

FEDERAL ENERGY REGULATORY COMMISSION

Office of Energy Projects

Division of Dam Safety and Inspections - Chicago Regional Office

230 South Dearborn Street, Suite 3130

Chicago, Illinois 60604

(312) 596-4430 Office - (312) 596-4460 Facsimile

In reply refer to: P-

June 20, 2012

U03-1, et AL

Addressee List Attached

RE: Annual Letter

It is the ongoing responsibility of a Licensee or Exemptee to ensure that a project is operated and maintained in compliance with Federal Energy Regulatory Commission (FERC) Regulations and the terms and conditions of any license or exemption, including conditions prescribed by resource agencies for exemptions.

To assist you in ensuring compliance with these requirements, enclosed is a summary of some of the requirements, primarily from Parts 8 and 12 of the Commission's Regulations. Please review these requirements along with your project-specific license or exemption conditions, to ensure that your operations comply with all project requirements.

Your attention is directed to Item 1 of Enclosure 1. It is your responsibility to ensure that we are notified immediately of any condition, event, or action at the project affecting the safety of a project or life, health, or property. It has come to our attention that public safety rescues at or near FERC projects which did not involve deaths or serious injuries may not have been reported to the Commission. You have a clear responsibility to recognize such rescues are events at the project that affect or might affect life and health and are to be reported under 12.10(a) of the FERC regulations. If you are uncertain if an emerging, ongoing, or completed event constitutes a reportable incident, you should contact this office.

For those projects having an Emergency Action Plan (EAP), the 2012 annual update should address how project personnel would be notified of an emergency at the dam noticed by an outside source – such as the general public. Since 911 or local law enforcement may be the contact from the public, please include details assuring your respective 911 systems, emergency managers and law enforcement are aware that you need to be informed of adverse events that are first reported to them so a coordinated response and proper activation of the EAP will occur. For those licensees scheduled to conduct a tabletop and/or functional EAP test this year, please address these notification scenarios in your presentations and discussion.

A new requirement is that all low hazard projects exempt from filing an EAP must submit a contact list of people and organizations to be called during flood events, or if a dam is in the danger of failing, or has failed. Refer to item 4.a.(3) of Enclosure 1.

Throughout the year, the Division of Dam Safety and Inspections hosts workshops and training courses which may be of interest to you. A schedule and description of upcoming workshops and courses can be accessed at the following internet site:

<http://www.ferc.gov/industries/hydropower/safety/wkshps.asp>

Enclosure 2 lists some administrative requirements that are often overlooked. Enclosure 3 is an acknowledgement form. Please sign and return Enclosure 3 to this office within 10 days of receipt of this letter. If you have any questions about the enclosed information or about your project(s) in general, please call me at (312) 596-4437.

Sincerely,



John A. Zygaj
Regional Engineer

Enclosure 1 FERC Licensee/Exemptee Standard Requirements
Enclosure 2 Frequently Forgotten Items
Enclosure 3 Acknowledgment Letter

cc: D2SI
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FERC LICENSEE/EXEMPTEE STANDARD REQUIREMENTS

The following requirements and Commission Regulations (Title 18 of the Code of Federal Regulations [18CFR]) require the attention of Licensees and Exemptees to ensure compliance. This list is not intended to be complete and certain requirements may not be applicable to all projects. Therefore, each Licensee and Exemptee must be familiar with their specific license or exemption requirements and the requirements contained in 18 CFR Part 12. You should periodically review the license/exemption and the current regulations to ensure timely compliance with all requirements, since Licensees/ Exemptees have continuing responsibilities, such as consultation and proof of service.

1. Notify FERC of Conditions Affecting the Safety of a Project or Project Works.

In accordance with Section 12.10(a) of the FERC Regulations, when a Licensee/Exemptee discovers "any condition affecting the safety of a project or project works, as defined in Section 12.3(b)(4)," the Licensee/ Exemptee must call this office as soon as practicable and subsequently submit a written report providing relevant information concerning the cause, extent of project and property damage, and measures taken to prevent worsening of the condition. See Section 12.3(b)(4), which lists some examples of these conditions. Such conditions may include, but are not limited to, gate operation failure, piping, seepage, slides, unusual instrumentation readings, sinkholes, sabotage, natural disasters (floods, earthquakes), and any other signs of instability of any project works. Additional conditions include, but are not limited to, significant rock scour and or toe undermining, reservoir monitoring instrumentation and communication systems malfunction or failure, and remote control systems malfunction or failure. Further, as defined in section 12.3(b)(4), a condition affecting the safety of a project also means an event, such as a public safety rescue involving no serious injuries or death.

2. Report Emergency Project Modifications.

In accordance with Section 12.11 (b)(1), any emergency project modification taken in response to a condition affecting the safety of the project or project works must be reported to this office immediately, or as soon as practicable.

3. Emergency Action Plans.

- a. If your project is exempt from filing an EAP, you must annually perform a field reconnaissance to verify if there were any changes to upstream and downstream conditions affecting the determination that no reasonably foreseeable project emergency would endanger life, health, or property. You are to develop, maintain, post, and annually verify a contact list of people and organizations such as local emergency management agencies and upstream and downstream

dam owners that will be called during flood events, if your dam is in danger of failing, or has failed. By December 31 of each year, submit a letter to this office: (1) discussing the results of the field reconnaissance; (2) requesting, if still eligible, a continuation of the exemption from filing an EAP; and (3) including, as a separate enclosure with your letter, the contact list along with a statement that the information provided was verified to be accurate.

b. If your project requires an EAP in accordance with Subpart C of 18 CFR 12, the following conditions apply:

(1) Annual training and a drill should be performed to ensure the accuracy and workability of the EAP and to test the state of training of key licensee/exemptee personnel responsible for responding to emergencies. Testing of emergency equipment such as remote sensing equipment at unattended dams, sirens and two-way radios, should be performed at least once a year.

(2) The EAP should be reviewed and updated annually. The review should consist of the following:

(a) Update the names and titles of the project operators and attendants and the names and phone numbers of persons to be contacted in the event of a project emergency.

(b) Review the adequacy of the EAP in light of any significant changes to upstream or downstream conditions that might impact persons or property in a project emergency.

(c) Revise inundation maps, if necessary. The need for inundation maps based on Geographical Information System (GIS) data is to be coordinated with all emergency management entities. Guidance for developing and submitting GIS Inundation Map files is available at:

<http://www.ferc.gov/industries/hydropower/safety/initiatives/tips-gismaps.asp>.

(d) Revise the EAP after consultation with the appropriate Federal, state, and local agencies responsible for public health and safety, if necessary.

(3) The EAP notification flowchart should be posted in a prominent location at each development or other pertinent facility such as switching centers, control facilities, and/or powerhouses so that it is readily accessible to operating personnel responsible for notification.

- (4) An annual face-to-face meeting should be performed with primary emergency response agencies whose jurisdictions would be quickly inundated or significantly impacted by a dam failure. These meetings should include a review of the contents of the EAP and should encourage agency input into the development and maintenance of the EAP document.
- (5) An annual EAP Status Report should be submitted to this office no later than December 31 of each year. The report should describe the above annual requirements and include any updates to the notification flowchart or other sections of the EAP. Refer to Chapter 6-2.2.6 of the Commission's Engineering Guidelines for more information on EAP Status Reports. This document can be found at:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/chap6.pdf>

EAPs must be revised and reprinted in their entirety every five years.

5. Dam Safety Surveillance and Monitoring.

Section 12.41 addresses the requirement for installation of instrumentation to monitor the performance of project structures. Additional guidance on Performance Monitoring Instrumentation may be found in Chapters 6 and 14 of the Commission's Engineering Guidelines. Guidance on preparing Dam Safety Surveillance Monitoring Plans (DSSMP) may be found in Appendix J of Chapter 14 of the Commission's Engineering Guidelines.

<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/monitor-plan.asp>

The DSSMP provides the details of how an owner should monitor and evaluate the performance of a dam or project structure. The DSSMP is necessarily comprehensive to cover all types of dams with all levels of dam safety risks. The DSSMP for your dams should be appropriately tailored to the specific needs and potential failure modes of each of your dams.

The DSSMP also includes the requirement to periodically submit a Dam Safety Surveillance and Monitoring Report that presents an evaluation and interpretation of the surveillance and monitoring data. Guidance on preparing Dam Safety Surveillance Monitoring Reports may be found in Appendix K of Chapter 14 of the Commission's Engineering Guidelines.

6. Submit Plans for FERC Approval.

- a. In accordance with Section 12.11 (b) (2), all plans for proposed modifications or major maintenance work must be forwarded to this office at the earliest possible date, but not later than 60 days before work on the activity begins, so that determinations can be made regarding any necessary preconstruction approvals. Prior approval may also be required for modification or maintenance activities that may adversely affect project operation or the environment. You must contact this office by letter or phone concerning required approval of these types of activities at least 60 days prior to the start of the proposed activity.
- b. Coordination and/or approval from other federal/state/local agencies or NGOs is often required before a proposed action may commence. You must be mindful of all of your license requirements and ensure that your plan and schedule includes the required coordination and allows sufficient time for it to be successfully achieved.

7. Develop a Public Safety Plan and Install/Maintain Safety Devices.

- a. Pursuant to Section 12.42, an owner may be required to install and properly maintain any signs, lights, sirens, barriers, or other safety devices necessary to adequately warn and/or protect the public in the use of project lands and waters. Failure to adequately maintain approved safety devices or measures is a violation of the regulations.
- b. Some Licensees/Exemptees have been required to file Public Safety Plans for each development where public safety devices or measures are necessary. Updated plans should be filed following any changes to public safety facilities or measures at the project. In addition, if the most recently filed public safety plan is older than 10 years, the plan should be reviewed to ensure that current public uses in the project area are accounted for and that the most up-to-date signage and safety devices are included in the plan. After reviewing the plan, the licensee/exemptee must resubmit the plan to FERC, identifying any revisions to the plan, or stating that no revisions were made.
- c. A Licensee/Exemptee must notify this office at least 10 days in advance of plans to remove any public safety device, including boat safety barriers. This office should also be advised when the device is placed back in service. For those devices routinely removed annually, a one-time notification providing the reason and schedule for periodic removal and reinstallation is acceptable.

8. Report Deaths and Serious Injuries.

In accordance with Section 12.10 (b), any drowning or other accident resulting in death or serious injury to the public or construction or maintenance workers at the project must be reported to this office. If project related, the initial report should be by telephone promptly upon becoming aware of such an incident. The telephone report should be followed by a written report that fully describes the incident and any remedial actions taken or proposed to avoid or reduce the chance of future similar occurrences. If you believe that remedial actions are unnecessary, the report should explain why. If the accident was not project related, the subsequent written report may be conveyed by providing a copy of a newspaper article or a police report.

9. Test and Report on Spillway Gate Operations.

- a. Section 12.44 (b), requires annual operation of each spillway gate either during regular project operation or on a test basis. If it is not feasible to operate each of the gates at the time of the FERC dam safety inspection, verification (see Item 7c below) that the gates were operated satisfactorily during the past 12 months will suffice.
- b. A FERC inspector may require operation of a spillway gate, including the use of standby power, during an inspection.
- c. Notarized verification of operation of all spillway gates and load testing of standby power at least once during the preceding 12-month period should be submitted by December 31 of each year. Verification should be in accordance with Section 12.13 and include the signatures of an official of your company and the plant personnel who actually operated the gates and observed such operation. You must also include an annual spillway gate operation certificate (Attachment 1 to Enclosure 1) indicating those gates opened during flood flow conditions, those tested separately, the date of each gate's operation, and the date of the last full gate operation. The report should address any maintenance performed.
- d. All gates, with the exception of Category 2 Tainter gates, must be tested to full gate opening at least once every 5 years. If such a test is not considered feasible, a waiver, with appropriate justification, must be obtained from this office. Category 2 Tainter gates require full opening at least once every 10 years. See Footnote 1/ of Attachment 1 to Enclosure 1 for the definition of Category 1 and 2 gates. All gates are deemed as Category 1 gates unless demonstrated that failure would have minimal or no consequences. All Category 1 Tainter gates are required to have a detailed inspection once every

10 years.

10. Document Project Flows and Report Violations.

You must maintain daily records documenting compliance with project minimum flow and/or reservoir operation plan requirements if your license or exemption includes such requirements.

If, at any time, a minimum flow or reservoir operation plan requirement is violated, you must immediately report the occurrence to the following:

Director, Division of Hydropower Administration and Compliance
(PJ12)
Office of Energy Projects, FERC
888 First Street, N.E.
Washington, D.C. 20426

This report should include a complete description of the violation, including duration, and an explanation of the actions taken to remedy the situation.

11. Post Recreation Signs.

Part 8 requires, where appropriate, the posting of project lands as to their availability for recreational use.

12. Maintain Project Records.

Section 12.12 requires that certain permanent project records be maintained. Copies of design drawings (Exhibit F or L), instrumentation data, and operational history should be maintained at the project site.

13. Prevent Erosion and Air/Water Pollution.

Under the terms of any license issued by the Commission, licensees are responsible for preventing soil erosion, sedimentation, and any form of water or air pollution. Release of hazardous liquids (oils, grease, etc.) is under the jurisdiction of state water quality agencies and the EPA. Project operators should be aware of the requirements of those agencies. Other potential sources of hazardous materials, in addition to those sources directly related to the project (transformer, governor, and lubricating oils), include public marinas and private boat docks. While licensees may not have direct responsibility for the operation of such facilities you should assist or otherwise facilitate in minimizing the introduction of pollutants into project waters and advise such operators to report spill incidents promptly to appropriate

state and Federal agencies and this office. You should review your current practices regarding the storage, use, and disposal of hazardous materials to determine if additional control measures are necessary.

14. Inoperative Projects or Project Features.

Under Section 10 (c) of the Federal Power Act, project works must be maintained in a good state of repair. Any project or feature of a project that is inoperative or in a poor state of repair must be promptly reported to this office. A plan and schedule for restoring the project or feature of a project back to a sound state of repair or operation must also be submitted.

15. Reservoir Drawdown and Dewatering of Project Features.

- a. **Reservoir Drawdown.** Under Section 12.4(b), prior approval for any non emergency reservoir, canal, or forebay drawdown activities outside the operational conditions of the license, regardless of project size, must be obtained from this office. Approvals for such drawdowns will not be given until this office has been provided documentation of coordination with appropriate resource agencies. Such documentation should include copies of emails, phone or meeting records, and letters. All letters to the agencies should be sent Certified Mail/Receipt Requested so that copies of the letters and resulting receipts can serve as documentation should an agency not respond in writing.
- b. **Emergency Drawdowns.** Under emergency conditions, immediate dewatering or drawdown may be taken without prior approval in order to prevent the loss of the project and to protect life and property. In this case, you must notify this office the same day that dewatering or drawdown has been implemented, and you must notify the appropriate resource agencies.
- c. **Dewatering Tunnels, Conduits, or Penstocks.** Under Section 12.4(b), prior Commission notification is required for any tunnel, conduit, or penstock dewatering. You must contact this office concerning required approval of these types of activities at least 30 days prior to the start of the proposed activity.

ANNUAL SPILLWAY GATE OPERATION CERTIFICATE

FERC PROJECT NO. _____, NAME _____

DEVELOPMENT NAME _____

LICENSEE/ EXEMPTEE/ APPLICANT _____

Category ^{1/}	Date of Detailed Inspection ^{2/}	Gate No. ^{3/}	Date of Opening		Purpose for gate discharge ^{5/}	Opening (ft)	Voltage ^{6/} (line to line)	Phase Current ^{6/}	Rated Horsepower ^{6/}
			Current	Last Full ^{4/}					

PROBLEMS NOTED/ MAINTENANCE
REQUIRED: _____

The above gate(s) was (were) operated as indicated by: _____
(Signature of operator)

TYPE OF EMERGENCY OPERATION

_____ Manual
_____ Standby power source – Describe _____

Date of last test: _____

Gate operated: _____

Problems noted/ Maintenance required: _____

The standby power source was load-tested as indicated by: _____
(Signature of operator)

ANNUAL SPILLWAY GATE OPERATION CERTIFICATE, PAGE 2

State of _____,
County of _____, ss:

The undersigned, being first duly sworn, states that he has read the above document and knows the contents of it, and that all of the statements contained in that document are true and correct, to the best of his knowledge and belief.

(Appropriate company official)

Sworn to me and subscribed before me this _____ of _____, 20____
Day Month

[SEAL]

Notary Public or other state or local official authorized
By law to notarize documents

Notes

- 1/ Category 1 – Failure has dam safety or operational consequences.
Category 2 – Failure has minimal or no consequences.
- 2/ A close up detailed inspection is required for all category 1 gates every 10 years.
- 3/ Attach additional sheets if more space is required.
- 4/ Full gate operation must be performed at least once every five years for Category 1 gates and 10 years for Category 2 gates.
- 5/ Flood passage, test, maintenance, under stoplogs, etc.
- 6/ Required for Tainter gates only.

Frequently Forgotten Items

1. When making submittals, please use the eFiling procedures described at <http://www.ferc.gov/docs-filing/efiling.asp>. You may also submit either electronic media (CD or DVDs) or hard (paper) copies. FERC's order of preference for filing is (1) eFiling, (2) electronic media (either CD or DVD), then (3) paper. However, certain filings, even if they are eFiled, also require hard paper copies to be submitted to the Regional Office. This is to ensure an adequate and timely response of the submittal. For example, Plans and Specifications, Design Reports and Part 12D inspection reports among other filings require hard copies to be sent to the Regional Office. For a list of the documents for which paper copies are required, see page 6, and 31 through 35 of: <http://www.ferc.gov/docs-filing/efiling/filing.pdf>
If an eFiling is made of the above documents only two paper copies should be sent to the Regional Office. If no eFiling is made of the above documents three paper copies are to be sent to the Regional Office. A cover letter sending these reports to the Regional Office should state if the document has also been eFiled.
2. If you are unable to meet an established date for submittal of information or completion of necessary project maintenance or construction you must request, in writing, an extension of time as soon as you know you are unlikely to complete the required activity on schedule. Your letter should include specific reasons for failure to meet the established schedule, your plan to complete the action in a timely manner and a proposed date for completion of the item. Submittal of the letter does not grant you the requested extension of time. Requests for extensions of time should always be submitted before the established due date. Extensions of time will be considered on a case by case basis by this office.
3. Excavations for any purpose, including advancing of a single boring/hole constitute an exploratory program. These programs must be reviewed by this office before you proceed. Please allow 30 days for this review.
4. Note in all cover letters what the content of the submittal is with regard to its security classification and whether it is public or not. Submittals having Critical Energy Infrastructure Information (CEII) must be marked on the cover letter appropriately. The filer is required to mark in bold print "Contains Critical Energy Infrastructure Information – Do Not Release" on any documents that meet the CEII definition. Please refer to our website for more information at:

<http://www.ferc.gov/legal/ceii-foia/ceii.asp>

Enclosure 2

- 5. Changes in contact names, addresses, telephone numbers and email addresses must be promptly reported to this office, so that we may contact the appropriate person(s) in the event of an emergency or a potential security threat.**

**CHICAGO REGIONAL OFFICE
PROJECT LIST**

UL03-1
P-11162
P 459, 2277
P-401, 2551, 2570, 2579, 2651, 10661
P-6641, 10228
P-3142, 3152
P-3030
P-2970
P-5308
P-5223
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P-362
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P-11374
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P-2211
P-3052
P-8423
P-2614, 2724, 12667
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P-4031
P-12775
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P-11120, 11150, 11300, 11516
P-1953, 2110, 2192, 2256, 2536, 2590
P-785, 2436, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2468, 2566, 2580, 2599, 2680
P-11175
P-11402
P-1960
P-6299
P-2943
P-2255, 2291, 2292
P-2212
P-10078
P-2221
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P-10624
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P-7142
P-9379
P-4306
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P-8632

Add decklet numbers

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P-10684
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P-1256
P-2589
P-6514
P-2866
P-10056
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P-1835
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P-1864, 1940, 1957, 1966, 1968, 1979, 1984, 1989, 1999, 2402, 2433, 2476, 2506, 2522, 2525, 2546, 2560, 2581, 2595, 10855,

P-2113

P-710, 10615, 11730

P-1982, 2056, 2181, 2390-01, 2390-02, 2417, 2430, 2440, 2444, 2475, 2491, 2567, 2587, 2610, 2639, 2670, 2697, 2711, 8286, 9002, 9003

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