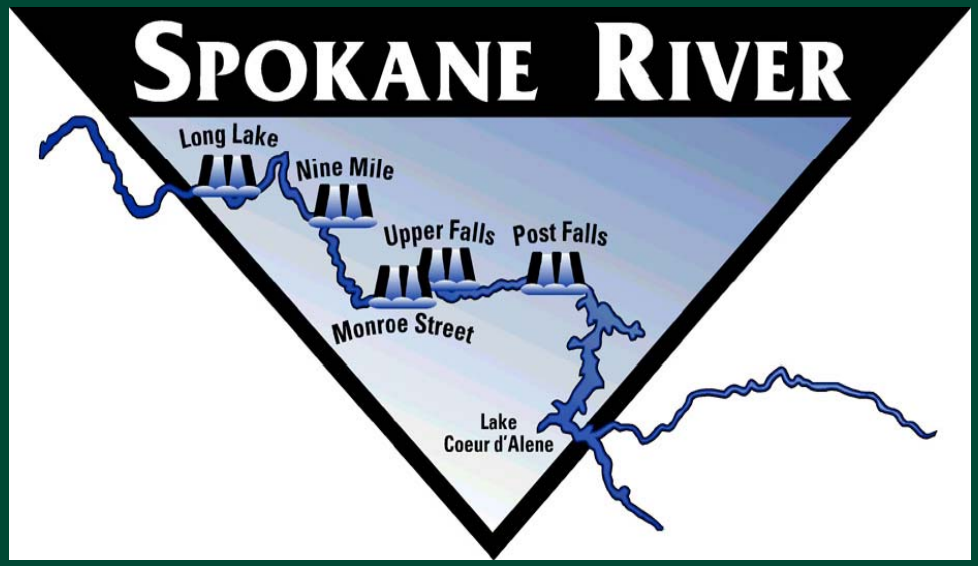
Spokane River & Lake Spokane DO TMDL Dispute Resolution



Elvin "Speed" Fitzhugh
License Manager

Dispute Resolution Hearing
April 5, 2010

AVISTA®

Overview

- Avista's role in the TMDL
- Points of Agreement
- Points of Contention
- Requests
- Conclusion

Avista's Role in the DO TMDL

- Spokane River Project License renewal triggered 401 WQC
- Relicensing and DO TMDL were parallel processes
- Avista volunteered to join the DO TMDL process
  - Avista is the only entity that does not discharge nutrients to the Spokane River or Lake Spokane

Avista's Role in the DO TMDL (cont.)

- Avista is regulated by different laws
  - Avista only required to mitigate a water quality problem to the extent there is substantial evidence that it caused it
  - Avista required to implement reasonable & feasible mitigation measures to improve DO in Lake Spokane
  - Avista will develop a DO WQAP per the 401 WQC
- Avista is pursuing DO improvements in Lake Spokane and in the river downstream of Long Lake Dam

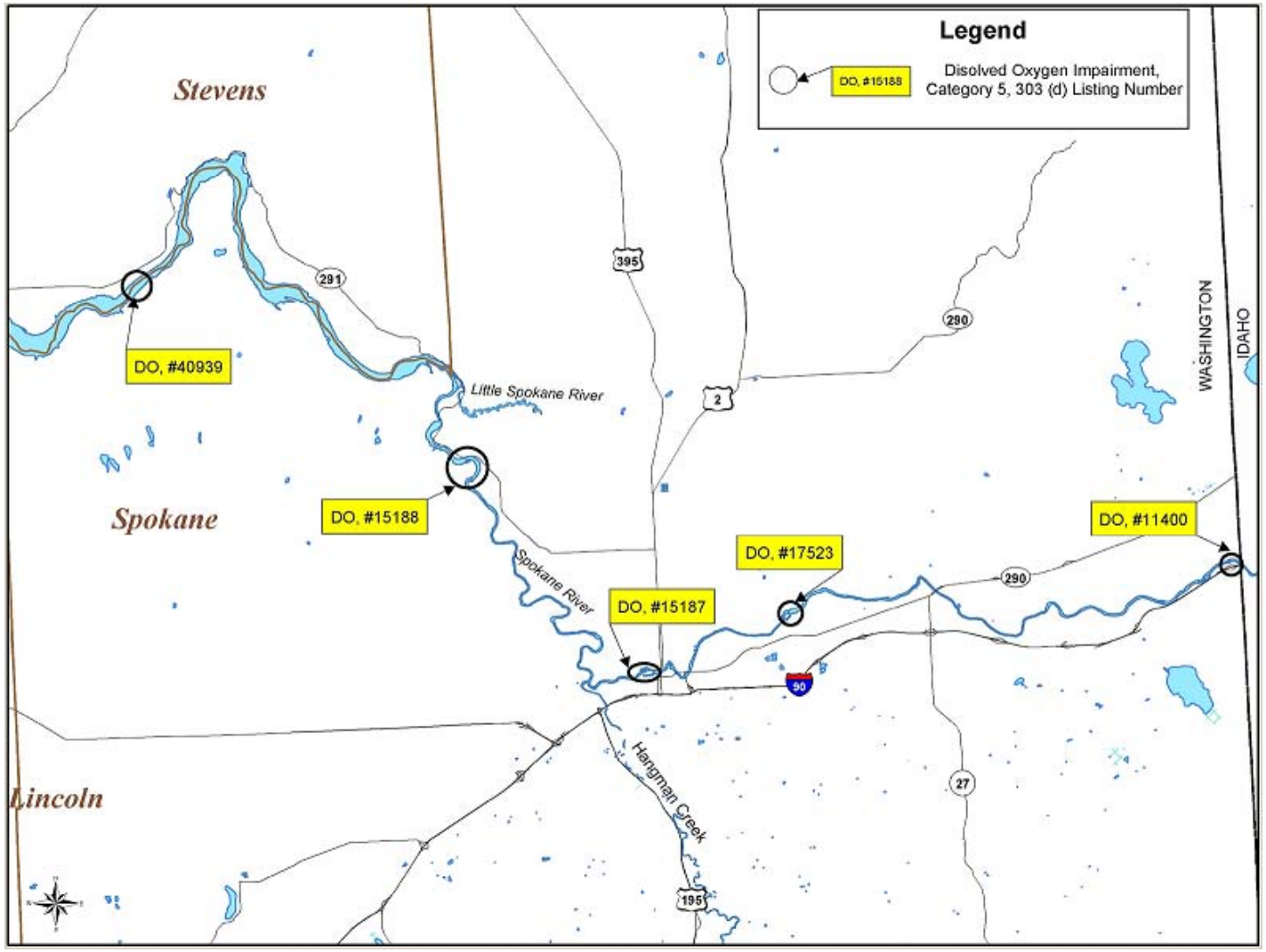
Points of Agreement

- Improving water quality is a joint responsibility
- We need the widest array of non-point source reduction options
- Focus should be on the health of fish & other aquatic life uses
  - Improve knowledge of Dominant Aquatic Habitat
- Modeling is one tool to assess DO improvements

Points of Contention

- A DO impairment would exist even if Long Lake Dam and Lake Spokane did not exist
  - Four segments of the Spokane River are listed on the 303(d) list for DO impairments

303(d) Listings



Points of Contention (cont.)

- Avista does not receive “overly generous” treatment in the DO TMDL

- Ecology should not modify WLAs in a manner that increases Avista’s responsibility
  - An increase in nutrients would intensify DO deficits in the hypolimnion of Lake Spokane

Requests

- Clarify that updated and expanded water quality data will be used as the TMDL is implemented
- Clarify that the model is only one tool to assess water quality improvements
- Clarify intention to evaluate improvements to the dominant aquatic habitat in Lake Spokane

Requests (cont.)

- Clarify that Avista may pursue non-point source offsets immediately
- Consistently refer to Avista's obligation to implement "reasonable & feasible" measures
- Do not modify WLAs in a manner that increases Avista's DO responsibilities

Requests (cont.)

- ✓ Revise Table 7 to accurately reflect the numeric water quality criteria for Lake Spokane

Conclusion

- Avista is committed to improving DO deficits in Lake Spokane and in the Spokane River downstream of Long Lake Dam

- Avista will develop a DO WQAP per the 401 WQC
  - Avista will continue evaluating potential reasonable & feasible mitigation measures to improve DO concentrations in Lake Spokane with a focus on improving dominant aquatic habitat