

Pend Oreille River Temperature TMDL Dispute Resolution

The Department of Ecology's (Ecology) Water Quality Program Policy 1-25 establishes an internal review process for TMDL-related plans and reports. TMDL stands for total maximum daily load, which is essentially a water cleanup plan.

Technical or procedural disputes or disagreements that arise during the participation and comment process may be presented to the director for review. The director shall conduct a review of the disputed items and issue written findings and conclusions to all interested participants.

The standard practice for developing TMDLs involves a partnership between a local community and Ecology staff. It involves state and local governments, business, permit holders, citizen groups, and individuals. A TMDL study uses peer-reviewed science to determine how best to clean up water pollution problems, and many times the answers are complex and could have multiple alternatives. This can sometimes lead to disagreements.

Q: Who initiates the dispute resolution process?

A: In general, any interested party may initiate this process if they have been involved in the development of a TMDL-related report and they believe they have an issue requiring dispute resolution.

Q: How is dispute resolution different from a normal appeals process?

A: Dispute resolution is an internal process that Ecology's Water Quality Program uses to review issues by stakeholders that have not been resolved during the TMDL development process. The dispute resolution process is initiated after all other attempts to resolve the issue have failed. The dispute resolution process is not a formal judicial process like an appeal.

WHY IT MATTERS

Ecology's Water Quality Program is committed to preventing and cleaning up water pollution, as well as helping communities make sustainable choices that reduce and prevent water quality problems.

Solutions to these problems are often complex and involve many different interests. The Water Quality Program is dedicated to working with interested parties to achieve compliance with state water quality standards and pollutant reductions prescribed in a water cleanup plan (a TMDL, or Total Maximum Daily Load).

Contact information

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Special accommodations

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Q: What is the process?

A: The process begins when Ecology receives a dispute resolution request that contains all of the information outlined in Water Quality Program [Policy 1-25](#). When a complete request is received, Ecology headquarters coordinates with the disputing parties to set up an oral presentation meeting (if requested) to present evidence in support of the disputing party and the Ecology staff responding to the dispute. A panel of experts reviews the disputes and makes a recommendation to the Ecology Director. The dispute resolution decision rests with the Director.

Q: Who is on the dispute resolution panel and why were they chosen?

A: The panel members are named by the Ecology Director and will review the dispute and act as an advisory group to the Director. The panel may consist of:

- Water Quality Program section manager from an Ecology regional office not involved in the dispute.
- An Ecology Environmental Assessment Program section manager.
- External representative familiar with TMDLs but not involved in the dispute.
- Ecology Director's designee.
- Ecology staff person with expertise in the subject area of the dispute but not involved in the specific issue.

Q: Who are the other affected parties and what can they do?

A: Generally, the other affected parties are stakeholders that have been involved with the TMDL or are somehow affected by the TMDL. They can provide written information to the panel if they want the panel to know their views.

Q: What will happen at the oral presentations?

A: Oral presentations are a chance for parties with a dispute to present information supporting their claims, in person, to the dispute resolution panel.

Q: How is a decision on the dispute resolution made?

A: Dispute resolution panel members will evaluate the written and oral information submitted by the disputing party or parties and the responding Ecology party, along with written comments by the other affected parties. Panel members must weigh the evidence presented to them and make a recommendation to the Ecology Director, who has the final decision-making authority.

Q: Where can I find more information about the Pend Oreille River Temperature TMDL dispute?

A: Ecology added information to the Pend Oreille River TMDL web page at:
<http://www.ecy.wa.gov/programs/wq/tmdl/pendoreille/index.html>.