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130 FERC ¶ 62,071
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation Project No. 11475-009

ORDER APPROVING OPERATIONS COMPLIANCE PLAN
PURSUANT TO ARTICLE 401(A), WATER QUALITY
CERTIFICATIONS CONDITIONS NOS. 4, D, AND E

(Issued January 21, 2010)

1. On November 19, 2009, Central Vermont Public Service Corporation (licensee) filed an Operations Compliance Plan pursuant to the New York State Department of Environmental Conservation (NYDEC) water quality certification Condition No. 4 and the Vermont Agency of Natural Resources (VANR) water quality certification Conditions Nos. D and E under Article 401(A) of the license for the Carver Falls Hydroelectric Project No. 11475.[1] The project is located on the Poultney River in Washington County, New York, and Rutland County, Vermont.

License Requirements

2. Among other requirements listed under Article 401(A), the licensee is required to file for Commission approval a Reservoir and Flow Management and Operation Plan pursuant to Condition No. D of the VANR water quality certification, and a Reservoir and Flow Management Monitoring Plan pursuant to Conditions Nos. E and 4 of the VANR and NYDEC water quality certifications, respectively. Condition No. D of the VANR water quality certification requires that the licensee develop a flow management plan detailing how the project will be operated to comply with the conservation flow and impoundment fluctuation limitations specified in the VANR water quality certification. The plan shall include information on how the project will be managed to control lag times and avoid related noncompliance with the conservation flow requirements. The flow management plan shall be approved by the VANR.

3. Condition No. E of the VANR water quality certification requires the licensee to develop a plan for continuous monitoring and reporting of flow releases at the project (spillage and turbine discharge), impoundment levels, flashboard status, and inflows.

[1] 126 FERC ¶ 62,144, Order on Offer of Settlement and Issuing Original License, issued February 25, 2009.

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The plan shall include procedures for reporting deviations from prescribed operating conditions to the VANR, explaining the reasons for those deviations, and indicating measures to be taken to avoid recurrences. The licensee shall maintain continuous records of flows and impoundment levels and provide such records on a regular basis per specifications of the VANR. The plan shall include a provision for the inclusion of contemporaneous records from the U.S. Geological Survey (USGS) Gage No. 04280000 (Poultney River below Fair Haven, Vermont) located below the project powerhouse. The flow monitoring plan shall be developed in consultation with the VANR and U.S. Fish and Wildlife Service (FWS), and shall be approved by the VANR.

4. Condition No. 4 of the NYDEC water quality certification requires that the licensee develop a flow monitoring plan for the installation and maintenance of a USGS gage station, unless justification for an alternative gage system is provided. The plan shall include all gages and equipment for the purpose of determining project flows through the bypass/diversion reach as well as project headpond and tailwater elevations. The licensee shall maintain accurate and sufficient records of the flow data to the satisfaction of the NYDEC, and shall provide the data in a format and interval as requested by the NYDEC. The flow monitoring plan shall be approved by the NYDEC.

5. The licensee shall submit to the Commission with the Reservoir and Flow Management and Operation Plan and the Reservoir and Flow Management Monitoring Plan documentation of consultation with the VANR, NYDEC, and FWS; copies of comments and recommendations on the completed plans after they have been prepared and provided to the agencies; and descriptions of how the comments and recommendations from the agencies are accommodated in the plans. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific information. The licensee shall include letters from the agencies, as appropriate, approving the plans. The Commission reserves the right to require changes to the plans**.**

Licensee's Plan

6. In response to the NYDEC water quality certification Condition No. 4 and the VANR water quality certification Conditions Nos. D and E for the Carver Falls Project, the licensee filed an Operations Compliance Plan. Instead of preparing both an operation plan and a monitoring plan for reservoir and flow management, the licensee prepared and filed a single comprehensive plan, the Operations Compliance Plan, to satisfy the license requirements.

7. In the plan, the licensee discusses run-of-river operation, bypassed reach flows, flashboard replacement and impoundment refill, and monitoring and reporting at the

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project. The plan states that compliance with the run-of-river operation requirements will be achieved by monitoring the impoundment level and changing the turbine output as appropriate. Changes in operation will be made at the licensee's control center in Rutland, Vermont with on-site assistance provided by the operator located at the project. In the event of an equipment malfunction, such as a turbine generating unit tripping offline, personnel will be dispatched to the site to monitor and operate the project. Additionally, the licensee proposes to automate the operation of the broome gate when the Programmable Logic Controller (PLC) is upgraded in the summer of 2010. The gate will be programmed to open and close automatically based on headpond elevations and turbine settings.

8. The plan states that the licensee will release the required minimum flow in the bypassed reach through a combination of leakage flow and spill over the southern spillway section of the dam. During flashboard replacement or other situations in which the drawdown of the impoundment is necessary, minimum flows in the bypassed reach will be maintained through the operation of the broome gate. In order to provide the required aesthetic flow releases, the project operators will make operational adjustments as necessary based on river inflows. A pond level sensor at the dam will provide real-time impoundment elevation data to the control center in Rutland.

9. According to the plan, the licensee currently monitors project operations using the Supervisory Control and Data Acquisition (SCADA) system as well as operator log books. Data maintained in the SCADA system includes impoundment elevation and turbine output. Operator log books are currently used to record data for the broome gate opening and flashboard status. However, upon completion of the PLC upgrade in 2010, operational data for the broome gate will be stored in the SCADA system. The plan also states that flows measured at USGS Gage No. 04280000 are used to represent flows at the project.

10. After the PLC upgrade is completed and automation of the broome gate commences, the licensee will maintain operational data records via the use of a spreadsheet.[2] The records will be provided to the agencies upon written request.

11. The plan states that the licensee will notify the Commission, VANR, NYDEC, and FWS in the event of a modification in the run-of-river operation or minimum flow requirements. The licensee will file within 10 days of the date the operational data becomes available a report that, to the extent possible, identifies the cause, severity, and duration of the incident, and any observed or reported adverse environmental impacts

[2] An example of the spreadsheet is shown in the Operations Compliance Plan in table 5.3-1.

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resulting from the incident. The report will also include: (1) any operational data necessary to determine compliance with the operational requirements of the license; (2) a description of any corrective measures implemented at the time of the occurrence and the measures implemented or proposed to ensure that similar incidents do not recur; and (3) comments or correspondence received from the resource agencies regarding the incident.

Pre-Filing Consultation

12. The licensee distributed a draft copy of the Operations Compliance Plan by letter dated June 26, 2009, to the VANR, NYDEC, and FWS for review and comment. By email message dated July 21, 2009, the FWS stated that it would defer to the VANR and NYDEC for review of the plan. In a July 23, 2009 email message, the VANR provided comments on the draft plan. By email message dated July 30, 2009, the NYDEC stated that it would defer to the VANR for review of the plan. The NYDEC also stated that it concurred with the VANR's comments on the draft plan.

13. By letter dated October 12, 2009, the licensee provided a revised draft Operations Compliance Plan to the VANR for review and comment. Although the NYDEC and FWS had previously deferred to the VANR for review of the plan, the licensee provided a courtesy copy of the revised plan to the two resource agencies. The VANR provided comments on the revised plan by email message dated November 2, 2009. By email message dated November 12, 2009, NYDEC stated that it would continue to defer to the VANR for review of the plan. The FWS did not comment on the revised plan.

14. The licensee incorporated or responded to all of the comments and sent a final draft plan to the VANR for review and approval. By letter dated November 18, 2009, the VANR approved the licensee's plan.

Review

15. Although the filed plan includes a provision to file reports with the Commission and agencies in the event of a temporary modification in the run-of-river operation and minimum flow requirements, the licensee is reminded that temporary modifications in the run-of-river operation and minimum flow requirements due to emergencies and planned agreements shall be addressed pursuant to Article 402. Article 402 requires that, for each such incident, the licensee shall notify the Commission and agencies no later than 10 days after the incident.

16. The filed Operations Compliance Plan incorporates the requirements of both an operation plan and a monitoring plan for reservoir and flow management. The agencies expressed no issues with combining the Reservoir and Flow Management and Operation

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Plan and the Reservoir and Flow Management Monitoring Plan into one comprehensive plan.

17. The licensee's filed Operations Compliance Plan meets the requirements of the NYDEC water quality certification Condition No. 4 and the VANR water quality certification Conditions Nos. D and E under Article 401(A) of the project license. The plan should, therefore, be approved.

The Director orders:

(A) Central Vermont Public Service Corporation's Operations Compliance Plan filed on November 19, 2009, pursuant to New York State Department of Environmental Conservation water quality certification Condition No. 4 and the Vermont Agency of Natural Resources water quality certification Conditions Nos. D and E under Article 401(A) of the Carver Falls Hydroelectric Project, is approved.

(B) 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 C.F.R. § 385.713.

William Guey-Lee
Chief, Engineering and Jurisdiction Branch
Division of Hydropower Administration
and Compliance

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