed sediment sampling study from the final Permit. At the very least, additional clarity is needed regarding the basis for and purpose of the proposed sediment sampling.

The basis for Ecology requiring this study is not clear. The Fact Sheet says the Agency has made a "determination" but does not articulate what data that determination was based on, or when it was made. There is no support in the Draft Permit or Fact Sheet to show that Ecology considered the required factors in 173-204-400 before imposing the sediment study. It is also unclear what, if any, value such a study would provide in terms of NPDES permit requirements. How far downstream would such a study entail? Would the study include both the RPWRF and CSO outfalls? What would distinguish sediment between the City discharge and other upstream sediment loading? It is well established that Hangman Creek provides most of the sediment load to the river upstream of the RPWRF outfall. This loading dwarfs any load coming from the treatment facility, especially now with membranes operational and CSOs controlled.

It will also be difficult to differentiate between current and historic discharges and impacts from other potential sources of sediment pollution. If Ecology is ultimately looking for information on historical impacts and potential natural resource damages rather than an analysis focused on the impact of current discharges on sediment quality, other programs such as MTCA should be used to develop that type of information.

Ecology's Response to Proposed Studies Comment PA-1-17

Thank you for your comment. The following provide the method Ecology use to establish the requirement for a Sediment Study.

- The basis for requesting sediment quality study is two-fold.
 - There have been no NPDES-related sediment studies near the outfall. Ecology's Permit Writers' Manual recommends that a facility of this size should complete a sediment sampling evaluation every other permit cycle (10 years), unless there are changes in the influent or violations.

- The other purpose for sediment sampling is that sections of the Spokane River are listed in the Water Quality Assessment. Ecology is requesting sediment study to rule out the facility's contribution to degradation of this waterbody based on the pollutants in the effluent.
- Historical contamination of the Spokane River is well-known and will be taken into account. The MTCA rule covers Stormwater, Groundwater, Soil, and Vapor Intrusion. The Sediment Management Standards, Chapter 173-204WAC is the rule that specifically addresses sediment quality.
- To address how far downstream the sediment sampling will be located depends on the discharge rate of the river at the outfall area, where the permitted mixing zones boundaries are, and where are the sediment depositional areas in that river mile of the Spokane River. Section A-3 of Sediment Cleanup User's Manual (SCUM) discusses NPDES sampling locations.
- Facility must provide Ecology with three things: a Sampling plan that meets the requirements in the SCUM, an outfall inspection that has photos showing the area around the outfall, and a hydrodynamic study of the Spokane River in the vicinity of the facility's outfalls. The permit also requires a mixing zone evaluation which will provide the hydrodynamic study.
- If the CSO outfalls have regular and notable discharge, then those should be included as part of the sediment study.

Ecology's SCUM provides guidance for sediment sampling and analysis. Appendix A of SCUM specifically addresses NPDES-related sediment studies. Ecology staff review and make recommendations/edits to sampling plans prior to sampling event.

Commenter: Jeff Donovan - Comment PA-1-18

Fact Sheet - Page 49, Sediment Quality: This section states that "Ecology determined that this discharge has the potential to cause a violation of the sediment quality standards" for toxics. When was this determination made? What was the basis for it? Appendix D to the Fact Sheet presents the agency's "reasonable potential" analyses but sediment quality is not addressed.

Was Ecology's Sediment Management Unit (SMU) consulted on the proposed sediment study? The Ecology Permit Writers Manual states for fresh water permits: "Contact the SMU before placing any sediment-related requirements in permits." Please cite the guidance given by the SMU in the Fact Sheet.

Ecology's Response to Proposed Studies Comment PA-1-18

Thank you for your comment. The Water Quality Program worked with the Sediment Management Unit on the requirements for the permit required sediment study. The guidance given by the SMU was based on their evaluation of the potential for the City of Spokane to cause or contribute to impacts to the sediment.

Commenter: Jeff Donovan - Comment PA-1-21

Permit § S12, Receiving water trace metals and pH study: Just to emphasize the City's concerns on the new pH limit discussed above, the goal of this study will be: "...to determine if the effluent has a reasonable potential to cause a violation of the water quality standards for pH and metals." The City believes it is premature to impose new pH limits prior to analyzing the results of this study.

Ecology's Response to Proposed Studies Comment PA-1-21

Thank you for your comment. Ecology will implement an interim pH limit of 6-9 with a final limit of 7.85-8.5 and a compliance schedule. This limit may be more stringent if the receiving water data indicates that the City must meet a more stringent lower pH limit to avoid greater than a 0.5 standard unit change in the pH as a result of the discharge.

Commenter: Jeff Donovan - Comment PA-1-22

Permit § S12.2: The requirements under headings c & e appear contradictory. Under "c", it states "Time the sampling as close as possible to the critical period." Under "e", it states "Collect at least ten receiving water samples that reflect seasonal variation in concentration..." Please clarify what is required with regards to timing of sampling.

Ecology's Response to Proposed Studies Comment PA-1-22

Thank you for your comment. Ecology removed item c from Permit Section S12.2. The sampling must demonstrate the seasonal variation which should include the critical season. This is typically the period from July –September but may vary depending on the influence of groundwater input upstream of the City's discharge. For clarification, the minimum of 10 samples should include samples in every season (8 samples) and extra samples (2) in the critical season, typically the summer months.

Commenter: Jeff Donovan - Comment PA-1-20

Permit § S10, Mixing and Tracer Study:

The City requests that mixing study be eliminated from the final Permit. As stated in the Fact Sheet "Ecology has effectively minimized the size of the mixing zone authorized in the proposed permit." Fact Sheet p. 35. That is all the regulations require. Accordingly, there is no need for the mixing zone and tracer study to verify the mixing zone is minimized. Ecology should therefore eliminate the study in the final Permit. Further, a similar study was done in 1992. The effluent outfall structure is still the same and flow conditions have not changed significantly. The 1992 study should be sufficient to meet Ecology's needs.

Ecology's Response to Proposed Studies Comment PA-1-20

Thank you for your comment. To grant a mixing zone, Ecology must verify that the mixing zone will meet the requirements of WAC 173-201A-400. Ecology made an assumption that the mixing zone meets this requirement based on the increase in flow resulting from the FERC relicensing. The study submitted in 1992 does not demonstrate that this is the case. If the discharge does not meet the requirements of WAC 173-201 A-400, Ecology can't authorize a mixing zone.

Ecology must have a report demonstrating that the discharge meets the requirements of WAC 173-201A-400 or in order to provide a mixing zone in the next permit cycle.

Commenter: Jeff Donovan - Comment PA-1-16

Permit § S5.H, Collection System Exfiltration Testing: The City does not see a successful way of completing this effort, as written, within the time given. The criteria of "Adjacent to (within 100 yards) surface water" and "Within 50-feet above the groundwater table" will encompass large swaths of the sewer system and likely more than 100 miles of pipe. Simply identifying applicable areas to be tested for exfiltration, will be an overly burdensome undertaking. Is there a regulatory basis for this requirement? Ecology should provide an example protocol for this testing. Is this requirement just for new sewer construction or would it apply to existing sewer pipes? This requirement should be removed unless a regulatory basis and feasible exfiltration testing protocol can be provided.

Ecology's Response to Proposed Studies Comment PA-1-16

Thank you for your comment. As indicated in the permit language, the City must provide Ecology with a plan identifying any segments that are in the identified areas and under the conditions identified in Permit Section S5H 1-5. Ecology has changed the deliverable date for the plan to give the City two years to identify the segments of pipe that meet these conditions and develop their plan for testing and repairing the segments of the collection system.

Instead of requiring the City to complete testing of all areas, Ecology updated the Permit Section S5.H to require an annual submittal, starting three years from the effective date, requiring the City to report annual progress made on testing and repair of areas with potential exfiltration identified.

Commenter: Marlene Feist - Comment PA-2-14

Permit § S5.H, Collection System Exfiltration Testing: The City does not see a successful way of completing this effort, as written, within the time given. The criteria of "Adjacent to (within 100 yards) surface water" and "Within 50-feet above the groundwater table" encompasses large swaths of the sewer system and likely more than 100 miles of pipe. Simply identifying applicable areas to be tested for exfiltration, will be an overly burdensome undertaking. Is there a regulatory basis for this requirement? Ecology should provide an example protocol for this testing. Is this requirement just for new sewer construction or would it apply to existing sewer pipes? This requirement should be removed unless a regulatory basis and feasible exfiltration testing protocol can be provided.

The City has an extensive maintenance and retrofitting strategy towards identifying and remediating areas of infiltration within the collection system. Much progress has been made on this front, but areas remain that require addressing. This work is ongoing and will drive improvements in the future in the integrity of the collection system.

Ecology's Response to Proposed Studies Comment PA-2-14

Thank you for your comment. Ecology appreciates the steps the City has taken towards remediating areas of infiltration within the collection system. The areas of infiltration may also be areas of exfiltration when the water table drops. Additionally, pipes that are under pressure may be areas of exfiltration all the time. Ecology required that the City identify these pipes in areas as identified in the permit and then provide a plan for remediation. As stated in the response above, Ecology modified the requirement to allow the City more time to develop the plan and to pace the work and submit annual updates.

The regulatory basis for requiring the City to identify exfiltration in the collection system is found in RCW 90.48.080. It is unlawful to discharge organic or inorganic matter that may pollute waters of the state. The requirement to maintain the collection system applies to new and old systems. The City has an extensive mapping system of the collection system. This will be helpful for identifying the areas that may require corrections. Ecology does provide some guidance in the Ecology Permit Writer's Manual, <https://apps.ecology.wa.gov/publications/documents/92109.pdf>. Ecology will be happy to meet with your engineering staff to discuss this requirement.

Commenter: Marlene Feist - Comment PA-2-15

Permit§ S10, Mixing and Tracer Study: The City requests that mixing study be eliminated from the Final Permit. As stated in the Fact Sheet "Ecology has effectively minimized the size of the mixing zone authorized in the proposed permit." Fact Sheet p. 35. That is all the regulations require. Accordingly, there is no need for the mixing zone and tracer study to verify the mixing zone is minimized. Ecology should therefore eliminate the study in the Final Permit.

Ecology's Response to Proposed Studies Comment PA-2-15

Thank you for your comment. As Ecology indicated in the fact sheet. Flow changes have taken place in the river. Additionally, the 1992 mixing zone study does not indicate that the size is minimized. As a result, Ecology is requiring a mixing zone and dye study evaluation of the mixing provided. Ecology did not make any changes to the permit requirement.

Commenter: Marlene Feist - Comment PA-2-16

Permit§ S13 Sediment Monitoring: The City requests that Ecology eliminate the proposed sediment sampling study from the Final Permit. At the very least, additional clarity is needed regarding the basis for and purpose of the proposed sediment sampling.

The basis for Ecology requiring this study is not clear. The Fact Sheet says the Agency has made a "determination" but does not articulate what data that determination was based on, or when it was made. There is no support in the Draft Permit or Fact Sheet to show that Ecology considered the required factors in 173-204-400 before imposing the sediment study.

It is also unclear what, if any, value such a study would provide in terms of NPDES permit requirements. How far downstream would such a study entail? Would the study include both the RPWRF and CSO outfalls? What would distinguish sediment between the City discharge and other upstream sediment loading. It is well established that Hangman Creek provides most of the sediment load to the river upstream of the RPWRF outfall. This loading dwarfs any load coming from the treatment facility, especially now with membranes operational and CSOs controlled.

It will also be difficult to differentiate between current and historic discharges and impacts from other potential sources of sediment pollution. If Ecology is ultimately looking for information on historical impacts and potential natural resource damages rather than an analysis focused on the impact of current discharges on sediment quality, other programs such as MTCA should be used to develop that type of information.

The Fact Sheet, on page 49, states: "Ecology determined that this discharge has the potential to cause a violation of the sediment quality standards" for toxics. When was this determination made? What was the basis for it? Appendix D to the Fact Sheet presents the agency's "reasonable potential" analyses but sediment quality is not addressed.

Was Ecology's Sediment Management Unit (SMU) consulted on the proposed sediment study? The Ecology Permit Writers Manual states for freshwater permits: "Contact the SMU before placing any sediment-related requirements in permits." Please cite the guidance given by the SMU in the Fact Sheet.

Ecology's Response to Proposed Studies Comment PA-2-16

Thank you for your comment. Ecology's Water Quality Program required this study based on the reasonable potential determination completed by the Sediment Management Unit (SMU) and the guidance provided in the Permit Writers Manual. The SMU reviewed the data provided and identified toxics that result in a potential exceedance of the sediment quality standards. As a result, the SMU requested that baseline monitoring be added as a requirement to this permit. If you have questions, the Permit Writer's Manual Chapter 9 and Chapter 13.7 provides additional information regarding the requirements. No changes have been made to the permit.

Commenter: Marlene Feist - Comment PA-2-11

General comment: There are numerous studies/plans/submittals that are listed, most to be finished within one (1) year of Permit issuance. The City questions the value to be gained from much of this work. Most of these proposed studies/plans/submittals are elaborate and will require significant City staff time to develop. Many of the studies/plans/submittals will require additional FTEs and/or subcontracting of portions of the work.

The City requests that Ecology eliminate from the Final Permit some of the studies that are of limited value to the community. For those deemed necessary, the City requests that Ecology spread the deliverable due dates throughout the term of the Permit. Completing all the studies/plans/submittals described in the Draft Permit within one year of Permit issuance will not give the City adequate time to produce quality and meaningful submittals and will force the City to concentrate costs within a limited time period.

Ecology has not made it clear why they want this information and of what advantages or insights such information will provide. Example requirements in the Draft Permit which have limited value include:

- CSO Pollutant Monitoring: This requires significant City staffing to be on standby for rare CSO events.
- Sediment Monitoring (CSOs and RPWRF Outfall): Regulatory need for this requirement is uncertain.
- Mixing zone study: Regulatory need for this requirement is uncertain.
- Collection system exfiltration testing: The City already does extensive infiltration identification and mitigation to maintain collection system integrity.
- Collection system source tracing for PCBs: Previous efforts have not been very fruitful in identifying hot spots - most PCBs entering the collection system are diffused throughout the City.
- Receiving water temperature monitoring: 10+ years of data has already been collected during the current permit cycle.
- CSO Post Construction Monitoring (Permit § S14.C.c): Biological assessments, toxicity testing, ambient monitoring, and sediment sampling are all huge undertakings. The City does not see value in this.

Response to Proposed Studies Comment PA-2-11

Thank you for your comment Ecology understands your concerns. As identified in Comment PA- 1-19, Ecology spaced the studies to provide the City with time to complete all actions. None of the studies are due within a year. Some scopes of work or study proposals are due within a year but the studies final reports are scheduled for three to four years from the issue date.

Ecology has identified the reason and need for the information requested in the Fact Sheet and in responses to other studies comments. No changes were made to the permit or fact sheet.

14. Comments on Reasonable Potential

Summarized Commenters: City of Spokane, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-11

Fact Sheet - Page 88-89, PCB Reasonable Potential Calculation: An error was made in the reasonable potential calculation for PCBs. The effluent values used in the table were entered as pg/L whereas the rest of the values are all in the units of µg/L. This results in an overestimate of PCBs in the effluent by 1 million (1,000,000) times. Additionally, it appears different receiving water values were used in the reasonable potential calculation versus those that were used to develop PCB effluent limits.

Ecology's Response to Reasonable Potential Comment PA-1-11

Thank you for your comment. As stated earlier, Ecology acknowledges the calculation error and has recalculated the RPA and updated the findings in the permit and fact sheet. The updated calculations are available in Appendix D.

Commenter: Jeff Donovan - Comment PA-1-43

Fact Sheet - Page 15, Metals: This section indicates that the most recent data for metals in the River near the outfall is from the mid-1990s and this data was used to develop more stringent effluent limits. If more recent data is available, it may be worth mentioning and using it in this analysis.

Ecology's Response to Reasonable Potential Comment PA-1-43

Thank you for your comment. The factsheet states the following: "The only metals data available for the Spokane River in the reach adjacent to the City's treatment plant outfall stems from analyses conducted in the early to mid-1990s as part of the metals assessment prior to the Spokane River Metals TMDL. The proposed permit includes a receiving water study for metals." Ecology will not make any changes to this text.

Commenter: Marlene Feist - Comment PA-2-10

Fact Sheet - Page 90-91, PCB Reasonable Potential Calculation: It appears in Ecology's calculation that a reasonable potential to exceed only exists at the end of pipe without a mixing zone. The City does not follow the logic that bioaccumulative pollutants such as PCBs should not be allowed a mixing zone. Only a small fraction of the lifespan of a fish would be spent within the RPWRF mixing zone. Ecology's reasonable potential calculation assumes all bioaccumulation would occur within the mixing zone, which would never be the case for free-flowing water bodies such as the Spokane River. Based on the City's calculations and available upstream PCB water column data compiled by Ecology (<http://srtrtf.org/wp-content/uploads/2021/05/5-Technical-Memo-Spokane-PCB-Central-Tendency-3-22-2021.pdf>), no reasonable potential exists with an appropriate dilution factor.

Ecology's Response to Reasonable Potential Comment PA-2-10

Thank you for your comment. A mixing zone allows a discharger to discharge more of a pollutant based on the fact that doing so will not result in an exceedance of the water quality criteria downstream of the discharge. Ecology is not providing the City a mixing zone for PCBs because the pollutant has the potential to cause or contribute to a reduction in the harvest use in the PCB-listed segments upstream and downstream of the discharge. No changes were made to the permit or fact sheet.

15. Comments on CSOs

Summarized Commenters: Spokane Riverkeeper, City of Spokane, Spokane Riverkeeper, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-12

Permit § S2.B, Table 13 CSO monitoring: The Draft Permit requires the City to catch an overflow event with a composite sampler. This monitoring requirement is impractical and/or infeasible for such widely intermittent events, and therefore should be revised or eliminated as described below. Having crew and equipment on standby for the design of less than one (1) event per year from all CSO outfalls will be very expensive and will be a waste of resources. Flow-triggered composite samplers are not reliable enough to collect samples from all overflows. Power failures, connectivity issues, programming errors, air aspiration due to turbulent flow, and numerous other issues have all been common in the City's previous stormwater/CSO sampling efforts. Overflow events will rarely (if ever) last continuously for 24-hours – sample types should not be listed as 24-hour composite samples.

As an alternative to composite sampling of overflows, the City proposes one of the following options:

1. Historical ammonia, total phosphorus, and CBOD data is available for CSO 6 and CSO 34 outfalls. The average of this data could be used, in conjunction with currently in place flow monitoring equipment, to assess compliance with the DO-TMDL related limits in table 4 of the draft permit.
2. Allow the City to collect grab samples instead of composite samples to assess CSO pollutant concentrations. Many CSO outfalls currently have the ability for passively collecting a grab sample during an overflow event.

Under Permit Table 4, additional language should be added to reflect any updated sampling changes. Suggested language to be added to Table 4, Footnote a: "...and average of concentration values established in previous Ecology-approved City CSO Planning documents or average of more recent CSO outfall water quality samples as described in S2.B. Table 13."

Ecology's Response to CSOs Comment PA-1-12

Thank you for your comment. Ecology acknowledges the difficulty of capturing a periodic flow event with a flow triggered composite sampler. Ecology required a Post Construction Monitoring Plan in S14.C.c. The City must use this plan to identify how they will monitor the CSO system to demonstrate compliance with the seasonal (March 1 – October 31) wasteload allocation in S1, Table 4 of the permit. Ecology updated Permit Section S2 Table 13 to indicate that the Approved Post Construction Monitoring Plan will identify how the sampling will be completed and when sampling will begin.

Commenter: Jeff Donovan - Comment PA-1-13

Permit § S2.B, Table 13 CSO monitoring footnote "a": The "per event" definition in the Draft Permit does not match the current and historical definition used to define an overflow event. Currently, any overflow between the start of a storm (rain on any rain gauge) until 24 hours after the end of the storm (no rain on any rain gauge) is considered one event.

If there is a three-day storm event and there is an overflow on the first day and the last day, they are considered the same part of the same overflow event. This allows time (at least 24 hours) for flows to go back down to normal and to drain the CSO tanks. The definition, as written in the Draft Permit, would count this situation as two events. Changing the definition now would complicate any future assessments of the performance standard of one overflow per year per outfall, on a 20-year average.

The CSO definition under WAC 173-245-020 (6) does not dictate a minimum inter-event period. Page 142 of Ecology's Permit Writer's manual lists several options for defining a CSO event. The City's current definition most closely matches Definition 5 – Statistical Independence. Page 145 of the manual states: "An analysis of the Spokane rainfall record showed independent events at a MIET of 24 hours" but this is in reference to 24 hours between rainfall/storms, not 24 hours between overflows. This event definition was used in modeling overflows in the City's 2013 CSO Plan Amendment, approved by Ecology in 2015. The City requests that Ecology maintain the City's current method of determining an event for statistical consistency with the many years of previous CSO event reporting. The current methodology makes more sense for a system such as the City's which relies upon storage tanks to prevent overflows.

Ecology's Response to CSOs Comment PA-1-13

Thank you for your comment. Footnote "a" uses standardized language common to all permits Ecology issues with conditions authorizing CSO discharges. While the Permit Writers Manual recognizes that the inter-event time for some discharge events may not completely align with the inter-event time for discrete storms, it also notes the agency's opinion that this difference becomes negligible as the CSO discharge frequency approaches the required one per year frequency. Since the City has completed control projects designed to meet the one discharge per year standard, Ecology considers the use of a 24-hour minimum inter-event time to define discrete discharge events is appropriate. The definition is consistent with the approach used in other CSO permits and with guidance in the Permit Writers Manual.

Ecology added text to the Fact Sheet explaining that it may be necessary to discuss the type of storm and whether it is back to back storm events or a single storm event and how to assess compliance when a single storm event results in multiple CSO overflow events.

Commenter: Jeff Donovan - Comment PA-1-14

Permit § S14.C, CSO performance standards: Pages 57 – 58 discuss performance standards for CSOs, however, this section of the Permit does not refer back to the new CSO outfall limits articulated on page 15. This section of the permit should clarify the relationship between the narrative performance standards and the numeric effluent limits. If the CSOs are meeting numeric limits, narrative limits should no longer be necessary.

Ecology's Response to CSOs Comment PA-1-14

Thank you for your comment. The numeric limits in this permit are consistent with the requirements of the state's water quality standards. They are based on numeric wasteload allocations imposed by the Dissolved Oxygen TMDL.

All CSO discharges must ultimately comply with applicable water quality standards for the receiving water. The state's surface water quality standards do not exempt controlled CSOs from numeric limits when necessary to protect surface water quality or sediment quality. Instead they allow Ecology to authorize unrestricted mixing zones for untreated CSOs that comply with the performance standard of no more than one discharge per year, on average. This mixing zone provides a path for demonstrating that an untreated discharge complies with the numeric water quality criteria in the standards. However, Ecology cannot authorize this mixing zone when doing so could cause a loss of sensitive or important habitat, substantially interfere with the existing characteristic uses of the water body, result in damage to the ecosystem or adversely affect public health. If any of these conditions apply, the CSO permittee may need to install additional controls necessary to meet specific numeric limits. In addition, the General Requirements for controlled CSOs (WAC 173-245-015(1)) state that CSO sites may not "cause violations of applicable water quality standards, nor restrictions to the characteristic uses of the receiving water, nor cause an accumulation of deposits which exceed sediment criteria or standards or have an adverse biological effect." The Post Construction Monitoring Plan in S14. C.c. must identify the sampling necessary to demonstrate compliance with the water quality standards.

Commenter: Jeff Donovan - Comment PA-1-27

Permit § S3.A.4.e, CSO Monitoring Annual Report: January 15 does not give the City adequate time to compile and analyze all the rain, flow, and pollutant data for the previous year. The City requests that the due date in the final Permit be changed to Apr 15. The City also requests additional information on the data that would be included in this report.

S14.D discusses a CSO Annual Report (due October 1). Is this a different report from the report due on January 15? If so, they should be distinguished more clearly in the final Permit.

Ecology's Response to CSOs Comment PA-1-27

Thank you for your comment. The City of Spokane will only be required to submit one CSO report per year. The submittal date for the CSO annual report is March 31. The CSO annual report must identify compliance with the CSO wasteload allocations provided in S1 Table 4 as well as the post construction sampling demonstrating compliance with the performance standard for each outfall. The City will also be required to submit the data on an annual DMR.

Commenter: Marlene Feist - Comment PA-2-20

Fact Sheet - Page 66, CSO Annual Report: This section - states: "The report must indicate whether a CSO site has increased over the baseline annual condition." What is Ecology referring to as the "baseline annual condition"? In our current documents, the average# of overflows between 2003 and 2012 are being used as the "baseline". Please clarify.

Ecology's Response to CSOs Comment PA-2-20

Thank you for your comment. This language that comes directly out of WAC 173-245 as an annual report requirement and is mainly relevant for systems that are still in the process of planning and implementing control projects. The WAC definition says "Baseline annual CSO volume and frequency means the annual CSO volume and frequency that is estimated to occur based upon the existing sewer system and the historical rainfall record". So this is really referring to the value the City used in their CSO reduction planning documents as the "existing conditions." We understand that the City used the data from 2003-2012 for the recently modified outfalls. The outfalls modified prior to the 2012 plan may have a different baseline. The City is now held to a 1 overflow event per outfall per year on a 20 year rolling average. It is likely that exceeding the compliance requirement would trigger the need for corrective action long before the City exceeds the baseline. No changes were made to the Permit or Fact Sheet.

Commenter: Jerry White, Jr - Comment O-1-16

In the Spokane Fact sheet, WDOE stated, "On very rare occasions, when more than 2mg is diverted, the excess volume above 2million gallons receives primary treatment and disinfection prior to discharge and is reported as a CSO-related bypass. As part of the CSO, Reduction Plan Amendment submitted in early 2014, the main I02 interceptor flows will be limited to 120 million gallons during the "CSO design event" through the use of upstream CSO storage."

We ask that the permit require Spokane to clearly label and identify any and all overflows that were given only primary treatment at the WWTP and then discharged to the River without receiving tertiary treatment. These flows should be logged and recorded as exceedances of design criteria of the WWTP as well as effluent violations of the WWTP (and logged as such in the DMRs).

Ecology's Response to CSOs Comment O-1-16

Thank you for your comment. The City of Spokane permit (Section S3.F.a) requires the City to immediately report to Ecology, the Department of Health, and the Spokane County Regional Health District any bypass of the treatment system to surface water.

The Permit requires 24 hour reporting (Section S3.F.b) requires the City to report to Ecology occurrences of noncompliance as a result of unanticipated bypass that causes an exceedance of the effluent limits.

A bypass of any part of the treatment system would fall under either immediate notification requirements or 24 hour reporting requirements. Ecology will not make any changes to the reporting and notification requirements.

Commenter: Jerry White, Jr - Comment O-1-17

We ask that all Event-based overflow events be tested with 1668c for PCBs and the results of the effluent PCB sampling tests are included in the CSO annual and monthly reports.

The Permit must ensure that CSOs will not cause violations of applicable water quality standards, nor restrictions to the characteristic uses of the receiving water.

Ecology's Response to CSOs Comment O-1-17

Thank you for your comment. The permit (Section S14.C.c) requires the City of Spokane to submit a CSO Post Construction Monitoring Plan. The City must provide a monitoring plan that will demonstrate that CSO discharge is not violating water quality criteria or contributing to an impairment of the surface water. Ecology will not add monitoring to the permit. Ecology reviews and approves the CSO Post Construction Monitoring Plan and verifies that the plan identifies monitoring methodology demonstrating that the City is meeting the CSO performance standards before approval of the plan.

Commenter: Jerry White, Jr - Comment O-2-4

CSO Post Construction monitoring S14.C.c We support the post-construction Monitoring plan.

Ecology's Response to CSOs Comment O-2-4

Thank you for your comment.

16. Comments on Reuse/Reclaimed Water

Summarized Commenters: Spokane Riverkeeper, Spokane Riverkeeper,

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

This permit needs to require the removal and reuse of waste water. Spokane should be required by this permit to use of this technology with schedules, with deliverables to address the removal of both nutrient pollutants and toxic pollutants from the Spokane River.

Commenter: Jerry White, Jr - Comment O-2-6

S18 A. Engineering documents 1. Additional comment on the current draft permit. We support the requirement of the City of Spokane in preparing and submitting an engineering report on the feasibility of using reclaimed water. The ultimate solution to removing toxic parameters from effluent will at least partially, in our view, rely on removing some or all effluent from the Spokane River (and the States surface and ground waters).

Ecology's Response to Reuse/Reclaimed Water

Thank you for your comment. Ecology is committed to working with permittees interested in obtaining a reclaimed water permit.

17. Comments on Delegated Pretreatment Program

Summarized Commenters: Spokane Riverkeeper, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-29

Permit § S6.A.1.j: This section implies that the City would need two (2) separate agreements (contracts and MOU/ILA) with contributing jurisdictions. Current MJAs which are in place with Spokane County and Airway Heights are single contracts which contain all of the requirements in one document. This should be adequate. Please clarify Ecology's concern.

Ecology's Response to Delegated Pretreatment Program Comment PA-1-29

Thank you for your comment. This text is confusing. Only one contract or agreement is needed. The document must include all of the following:

- Ensure compliance with applicable pretreatment requirements by commercial or industrial users within these jurisdictions.
- Identify the agency responsible to perform the various implementation and enforcement activities in the contributing jurisdiction.
- Outline the specific roles, responsibilities, and pretreatment activities of each jurisdiction.

Ecology updated the verbiage in Permit Section S6.A.1.j.

Commenter: Jeff Donovan - Comment PA-1-30

Fact Sheet - Page 54, question: Please clarify the specific reason why primary clarifier effluent sampling is now required. This was not a requirement in the current 2011 permit. The City does not see a reason or benefit from conducting this monitoring. Please remove the primary clarifier monitoring requirement unless a regulatory or technical reason can be explained.

Ecology's Response to Delegated Pretreatment Program Comment PA-1-30

Thank you for your comment. This has been changed and the permit will not require testing of the primary clarifier effluent.

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

Comments pertaining to (Significant) Industrial Users (SIU):

We recommend a stronger sampling regime be constructed to prevent toxic chemicals from entering the Waste Water Treatment Plant - See WAC 173-216 and WAC 173 216-1255 We understand that while a mere 9.3% of all influent PCBs are sourced from industrial users to date, we continue to see this as potentially dynamic and in flux. However, new industrial users are being added as the region experiences unprecedented urban growth. Therefore, we are asking that Industrial Users (IU) of the WWTP and all industrial dischargers to the WWTP develop Toxics Management Plans (TMPs) with best management practices, develop a profile of chemicals that will be discharged to include:

- Aroclor PCBs, PCB 11
- PBDE
- Heavy Metals
- PFAS

We recommend that the resulting IU and pretreatment SIU sampling reports and results for all parameters be located and labeled for easy access on the City of Spokane Website Utility page & Ecology Paris web portal under the Spokane WWTP permit number WA0024473. The following excerpt from the 2019 Pretreatment Report for Spokane demonstrates and confirms the need for stronger terms inside the NPDES Permit for the Spokane WWTP.

We recommend that a provision to administer these IUS be implemented as a requirement for all IU under the NPDES Permit for the Spokane WWTP. Additionally, a program whereby BMPs are developed and required for IU and that these IUs are inspected be added to this draft permit.

Ecology's Response to Delegated Pretreatment Program Comment O-1-8

Thank you for your comment. Ecology delegated authority to the City of Spokane for implementing a pretreatment program. The permit provides a framework for the pretreatment program but the City develops the program and implements it in the permits that they issue to new dischargers or reissue to existing dischargers. This permit requires the City to update their local limits in order to prevent pass through or interference. Ecology encourages the Riverkeeper and Sierra Club to provide public comments to the City of Spokane and encourage the City to include stronger sampling regimens in the permits they develop.

18. Comments on AKART

Summarized Commenters: Spokane Riverkeeper,

Commenter: Jerry White, Jr - Comment O-1-19

AKART or the use of all knowable and reasonable technologies: We ask that this permit incorporate creative ways to begin planning for and implementing the total removal of PCBs from effluent. This permit should reflect some combination of methods that are used in a suite to remove pollutants. For example, a treatment train of several technologies - physical, chemical, biological, and thermal technologies - could be effective in treating effluent and protecting existing uses and public health.

Ultimately, lacking from Ecology's analysis is whether any of the various alternative technologies and methods can be used either in combination (a) to provide a better partial solution to the PCB problem; or (b) in conjunction with each other to provide a more complete solution that also represents AKART.

Further, we again refer to the Bricklin and Newman Response to Spokane's Variance application (submitted with our comments) to highlight the need to explore these "treatment trains" in order to continue to build AKART. "In the TSD at 45 (emphasis supplied). Similarly, the TSD rejects beneficial reuse, in part, because it is unlikely that either [Spokane County or the City of Spokane] would be able to completely remove their discharges from the Spokane River without impairing downstream water rights." TSD at 41 (emphasis added). Noticeably lacking is any assessment of whether these alternatives could be effectively used as a partial solution, either alone or in conjunction with the other treatment methods discussed in the TSD, to better approximate the state's 7 ppq PCB criterion. For example, could the municipalities use membrane filtration to send "clean" effluent to the river, thereby reducing the volume of water that remains contaminated with PCBs, and then using evaporation lagoons for that reduced volume of contaminated effluent? The TSD does not assess this or any other ways that the various alternatives might be combined.

Ultimately, lacking from Ecology's analysis is whether any of the various alternative technologies and methods can be used either (a) to provide a better partial solution to the PCB problem; or (b) in conjunction with each other to provide a more complete solution."

Ultimately, we ask that the permit reflect this same thinking, and the City of Spokane fully implement AKART under this permit. Build a set of tasks that are on schedules (with deadlines), and have benchmarks towards the outcome of PCB removal. This permit should require, under schedule, and reporting that is transparent and publicly available, the research and development of pollutant removal "treatment trains" that would lead to removing PCBs and other toxic material all along the pathway to the River. These Additionally, Ecology or WDOE should require the municipal dischargers to fully implement the technology that will result in the greatest achievable pollutant reduction.

Ecology's Response to AKART

Thank you for your comment. Ecology has added a compliance schedule to Permit Section S18 for PCBs requiring an engineering report after the optimization of the NLT if needed. The engineering report must have an all known, available, and reasonable method of prevention, control and treatment (AKART) evaluation.

19. Comments on Toxics

Summarized Commenters: City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-7

Permit § S17.A, Toxics narrative limits (BMPs):

Pages 64 – 65 requires use of BMPs "throughout the City" to control toxics, such as PCBs, PBDEs, and methyl mercury. If no reasonable potential exists for PCBs, then neither numeric nor narrative limits should apply. It does not appear a reasonable potential analysis was conducted for PBDEs or methyl mercury. Narrative limits should not apply to these pollutants unless a reasonable potential can be established.

Ecology's Response to Toxics Comment PA-1-7

Thank you for your comment. The City does not have a reasonable potential for mercury. As a result, Ecology has removed the requirements for methylmercury from the permit. The City discharges wastewater containing PCBs and PBDEs to the Spokane River. The result of discharging any amount of persistent bioaccumulative pollutant to a waterbody with a Department of Health fish advisory indicates a reasonable potential to affect the fish harvest use, a narrative criterion for both PCBs and PBDEs. As a result, Ecology has identified narrative limits that the City must implement.

Commenter: Marlene Feist - Comment PA-2-7

Permit § S17.A, Toxics narrative limits (BMPs): Pages 64- 65 requires use of BMPs "throughout the City" to control toxics, such as PCBs, and PBDEs. The reasonable potential analysis for PCBs is questionable. It does not appear a reasonable potential analysis was conducted for PBDEs. Narrative limits should not apply to these pollutants unless a reasonable potential can be established.

The narrative limits' focus on BMPs and toxic reduction and removal strategies rather than "end-of-pipe" solutions (see pages 37 - 39). The rationale for narrative, rather than numeric, limits for PBDEs seems to apply equally to PCBs: the 303(d) listings are based on fish tissue samples and not water column samples; the segment where RPWRF discharges is not listed as impaired for PBDEs or PCBs; they are legacy pollutants; they are persistent and bioaccumulate; they are no longer intentionally created or used; and, RPWRF already reduces concentrations prior to discharge by over 95%. The City requests that Ecology explain the rationale and regulatory basis for the numeric limit and the basis for the different approach to PCBs as compared to PBDEs.

Ecology's Response to Toxics Comment PA-2-7

Thank you for your comment. WAC 173-201A has identified numeric criteria and narrative use requirements for PCB but only has narrative use requirements for PBDEs in the Spokane River. As a result, the two pollutants are treated differently. Ecology completed a reasonable potential evaluation for the PCB numeric criteria and found, after removing the mixing zone, that the City does have a reasonable potential to exceed the numeric criteria at the end of the pipe. By contrast, PBDEs do not have a numeric limit. Therefore the reasonable potential analysis relies on evaluating the narrative criteria itself, which is not numeric.

Ecology evaluated the reasonable potential to contribute to a loss of use, a narrative criterion for both PCBs and PBDEs and found that the harvest use has been impacted by both pollutants in the Spokane River. When there is a reasonable potential to contribute to a loss of use, Ecology implements both numeric limits if a criterion is available and a narrative limits if the use is affected. Narrative limits typically take the form of identified actions and best management practices such as those identified in Section S17 of the Permit.

No changes were made to the Permit.

20. Comments on Limits

Summarized Commenters: City of Spokane, Spokane County Public Works / Environmental Services, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-23

Permit § S1.A., Tables 2 & 3, Footnote g.

Please clarify that CBOD, ammonia, and TP are allowed to be above the average early in the Critical Season so long as the average comes down by the end of the Season.

The City suggests rewording the footnote to read: "Compliance with the effluent limitation for CBOD₅, NH₃-N, and TP will be assessed at the end of the season."

Ecology's Response to Limits Comment PA-1-23

Thank you for your comment. Critical season CBOD₅ and total phosphorous (TP) are evaluated at the end of the season (March 1- October 31) and is based on the seasonal average.

Ammonia however has three distinct seasons (March 1-May 31, June 1-Sept 30, and October 1-October 31) each seasons compliance is evaluated at the end of the season and is based on that season's average. Ecology added a footnote to the table stating such.

Commenter: Jeff Donovan - Comment PA-1-24

Permit § S1.A, Table 2 Cadmium Limits: Given the Spokane River is no longer listed as impaired for cadmium, the City believes the performance-based limits specified under the 1992 Metals TMDL are no longer necessary. The way the performance-based limits are calculated in the Metals TMDL will eventually lead to compliance issues as they are continually ratcheted down over permit cycles. If the river is no longer listed for cadmium, it seems that limits have been lowered enough, and the Metals TMDL should be declared a success for cadmium. The current cadmium limits in the 2011 permit should be maintained.

Commenter: Marlene Feist - Comment PA-2-12

Permit § S1.A, Table 2 Cadmium Limits: Given the Spokane River is no longer listed as impaired for cadmium, the City believes the performance-based limits specified under the 1992 Metals TMDL are no longer necessary. The way the performance-based limits are calculated in the Metals TMDL will eventually lead to compliance issues as they are continually ratcheted down over permit cycles. If the river is no longer listed for cadmium, it seems that limits have been lowered enough, and the Metals TMDL should be declared a success for cadmium. The current cadmium limits in the 2011 permit should be maintained.

Commenter: Rob Lindsay - Comment A-2-3

Cadmium Limits: Please deleted the proposed cadmium effluent limit because the Spokane River is no longer impaired for cadmium.

Ecology's Response to Limits Comment PA 1-24, PA 2-12, A-2-3

Thank you for your comment. The limits for Cadmium are required in the 1998 Cadmium, Lead, and Zinc in the Spokane River TMDL. Until this TMDL is revised or withdrawn, these are the water quality criteria for these three metals in the Spokane River. The method for applying the limits for these metals must be implemented in the permit. Ecology found an error in the calculation of the limits. The limits have been updated in the Fact Sheet Section III and the Permit Section S1.A.to correct this error.

21. Comments on Monitoring

Summarized Commenters: Spokane Riverkeeper, Spokane Tribe of Indians, City of Spokane, Spokane Riverkeeper, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-26

Permit § S2.A, Table 7 Effluent Monitoring. Is there a reason more frequent monitoring of cadmium, lead, and zinc is needed compared to the current 2011 permit? The City requests that the final Permit maintain the current monitoring schedule of one (1) event every two (2) weeks for these metals.

Table 37 of the Ecology Permit Writers Manual (page 398) suggests that the monitoring frequency can be maintained. For example, by following the procedure on page 397- 398, zinc concentrations for the last two years averaged 36.8 µg/L. The proposed average monthly limit (AML) of 50.9 µg/L would mean the City averaged 72% of the AML, and according to Table 37, the monitoring frequency can be kept at the same frequency. For cadmium and lead, the two-year averages were 56% and 71% of the respective AMLs in the Draft Permit and should also be allowed at the current monitoring frequency, according to Table 37.

Ecology's Response to Monitoring Comment PA-1-26

Thank you for your comment. This monitoring will be once every two weeks as required in the previous permit. Permit Section S2.A Table 7 changed.

Commenter: Jeff Donovan - Comment PA-1-25

Permit § S2.A, Table 6 Influent Monitoring:

- Monthly FOG/TPH monitoring seems unnecessary. The FOG/TPH monitoring should be changed to quarterly, which would match the rest of the priority pollutant monitoring.
- Influent PCB and PBDE monitoring (methods 1668 and 1614) have historically been with 24-hour composite samplers (same as effluent). The City requests keeping this as a 24-hour composite for comparability with historical data.

Ecology's Response to Monitoring Comment PA-1-25

Thank you for your comments.

- The FOG/TPH monitoring was a typo, Ecology changed this requirement to quarterly. Permit Section S2.A. Table 6 updated.
- Influent and Effluent PCB and PBDE monitoring will be changed to quarterly composite samples. Permit Section S2.A Table 6 and 7 updated.

Commenter: Marlene Feist - Comment PA-2-13

Permit § S2.A, Table 7 Effluent Monitoring. The City appreciates Ecology maintaining the monitoring frequency for cadmium, lead, and zinc of one (1) event every two (2) weeks for these metals. Hardness testing is currently performed alongside our metals testing and is primarily used for applying the water quality standard to metals. The City does not see a need to do this on a weekly basis, as proposed in the draft permit. The monitoring frequency for Hardness should be changed to one (1) event every two (2) weeks, to match the frequency of the metals testing.

Ecology's Response to Monitoring Comment PA-2-13

Thank you for your comment. Ecology changed Table 7 of the permit so the monitoring frequency for hardness matches the frequency for metals.

Commenter: Jerry White, Jr - Comment O-2-3

S2 Section 7 Effluent Monitoring: We support monthly, 24-hour composite monitoring for total PCBs in the effluent.

Ecology's Response to Monitoring Comment O-2-3

Thank you for your comment. The City of Spokane will continue to take quarterly influent and effluent samples for PCBs. This will continue to provide adequate data that accommodates variability in industrial inputs and the facility's seasonal influent variations. No changes were made to the permit.

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

Replace the relatively inaccurate and gross test of 608c in the permit, with the far more sensitive test method 1668c for compliance.

Ecology's Response to Monitoring Comment O-1-3

Thank you for your comment. Ecology is required to use as a compliance method those methods approved under 40 CFR Part 136. The approved method for PCB compliance is EPA Method 608.3. This is the method that Ecology will use to assess compliance with the permit limits for PCBs.

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

Please require Spokane to use 1668c to monitor PCBs in the outfall at several points to include the outfall mixing zone, and several low-velocity points in the Spokane River well below the outfall (as far as the 9-mile pool).

Ecology's Response to Monitoring Comment O-1-4

Thank you for your comment. Ecology has removed the mixing zone for PCBs. Ecology has updated the permit to require EPA Method 1668c for quarterly monitoring of the effluent.

Ecology, the permittees, and the Spokane River Regional Toxics Task Force (SRRTTF) have conducted numerous studies to characterize the river system and continue to engage in collecting river data using Method 1668C. This information is available to the public through Ecology's PARIS database, the Environmental Information Management Database, and the SRRTTF database. The permit will not require the City of Spokane to sample the Spokane River for PCBs.

Commenter: Jerry White, Jr - Comment O-1-18

Comment on Appendix A of Permit: We are unsure of why the recommended "default" analytical protocol is tested 608.3 for seven PCB congeners (that are Persistent Bioaccumulative Toxins) as protocol ("unless otherwise specified"). The detection limits on 608.3 seem so high/or gross that it will inevitably lead to non-detects in many situations and therefore miss the presence of PCBs. Additionally, the Appendix says It "only added those PBT parameters of interest to Appendix A that did not increase the overall cost of analysis unreasonably". On the face of it, the mention of cost as a variable in any scientific assessment is alarming as the CWA is designed to be silent on cost to prioritize understanding and minimizing pollution of the public's waters. Please help us understand why the cost is figured into monitoring Persistent Bioaccumulative Toxins. Further, we recommend that such as default is not assigned but monitoring is specified in every case.

Ecology's Response to Monitoring Comment O-1-18

Thank you for your comment. Ecology is required to use as a compliance method, those methods approved under 40 CFR Part 136. The approved method for PCB compliance is EPA Method 608.3. This is the method that Ecology will use to assess compliance with the permit limits for PCBs.

The permit requires monitoring for all EPA-listed priority pollutants and additional pollutants of concern according to the Water Quality Standards. The quote from the Appendix refers to a small group of chemicals added to the list in 2008 which do not have water quality criteria, are not on the priority pollutants list, and are not generally found in treated municipal effluent. It does not reflect any overall approach to determining monitoring requirements. Additional information on how Ecology is addressing these specific chemicals - <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Addressing-priority-toxic-chemicals/PAH>

22. Comments on Next Level of Treatment

Summarized Commenters: City of Spokane, City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-4

NLT and Net Environmental Benefit. The City requests language added to the final Permit memorializing the Net Environmental Benefit of Next Level Treatment (NLT). This includes agreed-upon operation of the facility to treat flows up to 50 MGD through tertiary membranes. Flows exceeding 50 MGD, resulting from storm/runoff events, will be treated with a combination of secondary and tertiary treatment.

Ecology's Response to Next Level of Treatment Comment PA-1-4

Thank you for your comment. As indicated in Ecology's response to the priority comment regarding NLT, the design report provided the design criteria for the facility to meet the Dissolved Oxygen (DO) TMDL. The design report did not provide a mechanism for determining net environmental benefit. Ecology agreed at the time that putting less resources into treatment and more resources into CSOs and Stormwater made sense.

Discharge to the Spokane River now requires the City to meet AKART for PCB numeric and narrative limits. The tertiary membranes process used to meet the DO TMDL has been demonstrated by others discharging to the Spokane River to meet AKART for the current water quality criterion for PCBs. The permit requires the City to operate the NLT system year round to meet treatment requirements for PCBs. The response to Comment PA-2-1 explains how the permit will allow for wet weather operations.

The compliance schedule in Permit Section S18 requires the City to optimize the treatment system to meet treatment requirements for PCBs. If that is not possible, the City will be required to provide an engineering report addendum for the selected alternative for meeting the PCB limits at the end of the pipe. The plans and specifications with a construction schedule is due 5 years from the effective date. Exact dates are in the permit.

Commenter: Jeff Donovan - Comment PA-1-42

Fact Sheet - Page 11, Next Level Treatment: This Page introduces the concept of NLT. It would be worth mentioning in this paragraph that NLT was developed by the City to comply with the 2010 DO TMDL, although the design has been optimized to remove toxics such as PCBs as well. Ecology indicates the "Construction Completion Certificate" has not been submitted for NLT.

Page 22 also mentions this Certificate as well as a Start Up Notice. The City provided Ecology with a notice of substantial completion of the NLT Program on September 29, 2020. Please advise if Ecology requires additional information to satisfy these two items.

Ecology's Response to Next Level of Treatment Comment PA-1-42

Thank you for your comment. The previous permit Section S15. D states: "No later than March 1, 2018 the Permittee must submit a verification that the selected technology(s) have been installed and are optimally functional and ready to comply with the effluent limitations presented in permit conditions S1.B and be continuously operating." The certificate of construction completion meets 173-240-095. The letter provided by the City was sent before the City ran the startup of the NLT system. The letter did not meet the requirements identified in the permit. The startup test did not start until spring 2021 and the City was still running startup testing during the summer 2021. The system was operating under a bypass order from Ecology while completing startup throughout the 2021 critical season. The system is still operating under a bypass order from Ecology while the City is continuing to identify and correct operational issues. No changes will be made to the fact sheet submittals.

Commenter: Marlene Feist - Comment PA-2-2

Permit § S4.A, Design Criteria: Please remove the design criteria from Table 14 in the Draft Permit for the Membrane Filtration Unit, currently listed as average monthly flow 50.0 MGD. Additional facility planning should only occur if the facility approaches the Maximum Month Design criteria earlier in the table of 68.1 MGD (Mar -Oct) and 56.4 MGD (Nov-Feb), not the Membrane Filtration Unit design capacity. Design criteria specific to the membrane facility is discussed in the Facility Plan at Page 5-42, as highlighted below:

- When critical season total phosphorus reaches 85 percent of the NPDES permit limit after the NLT facilities are optimized, the City will submit a plan to Ecology to show how the City will consistently meet the total phosphorus limit for RPWRF in the critical season. The plan will evaluate flow reduction using cost-effective measures from the previous list of alternatives compared to expansion of the NLT facilities and further optimization of the NLT facilities.

Ecology's Response to Next Level of Treatment Comment PA-2-2

Thank you for your comment. Ecology recognizes that the NLT membrane filtration unit was originally designed to meet the DO TMDL. Now the City must meet PCB limits. Tertiary membrane filtrations has been identified as AKART for treatment of PCBs. However, in order to meet PCB limits, the City must be able to treat the entire flow with membrane filters.

During discussion with the City's engineering staff, they indicated that once the flow exceeds 50 MGD, it is routed around the tertiary membrane unit. When this routing of the flow around the treatment unit occurs, it indicates that this flow is a capacity limiting flow for the facility. As a result, Ecology cannot remove this flow from Section S4 Table 14 as this is the design criteria. No changes were made to the Permit.

Commenter: Marlene Feist - Comment PA-2-3

Permit§ S18, Compliance Schedule for Treating PCBs: Please remove the compliance schedule for meeting polychlorinated biphenyl (PCB) limits (Items 5, 6, and 7). This is the first time a compliance schedule has been proposed to the City. It is premature and unwarranted to engineer additional PCB controls prior to the resolution of the PCB total maximum daily load (TMDL) and applicable water quality standards. The City requests that Ecology defer any discussion of or requirement for PCB-related compliance schedules until after the U.S. Environmental Protection Agency (EPA) issues a final PCB TMDL and the final rulemaking on human health water quality criteria applicable to Washington State. The City's variance application, which was filed at Ecology's request in February 2019, should also be addressed prior to establishing any compliance schedule for PCBs.

Ecology has failed to provide a basis for a compliance schedule and appears to assume that membrane treatment is AKART for PCBs. Please describe the methodology and justifications that were used to reach this conclusion. What new information has come to light that was not available when Ecology approved the City's Facility Plan on June 10, 2020? Is this just for the current PCB standard of 170 pg/L? What data was used to make this assertion? Page 48 of the draft Fact Sheet states, "After the system is optimized, it is likely that the tertiary membrane filtration treatment system will be able to meet the end-of-pipe limits for PCBs." Recall, the NLT membrane filtration treatment system was installed for the DO TMDL, not PCBs. Robust, facility-specific data needs to be collected before any such claims can be made and before any compliance schedules are included in the Final Permit.

As an additional point, running the membranes in the non-critical season is much more cost effective for pollutant removal than upsizing the membrane facility. Preliminary analysis indicates that this approach provides more benefit for PCBs removal. NLT was implemented for dissolved oxygen and phosphorus. It simply has never been run to manage PCBs. Regardless, the City and its ICWP is already going above and beyond what is required by operating the membrane facility in the non-critical season. In fact, the ICWP estimated the cost of upsizing the membrane facility from 50 MGD to 85 MGD and found that for PCBs it would cost \$19 million dollars per additional gram of PCBs removed (see Table 7 below). This cost will likely be much higher today and in the future with recent inflation trends. Given most PCBs enter the Spokane River upstream of the RPWRF discharge, there are likely much more cost-effective ways of removing PCBs from the River than expanding the RPWRF membrane facility. For example, further remediating non-point sources, cleanup sites, and upstream legacy sediments would all be much more efficient in reducing PCBs in the Spokane River.

Ecology's Response to Next Level of Treatment Comment PA-2-3

Thank you for your comment. Ecology may use a compliance schedule in the permit when the discharge will not meet the discharge limits.

Ecology has identified that tertiary membrane filtration is one of the methods that will meet AKART for PCB removal. However, the City did not design or size the upgrades for the treatment system based on removing PCBs. As a result, the tertiary membranes do not have the capacity to treat the high flows resulting during storm events.

Ecology provided the City with a compliance schedule to give the City an opportunity to identify the appropriate technology for meeting the end of pipe limits for PCBs identified in the Permit Section S1. The City must provide engineering demonstrating how they will meet the PCB limits in the discharge if after optimization, the wet weather flow management process results in a reasonable potential to exceed the numeric criterion for PCBs. The required engineering report gives the City the opportunity to decide if expanding the membrane filtration capacity or some other technology will meet AKART for the discharge.

With respect to the question that the City has regarding the variance application submitted to Ecology, the response to Topic 2: Variance provides the process for the variance application.

Ecology appreciates the expense associated with treating wastewater for discharge to surface water. The engineering report requires the AKART analysis which takes into consideration the cost of treatment for the various options that will meet AKART for the City's discharge. The City then selects the treatment option that meets AKART and meets their financial limitations.

Ecology did not make any changes to the permit or fact sheet.

23. Comments on Mixing Zone Size

Summarized Commenters: EPA,

Commenter: Susan Poulosom - Comment A-1-4

On Page 41, the description of the mixing zones includes physical dimensions. However, this discussion also states that the dilution factors were calculated based on percentages of the critical flow, and that the permit requires a dye test/mixing zone evaluation. If the physical dimensions of the mixing zone will not be known until the dye test or mixing zone evaluation is completed, the fact sheet should clearly state this.

Ecology's Response to Mixing Zone Size

Thank you for your comment. Due to changes in flow conditions resulting from the increased flow in the Spokane River required by the FERC relicensing, the physical dimensions of the mixing zone are not known. Given that previous permits authorized a mixing zone and an increase in Spokane River flows should result in a smaller mixing zone, Ecology assumes that the mixing zone will comply with the size restrictions.

However, Ecology is requiring the dye tracer/mixing zone evaluation to verify that the physical dimensions meets the requirements of WAC 173-201A-400. Ecology updated the text in the fact sheet to clarify this information. Ecology added text clarifying that the exact physical dimensions are unknown at this time and adding the mixing zone study will be required to Fact Sheet Section III Mixing Zones Bullet 7 and 8.

24. Comments on Mixing Zone Flows

Summarized Commenters: EPA,

Commenter: Susan Poulson - Comment A-1-3

In Table 15, on Page 33 of the fact sheet, which lists the critical conditions used to model the discharge, the harmonic mean river flow is missing from the table. The Surface Water Toolbox software, jointly developed by the USGS and EPA, can calculate stream design flows for a variety of averaging periods and return frequencies, including the harmonic mean. 4 Please calculate a harmonic mean river flow rate and add it to Table 15.

Ecology's Response to Mixing Zone Flows

Thank you for your comment. Ecology remodeled the 7Q10, 30Q5 and harmonic mean flow for the Spokane River USGS gauge 12422500, upstream of the confluence with Hangman Creek and the Hangman Creek USGS gauge 12424000 just before the confluence with the Spokane River. Additionally, Ecology identified 30 cfs of consistent groundwater flow that is contributed to the Spokane River in the reach downstream of the confluence with Hangman Creek. Ecology added the modeled flows to the groundwater contribution to establish the 7Q10, 30Q5, and harmonic mean flow. Ecology updated the permit and fact sheet dilution factors based on these flow conditions and reevaluated the reasonable potential. The tables in Appendix D, provide a list of parameters evaluated for reasonable potential using the recalculated dilution factors. Ecology update the Fact Sheet Section III Mixing Zone Table 15 with the corrected flows and modified Bullet 4. Ecology added the corrected dilution factors to the Permit Section S1.B. Table 5.

25. Comments on Bypass

Summarized Commenters: City of Spokane

Commenter: Jeff Donovan - Comment PA-1-15

Permit § S5.F, Bypasses:

The City's NLT Engineering Report/Wastewater Facilities Plan Amendment No. 3, approved by Ecology, includes the operation of the membrane facility to treat flows of up to 50 million gallons per day (MGD). This was also a key part of the City's Integrated Clean Water Plan, accepted by Ecology. Flows beyond this may only receive secondary treatment. The Draft Permit is unclear as to whether bypasses of the NLT facility fall under any of the listed bypass conditions. To provide clarity, as well as recognize the net environmental benefits of NLT, the City requests that Ecology add language to the final Permit, similar to what was in the 2016 draft permit, as follows:

- Normal operation of Next Level of Treatment includes treatment of up to 50 MGD through the membrane filtration process and blending with secondary effluent prior to disinfection/dichlorination and discharge. Ecology agrees that there is a net environmental benefit to operating the facility in this manner and does not consider this normal operation to fall under any bypass conditions. Effluent limits still apply to this combined discharge.

Commenter: Marlene Feist - Comment PA-2-1

Permit § S5.F, Bypass Procedures: The City's Next Level Treatment (NLT) Engineering Report/Wastewater Facilities Plan Amendment No. 3 (Facility Plan) , approved by Ecology on June 10, 2020, includes the operation of the membrane facility to treat flows of up to 50 million gallons per day (MGD). This is also a key part of the City's Integrated Clean Water Plan (ICWP) which was accepted by Ecology on June 1, 2015. Ecology also highlights the ICWP on their Spokane River webpage. (Note 2) Additional flows beyond 50 MGD would receive primary and secondary treatments. This is a key feature of NLT design and operations, and is not considered a bypass of treatment. Secondary treatment is considered "all known, available and reasonable methods of prevention, control and treatment" (AKART) for domestic wastewater (173-221 WAC). By operating NLT, the City is providing treatment above and beyond most all other wastewater utilities across the State and nation. Furthermore, this approach is consistent with other permits issued by Ecology, such as King County Brightwater Treatment Plant (Note:3) Permit (No. WA. WA0032247) (Brightwater Permit), effective March 1, 2018.

The Net Environmental Benefit (NEB) concept, the basis for design of NLT, was developed closely with Ecology. As detailed in the Facility Plan, the 50 MGD membrane facility was selected because it would provide treatment above and beyond that of a 100 MGD sand filtration unit, even with episodic wet weather flows only receiving secondary treatment. The City's approved Facility Plan is clear by the selection of membrane treatment, a small fraction of storm-related flows would only get secondary treatment, subject to the end-of-pipe discharge limits. This operational regime for treating storm flows was also a key part of the City's ICWP. The analysis shows that the combined discharge would still receive better treatment than a 100 MGD sized sand filtration unit (and thus result in a net environmental benefit).

Based on model results contained in the Facility Plan, an average of 0.7% of flows reaching RPWRF would receive only secondary treatment (with a range of 0.1% to 2%, depending on precipitation/snowmelt for that year). All other flows would get processed through the membrane facility. Expanding the membrane facility to treat such a small fraction of RPWRF's flow would not be reasonable.

To provide clarity, as well as recognize the net environmental benefits of NLT, the City requests that Ecology add language to the Final Permit, similar to that which was proposed by Ecology in the 2016 draft permit, as follows (Note:4)

- Normal operation of Next Level of Treatment includes treatment of up to 50 MGD through the membrane filtration process and blending with secondary effluent prior to disinfection/dechlorination and discharge.

Ecology agrees that there is a net environmental benefit to operating the facility in this manner and does not consider this normal operation to fall under any bypass conditions. Effluent limits still apply to this combined discharge.

This proposed language is consistent with communications between Ecology and the City and what was approved in the Facility Plan and accepted in the City's ICWP. It is also consistent with prior Permits issued by Ecology.

Consistent with the information above, the City also requests that Ecology make the following revisions to page 48 of the Fact Sheet:

The system only has an average of 50 mgd capacity. During storm events, flows may exceed 90 mgd. ~~This results in a bypass of the tertiary membranes during high flow events.~~

This means that 50 mgd is treated through the membranes and the rest of the flow is treated through the secondary treatment then flows are combined and disinfected prior to discharge. This constitutes normal operation of the City's treatment system and does not constitute a "bypass" as defined in Condition S5.F.

Alternatively, if Ecology will not expressly acknowledge in the Final Permit and Fact Sheet that normal operation of the membrane system does not constitute a bypass, the City respectfully requests that Ecology consider and adopt an approach similar to that in King County's Brightwater Permit (Permit No. WA0032247). The Brightwater Permit provides an example of where Ecology has implemented NEB into a NPDES permit. Section S9 of the Brightwater Permit provides for flow blending of membrane treated effluent. Flow blending, which is identified as a bypass of the membrane bioreactor treatment components, is allowed and there are metrics that must be obtained to maintain a net environmental benefit. This method acknowledges flow blending as a bypass, but allows it, subject to compliance with the terms of section S9.

The City requests Ecology incorporate this concept into the City's Final Permit, either by amending § S5.F to add a Flow blending approval and NEB or establishing a separate section within the Permit. The City would be willing to work with Ecology to define the specifics on appropriate performance standards for these situations. However, similar to the Brightwater Permit, § S9.A, the City would propose the following criteria:

- The Permittee may initiate a bypass of the membrane facility when the flows entering the facility exceed the following criteria:

Critical Season (Mar- Oct) Non-Critical Season (Nov-Feb) Peak flow max (sustained for UD to 12 hours) 75MGD 50MGD Sustained flow max (sustained for over 12 hours) 50MGD 50MGD

- The Permittee must minimize the release of pollutants to the environment by taking the following actions:
- Maximize flow through the membrane treatment system, and
- Maximize the use of storage capacity in the influent and clarifier system
- Effluent limits still apply to any combined discharge.
- The bypass event must result from increased flows caused by wet weather, snowmelt, or high river levels.

Notes:

2 <https://ecology.wa.gov/Water- Shorelines/Water-quality/Water - improvement/Total-Maximum-Daily-Load-process/Directory-of-improvement-projects/Spokane-River/>

3 See sections S9.A & S9.D.

4 This language should be added as a separate paragraph: Net Environmental Benefit Performance Standard.

Ecology's Response to Bypass Comments PA-1-15 and PA-2-1

Thank you for your comment. Due to staffing changes, the City did not resubmit and receive approval for the revised 2013 engineering report until 2020. Many changes occurred between 2014, when the City received verbal approval based on the response to comments document, and 2020 when the City submitted the approved engineering report. The most impactful change was the reasonable potential evaluation and limit for PCBs, which was unknown at the time the engineering report was submitted and reviewed.

Ecology appreciates that the City just completed a significant upgrade to meet the DO TMDL. Additionally, the City completed significant work on CSO and stormwater sending a greater amount of flow to the upgraded treatment plant. The City also completed onsite stormwater treatment for the Cochran Basin instead of discharging directly to the Spokane River. This helped the community to get to a cleaner river faster resulting in an environmental benefit.

It is important to know that the Clean Water Act and the Washington Administrative Code have limited conditions under which wastewater may be bypassed around the treatment processes in the facility, if that process is needed to meet discharge limits. In 2014 when the City had to meet the DO TMDL Ecology agreed that the treatment upgrades proposed in 2013 would meet the DO TMDL. Ecology approved the City's approach to manage wet weather in the engineering report. The wet weather operations treats a portion of the effluent through the new membrane facility and bypasses a portion of flow that only receives secondary treatment, around the membrane facility. The final effluent would need to meet discharge limits or would be considered a bypass.

The engineering report documented that using wet weather flow management would meet the discharge limits, which at the time the engineering report was verbally approved was protective of the Spokane River. However, the limits have changed and the City now has a limit in Permit Section S1 for total PCBs.

As requested, Ecology reviewed King County's 2018 Brightwater Permit (Permit No. WA0032247). The permit does allow wet weather operations for blending partially treated effluent with complete treatment. However, the permit requires that the blended water meet the discharge limits in S1 of the permit. The permit for Brightwater does not have toxics limits that resulted in no dilution factor.

Additionally, the Brightwater permit does not identify a loss of the harvest use as a result of the discharge.

Ecology recognizes that the City just completed construction and implementation of the tertiary membranes and that they are still in the optimization phase of deployment. The City will need to demonstrate that managing wet weather flows would not exceed the new permit limits. Ecology considers that the membrane filtration process meets AKART based on the ability of membrane filtration to meet the 170 pg/L criteria as demonstrated at the Spokane County and Liberty Lake. Provided the City's wet weather process meets the PCB limits then Ecology would consider the wet weather process as AKART.

Ecology added conditions to the permit that provide the City with a three year optimization period in which they must sample all blended events for the parameters limited in Permit Section S1 including PCBs using Method 1668. This is to verify compliance with the metals and other parameters and but not to verify compliance with PCBs. Ecology needs PCB data to run reasonable potential to verify that the City's wet weather management process does not result in a reasonable potential to exceed the PCB criteria.

At the end of year three, Ecology will assess the reasonable potential of the blended events to exceed the numeric criteria. If the blended wastewater does not result in a reasonable potential to exceed the numeric criteria, then the City will be able to continue to use their wet weather operations process. However, if the process results in a reasonable potential to exceed the numeric criteria for PCBs, the City will be required to provide an addendum to the engineering report that meets the PCB criteria for all flow conditions at the facility. Ecology recognizes membrane filtration as AKART for PCBs. The City will need to demonstrate that other methods, if selected as the preferred alternative, meet AKART for PCBs and ensures compliance with the PCB criteria.

Ecology added conditions to permit section S5.F approving wet weather operations provided the effluent meets the limits in S1 of the permit. The permit requires that the City provide a technical memo identifying the maximum peak and sustained treatment capacity of the membrane treatment unit. Ecology added reporting and sampling requirements to Permit Section S2. These requirements includes sampling wet weather flow for PCBs using EPA Method 1668 and additional sampling of all other parameters identified in S2 Table 13 when the wet weather flows operations process occurs.

The compliance schedule Section S18. Table 19.5 already includes an optimization for the first three years of the permit cycle. If the wet weather flows result in a reasonable potential, then the City must submit an Engineering report as required in Section S18. Table 19.6.

26. Comments on Clarification

Summarized Commenters: Spokane Riverkeeper, City of Spokane,

Commenter: Marlene Feist - Comment PA-2-18

Fact Sheet - Page 8, Facility Contact: Please update the facility contact to Michael Cannon, Plant Manager; (509) 625-4642; mcannon@spokanecity.org.

Ecology's Response to Clarification Comment PA-2-18

Thank you for your comment. Ecology modified the Fact Sheet Table 1 with the updated contact information.

Commenter: Marlene Feist - Comment PA-2-19

Fact Sheet - Page 11, CSO Outfalls: Under collection system status, 4th bullet: Eighteen controlled CSO Outfalls should be changed to seventeen controlled CSO outfalls (2, 6, 7, 10/12, 14, 15, 16, 19, 23, 24, 25, 26, 33, 34, 38, 41, & 42).

Ecology's Response to Clarification Comment PA-2-19

Thank you for your comment. Ecology made the requested change to the Fact Sheet Section IIA. Collection system status.

Commenter: Jerry White, Jr - Comment O-1-15

In the fact sheet, it states that: "Semiannual assessment monitoring using an appropriately sensitive method (e.g. PCBs: Method 1668, PBDEs: Method 1614; Trace Mercury: Method 1613, and Methylmercury: Method 1630) may be required to evaluate the effectiveness of the BMPs used by the discharger." This language should be changed to "Will be" required in the final NPDES Permit.

Ecology's Response to Clarification Comment O-1-15

Thank you for your comment. Ecology changed the statement in Section V.J to "will" be.

27. Comments on Compliance Schedule

Summarized Commenters: Spokane Riverkeeper, City of Spokane,

Commenter: Marlene Feist - Comment PA-2-5

Permit § S18, Compliance Schedule for treating pH: Please remove the compliance schedule for pH limits (Items 2, 3, and 4). This is the first time a compliance schedule has been proposed to the City. The City requests that Ecology revert back to the approach outlined in Ecology's December 29, 2021, public notice of the Draft Permit; specifically, that the City will gather receiving water monitoring during the permit cycle to obtain updated ambient water quality information, which Ecology will use to model and reevaluate the pH limits in the next permit cycle.

Ecology's Response to Compliance Schedule Comment PA-2-5

Thank you for your comment. Ecology's review of the reasonable potential for the pH of the discharge to change the receiving water pH by more than 0.5 standard units resulted in new pH limits. Because of the new limits, a compliance schedule was added to the permit to give the City time to meet the new limits. If Ecology removed the compliance schedule, the City would be required to meet the limits immediately. The data provided to Ecology over the last permit cycle indicates that the City will not be able to immediately meet the new limits. As a result, Ecology will not remove the compliance schedule. No changes were made to the permit.

Commenter: Jerry White, Jr - Comment O-2-5

S 18A. Compliance Schedule for PCBs and pH We support the proposed Compliance Schedule to optimize the NLT treatment system and evaluate the system's capacity to identify AKART and develop actions and criteria for treating PCBs (No 5-7 of Table 18) such that effluent meets State Water Quality Standards.

Ecology's Response to Compliance Schedule Comment O-2-5

Thank you for your comment.

28. Comments on Reporting

Summarized Commenters: City of Spokane,

Commenter: Jeff Donovan - Comment PA-1-28

Permit § S3.G, Other Reporting:

Ecology should provide additional guidance on what amount constitutes a reportable spill. For instance, is a single drip from a truck's oil pan considered a spill?

Ecology's Response to Reporting

Thank you for your comment. If a spill results in a potential impact to waters of the state it is a reportable spill. If the spill enters the collection system or is too large to contain with a spill kit it is a reportable spill. Ecology has a site with good information regarding spill reporting, Report a spill - Washington State Department of Ecology (<https://ecology.wa.gov/Footer/Report-an-environmental-issue/Report-a-spill>). No changes were made to the permit.