

April 27, 2011

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Hand Delivered

Mr. Ted Sturdevant, Director
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Re: **Dispute Resolution Request**
Pend Oreille River Temperature TMDL

Dear Mr. Sturdevant:

On Tuesday, April 26, we sent Seattle City Light's ("SCL's") Dispute Resolution Request for the Pend Oreille River Temperature TMDL to your office by Federal Express. We have been informed by Federal Express that the package has been delayed due to the storms in Memphis. As a result, we had the enclosed dispute resolution package delivered to you by messenger today. The package includes SCL's Dispute Resolution Request letter and a CD copy of the administrative record compiled by SCL.

Ecology staff also requested that SCL provide Ecology with a hard-copy set of the administrative record. Because the hard-copy set of the administrative record is more than 3,000 double-sided pages, we did not make another hard-copy set for hand delivery. The hard-copy set of the administrative record will arrive at the agency when Federal Express resolves the difficulties stemming from the Memphis storms.

Very truly yours,


Kari L. Vander Stoep

Enclosures

RECEIVED
APR 28 2011
DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR



City of Seattle

Michael Patrick McGinn, Mayor

Seattle City Light

Jorge Carrasco, Superintendent

April 26, 2011

Mr. Ted Sturdevant, Director
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, Washington 98503

**Re: Dispute Resolution Request
Pend Oreille River Temperature TMDL**

Dear Mr. Sturdevant:

On March 31, 2011, the Washington Department of Ecology ("Ecology") published its final Pend Oreille River Temperature Total Maximum Daily Load ("Temperature TMDL" or "TMDL"). On April 6, 2011, Ecology submitted the Temperature TMDL to the U.S. Environmental Protection Agency ("EPA"). Seattle City Light ("SCL") recognizes the extraordinary effort that Ecology has put into moving the Temperature TMDL process forward, and is committed to continuing to work with Ecology to implement SCL's Temperature Attainment Plan, as submitted with the parties' settlement agreement for the relicensing of the Boundary hydroelectric project (the "Boundary Project").

Despite Ecology's extensive work on the Temperature TMDL, SCL continues to believe that Ecology should make three revisions to the Temperature TMDL that were previously suggested by SCL. First, the Temperature TMDL should use flow-weighted temperatures, not surface temperatures, to determine whether various sections of the river are in compliance with the water quality standards for temperature. The focus on surface temperatures fails to recognize that fish use the entire volume of the river, and that native salmonids prefer deeper, cooler waters. Ecology's exclusive reliance on surface temperatures results in substantially overstating the extent of non-compliance with numeric standards. Second, the "Part 2" temperature formula should not apply to the Temperature TMDL. The Part 2 temperature formula was developed for point-source discharges and is not applicable in the context of a TMDL. Third, any allocation to SCL's Boundary Project should be additive to the allocation to Pend Oreille PUD's Box Canyon Project. Using Ecology's surface water temperatures to determine compliance, this revision would result in a requirement of a 0.76°C reduction at Boundary forebay to achieve compliance with the water quality standard for temperature. If Ecology adopts SCL's recommendation to use flow-weighted temperatures, then there would be an even more significant reduction in the requirement.



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By this letter, SCL respectfully invokes Ecology's dispute resolution process pursuant to Ecology's Water Quality Program Policy 1-25.

I. Reasons for Dispute

A. Maximum Surface Temperatures Are Not Representative of Conditions in the River and Should Not Be Used To Assess Compliance.

SCL respectfully disagrees with Ecology's use of surface daily maximum temperatures to determine whether various sections of the river are in compliance with the water quality standards for temperature. As SCL and Ecology have discussed, SCL believes that, for the Pend Oreille River TMDL, flow-weighted daily maximum temperature is the appropriate metric for assessing compliance with water quality standards because it is most representative of conditions in the river relevant to aquatic conditions supportive of native fish species. A flow-weighted analysis: (1) takes the entire water column into account rather than the small portion of the water column at the river's surface, and (2) recognizes that, within the water column, maximum temperatures typically occur in the surface layers, but these are not representative of conditions throughout the water column. WAC 173-201A-200(1)(c)(vi) requires that temperature measurements used to assess compliance "represent the dominant aquatic habitat." Accordingly, the regulation promotes use of samples from "well mixed portions" of rivers, and discourages use of samples from the surface.

This regulatory requirement is based on Washington's Data Credibility Act, which requires that, for purposes of establishing compliance with water quality standards and developing TMDLs, the data that are collected and analyzed (i.e., data that are measured and modeled) must be representative of water quality conditions. RCW 90.48.585(1)(b). Data that is not representative of water quality conditions cannot be used in a TMDL for margin of safety or otherwise. For other projects, including TMDLs and Washington State 401 certification for hydropower projects, Ecology and EPA have used volume and flow weighted averaging to assess compliance with temperature water quality standards. *See Ecology's 401 Certification for Rocky Reach Hydroelectric Facility (see enclosed Administrative Record, Exhibit 114); EPA's Willamette Basin Temperature TMDL (Exhibit 112); EPA's Draft Columbia/Snake River Temperature TMDL (Exhibits 119 & 120).* Whereas the surface maximum ignores the vast majority of water in the Boundary Reservoir, the flow-weighted maximum takes the entire water column into account. It is, by definition, more representative of the water column and is more appropriate for the conditions encountered in Boundary Reaches, particularly those below Metaline Falls (deep but well-mixed).

SCL incorporates herein by reference its earlier comments on this issue as provided in our letters to Ecology and other addressees dated November 30, 2010 (Exhibit 2), December 15, 2008 (Exhibit 49), April 15, 2008 (Exhibit 55), September 26, 2007 (Exhibit 78), and May 24, 2007 (Exhibit 93). In addition, the results of SCL's analysis using flow-weighted temperatures and indicating no exceedances of water quality standards in the Boundary



forebay and no contribution of the Boundary Project to exceedances, are contained in the technical memorandum regarding “Temperature Modeling and Alternative Operations Analyses for Boundary Hydroelectric Project – CWA 401 Certification Support,” dated August 19, 2009 and in Exhibit E to SCL’s September 2009 License Application to the Federal Energy Regulatory Commission for the Boundary Project (Exhibits 36 & 37).

B. Application of the “Part 2” Formula Is Not Appropriate for a TMDL.

SCL respectfully disagrees with Ecology’s application of the “Part 2” formula in the TMDL context. Rather, SCL agrees with the Attorney General’s initial interpretation of the water quality standards (August 14, 2009 memorandum from Ron Lavigne to Susan Braley re “Pend Oreille Temp” (Exhibit 38)). Specifically, the only relevant criteria for assessing impairment/attainment in the TMDL context is 20.0°C or, if natural condition is above 20.0°C, natural condition + 0.3 degrees. The “Part 2” formula is only applicable in the NPDES permitting context, where a point-source discharge can be compared to observed background conditions in real time. The formula is not applicable in the TMDL context where existing conditions are compared to modeled natural conditions.

In addition to the Attorney General’s August 2009 memorandum, this interpretation is supported by closely comparing the Pend Oreille River’s special temperature criteria to the general water quality criteria that it replaces. Specifically, the Part 2 formula in the Pend Oreille criteria directly correlates with the general criteria provisions at WAC 173-201A-200(1)(c)(ii), which contains a very similarly phrased formula that applies exclusively to “Incremental temperature increases resulting from individual point source activities.” The general criteria provision goes on to define the method for measuring compliance with the formula, indicating that it is a real time measurement relative to background, not a modeling comparison between existing and theoretical natural conditions (the temperature increase is “...as measured at the edge of a mixing zone boundary (where T represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge)”). Accordingly, the Part 2 formula is not part of the applicable water quality standards in the TMDL context, whether for margin of safety or other purposes, and all sections of the TMDL related to the formula should be removed.¹

C. The Part 1 Load Allocation to the Boundary Facility Should Acknowledge the Cumulative Effect of Box Canyon in the Boundary Forebay Reach.

As discussed in Section I.A, SCL does not concede that the load allocation of 0.12°C to each hydropower facility is reasonable, but even if it were reasonable, the Temperature TMDL errs in its application of the allocation at the Boundary forebay and as a result overstates the amount of temperature reduction needed at the Boundary forebay. Specifically, the allocation

¹ Removal of the Part 2 formula from the TMDL would resolve SCL’s outstanding concerns regarding the potential contribution of the Seven Mile project to conditions in the Boundary tailrace.



as calculated for the Boundary forebay improperly ignores the effect of Box Canyon on temperature conditions in the Boundary reaches that the report elsewhere acknowledges. *See* Temperature TMDL (Exhibit 1) at pp. 48-49 (Figures 16 and 17 showing persistent exceedances of temperatures at and slightly above 20°C in the Metaline, Slate, Boundary forebay and Boundary tailrace reaches); p. 62 (“A temperature signal from Box Canyon is evident in the temperature profiles of the Boundary forebay. Lower magnitude daily maximum temperatures are maintained by the Box Canyon facility for a longer period in comparison to what occurred naturally. This results in the continued exceedance of the Pend Oreille River temperature criteria in the Boundary reaches despite the absence of the Boundary facility.”); p. 79 (“So, the temperature impacts observed in the Boundary reaches are associated with the combined operations of the Box Canyon and Boundary facilities resulting in a complex relationship. Given the interrelationship in the temperature impacts of the Box Canyon and Boundary facilities and their associated *cumulative impacts*, the load allocations have been set equivalently for both at 0.12°C above the natural temperature condition. *This totals 0.24°C of the 0.3°C allowance . . .*” (emphasis added)). Ecology should have, but failed to, extend its recognition of the contribution from Box Canyon to temperatures at Boundary forebay to the TMDL’s establishment of the temperature reductions necessary to meet the load allocation. Whereas the TMDL currently indicates that 0.88°C of temperature reduction is required at the Boundary forebay to meet the allocation (i.e., to achieve temperatures of Natural +0.12°C), SCL believes that the reductions required should be 0.76°C (i.e., to achieve temperatures of Natural +0.24°C, which would be the cumulative allowance at this location, calculated as the sum of the two 0.12°C allowances – one at Box Canyon and one at Boundary). This issue appears at p. xii, p. 79, and in Tables 15 and 17 (pp. 80 and 95, respectively) of the TMDL (Exhibit 1).

The text of the TMDL at pages xii and 79 should be revised to state that a reduction of 0.76°C is needed at the Boundary forebay to achieve standards. The same change should be made to Table 15. Table 17 should be revised to indicate that the final target for the Boundary forebay is Natural condition +0.24°C. If, as SCL requests, Ecology uses flow-weighted temperatures, Ecology will have to recalculate what, if any, temperature reduction is needed and SCL reserves its rights relating to any Ecology redetermination of allowances.

II. How SCL Raised These Concerns in the Temperature TMDL Process

SCL was an early and committed participant in the Temperature TMDL development process. Ecology issued a draft Temperature TMDL for public comment in October 2010 (Exhibit 12). SCL participated in the process prior to and throughout this period. The administrative record, compiled by SCL and served with this request for dispute resolution, demonstrates that SCL has taken every opportunity, both prior and subsequent to the issuance of the October 2010 draft Temperature TMDL, to communicate its concerns to Ecology. SCL has submitted public comments, participated in Ecology-led workgroups, and has repeatedly met in person with Ecology representatives. Most recently, SCL raised these issues in a detailed comment letter to Ecology of November 30, 2010 regarding the draft Temperature TMDL. A copy of that letter is included in the administrative record (Exhibit



2). Each of the foregoing reasons for dispute resolution has been raised formally and informally with Ecology.

III. Applicable Laws, Regulations, and Policies

Washington Statutes: RCW 90.48.260 (Ecology designated state agency to exercise federal Clean Water Act powers); RCW 43.21A.130 (Right of concerned individuals to participate in TMDL process); RCW 90.48.575 – 90.48.590 (Data requirements for TMDLs); RCW ch. 34.05 (Washington Administrative Procedures Act).

Washington Administrative Regulations: WAC 173-201A-200 (Fresh water designated uses and criteria); WAC 173-201A-510 (Implementation of Water Quality Standards).

Federal Statutes: Clean Water Act § 303(d) (33 U.S.C. § 1313(d)); 5 U.S.C. § 500 *et seq.* (federal Administrative Procedure Act).

Federal Regulations: 40 C.F.R. § 130.7.

Ecology Policies and Guidelines: Ecology Water Quality Program Policy 1-11 (September 2006).

EPA Policies and Guidelines: EPA Memorandum, “Establishing TMDL ‘Daily’ Loads in Light of the Decision by the U.S. Court of Appeals for the D.C. Circuit in *Friends of the Earth, Inc. v. EPA, et al.*, No. 05-5015 (April 25, 2006) and Implications for NPDES Permits” (November 15, 2006), at http://www.epa.gov/owow/tmdl/pdf/anacostia_memo111506.pdf (Exhibit 106).

IV. Related Documents

An administrative record, containing all of the documents relevant to SCL’s request for dispute resolution, has been compiled by SCL and served with this request for dispute resolution. An index to this administrative record is set forth in an appendix to this letter.

V. Relief Requested

SCL respectfully requests that the Dispute Resolution Panel direct Ecology to revise the TMDL to:

1. Use a flow-weighted daily maximum temperature to measure compliance rather than surface daily maximum temperature and modify determination of non-compliance and load allocations accordingly.
2. Eliminate the “Part 2” formula from the Temperature TMDL and eliminate related load allocations.



April 26, 2011

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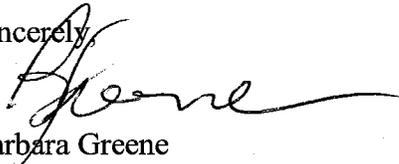
3. Modify the calculation of the temperature reduction that is required at the Boundary forebay to recognize the contribution from Box Canyon. If the recommendation for use of flow-weighted daily maximum temperatures is rejected, modification of the calculation would involve changing the amount of reduction from 0.88°C to 0.76°C (i.e., to achieve temperatures of Natural +0.24°C, which would be the cumulative allowance at this location, calculated as the sum of the 0.12°C allowance for both Boundary and Box).

VI. No Request for Oral Presentation

SCL requests that the Dispute Resolution Panel consider this dispute based on the administrative record assembled by SCL and provided with this letter. SCL does not seek an opportunity to make an oral presentation to the Dispute Resolution Panel.

We appreciate your consideration of our concerns and look forward to working with you to achieve prompt resolution. Please feel free to call me if you have any questions.

Sincerely,



Barbara Greene
Boundary Relicensing Project Manager

Enclosures: Hard Copy of Administrative Record
Six disks, each containing Administrative Record

cc: Kalispel Tribe
Pend Oreille Public Utility District
U.S. Army Corps of Engineers
U.S. Fish & Wildlife Service
U.S. Forest Service
Washington Department of Fish & Wildlife



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**Appendix to Seattle City Light's Temperature TMDL Appeal:
Index of Supporting Documents (Administrative Record)**

Exhibit Number	Bates Range	Date	Author	Description
1	SCL 00001- 00311	2011/03/01	Ecology	Pend Oreille River Temperature TMDL
2	SCL 00312- 00317	2010/11/30	B. Greene, Seattle City Light (SCL)	TMDL comments
3	SCL 00318- 00448	2010/11/30	Kalispel Tribe of Indians	TMDL comments
4	SCL 00449- 00454	2010/11/30	U.S. Army Corps of Engineers (COE)	TMDL comments
5	SCL 00455	2010/11/30	Pend Oreille Clean Water Alliance	TMDL comments
6	SCL 00456- 00457	2010/11/29	U.S. EPA (EPA)	TMDL comments
7	SCL 00458	2010/11/29	City of Sandpoint	TMDL comments
8	SCL 00459- 00464	2010/11/23	Public Utility District No. 1 of Pend Oreille County, Washington (PUD No. 1)	TMDL comments
9	SCL 00465	2010/11/18	Idaho Department of Environmental Quality (IDEQ)	TMDL comments
10	SCL 00466- 00467	2010/11/11	Ponderay Newsprint Company	TMDL comments
11	SCL 00468- 00473	2010/11/01	U.S. Forest Service	TMDL comments
12	SCL 00474- 00726	2010/10/01	Ecology	Draft TMDL
13	SCL 00727- 00728	2010/09/16	S. Braley, State of Washington Department of Ecology (Ecology)	Hand-out at Spokane, WA TMDL meeting
14	SCL 00729- 00730	2010/09/16	PUD No. 1	Written questions
15	SCL 00731- 00735	2010/09/16	SCL	SCL's TMDL questions for Ecology
16	SCL 00736- 00750	2010/09/02	B. Greene, (SCL)	401 Water Quality transmittal letter and application

Exhibit Number	Bates Range	Date	Author	Description
17	SCL 00751- 00799	2010/08/18	A. Whiley, Ecology	Slides re TMDL
18	SCL 00800- 01037	2010/08/11	Ecology	Draft TMDL
19	SCL 01038	2010/08/11	Ecology	Email transmitting draft TMDL
20	SCL 01039	2010/08/09	Ecology	Email transmitting agenda for August 18 meeting
21	SCL 01040- 01041	2010/04/02	PUD No. 1	Application for Surrender of License Sullivan Creek Project, Appendix D-1, Cost Estimate for License Surrender
22	SCL 01042- 01201	2010/04/02	PUD No. 1	Application for Surrender of License Sullivan Creek Project
23	SCL 01202- 01211	2010/03/08	SCL	Boundary Settlement: Appendix 3, Letter to Ecology re Application for Section 401 Certification
24	SCL 01212- 01296	2010/03/01	SCL	Boundary License Application: Addendum to Exhibit E of the License Application
25	SCL 01297- 01345	2010/03/01	SCL and PUD No. 1	Joint Settlement: Offer of Settlement and Joint Explanatory Statement of Support of Settlement Agreements and in Support of Motion to Consolidate, Boundary Hydroelectric Project (FERC No. 21440-038) and Sullivan Creek Hydroelectric Project (FERC No. 2225-013)
26	SCL 01346- 01400	2010/03/01	Multiple Parties	Boundary Settlement: Boundary Hydroelectric Project Relicensing Settlement Agreement FERC Project No. 2144 Among SCL, Bureau of Indian Affairs, National Park Service, U.S. Fish and Wildlife Service, U.S. Dept of Agriculture Forest Service, Washington Dept of Fish and Wildlife, Washington Dept of Ecology, Kalispel Tribe, Public Utility District No. 1 of Pend Oreille County, American Whitewater, Selkirk Conservation Alliance and The Lands Council "Settlement Agreement"
27	SCL 01401- 01407	2010/03/01	SCL and PUD No. 1	Boundary Settlement: Attachment 2, Memorandum of Agreement between City of Seattle, City Light Department and Public Utility District No. 1 of Pend Oreille County

Exhibit Number	Bates Range	Date	Author	Description
28	SCL 01408- 01418	2010/03/01	SCL and PUD No. 1	Boundary Settlement: Attachment 1 to Interlocal Agreement for Mill Pond Decommissioning between SCL and PUD No. 1
29	SCL 01419- 01462	2010/03/01	SCL	Boundary Settlement: Exhibit 1, Proposed License Articles
30	SCL 01463- 01604	2010/03/01	SCL	Boundary Settlement: Exhibit 9, Temperature Attainment Plan
31	SCL 01605- 01649	2010/03/01	Multiple Parties	Sullivan Creek Settlement: Sullivan Creek Hydroelectric Project, Settlement Agreement Among PUD No. 1, SCL, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, U.S. Forest Service, Kalispel Tribe of Indians, Washington State Dept. of Fish and Wildlife, Ecology, the Lands Council, American Whitewater, the Selkirk Conservation Alliance, Town of Cusick, Washington, Rick Larson and Al Six
32	SCL 01650- 01738	2010/03/01	EES Consulting, Inc. for PUD No. 1	Sullivan Creek Settlement: Appendix F, Cold Water Release Facility Plan
33	SCL 01739- 01970	2010/03/01	PUD No. 1	Sullivan Creek Settlement: Appendix E, Mill Pond Decommissioning Plan
34	SCL 01971- 01998	2010/03/01	SCL	Introduction to Updated Study Report
35	SCL 01999- 02000	2009/12/28	R. Lavigne, Senior Counsel, Ecology Division, Attorney General of Washington	Legal opinion re TMDL
36	SCL 02001- 02022	2009/09/01	SCL	License Application excerpt
37	SCL 02023- 02142	2009/08/19	Battelle	Temperature Modeling and Alternative Operations Analyses for Boundary Hydroelectric Project - CWA 401 Certification Support
38	SCL 02143- 02144	2009/08/14	R. Lavigne, Senior Counsel, Ecology Division, Attorney General of Washington	Legal opinion re TMDL
39	SCL 02145- 02152	2009/07/31	Ecology	Ecology's comments on Boundary No. 2144 Preliminary License Proposal to FERC

Exhibit Number	Bates Range	Date	Author	Description
40	SCL 02153	2009/07/28	Ecology	Response to SCL's July 1, 2009 letter
41	SCL 02154- 02156	2009/07/01	SCL	Letter re operations analysis
42	SCL 02157- 02166	2009/05/11	SCL	Draft 401 Certification Application, letter, and documents submitted to Ecology
43	SCL 02167- 02568	2009/03/01	Tetra Tech	Study No. 5 Water Quality Constituent and Productivity Monitoring Final Report
44	SCL 02569- 02572	2009/03/11	B. Greene, SCL	Email response to Kalispel Tribe of Indians comments with electronic mail from K. Merrill dated March 3, 2009
45	SCL 02573- 02620	2009/02/12	Tetra Tech	Study No. 5 Master Hydrolab Sampling Data
46	SCL 02621- 02623	2009/02/06	P. Katzen, Attorney for Kalispel Tribe of Indians (Kalispel)	Comment letter re TMDL
47	SCL 02624- 02659	2009/01/13	A. Whiley, Ecology	Slides re Pend Oreille River Temperature Analysis Boundary Reaches
48	SCL 02660- 02694	2008/12/17	Pacific Northwest National Laboratory	Slides re Temperature Modeling Analysis for Boundary Reservoir
49	SCL 02695- 02704	2008/12/15	SCL	Letter to Ecology re TMDL
50	SCL 02705- 02717	2008/12/15	C. Pratt, SCL	Email re December 17, 2008 meeting
51	SCL 02718- 02759	2008/12/04	Battelle	Memo re temperature analysis modeling
52	SCL 02760- 02761	2008/06/17	WAG	TMDL meeting notes
53	SCL 02762- 02764	2008/05/12	Pend Oreille River TMDL Watershed Advisory Group (WAG)	TMDL Meeting notes
54	SCL 02765- 02770	2008/04/28	WAG	TMDL Meeting notes
55	SCL 02771- 02786	2008/04/15	B. Greene, SCL	SCL transmittal letter for TMDL comments along with enclosed December 13, 2007 TMDL meeting notes

Exhibit Number	Bates Range	Date	Author	Description
56	SCL 02787- 02795	2008/03/28	U.S. Army Corps of Engineers (COE)	Memo re COE comments on IDEQ's analysis of the Idaho Pend Oreille River Model
57	SCL 02796- 02812	2008/03/27	COE	Memo re COE reply to IDEQ's comments to draft TMDL
58	SCL 02813- 02814	2008/03/27	COE	Memo re COE reply to Ecology comments to draft TMDL
59	SCL 02815- 02822	2008/02/27	IDEQ	Pre-Public comments to TMDL
60	SCL 02823- 02840	2008/02/25	Ecology	Slides re Ecology's response to TMDL comments
61	SCL 02841- 02844	2008/02/05	Ecology	Outline re Ecology's slides re response to TMDL comments
62	SCL 02845- 02850	2008/02/25	WAG	TMDL meeting notes
63	SCL 02851- 02856	2008/02/25	IDEQ	Slides re Pend Oreille River Temperature TMDL Compliance Areas
64	SCL 02857- 02876	2008/02/25	IDEQ	Slides re Pend Oreille River Temperature TMDL Load Duration Curve Concepts
65	SCL 02877- 02882	2008/01/22	EPA	Comment Matrix
66	SCL 02883- 02888	2007/12/13	Ecology	Meeting notes to respond to TMDL comments
67	SCL 02889- 02894	2007/12/13	L. Loehr, Heller Ehrman	Comments to COE comments to TMDL
68	SCL 02895- 02948	2007/11/09	K. Easthouse, COE	TMDL comments
69	SCL 02949- 02968	2007/10/25	Ponderay Newsprint Company	TMDL comments
70	SCL 02969- 02977	2007/10/25	WAG	TMDL meeting notes, Sandpoint, Idaho
71	SCL 02978- 03002	2007/10/25	Tetra Tech	Slides re Pend Oreille River Temperature TMDL Allocations
72	SCL 03003- 03021	2007/10/25	Ecology	Slides re Development of Tributary, Mainstem, and NPDES Allocations

Exhibit Number	Bates Range	Date	Author	Description
73	SCL 03022	2007/10/23	B. Burnell, IDEQ	Response to SCL TMDL comments
74	SCL 03023-03025	2007/10/19	M. Cauchy, Pend Oreille County PUD	TMDL comments
75	SCL 03026-03032	2007/10/17	L. Loehr, Heller Ehrman	TMDL comments on behalf of Ponderay Newsprint Company
76	SCL 03033-03038	2007/10/01	unknown	Slides re Washington's TMDL Process: Where do we go from here?
77	SCL 03039-03041	2007/09/28	WAG	TMDL meeting notes
78	SCL 03042-03058	2007/09/26	B. Greene, SCL	Transmittal letter re SCL comments to TMDL with enclosed comments and T. Khangaonkar's CV
79	SCL 03059-03060	2007/09/13	K. Van Dyk, P.E., City of Sandpoint	TMDL comments
80	SCL 03061-03062	2007/09/12	G. Westcott, Southside Water & Sewer District Drawer D, Sandpoint, ID	TMDL comments
81	SCL 03063-03142	2007/09/01	Battelle - Pacific Northwest Division	Temperature Modeling of the Pend Oreille River, Boundary Hydroelectric Project, CE-QUAL-W2 Model Calibration Report
82	SCL 03143-03145	2007/08/16	WAG	TMDL meeting notes
83	SCL 03146-03282	2007/08/01	Ecology, Kalispel, IDEQ and EPA	Draft TMDL
84	SCL 03283-03396	2007/07/01	Portland State University	Pend Oreille River, Box Canyon Model Scenario Simulations
85	SCL 03397-03399	2007/06/26	J. Bellaty, Ecology	Response to SCL's May 24, 2007 TMDL comments
86	SCL 03400-03419	2007/06/25	Ecology	Slides re Washington and Kalispel Tribe Temperature Standards
87	SCL 03420-03443	2007/06/25	Ecology	Slides re Boundary Dam Compliance with Temperature Standards
88	SCL 03444-03470	2007/06/25	Ecology	Slides re Box Canyon Dam Compliance with Temperature Standards

Exhibit Number	Bates Range	Date	Author	Description
89	SCL 03471- 03474	2007/06/25	WAG	TMDL meeting notes
90	SCL 03475- 03477	2007/06/20	COE	TMDL comments
91	SCL 03478- 03504	2007/06/01	Portland State University	Pend Oreille River, Boundary Dam Reach Model Peer Review
92	SCL 03505- 03511	2007/06/01	COE	Comments to Idaho Pend Oreille River Model
93	SCL 03512- 03521	2007/05/24	B. Greene, SCL	TMDL comments
94	SCL 03522- 03549	2007/05/10	Ecology	Slides re Boundary Dam Temperature Modeling
95	SCL 03550- 03553	2007/05/10	WAG	TMDL meeting notes
96	SCL 03554- 03599	2007/05/10	Ecology	Slides re Box Canyon Dam Temperature Modeling
97	SCL 03600- 03725	2007/05/01	Taylor Associates for SCL	Boundary Dam Hydroelectric Project Water Quality Data Summary Report 2004-2006
98	SCL 03726- 03738	2007/05/01	IDEQ	Summary of Idaho Modeling Results
99	SCL 03739- 03743	2007/03/20	WAG	TMDL meeting notes
100	SCL 03744- 03751	2007/03/20	Ecology	Slides re Temperature Modeling Update
101	SCL 03752- 03762	2007/03/01	Tetra Tech	Slides re Strategy for Developing the Temperature TMDL Report
102	SCL 03763- 03766	2007/01/25	WAG	TMDL meeting notes
103	SCL 03767- 03805	2007/01/08	Battelle	Slides re Temperature Modeling of the Pend Oreille River
104	SCL 03806- 03820	2007/01/01	COE	Slides re Albeni Falls Dam Pend Oreille River and Lake Pend Oreille Monitoring Update: 2007
105	SCL 03821- 03862	2007/01/01	Portland State University	Slides re Pend Oreille River - Idaho Water Quality and Hydrodynamic Model

Exhibit Number	Bates Range	Date	Author	Description
106	SCL 03863- 03868	2006/11/15	EPA	Memorandum re "Establishing TMDL 'Daily' Loads in Light of the Decision by the U.S. Court of Appeals for the D.C. Circuit in <i>Friends of the Earth, Inc. v. EPA, et al.</i> , No. 05-5015 (April 25, 2006) and Implications for NPDES Permits"
107	SCL 03869- 04042	2006/11/01	Portland State University	Pend Oreille River, Box Canyon Model, Model Development and Calibration
108	SCL 04043- 04044	2006/10/26	WAG	Proposed Operating Procedures
109	SCL 04045- 04082	2006/10/26	Ecology	Slides re Temperature TMDL Models
110	SCL 04083- 04086	2006/10/26	WAG	TMDL meeting notes
111	SCL 04087- 04099	2006/10/26	IDEQ	Slides re Pend Oreille WAG Operating Procedures
112	SCL 04100- 05136	2006/09/21	Oregon DEQ	Willamette Basin Temperature TMDL
113	SCL 05137- 05141	2006/05/25	WAG	TMDL meeting notes
114	SCL 05142- 05346	2006/03/17	Ecology	Rocky Reach Hydro Project 401 Certification
115	SCL 05347- 05350	2005/10/20	WAG	TMDL meeting notes
116	SCL 05351- 05354	2005/04/25	Ecology, Kalispel, IDEQ and EPA	Memorandum of Agreement for Interstate EPA TMDL for the Pend Oreille River
117	SCL 05355- 05403	2004/09/01	Ecology	Quality Assurance Project Plan Pend Oreille River Temperature Total Maximum Daily Load Technical Study
118	SCL 05404- 05408	2004/01/01	Ecology	303(d) listings for Boundary reaches of Pend Oreille River (Listing ID 42513; 11452; 42515; 43539)
119	SCL 05409- 05436	2002/09/13	Ecology	Columbia and Snake River Mainstem Temp TMDL (excerpt)
120	SCL 05437- 05499	2001/10/18	Ecology	Problem Assessment for the Columbia/Snake River Temperature TMDL