I am writing to urge the U.S. Army Corps of Engineers’ (Corps) to provide the following submission of a Water Quality Attainment Plan (WQAP) for the four Lower Snake River dams. This plan is a requirement of the Washington Department of Ecology’s Clean Water Act Section 401 Certification, and the U.S. Environmental Protection Agency’s (EPA) National Pollution Discharge Elimination System permits. I urge Ecology to reject the plan and instruct the Corps to quickly submit a plan that follows WAC-173-201A-510(5), the NPDES permits, and the Clean Water Act.

The Corps’ plan does not meet the dams’ heat pollution load allocations developed by EPA and cites inadequate existing measures to reduce heat pollution proposed in the illegal CRSO EIS and defers the development of additional measures to a Regional Forum that is not subject to the NPDES permits or Ecology’s jurisdiction. Furthermore, the Corps also disclaims any responsibility to investigate temperature reduction measures that could ‘impact’ the dams’ purposes. Furthermore, it claims to have satisfied thermal load allocations developed by EPA via pre-existing “discretionary” release of Dworshak water. The Corps refuses to provide remediation for the heat pollution from the Lower Snake dams that is a well-documented and serious issue impacting the fish.

The WQAP does not specify what temperature reduction measures will be evaluated to meet the dams’ heat pollution load allocations. The Corps plan points to the CRSO EIS and the Regional Forum and asserts that these strategies will be sufficient to address the dams’ heat pollution. Furthermore, the Corps plan does not explain which previously proposed or potential new temperature reduction measures could be expected to meet EPA’s load allocation for the dams. The state of Washington’s rules in the NPDES permits, requires “a detailed strategy for achieving compliance” and to identify “all reasonable and feasible improvements that could be used to meet standards.” In addition, WAC 173-201A-510(5)c requires that WQAPs “ensure compliance with all applicable water quality criteria” and load allocations created in a total maximum daily load plan to “include a detailed strategy for achieving Washington’s water quality standards for temperature and associated uses.

Ecology should not approve the plan and, instead, work with the Corps to produce actual temperature reduction measures to be studied and implemented that have a reasonable chance of meeting the EPA’s load allocations. The Corps has been aware of its obligation to comply with the TMDLs’ load allocations for several years; the Corps’ failure to produce a specific, detailed, and concrete plan is inexcusable.

Ecology should reject or revise the Corps proposed evaluation criteria. The Corps’ position that existing water releases from Dworshak Reservoir meet the Lower Snake River dams’ heat pollution load allocations is inaccurate.

The final WQAP must also analyze drawdown below minimum operating pool (MOP).

The refusal by the Corps to include key temperature reduction measures, such as seasonal drawdowns below MOP in the WQAP would amount to an admission that the Lower Snake River dams cannot comply with Wahington’s water quality standards. This could require that Ecology’s revocation of the 401 Certifications for the Lower Snake River dams and call into question the Corps’ legal authorization to operate these facilities.

Sincerely,

Laurie Kerr

Leader, Cascade Volcanoes Chapter

Great Old Broads for Wilderness