



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

May 3, 2012

**CERTIFIED MAIL (7010 0290 0002 5455 4202)**

Mr. Mark Cauchy, Director  
Regulatory and Environmental Affairs  
Pend Oreille County Public Utility District No. 1  
P.O. Box 190  
Newport, WA 99156

Re: Order No. 9039, First Amendment  
Mill Pond Dam Decommissioning and Sullivan Lake Cold Water Release Facility  
Installation Project 401 Water Quality Certification

Dear Mr. Cauchy:

Please find attached the First Amendment to Order No. 9039 for the Mill Pond Dam Decommissioning and Sullivan Lake Cold Water Release Facility in Pend Oreille County, Washington.

If you have any questions, please contact Michael Maher at (509) 329-3584.

Sincerely,

Sara Hunt, Section Manager  
Shorelands and Environmental Assistance Program  
Ecology Eastern Regional Office

SH:MWM:ljs

Enclosure

cc: Kimberly Bose, FERC  
Barbara Greene, SCL  
John Armstrong, SCL  
Doug Robison, WDFW  
ecyrefedpermits@ecy.wa.gov



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING A WATER	)	<b>ORDER # 9039</b> , First Amendment
QUALITY CERTIFICATION TO	)	Mill Pond Decommissioning and
<b>Pend Oreille County Public Utility District No. 1</b>	)	Installation of a Cold Water Release
In accordance with 33 U.S.C. 1341	)	Facility in Sullivan Lake
(FWPCA §401) RCW 90.48.120, RCW	)	in Pend Oreille County, Washington
90.48.260 and Chapter 173-201A WAC	)	

TO: Mr. Mark Cauchy, Director  
Regulatory and Environmental Affairs  
Pend Oreille County Public Utility District No. 1  
P.O. Box 190  
Newport, WA 99156

On March 28, 2012, the Washington Department of Ecology (Ecology) issued a §401 Water Quality Certification to Pend Oreille County Public Utility District No 1, for the Mill Pond Dam Decommissioning and Sullivan Lake Cold Water Release Facility adjacent to and within Sullivan Lake in Pend Oreille County, Washington pursuant to the provisions of 33 U.S.C. 1341 (FWPCA §401).

The Department of Ecology (Ecology) is amending the above-referenced Order to address and correct minor inaccuracies in 1.0 Project Background and 3.1 General Conditions.

Water Quality Certification No. **9039** is hereby amended as follows:

**1. On page 3, the paragraph that starts with “The Dam removal...” that reads:**

The dam removal project is detailed in the Mill Pond Dam Removal and Restoration: Alternatives Analysis and Evaluation of Recommended Alternative (McMillen 2010) (the “McMillen Report”), the Mill Pond Decommissioning Plan and further described within the Boundary Hydroelectric Project Relicensing Settlement Agreement FERC Project No. 2144 submitted to FERC and Ecology and includes;

**Is replaced as follows:**

The dam removal project is detailed in the Mill Pond Dam Removal and Restoration: Alternatives Analysis and Evaluation of Recommended Alternative (McMillen 2010) (the “McMillen Report”), the Mill Pond Decommissioning Plan and further described in Appendix A-2 of the Sullivan Creek Project License Surrender Application of FERC License No. 2225 and includes;

**2. In Condition number 3.1 (f)(i) that reads:**

Short term compliance and effectiveness monitoring program to be conducted by Seattle City Light (SCL); as well as long term compliance and effectiveness monitoring program to be implemented by the Applicant;

**Is replaced as follows:**

Short term compliance and effectiveness monitoring program to be conducted by the Applicant; long term compliance and effectiveness monitoring will be managed by Seattle City Light (SCL);

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this Amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

#### YOUR RIGHT TO APPEAL

You have a right to appeal this Amendment to Order No. 1536 to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Amendment. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "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 Amendment:

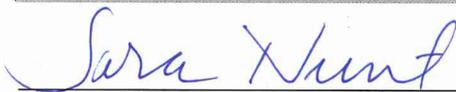
- File your appeal and a copy of this Amendment with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Amendment on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

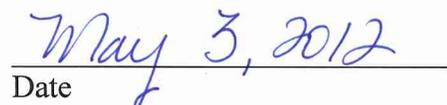
#### ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

#### SIGNATURE



Sara Hunt, Section Manager  
Shorelands and Environmental Assistance Program  
Ecology Eastern Regional Office

  
Date