

Spokane River Stewardship Partners

Working every day for a healthy river

Spokane County • City of Spokane • Liberty Lake Sewer & Water District • City of Coeur d'Alene • City of Post Falls • Hayden Area Regional Sewer Board
Avista • Inland Empire Paper Company • Kaiser Aluminum

June 10, 2010

Via US Mail and e-mail

Mr. Dennis McLerran, Regional Administrator
EPA – Region 10
1200 6th Ave., Suite 900
Seattle, WA 98101
(email: McLerran.Dennis@epa.gov)

Ms. Toni Hardesty, Director
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
(email: toni.hardesty@deq.idaho.gov)

Mr. Ted Sturdevant, Director
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
(email: ted.sturdevant@ecy.wa.gov)

Subject: Request for meeting to discuss development of Spokane River Watershed water quality trading program and other matters related to TMDL implementation

Dear Mr. McLerran, Ms. Hardesty and Mr. Sturdevant:

Now that the Spokane River and Lake Spokane Dissolved Oxygen Total Maximum Daily Load (DO TMDL) has been approved by the United States Environmental Protection Agency (EPA), the next phase is implementation. The Spokane River Stewardship Partners (SRSP) urge that the highest priority be given by your agencies to the adoption of a viable and workable bi-state water quality trading program. All of the SRSP members anticipate that water quality trading is necessary to meet their obligations under the DO TMDL, which was recognized in EPA's approval of the TMDL. Please note that when we use the term "trading program" in this letter, we refer to the total range of options and elements for meeting load allocations, including mechanisms for utilizing offsets and/or credits.

It is our understanding that the Washington State Department of Ecology (WDOE) and Idaho Department of Environmental Quality (IDEQ) are working on the development of their respective state water quality trading programs, and that EPA has some involvement in these efforts. Due to the importance of a trading program, the complexities associated with this type of program and the critical timing relative to issuance of discharge permits, we are requesting that a joint collaborative meeting be convened with each of you, appropriate agency staff, and SRSP members. It is our request that this meeting be scheduled before any draft Washington or Idaho industrial or municipal wastewater discharge permits are issued for public comment, and not later than July 2, 2010.

Critical issues that the SRSP wants to discuss and clarify include:

1. Commitment of EPA, WDOE and IDEQ to work together and provide a viable Spokane River Watershed trading program that is available to all industrial and municipal dischargers in Washington and Idaho, and to Avista, in time to meet their DO TMDL and NPDES permit compliance obligations.
2. The need for all upcoming municipal and industrial wastewater discharge permits (issued from both EPA and WDOE) to clearly and specifically reference the trading program as an acceptable method of achieving permit compliance.
3. The need and opportunity for the SRSP to be involved in the development of the initial trading program framework and ground rules and then in the more detailed and specific trading program elements.
4. Commitment of WDOE, EPA and IDEQ to consider the peer reviewed and verified results of the bio-available phosphorus study currently being conducted by the University of Washington, and recognize that the percentage of phosphorus that is not bio-available, not reactive and not a nutrient source shall be recognized as contributing toward achieving the total phosphorus waste load allocation, in a manner that does not increase Avista's level of responsibility for dissolved oxygen in Lake Spokane.
5. Clarification on the Spokane River Advisory Committee that is discussed in the final DO TMDL, including its role and function, how it relates to the DO TMDL Oversight Committee described in the 2007 Memorandum of Agreement and Foundational Concepts, and the process being used to select members and support for this Advisory Committee.

Resolution, clarification and/or commitment of these items prior to the draft EPA and WDOE discharge permits being issued are critical. We appreciate your consideration of this request and look forward to participating in this most important meeting. The ability to implement the DO TMDL and to comply with the new DO TMDL requirements through water quality trading or offsets/credits is essential for the economic sustainability of our region and the needed water quality improvements to the Spokane River and Lake Spokane.

Sincerely,



Executive Committee Members
Spokane River Stewardship Partners

Signed by Sarah Hubbard-Gray, GeoEngineers Facilitator for Spokane River Stewardship Partners, on behalf of the Executive Committee members, which include:

Dale Arnold - City of Spokane
Sid Fredrickson – City of Coeur d’Alene
Ken Windram – Hayden Area Regional Sewer Board
Tom Agnew – Liberty Lake Sewer and Water District
Terry Werner – City of Post Falls
Speed Fitzhugh – Avista

Doug Krapas – Inland Empire Paper Company
Bud Leber – Kaiser Aluminum
Bruce Rawls – Spokane County

CC: Christine Psyk – EPA Region 10
Laurie Mann – EPA Region 10
Brian Nickel – EPA Region 10
Tom Laurie – WDOE HQ
Grant Pfeifer – WDOE ERO
Jim Bellatty, WDOE ERO
Dave Moore – WDOE ERO
Ginny Darrell – WDOE ERO
Dan Redline – IDEQ
John Tindall – IDEQ
Barry Burnell – IDEQ
Doug Conde – IDEQ
Governor Christine Gregoire
Governor C.L. “Butch” Otter
Senator Maria Cantwell
Senator Patty Murray
Representative Cathy McMorris Rodgers
State Senator Chris Marr
State Representative Timm Ormsby
State Senator Lisa Brown
State Representative Kevin Parker
State Senator Bob Morton
State Senator Mark Schoesler
Senator Mike Crapo
Senator James E Risch
Congressman Walt Minnick
Mayor Mary Verner, City of Spokane
Mayor Tom Towey, City of Spokane Valley
Mayor Clay Larkin, City of Post Falls
Mayor Ronald B. McIntire, City of Hayden
Mayor Sandi Bloem, City of Coeur d’Alene
Mayor Wendy Van Orman, City of Liberty Lake
Commissioner Todd Mielke, Spokane County
Commissioner Mark Richard, Spokane County
Commissioner Bonnie Mager, Spokane County
Commissioner Elmer “Rick” Currie, Kootenai County
Commissioner Rich Piazza, Kootenai County
Commissioner Todd Tondee, Kootenai County
Commissioner Larry Guenther, Stevens County
Commissioner Merrill Ott, Stevens County
Commissioner Malcolm Friedman, Stevens County