

4 FERC ¶ 62,229

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Public Service Corporation

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Project No. 2560-006

ORDER MODIFYING AND APPROVING WATER QUALITY MONITORING PLAN

SEP 15 1998

Wisconsin Public Service Corporation (licensee) filed, on June 19, 1998, its water quality monitoring plan under article 406 of the license for the Potato Rapids Project (FERC No. 2560). The project is located on the Peshtigo River, in Marinette County, Wisconsin.

BACKGROUND

Article 406 requires the licensee to file a plan to monitor dissolved oxygen (DO), water temperature, and pH of the Peshtigo River upstream and downstream of the Potato Rapids Falls dam.

The purpose of the plan is to ensure that flow releases from the project, as measured immediately downstream from the dam, maintain the following standards, except when natural conditions prohibit attainment of the standards: (1) DO concentrations must not be less than 5.0 milligrams per liter (mg/L) at any time; (2) water temperature must not exceed 89 degrees Fahrenheit; and (3) the pH must be within the range of 6.0 to 9.0, with no change greater than 0.5 units outside the estimated natural seasonal maximum and minimum.

The plan is to include provisions for: (1) monitoring during one year out of every five; (2) monitoring upstream and downstream of the Potato Rapids dam, with sensor locations and monitoring frequency determined in consultation with the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (USFWS); and (3) operating procedures, developed in consultation with the WDNR and the FWS, to address actions to be taken if water quality deviates from the above limits.

The plan is to include schedules for: (1) implementation of the monitoring program within 24 months from the date of license issuance; (2) review of the monitoring results with the WDNR and the USFWS; and (3) filing the results, agency comments, and licensee's response to agency comments with the Commission.

LICENSEE'S PLAN

The monitoring parameters will include pH, DO concentration, and water temperature. The data will be collected at one hour intervals continuously for the months of June, July, August, and September using a Hydrolab Datasonde or equivalent. The June monitoring will commence after the upstream Sandstone Rapids

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Project (FERC No. 2546) changes from run-of-river operation. All instrumentation will be cleaned, downloaded, and calibrated according to manufacturers specifications every 7-10 days during the monitoring period. Calibration information will be recorded in a maintenance log for each piece of equipment.

The monitoring equipment will be located in the intake, directly in front of the trashracks and in the tailwater. The exact placement will be determined through consultation with the WDNR. Monitoring will begin in 2001. Following the 2001 data collection, the monitoring will be conducted on a five-year schedule for the remainder of the license term.

When data is downloaded, it will be screened for periods of noncompliance with state standards. If periods of noncompliance are identified, the WDNR will be notified within five working days. The WDNR and USFWS will be provided with the results of monitoring by November 30 of the year in which the monitoring occurred. The monitoring results, agency comments, and responses to agency comments will be provided to the Commission by February 28 of the year following the year in which monitoring occurred.

AGENCY COMMENTS

The USFWS did not comment on the plan. The WDNR, by letter dated June 2, 1998, provided recommendations on the licensee's plan. The WDNR recommends continuous monitoring of DO concentration, water temperature and pH occur in the tailrace of the project and above the project's reservoir. The WDNR states monitoring water quality directly in front of the trash racks at the powerhouse is unacceptable. The WDNR states background water quality should be defined as the river's water quality as it enters the project and not the water quality of the impoundment at the powerhouse.

The WDNR states it will not allow for a mixing zone to meet water quality standards. The WDNR recommends the upstream site should be located near the County Trunk Highway D bridge that crosses the Peshtigo River just upstream from the Potato Rapids Flowage. The WDNR also states monitoring should commence once the projects switch to a peaking mode of operation in the summer and terminate on or after September 30 and that monitoring begin in the summer of 1999, not 2003. Finally, the WDNR recommends that it be immediately informed of any violations of state water quality standards and if violations are found the project should immediately be switched to run-of-river operation.

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DISCUSSION AND CONCLUSIONS

In Commission staff's Peshtigo River Multiple Project Final Environmental Impact Statement, 1/ staff indicated water quality at the Potato Rapids Project meets state water quality standards for a warm water fishery. Since the project will continue to operate in a run-of-river mode, water quality downstream of the project should be similar to past years.

The licensee proposes to continuously monitor water quality, both upstream and downstream of the project, and record the data on an hourly basis. As indicated in article 406, the location of the monitoring equipment should be determined in consultation with the WDNR. The WDNR recommends the upstream site should be located near the County Trunk Highway D bridge that crosses the Peshtigo River just upstream from the Potato Rapids Flowage, instead of directly in front of the intake. The licensee indicates in its plan that the exact location will be determined after consultation with the WDNR. In the event the licensee and WDNR cannot agree on a location for the upstream station, the licensee should file its recommendations, along with the WDNR's comments, for Commission approval.

By coordinating the timing of monitoring activities with the licensee's other projects on the river, 2/ results from each year of monitoring would provide a more comprehensive view of each project's impact on water quality throughout the river. The licensee should be required to have the monitoring equipment installed to begin monitoring during the 1999 season and to conduct the second monitoring season in 2005 and then every five years thereafter to be consistent with the other projects on the river.

The WDNR recommended the licensee immediately notify the WDNR of any deviations from the water quality standards and to change project operations to run-of-river if violations are found. To be consistent with the requirements at the licensee's projects, the licensee should be required to provide notification of any DO deficiencies to the WDNR within five working days.

1/ Pesthigo River Multiple Project Final Environmental Impact Statement. March 1997. Prepared by staff of the Commission's Office of Hydropower Licensing.

2/ The licensee's other projects include: Caldron Falls Project (FERC No. 2525); High Falls Project (FERC No. 2595); Johnson Falls Project (FERC No. 2522); Sandstone Rapids Project (FERC No. 2546); and Peshtigo Project (FERC No. 2581).

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So that the Commission can monitor the licensee's compliance with the water quality requirements of article 406, the licensee should be required to notify the Commission of any deviations from the requirements specified in article 406. Based upon the licensee's report and the Commission's evaluation of the incident, the Commission should reserve the right to require modifications to project facilities and operations to ensure compliance with the state's water quality standards.

The licensee's proposed water quality monitoring plan, with the above modifications, fulfills the requirements of article 406, and should, therefore, be approved.

The Director orders:

(A) The licensee's water quality monitoring plan, filed on June 19, 1998, under article 406 of the license for the Potato Rapids Project (FERC No. 2560), as modified by paragraphs (B) through (D) below, is approved.

(B) The licensee shall continuously monitor water quality from June 1 through September 30, both upstream and downstream of the project, and record the data on an hourly basis to ensure the standards identified in article 406 are met. The location of the monitoring equipment shall be determined in consultation with the Wisconsin Department of Natural Resources (WDNR). In the event the licensee and WDNR cannot agree on a location for the upstream station, the licensee should file its recommendations, along with the WDNR's comments, for Commission approval. The licensee shall have the monitoring equipment installed to begin monitoring during the 1999 season and then conduct the second monitoring season in 2005 and then every five years thereafter to be consistent with the other projects on the river.

(C) If the dissolved oxygen concentration, water temperature, or pH, as measured by the approved monitoring system, deviates from the requirements of article 406, the licensee shall file a report with the Commission within 30 days of the date that the data becomes available regarding the incident. The report shall, to the extent possible, identify the cause, severity, and duration of the incident, and any observed or reported adverse environmental impacts resulting from the incident. The report shall also include: (1) operational data necessary to determine compliance with article 406; (2) a description of any corrective measures implemented at the time of occurrence and the measures implemented or proposed to ensure that similar incidents do not recur; and (3) comments or correspondence, if any, received from the resource agencies

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regarding the incident. Based on the report and the Commission's evaluation of the incident, the Commission reserves the right to require modifications to project facilities and operations to ensure future compliance.

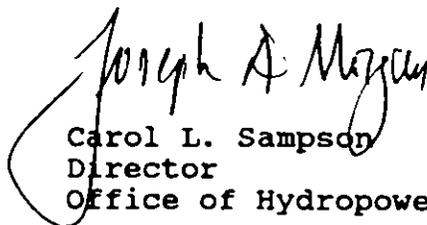
(D) The licensee shall notify the WDNR, within five working days, of any water quality deviations identified at the project.

(E) 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: DLC, HL-11.2
888 First Street, N.E.
Washington, D.C. 20426

In addition, the licensee shall serve copies of these filings on any entity specified in this order to be consulted on matters related to these filings. Proof of service on these entities shall accompany the filings with the Commission.

(F) 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.



Carol L. Sampson
Director
Office of Hydropower Licensing