



EPA Issues Second Draft of Regional Water Temperature Guidance for Public Review

The U.S. Environmental Protection Agency (EPA) Region 10 is seeking comments from the public on the second draft of its water temperature guidance to states and tribes in the Pacific Northwest. The guidance is intended to be used by states and tribes to establish water quality standards for temperature which will protect native salmon and trout (steelhead, bull trout and cutthroat trout). If the states and tribes adopt standards consistent with the guidance, EPA Region 10 will be able to expedite the Clean Water Act approval process and the Endangered Species consultation for the standards.

EPA is issuing this second draft after considering nearly 700 public comments on the first draft of the guidance. The first draft of the guidance was issued in October 2001, and the public comment period extended through February 2002. Based on public comments, EPA has significantly revised the guidance.

The second draft guidance can be found on EPA's website: www.epa/r10earth/temperature.htm or by calling EPA's Public Environmental Resource Center 1-800-424-4372.

Public Comment Period

EPA will accept public comments on the second draft of the guidance from **October 11 - November 26, 2002.**

Send or e-mail comments to:

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Public Meetings

EPA is hosting three public meetings during the comment period so people can learn more about the draft guidance, ask EPA questions, and provide oral comments for the record.

November 6, 2002, 1:00 - 4:30

City of Portland Bldg., 1900 SW 4th Ave., Room 2500A
Portland, OR (downtown)

November 7, 2002, 1:00 - 4:30

Department of Ecology Auditorium, 300 Desmond Drive
Lacey, WA

November 15, 2002, 9:00 - 12:30

Idaho Dept. of Environmental Quality Conference Rooms
1410 N. Hilton St., Boise, ID

Major Elements of the First Draft

In the first draft of the guidance, EPA recommended the use of temperature models to develop temperature criteria based on “thermal potential.” Recognizing it would take some time to develop thermal potential-based criteria for each sub-basin, EPA recommend “interim” temperatures or numeric criteria that would protect the different salmonid life stages until the thermal potential criteria were adopted.

EPA also recommended states and tribes adopt temperature management plan (TMP) provisions in their Water Quality Standards which would allow permitted point sources to meet the TMP provisions instead of the numeric criteria.

Lastly, EPA recommended that states adopt approaches that would protect waters which are currently colder than the numeric criteria.

Summary of Public Comments of the First Draft Guidance

EPA heard a wide range of comments on the first draft of the temperature guidance. Generally, EPA heard that it should: better describe why temperature is a problem for salmonids; describe how its guidance relates to the national 304(a) temperature criteria; get more stakeholder input in the development of the guidance; and not go beyond its Clean Water Act authority.

More specifically, people expressed serious concerns about the complexity, costs and time associated with the thermal potential approach, and that it is untested. EPA heard mixed reaction to the “interim” numeric criteria. Some commenters indicated that they believed the temperatures were too cold and unattainable, while others thought they were too warm and not protective enough.

Some people were critical of the temperature management plan recommendation. Some thought the recommendation improperly set defacto end-of-pipe discharge limits, while others thought the recommendation would make for less stringent standards.

Some people expressed concerns that the recommendation to protect cold water went beyond the Clean Water Act minimum requirements. Some people also commented that EPA should not rely too heavily on anti-degradation provisions because they felt the provisions have not been effective.

The first draft guidance and a summary of the public comments can be viewed at EPA’s website: www.epa.gov/r10earth/temperature.htm.

Additional Stakeholder Input on Possible Changes to the Draft Guidance

Following the comment period on the first draft of the guidance, over the last six months, EPA held meetings with a variety of stakeholders to discuss issues raised during the comment period and get feedback on possible changes to the guidance. As a result of the public comments and these stakeholder meetings, EPA has made significant changes to the guidance.

Changes Made in this Guidance to Address Public Comments

These changes are intended to protect salmon and trout, account for naturally-occurring warm waters and simplify implementation. The following is a brief summary of the changes made to the guidance:

1. Added more information about human-elevated water temperatures as a factor in salmonid decline;
2. Added a section describing the relationship of this guidance to the national 304(a) criteria for temperature;
3. Changed the emphasis of the guidance from the thermal potential approach to a more familiar approach of defining cold water salmonid uses for the different salmonid life stages and the recommended numeric criteria to protect those uses;
4. Added recommendations on where and when the numeric criteria should apply (*i.e.*, recommends an approach for defining cold water salmonid uses);
5. Added a more thorough explanation of the basis for the recommended numeric criteria, and provided a better connection between the draft guidance and the technical issue papers that were developed in support of the draft guidance;
6. Added a section describing options under the Clean Water Act that a state or tribe could pursue if the recommended numeric criteria are inappropriate or unattainable;
7. Replaced the temperature management plan recommendation with a recommendation to add language to a state's or tribe's mixing zone regulations that would prevent or minimize adverse effects to salmonids from a plume of warm water;
8. Changed the cold water recommendation to describe three regulatory options a state or tribe could adopt to protect existing water that is colder than the numeric criteria.

Next Steps

After reviewing and considering all comments from the public, EPA plans to finalize the guidance along with a written response to comments in February 2003.

For More Information

Go to EPA's website:
www.epa.gov/r10earth/temperature.htm

or contact:

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