

98 FERC ¶ 62,095
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

N. E. W. Hydro Inc.

Project No. 2523-026

ORDER ACCEPTING WATER QUALITY MONITORING PLAN PER ARTICLE 405

(Issued February 12, 2002)

N. E. W. Hydro (licensee) filed on July 25, 2001, their Water Quality Monitoring Plan pursuant to license article 405 for the Oconto Falls Project. The project is located on the Oconto River near Oconto Falls, Wisconsin.

Background

License article 405 requires, in part, a plan to monitor dissolved oxygen (DO), temperature, and pH of the tailwater of the project. The purpose of the monitoring plan is to ensure the state water quality standards are being met, except when natural conditions prohibit attainment of the standards. The plan is required to include:

1. Monitoring once every five years for DO, temperature, and pH immediately below the project dam with intervals and duration determined through consultation with Wisconsin Department of Natural Resources (WDNR) and U.S. Fish and Wildlife Service (FWS).¹

2. Monitoring once every five years, recording surface to bottom profiles in the reservoir of temperature and DO at one-meter intervals, to determine if low DO conditions become established, with monitoring intervals and duration to be determined through consultation with the agencies.

3. Filing of a summary report on DO, temperature, and pH data.

4. Provisions for notifying the Commission and other agencies if the requirements are not being met.

¹ Intervals refers to the time between individual data recordings (i.e., 30-minutes or 60-minutes). Duration refers to the length of the sampling period (i.e., 4-months or 9-months).

Licensee's Plan

Every five years, beginning in the year 2004, the licensee proposes to sample DO and water temperature once per week in the reservoir. The sampling will occur at one-meter intervals (surface to bottom) at a pre-determined location. Sampling will occur from a boat, which will be attached to the project's boat restraining barrier by use of two measured lines. Operation data would be provided in order to calculate river flow during the sampling. An additional reservoir sampling site would be located above the reservoir at or above the State Highway 22 bridge.

Sampling in the tailwater will include DO, pH, and water temperature. The sampling will occur at 30 minute intervals from July 1 through September 30. Sampling data will be downloaded from the logging device monthly, with weekly maintenance checks to ensure proper placement and operation of the equipment.

A monthly report will be sent to the agencies, with agencies having 30 days to comment. If any of the parameters fall below the state water quality standards, if conditions prevent or delay accurate data logging, or if equipment failure or loss occurs, then the agencies would be notified by telephone within 48 hours of discovery. According to the plan, a follow-up letter would also be sent to the agencies.

A draft summary report for the entire year will be submitted to the agencies 90 days after the conclusion of the sampling. The agencies will have 30 days to comment. If there is substantive disagreement, then a joint meeting will be held within 60 days. A final summary water quality study report will then be sent to the agencies and the Commission.

Resource Agency Comments

In a letter dated March 19, 1998, and attached to its July 25, 2001, filing, WDNR commented that they would prefer to have water quality monitoring of both the Upper Oconto Falls Project (FERC No. 2523) and the Lower Oconto Falls Project (FERC No. 2689) occur in the same year to allow a holistic look at water quality in the Oconto River. The licensee included this recommendation in the final plan.

By letter dated June 2, 1999, and attached to the July 25, 2001, filing, WDNR also recommended that the surface to bottom profiles of temperature and DO occur at 1-meter intervals at the deepest part of the reservoir. This recommendation was also included in the final plan.

On December 14, 2000, FWS, WDNR, and the licensee held a meeting to discuss recommendations to the water quality plan.² Minor wording changes were requested along with a sample data form. An additional sampling site at the project's upstream boundary was also requested. The plan was revised to include the wording changes, an example of the data form, and the additional upstream sampling site.

Conclusion

We find that the water quality monitoring plan would satisfy the requirements of license article 405 and would provide the data necessary to determine whether the state water quality standards are being met. Therefore, we recommend that the water quality monitoring plan be approved.

The Director orders:

(A) The licensee's water quality monitoring plan, filed July 25, 2001, as modified by paragraph (B) and (C) is approved.

(B) The licensee's summary report with agency comments shall be filed by March 1, 2005 and every five years thereafter, unless a joint meeting between the agencies and the licensee is scheduled, in which case the deadline is extended to May 1 following the sampling season.

(C) The Commission reserves the right to require changes to the water quality monitoring plan.

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

² Meeting notes attached to the July 25, 2001 filing.

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