



City of Seattle

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Seattle City Light

Jorge Carrasco, Superintendent

April 15, 2008

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Director
Kalispel Tribe Natural Resources Department
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VIA E-MAIL AND US MAIL

Re: Pend Oreille River Temperature Draft TMDL

Dear Messrs. Martin, Susewind, Osterman and Burnell:

Enclosed with this letter are Seattle City Light's ("SCL") preliminary comments on developments relating to the Draft Pend Oreille River Total Maximum Daily Load for Temperature ("Draft TMDL"), dated August 2007, that have occurred since our September 2007 preliminary comments on the Draft TMDL. In particular, we are responding to the presentation conducted by Ecology on February 25, 2008, and the matrix of comments and



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responses provided at that time. Again, our comments have been prepared by SCL's technical staff with the assistance from our team of consultants including researchers from Pacific Northwest National Laboratories (PNNL), Long View Associates (LVA), and K&L Gates.

SCL very much appreciates the opportunity to be involved as the Draft TMDL is being developed. We believe it is important to once again raise serious concerns we have with Ecology's stated direction on several key issues. Unfortunately, there was not an opportunity to discuss these issues at the February 25 Watershed Advisory Group (WAG) meeting. Related is our concern that Ecology has not addressed issues it indicated it would in December 2007. Given this, SCL will not be able to concur in the release of the TMDL for public comment, as contemplated by Ecology's minutes of the December 13, 2007 meeting among Ecology, City Light and a number of other stakeholders. A copy of these minutes is provided as Appendix A (enclosed).

In order for our current comments to be the most useful as the TMDL process moves forward, we have provided our comments in the same matrix format as that distributed at the February 25 WAG meeting and we have provided our specific recommendations throughout this same matrix.

We also wish to reiterate certain requests for information that we submitted in September 2007, and to which we have not yet received a complete response. Additional information, in particular, a complete set of information on the methodology used, will assist us in comprehensively understanding and analyzing the TMDL

- *Reports that explain how Ecology used the model to determine impairment.*
- *The load allocation guidance that regulators used to develop the allocations. In the absence of guidance, a detailed written explanation of the methodology used or to be used to develop allocations is necessary.*

Regarding information requests, thank you for providing Paul Pickett's rolling 7-day analysis that he conducted to consider the effects of lag time on temperature (per e-mail from Karin Baldwin dated April 2, 2008). As stated in our attached comments, could you please also provide SCL with a copy of any other analysis, model runs and all related workpapers, conducted by Ecology to consider the effects of lag time.

As our comments reflect, we have reached a different conclusion regarding the outcome of appropriate lag time analysis. In order to understand the reason(s) for the difference in conclusions, SCL will conduct an assessment of both approaches and will provide this information to Ecology. At this point, it appears to SCL that Ecology's anticipated TMDL decisions are unsupported by substantial evidence. Without a clear understanding of both approaches and a scientifically sound rationale for using the selected approach, SCL contends



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Ecology is not able to draw supportable conclusions on the actual level of temperature impairment in the Pend Oreille River or on the temperature contributions from the Boundary Project.

Thank you very much for your consideration of our comments. We look forward to continuing to work with the WAG and other stakeholders.

Sincerely,

H. Christine Pratt

for Barbara Greene
Boundary Relicensing Project Manager

Enclosures

cc: Helen Rueda, EPA
Will Kendra, Ecology
Melissa Gildersleeve, Ecology
Susan Braley, Ecology
Rob Duff, Ecology
Paul Pickett, Ecology
Jim Bellatty, Ecology
Dave Knight, Ecology
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Marcie Mangold, Ecology
Thomas Herron, Idaho DEQ
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WAG Membership



