

**From:** [REDACTED]  
**To:** [Bilhimer, Dustin \(ECY\)](#);  
**Subject:** Spokane TMDL Dispute Resolution  
**Date:** Wednesday, March 31, 2010 2:34:03 PM

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My name is James M Kimball PE, [REDACTED]. I am an Avista ratepayer. Yesterday a concerned citizen was passing around a petition protesting a proposed rate increase proposed by Avista. The rates have to be approved by a Washington Utility oversight agency. In this case the public is informed of the costs of Avista's operations.

I have been involved with water quality issues for over 42 years as both a regulator and now a private consultant. I have been working on the Spokane river TMDL and water quality compliance since before 1984. Washington adopted a water quality standard for the reservoir behind Avista dam designating the pool to meet Natural condition. A computer Model was prepared to determine the loadings of various constituents that would meet the Natural condition standard. Based on the Model the 9.5 mg/l DO standard could not be met and a backup criteria of <.2 combined DO drop from man caused impacts is all that could be allowed. This essentially eliminated all point discharges from the River. This is impossible because of the combined projected flow of municipal effluent only is around 80MGD. The actual uses the Natural condition standard protects have never been established. To allow the major Point dischargers to continue to discharge to the River, the majority of the responsibility to do whatever it takes to reduce the DO sag to 0.2 was assigned to Avista. This is highly irregular because there is no plan of the feasibility of Avista's allocation to clean up or offset. Usually an appraisal of what fish etc are actually being protected and Beneficial Uses protected is performed. Most people think all the conflict is about the Spokane River not some point 100'+/- deep in the reservoir. Can DOE really say they have separated the two issues so the public is aware of what is in the TMDL.

The cost of Avista water quality clean up could result in \$100's of millions of dollars without the benefit of Avista knowing what they are committed to and the ratepayer understanding that it is going to offset the cost of point dischargers for a water quality standard that can not be met. I have no problem with the Point Dischargers given realistic loadings. I am protesting that Avista and ratepayers being committed to a cleanup without any plan or endpoint or cost. A plan should be prepared now and become part of the TMDL so that the 10's of thousands of Avista ratepayers know the real cost and benefits of the TMDL. To date the TMDL has been clouded by conflicting claims on both sides and a hurry up approval of a misleading TMDL will only result in a backfire against the regulators for not informing the Public of the true cost of the TMDL and Benefit

derived. If you held a new hearing on the TMDL with the facts now just being disclosed of the potential costs and unknown benefits, you would have a room full of concerned citizens. Are you open to public review?