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Spokane Riverkeeper Settles Law Suit with the Environmental Protection Agency and the Washington Department of Ecology to Protect Water Quality in Hangman Creek

Spokane, Washington - The Spokane Riverkeeper has settled a federal lawsuit challenging the Environmental Protection Agency's ("EPA") approval of Washington Department of Ecology's plan to clean up pollution in Hangman Creek.

The innovative settlement will identify and prioritize specific actions to reduce polluted runoff into this tributary of the Spokane River. It will fix pollution problems that have plagued the creek for years. The settlement includes updating the assessment of shoreline vegetation, documenting points of pollution entering the stream (including tillage and livestock practices that are sources of pollution), tracking pollution correction measures and documenting the effectiveness of those correction measures. In order to be effective, a watershed cleanup plan needs a smart balance of voluntary, incentivized programs backed up by strong regulatory side-boards. This settlement will hold WDOE accountable for making progress by documenting its use of regulatory tools to enforce clean water laws if voluntary, technical and financial assistance in correcting problems fail. Both approaches will be used by the Washington Department of Ecology to protect the public's health and protect clean water.

"This agreement will certainly add momentum in cleaning up pollution problems in Hangman Creek," says Spokane Riverkeeper, Jerry White, Jr. "The Clean Water Act and Washington State law requires the recovery of clean water and habitats that support native redband trout. We believe this settlement will move the needle in the direction of long term recovery".

Hangman Creek has high levels of sediment and fecal coliform bacteria and high water temperatures caused by poor agricultural practices and land uses. Hangman Creek remains one of the most polluted creeks in Washington State. This pollution causes several problems. First, it continues to discharge contaminants to the main-stem of the Spokane River, and second, it prevents the recovery of Spokane's iconic redband trout in areas it once thrived. Unfortunately, the stream and shoreline habitats that once supported these fish are now so degraded they do not live in the main sections of Hangman Creek. In the long term, this agreement will help in providing livable habitat for the salmon that will one day return to the watershed.

The EPA approved a 10 year clean-up plan (called a "Total Maximum Daily Load") in June, 2009, and the Washington Department of Ecology is charged with implementing that plan. However, problems persist in Hangman Creek and progress has been slow since 2009.

Spokane Riverkeeper scientist, Jule Schultz, said, "We fully expect the implementation of this agreement will become a partnership effort in the basin. We know other organizations, and farm producers have been working hard to improve Hangman Creek for years, and we

hope that Ecology's plan will be an added framework helping get the community to clean water in the coming decade".

Spokane Riverkeeper was represented by attorneys Jake Brooks and Bryan Telegin of the law firm Bricklin & Newman, LLP.

Background Information:

Find Original Challenge [here](#), Appendix document [here](#)

Find the Settlement Agreement [here](#)

For more information on the types of pollution that are causing issues for Hangman Creek:

- Washington Department of Ecology [Hangman Creek Clean Up Plan:](#)

About the Spokane Riverkeeper:

Spokane Riverkeeper's mission is to protect and restore the health of the Spokane River watershed and to defend our right to a clean Spokane River. The Spokane Riverkeeper advocates for clean water and educates the public about issues that impact our waters. Citizens are encouraged to get involved and stay connected to their Spokane River, one of the region's most valuable natural assets.

Photos of Pollution Problems in Hangman Creek



Top soil erosion caused by tillage practices that expose highly erodible soils causing them to run into creeks effectively killing many organisms in Hangman Creek and degrading the water quality of the Spokane River.



Livestock pastured with direct and unrestricted access to Hangman Creek. This practice tramples streamside vegetation, erodes banks and encourages mud and dirt to enter the creek. Further, animals defecate directly into the waterway which adds harmful nutrients to the surface water, encourages the growth of algae, and depletes dissolved oxygen that fish need to live.



A common practice: ditching wetlands and tributaries that increase mud entering Hangman Creek and amplify flooding down river which tears out stream banks and vegetation in the lower basin.



Sediment and soil (pollution) entering the Spokane River from Hangman Creek at the confluence of the Spokane River and Hangman Creek.

Photo taken March, 2018.



Shorelines are often stripped of vegetation leading to direct runoff of top soil and polluted water from the surrounding landscapes.



Sediment and soil (Pollution) in Hangman Creek, June of 2015