STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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December 7, 2018

Daniel Opalski
Director
Office of Water and Watersheds
US Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

Re: October 19, 2018 letter seeking 401 certification of Draft Individual Permits for Federal Hydroelectric Generating Facilities on the Columbia and Lower Snake River

Dear Mr. Opalski:

Thank you for your staff's time explaining the deadlines you are working under to address your National Pollutant Discharge Elimination System (NPDES) backlog. The meeting was helpful for us, and while we continue to believe your federal regulations, 40 CFR 124.53, regarding timing and process for state 401 certifications is inconsistent with the federal Clean Water Act, we think it is important to work cooperatively with you on this work. For that reason, we would like to request a time extension for the 401 certifications for the Federal Hydroelectric Generating Facilities identified in your October 19 letter.

At this meeting, your staff discussed the possibility of allowing a time extension under your regulations. We are requesting a 45-day extension to February 1, 2019 from the December 18, 2018 date you identified in your letter as our deadline. Your letter requests certification for nine federal hydroelectric generating facilities and the Washington State Department of Ecology (Ecology) needs additional time to complete this significant and unexpected work. Our work is further complicated by several ongoing efforts on the Columbia and Snake Rivers that will impact the certifications you have requested; the negotiations for the federal Biological Opinion for the Federal Columbia River Power System (FCRPS) and the temperature total maximum daily load (TMDL) that your agency is doing for the Columbia and Snake Rivers.

Our hope is that this period of time will allow you to issue your TMDL, allow Ecology to better understand the federal biological opinion settlement, and work with you and the federal agencies that operate the nine facilities so Ecology can issue 401 certifications that are workable for the

federal agencies while also protecting Washington's waters. I also want to be clear that Washington is not waiving our 401-certification authority and we have no desire to do so. I look forward to hearing back from you regarding the 45-day extension.

Sincerely,

Heather R. Bartlett
Water Quality Program Manager