From: John Beacham <jbeacham@postfallsidaho.org>
Sent: Monday, June 20, 2016 1:47 PM
To: Robert Steed
Cc: Russ Connole; Don Ellis
Subject: Comments on Draft Strategy Paper

Hello Bob-

Thank you for the opportunity to comment on the Spokane River Metals TMDL – WAG Review Draft April 2016 Strategy Paper. Establishing a strategy early-on in the process is a valuable way to obtain both stakeholder input and buy-in. Please accept the City of Post Falls' comments in an effort to assist in the process.

In general, the City of Post Falls is supportive of a TMDL approach which leads to concentration-based load limits for cadmium, lead, and/or zinc. This approach should be clearly laid out in the strategy paper. As demonstrated in the 1999 Washington Department of Ecology TMDL for Metals in the Spokane River, discharges with a high level of hardness and meeting Water Quality Standards for a particular metal will add assimilative capacity to the river. However, if the intended purpose of the TMDL is to develop load (mass) limits for the NPDES permittees on the River, the timing of this TMDL seems premature in relation to the metals clean up actions occurring above the Spokane River. Essentially, it will be ineffective to develop a load-based TMDL on the Spokane River prior to upstream source metals cleanup and containment. Therefore, the City of Post Falls recommends the Spokane River Metals TMDL be developed toward concentration based limits or be placed on temporary hold until metals cleanup actions are complete and source metals are contained. At that time, a comprehensive TMDL or consecutive TMDLs on the impacted water bodies could move forward with a much higher probability of effectiveness and success.

The following comments are specific suggestions with regard to various portions of the strategy paper.

In the Introduction, the Strategy Paper states that "an approved TMDL is necessary for the next NPDES permit cycle for the City of Coeur d'Alene, the Hayden Area Regional Sewer Board, and the City of Post Falls." I suggest restating this sentence to reflect that an approved TMDL would add clarity to that process. In a May 2013 letter, DEQ's Director clarified that water quality will be maintained (pursuant to section 055.04) so long as discharge concentrations are limited to the Water Quality Standards limits. Should this TMDL not be approved prior to the next permit cycle, the City expects this interpretation would remain valid.

Under Background, the Strategy Paper states that Idaho Code §39.3611 states rulemaking provisions must be followed for a TMDL for metals in the Coeur d'Alene River Basin upstream of the headwater of the Spokane River. The Strategy Paper then reasons that as the rulemaking provisions do not apply to the Spokane River in Idaho, DEQ is required to write a TMDL for this water body. The City of Post Falls points out that the requirement for rulemaking provisions do not diminish DEQ's responsibility to write a TMDL for the Coeur d'Alene Basin. Based on the available data, the vast percentage of metals loading to the Spokane River comes from Coeur d'Alene Lake (and further upstream). The 2014 USGS report studying the issue states, "Further significant reductions in cadmium and zinc concentrations in the Spokane and Coeur d'Alene River Basins likely would necessitate reducing loads entering the [South Fork Coeur d'Alene River] from cadmium- and zinc-enriched groundwater near the [Central Impoundment Area]." Although rulemaking must be conducted to accomplish the task, it appears to be critical to improving water quality in the Spokane River. The City of Post Falls does not expect a TMDL which does not include upstream load reductions to achieve Water Quality Standards in the Spokane River.

Under Project Objectives, the Strategy Paper outlines a goal to "determine an upper limit on discharge of metals from both point and nonpoint sources that assure both the chronic and acute metals criteria are met in the river". As stated

above, the City of Post Falls does not anticipate this objective being possible without taking upstream loads (and upstream load reductions) into account.

Also under Project Objectives, the Strategy Paper lists a goal to "calculate reasonable load allocations to point and nonpoint sources in the watershed". The City of Post Falls supports concentration based limits which ensure discharges meet Water Quality Standards at the end of pipe. The City believes that load allocations on the river alone will not bring the river into compliance. A concentration based limit, similar to the Washington State DOE approach, would improve water quality in the river until such time as the Coeur d'Alene Basin TMDL can be completed under rulemaking procedures.

Under TMDL Development: Flow Duration Curve the Strategy Paper notes that flow prior to 1978 has been discarded from analysis due to changes in dam operation which significantly change downstream flows. A similar statement could be made about the new FERC license issued to Avista for the Post Falls Dam which specifies new lower limits for streamflow. This new operational situation should be factored into the development of the flow curves and any resulting calculations.

According to initial review of the DEQ sampling data, it appears the only time downstream water quality is worse than upstream is during fall draw down. The strategy paper should include a plan to address the question of whether or not this is due to resuspension and dissolving of upstream metals within the river.

Under the Stakeholder Consultation section, several contacts are listed for the City of Post Falls. Those contacts for the project should be as follows:
Wastewater – John Beacham, Russ Connole, Don Ellis;
Stormwater – John Beacham, Russ Connole.

Thank you again for the opportunity to provide these comments.

-John

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