



Oregon

John A. Kitzhaber, M.D., Governor

Department of Environmental Quality
Western Region Eugene Office
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December 2, 2011

Robert Lurie
Vice President of North America Business Development
and Marketing, Ocean Power Technologies, Inc.
Reedsport OPT Wave Park, LLC
1590 Reed Road
Pennington, NJ 08534

Re: Reedsport OPT Wave Park, FERC Project No. 12713
Certification Pursuant to Section 401 of the Federal Clean Water Act

Dear Mr. Lurie:

Reedsport OPT Wave Park, LLC proposes to own and operate the Reedsport OPT Wave Park in the Pacific Ocean about 2.5 miles off the coast near Reedsport, in Douglas County, OR. Reedsport OPT Wave Park, LLC's application for an original minor license is pending with Federal Energy Regulatory Commission (FERC).

On February 4, 2011 Reedsport OPT Wave Park, LLC applied to the Oregon Department of Environmental Quality (DEQ) for a water quality certification of the project pursuant to Section 401 of the federal Clean Water Act and ORS 468B.040. DEQ has evaluated the application for water quality certification for consistency with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307; Oregon Administrative Rules (OAR) chapter 340, Divisions 041 and 048; the specific water quality provisions for the Umpqua Basin set forth in OAR 340-041-0320 through 0326; and other appropriate requirements of state law.

Based on Reedsport OPT Wave Park, LLC's application, DEQ's *Evaluation and Findings Report* (enclosed), and consideration of public comment, DEQ grants conditional Clean Water Act §401 certification for the Reedsport OPT Wave Park. DEQ is reasonably assured that operations under the original FERC license will be consistent with applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307, state water quality standards, and other appropriate requirements of state law related to water quality, provided the §401 certification conditions attached to this certification are followed.

The §401 certification is valid for Reedsport OPT Wave Park, LLC only and is not transferable without written approval of DEQ, in accordance with OAR 340-048-0042(6).

In accordance with OAR 340-048-0045(2), Reedsport OPT Wave Park, LLC, if dissatisfied with the conditional §401 certification, may request a hearing before the Environmental Quality Commission. Your request for a hearing must be made in writing to the Director of the Oregon Department of Environmental Quality within 20 days of the date of mailing of this certification. Any hearing will be conducted pursuant to the rules of the Environmental Quality Commission for contested cases.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Andersen', written in a cursive style.

Keith Andersen
Western Region Administrator

Attachment: Clean Water Act §401 Conditions
Enclosures: Evaluation and Findings Report

Ec: Marilyn Fonseca, ODEQ
Juna Hickner, ODLCD
Mary Grainey, OWRD
Ken Homolka, ODFW
Kurt Burkholder, ODOJ