



# Oregon

Tina Kotek, Governor

Department of Environmental Quality  
Western Region - Eugene  
165 East 7th Avenue, Suite 100  
Eugene, OR 97401  
541-686-7838  
TTY 711

April 8, 2026

Paul Trombino, Public Works Director  
City of Albany  
P.O. Box 490  
Albany, OR 97321

Re: City of Albany, Oregon Hydroelectric Project, FERC Project No. P-11509/P-15342  
Certification Pursuant to Section 401 of the Federal Clean Water Act

Dear Ms. Prescott:

On January 31, 2024, the City of Albany (Albany) submitted two concurrent applications to the Federal Energy Regulatory Commission (FERC). In one application, Albany proposes to surrender an existing minor hydropower license for its hydroelectric generating facility at Vine Street and the associated water diversion and conveyance structures (FERC Project P-11509). In the concurrent application, Albany requests a small conduit exemption to authorize continued operation of the hydroelectric generating components located at the Vine Street water treatment plant (FERC Project P-15342). On April 15, 2025, Oregon Department of Environmental Quality (DEQ) received Albany's Clean Water Act Section 401 Water Quality Certification application pertaining to both of Albany's pending FERC applications for the City of Albany hydroelectric project.

DEQ has evaluated the application for Clean Water Act Section 401 Water Quality Certification for consistency with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307; Oregon Administrative Rules (OAR) Chapter 340, Divisions 041, and 048; Oregon Revised Statute (ORS) 543A.025 (2) to (4); and other appropriate requirements of state law.

Based on information provided in Albany's application, DEQ's findings in its Evaluation and Findings Report (enclosed), and consideration of public comment, DEQ grants Albany a Clean Water Act Section 401 certification for the proposed surrender of the existing license for its hydroelectric generating facility and the conduit exemption authorizing continued operation of the hydroelectric components that includes the enclosed conditions. DEQ is reasonably assured that operations of the Albany Hydroelectric Project under the FERC conduit exemption (P-15342) will be consistent with provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307, state water quality standards, and other appropriate requirements of state law, provided Albany complies with the Section 401 Water Quality Certification conditions attached to this correspondence.

The Section 401 certification is valid for Albany only and is not transferable without written approval from DEQ, in accordance with OAR 340-048-0042(6).

In accordance with the Oregon Administrative Procedures Act (Oregon Revised Statute, Chapter 183) and OAR 340-048-0045(2), Albany may request a contested case hearing if dissatisfied with the Section 401 certification decision, including any conditions to an approved certification. Your request for a hearing must be made in writing to DEQ within 20 days of the date of mailing of this certification and comply with OAR 340-011-0530(2) and OAR 340-048-0045(2). You may mail your request for a hearing to:

Oregon Department of Environmental Quality  
Attn: Valerie Thompson  
700 NE Multnomah St, Suite 600  
Portland, OR 97232

If a request for hearing is not received within this 20-day period, your right to a hearing shall be considered waived. If you request a hearing, you will be notified of the time and place of the hearing and provided information on the procedures by which contested cases are heard, your rights, the import and effect of such a hearing, and your rights and remedies. As a corporation, you must be represented by legal counsel at this hearing, if any.

Sincerely,

*Ruth Hyde*

[Ruth Hyde \(Apr 8, 2026 08:06:50 PDT\)](#)

Ruth Hyde  
Western Region Administrator

Attachment: Clean Water Act Section 401 Conditions  
Enclosures: Evaluation and Findings Report

cc: Kristin Prescott, City of Albany  
Kessina Lee, USFWS  
Kim Kratz, NMFS  
John Zauner, ODFW  
Torey Wakeland, CTGR

### **NOTICE TO ACTIVE-DUTY SERVICE MEMBERS**

Active-duty service members have a right to stay these proceedings under the Servicemembers' Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through: <https://legalassistance.law.af.mil/>. The Oregon Military Department does not have a toll-free telephone number.