

Pfeifer, Grant D. (ECY)

From: Psyk.Christine@epamail.epa.gov
Sent: Thursday, April 03, 2008 1:01 PM
To: Peeler, Dave (ECY)
Cc: Smith, Diane (ECY); Pfeifer, Grant D. (ECY); Bellatty, James (ECY); MANN.LAURIE@EPAMAIL.EPA.GOV; Olson.Lisa@epamail.epa.gov; Lavigne, Ronald (ATG); Eaton.Thomas@epamail.epa.gov; Allen.Adrienne@epamail.epa.gov; Croxton.David@epamail.epa.gov
Subject: One more thing Re: Meeting with Inland Empire Paper

Dave, IEP's e-mail talks about a proposal they gave to Ecology. It would be helpful to get a copy of that before EPA and Ecology meet.

Thanks.

Christine Psyk
Associate Director
EPA Region 10 Office of Water and Watersheds
(206) 553-1906
<http://www.epa.gov/r10earth>

"Peeler, Dave
(ECY)"
<dpee461@ECY.WA.
GOV>

04/03/2008 12:04
PM

To
Thomas Eaton/R10/USEPA/US@EPA,
Lisa Olson/R10/USEPA/US@EPA,
"Doug Krapas"
<doug_krapas@iepc.com>,
"Pfeifer, Grant D. (ECY)"
<GPFE461@ECY.WA.GOV>, "Bellatty,
James (ECY)"
<JBEL461@ECY.WA.GOV>, Laurie
Mann/R10/USEPA/US@EPA

CC
<RonaldL@atg.wa.gov>, Christine
Psyk/R10/USEPA/US@EPA, "Smith,
Diane (ECY)" <DISM461@ECY.WA.GOV>
Subject
Meeting with Inland Empire Paper

I would like to schedule a meeting between Inland Empire Paper, EPA and Ecology as soon as possible, hopefully next week, to discuss IEP's concerns with the revisions to their permit and the DO TMDL. My objectives for the meeting are to make sure everyone fully understands the requirements, schedules and intentions of the permit and TMDL, to fully understand IEP's concerns, and to look for opportunities within the structure of the permit, TMDL and other legal constraints to address their concerns.

Wednesday, April 9 is my preferred date, but we could also slip it to Thursday, April 10 if needed. I would like to get us all in the same room if possible. It is most likely we would meet in Spokane. Please let me know if you would be available on either of those days next week, or if not, when you would be available. Also, if you believe different or additional folks from your organization need to attend, please let me know who they are. Thanks.

Pfeifer, G.

Dave Peeler
Special Assistant to the Director
WA Dept. of Ecology
360-407-6405

From: Wayne Andresen [mailto:wayne_andresen@iepco.com]
Sent: Monday, March 31, 2008 7:46 AM
To: Peeler, Dave (ECY)
Subject: FW: Follow Up to TMDL and Draft Permit Mtg. on March 27, 2008

Dave,

I overlooked your name when I sent this out last night but felt you should also receive this email.

Wayne D. Andresen
President & General Manager
Inland Empire Paper Company
3320 N. Argonne Road
Spokane, WA 99212

Tel: (509) 924-1911
Fax: (509) 927-8461
Email: mailto:wayneandresen@iepco.com

From: Wayne Andresen
Sent: Sunday, March 30, 2008 7:08 PM
To: Jay Manning (JAYM461@ECY.WA.GOV)
Cc: Stacey Cowles; Pfeifer, Grant D. (ECY)
Subject: Follow Up to TMDL and Draft Permit Mtg. on March 27, 2008

Dear Mr. Manning,

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Pfeifer, G.

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Email: mailto:wayneandresen@iepc.com

Pfeifer, Grant D. (ECY)

From: Pfeifer, Grant D. (ECY)
Sent: Thursday, April 03, 2008 12:24 PM
To: Peeler, Dave (ECY)
Subject: RE: Meeting with Inland Empire Paper

Dave -- I can be avail all day Thursday --

Wed till about 10:30 am only

-g

Sincerely,

Grant D. Pfeifer
Regional Director
Ecology's Eastern Regional Office

(509) 329-3516
(509) 570-8607 cell

(509) 329-3529 fax

gpfe461@ecy.wa.gov

~Working with you for a better Washington ~

From: Peeler, Dave (ECY)
Sent: Thursday, April 03, 2008 12:05 PM
To: Eaton.Thomas@epamail.epa.gov; Olson.Lisa@epamail.epa.gov; Doug Krapas; Pfeifer, Grant D. (ECY); Bellatty, James (ECY); MANN. LAURIE@EPAMAIL. EPA. GOV
Cc: RonaldL@atg.wa.gov; Psyk. Christine@epamail. epa. gov; Smith, Diane (ECY)
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Dave Peeler
Special Assistant to the Director
WA Dept. of Ecology

5/13/2008

360-407-6405

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Fax: (509) 927-8461
Email: <mailto:wayneandresen@iepco.com>

Pfeifer, Grant D. (ECY)

From: Dolan, Laurie (GOV)
Sent: Tuesday, April 01, 2008 7:29 AM
To: Pfeifer, Grant D. (ECY); Collins, Sheila (GOV); Manning, Jay (ECY); Phillips, Keith (GOV)
Cc: Peeler, Dave (ECY)
Subject: Re: Follow Up to Spokane River TMDL and Draft Permit Mtg. on March 27, 2008

Grant, Jay, Keith, Sheila et al - please know how deeply I appreciate the years of hard work and relationship building that you have dedicated to this effort. The Spokane River and the citizens of Spokane are the ones who benefit the most due to your hard work.

----- Original Message -----

From: Pfeifer, Grant D. (ECY)
To: Collins, Sheila (GOV); Dolan, Laurie (GOV); Manning, Jay (ECY); Phillips, Keith (GOV)
Cc: Pfeifer, Grant D. (ECY); Peeler, Dave (ECY)
Sent: Mon Mar 31 16:45:17 2008
Subject: Follow Up to Spokane River TMDL and Draft Permit Mtg. on March 27, 2008

Sheila, Laurie, Jay, Keith:

I spoke this afternoon with Wayne Andresen of Inland Empire Paper to let him know that we (Ecology) want to work with him to resolve the permitting issues. I told Wayne that we would not move forward on a new version of the TMDL until we had a few weeks to work out the details of their draft permit (similar to what Wayne requested in his letter below as option #2). He was appreciative; re-stated their commitment to do their share and said he would let Stacey Cowles know.

Wayne did say that Stacey Cowles may still want to speak with the Governor. My impression is that Mr. Cowles would follow-up if that is his desire.

Thanks, everyone for your help in the communications I'll keep you posted as we explore permitting solutions.

-grant

Sincerely,

Grant D. Pfeifer
Regional Director
Ecology's Eastern Regional Office

(509) 329-3516
(509) 570-8607 cell

(509) 329-3529 fax

gpfe461@ecy.wa.gov

~Working with you for a better Washington ~

From: Wayne Andresen [mailto:wayne_andresen@iepc.com]
Sent: Sunday, March 30, 2008 7:08 PM
To: Manning, Jay (ECY)
Cc: Stacey Cowles; Pfeifer, Grant D. (ECY)
Subject: Follow Up to TMDL and Draft Permit Mtg. on March 27, 2008

Pfeifer, G.

Dear Mr. Manning,

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Pfeifer, Grant D. (ECY)

From: Peeler, Dave (ECY)
Sent: Monday, March 31, 2008 2:44 PM
To: Pfeifer, Grant D. (ECY)
Subject: RE: Spokane TMDL & Permit for IEP

Thanks Grant -- poor Jay, having to deal with this on his vacation!

Dave Peeler
Special Assistant to the Director
WA Dept. of Ecology
360-407-6405

From: Pfeifer, Grant D. (ECY)
Sent: Monday, March 31, 2008 2:40 PM
To: Manning, Jay (ECY)
Cc: Peeler, Dave (ECY); Pfeifer, Grant D. (ECY)
Subject: Spokane TMDL & Permit for IEP

Jay -- I am sending this message with the hope that it has better luck getting thru than our recent call that got dropped ---

Dave & I agree that there is hope in working out an arrangement with IEP that honors the agreement of the collaborative process and also meets EPA's needs. It will take some back and forth wordsmithing -- but again, we feel there is a potential to get IEP back on board with the rest of the dischargers.

Their recent contact over the weekend with the Gov's Office (explained in Wayne A.'s letter below, last para) highlights their ongoing anxiety -- they remain nervous that a TMDL rollout would negatively seal their fate

If we make the decision to **postpone** issuing a new version of the TMDL (this would also have us holding off on the next draft of permits) and focus on finding a solution -- we should let IEP know ASAP since they appear pretty worried.

We are scheduled to talk internally on Thursday morning -- but a decision sooner than that may help ease their tension -- further: Wed is an Ed Board meeting with the Spokesman Review -- we could get asked (expect to) about river plans and schedules

Should we slow down the TMDL and get this worked out? (Dave & my recommendation)

-g

Dear Mr. Manning,

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5/13/2008

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Email: <mailto:wayneandresen@iepc.com>

Sincerely,

Grant D. Pfeifer
Regional Director
Ecology's Eastern Regional Office

Pfeifer, Grant D. (ECY)

From: Pfeifer, Grant D. (ECY)
Sent: Monday, March 31, 2008 11:44 AM
To: Peeler, Dave (ECY)
Subject: FW: Follow Up to TMDL & Mr. Stacey Cowles contact

see below

Sincerely,

Grant D. Pfeifer
Regional Director
Ecology's Eastern Regional Office

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gpfe461@ecy.wa.gov

~Working with you for a better Washington ~

From: Dolan, Laurie (GOV)
Sent: Monday, March 31, 2008 10:19 AM
To: Pfeifer, Grant D. (ECY); Collins, Sheila (GOV); Manning, Jay (ECY)
Cc: Phillips, Keith (GOV)
Subject: RE: Follow Up to TMDL & Mr. Stacey Cowles contact

FYI - Stacey called me at home yesterday morning. He appreciates how closely Ecology has been working with them on this, but continues to be very worried that in spite of the tremendous resources Inland Paper has put into solving this, the "fix" isn't working. He wanted to make sure the Governor was aware. I explained that the Governor is being kept informed.

Jay - I can fill you or Keith in more on my conversation with Stacey.

From: Pfeifer, Grant D. (ECY)
Sent: Monday, March 31, 2008 9:07 AM
To: Collins, Sheila (GOV)
Cc: Dolan, Laurie (GOV); Phillips, Keith (GOV); Pfeifer, Grant D. (ECY)
Subject: FW: Follow Up to TMDL & Mr. Stacey Cowles contact

Sheila -

This letter from IEP (last paragraph) explains why Stacey Cowles contacted the Governor's Office ---- IEP is emphasizing the importance of getting the draft permit right. As I mentioned on Sat., we are striving to find that place that will meet everyone's needs -- including IEP.

5/13/2008

-grant

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Pfeifer, Grant D. (ECY)

From: Peeler, Dave (ECY)
Sent: Monday, March 31, 2008 9:19 AM
To: Pfeifer, Grant D. (ECY)
Subject: RE: Update -- Follow Up to Spokane TMDL & Mr. Stacey Cowles (IEP) contact

Grant, I have a conference call with Jim at 11:00 today to talk with him about this -- you are welcome to join us.

Dave

From: Pfeifer, Grant D. (ECY)
Sent: Monday, March 31, 2008 9:13 AM
To: Manning, Jay (ECY); Peeler, Dave (ECY); Sturdevant, Ted (ECY)
Cc: Pfeifer, Grant D. (ECY)
Subject: Update -- Follow Up to Spokane TMDL & Mr. Stacey Cowles (IEP) contact

Jay:

Mr. Cowles contacted Laurie Dolan and Sheila Collins over the weekend -- Laurie was going to try to get back to him this past weekend.

I believe that we can find a way to reestablish their comfort level (and meet EPA's needs) -- staff are working with the language -- I'll talk with Dave P. about keeping connected with EPA -- I hope that we can get this settled this week (without litigation :))

-g

PS how was skiing? we received about another 6" on Sunday !!!!!

Sincerely,

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Sincerely,

Grant D. Pfeifer
Regional Director
Ecology's Eastern Regional Office

(509) 329-3516
(509) 570-8607 cell

(509) 329-3529 fax

gpfe461@ecy.wa.gov

~Working with you for a better Washington ~

From: Wayne Andresen [mailto:wayne_andresen@iepco.com]
Sent: Sunday, March 30, 2008 7:08 PM
To: Manning, Jay (ECY)
Cc: Stacey Cowles; Pfeifer, Grant D. (ECY)
Subject: Follow Up to TMDL and Draft Permit Mtg. on March 27, 2008

Dear Mr. Manning,

I want to thank you very much for the time you spent on March 27 with Llewellyn Matthews, Matt Cohen, Doug Krapas, and myself discussing our concerns about the proposed Spokane River TMDL and Inland Empire Paper Company's draft NPDES permit. We felt it was a good meeting and that we both went away with a better understanding of each other's concerns regarding these issues. I hope it was properly conveyed to you that IEP is more than willing to be an active participant in this process by installing state of the art technology that will reduce phosphorus to the lowest levels currently achievable.

During the course of the meeting we discussed three possible paths forward. (1) Ecology could release the draft permits in their present form and then deal with the legal challenges that Ecology believes would result from this

5/13/2008

Pfeifer, Grant D. (ECY)

From: Pfeifer, Grant D. (ECY)
Sent: Monday, March 31, 2008 9:07 AM
To: Collins, Sheila (GOV)
Cc: Dolan, Laurie (GOV); Phillips, Keith (GOV); Pfeifer, Grant D. (ECY)
Subject: FW: Follow Up to TMDL & Mr. Stacey Cowles contact

Sheila -

This letter from IEP (last paragraph) explains why Stacey Cowles contacted the Governor's Office ---- IEP is emphasizing the importance of getting the draft permit right. As I mentioned on Sat., we are striving to find that place that will meet everyone's needs -- including IEP.

-grant

Sincerely,

Grant D. Pfeifer
Regional Director
Ecology's Eastern Regional Office

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~Working with you for a better Washington ~

From: Wayne Andresen [mailto:wayne_andresen@iepco.com]
Sent: Sunday, March 30, 2008 7:08 PM
To: Manning, Jay (ECY)
Cc: Stacey Cowles; Pfeifer, Grant D. (ECY)
Subject: Follow Up to TMDL and Draft Permit Mtg. on March 27, 2008

Dear Mr. Manning,

I want to thank you very much for the time you spent on March 27 with Llewellyn Matthews, Matt Cohen, Doug Krapas, and myself discussing our concerns about the proposed Spokane River TMDL and Inland Empire Paper Company's draft NPDES permit. We felt it was a good meeting and that we both went away with a better understanding of each other's concerns regarding these issues. I hope it was properly conveyed to you that IEP is more than willing to be an active participant in this process by installing state of the art technology that will

5/13/2008

reduce phosphorus to the lowest levels currently achievable.

During the course of the meeting we discussed three possible paths forward. (1) Ecology could release the draft permits in their present form and then deal with the legal challenges that Ecology believes would result from this action. (2) Ecology could defer release of the permits, pending a hard look at the feasibility of implementing the terms of the Managed Implementation Plan (MIP). (3) Ecology could withhold the permits and investigate the possibility of finding common ground acceptable to all interested parties. In our view, options (1) and (3) do not promise a real solution. Litigation will cost all parties and the involved time and money could be better spent on actual water quality improvements for Long Lake, while additional meetings are not likely to produce a better resolution than the MIP that was agreed to and signed by all after more than two years of diligent work.

We hope Ecology will carefully consider the feasibility of implementing the MIP as Ecology intended when you signed the Memorandum of Agreement (MOA) in March 2007. As a signatory myself, I wish to emphasize that Inland Empire Paper Company's commitment to install state of the art technology that will reduce phosphorus stems directly from the concepts in the MIP and the MOA. We did not wait for the permit to begin our part. Issuance of a permit that is technologically infeasible does not accomplish more as we are already committed to achieve the lowest levels currently achievable.

Matt Cohen has presented an analysis of existing regulatory language that would allow the MIP to be the basis for the permits, with a path forward over the twenty year period agreed to in the MIP and MOA. We recognize that Matt's proposal would apply the compliance schedule provisions in Ecology's rules to a context with little established precedent; however, we believe it is a valid interpretation of the existing rules. In light of that, I hope Ecology would take the time needed to thoroughly evaluate Matt's proposal, as it could be a resolution to IEP's concerns about the currently proposed ten year time frame for meeting technologically unachievable phosphorus and CBOD levels.

By contrast, release of the draft permits in their present form would leave IEP with no recourse but to challenge the adequacy of the TMDL. As we discussed, it fails to address critical contributors to low dissolved oxygen levels in Long Lake, and assumes illusory reductions in nutrient loadings for which the TMDL offers no implementation scheme. One effect of these errors is to impose on a few point source dischargers the entire burden of addressing the nutrient loading contributions of everyone in the watershed.

I was at a meeting with Stacey Cowles on March 28, and conveyed to him your careful attention to the concerns we raised about the proposed permit terms. He shares my appreciation for your willingness to reconsider the path forward, but expressed deep concerns about the possibility that Ecology might decide to proceed with the draft permits as currently configured. Stacey intends to contact the Governor about the implications for IEP of Ecology's decision. I hope you will understand that the investment of IEP's owners in this issue reflects no lack of confidence in you or the quality of Ecology's analysis, but only the significance to our company of achieving permit terms that offer a long term future for our mill.

Wayne D. Andresen
President & General Manager
Inland Empire Paper Company
3320 N. Argonne Road
Spokane, WA 99212

Tel: (509) 924-1911
Fax: (509) 927-8461
Email: <mailto:wayneandresen@iepco.com>

Pfeifer, Grant D. (ECY)

From: Cohen, Matthew [Matthew.Cohen@hellerehrman.com]
Sent: Monday, March 17, 2008 6:50 PM
To: Lavigne, Ronald (ATG)
Subject: FW: Schedules of Compliance

As we discussed

From: Cohen, Matthew
Sent: Friday, March 14, 2008 9:58 AM
To: 'Llewellyn Matthews'
Cc: Wayne Andresen; 'Doug Krapas'
Subject: Schedules of Compliance

Llewellyn:

The draft NPDES permit for IEP contains a ten year schedule of compliance for IEP to attain the TMDL final waste load allocation target for phosphorus of 10 micrograms/L. This deadline conflicts with the MIP, which features a 2017 interim target of 50 microgram/L, and which relies on offsets from other sources to achieve the 10 microgram/L final target in the TMDL by 2027. Ecology's basis for its failure to follow the schedule in the MIP is that WAC 173-201A-520(4) limits the duration of any schedule of compliance imposed in an NPDES permit "for achieving compliance with water quality criteria contained in this chapter" to a maximum duration of 10 years.

There are two ways to address this problem. One obvious solution is to reduce IEP's waste load allocation, assigning to other contributors a greater share of the burden required to achieve the dissolved oxygen standard. Another solution, however, is for Ecology to find that the targets IEP must attain are the interim and final waste load allocation targets in the MIP, not the dissolved oxygen standard itself. Ecology's NPDES program rules, WAC 173-220-140, authorize Ecology to include a schedule of compliance in an NPDES permit to enable a discharger to comply with effluent standards, water quality standards or "other legally applicable requirements listed in WAC 173-220-130 . . ." WAC 173-220-130(1)(b)(iii) lists "legally applicable requirements necessary to implement total maximum daily loads" as one of grounds for imposition of effluent limits in a permit.

Why can't the targets contained in the TMDL be the "legally applicable requirements" to which the schedule of compliance in the IEP permit applies? *The ten year deadline in WAC 173-201A-520(4) applies only to schedules of compliance imposed in a permit to achieve water quality criteria. A watershed with a TMDL is a special case. TMDLs are adopted for watersheds in which water quality standards violations result from contributions from numerous point and non-point sources. The ten year deadline in WAC 173-201A-520(4) applies to compliance schedules built into permits, not to TMDLs. Nothing prevents Ecology from adopting a TMDL with a 20 year attainment strategy, and which imposes interim and final targets for individual dischargers. The ten year compliance schedule deadline in WAC 173-201A-520(4) applies to permits imposed to achieve the targets in the TMDL, not to the overall schedule adopted in the TMDL for achieving the D.O. standard.*

I will offer this interpretation in my discussions with Grant Pfeiffer and Ron Lavigne.

5/13/2008

Matthew Cohen | Attorney | **HellerEhrman**LLP | 701 Fifth Avenue, Suite 6100 | Seattle, WA 98104
tel: +1.206.389.6024 | fax: +1.206.515.8966 | mobile: (206) 714-1671 | email: matthew.cohen@hellerehrman.com

=====

This email is sent by a law firm and contains information that may be privileged and confidential. If you are not the intended recipient, please delete the email and notify us immediately.

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Pfeifer, Grant D. (ECY)

From: Pfeifer, Grant D. (ECY)
Sent: Friday, March 14, 2008 5:10 PM
To: Peeler, Dave (ECY)
Cc: Bellatty, James (ECY); Manning, Jay (ECY); Zehm, Polly (ECY); Pfeifer, Grant D. (ECY)
Subject: Re: Spokane TMDL and IEP permit

Dave -

I was just on the phone with Matt C. -he mentioned that he was going to talk with Ron - we are going to meet (by phone next week) - are you available to join in?

I met with Doug (face to face) yesterday and more "roll up your sleeves" meetings are being set up here in Spokane with IEP.

The tmdl, 401, permits launch is targeted for around April 4.

Let's talk early next week

-g

----- Original Message -----

From: Peeler, Dave (ECY)
To: Bellatty, James (ECY); Pfeifer, Grant D. (ECY); Manning, Jay (ECY); RonaldL@atg.wa.gov <RonaldL@atg.wa.gov>
Cc: Adair, Janice (ECY); Sheffels, Evan (ECY); Zehm, Polly (ECY)
Sent: Fri Mar 14 16:33:47 2008
Subject: Spokane TMDL and IEP permit

Jay, Jim, Ron and Grant --

Janice, Evan and I met with Llewelyn Matthews today at her request to discuss Inland Empire Paper's concerns with their new draft permit and the TMDL. Llewelyn hinted that IEP will appeal their permit and maybe the TMDL if issued in current form as described by us to them on Monday this week (they have not seen the revised language in either). They believe the permit would violate the "contract" (MOA) we signed with the dischargers last year, and that if issued in that form, would lead to litigation similar to what is occurring in Oregon around permit limits, compliance schedules, and other issues. Llewelyn has some ideas about the 10 and 20 year compliance schedules that she doesn't think we considered and wants Matt Cohen or another attorney on behalf of NWP&PA to follow up on with Ron Lavigne and EPA next week. We told her to go ahead and have someone contact Ron, thought we weren't sure of his schedule next week.

She also wants to meet with Jay, et al, sometime in the next couple of weeks and will contact Dianne to try to schedule a meeting. If it happens, that meeting would also likely include the IEP managers (Wayne Andresen and Doug Krapas).

~~Finally, she urged us to hold up on issuing the final version of the TMDL for at least two weeks in order to allow these discussions to occur. Since we have already delayed the TMDL advisory committee meeting that was scheduled to occur next week where we had planned to roll out the final TMDL, it's not clear to me whether this is much of a concern for us or not at this point.~~

We told Llewelyn that we are always open to suggestions that would decrease the chance of litigation so go ahead and contact Ron to discuss her ideas. I also said I thought we could share the portions of the final language in the TMDL and permit that address the issues of compliance schedules, anti-backsliding and other provisions related to the MIP and 10 & 20 year schedules that we believe would give IEP the assurances they need to "accept the permit" in her language. This would be a cut and paste job, Jim, and we can discuss early next week.

Jay, for your information IEP had been depending on new treatment technology and internal
Pfeifer, G.

recycling of a large portion of their wastewater to enable them to meet their new permit requirements. Unfortunately, their scaled up pilot treatment plant is performing poorly due to clogging and they have not been able to make it work consistently and at higher flows, and the percentage of recycled water they can successfully use is not as high as earlier hoped. They are not interested in NPS trades or other "delta elimination plans" -- they want to be independent and not worry about liability if reductions aren't achieved by others. Although we had hoped to get them to consider other alternatives, they don't appear to be willing to do so.

We should schedule our own in-house meeting to discuss these issues prior to further discussion with IEP or Llewelyn.

Dave Peeler
Water Quality Program Manager
WA Dept. of Ecology
360-407-6405

Pfeifer, Grant D. (ECY)

From: Pfeifer, Grant D. (ECY)
Sent: Friday, March 14, 2008 3:43 PM
To: Pastore, Dianne (ECY)
Subject: Re: Llewellyn Matthews re Spokane TMDL

Just will keep the travel as a back-up if the stress level is still high by that point
.... -g

----- Original Message -----

From: Pastore, Dianne (ECY)
To: Pfeifer, Grant D. (ECY); Fichtner, Mickie (ECY)
Sent: Fri Mar 14 15:13:18 2008
Subject: RE: Llewellyn Matthews re Spokane TMDL

Oh, dear. I don't think Jay really meant for you to be here in person. That's up to you, of course, but that's a real sacrifice.

-----Original Message-----

From: Pfeifer, Grant D. (ECY)
Sent: Friday, March 14, 2008 2:53 PM
To: Pastore, Dianne (ECY); Fichtner, Mickie (ECY); Pfeifer, Grant D. (ECY)
Subject: Re: Llewellyn Matthews re Spokane TMDL

That works. - Mickie better make travel arrangements for me as a backup to joining by phone. - -g

----- Original Message -----

From: Pastore, Dianne (ECY)
To: Pfeifer, Grant D. (ECY); Fichtner, Mickie (ECY)
Sent: Fri Mar 14 14:42:42 2008
Subject: RE: Llewellyn Matthews re Spokane TMDL

She was in the building today and just returned to request we change the date to Thurs, 3/27, 1:00. She's bringing Wayne Andreson, Doug Kapas, Matt Cohen (I don't know about the spellings here....). Does that work?

-----Original Message-----

From: Pfeifer, Grant D. (ECY)
Sent: Friday, March 14, 2008 2:41 PM
To: Pastore, Dianne (ECY); Fichtner, Mickie (ECY); Pfeifer, Grant D. (ECY)
Subject: Re: Llewellyn Matthews re Spokane TMDL

Yes. - I can be available. -- there will probably be a few pre-meetings here in Spokane with IEP. (Hopefully we won't have to do the 26th). -g

----- Original Message -----

From: Pastore, Dianne (ECY)
To: Pfeifer, Grant D. (ECY)
Cc: Fichtner, Mickie (ECY)
Sent: Fri Mar 14 14:29:15 2008
Subject: FW: Llewellyn Matthews re Spokane TMDL

Hi, Grant -- could you be available (by phone) for this meeting (3/26, 11:00)...if it happens? Llewellyn said something about it not being needed, but I'm not sure I have that detail correctly. Anyway, might you be available? If not, we'll look for someone else.

From: Manning, Jay (ECY)
Sent: Friday, March 14, 2008 2:17 PM
To: Pastore, Dianne (ECY)
Subject: RE: Llewellyn Matthews re Spokane TMDL

Probably just Grant.

Jay J. Manning
Director, Department of Ecology
(360)407-7001

From: Pastore, Dianne (ECY)
Sent: Friday, March 14, 2008 2:09 PM
To: Manning, Jay (ECY)
Subject: Llewellyn Matthews re Spokane TMDL

Llewellyn Matthews asked for time with you (prior to end of March) to discuss Inland Empire Paper and the Spokane Riv TMDL.

We agreed on 3/26, 11:00-12:00. If this meeting happens, do you want Spokane WQ folks to join you, by phone? And maybe Grant? Others?

Dianne Pastore
Ecology Director's Office
PO Box 47600
Olympia, WA 98504-7600
Ph: 360-407-7009
Fax: 360-407-6989
dpas461@ecy.wa.gov

Pfeifer, Grant D. (ECY)

From: Pfeifer, Grant D. (ECY)
Sent: Thursday, February 28, 2008 4:40 PM
To: Peeler, Dave (ECY)
Subject: RE: NPDES Permit Nos. WA-002447-3, WA-004514-4, WA-000082-5, WA-000089-2

Great ... -g

Sincerely,

Grant D. Pfeifer
Regional Director
Ecology's Eastern Regional Office

(509) 329-3516
(509) 570-8607 cell

(509) 329-3529 fax

gpfe461@ecy.wa.gov

~Working with you for a better Washington ~

-----Original Message-----

From: Peeler, Dave (ECY)
Sent: Thursday, February 28, 2008 4:11 PM
To: Manning, Jay (ECY); Zehm, Polly (ECY); Pfeifer, Grant D. (ECY)
Cc: Bellatty, James (ECY); Darrell, Ginny (ECY)
Subject: FW: NPDES Permit Nos. WA-002447-3, WA-004514-4, WA-000082-5, WA-000089-2
Importance: High

FYI -- this is the informal notice from EPA that they are withdrawing their objections to our Spokane River permits, to be followed by a letter next week.

Dave Peeler
Water Quality Program Manager
WA Dept. of Ecology
360-407-6405

-----Original Message-----

From: Patheal-Centenera.Bella@epamail.epa.gov [mailto:Patheal-Centenera.Bella@epamail.epa.gov] On Behalf Of Gearheard.Mike@epamail.epa.gov
Sent: Thursday, February 28, 2008 4:00 PM
To: Bellatty, James (ECY)
Cc: Darrell, Ginny (ECY); Peeler, Dave (ECY); Eaton.Thomas@epamail.epa.gov; Psyk.Christine@epamail.epa.gov; Olson.Lisa@epamail.epa.gov; Martin.Don@epamail.epa.gov; Allen.Adrienne@epamail.epa.gov; Nickel.Brian@epamail.epa.gov; Lidgard.Michael@epamail.epa.gov
Subject: NPDES Permit Nos. WA-002447-3, WA-004514-4, WA-000082-5, WA-000089-2
Importance: High

February 28, 2008

James Bellatty
Water Quality Section Supervisor
Eastern Regional Office

Pfeifer, G.

Washington State Department of Ecology
4601 N. Monroe
Spokane, WA 99205

Dear Jim:

In a letter dated December 3, 2007, EPA objected to the public notice drafts of the four permits listed below.

City of Spokane Riverside Park Water Reclamation Facility and
Combined Sewer Overflows and Spokane County (Pretreatment Program),
Permit No. WA-002447-3
Liberty Lake Water and Sewer District, Permit No. WA-004514-4
Inland Empire Paper Company, Permit No. WA-000082-5
Kaiser Aluminum Fabricated Products, LLC, Permit No. WA-000089-2

Ecology has since made changes to those draft permits that satisfy the concerns identified in our letter of December 3, 2007. This email is to notify you that we are withdrawing our objections based on the revisions made to the draft permits attached below. We understand that Ecology is committed to retaining the changes when it goes out to public comment on these permits.

(See attached file: EPA 02 28 08 2008 spokane NPDES wa 0024473.doc)

(See attached file: EPA 02 28 08 2008 Response to comments version

WA0045144 LLWSD.doc)

(See attached file: IEPCo NPDES Industrial Permit WA0000892 Peer

Review Draft 2.pdf) (See attached file: Kaiser NPDES Industrial Permit

WA0000892 Peer Review Draft 2.pdf)

We will transmit a detailed letter next week further explaining our basis for withdrawing the objections. In the meantime, my thanks to you and your staff and manager for working with us to revise the permits.

We appreciate your and their efforts.

Sincerely,

/s/

Michael F. Gearheard, Director
Office of Water and Watersheds
EPA Region 10

Mike Gearheard
Director, Office of Water and Watersheds
phone: (206) 553-7151
fax: (206) 553-0165
email: gearheard.mike@epa.gov

Bellatty, James (ECY)

From: Peeler, Dave (ECY)
Sent: Monday, January 28, 2008 11:52 AM
To: Llewellyn Matthews
Cc: Bellatty, James (ECY); Moore, David (ECY)
Subject: RE: Example of TMDL Temporary Reserve Capacity Use

Thanks Llewellyn, I have passed this on to my staff in Spokane and to the Attorney General's Office. One area of difference in this TMDL is that the point source dischargers are being asked to reduce the concentrations of their discharges down to "background" levels and those concentrations times flow have been turned into wasteload allocations, as opposed to the traditional way of calculating WLAs. So I am not sure if the margin of safety reserve you note below would factor in the same way or not, we will review it and follow up.

Also, we are proposing to have a second round of review on the draft TMDL by our advisory committee in March; we will decide later on whether we will take public comments again on the revised draft. We do expect to have a second round of public review on the draft permits in about mid-April.

Dave Peeler
Water Quality Program Manager
WA Dept. of Ecology
360-407-6405

From: Llewellyn Matthews [mailto:llewellyn@nwpulpandpaper.org]
Sent: Wednesday, January 16, 2008 6:06 PM
To: Peeler, Dave (ECY)
Subject: Example of TMDL Temporary Reserve Capacity Use

David,

Thanks again for taking the time to talk today. I promised to forward some information on an implementation approach for the Willamette River TMDL that might be useful in connection with the Spokane TMDL.

I am forwarding the last version (May 2007) of the DEQ's report for temporary reserve capacity (margin of safety) allocations to NPDES permit holders that are unable to meet their allocations. This is a fairly short document and interesting in that it considers the reserve capacity as part of the maximum daily load. The temporary reserve capacity allocations would be in place for the specified permit terms. We were negotiating this with DEQ and our primary concern was that this approach should remain in place until the TMDL model is re-done to avoid future anti-backsliding issues. DEQ is committed to redoing the TMDL and we wanted to be sure the permits process linked up. Negotiations have been pretty much parked because of the other cases I mentioned to you, the compliance schedule challenges. As a result of those, DEQ is temporarily not able to issue permits with compliance schedules.

Secondly, I have attached the DEQ's Reserve Capacity analysis of December 2007. It is dense reading and I don't recommend plowing through it. My reason for attaching it is to show that DEQ conducted a specific analysis to determine reserve capacity to support its proposal.

4/30/2008

A similar concept might work for implementation of the Spokane DO/phosphorous TMDL. My thought was that such an analysis could be done before year 10 of the MIP.

I would like to suggest the following sentence be added to page 24 at the end of the discussion of margin of safety:

"Ecology will evaluate progress, the status of the margin of safety and consider allocations of the margin of safety to dischargers if appropriate based on delta minimization plans."

Thank you for your consideration of this concept.

--

Llewellyn Matthews
Executive Director
Northwest Pulp and Paper Association
1300 114th Avenue SE, Suite 200
Bellevue, WA 98004

Office: 425-455-1323
Cell: 425-503-9787

----- Forwarded Message

From: FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>
Date: Fri, 18 May 2007 11:30:31 -0700
To: Llewellyn Matthews <llewellyn@nwpulppandpaper.org>, "Lewallen, Marvin" <Marvin.Lewallen@weyerhaeuser.com>
Cc: FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>, ANDERSEN Keith <Keith.Andersen@state.or.us>, RUSCIGNO John <RUSCIGNO.John@deq.state.or.us>, MULLANE Neil <Neil.Mullane@state.or.us>
Conversation: Temporary Reserve Capacity Use
Subject: Temporary Reserve Capacity Use

Llewellyn and Marv

Per your request, attached is the "Temporary Reserve Capacity Use in NPDES Permits for Implementation of the Willamette River Temperature TMDL"
If you have any questions or comments let me know

We will probably be finalizing the report around May 31st

Gene

----- End of Forwarded Message