

From: Gilbert, Janis (ECY)
Sent: Thursday, September 04, 2008 12:58 PM
To: ECY DL ERO ALL
Subject: WHAT'S GOING ON?

Hi.

You may have seen some erratic behavior or actual running down hallways.

So that you know early, this is what's going on, if you are interested:

Please refer any call on this subject to me, or Grant, Jim Bellatty, Dave Knight or Ginny Darrell until we have a clearer understanding of what this means.

The EPA's general counsel in D.C. has determined that the way we did the TMDL for dissolved oxygen in the Spokane River and Lake Spokane will not hold up in court. The methodology came from EPA in the first place and all thorough the lengthy, complicated process, the EPA has backed up its decision. (The methodology involves where the "background" level is from which to build the water-quality improvement plan, or TMDL.)

We are having a news conference via phone at 3 p.m. today with reporters who are interested. They are very interested, and you will see an article in tomorrow's *Spokesman Review*.

Needless to say, we are very disappointed about this turn of events and have asked the EPA to take the responsibility for the error when talking to reporters. We do not know what our path forward is now, but will be meeting with EPA, our dischargers and others within the next week or so to assess and discuss our options. We are hoping it's not a 100% "back to the drawing board" situation.

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