

# Inland Northwest Water Resources

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March 3, 2006

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SUBJECT: Stan Miller Comments on Ecology's Draft Managed Implementation Plan

Dear Mr. <sup>Dave</sup>Peeler:

Thank you for the opportunity to provide comments on Ecology's January 2006 Draft Managed Implementation Plan Proposal. I have included in this letter several comments on the Draft and how I see better approaches to implementation. The comments are specific to various sections and sub-sections of the plan but are not detailed. They are at the same level of detail as the Draft Plan. The first three points are general comments on elements of the plan. The second group of three call out specific actions Ecology can take to facilitate achieving success of the TMDL.

## Section 2.1.2 Permitting

Sub-section 2.1.2.4.1.1 denying Spokane's County's proposed new treatment plant a compliance schedule base on it being a "new source" (your quotes) is inconsistent with Paragraph 4 on Page 2. Here it states "Because Spokane County currently sends its wastewater to the City of Spokane for treatment, the County and City goals are combined." This implies that the county's removal of their share of the flow constitutes part of the cities effort to reduce loading. Further, as over 95% of the individual on-site disposal systems over the SVRP Aquifer lie within the area to be served by the County system applying a separate standard to the County is inconsistent with Non-Point Goal 3.5.1 Septic Tank Elimination.

## Section 5.2 Monitoring, Modeling and Studies

Sub-section 5.2.2.1.3 Calling for "Health of the River Reports" every two years is inconsistent with the discussions held by the Monitoring Work Group. Given the typical program start up glitches and the expected slow response in Lake Spokane/Spokane River quality to changes in loading, an initial "Health of the River Report" would be generated after a 5-year period. Follow up reports would come out on three-year intervals. The extensive data evaluation and peer review needed for reports of the desired detail could not be produced biennially under the budget proposed. Annual data compilations including some summary comments would be produced and distributed for water quality tracking purposes.

### Section 5.3.3 Ten Year Review

Reword sub-section 5.3.3.4 to clearly state that a use attainability analysis may be called for as a result of the data contained in the 10 year review.

The Following comments describe actions that should be taken by Ecology to improve the probability of success of any TMDL achieving the desired water quality benefits.

### Section 2.1.2.4.2.8 Stormwater

Sub-section 2.1.2.4.1.2.8 addresses several stormwater issues that may impact phosphorus loading to the Spokane River. In this community the threats from stormwater fall into three categories: combined sewer overflows, direct stormwater discharges and drywell injection of stormwater directly above the SVRP Aquifer. Spokane County has prohibited direct injection for over 25 years; the city of Spokane for over 20 years. Both agencies have struggled with the development community regarding the land requirements of the preferred alternative to direct injection, bio-infiltration. Currently Ecology is developing a guidance document for the newly adopted Underground Injection Control Regulations, WAC 173-218. If the Spokane community is successfully maintain the perceived land consuming bio-infiltration alternative to direct injection, Ecology must not allow the manual to provide rule authorization of stormwater injection for any soil classifications similar to those which host the SVRP Aquifer.

### Section 4.1 Re-Use/Infiltration Recharge

While the County can and should review its codes to facilitate re-use and recharge, the state too has an obligation to improve the clarity in state regulations. DOH and Ecology need to collaborate on regulation revisions that reflect the current state of the science of contaminant removal in the vadose zone to facilitate use of infiltration. Current regulations for on-site disposal of sanitary waste from septic systems over drinking water aquifers are much less restrictive than those for highly treated reclaimed water.

### Section 5.4 Minimum In-stream Flow

The tentativeness of this section is unnecessary. In spite of the difficulties of "lake levels and river flows" there is general agreement among those involved in the Avista relicensing effort that a minimum flow of at least 500 cfs at Post Falls is acceptable; Avista's license application to FERC calls for a minimum of 600 cfs. Trough Ecology's 401 certification responsibility, the agency has the authority to mandate 600 cfs as a license requirement. Based on my experience with the Avista Water Resources Working group, the adaptive management for Spokane River flow revolves primarily around the issue of whether a flow higher than 600 cfs can be supported without effecting river temperature adversely. The issue of lake level draw-downs to support any minimum flow are a matter of defining acceptable risks for failing to achieve a given lake level and exist for any flow above 0 at Post Falls. Consequently lake level will likely be a trigger for an

adaptively managed flow but should not be weighted any more heavily than water quality benefits of higher flows.

If you would like further clarification of any of the points above feel free to contact me via email at [samillerh2o@comcast.net](mailto:samillerh2o@comcast.net) or by phone at 509 455-9988. Again, thank you for the opportunity to express my views on the Draft Implementation Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan", written in a cursive style.

Stan Miller