WASHINGTON PUBLIC UTILITY DISTRICTS ASSOCIATION
WPUDA
YOUR connection

August 28th, 2025

WA State Department of Ecology, Water Quality Program
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RE: Comments on Draft Plan to Control Nonpoint Sources of Pollution

The Washington Public Utility Districts Association (WPUDA) represents 27 public utility districts (PUDs) operating in Washington state that provide services critical to public health, safety and welfare. PUDs are committed to environmental stewardship while providing reliable and low-cost water, wastewater, energy, and telecommunications utility services.

PUDs operate under the broad authority under RCW Title 54 to plan, construct, and operate all manner of utility infrastructure. As not-for-profit governmental entities with locally elected governing boards, PUDs are subject to transparent governance, long-term planning obligations, and community and state oversight.

At nearly 40 percent, PUDs collectively provide more electricity used in Washington state than other categories of utilities including Investor-owned, municipal and cooperatives. Public Utility Districts in Washington strongly support the protection of aquatic habitat and healthy river systems. At the same time, we are concerned that the proposed temperature criteria, as currently written, place obligations on Washington facilities that neither reflect the conditions of our river systems nor fairly account for upstream contributions.

Hydroelectric projects are licensed and regulated by the Federal Energy Regulatory Commission through terms and conditions that are consistent with the Clean Water Act to operate for environmental benefits while generating energy. These benefits are often overlooked in regulatory discussions. The terms and conditions of hydroelectric project licenses are typically focused on providing benefits to river temperatures, instream flows, fish, and other aquatic species throughout the year. In short, hydroelectric projects frequently serve as a tool to offset non-point pollution trends, not as a primary cause of them.

A central challenge is that some Washington rivers receive water from outside the state at temperatures above the established criteria. When those inflows enter Washington, the standards have technically been exceeded before any Washington facility can influence or impact the baseline tributary inflow temperature. Placing compliance responsibility on in-state hydropower operators for conditions created elsewhere is neither practical nor equitable.

Several studies have confirmed that waters entering Washington frequently exceed the **20 °C water temperature criterion** (Ecology 2021; EPA 2021). These conditions originate upstream and outside Washington's jurisdiction. The following studies and publications have documented this fact.

- **Okanogan River (Canada → Washington):** Long-term monitoring shows mainstem temperatures frequently exceed **24 °C** during summer border crossings (Colville Tribes OBMEP 2010–present[1]; Ecology 2014[2]).
- **Snake River (Idaho/Oregon → Washington):** EPA's Columbia–Snake TMDL documents exceedances of 20 °C throughout summer. Historic USFWS records upstream of Washington show July–August averages ≥ 20 °C, up to 100% of days in 1957 (EPA 2021[3]; USFWS 1957[4]).
- **Spokane River (Idaho → Washington):** At the Stateline station, Ecology documented temperatures exceeding 20 °C in more than 10% of samples, reflecting influence from Lake Coeur d'Alene inflows (Ecology 2007[5]; Ecology 2015[6]).
- **Pend Oreille River (Idaho/BC → Washington):** Ecology's technical study and USGS datasets confirm exceedances of 20 °C during the summer critical season, driven by upstream inflows (Ecology 2010[7]; USGS 2019[8]).
- **Columbia River (British Columbia → Washington):** EPA's TMDL notes average August mainstem temperatures of **21–22 °C** at the border, above the 20 °C criterion (EPA 2021[3]).

Given these conditions have been well documented by several different studies and publications, we respectfully recommend three key adjustments are considered:

1. **Seasonal Review of Temperature Criteria:** Criteria should be reconsidered for periods when inflows from outside Washington consistently exceed thresholds. Standards that are impossible to meet at the border do not advance water quality goals.
2. **Shared Responsibility Across Border Lines:** The burden of addressing elevated temperatures should rest with the sources that contribute to them. Washington's rules should reflect the need for international and interstate coordination to manage upstream flow impacts.

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[1] Colville Confederated Tribes. *Okanogan Basin Monitoring & Evaluation Program (OBMEP): Water Temperature Monitoring Results.* Colville Tribes Fish & Wildlife Department, 2010–present.
[2] Washington State Department of Ecology. *Okanogan Watershed Temperature and Water Quality Summary Report.* Olympia, WA, 2014.
[3] U.S. Environmental Protection Agency (EPA). *Columbia and Lower Snake Rivers Temperature Total Maximum Daily Load (TMDL).* Region 10, Seattle, WA, 2021.
[4] U.S. Fish and Wildlife Service (USFWS). *Snake River Temperature Data Near Hells Canyon, 1957.* Technical Memorandum, Boise, ID.
[5] Washington State Department of Ecology. *Spokane River and Lake Spokane (Long Lake) Dissolved Oxygen and Temperature TMDL: Water Quality Improvement Report.* Publication 07-10-073, Olympia, WA, 2007.
[6] Washington State Department of Ecology. *Spokane River Temperature Data Summary, Stateline Monitoring Station.* Water Quality Program, Olympia, WA, 2015.
[7] Washington State Department of Ecology. *Pend Oreille River Temperature Total Maximum Daily Load (TMDL) Technical Study.* Olympia, WA, 2010.
[8] U.S. Geological Survey (USGS). *Water Temperature Monitoring, Pend Oreille River, Idaho–Washington, 2016–2018.* USGS Data Release, Reston, VA, 2019.

3. **Recognition of Cooling and Flow Benefits:** Facilities that lower downstream temperatures or augment summer flows should not be subject to penalties for exceedances. Instead, these facilities should be recognized for their role in mitigating heat and sustaining aquatic ecosystems.

Hydropower projects are integral to both the clean energy transition and the health of our rivers. They provide reliable carbon-free power while also supporting fish habitat by moderating summer temperatures and flows. We urge the Department to develop and adopt criteria that acknowledge these benefits and ensure accountability is placed where it belongs.

Please do not hesitate to contact me at tnelson@wpuda.org or (360) 890-6681 if you would like to discuss any of these recommendations further.

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