

New York State Department of Environmental Conservation
Division of Regulatory Affairs - Room 514
50 Wolf Road, Albany, New York 12233-1750
Telephone: (518) 457-2224
Fax: (518) 457-5965



Michael D. Zagata
Commissioner

April 21, 1995

Mr. Bruce Peacock
Central Vermont Public Service Corporation
77 Grove Street
Rutland, VT 05701

FILED
OFFICE OF THE SECRETARY
95 MAY - 5 AM 10:09
REGULATORY
COMMISSION

Re: Water Quality Certificate for the Carver Falls Hydroelectric Project
FERC #11475

Dear Mr. Peacock:

The Water Quality Certificate for the Carver Falls Hydroelectric Power Project is enclosed. These conditions are consistent with the application and with applicable New York State Water Quality Standards. As you are aware, the Water Quality Division of the Department of Environmental Conservation, Vermont Agency of Natural Resources provided comments on the draft certificate I sent you in March. Because I have endeavored to meet their concerns where such concerns were consistent with the New York State Water Quality Standards, you will find a few of the conditions are worded a little differently from the draft, however, I believe the substance remains unchanged.

If you disagree with any condition or conditions contained in the certification, you may request a hearing pursuant to 621.7 (f) of 6NYCRR Part 621 (Uniform Procedures Act) Such a request must be made within 30 calendar days of the mailing of the certification. A hearing will commence within 45 days of receipt of the request.

If you have any questions please contact me at (518) 457-0787.

Sincerely Yours

Bruce Zeisel
Environmental Analyst I
Division of Regulatory Services

cc: L. Cashell (FERC) with enclosure
M. Robinson
F. Springer
M. Bartlett (USFWS)

9505090329

MAY - 5, 1995

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



DEC APPLICATION NUMBER 5-5336-00003/00001-9
FACILITY/PROGRAM NUMBER(S) FERC Project Number 11475

EFFECTIVE DATE April 22, 1995
EXPIRATION DATE(S) Concurrent with the term of the federal license

Water Quality
Certificate
Under the Environmental
Conservation Law

CERTIFICATE ISSUED TO Central Vermont Public Service Corporation		TELEPHONE NUMBER (802) 773-2711	
ADDRESS OF RECIPIENT 77 Grove Street Rutland, Vermont 05701			
CONTACT PERSON FOR RECIPIENT Bruce Peacock		TELEPHONE NUMBER (802) 747-5463	
NAME AND ADDRESS OF PROJECT/FACILITY Carvers Falls Hydroelectric Power Station			
LOCATION OF PROJECT/FACILITY On the Poultney River, at Carvers Falls			
COUNTY Washington	CITY	WATERCOURSE Poultney River	NYTM COORDINATES E:636.6 N: 831.7
DESCRIPTION: Licensing of an existing 1.9 Megawatt capacity hydroelectric station on the Poultney River. Under the license, the facility will operate as a run-of-the river facility with an 18.5cfs release to the bypassed reach.			

By acceptance of this certificate, the above listed certificate holder agrees that this certificate is contingent upon strict compliance with the applicable sections of the ECL, all applicable regulations, and the Special Conditions included as part of this certificate.

DEPUTY CHIEF PERMIT ADMINISTRATOR: John M. Cianci	ADDRESS 50 Wolf Road, Rm. 514, Albany, New York 12233-1750
AUTHORIZED SIGNATURE 	DATE APRIL 21, 1995

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATER QUALITY CERTIFICATION**

CERTIFICATION

The New York State Department of Environmental Conservation (Department) hereby certifies:

- the Department has reviewed the certificate holder's Application for Federal Hydroelectric License (hereafter referred to as "the Application") and all other available pertinent information, including studies submitted in support of the application;
- the project will comply with Sections 301, 302, 303, 306 and 307 of the Federal Water Pollution Control Act as amended and as implemented by the limitations, standards and criteria of the state statutory and regulatory requirements set forth in 6NYCRR Section 608.7(a); and
- the project will comply with applicable New York State effluent limitations, water quality standards and thermal discharge criteria set forth in 6NYCRR Parts 701, 702, 703, and 704.

This Water Quality Certification is issued solely for the purposes of Section 401 of the Federal Water Pollution Control Act (33 USC 1341).

CONTACT: Except as otherwise specified, all contacts with the Department concerning this certificate shall be addressed to:

Chief, Project Management Section
Division of Regulatory Affairs
New York State Department of Environmental Conservation
50 Wolf Road, Room 514
Albany, New York 12233-1750

Any written submissions to the Department must include five (5) complete copies of the submission.

SPECIAL CONDITIONS

A. OVERSIGHT AND ADMINISTRATION

1. **Inspections:** The project, including relevant records, is subject to inspection at reasonable hours and intervals, upon reasonable notice to the certificate holder, by an authorized representative of the Department to determine whether the applicant is complying with this certification. A copy of this certification, including all referenced maps, drawings, and special conditions, must be available for inspection by the Department during such inspections at the project.

B. OPERATING CONDITIONS

2. **Run of River Operation:** The certificate holder shall ensure that the project is operated in a strict run of river mode of operation. Project operation shall be based on an active storage volume of zero cubic feet at all times. Therefore the instantaneous sum of all discharges and releases from the impoundment will equal the instantaneous inflow into the impoundment. This condition may be temporarily modified by civil or operating emergencies beyond the control of the certificate holder, or upon mutual consent of the Department and the certificate holder.

In implementing run of river operation, the certificate holder shall not permit the elevation of the project impoundment to drop below one inch (0.08333 feet) above the top of the flashboards when flashboards are in place, or to drop below 0.0833 ft. above the crest of the dam when flashboards are out, pursuant to Condition 3 (below).

3. **Minimum Flows to Bypassed Reaches:** The Certificate holder shall provide a continuous release to the bypassed reach. the minimum quantity to be released to the bypassed reach shall be 18.5 cfs, or inflow when that is less. The applicant has ascertained (see page E 2-19 of the application) that a one inch spill over the 115 long spillway section of the dam will result in no less than 18.5 cfs in the bypassed reach. Therefore calibrated pond level sensors must be used to control turbine operation to ensure that the impoundment never falls below an elevation one inch above the top of the flashboards when flashboards are in place or one inch above dam crest when flashboards are out. This will ensure that the minimum instantaneous flow of 18.5 cfs is maintained.

4. **Flow Monitoring:** The certificate holder shall submit a flow monitoring plan for Department approval within three (3) months of acceptance of the FERC License. This flow monitoring plan will provide for the installation and maintenance of a U.S. Geological Survey (USGS) gaging station, unless justification for an alternative gaging system is provided. The flow monitoring plan shall include all gages and/or equipment for the purpose of:
 - a. determining project flows through the bypass/diversion reach, and;
 - b. determining project headpond and tailwater elevation.

The Licensee shall keep accurate and sufficient records of the foregoing flow data to the satisfaction of the Department and shall provide such data in a format and interval as the Department may request.

C. PROJECT MAINTENANCE AND CONSTRUCTION

5. **Maintenance Dredging:** The certificate holder shall curtail generation and install stoplogs or otherwise shut off flow through the turbine(s) prior to commencing any maintenance dredging activities in the intake/forebay area.
6. **Sediment Analysis and Disposal:** The certificate holder must sample any sediments to be disturbed or removed from the project waters and test them for contaminants. Sampling and testing shall be accomplished according to a protocol submitted to and approved by the Department beforehand. Prior to dredging or other excavation, the certificate holder must secure Department approval for all disposal locations for any sediments to be removed from the project waters.
7. **Erosion and Sediment Control:** Prior to commencing activities which could adversely affect water quality, the certificate holder must receive Department approval of an Erosion and Sediment Control Plan. This plan must be submitted at least 90 days before the intended date for commencing work. At minimum, the certificate holder must accomplish the following objectives:

- a. Isolate in-stream work from the flow of water and prevent discolored (turbid) discharges and sediments from entering the waters of the river due to excavation, dewatering and construction activities.
 - b. Exclude heavy construction equipment from below the mean high water line until the work area is protected by an approved structure and dewatered.
 - c. Stabilize any disturbed banks by grading to an appropriate slope, followed by armoring or vegetating as appropriate, to prevent erosion and sedimentation into the waterbody.
 - d. Minimize soil disturbance, provide appropriate grading and temporary and permanent revegetation of stockpiles and other disturbed areas to minimize erosion/ sedimentation potential.
 - e. Protect all waters from contamination by deleterious materials such as wet concrete, gasoline, solvents, epoxy resins or other materials used in construction, maintenance and operation of the project.
 - f. Install effective erosion control measures on the downslope of all disturbed areas and maintain them in a fully functional condition. These erosion control measures are to be installed before commencing any other activities involving soil disturbance.
 - g. Ensure complete removal of all dredged and excavated material, debris or excess materials from construction, from the bed and banks of all water areas to an approved upland disposal site.
 - h. Ensure that all temporary fill and other materials placed in the waters of the river are completely removed, immediately upon completion of construction, unless otherwise directed by the Department.
8. Placement of cofferdams, construction of temporary access roads or ramps, or other temporary structures which encroach upon the bed or banks of the river: The design of all such structures must be approved by the Department prior to installation. These designs will be developed in accordance with Condition 7 (above).
9. Maintenance of River Flow: During all periods of construction, the certificate holder shall maintain adequate flows immediately downstream of work sites to ensure that the water quality standards established for the water body are

met. This does **not** relieve the certificate holder from condition 6 (requiring run of river operation) or condition 7 specifying the minimum flow to the bypassed reach.

10. **Turbidity Monitoring:** The certificate holder will monitor the waters of the river at a point **immediately** upstream of project activities and at a point no more than **100 feet** downstream from any discharge point or other potential source of turbidity. The certificate holder specifically agrees that if, at any time, turbidity measurements from the downstream locations exceed the measurements **from** the locations upstream of the work areas, all related construction on **the** project will cease until the source of the turbidity is discovered and **the** situation is corrected.
11. **Notifications:** **The** Department contact specified in this certificate must be notified in **writing** at least two weeks prior to commencing any work performed under **the** authority of this certificate.

D. PUBLIC ACCESS

12. **Recreational Access:** The certificate holder will provide cartop boat access to the impoundment as proposed in the Application, with parking as shown in Figure 15 of **the** Application, for no less than 5 cars. The certificate holder shall also **provide** a canoe portage route to a point downstream of the powerhouse as **shown** on figure 15 and described in section E 2.6.3. of the application. **These** construction activities are subject to all the pertinent conditions listed **under** part C of this certification.