



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Northwest Region Portland Office

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CERTIFIED MAIL; RETURN RECEIPT REQUESTED

November 2, 2004

Julie Keil, Hydropower Relicensing
Portland General Electric Company
121 SW Salmon St. - 3WTC BRHL
Portland, OR 97204

Re: Willamette Falls Hydroelectric Project, FERC Project No. 2233;
Certification Pursuant to Section 401 of the federal Clean Water Act;
Notice of Opportunity for Contested Case Hearing

Dear Ms. Keil:

Portland General Electric Company (PGE) owns and operates the Willamette Falls Hydroelectric Project (Project). The Project is located on the Willamette River near the towns of Oregon City and West Linn, in Clackamas County, Oregon. PGE operates the Project under a license issued by the Federal Energy Regulatory Commission (FERC). On December 27, 2002, PGE submitted applications to FERC for a new License (FERC Project No. 2233).

On November 19, 2003, PGE applied to the Oregon Department of Environmental Quality (Department) for water quality certification of the Project pursuant to § 401 of the federal Clean Water Act and ORS 468B.040. The Department has evaluated the application for consistency with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act; Oregon Administrative Rules (OAR) Chapter 340, Divisions 41 and 48; the specific water quality provisions for the Willamette River Basin set forth in OAR 340-041-0340 through 0350; and ORS 543A.025(2)-(4).

Based on PGE's application, the Department's *Evaluation and Findings Report* (enclosed), and consideration of public comment, the Department grants § 401 certification for the Willamette Falls Hydroelectric Project as proposed for a new license. The Department is reasonably assured that operations under the new license will be consistent with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, state water quality standards, ORS 543A.025, and other appropriate requirements of state law related to water quality, provided the § 401 certification conditions attached to this certification are followed.



The enclosed certification is valid for the PGE only and not transferable without written approval by DEQ, in accordance with OAR 340-048-0042(6).

In accordance with OAR 340-048-0045, PGE, if dissatisfied with the conditions of this certification, may request a hearing before the Environmental Quality Commission. Such 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 Commission for contested cases.

Sincerely,



Dick Pedersen
Northwest Region Administrator

Enclosures: Certification Conditions
Evaluation and Findings Report
Implementation Agreement