

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. 5972
THIRD AMENDMENT OF
ORDER No. 3677

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

Order No. 3677, dated October 9, 2006, is hereby amended as follows. These actions are required at the location known as the Yale Hydroelectric Project located at River Mile 34.2 on the North Fork Lewis River.

Table 2, on page 14, on the third row below the headings (temperature row), the contents under the "Duration" column shall be removed and replaced with the following:

Ongoing until temperature fluctuations in the Yale tailrace/upper Lake Merwin are sufficiently addressed per conditions 4.4(2)(a) and (b) of this order.

The modified section of Table 2 shall now read:

Parameter	Location	Depths (ft)	Frequency	Duration	Condition No.
Temperature	Yale forebay	1, 5, 10, 20 40, 60, 100	May 1—Oct 31: Hourly	Ongoing until temperature fluctuations in the Yale tailrace/upper Lake Merwin are sufficiently addressed per condition 4.3 (2)(a) and (b) of this order. Ongoing until temperature fluctuations in the Yale tailrace/upper Lake Merwin are sufficiently addressed per conditions 4.4 (2)(a) and (b) of this order.	4.4.4

Table 2, on page 15, on the first row below the headings (temperature row), the contents under the "Duration" column shall be removed and replaced with the following:

Ongoing until temperature fluctuations in the Yale tailrace/upper Lake Merwin are sufficiently addressed per condition 4.4(2) of this order.

The modified section of Table 2 shall now read:

Parameter	Location	Depths (ft)	Frequency	Duration	Condition No.
Temperature due to power loading fluctuations and Lake Merwin stratification	Yale Dam tailrace	Profile	Hourly	Ongoing until temperature fluctuations in the Yale tailrace/upper Lake Merwin are sufficiently addressed per condition 4.3 (2) of this order. Ongoing until temperature fluctuations in the Yale tailrace/upper Lake Merwin are sufficiently addressed per condition 4.4 (2) of this order.	4.4.4

No other condition or requirement of Order No. 3677 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

Deliver your appeal in person to:

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 Schriever, P.E.
Southwest Regional Manager
Water Quality Program