

# THE SPOKESMAN-REVIEW

June 11, 2011

## Guest opinion: County, Ecology ignored treatment plant permit warnings

Rachael Paschal Osborn

Special to The Spokesman-Review In 2004, the U.S. Environmental Protection Agency sent a letter to the Washington Department of Ecology. In that letter EPA warned Ecology that it could not issue a pollution discharge permit for Spokane County's proposed wastewater treatment plant because of existing pollution in the Spokane River. EPA urged the state to proceed with caution in guaranteeing tens of millions of dollars in low-interest loans to construct a plant that could not be operated.

EPA's letter triggered years of labyrinthine efforts to get around the Clean Water Act's simple requirement that one cannot put a new source of pollution into a river that is already exceeding pollution standards. For the Spokane River, these pollutants include nutrients (especially phosphorus) that deplete oxygen, PCBs, dioxins and flame-retardant chemicals called PBDEs.

The Department of Ecology and Spokane County failed to heed the warning. First the polluters sank a million dollars into a doomed proposal to weaken the standards for the river. Then, the county came up with a Rube Goldberg-style "septic offset" proposal that effectively holds the Spokane River hostage to the aquifer. One or the other can be clean, but not both.

Ecology repeatedly monkeyed with water quality model parameters, searching for a hypothetical configuration that would justify issuing permits to all comers. The "2 plus 2 equals 2" proposal zeroing out stateline pollution was shot down by EPA. The latest science experiment attempts to prove that not all phosphorus is "bioavailable" and thus polluters can put more of it into the river.

Sierra Club's Spokane River Project warned the agencies that PCBs would be another limitation. The Spokane Tribe had adopted human health-based PCB standards in order to protect tribal members who eat fish. Ecology was asked to prepare the phosphorus and PCB cleanup plans in tandem, so that when the dischargers install expensive treatment filters, they work for all pollutants, not just the problem du jour. Yet Ecology has delayed the PCB cleanup plan for years, and no plan is even on the horizon for other toxic pollutants in the river.

The juggernaut would not be stopped. Public employees who blew the whistle about laws not being followed were relieved of their duties. The situation went over the top when the county public works director announced he would privatize the new treatment plant by giving a design-build-operate contract to the same company where he had worked for 17 years. Citizens begged county commissioners not to go this route. There is financial risk in such contracts, on top of the risk that the plant could not get a pollution discharge permit. Both risks are now bearing fruit as the county builds a plant it cannot operate.

The county and Ecology ignored the warnings. Untold millions of public dollars have been wasted on efforts to circumvent clean water laws. The river remains polluted.

When you want to understand why a program has failed – follow the money. It is time for an independent audit of all funds that have been collected from taxpayers (such as the aquifer protection fee and ratepayer stabilization funds) or granted from the state-federal clean-water accounts in the name of Spokane River cleanup. Local governments and state agencies must be held accountable both for internal expenditures and consultant contracts.

Spokane County has known for years that it could not get a permit for a new treatment plant that would put more pollutants into the Spokane River. Now the county blames the Spokane Tribe for its laudable efforts to protect the river and the people. Where is the accountability?

Rachael Paschal Osborn is executive director of the Center for Environmental Law & Policy and a member of Sierra Club Upper Columbia River Group's Spokane River Project.