

# Citizen Suit Enforcement/Clean Water Act: U.S. District Court Lawsuit Requesting Preparation of TMDL for Snake/Columbia Rivers



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03/17/2017

Columbia Riverkeeper and a number of other organizations (collectively “Columbia”) filed a Complaint on February 23rd in the United States District Court (Western District of Washington) against Scott Pruitt, Administrator of the United States Environmental Protection Agency (“EPA”). See No. 2:17-cv-289.

The Complaint asks that the Court compel EPA to:

... issue a pollution budget, called a total maximum daily load (“TMDL”), for temperature pollution in the Columbia and Snake Rivers in Oregon and Washington.

Columbia claims that summer water temperatures in both rivers have exceeded state water quality standards which have harmed salmon and steelhead. They further argue that the Clean Water Act requirement to issue a TMDL has therefore been triggered.

EPA is stated to have begun preparing a TMDL in 2000 and released a draft version in 2003. This draft version is stated to have identified dams on the Columbia and Snake Rivers as the primary contributors to high water temperatures. However, the Complaint alleges that EPA abandoned the TMDL process shortly after releasing the draft and never issued a final document.

Columbia argues that persistent high water temperatures continue to exceed the state water quality standards and imperil salmon and steelhead. The death of what is described as “roughly 250,000 adult sockeye salmon” in the Columbia and Snake Rivers in 2015 because of warm water (preventing them from successfully migrating upstream) has occurred.

Columbia argues that EPA has:

- violated its mandatory duty under Section 303 of the Clean Water Act,
- committed an unreasonable delay under the Administrative Act by failing to issue a temperature TMDL for the Columbia and Snake Rivers in Oregon and Washington.

The organizations seek injunctive relief ordering EPA to “promptly prepare a temperature TMDL.”

[A copy of the Complaint can be downloaded here.](#)