

May 31, 2005

Ms. Llewellyn Matthews
Executive Director
Northwest Pulp & Paper Association.
1300 114th Ave. S.E., Suite 200
Bellevue, WA 98004

Dear Ms. Matthews:

Thank you for your public comment letter received on December 17, 2004, regarding Washington State's Water Quality Assessment for 2002/2004. The department received over 45 comment letters during this last review process and is appreciative of the time you took to review and comment on this assessment. We realize that there is an extensive amount of information in the Water Quality Assessment. The scrutiny given by you and other public reviewers has resulted in many changes and corrections that improved the accurateness of the final submittal to the Environmental Protection Agency (EPA).

The Water Quality Assessment is being submitted to EPA as an "integrated report" to meet the Clean Water Act requirements of sections 305(b) and 303(d). EPA will only take approval action on Category 5 of the assessment, which represents the state's 303(d) list. The Water Quality Assessment can be viewed at <http://www.ecy.wa.gov/programs/wq/303d/index.html>.

Responses to your specific comments, noted below, correspond in the order provided in the attachment to your letter.

Part 1: General Recommendations

1. *Delay finalizing the proposed list.* The staff at headquarters has worked with regional field staff to review the temperature listings based on criteria exceedances and determine if there are human factors or activities that would potentially impact temperature. If so, waters were left on the Category 5 list until further study is done (either through a TMDL or pollution control plan) to determine the natural system potential from the potential human impacts. Ecology has also committed to set up a public advisory group to talk further about statewide temperature listings and how to address them.
2. *Create new category for temperature listings within Category 2.* Ecology is reluctant to create new categories that are not already described in Policy 1-11. This can be considered for the next listing process when Policy 1-11 is considered for revisions.
3. *Water bodies for temperature do not need a TMDL and should not be in Category 5.* Ecology does not agree with this statement. Increased temperatures can impact salmonids in many ways, and can affect the availability of dissolved oxygen. Temperature TMDL studies are underway for many water bodies, and the information is valuable for determining

temperature impacts from human sources. Although NWPP describe temperature listings as “self-implementing” through NPDES permits, this assumption does not factor in impacts from nonpoint sources, which may cause a greater risk to temperature than point sources.

4. *Include language in the listing basis the applicable criteria that caused the listing.* We are unclear what additional information this is intended to cover. Ecology will provide information that indicates potential human sources that relate to temperature listings on Category 5, but we do not anticipate having that as a part of the basis information.

Part II: Comments on Overall Issues

1. *Ecology has inappropriately applied the state temperature water quality standards for Category 5.* Ecology understands NWPPA’s frustration with temperature listings. Following discussions with NWPPA, Lincoln Loehr, and Grant Nelson on the issue, the staff at headquarters worked with regional field staff to gather information related to the location of the temperature listings in Category 5 and whether natural conditions could be determined. We produced maps showing point sources and nonpoint sources (based on land use) as an aid in determining whether human activities could be impacting the increased temperature.

Where a natural condition call could be made, the listings were moved to Category 1 or 2. In most cases, however, the ability to determine the natural conditions when human activities were present was not possible without further study, including the significance of the human contribution. These waters were left on Category 5 to trigger a TMDL study to make those determinations. These determinations usually require new data collection and complicated modeling of that data. It is through these processes and the refined analysis that more reliable temperature decisions can be made.

2. *Ecology’s proposed temperature listing actions are not consistent with Policy 1-11.* The first step in assessing for temperature impairments is to determine if the temperature criteria was being exceeded. This technical assessment was performed by Environmental Assessment Program staff. We agree that in many cases we had not taken the adequate next steps to determine whether the temperature increases could be caused by human actions. As noted above, after discussions with you and others, we worked with regional field staff to review temperature listings to identify human sources that may be contributing to the temperature increases.
3. *Ecology’s interpretation of the state temperature water quality standard is effectively a revision to the state standard without going through rule-making.* Ecology believes the additional steps it has taken to identify human sources in proximity to the temperature increases satisfies the current standards language for temperature criteria.

Part III: Detailed Comments on Specific Listings

1. *River segments subject to the NWPPA temperature studies*
As we have stated before in discussions, a fundamental assumption that the NWPPA temperature studies made was that the background temperatures were equivalent to the natural condition of the river. Ecology does not agree with this assumption, since a number of conditions on the river are not natural, but the result of human actions that could cause or contribute to increased temperatures.

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2. *Other river segments in the vicinity of mills are not properly listed as Category 5.* Ecology has performed an analysis of whether human activities in the vicinity of the temperature listings could cause or contribute to the temperature listing. The result of this analysis is enclosed for your review.

Thank you again for taking the time to provide comments to Ecology. If you have questions regarding the above responses, or would like further clarification, please feel free to call me at 360-407-6414.

Sincerely,

A handwritten signature in cursive script that reads "Susan Braley".

Susan Braley
Unit Supervisor
Watershed Management Section

Enclosures