Ponderay Newsprint Company

422767 SR 20 • Usk, WA 99180-9771

May 14, 2015

Mr. Patrick Lizon
Water Quality Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Mr. Lizon:

I am writing on behalf of Ponderay Newsprint Company ("PNC") to comment on the proposed Section 303(d) designations for the Pend Oreille River ("the River"). PNC owns and operates a newsprint mill near Usk, Washington that discharges effluent into the River at river mile 72.6. In addition to the comments that follow, which are specific to the Pend Oreille River, PNC supports the comments filed by Northwest Pulp & Paper Association on the proposed 303(d) list.

Temperature listings

Ecology proposes to list most segments of the River as Category 5, and to change the listing of Segment ID 8616 from Category 2 to Category 5. PNC opposes this change, and urges Ecology to list segments 8617, 8616, 8614, 48345, 48346, 48347, 48348, 48351 and 48352 as Category 1 for temperature. The basis for this request is that the available TMDL modeling shows that these segments meet the applicable water quality standard for temperature:

> Temperature shall not exceed a 1-day maximum (1-DMax) of 20.0 °C *due to human activities*. When natural conditions exceed a 1-DMax of 20.0 °C, *no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3 °C.*

WAC 173-201A-602(1), Table 602, WRIA 62 (Pend Oreille River) note 1 (emphasis added).

Ecology proposes to list the Pend Oreille as temperature impaired (Category 5) based on data showing intermittent summer exceedances of 20.0 degrees C. But that data does not demonstrate an exceedance of the standard, where natural conditions cause the River to exceed 20.0 degrees C. PNC's comments on the 2002 303(d) list, prepared by Lincoln Loehr, demonstrated that River temperatures are naturally elevated because the River drains a large lake in Idaho, and the outlet draws from the warm surface waters of the lake. PNC also demonstrated that Albeni Falls Dam at the Idaho-Washington border did not create Lake Pend Oreille, but it does elevate the Lake level in late summer. The river outlet draws from a slightly greater depth range than in the natural condition, resulting in a cooler mix of water in the outlet flow than the

natural condition. The upstream segments of the River should, therefore, show lower summer temperatures than under natural conditions. Those segments meet the above-quoted temperature standard.

Ecology completed the draft TMDL in 2010 and revised it as a final TMDL in November 2011.[1] The TMDL essentially supports the findings summarized above:

> With the exception of the Skookum reach, the Pend Oreille River, from Newport to Blueslide, is cooler now in relation to the natural condition by about 0.5 degrees C. This is particularly evident for the uppermost Newport Reach, situated just downriver from the Albeni Falls hydroelectric facility. The cooler maximum temperatures at Newport appear to be the result of Albeni Falls Dam maintaining the level of Lake Pend Oreille higher in the summer than it would have been under natural conditions. The higher lake level allows for deeper, cooler water from the lake to enter the Pend Oreille River. At Newport, the existing condition is now cooler by approximately 0.6 degrees C in comparison to the natural condition. Prior to completion of Albeni Falls Dam, the primary source of flow to the river was from the upper surface layer of Lake Pend Oreille. As with most lakes, during the critical summer period, the upper water column (epilimnion) has the greatest water temperature due to high exposure to solar short-wave radiation. Albeni Falls Dam has now altered this pattern. Because cooler sub surface water from the lake continues to be the dominant source of flow to the river, with few significant tributaries through the study reaches, lower temperatures are evident through much of the upper 40 miles of the river. During the critical season, the passage of cooler water along with changed hydraulics (increased river volume) result in cooler maximum temperatures now in comparison to what occurred naturally. Once this cooler water is passed below Albeni Falls, the increased river volume due to the impoundments buffers the river from temperature variation. This is why even at Blueslide, approximately 40-miles below Newport, the overall existing condition remains cooler than the natural condition by about 0.7 degrees C.[2]

The TMDL modeling divided the Pend Oreille River into a number of reaches and it showed that the Newport, Dalkena, Kalispel, Middle and Blueslide reaches meet the state's temperature criteria.[3] The proposed category 5 listings for segments 8617, 8616, 8614, 48345, 48346, 48347, 48348, 48351 and 48352 are all in the Newport, Dalkena, Kalispel, and Middle

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[1] DOE 2011. Pend Oreille River Temperature Total Maximum Daily Load - Water Quality Improvement Report (November 2011) at 42. https://fortress.wa.gov/ecy/publications/publications/1010065.pdf.

[2] TMDL Report at page 42.

[3] TMDL Report at page 41, Table 6.

reaches. These listings should be changed to Category 1 as Ecology has determined they meet the temperature standard.

For those River segments that are temperature impaired Ecology should acknowledge in the listings that Ecology has completed a TMDL that awaits EPA approval.

PCB and Mercury listings

Ecology proposes to revise the mercury listing of a station (listing ID 52622) from Category 1 to Category 5, based on mercury concentrations measured in a single composite tissue sample of northern pike minnows. Ecology continues to list three stations (listing IDs 43383, 52683 and 52935) as Category 5, based on PCB concentrations measured in various fish tissues. The PCB listings are unchanged since the 2012 list. PNC questions the use of fish tissue data as a basis for listing state waters as impaired for water quality under Section 303(d) of the Clean Water Act. The state has no numeric tissue concentration criteria. To use tissue concentrations, Ecology needs to go through rulemaking to adopt tissue-based criteria and/or to adopt a means for establishing narrative criteria based on tissue concentrations. Tissue concentrations greater than fish tissue equivalent values calculated by Ecology do not demonstrate that numeric water quality criteria are exceeded.

PNC is not aware of other jurisdictions that use fish tissue concentrations for 303(d) listing purposes, nor is there any requirement in CWA Section 303(d) to do so. Further, a TMDL is not an effective tool to address the sources that contribute bioaccumulative toxins like mercury to lakes and rivers. The state has another mechanism, Chemical Action Planning (CAP), that is better suited to address these pollutants, and CAPs have already been prepared for Mercury and PCBs.

pH listings

PNC asks that Ecology evaluate the scientific basis of the state pH criterion. Ecology proposes to list six stations on the Pend Oreille River for elevated pH. Photosynthesis by aquatic plants can cause elevated pH values in the afternoon. PNC notes that the state freshwater pH criterion is 6.5 to 8.5[4] versus the EPA National Recommended Water Quality Criterion of 6.5 to 9.0[5]. The national recommendation freshwater pH criterion has a scientific basis.[6] PNC asks Ecology to determine the basis for the state's pH criteria. PNC suggests that if the state cannot

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[4] See Table 200(1)(g) in WAC 173-201A-200(1)(g) https://fortress.wa.gov/ecy/publications/SummaryPages/173201A.html

[5] See http://water.epa.gov/scitech/swguidance/standards/criteria/current/index.cfm#altable

[6] See pages 227-233 in EPA 1986. Quality Criteria for Water. EPA 440/5-86-001. http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/upload/2009_01_13_criteria_goldbook.pdf

find a scientific basis for its pH criteria, that the 9.0 pH value from EPA be used as the basis for listing state waters as impaired for water quality under Section 303(d) of the Clean Water Act.

PNC appreciates the opportunity to comment on the proposed 303(d) listings for the Pend Oreille River. We hope Ecology will incorporate our recommendations into the final 303(d) list. If you have any questions about these comments please contact Laura Verity at 509-445-2304.

Very truly yours,

M. Johnson

Myron Johnson
General Manager

Cc: Laura Verity
Matthew Cohen
Lincoln Loehr

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