



June 6, 2003

Mr. Don Nelson
Department of Ecology
Industrial Section
P.O. Box 47706
Olympia, WA 98504-7706
dnel461@ECY.WA.GOV
Via Email

RE: Comments on the proposed NPDES permit renewal for the Weyerhaeuser, Cosmopolis Pulp and Paper Permit No. WA-000080-9 DRAFT Issuance

Dear Mr. Nelson,

FOGH (Friends of Grays Harbor) is a broad-based 100% volunteer tax-exempt 501(c)(3) citizens group made up of crabbers, fishers, oyster growers and caring citizens. The mission of FOGH is to foster and promote the economic, biological, and social uniqueness of a healthy Grays Harbor estuary. The goal of FOGH is to protect the natural environment and human health in Grays Harbor and vicinity through science, advocacy, law, activism and empowerment.

We appreciate this opportunity to comment on the above referenced draft NPDES permit and incorporate by reference comments made by the Grays Harbor/Willapa Oystergrowers Association, Pacific Coast Shellfish Growers Association, Waste Action Project and Surfrider Foundation.

Review of the Draft Permit raises some concerns for our constituents and we request that an extension is given to the comment period to allow further analysis of this dramatic expansion of pollution to the Grays Harbor Estuary.

Conclusions made by the Department of Ecology were based on two documents: *Analysis of the Available Scientific and Public health Data Regarding the Cosmopolis Mill's Effluent: The Public Health Significance of the Effluent, and its Impact on Water Quality in Grays Harbor, Shellfish Growing Waters, and Shellfish*, IEH, Inc. 2002 and *Grays Harbor Hydrodynamic & Water Quality Modeling Report*, CH2MHill, 2002. While the fact sheet states "These documents can be found on the web at: <http://www.ecy.wa.gov/industrial/proposed.asp>," we were unable to access these Appendices for review. Since this apparently is the basis upon which the mixing zone and fecal coliform limits are increased, it is critical for the public to have the opportunity to read, analyze and review these base documents.

The permit increases the mixing zone from 1300 meters (.81 miles) to 3000 meters (1.86 miles) roughly 2-1/3 times its present delineation, however there doesn't appear to be any discussion about cumulative effects of this expansion.

1. How will the increased mixing zone affect the permit renewals of the other existing point source permits within the mixing zone?
2. What is the zone definition of Weyerhaeuser? Describe and/or illustrate so that an impact and overlay map could be developed.
3. How does that zone interact with existing permitted zones of Aberdeen Wastewater Treatment Plant, Hoquiam Treatment Plant, Grays Harbor Paper and other industrial NPDES permits in the immediate and adjacent areas?
4. What is the effect of water quantity to the fecal count transport to the DOH sanitary line?
5. What would be the typical flow and rate during winter storms?
6. Storms and other events can stir up the sediment and fecal coliform can become reintroduced to the water column. What would be the impact of wave and wind surge to the mixing and possible turbidity?
7. What is the oxygen requirement of fecal coliforms and how would this affect the receiving waters oxygen level?
8. The fact sheet at page 23 states: "However, with the extended mixing zone they may use less chlorine containing chemicals thus reducing the production of AOX. If the fecal coliform found in the discharge is above the Department of Health closure criteria but below the proposed permit limit on a continuing basis and the oyster growers are impacted." What are the best case and worst case scenarios for this eventuality?
9. What is the reasonable potential for this to occur? How many times could this occur in a 12 month period?

The Grays Harbor Estuary has been on the 303d list for fecal coliform for over 5 years. However the draft permit proposes to increase the fecal limits over 4 times the existing limits. The combined permitted geometric mean for Outfall #1 and #2 is 48,000 colonies/100mL (42,000 #1; 6,000 #2), with no more than 10% of the samples exceeding a combined total of 196,000 colonies (182,000 #1; 14,000 #2).

The oyster and shellfish industry provides a significant economic benefit to the Grays Harbor area and State of Washington. The industry is regulated on a very stringent fecal colony limit. Exceeding that limit has been detrimental to the oystergrowers and has resulted in the closure of the Bay to shellfish harvesting. In the past under the existing permit which had a limitation of 20,000 colonies/100 mL, Weyerhaeuser had difficulties containing their permit levels of fecal coliforms. This resulted in closing down the shellfish growers from harvesting. An October 22, 2001 Press Release from the Department of Ecology references a \$14,000 fine levied against the pulp mill:



“OLYMPIA - The Weyerhaeuser Company’s Cosmopolis pulp mill has been fined \$14,000 by the state Department of Ecology (Ecology) for allowing high levels of fecal coliform bacteria to enter Grays Harbor through its wastewater discharge.

The discharges occurred on June 15, 18, 19 and Aug. 9. The highest of the June discharges was nearly three times the maximum level allowed by the mill’s wastewater discharge permit.

The August discharge was eight times the maximum level, prompting state health officials to close a portion of Grays Harbor to commercial shellfish harvesting for seven days. People can become sick after eating shellfish containing fecal coliform bacteria.

The discharges occurred at the mill’s outfall located in the south channel of the inner harbor.

The mill has been fined repeatedly for similar discharges in the past.

‘It is abundantly clear to the company that the mill has a problem, and we’ve been working together to try to fix it,’ said Carol Kraege, who manages Ecology’s industrial section. “Somehow, we need to find a way to help the mill operate without leaving Grays Harbor unfit for harvesting shellfish.”

It appears that the solution crafted by Weyerhaeuser’s consultants and the Department of Ecology was to expand and increase permit limits thereby eliminating the Company’s permit violations. We are concerned however, that the public health and safety issues that were valid with the smaller zone and lower limits still remain.

10. How does the increased Weyerhaeuser fecal limit and mixing zone protect the use by the public and shellfish harvesters?

Fishing in the Grays Harbor area has been a mainstay of tourism, tribal culture, and commercial fisheries. The Estuary is a nursery to many commercially significant marine creatures, such as crab, salmon, sole, sturgeon and a myriad of forage fish that feed our diverse aquatic denizens and internationally significant wildlife. Humans recreate in the waters of the Chehalis and Grays Harbor. As different fishing seasons open many fishers are found trolling the waters of Grays Harbor and the Chehalis.

11. What is the effect of increased fecal loading to a 1.86 mile area used for fishing and recreational uses?
12. What is the effect of increased fecal loading on juvenile salmon as they pass from the Chehalis into the estuary?
13. What is the effect on bottom dwelling and bottom feeding organisms?

Non-conservative pollutants are pollutants that degrade in the receiving water. Some typical non-conservative pollutants are BOD, ammonia nitrogen, and fecal coliform. As mentioned before the Chehalis River and Grays Harbor Estuary are on the 303d list.



The Department of Ecology's Permit Writers' Manual, 92-109 gives guidance to the permit writer when the water is on the 303d list. "Once the water quality impairment is confirmed or verified the following principle is in effect:

- There can be no additional loading or higher concentration allowed for the listed pollutants at times of impairment until the TMDL is completed and it shows dilution available at full implementation of the TMDL."

- 14 What is the justification for ignoring the Grays Harbor TMDL study?
- 15 What is Ecology's interpretation of the intent of the Legislature in their rule making to protect the waters of Washington State?
- 16 What are the criteria by which a permit limit modification can jeopardize another industry?
- 17 If this Permit allows the increase of the mixing zone, how will the Department reconcile the need for Aberdeen the Wastewater Treatment Plant (and other NPDES Permits) to maintain one fecal level, while the Weyerhaeuser permit allows a different standard and mixing zone?
- 18 If the mixing zone is adequate for Weyerhaeuser's effluent which is roughly 5 times the volume of Aberdeen, why wouldn't it be reasonable for Aberdeen (and others with less flow) to use this same justification and therefore reduce their treatment process?

We are greatly concerned that the accommodations made to the Weyerhaeuser, Cosmopolis NPDES permit does not protect the water quality of the Chehalis River and Grays Harbor Estuary. We are concerned that a 2-1/3 increased mixing zone and roughly 4 times increase in fecal coliform loads is degradation to an already impaired 303d waterway. We feel that additional time for review is necessary to fully understand and review this potentially negative impact.

Thank you for your consideration of this important public health, welfare and safety issue.
Sincerely,



Arthur (R.D.) Grunbaum
Board Member

