November 17, 2008

Mr. Wayne Andresen
Inland Empire Paper Company
3320 N. Argonne
Spokane, Washington 99212-2099

Dear Mr. Andresen:

This letter is in response to your October 15, 2008, letter highlighting several issues of concern to the Inland Empire Paper Company (IEP) regarding the Spokane River/Lake Spokane dissolved oxygen TMDL and associated NPDES permits. As per your request at our meeting on October 24, 2008, we are providing this detailed response to your letter.

As you are aware, the TMDL has been put on hold in order to determine the cumulative impact of discharges to the Spokane River in Idaho and Washington. As part of that effort, the Environmental Protection Agency (EPA), the Washington State Department of Ecology (Ecology), and Idaho Department of Environmental Quality have developed a work plan which addresses some of the concerns you discuss in your letter, including the identification of future modeling scenarios. The work plan and schedule can be found on the Spokane River Forum website; www.spokaneriver.net.

An October 31, 2008, response letter to all dischargers, including IEP, describes the approach the three agencies will use to develop the TMDL. The October 31 letter also identifies opportunities for discussion and input, the first of which will occur in early December at an all- stakeholder meeting in Spokane. EPA and Ecology appreciate the efforts and commitment made by IEP to achieve the highest possible water quality standards. We look forward to continuing the dialog with you and others as we complete the work necessary to revise the TMDL and the permits.

Detailed responses relative to the issues you bring up in your letter are enclosed. Please contact Jim Bellatty at (509) 329-3534 or Christine Psyk at (206) 553-1906 if you have any further questions or concerns.

Sincerely,

Jay J. Manning,
Director
WA Dept. of Ecology

for Elin D. Miller,
Regional Administrator
EPA Region 10

Enclosure

ENCLOSURE

Issue 1: Consideration of all sources that contribute to depressed DO levels:

Revised modeling scenarios for the Spokane River / Lake Spokane TMDL and NPDES permits are being identified by EPA, Ecology, Idaho DEQ, and the Spokane Tribe. The revised scenarios will consider contributions to low dissolved oxygen from Avista's Long Lake Dam. Ecology intends to include Avista as a partner in the TMDL by requiring reductions in their contributions to the impairment. In the end, the cumulative effect of dams, and point and nonpoint sources of water quality degradation (i.e., all human effects) must not decrease the dissolved oxygen levels more than 0.2 mg/l below natural conditions.

As described in the draft TMDL, nonpoint sources were considered cumulatively for all sources on the Spokane River and its tributaries. The TMDL is structured so that individual dischargers can pursue the reduction of nonpoint sources through their delta elimination plans. For example, Spokane County has taken a lead role in determining nonpoint sources of phosphorus that can be reduced in the watershed, and developing the technical studies to support the delta offsets in their NPDES permit.

Issue 2: Waste Load Allocations should be based on what is reasonably acheivable:

Water quality based wasteload allocations (WLA's) in the draft TMDL may change depending on the results of the revised modeling mentioned above. WLA's must be developed to ensure that water quality standards are met in Lake Spokane. Response 6 provides more information on the way that TMDL wasteload allocations are integrated into the NPDES permit processes. Ecology will continue to work with IEP to identify ways to reduce IEP's delta, regardless of the size of the final wasteload allocation.

Issue 3: The Delta Elimination Plan needs to be specific on available source reduction and credits:

It is the responsibility of all dischargers to develop their delta elimination plan and determine where nonpoint sources and other actions such as water conservation and reuse can reduce phosphorus to meet the final wasteload allocations. If this information is available, Ecology will incorporate it into the detailed implementation plan, which Ecology intends to complete one year after submittal of the TMDL. Spokane County has taken a lead role in identifying nonpoint sources in the watershed and this information will likely benefit all dischargers when the study is complete. The county's phosphorus management plan can be viewed at:
http://www.spokanecounty.org/utilities/rptdoc/2008jan/0411%20Phosphorous_Management_Plan-FINAL.pdf

The draft TMDL anticipates that a TMDL oversight committee will be formed to oversee the delta implementation plan(s). One function of the oversight committee is to determine the merit of delta elimination plans submitted by the dischargers (with final approval by Ecology). However, Ecology is committed to working with dischargers to discuss delta elimination actions prior to finalizing the TMDL and forming the oversight committee. Towards that end, Ecology will continue to work with IEP to determine whether delta elimination credits can be granted based on the bioavailability of phosphorus in IEP's effluent.

Issue 4: The TMDL should provide a specific credit for phosphorus that is not bio-available:

Again, Ecology will continue to work with IEP to answer this question prior to TMDL submittal.

Issue 5: The TMDL should allow for pollutant equivalency for CBOD and ammonia:

Response number 4 applies to this comment.

Issue 6: The TMDL and NPDES permits should provide for reasonable compliance schedules:

Ecology has attempted to integrate the delta elimination plan with the permit compliance schedule so that reasonable time is provided to install and operate new technologies and pursue delta elimination actions such as nonpoint source reductions, water conservation, and reuse. Ecology believes that the 10-year compliance schedule in the draft NPDES permits is reasonable and flexible since new information will be considered upon TMDL implementation that could change the wasteload allocations.

As described in the draft TMDL:
"The final wasteload allocations will be re-assessed and possibly changed based on information gathered as part of the target pursuit actions, including data collected [including modeling] for the biennial assessments in advance of the ten-year assessment, and other activities identified in the Reasonable Assurances section [of the TMDL]. Any changes in the wasteload allocations will be protective of water quality."