



CITY OF COEUR D'ALENE

WASTEWATER UTILITY DEPARTMENT

CITY HALL, 710 E. MULLAN
COEUR D'ALENE, IDAHO 83814-3958
208/769-2277 – FAX 208/769-2338
E-mail: sidf@cdaid.org

March 3, 2006

Mr. Dave Peeler
Water Quality Program Manager
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Mr. Peeler;

The city of Coeur d'Alene appreciates the opportunity to comment on Ecology's Draft Water Quality Managed Implementation Plan for the Spokane River collaboration. Coeur d'Alene has been an active contributing participant in the current Spokane River Collaboration since its inception in February 2005. Coeur d'Alene was also a signatory to the UAA petition submitted to Ecology and the agreement between Ecology and the UAA petitioners to suspend finalization of the TMDL and to withdraw without prejudice the UAA petition pending completion of the collaborative process.

Prior to the current collaboration, Coeur d'Alene was a signatory to the memorandum of agreement for the Spokane River Phosphorous Management Plan, 1989. along with EPA Region 10; Idaho Department of Environmental Quality; Ecology and other Spokane River dischargers in Idaho and Washington. The agreement was endorsed and agreed to by the regulatory agencies.

Preamble to Spokane River Phosphorus Management Plan

“A cooperative effort to cost-effectively and equitably manage the phosphorous loading to the Spokane River, the individual point source dischargers (municipal and industrial) have agreed to adopt and implement a regional management plan. This plan as an alternative to immediate allocation of maximum allowable daily phosphorous loadings to the individual dischargers, is endorsed by the various regulatory agencies and relies on their continued participation and support.”

Comments

As part of the current collaborative process, Coeur d'Alene, EPA Region 10, Ecology and the other petitioners agreed to recognize the role of the Idaho discharges and Non Point Source contributions to phosphorous loading problems in the Spokane River in Washington. In acknowledgement of this agreement, EPA agreed to postpone re-issuance of expired Idaho municipal NPDES permits for the participating Idaho municipal dischargers.

EPA's regulatory role in issuing NPDES permits in Idaho and approving or disapproving TMDLs submitted by any of the Region 10 states has not changed since the inception of the Spokane River TMDL process. The 1989 Spokane River Phosphorus Management Plan provided that the "permits issued to the participating dischargers will therefore incorporate the pertinent portions of this plan." (SR MP page 1). Any agreement made by the regulatory agencies and the participating dischargers as a result of the current Spokane River collaborative process will replace the existing 1989 agreement.

Coeur d'Alene is concerned that Ecology's draft plan does not accurately represent the collaborative process agreements between the agency and petitioners. The draft plan addresses the Idaho point source discharges only minimally as shown in the following plan excerpts:

Draft Water Quality Managed Implementation Plan Proposal page 2 "The federal Environmental Protection Agency (EPA) issues and administers NPDES permits in Idaho. The Collaboration includes EPA in an "ex officio" role (EPA approves the Spokane River TMDL and reviews the TMDL implementation plan) and it includes Post Falls, Hayden and Coeur d'Alene, the upstream cities discharging treated effluent to the Spokane River. Currently EPA is preparing to issue revised NPDES permits to these Idaho municipalities. EPA is determining the maximum pollutant loadings from those permits that will not cause or contribute to a violation of Washington's water quality standards. When the new Idaho permit limits are determined, there may need to be some reconsideration of such on Washington's Draft TMDL. EPA has agreed that at some appropriate time it will adjust the Idaho NPDES permits if the Idaho discharges are problematic in reaching the TMDL goal. Meanwhile, it is expected that the impact of the planned new permits is not sufficient to delay the Collaboration's effort or the start of treatment technology upgrades and implementation of other toolbox measures in Washington.

2.2. Idaho

2.2.1. EPA Actions

2.2.1.1. Participate in the MIP adaptive management program. Adjust Idaho permits as appropriate to assure Washington Water Quality Standards are met and Idaho does not contribute to water quality violations in Washington

2.2.1.2. A permit "re-opener" clause is included within each Idaho NPDES permit.

2.2.2. Coeur d'Alene, Post Falls and Hayden Actions

In keeping with the Collaboration, the Idaho Permittees will Investigate and consider Implementation Plan toolbox actions.

2.2.2.1. Wastewater treatment technology

2.2.2.2. Water reclamation and re-use

2.2.2.3. Water conservation measures

2.2.2.4. Infiltration and inflow reduction

2.2.2.5. Non-point phosphorus reduction

2.2.2.6. Combined sewer overflow reduction or elimination

2.2.2.7. Pretreatment programs aimed at phosphorus and other target pollutants"

Ecology's proposal appears to ignore the collaborative process agreements in addressing Idaho discharges.

It was the City's reasonable and confirmed expectation that a final agreement would include the Idaho dischargers and that these dischargers would be treated similarly to the Washington discharges in implementing the agreement through permitting and NPS controls. It was the city's reasonable expectation that any new agreement would be implemented through a joint agreement with the regulatory agencies and dischargers similar to the 1989 agreement that superseded this collaboration.

This language in the draft plan implies that EPA intends to issue permits for the Idaho discharges at loadings that must not cause or contribute to a violation of Washington water quality standards. This is also one of the goals of the Spokane River Collaboration. The draft plan proposes to take a watershed based approach that would recognize both point and NPS controls, technology limitations and the need for adequate time to achieve loading goals. In effect the TMDL or UAA would establish the water quality standard for phosphorus for the Spokane River in Washington. The requirement for the Idaho dischargers to meet a final limit for phosphorus to be established by EPA in the NPDES permits is not consistent with these goals. This approach could result in the contrary requirement for the Idaho dischargers to meet more stringent limits in a shorter period of time in order to "not cause or contribute to a violation of Washington water quality standards" than will be required of Washington discharges to comply with their own state water quality standards. This approach also removes any incentive to voluntarily address NPS controls.

Coeur D'Alene is working with Region 10 EPA to address these concerns. We request that Ecology honor its agreement to work collaboratively with all the dischargers participating in the current collaboration. The Water Quality Managed Implementation Plan should be revised to acknowledge the bi-state watershed based approach that is the foundation of the agreement. It should be made clear that the Idaho discharge permits will be drafted to implement the resulting agreement as revised and that this approach will ensure that the Idaho dischargers are not causing or contributing to Washington water quality standards.

Mr. Dave Peeler

March 3, 2006

Page 4 of 4

Please feel free to call me if you have any questions or wish to discuss these comments further. We look forward to a continuing collaborative process with Ecology and the other Spokane River participants.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Sid Fredrickson". The signature is fluid and cursive, with a long horizontal stroke at the end.

H. Sid Fredrickson

Wastewater Superintendent

C: Kris Holm, Water Resources Northwest
Honorable Sandi Bloem, Mayor
Wendy Gabriel, City Administrator
Jon Ingalls, Deputy City Administrator