

November 30, 2010

Ms. Karin Baldwin  
Water Quality Program  
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4601 N Monroe  
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Via Email: [Karin.Baldwin@ecy.wa.gov](mailto:Karin.Baldwin@ecy.wa.gov)

Subject: Draft Pend Oreille River Temperature TMDL Water Quality Improvement  
Report Comments

Dear Ms. Baldwin

We appreciate the opportunity to provide comments regarding the subject report.

It seems disingenuous to allocate all the benefit from Albeni Falls Dam to the downstream users to “ensure viability of load and wasteload allocation established for downstream locations”. The allocation at the state line should be the heat at natural conditions plus a portion of the load capacity allowance for existing use and growth. It is difficult to imagine but should the dam ever be removed, the TMDL would force Idaho users to cool 100% of the river even if no discharge was received upstream of the state line mostly for the benefit of downstream dischargers. Additionally, there may be some natural phenomenon that causes the water temperature at the state line to increase which Idaho dischargers have no control over yet would be responsible for mitigating. Idaho cannot be liable to mitigate a natural phenomenon.

The attempt to limit the load via Washington’s anti-degradation policies also seems odd. Anti-degradation policies come into play during the permitting process where socio-economic factors can also be considered. Limiting the heat at the state line to 2004 values in a TMDL would prevent the consideration of socio-economic factors. A TMDL should establish the loading capacity of a water body. No effort was made to estimate the loading capacity at the state line.

It is our understanding that the Idaho dischargers do not influence the temperatures measured in the Pend Oreille River (from the CE-QUAL modeling), as mentioned in the report. It would be nice if the report expanded on this topic to state that heat limits on the Idaho dischargers are not required to meet Washington water quality goals and beneficial uses.

Sincerely:

Tim Closson, Chairman  
Pend Oreille Clean Water Alliance