



# Hydropower & Water Quality in Oregon: The Role of DEQ's Section 401 Certification Program

July 17, 2025  
PGE & CTWS Annual Fisheries Workshop

# Presentation Outline

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- Clean Water Act Section 401
- FERC licenses – hydropower
- DEQ 401 WQC Process
- Oregon Certifying Authorities
- Pelton Round Butte 401 WQC
- WQC Implementation



# Clean Water Act Section 401

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Clean Water Act (CWA) of 1972:

- formerly the Federal Water Pollution Control Act of 1948
- regulates discharges of pollutants into the waters of the United States

CWA Section 401:

- provides states and Tribes means to protect waters within their borders
- applies to any federal license or permit that may result in discharge to navigable waters

# Section 401 Water Quality Certification

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401 Water Quality Certification (WQC) ensures compliance with:

- relevant sections of CWA, including 302, 303
- EPA approved WQ standards, programs, policies
- all other appropriate water-related requirements of state law

401 WQC most commonly issued for:

- permitted activity from USACE (401 Dredge/Fill)
- hydropower projects licensed/authorized by FERC

# FERC licensing and 401 WQC

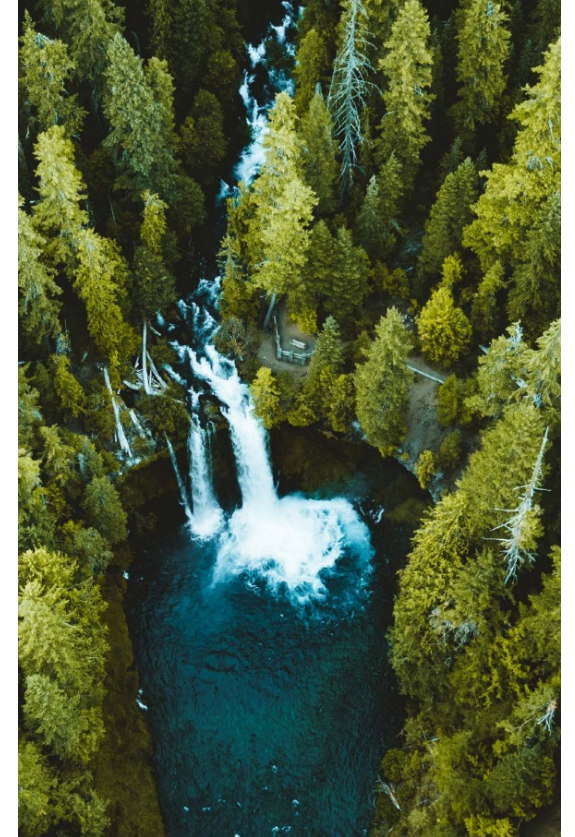
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- FERC issues licenses or exemptions for **non-federal hydro projects**.
- Licenses have long terms (20-50 years); licensing/relicensing can take decades to complete.
- Applicants must also apply for a WQC from the relevant certifying authorities.
- **The WQC issued by the certifying authority becomes part of the license and is in effect for the duration of the license.**



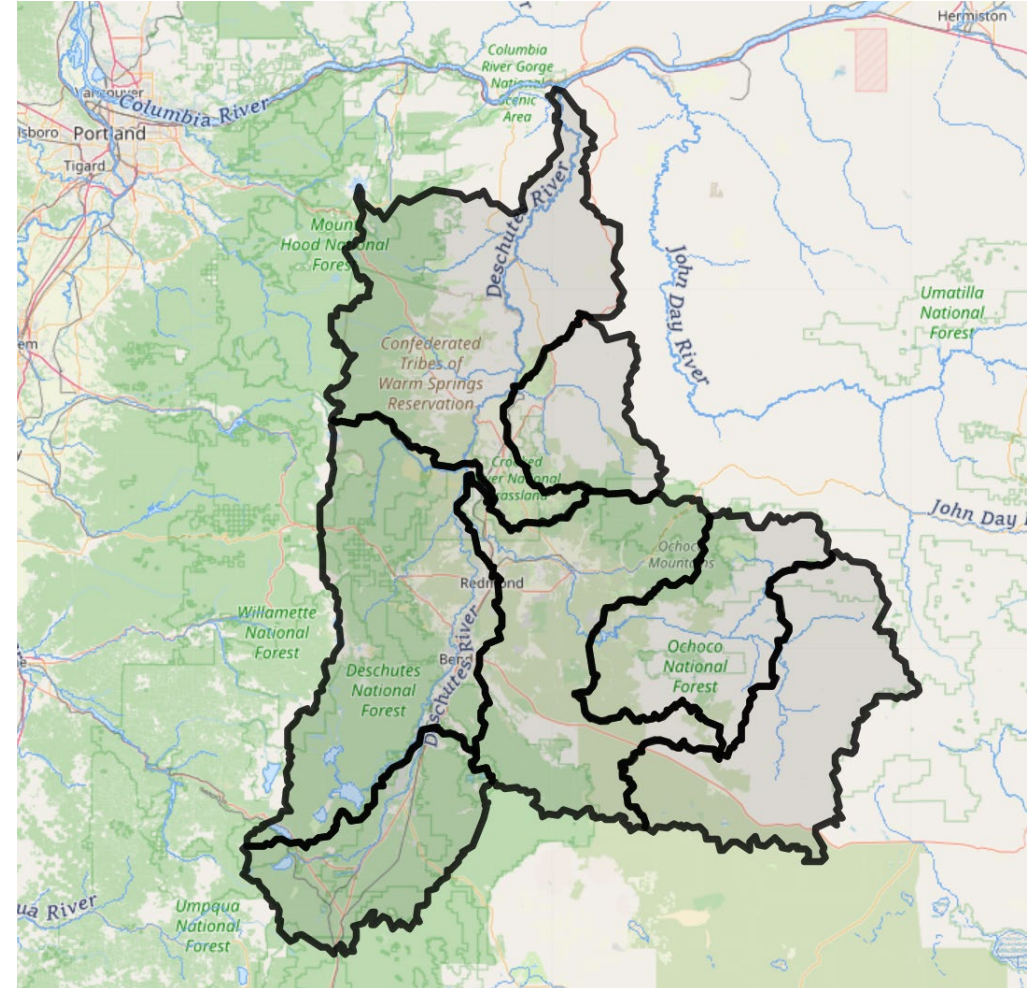
# DEQ's 401 WQC Process

- WQC process often requires coordination, oversight by Hydropower Application Review Team
  - OWRD, ODFW and other relevant state agencies
- DEQ develops evaluation and findings based on:
  - application materials, water body, WQ standards, impaired waters (303d), TMDLs, modeling, additional studies
- Includes public process for input
- Multi-agency implementation agreements common



# Certifying Authorities for Pelton Round Butte

- Confederated Tribes of the Warm Springs
- Oregon, Department of Environmental Quality



# Confederated Tribes of Warm Springs WQC

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- CTWS Water Control Board
  - regulatory authority to administer a water quality standards program, empowered by Section 401(a)(1) of the CWA to issue water quality certification.
- June 24, 2002, Tribes' Water Board issued a 401 WQC
- Appendix B of the FERC license, issued June 21, 2005



# Pelton Round Butte – 401 WQCs

- DEQ and CTWS issued WQCs in 2002
- Incorporated into FERC license
- FERC license issued 2005, 50-year term
- Conditions require ongoing mitigation and management strategies, monitoring, reporting
- Multi-agency committees provide review, input, oversight



# DEQ 401 WQC Implementation



- 401 hydro staff work with licensees, partner agencies on oversight
- Review of operations and management:
  - annual reports, project-specific monitoring reports, monitoring data, committee meetings
  - site visits for inspection, construction, maintenance
- Facilities self-report license violations to FERC

# DEQ 401 hydro program info



## Contacts

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- 401 WQC and Hydro Specialist - **Vanessa Rose**

## Oregon Administrative Rules

- **OAR 340 Div 48**, Water Quality Certifications;
- **ORS 543**, Hydroelectric Projects

[See DEQ's 401 WQC hydropower website](#)

# Title VI and alternative formats

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