



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

REGIONAL ADMINISTRATOR

July 1, 2009

The Honorable Mike Crapo  
United States Senator  
251 East Front Street, Suite 205  
Boise, Idaho 83702

The Honorable James Risch  
United States Senator  
483 Russell Senate Office Building  
Boise, Idaho 83702

The Honorable Walt Minnick  
House of Representatives  
33 Broadway St., Ste. 251  
Meridian, Idaho 83642

Dear Gentlemen:

Thank you for your letter of June 4, 2009, which clearly explains some of the concerns your Kootenai County constituents have about the National Pollutant Discharge Elimination System (NPDES) permits for discharges to the Spokane River in Idaho. As you know, EPA is providing technical support to the Washington Department of Ecology (Ecology) as it develops a plan (i.e., Total Maximum Daily Load, or TMDL) to improve water quality in the Spokane River. The water quality problems in the Spokane River are serious and complex, and EPA places a high priority on the development of a legally and scientifically defensible solution that will improve water quality in a way that is equitable for Idaho, Washington, and the Spokane Tribe.

Although developing a solution to the water quality problems is a complex undertaking, we do know what is causing the problem: The growing communities in the Spokane River watershed are discharging too much phosphorus and other oxygen demanding pollution into the river. These pollutants create nuisance algae growth and deplete the oxygen level in the Spokane River and Lake Spokane. Lake Spokane has a very limited capacity to absorb nutrient pollution and that very limited capacity must be shared by all sources in both Washington and Idaho. The limited loading capacity means that meeting water quality standards for dissolved oxygen in Lake Spokane will likely require phosphorus limits for point sources near the lowest levels in the Country.

You raise a number of concerns specifically related to Washington's water quality standards. The Clean Water Act authorizes states to adopt state-specific water quality standards that protect the state's beneficial uses (e.g., aquatic life, swimming, fishing), which EPA is then required to review and approve if they are determined to be protective. The beneficial uses for Lake Spokane were established by Ecology through their water quality standards adoption process, which included opportunities for public review and input. While these beneficial uses have not been revisited recently, EPA has reviewed information from Washington Department of Fisheries indicating that trout are an existing beneficial use in this waterbody. There is a very direct relationship between dissolved oxygen levels and the health of trout, therefore, we support Ecology's assertion that dissolved oxygen criteria are needed to protect beneficial uses in the Spokane River and Lake Spokane.

Your letter also expressed concerns about the Spokane River TMDL being developed by Ecology. The TMDL is required by federal regulation to achieve the state's existing, EPA-approved water quality standards. By necessity, TMDLs are frequently developed with the assistance of mathematical models. The model framework we are using for the Spokane TMDL (CE-QUAL-W2) is widely used for TMDL analyses involving reservoirs. This model is the best method available to track the cumulative impact of all pollutant sources on dissolved oxygen in the reservoir. Once we understand these impacts, we can divide the pollutant capacity among the sources. The pollutant capacity is the amount of pollution the reservoir can receive from all the sources and still meet the dissolved oxygen water quality standard. EPA is committed to achieving an equitable division among the sources.

You have a concern that the model scenarios supporting the TMDL would only model results of discharges of 50 µg/L total phosphorus from the Idaho dischargers. We are now planning to conduct three distinct model scenarios for Idaho sources: One simulating the effect of monthly average permit limits of about 50 µg/L total phosphorus, one simulating the effect of monthly average permit limits of about 70 µg/L, and a third simulating the effect of seasonal land-application (with higher spring and fall phosphorus limits) for the Hayden Area Regional Sewer Board. The decision to simulate the effect of monthly average permit limits of about 70 µg/L was made very recently. Thus, we believe we are evaluating a range of realistic options to determine allocations for the Idaho and Washington point sources.

You note that stakeholders have brought in experts to assist in the model development and analysis, and you are concerned that Ecology's desire to stay on schedule may come at the expense of appropriate scientific study. We welcome the participation of modeling experts in this process. In fact, we have held a half-day workshop, other meetings and many conference calls with these experts to discuss the model. They are providing helpful peer review of the work, and we have made a number of changes to the model based on their advice. We are also sharing electronic model files with them so they can run the model themselves to examine any and all discharge scenario alternatives. Perhaps even more importantly, the assessment and associated modeling work for the Spokane TMDL has progressed over five years, and the model and scientific basis for the TMDL have been reviewed and refined in multiple iterations. We believe the model is in good condition to support decisions.

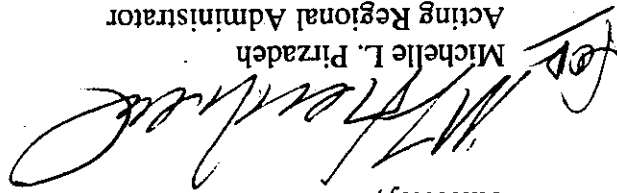
We do have a strong interest in completing the TMDL and permits in a timely fashion, and our schedule reflects that interest. However, we have changed the scope and schedule of our work in direct response to input from the stakeholder community and their modeling consultants, and we will continue to make adjustments as needed to ensure that the TMDL is complete, accurate, and sound. The end-of-the-year deadline is in direct response to stakeholder input. The project schedule has been jointly developed and managed by both EPA and Ecology with regular coordination and involvement with the Idaho Department of Environmental Quality, as is illustrated by our joint response (enclosed) to the stakeholder's October 8<sup>th</sup> letter.

Once the TMDL is complete and NPDES permits are issued, new on-the-ground changes to improve water quality in the Spokane River will commence. These improvements will be directly measurable. Without the TMDL and the permits, water quality in the Spokane River will further degrade, beneficial uses in the Spokane will be further jeopardized, and the City of Spokane will run out of wastewater treatment capacity.

Region 10 welcomes the opportunity for an in-person meeting with the Idaho Delegation in the near future to discuss this issue and seek resolution. I have asked Don Martin, 208-665-0458, in EPA Region 10's Coeur d'Alene Field Office, to contact your offices and find a time and place for a meeting.

Please feel free to call me if you have any questions at (206) 553-1234.

Sincerely,



Michelle L. Pirzadeh  
Acting Regional Administrator

Enclosure—EPA's October 9, 2008, response letter re Spokane River Dissolved Oxygen TMDL

cc: U.S. Senator Patty Murray  
U.S. Senator Maria Cantwell

Ms. Terry Werner, City of Post Falls  
Mr. Ken Windram, Hayden RSB

U.S. Representative Cathy McMorris-Rodgers  
Ms. Toni Hardesty, IDEQ

Mr. Dan Redline, IDEQ

Mr. Jay Manning, WADOF

Mr. Grant Pfeifer, WADOF

Mayor Sandi Bloem, Coeur d'Alene

Mayor Clay Larking, Post Falls

Mr. Sid Fredrickson, City of Coeur d'Alene