



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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COUNTY COMMISSIONERS

September 4, 2008

The Honorable Bonnie Mager
The Honorable Todd Mielke
The Honorable Mark Richard
Spokane County Commissioners
1116 West Broadway Avenue
Spokane, WA 99260-0100

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RE: Exemption to GMA compliance requirement for Washington State Water Pollution Control Revolving Fund Determination of Substantial Environmental Degradation

Dear Commissioners:

Thank you for your letter of August 12, 2008, applying for relief from any delay in funding the design and construction of Spokane County's (County) new water reclamation facility, and continuation of the Septic Tank Elimination Program (STEP) in the Spokane Valley. The Growth Management Act (Act) Hearings Board has determined that the County is not in compliance with the Act. This finding prevents the state from making grant and loan payments except in the case of a documented health need or substantial environmental degradation.

The County requested an exemption based on a contention that delay would lead to substantial environmental degradation as provided for in Chapter 173-95A WAC. As you demonstrated in your letter, the County is prevented from continuing the STEP due to limited capacity at the City of Spokane wastewater treatment facility. The County currently has a State Revolving Fund (SRF) loan agreement for construction of a new, state-of-the-art, County-owned facility which will provide needed capacity. A delay in construction of this plant will prevent continuation of the STEP and contribute to degradation of the Spokane River, as well as the Spokane Valley Rathdrum Prairie Aquifer.

The Department of Ecology (Ecology) reviewed your letter and determined that there would be documented substantial environmental degradation by delays in both the Spokane Valley STEP and the new water reclamation plant. Avoidance of substantial environmental degradation meets the intent of Chapter 173-95A WAC. We concur with the County's determination that there is reason to proceed with implementing the wastewater projects for septic elimination, removing pollutants from the Spokane River, and meeting the requirements of the draft Spokane River and Lake Spokane Dissolved Oxygen Total Maximum Daily Load (TMDL) and the future permit for the new facility.



This determination is based on the following findings:

1. The purpose of the extended grant payment is to:
 - a. Eliminate existing septic tanks from Spokane Valley area.
 - b. Extend sewers to areas with growth to protect ground water and river water quality.
2. The purpose of the SRF loan is to:
 - a. Design and build a regional reclaimed water facility, providing advanced nutrient removal as required by the draft Spokane River and Lake Spokane Dissolved Oxygen TMDL and the future permit conditions for the new facility.
 - b. Produce high quality reclaimed water which also diverts some residual nutrients to beneficial uses away from the Spokane River, conforming to the requirements of the Spokane River and Lake Spokane Dissolved Oxygen TMDL and the future permit conditions for the new facility.

The County and Ecology are working on finalizing an amendment to the SRF agreement and a Memorandum of Understanding implementing the funding agreement. The agreement will contain a special condition noting that Spokane County must still comply with the Act, and that this exception is only due to the substantial environmental degradation related to the specific project.

If you have any questions about this matter or need additional information, please contact Richard Koch, Project Engineer, Eastern Regional Office, at rkoc461@ecy.wa.gov / (509) 329-3519, or Jim Bellatty, Section Manager, Eastern Regional Office, at jbel461@ecy.wa.gov / (509) 329-3534.

Sincerely,



Jay J. Manning,
Director

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cc: James M. Bellatty
Richard A. Koch
Kelly Susewind, Manager, Ecology Water Quality Program