



Upper Columbia River Group

Box 413
Spokane, Washington
99210
509 456-3376
www.idaho.sierraclub.org/uppercol/

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Spokane County Public Works
Utilities Division
1026 West Broadway
Spokane, WA 99260-0430

Dear Wastewater Decisionmakers,

This letter is submitted on behalf of the Upper Columbia River Group of the Sierra Club, in response to your invitation to comment on the scoping phase of the Supplemental Environmental Impact Statement (SEIS) for the proposed new County/City/Valley wastewater treatment plant. Thank you for the opportunity to provide comments.

We understand that the focus of the SEIS is the question of where to locate the plant. Our comments speak to two issues: (1) the issue of treatment technology and how that technology relates to the location the County selects for siting of the new plant and (2) the need to consider new and additional alternatives to siting the plant in the East Central neighborhood.

(1) Siting and Technology

As you know, the Spokane River is currently not meeting state water quality standards for dissolved oxygen (DO). As required by federal law, the Washington Department of Ecology is preparing a water quality cleanup plan (called a "TMDL") for the River. Ecology projects that the TMDL will not be submitted to EPA for approval until July 2005.

Federal law prohibits the issuance of a water quality discharge permit for the Spokane County wastewater treatment plant because it will contribute to the DO problem in the Spokane River. A copy of the federal regulation, 40 C.F.R. § 122.4, is attached to this comment letter. At a minimum, a TMDL must be completed and in place. However, once adopted, it is anticipated that the DO TMDL for the Spokane River will require significant reduction in the pollution discharges of the existing treatment plants and industries. Once this "load allocation" is made and existing polluters are required to cut back, it is highly unlikely that there will be additional dilution capacity in the River to accommodate discharges from the County's new plant.

We understand that the County is pursuing a study, called a Use Attainability Analysis, with the goal of weakening the dissolved oxygen standard. For a variety of reasons, it seems highly imprudent for the County to rely upon the success of this untested process and assume that a pollution discharge permit will be made available in the future.

We also understand that the Department of Ecology stated to the County, in a letter dated November 7, 2003, that the agency would issue a discharge permit for the new plant. This promise was, and is, improper and in violation of federal law. The County should not rely upon this improper representation from Ecology as a basis for assuming that a discharge permit will be available once the plant is constructed.

The two sites now under consideration, Playfair Race Track and the Stockyards, have been selected based on a treatment and disposal design for the plant that assumes the County will be able to obtain permission to discharge to the Spokane River. Given the likelihood that the County will not be able to obtain a discharge permit, the County must re-think treatment & disposal options, and the implications of those options for the location of the plant.

The County has considered a zero discharge design that would avoid the problem of Spokane River water quality limitations. Such a design should now be revisited in the context of siting. Because zero discharge design will likely raise different siting needs with respect to, for example, parcel size, filtration suitability of soils and proximity to the River, this SEIS should consider whether the two sites under consideration will support alternative treatment and disposal designs that conform to legal requirements and limits.

(2) The East Central Neighborhood

The East Central Neighborhood, a low and moderate income neighborhood that provides important affordable house and business sites to our city, has and will continue to suffer as the locus of a variety of public works projects. Most notably, I-90 expansion and the proposed north-south freeway will both remove existing housing and businesses, in significant numbers, from the neighborhood. As such, it is inappropriate for the County to propose to use the largest available parcel in that neighborhood for wastewater treatment – a use that will bring no jobs or commercial opportunities to the neighborhood. The reality is that the benefits of the wastewater treatment plant will accrue to many, while the burden will fall on East Central. It is no small irony that the City of Spokane's need to treat stormwater running off the higher-income South Hill neighborhoods is driving your site selection process.

Economic impacts are appropriate for consideration under SEPA, especially when considered in balance with environmental impacts. As the Washington Supreme Court said in 2000: "SEPA does not require that those evaluating a proposed action consider environmental factors *alone*. Rather, the essential factors balanced frequently are the substantiality and likelihood of environmental cost *and* economic cost." Kucera v. Dep't of Transportation, 140 Wn.2d 200, 224 (2000).

Here, the continued targeting of the East Central Neighborhood for public works projects will lower property values and potentially adversely affect the quality of the human environment and human welfare. Spokane County must consider these potential impacts, including conducting a cumulative impacts analysis that examines what will happen if and when these various projects come to fruition.

Thank you again for the opportunity to comment. The Sierra Club looks forward to a comprehensive, objective and realistic assessment of the environmental impacts associated with treatment plant siting.

Yours very truly,

Rachael Paschal Osborn
on behalf of Sierra Club
Upper Columbia River Group