

Clean Water Act § 401 Certification Conditions
For the Operation of
Dorena Dam Hydroelectric Project
(FERC No. 11945)
Willamette River Basin
Lane County, Oregon
January 18, 2008

Upon Federal Energy Regulatory Commission (FERC) issuance of a license for the Dorena Dam Hydroelectric Project (Project), Symbiotics, LLC (Symbiotics) shall comply with the following § 401 certification conditions:

1. Project Construction: Upon applying for a federal permit or permits for Project construction, including a dredge and fill permit from the U.S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act (§ 404 permit), Symbiotics shall provide written notice to ODEQ of such application and shall also apply to ODEQ for a § 401 certification for Project construction activities in accordance with OAR 340-48.
2. Run-of-Release Operations: Throughout the life of the FERC license, Symbiotics shall operate its hydroelectric facilities in a “run-of-release” mode, whereby Symbiotics will neither cause deviation from requirements dictated by the Corps for magnitude, frequency, and ramping rates of streamflow, nor adversely impact the Corps’ management of water quality being discharged from Dorena Dam. Symbiotics shall operate its hydroelectric facilities in a manner that does not interfere with the Corps’ efforts to implement modified operations or structures at Dorena Dam and Reservoir to comply with Total Maximum Daily Load implementation or management plans for temperature or other water quality parameters approved by ODEQ.
3. Dissolved Oxygen and Total Dissolved Gas Management Plan: Within 12 months of FERC license issuance, Symbiotics shall submit for ODEQ approval a proposed adaptive Dissolved Oxygen and Total Dissolved Gas Management Plan. Upon ODEQ approval, Symbiotics shall implement the plan. The plan shall specify Symbiotics’:
 - A. Data collection and reporting methods and procedures;
 - B. Procedures for reviewing data to identify any Project-related contributions to dissolved oxygen and total dissolved gas violations of the dissolved oxygen, total dissolved gas and antidegradation standards;
 - C. Corrective measures that will be implemented to prevent additional dissolved oxygen, total dissolved gas, or antidegradation violations;
 - D. Plan and schedule for implementation of corrective measures;
 - E. Procedures for notifying ODEQ of any violations, subsequent shutdowns, and recommencement of operations following implementation of corrective measures.

4. Project Shutdown due to Dissolved Oxygen or Total Dissolved Gas Violations: If either ODEQ or Symbiotics determine that Project operations are contributing to downstream dissolved oxygen or total dissolved gas violations of the dissolved oxygen standard, total dissolved gas standard or the antidegradation standard, Symbiotics shall immediately discontinue Project operations. Commencement of operations shall not take place until corrective measures have been successfully implemented.
5. Monitoring Equipment Malfunction Prevention and Response Plan: No later than three (3) months prior to the commencement of Project operation, Symbiotics shall submit for ODEQ approval a Monitoring Equipment Malfunction Prevention and Response Plan to address water quality monitoring equipment malfunctions that might occur during Project operations. Upon ODEQ approval, Symbiotics shall implement the plan. The plan shall specify the following:
 - A. Procedures and measures that will be implemented to prevent monitoring equipment malfunctions;
 - B. Procedures for identifying the occurrence and nature of any monitoring equipment malfunctions that may occur;
 - C. Plan, schedule, and corrective measures that will be implemented to address monitoring equipment malfunctions;
 - D. Procedures for notifying ODEQ of the occurrence and nature of monitoring equipment malfunctions, corrective measures implemented, and recommencement of operation.
 - E. Procedures and timelines for Project shutdown as may be necessitated by Condition 6, below;
 - F. Plan and schedule for maintenance and calibration of field test equipment.
6. Project Shutdown due to Monitoring Equipment Malfunctions: Symbiotics shall notify ODEQ immediately in the event of field instrumentation failure. Upon evaluation of the condition, ODEQ may direct Symbiotics to suspend operation of the Project until instrumentation may be repaired or replaced. Symbiotics shall receive written authorization from ODEQ prior to resuming Project operations. ODEQ may condition authorization to restart the facility on a review of the response to the malfunction which provides ODEQ with reasonable assurance that an adequate remedial solution has been implemented.
7. Symbiotics shall maintain and implement the Hazardous Substances and Spill Prevention and Cleanup Plan (June 2007) or future ODEQ-approved revisions thereof. In the event of a spill or release or threatened spill or release to the Row River, Symbiotics shall immediately implement the plan and notify the Oregon Emergency Response System (OERS) at 1-800-452-0311.
8. Prior to operating the Project, Symbiotics shall obtain all necessary NPDES and state permits and authorizations.
9. Operations - Water Quality Monitoring and Reporting
Within 12 months of FERC license issuance, Symbiotics shall submit for ODEQ approval a proposed Adaptive Water Quality Monitoring and Reporting Plan (AWQMRP). Upon ODEQ approval, Symbiotics shall implement the plan. The plan shall identify that ODEQ

may require modifications to the AWQMRP as it deems appropriate to assess or confirm water quality standard compliance. Symbiotics may request modifications to the AWQMRP, subject to ODEQ written approval. All monitoring shall be performed in accordance with an ODEQ-approved Quality Assurance Plan.

10. General Conditions

A. § 401 Certification Modification

ODEQ, in accordance with OAR Chapter 340, Division 48, and, as applicable, 33 USC 1341, may modify this Certification to add, delete, or alter Certification conditions as necessary and feasible to address:

- i. Adverse or potentially adverse Project effects on water quality or designated beneficial uses that did not exist or were not reasonably apparent when this Certification was issued;
- ii. TMDLs;
- iii. Changes in water quality standards;
- iv. Any failure of Certification conditions to protect water quality or designated beneficial uses as expected when the Certification was issued; or
- v. Any change in the Project or its operations that was not contemplated by this Certification that might adversely affect water quality or designated beneficial uses.

B. Project Changes

Symbiotics shall notify ODEQ of any change in ownership or Project scope. Symbiotics shall obtain ODEQ review and approval before undertaking any change to the Project that might significantly affect water quality, including changes to Project structures, construction, operations, and flows.

C. Project Repair or Maintenance

Symbiotics shall obtain ODEQ review and approval before undertaking Project repair or maintenance activities that might significantly affect water quality. ODEQ may, at Symbiotics' request, approve specified repair and maintenance activities on a periodic or ongoing basis.

D. Project Inspection

Symbiotics shall allow ODEQ such access as necessary to inspect the Project area and Project records required by this Certification at reasonable times as necessary to monitor compliance with § 401 certification conditions.

E. Posting of § 401 Certification

Symbiotics shall post a copy of these certification conditions in a prominent location at the Dorena Dam Powerhouse.

F. Water Quality Standards Compliance

Notwithstanding the conditions of this certification, no wastes shall be discharged and no activities shall be conducted which will violate state water quality standards.

G. Project Specific Fees

In accordance with ORS 543.080, Symbiotics shall pay a Project-specific fee for ODEQ's costs of overseeing implementation of the adaptive management conditions of this Certification. The fee shall be \$8,000.00 annually (2008 dollars adjusted according to the formula, below), made payable to "State of Oregon, Department of Environmental Quality", and due on July 1 of each year after issuance of the FERC License. Symbiotics shall pay an initial prorated payment within 60 days of license issuance for the period from the date of license issuance to the first July 1 that follows license issuance. ODEQ and Symbiotics shall review the need, if any, to modify, extend, or terminate the fee, in accordance with ORS 543.080. Symbiotics shall continue to pay any Project-specific fee required after such review.

$$AD = D \times (CPI-U)/(CPI-U\text{-January 2008})$$

Where:

AD = Adjusted dollar amount payable to ODEQ.

D = Dollar amount prior to adjustment.

CPI-U = the most current published version of the Consumer Price Index-Urban.

The CPI-U is published monthly by the Bureau of Labor Statistics of the federal Department of Labor. If that index ceases to be published, any reasonably equivalent index published by the Bureau of Economic Analysis may be substituted by written agreement between ODEQ and Symbiotics, LLC.