

87 FERC ¶ 62,025

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Public Service Corporation) Project No. 2433-019

ORDER APPROVING WATER QUALITY MONITORING PLAN

APR - 7 1999

Wisconsin Public Service Corporation (licensee) filed, on May 6, 1998, its water quality monitoring plan under article 407 of the license for the Grand Rapids Project. 1/ The project is located on the Menominee River, in Marinette County, Wisconsin.

Article 407 requires the licensee to file, for Commission approval, a plan to monitor dissolved oxygen (DO), temperature, and pH in the Menominee River at the project. The licensee was required to consult with the Michigan Department of Natural Resources (MDNR), the Wisconsin Department of Natural Resources (WDNR), and the U.S. Fish and Wildlife Service (FWS) in preparation of the plan. Article 407 states that the purpose of the monitoring plan is to ensure that releases from the Grand Rapids Project maintain state water quality standards, except when river flow in the Menominee River is less than the 95% exceedence level or when natural conditions prohibit attainment of standards.

Article 407 specifies average acceptable water temperatures by month, maximum allowable water temperature, minimum allowable DO concentration, and acceptable pH range. The licensee is to monitor water temperature, DO concentration, and pH, and submit a summary of the collected data to the Commission and the resource agencies. The plan must include provisions for notifying the Commission and the agencies if the required water quality parameters are not met. The licensee was required to include in its filed plan documentation of agency consultation and comments on the plan. The Commission reserved the right to require changes in the plan.

LICENSEE'S PROPOSED PLAN

The licensee proposed to monitor water temperature, DO concentrations, and pH at one hour intervals during June through September once every five years for the duration of the license. Monitoring will take place in the project reservoir in front of the project intake, and in the tailrace, with the exact location to be determined in consultation with the WDNR.

1/ Order Issuing New License (Major Project), May 7, 1997, 79 FERC ¶ 62,098.

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The licensee noted that water quality at the Grand Rapids Project may be dependent on operations of two upstream projects, Chalk Hill and White Rapids 2/. The licensee proposed to begin water quality monitoring at the Grand Rapids Project in the summer following notification from the WDNR that operations issues at these two projects have been resolved.

The licensee proposed to provide the monitoring results to the Commission and to the resource agencies in a spreadsheet format within one week of downloading data for every two-week period during monitoring. The licensee would consult with resource agencies regarding methods to correct water quality problems, if monitoring data indicate that water quality is not within required standards during times other than when river flows are less than 95% exceedence flow or when natural conditions prevent the attainment of standards. The licensee would provide, to the Commission by November 30 of each monitoring year, explanations of any occurrences of non-compliance with water quality standards resulting from project operations, and propose strategies to ensure future compliance.

RESOURCE AGENCY COMMENTS

The WDNR commented on the licensee's proposed water quality monitoring plan in a letter dated April 6, 1998, and included in the licensee's May 6, 1998 filing. The WDNR stated that monitoring in front of the project intake as proposed by the licensee would not adequately characterize natural water quality conditions upstream from the project. It recommended monitoring in the river upstream from the project reservoir at Koss Bridge as representative of natural conditions. The licensee stated that changes in water quality associated with the reservoir are naturally occurring changes present in the environment since 1909 when the reservoir was built. The licensee noted that the Grand Rapids Project is operated in a run-of-river (ROR) mode; it is dependent on inflow from the project upstream and cannot alter project releases at will. The licensee reasserted its proposal to monitor in front of the intake in the reservoir. It stated that water quality data from the tailrace of the Chalk Hill Project, as representative of water quality upstream from the reservoir, would be available to the agencies.

2/ The Chalk Hill Project, FERC Project No. 2394, and the White Rapids Project, FERC No. 2357, are upstream from the Grand Rapids Project and are licensed to Wisconsin Electric Power Company. Issues regarding operation of these two projects were unresolved at the time the licensee prepared and filed its water quality monitoring plan.

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The WDNR stated that it is not responsible for notifying the licensee to begin monitoring following resolution of operational issues at the Chalk Hill and White Rapids Projects. It stated that the Commission should be responsible for notification. The licensee stated that it does not have a position regarding who should notify it to begin monitoring, provided that it is notified. The licensee incorporated other WDNR comments and recommendations into its plan.

The MDNR commented on the licensee's proposed plan in a letter dated April 9, 1998, and included in the licensee's May 6, 1998 filing. The MDNR generally considers changes in water quality caused by impounding the water to be effects of the project. Therefore, the MDNR stated that the monitoring location upstream from the project dam should be in a riverine environment upstream from the reservoir, rather than in the project reservoir. The licensee stated that changes in water quality associated with the reservoir are naturally occurring phenomena. It noted that the project is operated in a run-of-river mode, and project operations are dependent on the amount of water flowing into the reservoir from upstream. The licensee does not agree with the agency recommendation to monitor upstream from the reservoir. The licensee contended that under article 407, the stated purpose of the plan is to ensure water quality standards are maintained. It stated that data indicating water quality conditions upstream from the reservoir would be available from the tailrace of the Chalk Hill Project.

The MDNR stated that it would be appropriate for the Commission to notify the licensee when operational issues at the two upstream projects have been resolved and that monitoring should commence. The licensee stated that it does not have a position regarding who should notify it to begin monitoring, provided that it is notified.

The MDNR stated that all failures to comply with water quality standards should be reported to the resource agencies within two weeks of the occurrence, regardless of the cause. The licensee stated it would review data and records to determine cause of any failures within one week of downloading the data for each two week period during monitoring, to readily answer the agencies' questions. The licensee incorporated other MDNR comments and recommendations into its plan.

The FWS did not comment on the licensee's plan.

DISCUSSION AND CONCLUSIONS

The intent of article 407 is to assure water quality standards are met downstream from the project. The project is operated in a ROR mode, with releases equaling inflow. The

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licensee has no control over the quality or quantity of the water entering the project from upstream. The Final Environmental Impact Statement ^{3/} stated that, "There is little or no effect from the [Grand Rapids] project impoundment or operations on Menominee River water quality with the possible exception of deep reservoir oxygen depletion during some summer months. However, there was no discharge of low DO water, and oxygen depletion below the 5 mg/l standard has not been observed downstream of the project."

Monitoring water quality in the reservoir near or at the project intake will indicate when water quality in the reservoir is approaching undesirable conditions. At such times, it would likely be necessary for the licensee to take actions to improve the quality of project releases and, thus, assure water quality standards are met downstream from the project, as required by article 407. Water quality data from the tailrace of the upstream Chalk Hill Project would be available to document riverine water quality upstream from the Grand Rapids Project reservoir. The licensee should monitor water quality at or near the project intake and in the project tailrace, as proposed in its plan.

The licensee proposed to download water quality data every two weeks and provide the data to the resource agencies within one week after downloading. The MDNR recommended that the licensee notify the agencies of any failure to meet the required water quality standards within two weeks of the occurrence. Typically, licensees are required to notify the Commission and the agencies of a failure to meet water quality standards within 10 days of the occurrence. The licensee's proposal to download the data every two weeks and provide notice for deficiencies within the following week may not allow it to identify and respond to water quality deficiencies in a timely manner. Therefore, the licensee should download the water quality data more often than every two weeks and notify the Commission and the resource agencies of any failure to maintain the water quality standards required by article 407 within 14 days of the occurrence, and include an explanation of the reasons for the failure, and proposed operating procedures for addressing and correcting the problem.

The licensee proposed to begin water quality monitoring during the summer following resolution of operational issues at the two upstream projects. Operations at the two upstream projects have been resolved since the licensee filed its water

^{3/} Menominee River Multiple Project Final Environmental Impact Statement, FERC, October 1996.

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quality monitoring plan. ^{4/} Therefore, the licensee should begin water quality monitoring at the Grand Rapids Project in June of 1999.

The water quality monitoring plan is intended to ensure that water quality standards are maintained downstream from the Grand Rapids Project in the Menominee River, as required by article 407. The licensee's plan, with the modifications noted above, should adequately address the requirements of article 407 and should, therefore, be approved.

The Director Orders:

(A) The licensee's water quality monitoring plan, filed on May 6, 1998, under article 407 of the license for the Grand Rapids Project, and as modified in paragraph B, is approved.

(B) The licensee shall implement its water quality plan and begin water quality monitoring at the Grand Rapids Project in June of 1999.

(C) The licensee shall file with the Commission, and submit to the Michigan Department of Natural Resources, the Wisconsin Department of Natural Resources, and the U.S. Fish and Wildlife Service, notice of any failure to maintain the water quality standards required by article 407 within 14 days of the occurrence, and include an explanation of the reasons for the failure, and proposed operating procedures for addressing and correcting the problem.

(D) Unless otherwise directed in this order, the licensee shall file an original and seven copies of any filing required by this order with:

The Secretary
Federal Energy Regulatory Commission
Mail Code: DLC, HL-11.2
888 First Street, NE
Washington, DC 20426

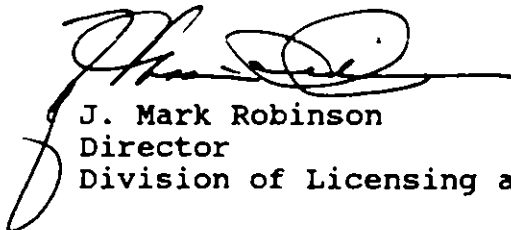
In addition, the licensee shall serve copies of these filings on any entity specified in this order to be consulted on matters related to these filings. Proof of service on these entities shall accompany the filings with the Commission.

^{4/} The Commission issued its Order on Rehearing on August 4, 1998 (84 FERC ¶ 61,152), resolving operational issues at the upstream projects. Operational issues were further decided in the Commission Order Approving Reregulation Plan, issued March 4, 1999 (86 FERC ¶ 62,175).

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(E) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.



J. Mark Robinson
Director
Division of Licensing and Compliance