

## Amendment to Settlement Agreement and Release of Claims

This Amendment modifies the Settlement Agreement and Release of Claims (Settlement Agreement) executed by the Parties on June 30, 2009, and incorporated by reference herein as Attachment A.

### Recitals

The Department of Environmental Quality is proposing to develop new or revised pollutant benchmarks in the proposed new industrial stormwater permits for copper, lead and zinc. DEQ has identified the following tasks as necessary for this process:

- Conduct queries of DEQ's water quality database to gather information on the representative background concentrations and hardness in the state's receiving waters.
- Evaluate whether there is an adequate quantity of high quality data to characterize surface water quality at a watershed scale such as the Columbia Slough Watershed and the Willamette Watershed or a larger regional scale such as Western and Eastern Oregon.
- Evaluate dilution rates.
- Conduct modeling to estimate the probability of exceeding water quality standards.
- Present the results of research and analysis to the advisory committee throughout the project (estimated at three meetings).

### Agreement

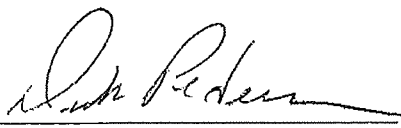
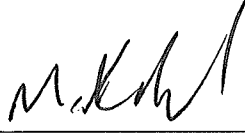
1. Paragraph 3 of the Settlement Agreement is amended to read as follows:

DEQ agrees to modify the permits or to adopt new or renewed permits by August, 31, 2011. DEQ also commits to convening an Advisory Committee to assist in revising the 1200-Z and 1200-COLS permits. DEQ will provide Petitioners with status reports every other month, detailing the progress of DEQ and the Advisory Committee.

2. This Amendment to the Settlement Agreement is effective upon execution by the parties.
3. The parties agree that this Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same original. Signatures exchanged via facsimile or e-mail shall have the same force and effect as the original signatures.

Respondents **DICK PEDERSEN,**  
**OREGON DEPARTMENT OF**  
**ENVIRONMENTAL QUALITY, and**  
**OREGON ENVIRONMENTAL**  
**QUALITY COMMISSION**

Petitioners **NORTHWEST**  
**ENVIRONMENTAL DEFENSE**  
**CENTER, COLUMBIA RIVERKEEPER,**  
**and MARK RISKEDAHL**

By:  By:   
Name: DICK PEDERSEN Name: Mark Riskedahl  
Title: DIRECTOR Title: E.O.  
Date: MAY 11, 2010 Date: May 12, 2010