98 FERC ¶ 62, 054
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation Project No. 2731-024

ORDER MODIFYING AND APPROVING DISSOLVED OXYGEN MONITORING PLAN UNDER ARTICLE 406

(Issued January 29, 2002)

Central Vermont Public Service Corporation (licensee) filed, on December 6, 2001, its dissolved oxygen monitoring plan under article 406 of the license for the Weybridge Hydroelectric Project (FERC No. 2731). The project is located on Otter Creek in the towns of Weybridge and New Haven, Addison County, Vermont.

BACKGROUND

Article 406 of the project license requires the licensee to file a plan, for Commission approval, to conduct dissolved oxygen (DO) monitoring in the Weybridge Project tailrace during the months of July, August, and September, whenever project shutdowns exceed two consecutive days, with the requirement to release flows to the tailrace to maintain state water quality standards, if the monitoring indicates a violation of state standards. The plan is to outline a two-year sampling protocol with the objective of identifying when and under what river and operational conditions reduced DO levels occur in the tailrace, and what level of “freshening” flows are required to maintain state standards. This plan is to be prepared after consultations with the U.S. Fish and Wildlife Service (USFWS) and the Vermont Agency of Natural Resources (VANR).

LICENSEE'S PLAN

The licensee proposes to document DO concentration and percent saturation in the stagnant tailrace pool at the Weybridge Project on Otter Creek after extended periods of non-generation during July, August, and September.

Sampling will be conducted at least one-half hour before dawn in late July, August, and early September whenever the project has not generated for a period of 48 hours or more. During a period of shutdown, additional samples will be taken at five day intervals to track changes in water quality over time.

A laboratory sample will be taken at mid-depth (about 3-4 feet) at the northwest corner of the eastern tailrace. Additional samples will be recorded at bottom, surface,

and mid-depth using a hand-held DO meter here and in at least one other accessible location within the tailrace. Additional samples may be collected if water quality is found to be non-uniform throughout the project tailrace.

The licensee included in its plan details regarding how the laboratory sample collection will be analyzed including sample handling, preservation, and sample analysis using the modified Winkler titration process.

At the request of the USFWS and VANR, the licensee will also be collecting the following data for each sample or sample event: sample time (and sunrise time); water temperature; air temperature; location (vertically within water column and specify area of tailrace); station generation and inflow information from the previous 72 hours; precipitation information from the previous 72 hours; spill information, including amounts of flow being released through the taintor gate, and over the rubber dam; and photographs of spill or flow releases that might be entering the tailrace area and descriptions of how frequently these conditions occur or can be expected to occur during low flows over the license term.

For quality assurance and quality control, the licensee proposes that on one sample day, it will collect a duplicate sample to check repeatability of the sampling technique and laboratory analyses. Before each sample day, the licensee will check temperature measuring equipment against another independent device and record the information in a field notebook; calibrate the DO meter per manufacturer's recommendations; and record all calibration factors.

AGENCY COMMENTS

In a letter dated November 14, 2001, the USFWS provided comments on the licensee's plan which the licensee incorporated into its final plan filed with the Commission. By letter dated November 30, 2001, the VANR concurred with the licensee's plan provided the licensee incorporated the USFWS's comments into the plan.

Both the USFWS and VANR agreed that once they received the monitoring results from the 2002 sample season they would consult to evaluate whether the sampling effort has been sufficient or whether one additional year of monitoring should be conducted.

DISCUSSION AND CONCLUSIONS

Article 406 states that the plan is to outline a two-year sampling protocol with the objective of identifying when and under what river and operational conditions reduced DO levels occur in the tailrace, and what level of “freshening” flows are required to maintain state standards. The licensee indicates that it hired a consultant to sample the tailrace on two occasions in late summer 2001 during a period of extended shutdown. The licensee did this because the project was in a period of extended shutdown and it provided an opportunity to gain a better understanding of whether there were any potential DO issues below the project.

While the sampling that occurred in 2001 was not conducted according to the proposed plan and the type of information to be collected would not be similar, the resource agencies have indicated they would consider evaluating the 2002 data (along with the 2001 data) to determine whether additional sampling would be necessary in 2003. In either event, the licensee should be required to file a report with the Commission on the results of its 2002 monitoring after consulting with the USFWS and VANR. The licensee should include in its report recommendations, for Commission approval, on the need for additional monitoring in 2003.

The licensee's DO monitoring plan should be adequate to evaluate the project's impact on DO concentration below the project with the above modification and should, therefore, be approved.

The Director orders:

(A) The licensee's dissolved oxygen monitoring plan under article 406 of the Weybridge Project (FERC No. 2731), filed on December 6, 2001, as modified by paragraph (B) below, is approved.

(B) The licensee shall file with the Commission, no later than December 31, 2002, a report on the results of its 2002 dissolved oxygen monitoring. The licensee shall include in its report recommendations, for Commission approval, on the need for additional monitoring in 2003. This report shall be prepared after consultations with the U.S. Fish and Wildlife Service and the Vermont Agency of Natural Resources. The licensee shall include with the plan, documentation of agency consultation, copies of agency comments and recommendations on the report and the licensee's recommendations for monitoring in 2003, and specific descriptions of how the agencies' comments are accommodated by the plan. The licensee shall allow a minimum of 30 days for the agencies to comment and to make recommendations before filing the final plan with the Commission.

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

The Secretary
Federal Energy Regulatory Commission
Mail Code: DHAC, PJ-12.3
888 First Street, N.E.
Washington, D.C. 20426

(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 18 CFR § 385.713.

George H. Taylor
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance