



Papermakers since 1911.

3320 N. ARGONNE
SPOKANE, WASHINGTON 99212-2099

RE
NOV 13 2007

PHONE 509.924.1911
FAX 509.927.8461

November 13, 2007

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Mr. Dave Knight
Washington State Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205

Subject: Public Comment to Spokane River and Lake Spokane Dissolved Oxygen TMDL

Dear Mr. Knight:

The following information is submitted on behalf of Inland Empire Paper Company (IEP) as public record in regards to Washington State Department of Ecology's (Ecology) Spokane River and Lake Spokane Total Maximum Daily Load (TMDL):

- 1. Waste Load Allocation (WLA) Limits for CBOD and Ammonia, mentioned throughout the Draft DO TMDL document (Abstract - page v, Executive Summary – pages vii & ix, Wasteload Allocations – pages 23 & 24, and Adaptive Management – pages 38 & 40):**

IEP has continually challenged the issue of implementing CBOD and ammonia WLAs throughout the TMDL and the Foundational Concepts/MIP collaborative processes (see letter from IEP to Ecology, Mr. Peeler dated March 3, 2006; letter from IEP to Ecology, Mr. Peeler dated August 2, 2006; and letter from IEP to Ecology, Mr. Peeler dated December 22, 2006). IEP's specific concerns and position regarding the establishment of WLAs and the contradictory terms in the TMDL concerning CBOD and Ammonia are reiterated as follows:

All efforts exerted during the MIP/Foundational Concepts collaborative process were directed specifically towards the reduction of phosphorus, with no discussion whatsoever towards CBOD and ammonia. IEP attempted on numerous occasions to bring attention to the issues of CBOD and ammonia during the collaborative process and through numerous letters to Ecology (referenced above). IEP was reassured during the Full Group meetings, the development of the Foundational Concepts and MIP documents, and from assurances received from Ecology that limits for CBOD and ammonia would be established based on performance of the significant capital equipment to be installed for achieving the phosphorus goals.

Inland Empire Paper Company

Mr. Dave Knight
Page 2
November 13, 2007

The intent and the goals expressed by the MIP are specifically focused on reducing significant amounts of phosphorus in the river during the April-October season. The MIP states "For the purpose of implementing the Spokane River Dissolved Oxygen TMDL, it is assumed that efforts to control phosphorus will also serve to control CBOD and ammonia. Reducing significant amounts of phosphorus in the River during the April-October season and achieving Water Quality Standards for dissolved oxygen are the goals of the Spokane River Dissolved Oxygen TMDL Managed Implementation Plan (MIP)." Statements within the TMDL relative to waste load allocations for CBOD and ammonia are in contradiction with the intent of the MIP developed by the collaborative process.

The "Investment Stability" section of the MIP was incorporated to assure that the significant investments in phosphorus removal technology would be recognized by Ecology as having a 20 year life for financial recovery and equipment depreciation. The investment stability section of the MIP is intended to protect the Dischargers from further liability associated with additional significant equipment investments. Statements within the TMDL establishing WLAs for CBOD and the "necessity for further reductions in CBOD and ammonia" are contradictory to the intent of the MIP.

Current standard testing methods establish a lower CBOD detection limit of 2.0 mg/L based on the requirements for minimum DO depletion. The draft DO TMDL attempts to implement unrealistic and unattainable limits for CBOD that are below the detection limits of current test methods. In addition, reductions of CBOD to the levels specified in the TMDL are not consistently technologically and economically attainable based on available equipment performance applicable to IEP's effluent.

IEP requires that the TMDL be consistent with the intent of the MIP developed and agreed to by the collaboration. Due to the above mentioned contradictions and inconsistencies, IEP suggests that all references to WLAs for CBOD and ammonia be removed in their entirety.

2. Managed Implementation Plan, What needs to be done?, 1st Paragraph, page 26:

Eliminate the sentence: "This focus, however, should not be interpreted as an acceptance of current conditions for the other pollutants."

3. Managed Implementation Plan, What needs to be done?, 3rd Paragraph, page 27:

Change: "After the Dischargers meet the 50 µg/L of phosphorus interim limit, they will need to reduce an additional 26.6 pounds of phosphorus per day (26.6 lbs/day) to meet the equivalent of 10 µg/L TMDL target in ten years."

To: "After the Dischargers meet the mass equivalent of 50 µg/L phosphorus interim target, they will need to reduce an additional 26.6 pounds of phosphorus per day (26.6 lbs/day) to meet the equivalent of 10 µg/L TMDL target in ten years."

Inland Empire Paper Company

Mr. Dave Knight
Page 3
November 13, 2007

4. Managed Implementation Plan, What needs to be done?, Technology Selection Protocol, page 27:

Change: "NPDES permit holders will prepare, and submit to Ecology for approval, a comprehensive technology selection protocol for choosing the most effective technology for seasonally removing phosphorus from their effluent with an objective of achieving a discharge with seasonal average 50µg/L phosphorus or lower."

To: "NPDES permit holders will prepare, and submit to Ecology for approval, a comprehensive technology selection protocol for choosing the most effective technology for seasonally removing phosphorus from their effluent with an objective of achieving a discharge with a seasonal average mass equivalent of 50µg/L phosphorus or lower."

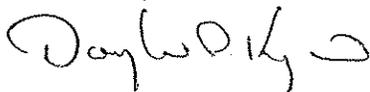
5. Managed Implementation Plan, What is the schedule for achieving water quality standards?, 1st Paragraph, page 33:

Change: "The final goal is to meet 10 µg/L of phosphorus in 20 years based on water quality standards for dissolved oxygen. During this timeframe, applicable NPDES permits will include interim limits and other requirements."

To: "The final goal is to meet the mass equivalent of 10 µg/L of phosphorus in 20 years based on water quality standards for dissolved oxygen. During this timeframe, applicable NPDES permits will include interim limits and other requirements."

IEP appreciates the opportunity to provide public comments to the TMDL, and remains dedicated to the principles of the MIP as were agreed to by the collaboration. IEP trusts that Ecology understands that the TMDL cannot be agreed to as written, due to contradictions with the MIP that could jeopardize the future of the mill. It is therefore requested that Ecology revise the TMDL document in accordance with the comments and recommendations listed above.

Sincerely,



Douglas P. Krapas
Environmental Compliance Engineer

c: W. Andresen
K. Rasler
R. Fink