



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

REGIONAL ADMINISTRATOR

**MAR 26 2010**

The Honorable Senator Mike Crapo  
U.S. Senate Office  
239 Dirksen Senate Building  
Washington, DC 20510

The Honorable Senator James E. Risch  
U. S. Senator  
483 Russell Senate Office Building  
Washington, DC 20510

The Honorable Walter C. Minnick  
Member of the Congress  
1517 Longworth HOB  
Washington, DC 20515

Dear Gentlemen:

I am responding to your March 2, 2010, letter in which you requested that EPA delay its decision regarding whether to approve the final Spokane River Total Maximum Daily Load (TMDL), which was submitted to EPA on February 12, 2010. I have decided to temporarily postpone EPA's final action on Washington's TMDL until the Washington Department of Ecology (Ecology) has completed its dispute resolution process hearing and determined whether to modify the final TMDL submitted to EPA.

EPA has worked closely with Ecology, the Idaho Department of Environmental Quality, dischargers and other stakeholders during the development of the TMDL. The object of that process has been to improve water quality, fairly distribute a very limited loading capacity between two states, and support future growth within the Spokane River watershed on both sides of the state border. The Spokane River TMDL has been in development for 12 years, including opportunities for meaningful stakeholder involvement and input during that time. The TMDL has undergone a public participation process involving numerous public meetings, a 45-day public comment period, and a public hearing. Most recently, six parties submitted dispute resolution letters to the Department of Ecology, and oral presentations related to the dispute are scheduled to take place on April 5, 2010.

EPA's TMDL review process, mandated under section 303(d) of the Clean Water Act, is independent of any state policy regarding post TMDL disputes in Washington State, just as it would be independent of any legal appeal in State court. However, given the interstate nature of

the concerns, I believe it is appropriate to give Ecology the opportunity to hear arguments in the dispute resolution process and determine whether those arguments merit further action.

If, as an outcome of the dispute resolution process, the Director of Ecology makes a decision to modify the TMDL, Ecology will submit the amended TMDL to EPA for review. EPA will continue to work closely with Ecology to identify whether any changes to the TMDL may affect NPDES permits in Idaho. If no changes are made to the TMDL by Ecology, EPA will act promptly on a final decision on the TMDL.

If you have further questions, you may call me at (206) 553-1234 or Christine Psyk, the Associate Director of the Office of Water and Watersheds, at (206) 553-1906.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis J. McLerran  
Regional Administrator

cc: Mr. Kelly Susewind, Ecology  
Mr. Barry Burnell, IDEQ