

Letter 7



Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

Eastern Region
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November 20, 2003

Phillip Sanchez
Superintendent, Umatilla Agency
Bureau of Indian Affairs
P.O. Box 520
Pendleton, OR 97801

Re: Comments to October 2003 Wanapa Energy Center Draft EIS

Dear Mr. Sanchez,

On November 17, 2003, the Oregon Department of Environmental Quality (Department) received the October 2003 Wanapa Energy Center Draft Environmental Impact Statement (EIS). After reviewing the above referenced document, the following comments are provided:

P. 1-11, Table 1.4-1

The table lists the agencies and their authority. The Department is listed as having authority over dust control permits. The table should also list the Department's authority regarding the following:

- 7-1
- Issuance of a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater located off tribal land. The EIS currently proposes such a discharge.
 - The requirement of obtaining an NPDES 1200 general permit for construction activities occurring off tribal land that disturb one acre or more, such as installation of the wastewater and natural gas pipes, substation expansion, etc.

P 3.2-10, Table 3.2-2

- 7-2
- This table lists the water quality of Cold Springs Reservoir. It would be beneficial to include total dissolved solids (TDS) in the table to evaluate the receiving water body's capacity to assimilate this discharge.

P. 3.2-14, Paragraph 4

- 7-3
- This paragraph addresses the authority of the United States Environmental Protection Agency (USEPA) to permit the wastewater discharge. Because the proposed discharge is not on tribal land, the Department would have the authority to issue an NPDES permit.

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7-1 **Tables 1.3.1 and 1.4.1** have been updated to reflect both the USEPA and Oregon DEQ's jurisdiction regarding plant discharge water and storm water discharge. The plant discharge water to Cold Springs Reservoir would be regulated and permitted under the State of Oregon's NPDES permit program. Storm water discharges would involve joint jurisdiction with the USEPA and ODEQ depending on land ownership. Storm water discharges from the plant site (tribal trust land) during construction and subsequent operation would be regulated and permitted under USEPA Region 10's General Permit 1200-C for Storm Water Discharge. Storm water discharges from construction of the linear facilities not located on tribal trust land would be regulated and permitted under the State of Oregon's NPDES 1200-C General Permit program.

7-2 Sampling data for Cold Springs Reservoir in August 2003 and May 2004 included analysis for Total Dissolved Solids (TDS). Concentrations for the eight locations sampled ranged from 96 to 138 mg/l (milligrams per liter) with an average concentration of 117 mg/l. This information is included in the revised **Table 3.3-2** as requested.

7-3 See response to Comment 7-1.

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7-4 [Due to the lack of information as to how the water quality standards will be met at the discharge point, the Department would need to evaluate the environmental risk and determine if an NPDES permit can be issued. It is also unclear at this point whether the mixing zone evaluation would occur in Feed Canal or in Cold Springs Reservoir. In addition, the effluent is high in TDS and possibly temperature and may require pretreatment prior to discharge.

If you have questions regarding these comments, please call me at (541) 278-4608.

Sincerely,



Heidi Williams
Water Quality Engineer
Eastern Region – Pendleton

cc: Mitch Wolgamott/WQ Source File
Roberta Young, DEQ, Portland
Sam Sadler, Oregon Office of Energy, 625 Marion St. NE, Ste. 1, Salem, OR 97301-3742

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7-4 In preparation for submitting the NPDES permit application to ODEQ, required data and calculations would be reviewed with ODEQ to insure that all necessary information has been developed and presented. It is recognized that the project must demonstrate that its water discharge would not significantly impact water quality in Cold Springs Reservoir. Plant effluent would be treated, if necessary, to comply with water quality standards and permit requirements.