



Oregon

Kate Brown, Governor

Department of Environmental Quality

Western Region Eugene Office

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TTY 711

December 12, 2017

Edson Pugh, General Manager
Deschutes Valley Water District
881 SW Culver Highway
Madras, Oregon 97741

Re: Opal Springs Hydroelectric Project, FERC Project No. 5891
Modification of Section 401 Water Quality Certification

Dear Mr. Pugh:

On October 8, 2015 the Deschutes Valley Water District filed with the Federal Energy Regulatory Commission an application for a non-capacity amendment to its existing operating license to install and operate fish passage facilities at the project. On October 26, 2016, the Oregon Department of Environmental Quality issued Deschutes Valley a quality certification pursuant to Section 401 of the federal Clean Water Act and ORS 468B.040.

Since filing the license amendment application, Deschutes Valley has modified certain technical aspects of the proposed activity. The changes affect proposed license articles and certain conditions addressed by the 401 certification. On June 12, 2017 Deschutes Valley requested DEQ review revisions to the proposed activity and, if warranted, modify the certification in accordance with state law.

Based on our evaluation of the activity and in consideration of comments received from the public, DEQ is reasonably assured that operations under an amended FERC license will be consistent applicable provisions of Clean Water Act Sections 301, 302, 303, 306, and 307, state water quality standards, and other appropriate requirements of state law. DEQ hereby issues a modified section 401 water quality certification as allowed by OAR 340-048-0050.

The certification is valid for Deschutes Valley Water District and is not transferable without written approval of the Department, in accordance with OAR 340-048-0042(6). If dissatisfied with the conditional certification, Deschutes Valley may request a hearing before the Environmental Quality Commission. Your request for a hearing must be made in writing to the Director of the Oregon Department of Environmental Quality within 20 days of the date of mailing of this certification. Any hearing will be conducted pursuant to the rules of the Environmental Quality Commission for contested cases.

If you have any questions, please contact Chris Stine at (541) 686-7810 or via email at stine.chris@deq.state.or.us.

Sincerely,

David Belyea
Acting Western Region Administrator

Attachment: Modified section 401 water quality certification

cc: Chris Stine, DEQ
Mary Grainey, OWRD
Ken Homolka, ODFW
Peter Lickwar, USFWS
Scott Carlon, NMFS
Finlay Anderson, Kleinschmidt