



Role of Citizens' Groups in the Spokane River TMDL Process

Presented by Rick Eichstaedt

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What is a Waterkeeper?

- Waterkeepers are privately-funded, non-governmental advocates for an identified river, lake, bay, or sound.
- They advocate compliance with environmental laws, respond to citizen complaints, identify problems which affect their identified bodies of water and devise appropriate remedies to address these problems.
- Waterkeepers employ a variety of strategies to protect their waterbody, including:
 - Monitoring water quality
 - Investigating point and non-point pollution sources
 - Attending meetings and providing public testimony
 - Educating and motivating the public to act on behalf of the water
 - Being a presence on the water and in the watershed
 - Using the media
 - Pursuing litigation to enforce compliance with environmental laws





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Scientist's departure taints river cleanup plan

Long in the works, state to unveil proposal on Wednesday

BY JAMES HAGENGRUBER
Staff writer

A multihundred-million-dollar plan aimed at cleaning up the Spokane River and returning life to vast dead zones deep in Long Lake will be unveiled Wednesday.

But the Washington Department of Ecology scientist who spent the last year writing the plan abruptly quit at the end of August, claiming the proposal is scientifically indefensible and will violate state water quality laws.

"I have never authored anything that's not defensible," Drea Traeumer

said in a recent interview. "My recommendations on how to proceed defensibly were disregarded."

With her resignation, Traeumer becomes at least the third government scientist involved with river cleanup strategy in recent years to have jumped ship over concerns that the plan is too

weak.

News of Traeumer's departure has prompted jitters for city and business officials as they prepare to spend huge amounts of money to meet the plan's requirements. The city of Spokane alone expects to spend nearly a half-billion dollars to more thoroughly purify wastewater dumped into the river.

For environmentalists, Traeumer's exit has become powerful ammunition

in an increasingly heated battle for a tougher river cleanup plan. "This is not going to hold up — when the staff itself is raising these red flags," said Rick Eichstaedt, an attorney for the Center For Justice, a Spokane public interest law firm representing the Sierra Club.

Fed by rain and snowmelt from the Idaho Panhandle, the Spokane River

See RIVER, A1



Cuyahoga River Fire



The Clean Water Act: A Citizens Tool for Restoration of Water Quality

- The goal of the CWA is to protect, “restore, and maintain the chemical, physical, and biological integrity” of the United States’ surface waters and to make all waters “fishable and swimmable.”
- In 1972, only 36% of the country’s lakes and rivers were safe for swimming.

Clean Water Act gives citizens rights...

1. Participatory: public comments, public hearings, public records.
2. Enforcement: “[T]he concept in the bill is that administrative failure should not frustrate public policy and that citizens should have the right to seek enforcement where administrative agencies fail.”
 - 116 Cong. Rec. 33,102 (1970) (statement of Sen. Muskie).
 - Section 505

- Under the Clean Water Act, “any citizen may commence a civil action on his own behalf against any person who is alleged to be in violation of a ...standard or limitation...”

So, why does this matter?

- September 13, 2009 New York Times:
 - **“Clean Water Laws Are Neglected, at a Cost in Suffering”**
 - <http://www.nytimes.com/2009/09/13/us/13water.html?pagewanted=all>
- Approximately 39% of our rivers, 46% of our lakes and 51% of our estuaries are impaired for one or more uses and thus still too polluted for safe fishing or swimming.

- Between 1993 and 2000 the percentage of the nation's lake acres and river miles under fish consumption advisories increased
 - River miles under advisory increased from 2 percent in 1993 to 14 percent in 2001.
- Violations of the CWA have risen steadily over recent years, with over half a million violations over the five years examined.
- Violations are not addressed.
 - In Washington, 8.6 per 100 violations result in enforcement.





TMDLs

- A TMDL is intended to determine the greatest amount of a given pollutant that a water body can receive without violating water quality standards and designated uses.
- TMDL is calculated using the following equation:
 - $TMDL = WLA + LA + MOS + SV$
 - Where: WLA= Waste Load Allocation (point sources)
 - LA= Load Allocation (non-point sources)
 - MOS= Margin of Safety
 - SV= Seasonal Variation

- Too
- Many
- Damn
- Lawyers



Problem # 1: The Stateline: What is the Watershed?

- The TMDL should address all sources within a watershed to meet quality standards.
- EPA issued draft NPDES permits for the wastewater plants in Idaho that grants these plants the entire legal load of phosphorus pollution for the Spokane River. In doing so, EPA makes the assumption that no more pollution will enter the river once it crosses into Washington.
- Washington did not challenge this assumption.

Human sources cannot cumulatively cause more than a 0.2 mg/l decrease in dissolved oxygen below natural conditions



Problem # 2: Considering all the Sources

- Beyond “traditional” point and non-point sources, the TMDL should address all source in the watershed:
 - Hydroelectric development (e.g., impacting dissolved oxygen/temperature).
 - Stormwater.
 - Legislative Options
 - Land Use



- 24 CSOs in City of Spokane
- Must be eliminated by 2017
- Year 2005: 79 million gallons of overflow
- June 2006: 47 million gallons of overflow





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SEE PRECAUTIONS

Problem # 3: Consider the Total Problem

- Spokane River § 303(d)listed pollutants
 - Dissolved Oxygen
 - Total Dissolved Gas
 - Total PCBs
 - Temperature
 - Dioxin (2,3,7,8-TCDD)
 - Fecal Coliform.

- Can we afford clean water? Can we afford rivers and lakes and streams and oceans which continue to make possible life on this planet? Can we afford life itself? Those questions were never asked as we destroyed the waters of our nation, and they deserve no answers as we finally move to restore and renew them. These questions answer themselves.
 - **Senator Edmund Muskie**, arguing for the passage of the Clean Water Act in 1972

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