



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OWW134

MAY 3 2005

Dave Peeler, Manager
Water Quality Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Toni Hardesty, Director
Water Quality Program
Dept., of Environmental Quality
1410 North Hilton
Boise, ID 83706

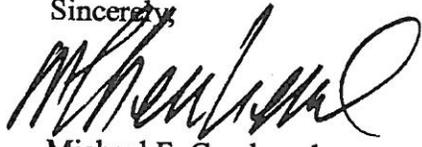
Deane Osterman, Director
Kalispel Tribe
Natural Resources Department
P.O. Box 39
Usk, WA 99180

Re: Memorandum of Agreement for the Pend Oreille River TMDL

Dear Colleagues:

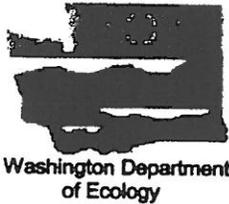
I am pleased to transmit to you the final, signed memorandum of agreement under which we have agreed to coordinate our collective agency efforts to complete one seamless temperature TMDL for the Pend Oreille. It's always good to be able to sign on to work that makes sense and is effective in utilizing agency resources.

I look forward to a constructive working relationship that will result in a TMDL for the Pend Oreille that will lead to reduction of the temperature impairment and improve conditions for the beneficial uses our agencies aim to protect. If you have any questions or concerns, please call me at (206) 553-7151 or Christine Psyk, at (206) 553-1906 Manager, of our Watershed Unit.

Sincerely,

Michael F. Gearheard
Director, Office of Water & Watersheds

Enclosure

cc: Ed Tulloch, IDEQ
John Gross, Kalispel Tribe
Paul Pickett, Ecology



Memorandum of Agreement Between:

Interstate – EPA TMDL for the Pend Oreille River

The Pend Oreille River in northeastern Washington is listed on the 303(d) list as impaired for temperature and total dissolved gas (TDG). It is also listed as impaired for these pollutants upstream in Idaho to its origin at the outlet of Lake Pend Oreille. Both states are currently in the process of addressing these impairments with TMDLs. Because the Washington portion of the Pend Oreille River abuts Kalispel Tribal waters, and these waters are impaired for temperature and TDG under the Kalispel Tribe's water quality standards, EPA is the lead on a TMDL to address impairment to Tribal waters in the Pend Oreille River.

Representatives of Ecology, Idaho DEQ, EPA and the Kalispel Tribe have been sharing information on their TMDL efforts in monthly conference calls. The Tri-State Water Quality Council also participates in these calls, and will be assisting with TMDL outreach and implementation planning efforts.

On January 20th Ecology had a workshop in Newport to introduce the TMDL effort to local stakeholders. Representatives from IDEQ, the Kalispel Tribe and the Tri-State Council were present at this meeting. Several participants in the workshop expressed a desire to see a greater coordination between the states and the Tribe for the TMDLs. Ecology and EPA have received letters and visits from several Pend Oreille stakeholders and the Kalispel Tribe stressing need for close coordination between EPA, the Tribe and states on this TMDL.

The optimal approach for coordinating TMDL development for shared waters was discussed in the February 9th Pend Oreille TMDL conference call. For the temperature TMDL, all participants in the call agreed that a single TMDL document for temperature was an advantageous approach. Both states are planning to use the CE-QUAL-W2 model and contract with the same modeler for temperature in Idaho and in the Box Canyon Reservoir in Washington. The City of Seattle is also planning to use the same model for

the Boundary Dam reservoir. A single TMDL document in which all the data are presented and analyzed within the same model would provide the most sound basis for determining natural background temperature conditions, setting allocations that address cumulative effects, and developing an integrated implementation plan. It would also provide the best presentation to the stakeholders of the watershed, as a single effort addressing the problem rather than having several sequential processes addressing the same issues. Washington has developed their TMDL schedule to provide flexibility so that it can be aligned with Idaho's and the City of Seattle's work before a final comprehensive TMDL is developed and adopted.

The case for developing a single TDG TMDL document is less compelling. TDG is governed by a single numeric standard, consistent among the entities' water quality standards. It is typically only generated by spill from dams and there are not likely to be any natural background issues with TDG in this system, so the TDG TMDLs can address the river in discrete segments bounded by dams. It is also logical and consistent with the Columbia and Snake River TDG TMDLs to address downstream segments for TDG first and move upstream, which matches the states' current schedules. Therefore effective coordination of TMDL development for shared waters can still be achieved with separate TMDLs.

Possible hindrances discussed in the conference call are Idaho DEQ's current staffing issues which have delayed their TMDL schedule, making it difficult to match Washington's schedule. Washington may have some flexibility in their scheduling, but there are some obligations under the re-licensing agreement for Box Canyon Dam that must be met. However, the current approach described above will address Idaho's situation.

The consensus recommendation of the Pend Oreille TMDL coordinators is that the following approaches for undertaking and completing temperature and TDG TMDLs for the shared waters of the mainstem Pend Oreille River would be advantageous to all parties, and are the most desirable way of addressing impairments throughout the river:

- Issue a single, joint interstate-EPA Tribal TMDL for temperature in the Pend Oreille. This is the only alternative that adequately addresses the inter-jurisdictional technical and regulatory issues for temperature impairment
- Issue separate TDG TMDLs, first for Washington and Kalispel Tribe waters and then for Idaho waters. Although this is our preferred approach, a joint interstate-EPA TMDL for TDG would also be advantageous, but only if the constraints described above can be resolved.



Michael F. Gearheard, Director, EPA
Office of Water and Watersheds

May 2, 2005
Date



Dave Peeler, Manager
Water Quality Program
Washington Department of Ecology

April 19, 2005
Date

Deane Osterman, Director
Kalispel Tribe Natural Resources Department

Date

Toni Hardesty, Director,
Idaho Department of Environmental Quality

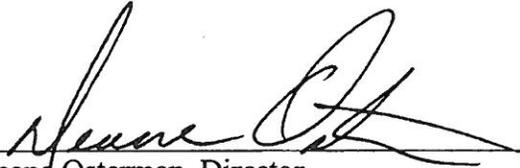
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Michael F. Gearheard, Director, EPA
Office of Water and Watersheds

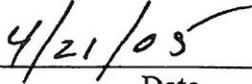
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Dave Peeler, Manager
Water Quality Program
Washington Department of Ecology

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Deane Osterman, Director
Kalispel Tribe Natural Resources Department



Date

Toni Hardesty, Director,
Idaho Department of Environmental Quality

Date

Mike Gearheard, Office of Water Director, EPA

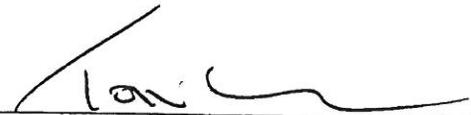
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Dave Peeler, Water Quality Program Manager,
Washington Department of Ecology

Date

Deane Osterman, Director
Kalispel Tribe Natural Resources Department

Date



Toni Hardesty, Director,
Idaho Department of Environmental Quality

4/8/05
Date