



October 9, 2008

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USEPA Region 10
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Seattle, WA 98101

Mr. Tom Laurie
Department of Ecology
State of Washington
P.O. Box 47600
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Mr. Dan Redline
Department of Environmental Quality
State of Idaho
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

Re: Spokane River Dissolved Oxygen TMDL

Dear Ms. Psyk, Mr. Laurie and Mr. Redline:

This letter is written on behalf of Spokane County, the City of Spokane, the City of Coeur d'Alene, Hayden Area Regional Sewer Board, City of Post Falls, Liberty Lake Sewer & Water District, Avista Corporation, Inland Empire Paper Company, and Kaiser Aluminum.

We appreciated the opportunity to attend the agency briefing on September 26, 2008, to hear EPA's announcement and apology for the new direction it is taking to address dissolved oxygen levels in the Spokane River and in Lake Spokane. Although EPA was unable to provide any detailed information about the path forward, it is clear that a new surface water

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model or new modeling assumptions will be needed to address the revisions implied by EPA's change in approach in developing a new TMDL.

As part of the announcement, Ms. Psyk stated "This part is straightforward: we must reconnect the Idaho and Washington sources in a single analysis that results in a combined impact less than 0.2 mg/L of dissolved oxygen in Lake Spokane." The undersigned stakeholders respectfully disagree that there is anything straightforward about EPA's new direction. We believe that it is critical to convene a Stakeholder Modeling Work Group (SMWG) as soon as possible to participate in developing the revised model or new assumptions used to run the model for the Spokane River and Lake Spokane. At the briefing we believe that EPA and Ecology concurred with the stakeholders' request that this group be established prior to any work on model development or model runs by EPA or Ecology.

The revised model and new assumptions will require, as stated by Ms. Psyk, consideration of simulations of all point and nonpoint sources from Coeur d'Alene Lake to Lake Spokane. Previous and independent modeling by Ecology and EPA did not consider all sources and were based on different assumptions and calibrations. It is not accurate to claim that there is a peer reviewed model for accomplishing this task. A model was developed in conjunction with Dr. Scott Wells and Portland State University with the assistance of Tom Cole from the U.S. Army Corps of Engineers. Thereafter, however, Ecology apparently modified the model input files and further modifications were made by EPA when the model was used to derive proposed limits in Idaho discharge permits. In its current modified form, the model has not been peer reviewed.

Although the previous model work by EPA and Ecology may serve as a starting point for the new modeling effort, the supporting work and assumptions for the previous models needs to be revisited and reevaluated to ensure that the final combined model provides an accurate and up to date picture of the river. To the extent the model incorporates assumptions regarding the nature and extent of treatment or mitigation of point sources, nonpoint sources or the effects of hydroelectric development, there are necessarily policy choices embedded in how the model is run and all stakeholders in Idaho and Washington should be actively engaged in those policy decisions, including dischargers, hydroelectric facility operators, environmental groups and the Spokane Tribe.

Part of the role of the SMWG will be to ensure that the final model used is scientifically supportable, peer reviewed, legally defensible and equitable. The modeling work must also be acceptable to the agencies responsible for water quality certifications, permits and the TMDL. The principles and considerations for allocating loads among point and nonpoint sources in Idaho and Washington should also be reviewed and accepted by the stakeholders and implementing agencies as part of this process.

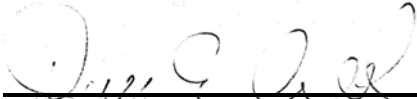
EPA and Ecology indicated that they expected this work to take 3-6 months. Given this time frame, we recommend that the agencies convene the SMWG by the end of October at the latest. The stakeholders are committed to providing modeling review assistance in the form of

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in-house and outside consultants. In order to participate effectively, we would appreciate a response to this letter with a proposed schedule for the SMWG meetings as soon as possible.

We appreciate your consideration of this request and look forward to continuing to work with you on this matter.

Sincerely,



Dale Arnold, City of Spokane



N. Bruce Rawls, Spokane County

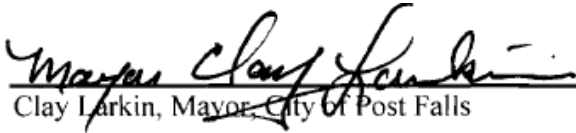


Sid Fredrickson, City of Coeur d'Alene



HAYDEN AREA
REGIONAL SEWER BOARD


Ronald McIntire, Hayden Area Regional Sewer Board



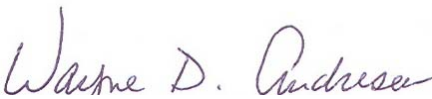
Clay Larkin, Mayor, City of Post Falls



Tom Agnew, Liberty Lake Sewer and Water District



Bruce Howard, Avista Corporation



Wayne Andresen, Inland Empire Paper Company



Bud Leber, Kaiser Aluminum

