Focus on **Hydropower Dam Licensing and Water Quality**

WASHINGTON STATE DEPARTMENT OF ECOLOGY

from Ecology's Water Quality Program, Watershed Management Section

As the state water pollution control agency, Ecology is charged with determining whether federally-licensed dams will meet state water quality standards.

What is the role of the Federal Energy Regulatory Commission (FERC)?

Under the Federal Power Act, the Federal Energy Regulatory Commission has authority to license nonfederal dams on navigable waterways and federal lands. The commission issues hydropower licenses for 30 to 50 years. As part of the hydropower license and re-license process, the commission will prepare environmental documents and also ensure dam safety.

How is Ecology involved?

Dams can affect water quality (for example, by changing water temperature and altering natural river flows). The impacts may affect fisheries and recreational activities. When an applicant requests a license (either to re-license an existing dam or for new construction), Ecology works with the applicant and reviews studies, analyses, and plans. If Ecology determines that water quality standards can be met, a water quality (401) certification is issued with conditions to ensure that the standards will be met. These conditions become part of the FERC license.

Ecology has the authority to deny the certification request if the standards will not be met. If Ecology fails to act in a timely manner, Ecology waives its authority to issue a certification.

How many dams' licenses will expire in the next ten years?

Seventeen dams will need to begin the re-licensing process in the next ten years. Many of these are large dams on the Columbia River. In addition to these seventeen, seven are already in the process of being re-licensed. Most of these dams were built 35 to 50 years ago, and certifying them as part of re-licensing is a significant workload for the Washington State Department of Ecology (Ecology).

How will Ecology make decisions on dams built 35 to 50 years ago?

The process to develop a certification takes years and can be complicated for everyone. A final 401 water quality certification for hydropower licenses is the product of review and analysis of a wide variety of technical data, studies, and models. Ecology has worked. with public utility districts to identify how the agency will do this work. This approach was included in the 2003 state-adopted water quality standards.

Ecology added specific language to its standards on the expectations of dams to meet water quality standards and the use of a compliance schedule. This new language clarifies that a

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compliance schedule can be used to issue water quality certifications for re-licensing existing dams. In the compliance schedule, dams try to meet standards. If standards cannot be met, dams may pursue a site-specific standard or use-attainability analysis (UAA).

Ecology also included language recognizing that some human structural changes cannot be remedied effectively (such as some dams). The new language states that, when a water body does not meet its assigned criteria due to natural conditions or human structural changes that cannot be effectively remedied (as defined by federal regulations), then the best attainable water quality conditions may become an alternate target for that water body.

Developing guidance for water quality certifications

In order to build a more predictable pathway toward certification, Ecology is in the final step of developing guidance to be used in the certification process. It will spell out expectations of dam operators who want to obtain a certification. The guidance also discusses how Ecology will interact with the FERC process given the agency's limited resources.

Ecology's draft *Water Quality Certifications for Existing Hydropower Dams* preliminary guidance manual has been revised based on remarks from the initial comment period. These comments are summarized on this Web site: 401 Certification for Hydropower Information – Guidance Development
http://www.ecy.wa.gov/programs/wq/ferc/guidance_development.html

The latest public comment period for this guidance document ran until November 15, 2004. Ecology is currently working on a final version of the guidance that should be available this winter.

For more information?

Guidance contact: Chris Maynard, 360-407-6484

Specific project contacts:

Ecology regional directors and regional water managers will designate personnel who will work on each 401 certification. Contact the following regional directors for staff contacts on projects in each region.

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