



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 14, 2015

Jack Louws, Whatcom County Executive
County Courthouse
311 Grand Avenue, Suite 108
Bellingham, WA 98255-4082

RE: Response to dispute resolution request from Whatcom County

Dear Mr. Louws:

The Washington State Department of Ecology (Ecology) received Whatcom County's request to initiate the agency's process for *Dispute Resolution Related to TMDLs* (WQP Policy 1-25). The first step in the dispute resolution process is for you and/or your representatives to meet with the regional Section manager of the Water Quality Program to attempt to resolve the dispute.

The issues to be discussed during that meeting are quoted below from your letter:

- A. *"Ecology's use of surrogates in the TMDL is arbitrary and erroneous.*
- B. *Requiring Whatcom County to assume responsibility for nonpoint source discharges, and expanding the county's MS4 permit boundary is arbitrary and erroneous.*
- C. *Reducing phosphorus by 87%, or assuming that 87% of developed area can function as a forest, is arbitrary and erroneous.*
- D. *Requiring a reduction of 50% or more of fecal coliform in areas that have no development is arbitrary and erroneous.*
- E. *The assumptions in the TMDL are arbitrary and erroneous.*
- F. *The TMDL and implementation plan must include meaningful 10-year reviews. Ecology's "concurrence" in county plans and budgets should not be unreasonably withheld."*

If these issues cannot be resolved in the meeting with the section manager, you will be required to provide the specific remedy you are seeking through the dispute resolution process before Ecology can start the formal process. Your present request, which is that the TMDL be revised to address your concerns, is too broad for Ecology to know specifically what remedies are needed.

Once the formal dispute resolution process begins, Ecology has 60 days to reach a decision on the dispute or seek to extend the deadline for the director's decision based upon available information.



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Steve Hood, from Ecology's Bellingham Field Office will be in contact with you to schedule the meeting with Doug Allen.

If you have questions or concerns, please contact Steve Hood, TMDL Lead, at steve.hood@ecy.wa.gov or (360) 715-5211, or Helen Bresler, Watershed Planning Supervisor, at helen.bresler@ecy.wa.gov or (360)407-6180.

Sincerely,

A handwritten signature in black ink that reads "Heather R. Bartlett". The signature is written in a cursive style with a large, looping initial 'H'.

Heather R. Bartlett
Water Quality Program Manager

cc: Laurie Mann, United States Environmental Protection Agency
Steve Hood, Ecology
Helen Bresler, Ecology