

Clean Water Act Section 401(a)(2) Public Hearing: Lower Columbia River Federal Dams NPDES Permits

EPA Region 10

June 7, 2022

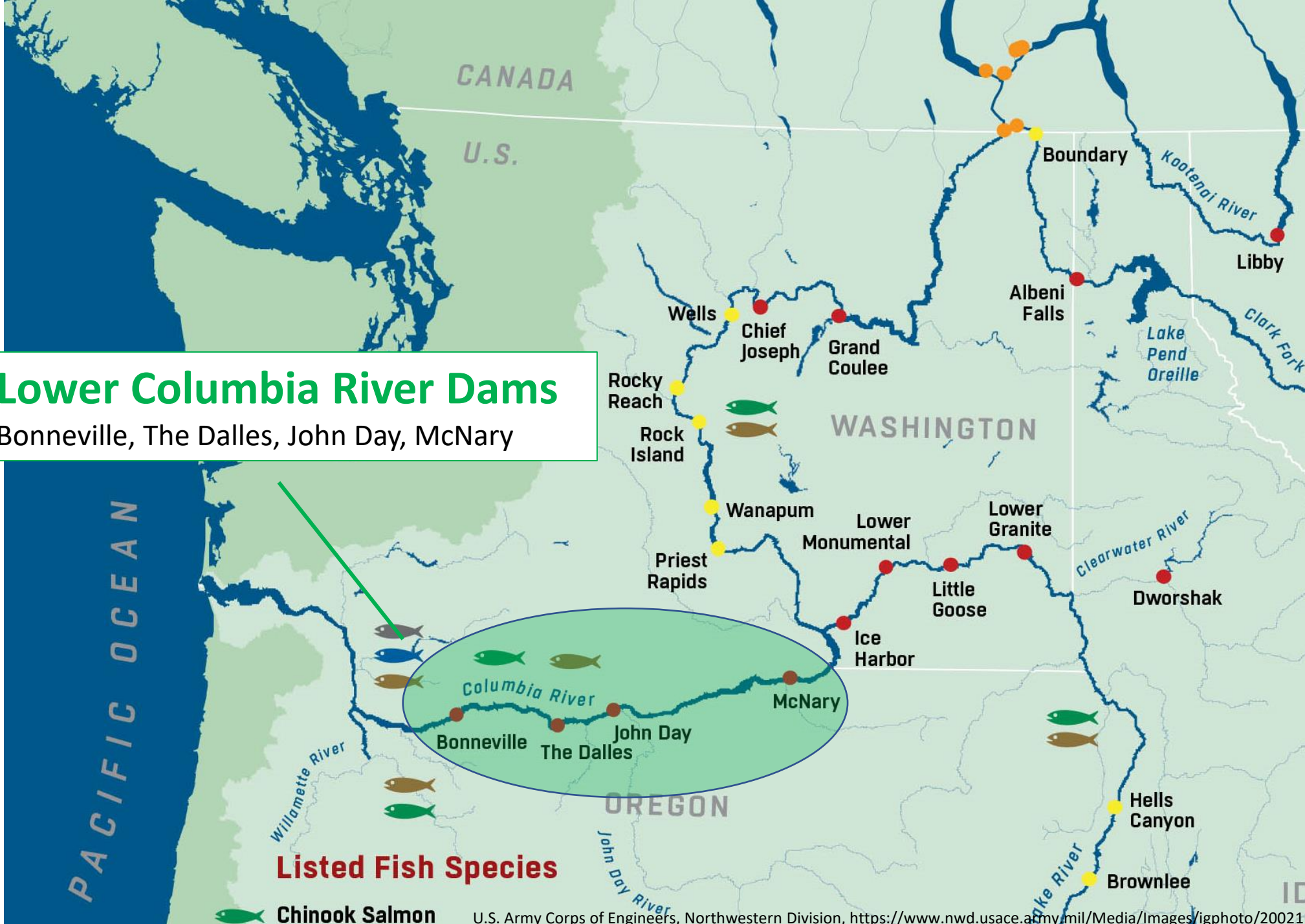


Lower Columbia River Dams

Bonneville, The Dalles, John Day, McNary

 **Chinook Salmon**

U.S. Army Corps of Engineers, Northwestern Division, <https://www.nwd.usace.army.mil/Media/Images/igphoto/2002118951/>



Agenda

- Welcoming Remarks and Introductions
- EPA's Evaluation and Recommendation
- Clarifying Questions
- Oral Testimony (Pre-registered)
- Oral Testimony (Not registered)
- Next Steps and Closing Remarks

Evaluation and
Recommendation
Overview

Background

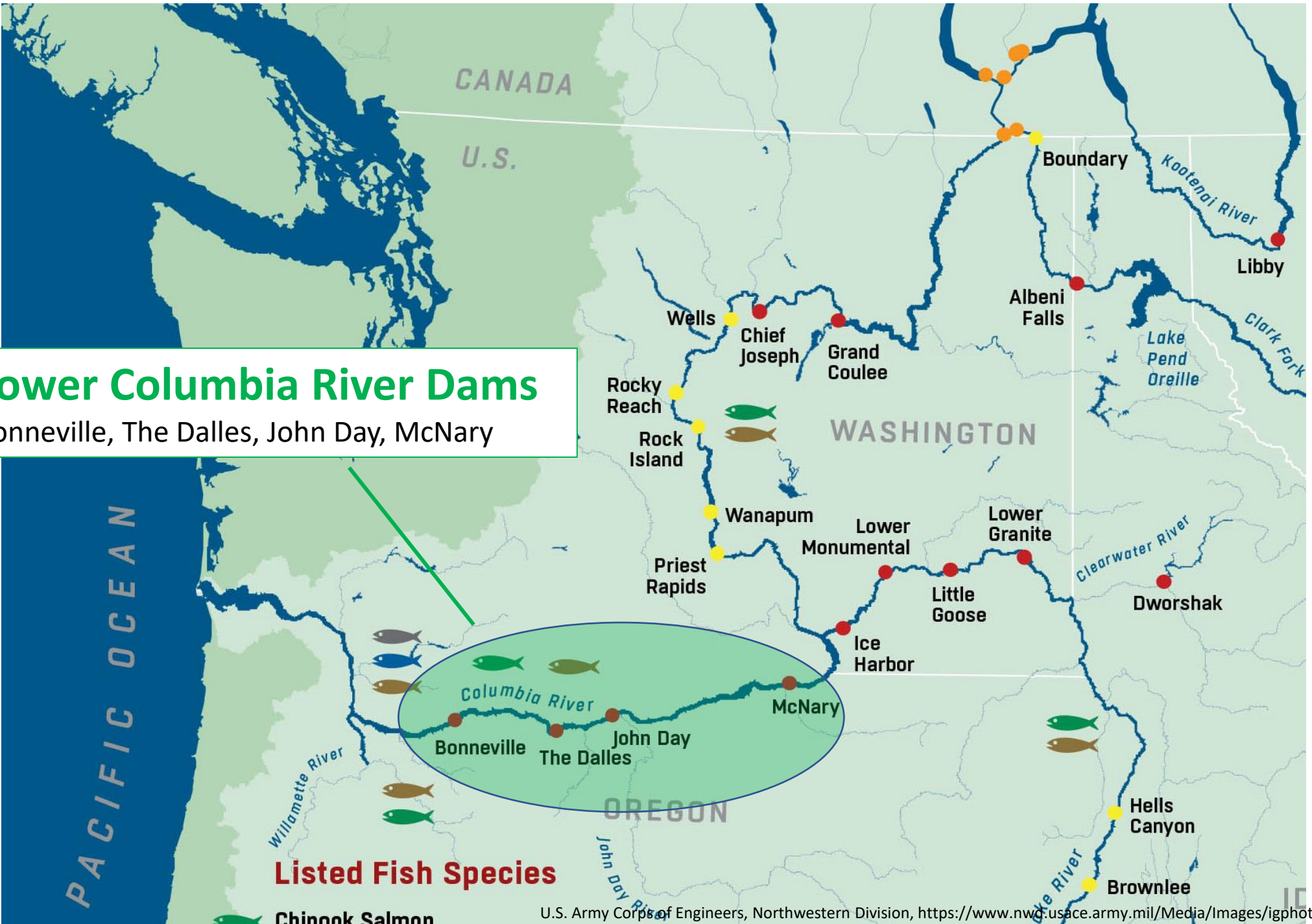
401(a)(2) Objection

Evaluation

Recommendation

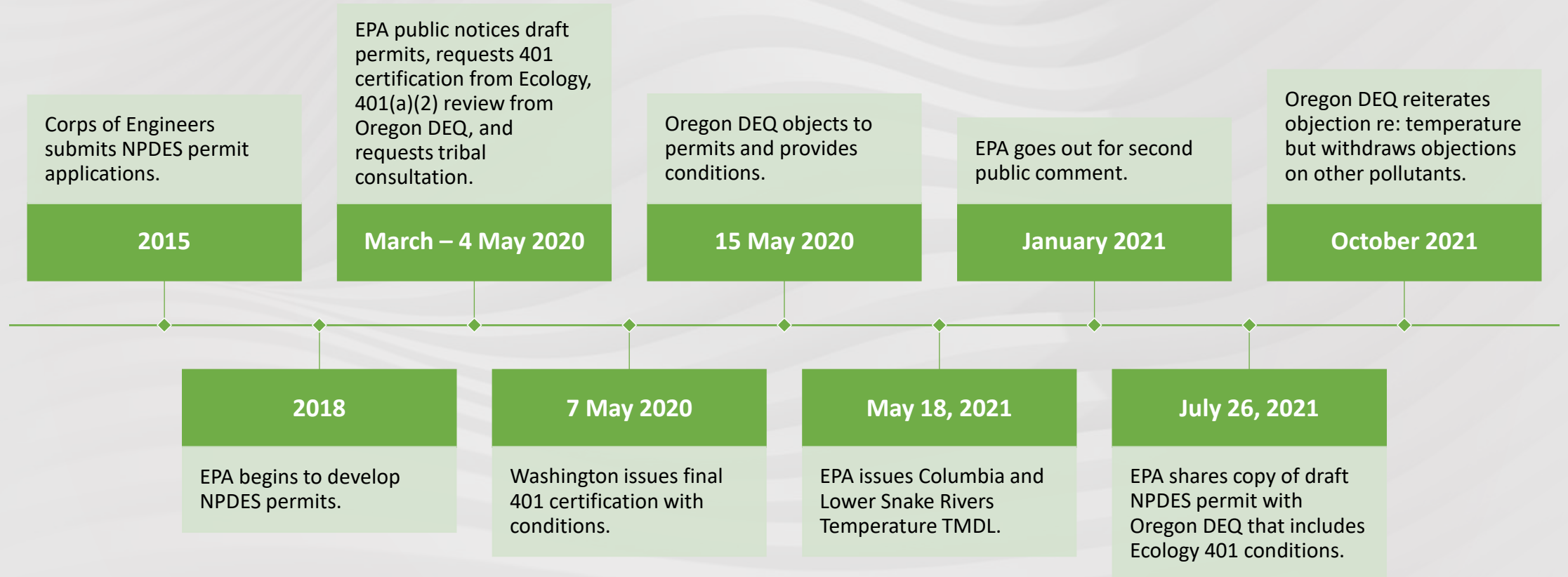
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Chinook Salmon

Permits and 401 Certification Chronology



Ecology 401 certification conditions

Temperature

- Implement temperature control strategies that meet Columbia and Lower Snake Rivers Temperature load allocations
- Develop Water Quality Attainment Plan (WQAP) –
 - Detailed strategy to achieve Washington’s water quality standards for temperature and associated designated uses
 - Provide Ecology scope or WQAP for review after one year
 - Provide Ecology final WAP within two years
 - Progress report in Years 6 and 9

Total dissolved gases (TDG) - Meet TDG standards

Review of approval of plans

Cooling water intake structure (CWIS) requirements

Oregon DEQ 401(a)(2) Objection - 5/15/20

“Will affect” determination

Objection and request for public hearing

Example Condition to resolve objections: Temperature

- Temperature Monitoring Plan (TMP) with monitoring and locations, DEQ review and approval.
- Annual water quality monitoring reports
- If TMDL load allocations are not met, develop adaptive management plan. Implement plan after DEQ approval.
- Plan to protect cold water refugia locations from impingement by thermal plumes.

Other Example Conditions: TDG, PCB, and CWIS monitoring and plans with DEQ and approval

Permits and 401 Certification Chronology



Oregon DEQ
401(a)(2)
October 8,
2021 letter

Given additional information, Oregon DEQ's withdrew objections for all pollutants, except for temperature.

"Oregon needs the permit to contain additional specificity to ensure its water quality standards will be achieved."

Inadequate progress to address high water temperatures from dams and worsening conditions in the Columbia River

"...absent conditions compelling [the Corps] to identify, evaluate, and adopt additional specific alternatives for reducing thermal loads in its operation of these facilities, Oregon does not have an adequate assurance that the requirements will attain Oregon's water quality standards for temperature."

Oregon DEQ 401(a)(2) October 8, 2021

Example Conditions (continued)

- Conduct initial study of temperature
 - Study on alternative actions to reduce thermal loading, especially July 15 to September 30
 - Study must evaluate changes in reservoir operating pools, including minimum operating pool and temperature changes
 - Operational trade-offs
- Develop and submit implementation plan (EPA, Ecology, and Oregon DEQ review and approval)
- Alternative permit condition – some form of analysis and evaluation that make significant progress towards meeting Oregon water quality requirements

EPA Evaluation and Recommendations

What did EPA evaluate?

- May 2020 Objection and October 2021 Letter;
- CWA section 401 certifications for the four Lower Columbia River federal dam permits issued by Ecology on May 7, 2020;
- Temperature water quality standards in the states of Washington (WAC 173-201a) and Oregon (OAR-340-041); and
- Implementation authorities for the Columbia and Lower Snake River temperature TMDL

EPA's Evaluation

- How are temperature issues in the Columbia River currently being addressed?
- Are the proposed permit conditions related to the Water Quality Attainment Plan specific enough to meet Oregon's water quality requirements for temperature?
- Are Oregon's temperature water quality standards substantially similar to Washington's?
- If yes, what permit conditions should be included, and who should determine if Oregon's temperature water quality standards are met?

EPA's Evaluation (continued)

- Ecology and Oregon DEQ are responsible for TMDL implementation, and both Ecology and Oregon DEQ should have review and approval authority over plans that will be used to meet load allocations from the TMDL.
- The broad framework ensure Washington's temperature water quality standards are met, but does not require that Oregon's water quality standards are met.
- There are three areas where there are differences between Oregon and Washington's temperature water quality standards that warrant additional permit conditions to ensure Oregon's water quality requirements for temperature are met.
- The example conditions proposed by Oregon DEQ in its October 2021 letter are unnecessarily limiting.

EPA Recommendations

EPA recommends that:

- That Water Quality Attainment Plan (WQAP) must meet both Washington **and Oregon's** water quality standards for temperature are met.
- Ecology **and Oregon DEQ** review and approve the WQAP.
- The scope of Oregon's review and approval of the WQAP is limited to three areas where Oregon's water quality standards for temperature is substantially different from Washington's.

Clarifying questions

Seeking feedback

1. Are additional permit conditions necessary to ensure compliance with Oregon's water quality requirements for temperature?
2. Is it necessary for EPA to include any or all aspects of Oregon's example condition to meet Oregon's water quality requirements for temperature? If so, which aspects of the example condition are necessary to ensure compliance with Oregon's water quality requirements for temperature, and why?
3. As an alternative to Oregon's example condition, what permit conditions would ensure that Oregon's water quality requirements for temperature are met?
4. Are there other conditions EPA should consider in the draft permits to meet Oregon's water quality requirements for temperature?

Oral Testimony (Registered)

- Richard Whitman, Oregon DEQ
- Dan Turner, USACE, Northwestern Division
- Julie Atwood, Yakama Nation
- Miles Johnson, Columbia Riverkeeper
- Shane Scott, Public Power Council
- Jeff Fisher, Seattle City Light
- Leslie Druffel, The McGregor Company

Oral Testimony (not pre-registered)

- If you want to provide testimony,
 - Please raise your hand if you are on Teams, or
 - Press Star-6 if you are on the phone to raise your hand.
- EPA will call you in order.

Next Steps and Closing Remarks

- Written comments accepted until June 14, 2022 midnight PST.
 - Email Jenny Wu at Wu.Jennifer@epa.gov.
- EPA will consider all oral and written comments.
- EPA expects to make a decision within a month of this hearing.
- If permit conditions are proposed to be added, EPA will go out for a limited 30-day public comment on the proposed conditions.

Website - <https://www.epa.gov/npdes-permits/public-hearing-proposed-discharge-permits-federal-hydroelectric-projects-lower>