



February 22, 2005

VIA EMAIL AND FACSIMILE - ORIGINAL TO BE MAILED

Mr. David Peeler
Water Quality Manager
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504
Fax: (360) 407-6426
Email: dpee461@ecy.wa.gov

Dear Mr. Peeler:

Thank you for your recent communication with us regarding the petition for adoption, repeal and/or amendment of administrative regulations WAC 173-201A-600 and WAC 173-201A 602 (the "UAA Petition"). We understand the deadline for the Department to take action with regard to the UAA Petition is February 25, 2005. Ecology has proposed that the Sponsors of the UAA (the "Petitioners") and Ecology agree to a course of action that will facilitate negotiations between the Petitioners and Ecology to resolve the Petitioners' concerns with draft Submittal Report for the Spokane River Dissolved Oxygen Total Maximum Daily Load dated October, 2004 ("Draft TMDL").

The Petitioners are prepared to voluntarily withdraw the UAA Petition, provided that on or before February 24, 2005, the Department and the Petitioners reach written agreement that contains the following terms:

1. The Petitioners' will voluntarily withdraw the UAA Petition by 5 p.m., February 24, 2005, "without prejudice." The UAA Petition can be resubmitted by any individual Petitioner or all of the Petitioners at any time without additional data or analysis. The UAA Report will remain as part of the administrative record for both the TMDL and the UAA.
2. Upon receipt of a letter from all Petitioners voluntarily withdrawing, without prejudice, the UAA Petition, Ecology will voluntarily hold the Draft TMDL in abeyance during the negotiations so long as the UAA Petition remains withdrawn. Ecology shall provide written confirmation of the abeyance of the Draft TMDL to the Petitioners, via email or fax communication to John Spencer, at Jspence2@CH2M.com, or FAX 425-468-3100.
3. Following withdrawal of the UAA Petition and abeyance of the Draft TMDL, the Washington Department of Ecology Water Quality Program Manager, or the Director of the Department of Ecology, and the Petitioners will negotiate, in good faith, a TMDL implementation plan that will achieve the following objectives:

- Provide a waste load allocation in the Spokane River for Spokane County's new sewage treatment plant, with waste load allocations and NPDES permit effluent limitations based on the County constructing and operating a final effluent filtration wastewater treatment plant for at least 20 years.
 - Provide implementation schedules for each municipal and industrial Petitioner that allows sufficient time for reasonable capital debt redemption for Petitioners to implement final filtration or equivalent technology.
 - Develop a joint agreement to implement a watershed based phosphorus non-point source control program.
 - Cooperate in the development of other phosphorus reduction opportunities including but not limited to water re-use and conservation strategies.
4. Ecology will proceed in a timely manner to reissue or administratively extend all expired and expiring NPDES permits to authorize continuing municipal and industrial discharges by the Petitioners based on existing permit conditions and technologies pending the adoption of a final TMDL.
 5. Ecology will collaborate with Petitioners to develop a comprehensive Use Attainability Analysis for the Spokane River by August 31, 2005, and, if appropriate, Ecology will initiate the rulemaking process by December 31, 2005.

The UAA Petitioners welcome the Department of Ecology's interest in constructive discussions to achieve significant and meaningful improvements to the Spokane River water quality. We are prepared to commit to aggressive and good faith negotiations to expeditiously resolve the pending UAA and TMDL issues. We look forward to hearing from you quickly. In the interest in facilitating communications, please direct further communications to John Spencer at Jspence2@CH2M.com, or FAX 425-468-3100 who will provide your response to the Petitioners.

Sincerely,

UAA Sponsors and Petitioners:

[Signatures Here]

cc: Gov. Christine Gregoire (via email and facsimile)
Tom Fitzsimmons, Chief of Staff (via email and facsimile)
Linda Hoffman, Director of Ecology (via email and facsimile)
Jay Manning, Incoming Director of Ecology (via email and facsimile)
Ronald Lavigne, Assistant Attorney General (via email and facsimile)



James E. West

James E. West, Mayor, City of Spokane



Pat Blau
Pat Blau, Kaiser Aluminum

Wayne D. Andresen
Rick Fink, Inland Empire Paper *Wayne Andresen, President UAA*



Sid Fredrickson
Sid Fredrickson, City of Coeur d'Alene



Kent Helmer
Kent Helmer, Hayden Area Regional Sewer Board



Nina D. Regor
Nina D. Regor, Deputy City Manager, City of Spokane Valley

Lee Mellish
Lee Mellish, Liberty Lake Sewer and Water District



Phil Harris
Phil Harris, Commissioner, Spokane County



Clay Larkin
Clay Larkin, Mayor, City of Post Falls



c: Sponsors of the Spokane River UAA



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (For the Speech or Hearing Impaired)

February 23, 2005

Mr. John Spencer, Vice President
CH2M Hill, Inc.
777 108th Avenue NE
PO Box 91500
Bellevue, WA 98009-2050

Dear Mr. Spencer:

Thank you for the recent letter of February 22, 2005, regarding the Use Attainability Analysis Petition (UAA Petition) for the Spokane River submitted on December 28, 2004, by John Spencer on behalf of nine petitioners.

We are heartened by the petitioners' interest in setting aside the petition so we can engage in constructive, collaborative discussions among all of the relevant parties to expeditiously develop an implementation strategy that would resolve the pending UAA and some crucial pollution issues on the Spokane River and Lake Spokane. We accept the provisions in your letter as a starting point for diligent, focused discussions to achieve better water quality, a healthier river and a stronger, longer-lasting solution for a healthy community.

If the petition is withdrawn, Ecology will agree to suspend completion of the total maximum daily load (TMDL) plan for a short period of time (at least 90 days) to allow such discussions to proceed. These discussions will be a high priority for Ecology. We will provide commensurate staff resources to ensure a productive and efficient process, and we hope that others will do the same. It will be important and necessary to quickly establish the framework, including participants, timing, roles, and process, within which these discussions will take place.

I look forward to working with the petitioners and the broader Spokane community on these important, time-sensitive issues.

Sincerely,

David C. Peeler
Water Quality Program Manager

cc: Petitioners
The Honorable Christine Gregoire
Linda Hoffman, Ecology Director
Jay Manning
Ronald Lavigne, Assistant Attorney General





VIA EMAIL, FACSIMILE, AND U.S. MAIL

***NOTICE OF VOLUNTARY WITHDRAWAL, WITHOUT PREJUDICE,
OF PETITION FOR RULEMAKING***

February 22, 2005

Mr. Jerry Thielen, Government Affairs
Washington State Department of Ecology
P.O. Box 47600
Olympia WA 98504
Fax: (360) 407-6989
Email: jthi461@ecy.wa.gov

Ms. Linda Hoffman, Director
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504
Fax: (360) 407-6989
Email: LHOF461@ecy.wa.gov

Mr. David Peeler, Water Quality Manager
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504
Fax: (360) 407-6426
Email: dpee461@ecy.wa.gov

Re: Notice of Voluntary Withdrawal, Without Prejudice, of
“Petition to Amend WAC 173-201A-600, Table 600, and WAC 173-201A-602,
Table 602 for WRIA 54—Lower Spokane and WRIA 57—Middle Spokane”

Dear Mr. Thielen, Ms. Hoffman, and Mr. Peeler:

The above-referenced “Petition to Amend WAC 173-201A-600, Table 600, and WAC 173-201A-602, Table 602 for WRIA 54 – Lower Spokane and WRIA 57 – Middle Spokane”) was received by Ecology on December 28, 2004 and acknowledged by Mr. Thielen on January 4,

Mr. Thielen, Hoffman, and Peeler

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2005 ("Petition"). In a letter dated February 22, 2005, to Mr. Peeler, the Petitioners each agreed to withdraw the Petition subject to certain conditions, including each individual Petitioner's, or all Petitioners' right to refile the Petition at any time without additional data or analysis. Consistent with our letter of February 22, 2005, the undersigned Petitioners hereby voluntarily withdraw the Petition, without prejudice.

Very truly yours,

UAA PETITIONERS:

cc: Gov. Christine Gregoire (via email and facsimile)
Tom Fitzsimmons, Chief of Staff (via email and facsimile)
Jay Manning, Incoming Director of Ecology (via email and facsimile)
Ronald Lavigne, Assistant Attorney General (via email and facsimile)



James E. West

James E. West, Mayor, City of Spokane



Pat Blau

Pat Blau, Kaiser Aluminum



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Rick Fink, Inland Empire Paper *Wayne Andresen, President UAA*



H. Sid Fredrickson

Sid Fredrickson, City of Coeur d'Alene



Kent Helmer

Kent Helmer, Hayden Area Regional Sewer Board



Nina D. Regor
Nina D. Regor, Deputy City Manager, City of Spokane Valley

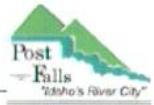


Lee Mellish

Lee Mellish, Liberty Lake Sewer and Water District



Phil Harris
Phil Harris, Commissioner, Spokane County



Clay Larkin
Clay Larkin, Mayor, City of Post Falls

c: Sponsors of the Spokane River UAA