

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections

Date

In reply refer to:
Project No.

«Address»

Subject: Annual Letter – Reminder of Responsibilities

Dear «Salutation»:

The Federal Energy Regulatory Commission (FERC) provides this letter on an annual basis to all who have been issued a License or Exemption to operate or construct a hydroelectric facility, regardless of the size of the project. We realize that not all aspects of this letter are equally applicable to all recipients, and therefore should be passed to your Chief Dam Safety Engineer (CDSE) or Chief Dam Safety Coordinator (CDSC) if different than the addressee, for proper processing. It is your responsibility to be familiar with the conditions of your License or Exemption, which will enable you to appropriately apply this letter to your project(s). **We encourage you to carefully read this letter in its entirety to understand your responsibilities. It is mandatory that you sign and return the acknowledgement form (Enclosure 1).** Please sign and return the acknowledgment form via postal service or fax within 10 days of the date of this letter.

This letter serves as our opportunity to bring to your attention changes in our dam safety program that have occurred, as well as provide reminders of items crucial to a good dam safety program and important reporting requirements. It is your ongoing responsibility to ensure that your project is operated and maintained in compliance with FERC Regulations and the terms and conditions of your license or exemption, including the conditions prescribed by resource agencies for exemptions.

New Items for 2015

1. Our previous correspondence introduced the new requirement for the Chief Dam Safety Engineer to make a definitive statement that your dam(s) is safe for continued operation. The statement is to be included in your annual Dam Safety Surveillance and Monitoring Report(s) (DSSMR).

2. Our previous correspondence included the requirement to develop a new table in your annual DSSMR(s) submittals. See revised Appendices J and K of Chapter 14 of our Engineering Guidelines located at:

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

3. Risk-Informed Decision-Making (RIDM) has been implemented into our dam safety program. We have provided DRAFT engineering guidelines at the website below. These guidelines are available for review and comment for the next several months; we welcome all comments.

<http://www.ferc.gov/industries/hydropower/safety/initiatives/risk-informed-decision-making/eng-guide-ridm.asp>

4. Chapter 6, Emergency Action Plans (EAPs), of our Engineering Guidelines is being updated. As discussed in previous correspondence, a complete reprint of your EAP(s) is due by December 31, 2015.

5. Please ensure you are using our latest forms for your “Annual Spillway Gate Operation Certificate,” and that you are correctly measuring and documenting current and voltage for each electric motor during load testing. Forms for this submittal can be provided upon request or downloaded at:

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

6. Periodic internal review of your Public Safety Plan(s) (PSP) is encouraged due to possible changes in project operations or public use. Any PSP over 10 years old should be updated and re-issued. See Item 12 of Enclosure 2 and our public safety guidelines located at:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/public-safety.pdf>

To assist you in ensuring compliance, Enclosure 2 is a summary of some of your requirements, primarily from Title 18, Parts 8 and 12 of the Code of Federal Regulations; and lists a number of administrative requirements that are often overlooked. Please review these requirements along with your project-specific license or exemption, to ensure that your operations comply with all requirements.

Your strict attention is directed to Item 1 of Enclosure 2. It is imperative that we be notified immediately of any condition, event, or action at a project that affects life, health, property, or safety. This includes such items as spillway gate mis-operation and

public safety rescues at or near FERC projects that did not involve death or serious injury. These types of incidents may not have been previously reported to the Commission. You have a clear responsibility to report these incidents under 12.10(a) and 12.10(b) of the FERC regulations. If you are uncertain if an emerging, ongoing, or completed event constitutes a reportable incident, you should contact this office.

Throughout the year, the Division of Dam Safety and Inspections hosts workshops and training courses that 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>

If you have any questions about the enclosed information or about your project(s) in general, please call me at <<RE Phone Number>>.

Sincerely,

Enclosures

1. Acknowledgement of Receipt of Annual Letter
2. Compliance with License or Exemption Requirements

**ACKNOWLEDGEMENT OF RECEIPT OF ANNUAL LETTER
For Project No. «ProjNum»**

(Please Print)

I, _____, _____
(name) (title)

of _____
(organization)

acknowledge receipt of the letter dated <<Letter Date>>, 2014, outlining this organization's responsibilities for the above Project(s) under the jurisdiction of the Federal Energy Regulatory Commission.

(Signature)

(Date)

Please return a completed copy of this form within 10 days of receipt, either by fax to <<RO Fax Number>> or by mail to the following address:

<<RE Name>>, P.E.
Regional Engineer
Federal Energy Regulatory Commission
Division of Dam Safety and Inspections
<<RO>> Regional Office
<<RO Address>>

Compliance with License or Exemption Requirements

1. **Safety Conditions.** See 18 CFR, Sections 12.10(a) and 12.3(b)(4). When a project safety or public safety condition is discovered, you must:

- Call the Regional Office as soon as practicable
- Follow-up with a Summary Email to the Regional Engineer
- Submit a Written Report as directed by the Regional Engineer

2. **Emergency Modifications.** See 18 CFR, Section 12.11(b)(1). You must report any project modifications taken to respond to emergency conditions as soon as practicable.

3. **Deaths and Injuries.** See 18 CFR, Section 12.10(b). You must verbally report any death or serious injury at your project, confirm your report in a summary email to the Regional Engineer, and follow-up with a written report that provides a complete description of the incident. If project-related, you must state your plans for additional measures to prevent future deaths or injuries.

4. **Flow Violations.** Daily records to document compliance with minimum flow and/or reservoir operation requirements required by your license or exemption and resource agencies must be maintained. If a violation occurs, a thorough report describing the violation, duration, and actions to correct the violation must be reported to Secretary Bose at the FERC Division of Hydropower Administration and Compliance (DHAC); see ferc.gov for address.

5. **Excavations and Investigations.** Your plans for any proposed ground disturbing activities, such as excavations or intrusive explorations on or near your water-retaining structures must be submitted for our review at least 30 days prior to commencement. These activities must also be coordinated with the DHAC.

6. **Drawdowns and Dewatering.** See 18 CFR Section 12.4(b). All **non-emergency drawdowns** of a reservoir, canal, or forebay outside of the operational requirements specified in your license or exemption require prior approval. Documentation of coordination with resource agencies must accompany your drawdown request. **Emergency drawdowns** to protect life or property must be reported to our office and the resource agencies the day of the drawdown. **Approval to dewater tunnels, conduits, or penstocks** must be requested at least 30 days prior to initiation.

7. **Plan Approval.** See 18 CFR, Section 12.11(b)(2). Your plans for any proposed modifications or major maintenance to your project must be submitted for review and approval at least 60 days prior to initiation. You are also responsible for obtaining all necessary permits from other agencies to perform the proposed work. Earlier submittal

will minimize delays in coordinating and obtaining approvals from other agencies or organizations.

8. Spillway Gate Operation. See 18 CFR, Sections 12.44(b) and (c), and 12.13 for periodic requirements and verification. You must submit a notarized “Annual Spillway Gate Operation Certificate.” The appropriate forms for this submittal can be provided upon request or downloaded at:

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

9. Emergency Action Plans (EAP). See 18 CFR Subpart C, Sections 12.20 through 12.25; and Chapter 6 of our Engineering Guidelines.

- For a project exempt from EAP requirements, you are required to (1) make a field reconnaissance, at least annually, to verify there have been no nearby changes where a project emergency would endanger life, health, or property, (2) develop and maintain a contact list of people, organizations, and local emergency management agencies that may be impacted by flooding or emergency conditions near your project, and (3) submit an annual report on your field reconnaissance and a request to continue your EAP exemption. Your emergency contact list and a statement that you have verified the information is accurate should be submitted with your annual report.

- If you are required to maintain an EAP, you must conduct training sessions, drills, and emergency equipment tests at least annually. Your EAP must be reviewed and updated at least annually. If the emergency management agencies involved with your project have Geographical Information System (GIS) capabilities, your EAP inundation maps should be based on GIS data. Guidance on GIS inundation map files can be obtained at:

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

10. Dam Safety Surveillance and Monitoring Plan. See 18 CFR, Section 12.41 and Chapters 6, 9, and 14, of our Engineering Guidelines, which can be downloaded at:

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

Note: Appendices J and K of Chapter 14 were recently revised and contain new requirements for your annual Dam Safety Surveillance and Monitoring Report (DSSMR) submittal(s).

11. **Inoperative Projects.** See Federal Power Act Section 10(c). Any project or project feature that is inoperable or in poor condition must be reported to this office. Your report must contain a plan and schedule for restoring the project or project feature to a safe operational status.

12. **Public Safety.** See 18 CFR, Section 12.42. You may be required to install and maintain public safety devices, and develop and submit a Public Safety Plan (PSP). If your PSP is over 10 years old, you should review your public safety efforts and re-submit it with any revisions made. Even if no changes have been made, your PSP must be resubmitted in full with the date of your review. You must notify our office of any plans for removal of any safety devices at least 10 days in advance, unless the removal is a periodic occurrence that has been previously approved.

13. **Recreation Signs.** Where appropriate, posting of project lands as to their availability for recreational use is required in Part 8 of the regulations.

14. **Records.** See 18 CFR Section 12.12. Permanent project records must be maintained. Design drawings such as Exhibits F or L, instrumentation data, and operational history records must be maintained at the site.

15. **Erosion and Pollution.** You are responsible to prevent or minimize soil erosion, sedimentation, or any form of water or air pollution. Project operators must be aware of State and EPA requirements regarding hazardous liquids or materials. You should assist owners of public marinas and private docks in minimizing pollution and advise them to report any incidents to appropriate agencies and FERC.

16. **eFiling.** Submittals should follow the procedures described at:

<http://www.ferc.gov/docs-filing/efiling.asp>

PAPER COPIES OF CERTAIN DOCUMENTS ARE REQUIRED; see Filing Guide/Qualified Documents at:

<http://www.ferc.gov/docs-filing/efiling/filing.pdf>

17. **Extension Requests.** If you will be unable to meet a due date, your written request for an extension of time must include an explanation of why the date could not be met and your plan and schedule for completion of the required action in ample time prior to the due date for our review and acceptance or rejection.

18. **Document Security.** Any of your documents that meet the definition of Critical Energy Infrastructure Information (CEII) must be marked in bold print “Contains Critical

Energy Infrastructure Information – Do Not Release.” Additional information on CEII submittals is available at:

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

19. Contact Information. Any changes in your FERC contact names, addresses, phone numbers or email addresses should be promptly reported to our office so that we can contact your staff in the event of an emergency.