



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 6, 2011

Barbara Greene, Boundary Relicensing Project Manager
Seattle City Light
700 Fifth Avenue
PO Box 34023
Seattle, WA 98124-4023

Subject: Response to Dispute Resolution Request from Seattle City Light

Dear Ms. Greene:

The Department of Ecology (Ecology) received Seattle City Light's (SCL) request to initiate the agency's process for *Dispute Resolution Related to TMDLs* (WQP Policy 1-25). To address your request, Ecology will convene a Dispute Resolution Panel (Panel) to review SCL's written statement and the records attached thereto. I will be SCL's point of contact during this dispute resolution process. My contact information is included at the end of this letter.

Since SCL is not requesting an oral presentation, the records submitted with the dispute resolution request will be presented to the Panel to consider as they develop their recommendation for a decision by Ecology's Director. The recommendation will address the three points of relief set forth in SCL's dispute request:

- The use of a flow-weighted daily maximum temperature to measure compliance and modify determination of non-compliance and load allocations accordingly.
- Eliminate the "Part 2" formula from the Temperature TMDL and eliminate the related load allocations.
- If the flow-weighted daily maximum temperature for compliance is rejected, then you request a modification of your temperature reduction from 0.88°C to 0.76°C (a change of 0.12°C) and the allocation is a temperature equal to *Natural Conditions* + 0.24°C.

Due to the large volume of records to be reviewed and some recent reductions in Ecology staff and resources, the agency reserves the right (per Policy 1-25) to extend the deadline decision by the Ecology Director within a reasonable timeframe beyond 60 days from the



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date of SCL's request. Ecology wants to ensure a careful and thorough review of the issues and documentation provided in SCL's dispute request package.

I will alert you when the Panel members have been chosen. I will also be notifying other parties affected by this dispute to solicit their input. This includes technical advisory committee members and residents who have participated in this TMDL during its development.

A web page with public information on the dispute process, along with electronic copies of dispute resolution correspondence, will be made available soon at the following internet address: <http://www.ecy.wa.gov/programs/wq/tmdl/pendoreille/index.html>

If you have questions or concerns, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin Bilhimer". The signature is fluid and cursive, with a large loop at the end.

Dustin Bilhimer

Pend Oreille River TMDL Dispute Resolution Coordinator

Desk phone: 360-407-6480

Fax: 360-407-6426

Email: dustin.bilhimer@ecy.wa.gov

cc: Kari L. Vander Stoep
Jim Bellatty, Ecology-ERO
Helen Rueda, EPA
Jerry K. Boyd, Attorney for Pend Oreille PUD No.1