STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY
WATER QUALITY CERTIFICATION TO
Mr. Frank Shrier
with Chapter 90.48 RCW and the
Rules and Regulations of the
Department of Ecology

ORDER AMENDMENT No. 5743
THIRD AMENDMENT OF
ORDER No. 3678

To: Mr. Frank Shrier
PacifiCorp
825 Northeast Multnomah
Portland, OR 97232

Order No. 3678, dated October 9, 2006, is hereby amended as follows. These actions are required at
the location known as the Merwin Hydroelectric Project located at River Mile 19.5 on the North
Fork Lewis River.

Section 4.2 (1) (found on page 6 of administrative order No. 3678) shall be replaced with the
following:

The project shall comply with the instream flow measures identified in Section 6.2 of the
Settlement Agreement signed November 30, 2004, submitted to FERC on December 9, 2004,
and provided herein as Exhibit A.

The Exhibit A, referred to above, is part of the Settlement Agreement.

Section 4.8 (3) table 2, temperature monitoring in the Merwin tailrace, the depth is changed from 1 ft
and replaced with the following:

At a depth that allows for continuous and representative monitoring unaffected by water
elevation and represents the temperature in the main river flow.

The modified section of Table 2 shall now read:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Location</th>
<th>Depths (ft)</th>
<th>Frequency</th>
<th>Duration</th>
<th>Condition No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temperature</td>
<td>Merwin tailrace</td>
<td>- At a depth that allows for continuous and representative monitoring unaffected by water elevation and represents the temperature in the main river flow.</td>
<td>Hourly all year</td>
<td>Ongoing</td>
<td>4.4.5</td>
</tr>
</tbody>
</table>
Section 4.8 (3) table 2, dissolved oxygen monitoring in the Merwin tailrace, the depth shall be changed from 1 ft and replaced with the following:

The shallowest possible depth (deeper than 1 ft) that allows for continuous and representative monitoring unaffected by water elevation changes or bubble formation.

Section 4.8 (3) table 2, dissolved oxygen monitoring in the Merwin tailrace, the duration shall be clarified and language replaced with the following:

Ongoing until dissolved oxygen sags are found not to drop below 8 mg/L for a period of 5 consecutive years.

The section of Table 2 showing the language struck and the replacement language

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Location</th>
<th>Depths (ft)</th>
<th>Frequency</th>
<th>Duration</th>
<th>Condition No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dissolved</td>
<td>Merwin</td>
<td>The shallowest possible depth (deeper than 1 ft) that allows for continuous and representative monitoring unaffected by water elevation changes or bubble formation.</td>
<td>September and October hourly</td>
<td>Ongoing until dissolved oxygen sags are found not to exceed 8 mg/L for a period of 5 consecutive years.</td>
<td>4.4.5</td>
</tr>
<tr>
<td>Oxygen</td>
<td>tailrace</td>
<td></td>
<td></td>
<td>Ongoing until dissolved oxygen sags are found not to drop below 8 mg/L for a period of 5 consecutive years.</td>
<td></td>
</tr>
</tbody>
</table>

No other condition or requirement of Order No. 3678 is hereby affected by this amendment.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board
Mail appeal to:
The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR
The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology
Mail appeal to:
The Department of Ecology
Appeals & Application for Relief Coordinator
PO Box 47608
Olympia WA 98504-7608

OR
Deliver your appeal in person to:
The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:
Eric Schlorff
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

For additional information visit the Environmental Hearings Office Website:
http://www.eho.wa.gov
To find laws and agency rules visit the Washington State Legislature Website:
http://www1.leg.wa.gov/CodeReviser

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 3rd day of October, 2008 at Olympia Washington.

Garin Schrieve, P.E.
Southwest Regional Manager
Water Quality Program