

97 FERC ¶ 62, 136
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Electric Power Company

Project No. 2357-053 and
2394-052

ORDER MODIFYING AND APPROVING REVISED DISSOLVED OXYGEN
AND WATER TEMPERATURE MONITORING PLAN UNDER ARTICLES 405

(November 08, 2001)

Wisconsin Electric Power Company, licensee for the White Rapids Project No. 2357 and the Chalk Hill Project No. 2394, filed on July 23, 2001, a revised dissolved oxygen (DO) and water temperature monitoring plan under license articles 405 for the two projects. The original plan, modified and approved by order issued January 21, 1998, required the license to continuously monitor DO and water temperature for three years, beginning in 1998. If the results of these first three years of monitoring show compliance with Michigan's state water quality standards, then the licensee may request to adopt a less-intensive monitoring program for DO and water temperature. The White Rapids and Chalk Hill Projects are located on the Menominee River in Marinette County Wisconsin and Menominee County, Michigan.

According to the licensee's revised plan, spot checks of temperature and DO will occur upstream of the Chalk Hill plant adjacent to the USGS gauging station #04066003 and at a point approximately 100 yards downstream of the White Rapids plant in the tailrace. A Hydrolab Surveyor or comparable water quality measuring device will be used. The instruments' DO probes will be cleaned and calibrated prior to use, and temperatures will be checked against a laboratory thermometer. All DO and temperature measurements will be recorded in a log book, then entered into a dedicated computer file, and data will be reviewed to determine compliance with the 5.0 mg/l DO standard and the 89EF temperature limit. These spot check measurements will begin on or about June 1 and continue through September 30 once every five years, beginning in 2003. A final report will be prepared and sent to the Wisconsin Department of Natural Resources (WDNR), the Michigan Department of Natural Resources (MDNR), the Michigan Department of Environmental Quality (DEQ), the U.S. Fish and Wildlife Service (FWS), and the Commission within 30 days of the final September measurement.

The licensee's revised DO and temperature monitoring plan was sent to the agencies for comment in May 2001, and the Michigan DEQ and the WDNR concurred

with the proposed revisions to the plan by e-mails dated May 21 and June 5, 2001, respectively. Copies of these e-mails were included in the licensee's plan. No other responses or comments were received.

The monitoring data filed with the Commission by the licensee in 1998, 1999, and 2000 demonstrated compliance with the Michigan's state water quality standards. Therefore, spot checks for temperature and DO at the project, rather than the continuous monitoring detailed in the original plan, will adequately ensure compliance with article 405 of the license. However, so that the Commission can monitor the licensee's compliance with the water quality requirements of article 405 of each license, the licensee should be required to notify the Commission of any deviations from the specified article 405 requirements. The licensee's revised plan, with this modification, should be approved.

The Director orders:

(A) The licensee's revised plan to monitor dissolved oxygen (DO) and water temperature under license articles 405 for the White Rapids Project No. 2357 and the Chalk Hill Project No. 2394, filed on July 23, 2001, as modified by paragraph (B) below, is approved.

(B) If the dissolved oxygen concentration or water temperature, as measured by the approved monitoring system, deviates from the requirements of article 405, the licensee shall file a report with the Commission within 30 days of the date that the data becomes available regarding the incident. 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) operational data necessary to determine compliance with article 405; (2) a description of any corrective measures implemented at the time of occurrence and the 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.

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

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Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance