

140 FERC ¶ 62,110
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation

Project No. 11475-014

ORDER AMENDING LICENSE

(Issued August 8, 2012)

1. On July 14, 2011, and supplemented on February 13 and August 6, 2012, Central Vermont Public Service Corporation, licensee for the Carver Falls Hydroelectric Project, FERC No. 11475, filed an application to amend the project license to revise the project description to reflect the as-built project. The project is located on the Poultney River, in Washington County, New York, and Rutland County, Vermont. The project does not occupy any federally owned lands.

Background

2. On January 11, 2011, the Commission issued an Order Amending License and Revising Annual Charges, which amended the project's authorized installed capacity due to the rehabilitation of Unit No. 1 that increased its installed capacity from 1,100 kW to 1,451 kW, and the project's total authorized installed capacity from 1,900 kW to 2,251 kW.¹ Due to the associated increase in hydraulic capacity, the Vermont Department of Environmental Conservation (Vermont DEC) issued an amended Water Quality Certification (WQC) Amendment for the rehabilitation on October 20, 2010, which was based on a Unit No. 1 maximum hydraulic capacity of 177 cfs; however, field testing of the as-built unit determined the maximum hydraulic capacity is 206 cfs. Additionally, the unit is capable of operating at a minimum flow of 20 cfs, which is lower than the original unit's minimum flow of 30 cfs.

Discussion

3. Based on the preceding information, the licensee filed the present amendment application to revise the project description to reflect the as-built Unit No.1 hydraulic capacity.² Table 1 provides a comparison of the currently licensed and as-built maximum hydraulic capacities determined through testing.

¹ 134 FERC ¶ 62,020 (2011).

² There are no changes to the authorized installed capacity or the annual charges.

TABLE 1		
Unit	As Licensed	As-Built
1	177	206
2	92	92
Total	269	298

Revised Exhibit A

4. The licensee included a revised Exhibit A, which reflects data obtained from the field testing of the generating units at the project. Our review of the revised Exhibit A found that it accurately describes the changes to the project. The revised Exhibit A conforms to the Commission's rules and regulations, and we are approving it in this order. In addition, this order will revise the project description in the license to reflect the as-built project.

Water Quality Certification

5. Due to the 29 cfs increase in the project's maximum hydraulic capacity, on June 29, 2012, the Vermont DEC issued a WQC amendment. Condition (B) of the original WQC has been revised, as set forth in Appendix A of this order and incorporated into the license by ordering paragraph (D).³

Environmental Review

6. The proposed amendment is an administrative matter reflecting the as-built configuration of the project, and would not change the mode of operation. The project would continue run-of-river operation, and the amended bypass flow requirements are expected to maintain water quality, aquatic habitat, and passage of aquatic organisms in the bypassed reach. Also, the original WQC requirements, as amended, would remain in effect. For these reasons, the proposed amendment is not expected to have any negative impacts on water quantity, quality, or aquatic organisms at the Carver Falls Project. Therefore, Commission staff concludes that approving the proposed amendment is not a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) The license for the Carver Falls Hydroelectric Project, FERC No. 11475, is amended as provided in this order, effective on the date of issuance of this order.

³ The Vermont DEC issued the original WQC on December 5, 2008.

(B) Ordering paragraph (B)(2) of the license is amended in part, by revising the description of the generating units, item (6), as follows:

(2) Project works consisting of: ... (6) a powerhouse containing a 1,451-kW turbine generating unit with a maximum hydraulic capacity of 206 cfs and an 800-kW turbine generating unit with a maximum hydraulic capacity of 92 cfs, for a total installed capacity of 2,251-kW and a total hydraulic capacity of 298 cfs;...

(C) The following sections of the revised Exhibit A, filed February 13, 2012, conform to the Commission's rules and regulations and are approved and made a part of the license. The corresponding sections in the previous the Exhibit A are superseded.

Table A-1, pages A-1 and A-2; Section 1.0, page A-5 describing the generators; Section 2.0, page A-6 describing the turbines; Section 6.0, page A-10 describing the impoundment; and Section 8.0, pages A-26 through A-28 describing the project structures.

(D) The license for the Carver Falls Project is subject to the conditions of the Water Quality Certification (WQC) and the modified WQC issued by the Vermont Department of Environmental Conservation on June 29, 2012, under section 401 of the Clean Water Act. The modified condition is set forth in Appendix A to this order.

(E) 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 (2012). 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.

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and Compliance