

85, FERC ¶ 62,114

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

N.E.W. Hydro, Inc.

Project No. 2689-015

ORDER MODIFYING AND APPROVING WATER QUALITY MONITORING PLAN

NOV 19 1998

N.E.W. Hydro, Inc., (licensee), filed on May 14, 1998, a water quality monitoring plan required by article 404 of the license for the Oconto Falls Project. 1/ The project is located on the Oconto River, in Oconto Falls, Wisconsin.

Article 404 requires the licensee to develop a plan to monitor dissolved oxygen concentrations (DO), water temperature, and pH in the project impoundment and tailrace beginning in 1999 and every five years thereafter. The monitoring plan shall include those items required by article 404.

PROPOSED PLAN

The licensee plans to monitor water quality in the project's reservoir and downstream of the powerhouse from July 1 through September 30 at five-year intervals after issuance of the license. Upstream of the dam, water temperature and DO measurements will be taken weekly at one meter intervals in the deepest part of the reservoir. Samples will also be collected at 100 mm below the water surface and 100 mm above the bottom of the reservoir.

In the tailrace, the licensee plans to continuously monitor DO, water temperature, and pH and record readings every 30 minutes during the monitoring period. The equipment will be a self-contained submersible sampling and data-logging device. This equipment will be placed in the same location used in prior water quality monitoring studies. The licensee plans weekly checks of the equipment to remove debris and aquatic growth from the probes and to calibrate the equipment. Data will be downloaded monthly for analysis.

The licensee plans to submit monthly reports to the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS), using a mutually agreed upon format. Further, the licensee will notify the WDNR and FWS within 48 hours of identifying (1) a period when water quality failed to meet state standards; (2) conditions affecting the accuracy of the data; and (3) equipment failure.

1/ 67 FERC ¶ 62,118.

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At the end of the monitoring period the licensee plans to submit a final report to the WDNR and FWS. If there is disagreement regarding the analysis of the results of the monitoring, the licensee plans to meet with the WDNR and FWS to resolve any outstanding issues. The licensee plans to file a final report with the WDNR, FWS, and the Commission.

AGENCY COMMENTS

The WDNR provided comments on the proposed plan in a letter dated March 19, 1998. The FWS did not comment on the plan. In general, the WDNR states the plan was organized and well written. Comments regarding notifying the WDNR and FWS upon identification of any deviations from state standards and clarifying that the resource agencies will respond to monthly reports only if there is a need were incorporated into the proposed plan.

Lastly, the WDNR recommended the licensee coordinate water quality monitoring at the project with that required at the Oconto Falls Project (Project No. 2523), immediately upstream of this project. 2/

The licensee, in its response included with the plan, states it is feasible to schedule future water quality monitoring at this project with that required at the upstream project. However, the licensee states this will require an amendment of the license for the upstream project.

DISCUSSION

The licensee's proposed plan includes those items required by article 404. Implementation of the plan will ensure detection of incidents where water quality standards are not met. 3/ Notifying the WDNR and FWS when these incidents occur will allow them the opportunity to provide guidance in remedying the situation. The licensee should also notify the Commission when water quality deviates from state standards.

2/ The licensee for the upper Oconto Falls Project (Project No. 2523) is also N.E.W. Hydro, Inc.

3/ State standards are the following: a minimum DO of 5.0 milligrams per liter (mg/l), a maximum water temperature of 89 ° F, and a pH between 6.0 and 9.0 mg/l.

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The WDNR recommended the licensee coordinate water quality monitoring at this project with the monitoring required at the upper Oconto Falls Project (Project No. 2523). 4/ Monitoring for this project will occur in 1999, 2004, and every five years thereafter. Article 405 of the license for the upper Oconto Falls Project requires the licensee to develop and file for Commission approval, a plan to monitor water quality beginning in 2002 and every five years thereafter. Thus, the monitoring schedule for the two projects is currently two years apart. The licensee states its willingness to perform water quality monitoring at these projects during the same year. Given the desire of the parties to coordinate this monitoring, the licensee may propose in the plan required by article 405 (of the upper Oconto Falls Project, Project No. 2523) to begin water quality monitoring in 2004, or alternative schedule, that would allow coordinated monitoring between the two projects.

The licensee's proposed water quality monitoring plan, with the modification discussed, should be approved.

The Director orders:

(A) The licensee's water quality monitoring plan, filed on May 14, 1998, as modified in paragraph (B), is approved.

(B) If a deviation from the state water quality standards specified in article 404 occurs, the licensee shall file a report with the Commission within 30 days of the date that the data become available. The report shall, to the extent possible, identify the cause, severity, and duration of the incident, and any observed or reported adverse environmental impacts resulting from the incident. The report shall also include: (1) water quality and operational data necessary to determine compliance with article 404; (2) a description of any corrective measures implemented or proposed to ensure that similar incidents do not recur; and (3) comments or correspondence, if any, received from the resource agencies regarding the incident. Based on the report and the Commission's evaluation of the incident, the Commission reserves the right to require modifications to project facilities and operations to ensure future compliance.

4/ 81 FERC ¶ 61, 238.

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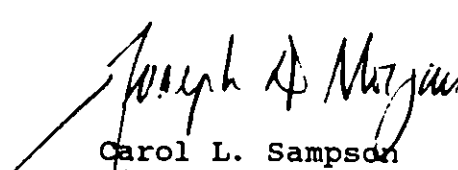
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(C) Unless otherwise directed in this order, the licensee shall file seven copies of any filing required by this order with:

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.

(D) 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 CFR § 385.713.


Carol L. Sampson
Director
Office of Hydropower Licensing