

139 FERC ¶ 62,055
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Public Service Corporation

Project No. 2525-010

ORDER AMENDING WATER QUALITY MONITORING PLAN

(Issued April 23, 2012)

1. On March 20, 2012, the Wisconsin Public Service Corporation, licensee for the Caldron Falls Hydroelectric Project, filed a request to amend its water quality monitoring plan pursuant to Article 409 of the project license.¹ The project is located on the Peshtigo River, in Marinette and Oconto counties, Wisconsin.

BACKGROUND

2. Article 409 required the licensee to file a plan for Federal Energy Regulatory Commission (Commission) approval to monitor dissolved oxygen, temperature and pH of the Peshtigo River upstream and downstream of the Caldron Falls Project. The plan was filed on June 18, 1998, and approved by Commission order dated September 14, 1998.² The plan was designed to ensure that flow releases from the project, as measured immediately downstream of the dam, maintain the following standards (except when natural conditions prohibit the attainment of standards): 1) dissolved oxygen (DO) concentrations not less than 5.0 milligrams per liter (mg/L) for more than 24 hours per year given the 0.2 mg/L limitations of the monitoring equipment; 2) water temperature not to exceed 89 degrees Fahrenheit; and 3) pH within the range of 6.0 to 9.0 standard units, with no change greater than 0.5 units outside the natural seasonal maximum and minimum.

3. The existing plan requires monitoring on a five year basis, with the next scheduled monitoring period during 2016. Upstream monitoring consists of monthly DO, temperature and pH profiles of the Caldron Falls reservoir taken just upstream of the dam near the powerhouse intake. Data is collected using hand held equipment. Downstream monitoring occurs approximately 700 to 1150 feet downstream of the powerhouse in a location that is unaffected by changes in water elevation due to fluctuations in release

¹ 79 FERC ¶ 62,219 (issued June 26, 1997).

² 84 FERC ¶ 62,224.

flow volumes. Monitoring is performed during the period June through September at one-hour intervals continuously using a HydroLab Datasonde or equivalent.

4. By letter dated January 9, 2012, the Commission found the licensee in violation of its water quality monitoring plan due to a failure to maintain the downstream water quality monitoring probe in the water at all times monitoring is required. The licensee was directed to file an amendment to its water quality monitoring plan to either permanently affix the probe or provide details on how the equipment will be maintained properly so that it functions throughout the monitoring period.

LICENSEE'S REVISED PLAN

5. The licensee proposes the following changes to its water quality monitoring plan: 1) move the downstream monitoring location to a deeper water location that is unaffected by changes in release flow so that the monitor can be kept in the water at all times; 2) remove the reference to using four agitating devices in front of the trashracks to provide mixing between the epilimnion and hypolimnion of the reservoir; and 3) modify the frequency that the instrumentation shall be cleaned, downloaded and calibrated to the manufacture's specification of at least once every 14 calendar days during the monitoring period from the current specification of every 7-10 days. Other portions of the plan remain as originally approved.

AGENCY COMMENTS

6. The licensee consulted with the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS) on the modified water quality monitoring plan. The FWS did not provide comments. By letter dated March 13, 2012, the WDNR recommended that the licensee continue to monitor for DO and pH upstream and downstream of the project and that downstream DO be measured at a location closer to the project than the Parkway Road crossing. WDNR also requested an analysis of the peaking operations of the project to determine other alternatives for enhancing DO levels at the dam. In addition, WDNR requested that monitoring equipment be maintained per manufactures instructions and that maintenance and calibration logs be kept on site.

7. The licensee noted that the monitoring plan was modified to conduct vertical profiles for DO, temperature and pH at one-meter intervals once per month during the monitoring season. In regards to downstream monitoring, the licensee noted the Parkway Road crossing is the most practical location for monitoring equipment due to logistics related to affixing a monitor in an area that is within the river column at all flows. The location is 2,000 feet downstream of the present monitoring location and is used as the upstream monitoring location for its High Falls project (FERC No. 2595). Between Parkway Road and the Caldron Falls Project there are no structures to permanently affix a standpipe or other device. However, the exact location will need to be evaluated during

the summer months during peaking operations to determine the best location. In response to WDNR's comment regarding an analysis of peaking operations, the licensee noted that the project is operated in peaking mode in accordance with the terms of its license and that a base flow of 56 cubic feet per second is released during the period July 15 through September 1 from a gate in order to mitigate low DO levels that occur during peaking operations. Lastly, the licensee agreed to maintain the monitoring equipment per manufactures specifications and noted that the HydroLab sondes require less maintenance.

DISCUSSION

8. The objective of the water quality monitoring plan is to continuously monitor water quality upstream and downstream of the Caldron Falls Project to document whether state standards identified in Article 409 are being met. Monitoring is performed on a five year basis for the term of the license with the next monitoring season in 2016. The licensee's proposed revisions and additions to the plan discussed herein were developed to improve the efficiency of monitoring by assuring that all equipment is maintained and operated as required. The licensee also notes that moving the downstream monitor to a location near the Parkway Bridge is a practical option since there are no other structures to permanently affix a device.

9. The licensee should, however, continue to consult with the WDNR to determine the best location for the monitoring equipment prior to the next scheduled monitoring period in 2016. The licensee should file a report with the Commission that identifies the agreed-upon location of the downstream monitoring station. If the licensee and the WDNR can not reach consensus, then the licensee should identify both sites to the Commission and the licensee's reasons for not selecting the WDNR's location. The licensee should provide project specific documentation and photographs supporting its reasons for an alternative site other than that of the WDNR. In order to provide the licensee sufficient time to install the downstream gage prior to monitoring in 2016, the licensee should file its proposed location to the Commission by January 1, 2015. In order to ensure accurate data collection, the Commission should reserve the right to make changes to the plan, including monitoring locations. These modifications should improve water quality monitoring at the Caldron Falls Project, as envisioned by the resource agencies and the Commission, and should be approved.

The Director orders:

(A) Wisconsin Public Service Corporation's (licensee) request to amend the water quality monitoring plan for the Caldron Falls project, filed on March 20, 2012, as modified in ordering paragraph (B) of this order, is approved.

(B) The licensee shall consult with the Wisconsin Department of Natural Resources (WDNR) in determining the location and installation of the downstream monitoring equipment prior to the next monitoring season. The licensee shall file, with the Federal Energy Regulatory Commission (Commission) by January 1, 2015, its final location of the downstream monitoring equipment. The licensee's filing shall include documentation of consultation with the WDNR and any comments it may have provided to the licensee concerning the location of the downstream monitoring station. If the licensee does not adopt a recommendation from the WDNR, the licensee's filing shall include its reasons for excluding the recommendation based on project specific information. The Commission reserves the right to make changes to the plan, including monitoring locations.

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2011). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo
Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

P-2525-010.DOC.....1-4