



Upper Columbia River Group

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

March 4, 2004

Honorable Phillip D. Harris
Honorable M. Kate McCaslin
Honorable John Roskelley
Spokane County Board of Commissioners
Spokane County Courthouse
1116 West Broadway Ave.
Spokane, WA 99260

Re: Wastewater treatment and the Spokane River

Dear Commissioners Harris, McCaslin and Roskelley,

I am writing on behalf of the Upper Columbia River Group of the Sierra Club. We are concerned about Spokane River water quality and the threats posed to the River as a result of regional sewage treatment and disposal methods. The Washington State Department of Ecology has made assurances to Spokane County concerning water quality permitting that violate the federal Clean Water Act and implementing regulations of the U.S. Environmental Protection Agency.

This letter is submitted to provide a citizens' perspective about current issues, to inform you about our concerns, and to ask your help in ensuring that the Spokane River is protected.

First, we want to clarify that the Sierra Club favors sewage treatment utilizing state of the art technology. We understand that a new municipal wastewater treatment plant will be required to handle future growth in Spokane County. We are not opposed in principle to the County's proposed new treatment plant.

The problem arises from the fact that five existing sewage treatment plants are already serving approximately 400,000 people in this region. Treated effluent for these 400,000 people is discharged into the Spokane River and, not surprisingly, the Spokane River is suffering as a result. The River is listed on the state's "303D list" as "water quality impaired" for dissolved oxygen ("DO") as a direct result of our wastewater treatment systems.

Once a river is listed as impaired for a particular type of pollutant, quite sensibly no further pollution of that type is allowed. This concept is embodied in the EPA regulation found at 40 C.F.R. § 122.4, which prohibits states from issuing NPDES (pollution discharge) permits to "new sources" such as the County's proposed treatment plant, "if the discharge from its construction or operation will cause or contribute to the violation of water quality standards."

The County's proposed new wastewater treatment plant as currently designed will contribute to the dissolved oxygen problems in the Spokane River. Under federal law the County cannot receive a permit from the Department of Ecology until a Dissolved Oxygen clean-up plan (called a TMDL) is in place and it is possible for all of the other dischargers to come into compliance with the requirements of the plan.

Washington state just finalized a Dissolved Oxygen model for the Spokane River that indicates that the river is severely over-allocated for oxygen-consuming pollutants. The Coeur d'Alene, Hayden, Post Falls, Liberty Lake and Spokane wastewater plants will be required to reduce their existing discharges to the river before Spokane County can obtain a permit. It is not at all clear how this will be accomplished.

One problem has been the lengthy delay of Ecology's TMDL plan while the dischargers challenged the modeling results. Most recently, the dischargers have undertaken a "use attainability analysis" in an effort to prove that the water quality standard for dissolved oxygen is too high. In other words, rather than address how we, as a region, can learn to live within the natural limitations of the Spokane River, the dischargers are determined to undermine clean-up efforts for the future. Much to our chagrin, Spokane County is participating in this effort

Last November an Ecology official sent a letter to Spokane County Public Works promising that Ecology will issue a discharge permit for the new treatment plant. That promise violates federal law.

We enclose three items that may be of interest. First is a letter we sent to Ecology asking that the TMDL be re-started and that the law be upheld. This letter provides background on the issue. Second is the federal regulation quoted above. Third is a letter submitted to the County's Public Works Department commenting on the scope of the upcoming EIS being prepared for the treatment plant. In sum, we ask that the County re-think its siting decision in light of the fact that it may have to employ a zero discharge technology.

The Sierra Club asks that Spokane County accept the limitations imposed by the Clean Water Act and reconsider its participation in the Use Attainability Analysis process. We also ask that the County revisit a zero-discharge alternative to the new wastewater treatment facility.

The Spokane River is a fragile resource in need of restoration and protection at all levels of governance. We encourage the Board of Commissioners to demonstrate leadership in this effort.

Yours very truly,

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