



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 25, 2024

Ben Hendrickson, President
Hydro Technology Systems, Inc.
PO Box 245
Kettle Falls, WA 99141

Re: Clean Water Act Section 401 Water Quality Certification Order No. 22439 for FERC License No. 2544 – Meyers Falls Hydroelectric Project

Dear Ben Hendrickson:

This letter is in response to Hydro Technology Systems, Inc. letter, dated May 1, 2023, requesting Washington State Department of Ecology (Ecology) provide a Clean Water Act Section 401 Water Quality Certification (33 USC § 1341) for the licensing of the Meyers Falls Hydroelectric Project (FERC No. 2544).

On behalf of the State of Washington, the Department of Ecology certifies the Meyers Falls Hydroelectric Project with conditions and complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order No. 22439. The enclosed Order may be appealed by following the procedures described in the Order.

If you have any questions or would like to discuss these matters further, please contact Jordan Bauer, 401 Certification Compliance Manager, at 509-688-9403 or jordan.bauer@ecy.wa.gov.

Sincerely,

Melissa Gildersleeve
Watershed Management Section Manager
Water Quality Program

Enclosure: Administrative Order Docket # 22439

By Certified Mail # 9489 0090 0027 6093 6880 60

e-cc: Jordan Bauer, 401 Certification Lead, Ecology ERO, WQ Program
Brook Beeler, Eastern Region Director, Ecology
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**In The Matter of Granting a Water Quality Certification
to Hydro Technology Systems, Inc. With Conditions**
pursuant to 33 U.S.C. 1341 (FWPCA § 401), 40 CFR Part 121,
RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC

Benjamin Hendrickson, President
Hydro Technology Systems, Inc.
PO Box 245
Kettle Falls, WA 99141

WQC Order No.	22439
FERC License No.	2544
Site Location	Meyers Falls Hydroelectric Project, located within Colville River, Kettle Falls, Stevens County, Washington.

Hydro Technology Systems, Inc. (HTS) submitted a request for a Section 401 Water Quality Certification (WQC) under the provisions of the Clean Water Act (33 USC § 1341) to the Department of Ecology (Ecology) for the Meyers Falls Hydroelectric Project (Project) Federal Energy Regulatory Commission (FERC) License No. 2544 (License). The following required processing dates are listed below:

- On March 4, 2021, HTS submitted a pre-filing meeting request.
- On May 1, 2023, Ecology received a request for Clean Water Section 401 WQC.
- On June 28, 2023, Ecology issued the first public notice for the Project.
- On March 7, 2024, Ecology issued the second public notice for the Project.

PROJECT BACKGROUND

The 1.35-megawatt (MW) Project is owned and managed by HTS on the Colville River in Stevens County, Washington. The Project operates as run-of-river where inflow equals outflow on a continual basis.

The Project was constructed in 1915 and operates under a FERC license (No. 2544). For Project relicensing, HTS chose the FERC Traditional Licensing Process (TLP) to provide the framework for its consultation with agencies, tribes, and other relicensing partners during the period leading up to the License application filing. FERC issued a temporary extension to the current FERC License until December 31, 2024.

Location

The Project is located on the Colville River in northeastern Washington adjacent to the City of Kettle Falls in Stevens County. The Project is the only hydroelectric facility on the Colville River with a drainage area of approximately 1,007 square miles. The dam is located just upstream from Meyers Falls that acts as a natural fish barrier and is approximately 5.3 river miles upstream from Lake Roosevelt. The Project is located on the north side of the Colville River. Specific facility characteristics and layout are listed in Table 1 and shown in Appendix A.

An adjacent powerhouse, owned by HTS, is located at this site on the south side of the Colville River. The south powerhouse was previously abandoned and was recommissioned in 2006. HTS subsequently filed and received a FERC license exemption in July 2007 (FERC No. 12094) for the south powerhouse project and is not a subject of this WQC.

Project Characteristics

Meyers Falls Dam was built in 1915 and upgraded to the existing concrete structure in 1961, replacing the original timber-crib dam. From the dam’s foundation, the total height reaches 24.5 feet and spans 306 feet across the top including the five spillway bays. The dam impounds the Colville River to a normal high water surface elevation of 1,515.4 feet, as measured in the forebay.

Since operating as a run of river project, the reservoir surface area is small at approximately 10 acres and a storage volume of 35 acre-feet. Average Project forebay residence time is approximately 1.3 hours depending on seasonal flows. Water from the forebay either spills over the dam in the bypass reach or is diverted around the dam into the intake canal, through the single penstock, and eventually down to the powerhouse. Water discharged from the powerhouse flows approximately 60 feet before rejoining with the Project bypass reach below Meyers Falls (Appendix A).

The Project powerhouse includes two turbine generating units and operating panels in an approximate 32 foot wide, 56 foot long, and 16-foot-high building. Both generator units contain Francis-type turbines having an installed capability of 1.35 MW. Both units were installed in the late 1910s with additional characteristics listed in Table 1. Under average Colville River flows, the Project can generate 7,883 megawatt-hours annually.

Table 1. Turbine Characteristics

Characteristic	Turbine No. 1	Turbine No. 2
Type	Horizontal Francis	Horizontal Francis
Installation Year	1915	1917
Hydraulic Operating Range (cfs)	55-120	22-55
Horsepower (hp)	1200	600
Generator Capacity (MW)	0.9	0.45

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, 40 CFR Part 121, RCW 90.48.120, RCW 90.48.260, and Chapter 173-201A WAC, Ecology has examined HTS’s request for Clean Water Act Section 401 WQC pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws that are related to compliance with such standards;
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010;

4. Conformance with Washington’s prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington as required by RCW 90.48.080;
5. Conformance with RCW 90.56, which prohibits discharge of oil, fuel, or chemicals into state waters or onto land where such contaminants could potentially drain into state waters; and,
6. Conformance with the Minimum Water Flows and Levels Act, RCW 90.22 and the Water Resources Act, RCW 90.54.

With this WQC Order, Ecology is granting with conditions HTS’ request for a Section 401 WQC for the Meyers Falls Hydroelectric Project, on the Colville River and located in Stevens County. Ecology has determined that the proposed discharges and Project operations will comply with all applicable state water quality and other appropriate requirements of State law, provided the Project is conducted in accordance with the WQC request that Ecology received on May 1, 2023, the supporting documents referenced in Table 2 below, **and the conditions of this WQC Order.**

Table 2. Supporting Documents

Received Date	Document Type	Title and Date	Author
May 1, 2023	FERC License Application	FERC Final License Application, December 2021	Hydro Technology Systems, Inc.
May 1, 2023	Water Quality Monitoring Report	Water Quality Report, November 1991	Washington Water Power
May 1, 2023	Facility Maintenance Plan	Sediment Removal Plan, December 2021	Hydro Technology Systems, Inc.
May 1, 2023	Quality Assurance Project Plan	QAPP – Dissolved Oxygen and Temperature Study, June 2021	Hydro Technology Systems, Inc.
May 1, 2023	Water Quality Monitoring Report	2021 Temperature and Dissolved Oxygen Data Report, April 2022	Hydro Technology Systems, Inc.
May 1, 2023	Water Quality Monitoring Report	2022 Temperature and Dissolved Oxygen Data Report, October 2022	Hydro Technology Systems, Inc.
March 23, 2021	Minimum Flow Report	Run of River and Minimum Flow Monitoring Plan, December 1994	Washington Water Power

Certification of this request does not authorize HTS to exceed applicable state surface water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC), standards in the EPA’s Revision of certain federal water quality criteria applicable to Washington (40 CFR 131.45), and other appropriate requirements of State law. Furthermore, nothing in this WQC shall absolve HTS from liability for contamination and any

subsequent cleanup of surface waters, ground waters, or sediments occurring from any project construction or operations.

CURRENT LAWS AND RULES

1) Washington State Water Pollution Control Act (RCW 90.48)

The intent of actions required in this WQC is to support the goals of the state of Washington to “maintain the highest possible standards to ensure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish and other aquatic life, and the industrial development of the state, and to that end require the use of all known, available, and reasonable technologies (AKART) by industries and others to prevent and control the pollution of the waters of the state of Washington” (RCW 90.48.010).

2) Washington State Water Quality Standards (WAC 173-201A)

The Colville River discharges into Lake Roosevelt on the Columbia River and occupies *Water Resource Inventory Area* (WRIA) 59. Based upon the current water quality standards, use-based water quality characteristics for the Colville River are:

Salmonid spawning, rearing, and migration aquatic life use, primary contact recreation and all other water supply and miscellaneous uses.

Designated freshwater uses in the state standards include subcategories under aquatic life, recreation, water supply, and miscellaneous uses. The entire Colville River basin is designated for domestic, industrial, and agricultural water supply and stock watering; wildlife habitat; timber harvest; commerce and navigation; boating; and aesthetics. Additionally, it is required that all indigenous fish and non-fish aquatic species be protected in waters of the state (WAC 173-201A-200(1)).

3) Toxics and Oil Spills (WAC 173-201A-260(2)(a) and RCW 90.56)

Toxic concentrations shall be below those which have the potential, either singularly or cumulatively, to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health. RCW 90.56 prohibits any discharge of oil, fuel, or chemicals into state waters or onto land where such contaminants could potentially drain into state waters.

COMPLIANCE

Waters of the state are assigned designated uses under WAC 173-201A. The Colville River is designated as Salmonid Spawning, Rearing, and Migration for which specific numerical criteria are established for temperature, dissolved oxygen (DO), turbidity, total dissolved gas (TDG), pH, and toxics. The state standards for primary contact recreation that apply to the Colville River are based on *Escherichia coli* organism levels criteria as summarized in Table 3. The Project shall meet or improve upon the requirements for all designated and existing uses under state water quality standards as set forth in Table 3.

Table 3. Applicable numerical water quality criteria for the Colville River

Parameter	Condition	Value
Temperature	Highest 7-DADMax	17.5°C
Dissolved Oxygen	Lowest 1-day minimum	9.5 mg/L (see note below)
Dissolved Oxygen	Lowest 1-day minimum	10 mg/L or 90% saturation (applicable upon approval by EPA – see note below)
Turbidity	Turbidity shall not exceed	5 NTU over background when background is <= 50 NTU -or- 10% increase in turbidity when background is > 50 NTU
Total Dissolved Gas (TDG)	% Saturation	Total dissolved gas shall not exceed 110% of saturation at any point of sample collection.
pH		Range within 6.5-8.5, with a human-caused variation within the above range of < 0.2 units.
<i>E. coli</i>	Expressed as colony forming units (CFU) or most probable number (MPN)	Organism levels must not exceed a geometric mean value of 100 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 320 CFU or MPN per 100 mL.
Toxic Substance Criteria	See WAC 173-201A-240 and 250 .	

Table 3 note regarding Dissolved Oxygen: On March 22, 2022, Ecology revised Chapter 173-201A-200(d) WAC, water quality standards for dissolved oxygen. Given this revision, Washington’s dissolved oxygen criteria for the Colville River have changed to 10 mg/L or 90% saturation. As of the date of this WQC, revised criteria have not been approved by the Environmental Protection Agency (EPA) for use in Federal Clean Water Act actions, including Section 401 WQCs. The previously EPA-approved dissolved oxygen criteria of 9.5 mg/L in Table 2 shall apply until such time that EPA approves Washington’s revised criteria. Ecology will provide HTS written notification of EPA’s approval.

EVALUATION AND FINDINGS

- 1) Meyers Falls Hydroelectric Project Production
 - a. The existing Project will continue to operate as a run-of-river facility through the term of the License. In the Project forebay, water is impounded and diverted above a natural fish barrier to the powerhouse with an installed capability of 1.35 MW. The powerhouse tailrace combines seasonally available diverted water for power production with stream flow from the bypass reach.
 - b. The Project is proposing to replace the turbine runners which would increase the Project generation from 1.35 MW to approximately 1.44 MW at full load output from both turbines simultaneously. The upgraded runners would increase generation output by 8% to produce 8,513 megawatt-hours annually. All work associated with the turbine runner upgrades will be conducted inside the powerhouse and replacing parts in existing equipment. No water quality impacts are expected as part of this work and no new additional Project construction or operational changes are proposed.

2) Watershed Land Use

- a. The Colville River drains approximately 1,007 square miles of land area before spilling upstream of Grand Coulee Dam into Lake Roosevelt. Passing through the cities of Chewelah and Colville, the river then discharges near the town of Kettle Falls after meandering nearly 60 river miles through Stevens County, WA. The primary land uses consist of forest/shrub land followed by agriculture in the lower elevations.

The Project area is privately owned by HTS along approximately 0.7 river miles on both sides of the Colville River and small reservoir (Appendix A). The land is primarily forested with ponderosa pine, understory shrub brush, and narrow bands of riparian habitat. Existing instream uses include fish, wildlife, and limited recreation. No new acquisitions or changes to land use on the Project property are proposed.

3) Hydrology and Minimum Flows

- a. The Colville River discharge is driven by snowmelt with high-flow periods in the spring from melting snowpack and spring rainfall. On average April is the highest month for discharge, while August is the lowest. When Colville River flows exceed the powerhouse hydraulic capacity of 140 cubic feet per second (cfs), excess water is spilled in the bypass reach. Typically, spilling occurs nine months of the year from November through July. A continuous 25 cfs is maintained in the bypass reach to meet water quality standards, provide adequate fish habitat, and provide aesthetics for Meyers Falls according to previous FERC license requirements.
- b. The Project operates as run-of-river mode with generation being dependent on Colville River seasonal flows. The Project operates under full generation capacity if the minimum 25 cfs bypass flow and forebay elevation of 1515.4 feet is maintained. A permanently calibrated bypass gate is installed in one of the dam's bulkheads to maintain a continuous 25 cfs flow in the bypass reach.
- c. To maintain forebay elevations, flashboards are manually removed during spill under high flows and replaced as Project boundary inflows decrease. Flashboards are reset by dewatering the forebay below the stationary bulkheads typically when inflows are below 350 cfs. Drawdowns for flashboard resetting typically lasts 2-3 hours and can occur multiple times per year depending on early runoff events. As flows continue to subside and inflows become less than the combined bypass flow and minimum plant operating flow, turbines are adaptively managed to maintain the forebay elevation. The minimum instream flow remains at 25 cfs in the bypass reach during all drawdown events.

4) Wetlands

- a. Riparian habitat exists in narrow bands along the upstream and downstream river sections of the Project area along the free-flowing riverbanks. Dense forested vegetation provides shaded understory cover on north facing slopes down near the water's edge while southerly facing shorelines have less riparian vegetation. No disturbance is proposed or anticipated along these narrow riparian corridors and will be maintained and protected.
- b. In the Project forebay, two wetland types have been created from Project activities. Due to the impoundment and agricultural land use practices in the watershed, sedimentation has filled the forebay area upstream from the intake canal on the North side of the river channel. Established wetlands now occupy over half of the original 11.4

acres of open surface water in the reservoir since dam construction. The forebay area consists of forested/shrub and emergent wetland habitat types.

- c. The licensing parties have recognized the wetlands as valuable habitat for wildlife and native plant diversity. No future dredging or in-water work is proposed for the Project nor is there reason to believe operations will be affected by the wetland in the future given no change to facility operations have occurred over the last thirty years. Additionally, HTS has implemented a wetland management plan according to a previous license requirement by planting various native species in the wetland forebay riparian zones. HTS is proposing to maintain and protect the wetland in its current state.

5) Water Quality

- a. Dam impoundments can alter water quality and hydrology conditions and increase sedimentation rates depending on the waterbody. Forebay wetland sediment, nutrient, and organic accumulation can cause high biochemical oxygen demand, which reduces dissolved oxygen while hydrology and backwater pooling may increase water temperature regimes. Additionally, hydropower is often associated with higher total dissolved gas (TDG) saturation rates due to involuntary spilling events that entrain atmospheric gas in the water column.
- b. The Colville River watershed is impaired for temperature, dissolved oxygen, pH, *E. coli* bacteria, and turbidity throughout various river segments of its watershed. Additionally, a Total Maximum Daily Load (TMDL) was established for dissolved oxygen in 2003 and is currently under implementation for the Colville River. The TMDL did not set any water quality requirements to the Project. All water quality parameters are further defined below according to their relationship to the Project.
- c. Any potential gas entrainment caused by Project would occur at the dam toe. TDG degassing then occurs in the bypass reach, through the natural waterfalls. The falls act to degas any TDG contribution from the project. Any elevation in tailrace TDG from the series of cascading flows over Meyers Falls is attributable only to the natural falls which degasses through the riffles downstream of the Project boundary (Appendix A). Therefore, no compliance issues are recognized for the Project regarding TDG.
- d. Historical water quality monitoring data was collected during previous FERC relicensing in the early and mid-1990s in the tailrace, bypass reach, forebay, and an upstream Colville River location (R.W. Smith 1991, Washington Water Power 1994-96). Data did not demonstrate a significant change to water quality conditions between the Project boundary influent and effluent locations. However, the previous monitoring points were not solely representative of the Project's influence on water quality given the influent location was nearly four miles upstream of the Project boundary. Additionally, previous studies did not define how water quality may be impacted by the reservoir wetland established from reduced flow and sedimentation. Therefore, Ecology requested and worked with HTS to conduct a water quality monitoring study under an Ecology approved Quality Assurance Project Plan (HTS 2021). More information was required on reservoir water quality impacts, including refining Project site monitoring locations, and collecting data to characterize current conditions.
- e. The objective of the 2021 water quality two-year monitoring study focused on evaluating temperature and dissolved oxygen conditions at the Project. Continued sedimentation and filling of the Project forebay may change the temperature and

dissolved oxygen dynamics that would have been a previously free flowing river reach pre-dam construction. Monitoring locations were positioned to determine if the Project and/or created reservoir wetland area remains in compliance with temperature and DO standards.

Temperature and DO data were collected continuously from late June through September of 2021 and 2022. Results showed incoming Colville River water quality for both temperature and DO often exceed standards due to upstream land uses during low flow summer periods. Monitoring between the Project boundary influent and downstream effluent location confirmed the Project did not adversely affect temperature and DO concentrations. Oxygenation over Meyers Falls waterfall increased DO downstream from the Project.

- f. Data collected above and below the forebay wetland area demonstrated diurnal temperature and DO oscillations. In 2021, a record setting dry low flow and hot year, the 7DADMAX temperature delta exceeded the temperature criteria above 0.3°C a single time with a delta of 0.47°C in late July. July was the hottest ambient average temperature on record while flows were lowest since 1977 at the Colville River gage at Kettle Falls (USGS 1240900). No other temperature increases due to Project operations were observed in 2021 and none in 2022, a normal flow year.

The data supports compliance with the temperature criteria at the Project. The data shows the Project is unlikely to exceed the criteria more than once every 10 years on average given the severity of 2021 and followed by no Project temperature exceedances in 2022. Under current and proposed operations at the Project, temperature is expected to meet numeric criteria and no additional temperature compliance concerns are recognized.

- g. Daily minimum DO data showed diurnal fluctuations had no distinctive trend between the upstream and downstream monitoring locations from the reservoir throughout the multi-year monitoring period. The delta between the monitoring point of the reservoir were typically within instrument specifications, however, there is insufficient data to rule out the possibility that the created wetland reservoir decreases DO above the numeric criteria.

6) Sediment and Drawdown Impacts

- a. Depending on dam operations, maintenance activities, and legal requirements, reservoir drawdown events often occur and can impact various upstream and downstream aquatic resources such as unwanted sediment transport and fish stranding events.

Sedimentation in the Project impoundment has accumulated to fill over 50% of the reservoir since the last impoundment dredging event in 1983. However, no construction projects or operations have changed since the last dredging nor has there been any significant changes to the reservoir observed over the last twenty years. The current state of the reservoir suggests an equilibrium has been reached where incoming sediments continue through the Project boundary and are washed through the impoundment downstream. HTS is not proposing to dredge the reservoir but will continue to maintain and protect the established wetlands. Only during planned drawdown events will short temporary pulses of increased sediment transport occur.

- b. Project drawdowns occur for three purposes:
 - i. Sediment accumulation in the concrete-lined intake canal between the trash racks and penstock intake require removal to ensure an adequate supply of clean water for turbine operation. During this cleanout, the forebay water level is lowered approximately eight feet (1507.4 ft elevation) to excavate the sediment from the canal to an upland location onsite. Dam bulkheads are lowered and flashboards reset to slowly raise the reservoir back to normal pool elevation of 1515.4 ft. HTS proposes to implement a Sediment Removal Plan in consultation with Ecology, WDFW, United States Corps of Engineers, and Stevens County approximately every 10 years throughout the license period. The canal dredging and drawdown has taken place in late August to early September typically over a 2-3 day period.
 - ii. During periods of decreasing incoming Colville River flows, bulkheads are lowered and flashboards reset to maintain pool elevation. These events typically occur after spring runoff or, less frequently, as flows recede from significant precipitation event that would have triggered the flashboard removal. To reset flashboards the reservoir is dewatered approximately three feet (1512.4 ft) to allow for boards to be replaced and slowly refilled over 2-3 hours.
 - iii. During specific Project maintenance events that may be required to support operations and dam safety throughout the License term.

7) Fish

- a. The Colville River has a diverse population of fish species above and below the natural fish barrier comprised of a series of waterfalls at Meyers Falls. Since the 1930s various populations of species have been stocked from regional fish hatcheries to supplement recreational opportunities above Meyers Falls. Most of the stocking efforts are comprised of rainbow trout, eastern brook trout, kokanee, and cutthroat. Below the Project, studies have been conducted to understand populations using the approximate three-mile reach downstream of Meyers Falls (Mettler, A 2014, HTS 1999). Particularly, native Redband Trout populations existing above Grand Coulee within the upper Columbia River have been studied to understand their use. Collectively, efforts have found summer water temperatures to be the likely limiting factor for juvenile survival and recruitment (Albrecht, N.C. and C. Lee. 2018). Most fish surveyed in the Colville River were found in the plunge pool below Meyers Falls.
- b. The Project continues to operate as run-of-river allowing fish to pass through the dam on the right side of the spillway and move freely downstream as channel flow and temperatures allow. It's expected during periods of higher spill fish would migrate downstream into the bypass reach. The bypass reach consists of predominately large boulders and bedrock, providing minimal habitat for salmonids. More suitable habitat can be found upstream and downstream of the Project with more favorable habitat refuge. No entrainment screens beyond the trash racks on the intake structure are proposed to prevent fish impingement for the Project. Interested parties, including Washington Department of Fish and Wildlife (WDFW), have decided installing entrainment screens would have minimal impacts to fish and are not economically beneficial.

- c. The water quality designated aquatic life use for the Project identifies the reach for salmonid spawning, rearing, and migration. Since no new Project construction is proposed and operations will continue as in the past, impacts to the existing fisheries will remain minimal.
- 8) Water Rights
- a. The Project holds current water permits for a total of 200 cfs; water permit number S3-015362CL for 150 cfs and S3-*19384CWRIS for 50 cfs. Water rights permit a diversion of up to 150 cfs cumulatively while maintaining minimum instream flows of 25 cfs year-round in the bypass reach. Water permitted for 150 cfs (Permit No. S3-015362CL) is not subject to the Water Rights Registration Act of 1967 since this claim existed when the Water Code of 1917 was enacted. A water right claim for 50 cfs was issued in 1966 and the report of examination indicated that the criteria of RCW 90.03.290 were met.

WATER QUALITY CERTIFICATION CONDITIONS

With this WQC and through issuance of this Order, Ecology certifies the discharge as proposed and conditioned by this WQC will comply with applicable water quality standards or other appropriate requirements of State law. In view of the foregoing and in accordance with 33 U.S.C. §1341, 40 CFR Part 121, RCW 90.48.120, RCW 90.48.260, and Chapter 173-201A WAC, Ecology grants Section 401 WQC to HTS for the Meyers Falls Hydroelectric Project (FERC No. 2544) subject to the following conditions.

Water Quality Special Conditions

S1. Instream Flow Requirement

Instream flows must be maintained in the Project bypass reach to meet water quality and quantity goals and standards determined for the waterway, as provided in WAC 173 201A and RCW 90.48, RCW 90.54, and RCW 90.22. Therefore, HTS shall release a minimum daily average flow of 25 cfs measured immediately downstream the dam in the bypass reach to Meyers Falls. Flows must at no time drop below an instantaneous flow of 22 cfs. HTS shall continue to maintain the pre-calibrated bypass flow gate to ensure instream flows in the Project bypass reach remain at 25 cfs.

If Project operation results in excursion of the minimum flow requirement, HTS shall notify FERC, WDFW, and Ecology as soon as possible but no later than 10 business days after such incident.

- Justification – Ecology protects aquatic life uses through the application of narrative and numeric criteria which protect both water quality and water quantity. Maintaining a stream flow rate that is protective of aquatic life is necessary for complying with water quality standards.

S2. Dissolved Oxygen

Beginning the first year following issuance of the FERC License, HTS shall monitor DO in the forebay above and below the created wetland reservoir with monitoring stations being representative of the dominant habitat as defined by WAC 173-201A-200(1)(d)(iv). HTS shall collect continuous DO data for three consecutive years during the months of June through September. The data collection start

date may be adjusted with Ecology's approval to allow higher flows to subside for safe deployment of monitoring equipment. If after these three years, the data show that Meyers Falls forebay is not contributing to dissolved oxygen criteria exceedance then Ecology will consider the Project in compliance with the DO standard and allow HTS to cease or reduce this monitoring. HTS shall follow the Quality Assurance Project Plan (QAPP) monitoring and reporting requirements defined in Special Condition S6.B below.

HTS shall develop a compliance schedule if monitoring shows the Project forebay is causing a DO deficit that exceed the DO standards. Nutrients accumulated in the sediments trapped in the Project forebay from upstream land uses enhance aquatic macrophyte growth and DO reduction through respiration. No dredging or wetland removal is required for DO improvement, but unwanted aquatic vegetative species removal may improve DO and secondarily improve overall wetland health with native species growth. Therefore, within one year of data collected showing that the Project causes exceedances of the DO standard, HTS shall submit a Dissolved Oxygen and Wetland Improvement Plan (DOWIP) to Ecology for review and approval. The DOWIP shall include:

1. A description of DO condition in the forebay and objectives to improve the DO deficiency.
2. An evaluation of all reasonable and feasible measures to remove unwanted aquatic vegetation to improve DO.
3. A timeline showing when evaluation and implementation will occur.
4. Monitoring plan to test effectiveness of wetland improvement efforts.

HTS shall regularly consult with Ecology through the DOWIP development and implementation to evaluate the effectiveness of the DOWIP in accordance with WAC 173-201A-510(5). Ecology may require amendments to the DOWIP to ensure compliance with water quality standards.

- Justification – This condition ensures adequate data and information are collected to evaluate the Project's impact on dissolved oxygen in the forebay and if appropriate further actions may be necessary.

Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life designated uses.

S3. Sediment and Drawdown

HTS has implemented a Sediment Removal Plan (SRP) for removal of accumulated sediment and silt in the Project's concrete-lined intake canal. HTS shall submit a current SRP to Ecology for review and approval within 60 days of license issuance. Any amendments to the SRP shall be coordinated with and approved by Ecology. HTS proposes forebay dewatering and subsequent sediment removal from the intake canal approximately every ten years or when sediment buildup begins to impact Project operations. HTS shall continue to make every effort to reduce the number of forebay drawdown occurrences by implementing the SRP whenever other dewatering maintenance activities of sufficient forebay drawdown allows it to do so.

Consistent with the SRP and for other scheduled forebay drawdown maintenance activities, HTS

shall consult with Ecology, WDFW, United States Army Corps of Engineers, and Stevens County at least six months prior to commencement of the work.

Downstream sediment transport and possible fish stranding during dam down-ramping events must be minimized to the extent possible. During regular spring drawdown events that require flashboard re-setting, planned sediment removal events, and any maintenance that requires dewatering the forebay, HTS shall release flows as quickly as possible to pass sediment downstream to reduce sedimentation within the stream bed. For all dewatering maintenance activities proposed following spring runoff, HTS shall perform those activities at times that conform with HPA requirements, reduce impacts to water quality, and ensure adequate river flows continue to pass sediments downstream. HTS shall consult with Ecology and WDFW for all scheduled and unplanned forebay dewatering activities as early as practicable but no less than 30 days prior to such event.

For all down ramping events to refill the forebay to full pool elevation, HTS shall continue to allow 25 cfs flow in the bypass reach below the dam according to the instream flow requirement (Special Condition S1). HTS shall refill the forebay as quickly as feasible without causing downstream fish stranding. HTS shall monitor downstream flow levels to ensure adequate stream bed remains wetted for fish survival until flows return to normal. Documentation of monitoring during these events shall be submitted to Ecology upon request.

- Justification – This condition limits re-suspension of sediment that could cause water quality exceedances during periods of low river flow. Maintaining a stream flow rate that is protective of aquatic life is necessary for complying with water quality standards. Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life designated uses.

S4. Temporary and Emergency Modifications to Flows and Drawdowns

- A. The instream flow and/or drawdown requirements of this WQC may be temporarily suspended or modified if and as necessary to accommodate a temporary operational condition or constraint when the occurrence of such condition or constraint limits HTS's ability to comply with such requirements. In connection with any temporary suspension or modification of such requirements, HTS shall: (i) notify WDFW, Colville Tribe, USFWS, FERC, and Ecology thereof and (ii) obtain Ecology's prior approval.
- B. In the event that either: (i) a natural event outside of the control of HTS, or, (ii) a condition affecting the safety of the Project or Project works occurs, and under circumstances where such event or condition does not allow for consultation to occur before responding, then the flows and/or drawdown event may be temporarily modified following any consultation with Ecology that is possible under the circumstances. If the flow is so modified, HTS shall notify Ecology, FERC, WDFW, and Colville Tribe as soon as practicable after the condition is discovered, without unduly interfering with any necessary or appropriate emergency repair, alarm, or other emergency action procedure. HTS shall document these events and submit a brief report to Ecology's ERO 401 Certification Compliance Manager within two weeks that

describe the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

- Justification – Ecology protects aquatic life uses through the application of narrative and numeric criteria which protect both water quality and water quantity. Maintaining a stream flow rate that is protective of aquatic life is necessary for complying with water quality standards.

S5. Construction Projects, Miscellaneous Discharges and Habitat Modifications

HTS shall prepare and implement a water quality protection plan (WQPP) for all project related construction, maintenance, and repair activity that is in or near water that has a potential to impact surface and/or groundwater quality. The Sediment Removal Plan submitted to Ecology for maintenance and cleanout of sediments in the intake canal complies with this section and no additional WQPP is required for this activity. WQPPs shall include, but not be limited to, the following elements:

- 1) Stormwater Pollution Prevention Plan (SWPPP) for Upland Construction Work – HTS is required to develop a SWPPP for upland construction activities. The SWPPP shall specify the Best Management Practices (BMPs) and other control measures to prevent pollutants from entering state's surface water and ground water from upland construction activities. The SWPPP shall also specify the management of chemicals, hazardous materials, and petroleum (spill prevention and containment procedures), including refueling procedures, preventive measures in the event of a spill, and reporting and training requirements. The SWPPP shall also specify water quality monitoring protocols and notification requirements.
- 2) In-Water-Work Protection Plan for In-Water Construction Work (IWWPP) – HTS is required to develop an IWWPP for construction activities that require work within surface waters. This plan shall specifically address the BMPs and other control measures to prevent contaminants from entering surface water and ground water. In addition to construction activities, this work includes, but is not limited to, the application of herbicides, pesticides, fungicides, disinfectants, and lake fertilization.

The plan shall address water quality monitoring provisions for all in-water work, including monitoring outside the area that could be influenced by the work, and at the point of compliance throughout the project. This includes, but is not limited to, construction and maintenance of, or emergencies from, any of the following:

fish collection structures, generation turbines, penstocks, hatcheries, transportation facilities, portable toilets, boat ramps, access roads, transmission corridors, structures, gravel augmentation projects, and staging areas for all Project related activities.

Turbidity, oil and sheen, pH, and dissolved oxygen shall be monitored upstream of the location where in-water construction is taking place and at the point of compliance (as defined in WAC 173-201A-200(1)(e)(i)) during construction. Samples shall be taken at a minimum of once each

day during construction in or adjacent to any water bodies within the project area that may be affected by the construction. The IWWPP shall include all water quality protection measures consistent with a WDFW Hydraulics Project Approval (HPA) for the project.

- 3) When a construction project meets the coverage requirements of the National Pollutant Discharge Elimination System (NPDES) permit and State Waste Discharge General Permit for Stormwater Discharges associated with construction activity, HTS shall, at Ecology's discretion, either apply for this permit and comply with the terms and conditions of the permit or apply for and comply with the terms of an individual NPDES permit. HTS is required to apply for a construction stormwater NPDES general permit at least 60 days prior to the start of construction.

- 4) Best Management Practices for Construction Work

BMPs used for the upland construction activities shall be consistent with the Stormwater Management Manual for Eastern Washington (most recent edition) or equivalent. HTS shall identify the site-specific BMPs for upland and in-water construction work and list them in the WQPP. Some of the recommended BMPs are listed below.

- a) Construction stormwater, sediment, and erosion control BMPs suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation. All reasonable measures shall be taken to minimize the impact of construction on waters of the state. Water quality constituents of particular concern are turbidity, dissolved oxygen, temperature, suspended sediment, oil and sheen, and pH.
- b) All necessary measures shall be taken to minimize the disturbance of existing riparian, wetland, or upland vegetation.
- c) HTS shall ensure that any fill materials placed for habitat improvements in any waters of the state do not, by reference to applicable standards, contain toxic materials in toxic amounts.
- d) All construction debris shall be properly disposed of on land above the limits of flood water in an approved upland disposal site. HTS shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.
- e) Care shall be taken to prevent any petroleum products, paint, chemicals, or other harmful materials from entering surface or ground water.
- f) If cast in place, wet concrete/grout shall be prevented from entering waters of the state. Forms for any concrete/grout structure shall be constructed to prevent leaching of wet concrete/grout. Impervious materials shall be placed over any exposed concrete/grout not lined with the forms that will encounter state waters. Forms and impervious materials shall

remain in place until the concrete/grout is cured.

- g) Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology or WDFW that fisheries resources may be adversely affected.
- h) All equipment shall be placed safely so that it cannot accidentally enter a waterway or cause water quality degradation to state waters.

If exceedances of water quality standards are detected through sampling and monitoring, HTS shall immediately take action to stop, contain, and prevent unauthorized discharges or otherwise stop the violation and correct the problem. After such an event, HTS shall assess the efficacy of the site BMPs and update or improve the BMPs used at the work site in an effort to reduce or prevent recurrence of noncompliance.

- Justification - Ecology protects aquatic life uses through the application of narrative and numeric criteria which protect both water quality and water quantity. This condition ensures containment and limits movement of sediment that could cause water quality exceedances. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life designated uses.

S6. Monitoring and Reporting

A. Water Quality Protection Plan

The WQPP shall be submitted to Ecology for review and approval at least 60 days prior to work initiation and all the subsequent modification to the WQPP shall be submitted to and approved by Ecology at least 30 days before implementation. A copy of the WQPP shall be in the possession of the on-site construction manager, and the plan shall be made available for review by Ecology staff, upon request. Water quality monitoring must be conducted per the WQPP. Results of water quality sampling and reporting frequency, as determined by the WQPP, shall be submitted to Ecology monthly.

If water quality exceedances are predicted as being unavoidable during construction or maintenance of a project, HTS must apply for a short-term modification in writing and receive Ecology approval at least three (3) months prior to project initiation. If any project has a long-term impact on a regulated water quality parameter, characterization monitoring must be performed for the impacted parameter(s), and a monitoring plan must be outlined in the WQPP.

Notification of noncompliance shall be made to Ecology within 24 hours of detection or observation of occurrence of the noncompliance followed by a detailed report within two weeks of detection or observation of the noncompliance. Notification shall be made with reference to Order #22439, Attn: Ecology's ERO 401 Certification Compliance Manager or

Ecology ERO Office (509) 329-3400.

- Justification – A monitoring plan describes the methods used to collect and analyze data needed to show that performance standards are being met. Monitoring plans are necessary to track environmental changes at project sites to ensure protection and compliance with water quality criteria.

B. Quality Assurance Project Plan

Within 60 days of license issuance, HTS shall amend the Ecology approved 2021 quality assurance project plan (QAPP) for temperature and DO to meet the DO monitoring requirements identified in Special Condition S2 and submit to Ecology for approval. Prior to the submission of the amended QAPP, HTS shall coordinate with Ecology as to the location of the monitoring sites.

The QAPP shall continue to follow the Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (July 2004 Ecology Publication No. 04-03-030) or its successor.

The QAPP shall contain, at a minimum, a list of parameter(s) to be monitored, a map of sampling locations, and descriptions of the purpose of the monitoring, sampling frequency, sampling procedures, and equipment, analytical methods, quality control procedures, data handling and data assessment procedures, and reporting protocols.

Water quality monitoring results, along with a summary report, shall be submitted by February 1st of each year to Ecology's ERO 401 Certification Compliance Manager. Ecology will use the monitoring results to assess compliance with state water quality standards and future monitoring needs, as appropriate.

- Justification – This condition is intended to ensure that projects which collect or analyze environmental data develop plans for field, laboratory, and analytical activities that meet quality standards appropriate to the goals and scope of the project.

S7. Spill Prevention and Control

HTS shall comply with its most recent approved version of the Spill Prevention, Control, and Countermeasure (SPCC) Plan that covers, as applicable within the Clean Water Act (40 CFR Part 112), any petroleum-based equipment to be used at the site, including the powerhouse and any equipment associated with the powerhouse, that holds or contains oil, fuel, or other petroleum products that are potentially detrimental to water quality and the biota. The plan must be kept on site. Within 60 days of license issuance, HTS shall amend the SPCC Plan as appropriate to be consistent with the conditions of this WQC and specifically shall include the correct agency notification procedures per state and federal law. HTS shall provide Ecology with a copy of the

amended SPCC plan and any subsequent amendments to the SPCC Plan within 30 days.

In addition to fulfilling the requirements under the SPCC regulations, the BMPs and spill response procedures listed below will apply.

- 1) No oil, fuel, or chemicals shall be discharged into waters of the state, or onto land with a potential for entry into waters of the state, as prohibited by Chapter 90.56 RCW and Chapter 90.48 RCW.
- 2) Any visible floating oils released from Project related activities shall be contained and removed from the water.
- 3) Project operators shall be familiar with, and trained on use of, oil spill cleanup materials. In the event of accidental discharge from Project related activities or facilities of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, HTS shall immediately begin and complete containment and cleanup efforts, taking precedence over normal work. Cleanup shall include proper disposal of any used or contaminated cleanup materials. As soon as possible, HTS shall restock cleanup materials.
- 4) HTS shall record the proper disposal location in the oil consumption records and keep copies of disposal records of contaminated cleanup supplies on-site and available for inspection by Ecology.
- 5) HTS shall not use emulsifiers or dispersants in waters of the state without prior approval from Ecology, Eastern Regional Office.
- 6) HTS shall identify and map floor drains. HTS shall post these maps at the Project in a conspicuous location for use by operators and other personnel in the event of an oil spill. HTS shall seal floor drains that are no longer in use.
- 7) HTS shall install, or have on-site and ready to use, staircases, ladders, etc. that will allow for oil spill response staff to safely reach areas that may need to be accessed to deploy sorbent pads and boom materials in the event of an oil spill.
- 8) Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately or no later than 24 hours after discovery to the Ecology's Eastern Regional Office at 425-649-7000 (24-hour phone number). HTS shall follow General Requirement G16 for notification procedures.
- 9) Transformers
 - a) Transformer deck containment area surfaces must be impervious. HTS shall conduct periodic inspections and resurface areas, fill cracks, caulk metal plate footings, or otherwise ensure that containment areas will contain all spill fluids. HTS shall remove any observed

rainwater pooling in the containment areas.

- b) HTS shall obtain prior approval from Ecology before breaching containment areas for reasons other than containment area maintenance.
- c) HTS shall conform to industry standards for protecting water quality and preventing and containing spills when transporting transformers and transformer oil.

10) Sumps

- a) HTS shall immediately repair all oil and water leaks in the sump.
- b) HTS shall provide waterproof lighting in the sump or spotlights adequate to view the surface water in the sump. HTS shall provide a mechanism to satisfactorily deploy and recover sorbent boom in the sump area.

11) Oil, fuel, and chemical storage containers, containment areas, and conveyance systems

- a) HTS shall provide proper containment around each storage container (including transformers) or around a combination of storage containers as appropriate. Proper containment equals the volume of the container plus 10 percent.
- b) HTS shall regularly check all fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., for drips and leaks. Maintain and properly store them to prevent spills into state waters.
- c) HTS shall not refuel equipment within 50 feet of rivers, creeks, wetlands, or other waters of the state, unless otherwise authorized by Ecology.
- d) HTS is required to implement the BMPs for spills of oil or hazardous substances from Department of Ecology's Stormwater Management Manual for Eastern Washington (SWMM) or equivalent.
- e) HTS shall maintain container inspection sheets to include maximum container volume and an exact reading recording of the oil level by the staff/operator conducting the inspection.
- f) HTS shall keep oil consumption records maintained on-site and provide these records to Ecology immediately upon request.
- g) HTS shall contain wash water containing oils, grease, or other hazardous materials resulting from wash-down of equipment or working areas for proper disposal and shall not discharge

this water into state waters.

13) Other

- a) HTS shall maintain site security at the Project site to reduce chance of oil spills.
 - b) HTS shall coordinate spill response planning and response efforts with other oil-handling facilities and spill response agencies on the Colville River.
 - c) Compliance with these conditions does not relieve HTS from responsibility to maintain continuous compliance with terms and conditions of this WQC or relieve HTS from any resulting liability from any further failure to comply.
- Justification – By this condition Ecology must ensure that HTS has a plan to prevent oil and hazardous material spills from causing environmental damage and polluting waterways. This includes HTS having the material readily available to address any spills that might occur to protect waters of the state. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm, and ensuring compliance with water quality requirements. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life designated uses.

General Requirements

- G1. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the State Water Pollution Control Act (RCW 90.48), or changes in or amendments to the Clean Water Act, such provisions, standards, criteria, or requirements shall apply to the Project and any attendant agreements, orders, or permits. Ecology will coordinate with FERC to modify this Order and notify HTS of any such changes.
- G2. Ecology reserves the right to amend this WQC with concurrence from FERC by further Administrative Order if it determines that the provisions hereof are no longer adequate to ensure compliance with applicable water quality standards or other appropriate requirements of state law. Such determinations shall be based upon provisions in the new FERC license or new information or changes in: (i) the construction or operation of the Project; (ii) characteristics of the water; (iii) water quality criteria or standards; (iv) Total Maximum Daily Load requirements; or (v) effluent limitations or other applicable requirements of state law. Amendments of this WQC shall take effect immediately upon issuance, unless otherwise specified.
- G3. HTS shall obtain Ecology review and approval before undertaking any change to the Project or its operations that might significantly and adversely affect the water quality or compliance with any applicable water quality standard (including designated uses) or other appropriate requirement of state law. If, following such notification, Ecology determines that such a change would violate state water quality standards or other appropriate requirements of state law, Ecology reserves the right to condition or deny such change by Administrative Order, in accordance with applicable federal and state law.

- G4. When a construction project meets the coverage requirements of the NPDES permit and State Waste Discharge General Permit for stormwater discharges associated with construction activity, HTS shall either, at Ecology's discretion, apply for the general permit and comply with the terms and conditions of the permit or apply for and comply with the terms of an individual NPDES permit.
- G5. Discharge of any solid or liquid waste to the waters of the state of Washington without approval from Ecology is prohibited.
- G6. WDFW requires a Hydraulic Project Approval (HPA) (under RCW 77.55) for in or near water work that will use, divert, obstruct, or change the natural flow or bed of State waters. HTS will obtain an HPA from WDFW for any activity that may affect water quality or designated uses, prior to the beginning of those activities, and must comply with all conditions of the applicable WDFW HPA.
- G7. Ecology retains the right by Administrative Order, in consultation with HTS, to modify schedules or deadlines provided under this Order.
- G8. This Order does not exempt, and is provisional upon, compliance with other statutes and codes administered by federal, state, and local agencies, including the state's Coastal Zone Management Act.
- G9. Ecology reserves the right to issue orders, assess or seek penalties, and to initiate legal actions in any court or forum of competent jurisdiction for the purposes of enforcing the requirements of this Order. Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
- G10. The conditions of this Order shall not be construed to prevent or prohibit HTS from either voluntarily or in response to legal requirements imposed by a court, FERC, or any other body with competent jurisdiction, taking actions which will provide a greater level of protection, mitigation, or enhancement of water quality or of existing or designated uses.
- G11. Copies of this Order and associated permits, licenses, approvals, and other documents shall be kept on site and made readily available for reference by HTS, its contractors and consultants, and Ecology.
- G12. HTS shall allow Ecology access to inspect the Project and Project records required by this Order for the purpose of monitoring and compliance with its conditions. Access shall occur after reasonable notice, except in emergency circumstances.
- G13. HTS shall, upon request by Ecology, fully respond to all reasonable requests for materials to assist Ecology in making determinations under this Order and any resulting rulemaking or other process.
- G14. If an action required under or pursuant to this WQC requires as a matter of federal law that the FERC approve the action before it may be undertaken, HTS shall not be considered in violation of these requirements to the extent that FERC refuses to provide such approval, provided that HTS diligently seeks such approval and so notifies Ecology.
- G15. Any work that is out of compliance with the provisions of this Order, or Project operation conditions that result in distressed, dying, or dead fish, or any discharge of oil, fuel, or chemicals directly or indirectly into state waters, or violation of turbidity criteria is prohibited. If these occur, HTS shall immediately take the following actions:
1. Cease work at the location of the violation to the extent such work is causing or contributing to the problem.

2. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
3. Notify Ecology of the failure to comply.

Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at 509-329-3400. Other noncompliance events shall be reported to Ecology's Eastern Regional Office (ERO) 401 Certification Compliance Manager, or Ecology's ERO Water Quality Watershed Unit Manager.

4. Submit a detailed written report to Ecology's ERO 401 Certification Compliance Manager within two weeks that describe the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with these requirements does not relieve HTS from responsibility to maintain continuous compliance with the terms and conditions of this WQC or the resulting liability from failure to comply.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335 "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in RCW 43.21B and WAC 371-08.

FILING AN APPEAL

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

CONTACT INFORMATION

Please direct all questions about this Order to:

Jordan Bauer, 401 Certification Compliance Manager
Department of Ecology
4601 N. Monroe Street
Spokane, WA 99205-1295
509-688-9403
jordan.bauer@ecy.wa.gov

MORE INFORMATION

- [Pollution Control Hearings Board Website](#)¹
- [Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board](#)²
- [Chapter 371-08 WAC – Practice And Procedure](#)³
- [Chapter 34.05 RCW – Administrative Procedure Act](#)⁴
- [Chapter 90.48 RCW – Water Pollution Control](#)⁵
- [Chapter 173.204 Washington Administrative Code \(WAC\) Sediment Management Standards](#)⁶
- [Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington](#)⁷
- [Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington](#)⁸

SIGNATURE



Melissa Gildersleeve
Watershed Management Section Manager
Water Quality Program
Department of Ecology

¹ <https://www.eluho.wa.gov/Boards/pollution-control-hearings-board>

² <https://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

⁴ <https://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

⁵ <https://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

⁶ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

⁷ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

⁸ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

APPENDIX A

Figure 1. Meyers Falls Hydroelectric Project Facility Layout



Figure 2. Meyers Falls Hydroelectric Project Boundary⁹



⁹ Ecology understands that FERC may update this boundary delineation in the upcoming license. Any change to the boundary delineation does not alter any evaluation Ecology performed in developing this WQC.

APPENDIX B
Summary of Scheduled Submittals

Order Section	Submittal	Frequency	First Submittal Date
S2	Amended Quality Assurance Protection Plan (QAPP)	Once	Within 60 days of license issuance.
S2	Dissolved Oxygen and Wetland Improvement Plan	Once, as needed	Within one (1) year of discovery of any exceedance of the DO criteria
S3	Sediment Removal Plan	Once	Within 60 days of license issuance.
S6.B	Water Quality Monitoring Results and Summary Report	Annually, QAPP requirement	February 1, 2026
S6.A	Water Quality Protection Plan (WQPP)	As required	At least 60 days prior to initiation of construction work.
S6.A	WQPP modification	As required	30 days prior to implementation.
S7	Spill Prevention, Containment, and Countermeasure Plan	Once, as needed	Within 60 days of license issuance.
S7.8, G16	Spill Report	As required	Within 24 hours after discovery of the incident followed by a detailed report within two (2) weeks.
S6.A, G16	Noncompliance Notification	As required	Within 24 hours after discovery of the incident followed by a detailed report within two (2) weeks.

All submittals must be sent:

- Via electronically to wqhydropower@ecy.wa.gov (preferred)
- Or by mail:

401 Certification Compliance Manager
Water Quality Program
Washington State Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1295

APPENDIX C

References:

- Albrecht, N.C. and C. Lee. 2018. Upper Columbia River Redband Trout Stock Assessment at Big Sheep and Onion Creeks and the Colville River below Meyers Falls, Stevens County, Washington, 3/1/2018-2/28/19 Annual Report, 1997-004-00.
- Hydro Technology Systems, Inc., 2021. Quality Assurance Project Plan, Dissolved Oxygen and Temperature Study at Meyers Falls Hydroelectric Project (FERC Project No. 2544). Prepared for Washington State Department of Ecology. June 2021.
- Hydro Technology Systems, Inc., 1999. Salmonid Recruitment and Water Temperature Study for Meyers Falls Hydroelectric Development. Prepared for FERC License No. 2544 Article 405 requirement. February 1999.
- Washington Water Power, 1994-1996. Water Quality Data Annual Report Submittal to Ecology for Meyers Falls Hydroelectric Project. Prepared for Washington State Department of Ecology.
- Mettler, Aaron, 2014. "Relative Abundance, Distribution, and Life Histories of Fish Species in the Colville River Watershed, Stevens County, Washington". EWU Masters Thesis Collection. 194.
- R.W. Smith, 1991. Water Quality Report, Meyers Falls Hydroelectric Development and Colville River. Prepared for Washington Water Power Company. November 1991.