

132 FERC ¶ 62,076  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Rumford Falls Hydro, LLC

Docket No. 2333-068

ORDER AMENDING LICENSE

(Issued July 28, 2010)

1. On July 23, 2009, and updated May 13, 2010, Rumford Falls Hydro, LLC, licensee for the Rumford Falls Hydroelectric Project, FERC No. 2333, filed an application for an amendment of the project license. The licensee completed turbine maintenance upgrades at the Upper and Lower stations. The project is located on the Androscoggin River, in the Town of Rumford, Oxford County, Maine. The project does not occupy any federal lands.

**Background**

2. The license for the Rumford Falls Project was issued on October 18, 1994.<sup>1</sup> The project consists of two discrete hydropower developments, the Upper Station and the Lower Station, which are served by an upper dam and a middle dam, respectively. The two stations have an installed nameplate capacity of 26.55 and 12.8 megawatts (MW), respectively, totaling 39.35 MW with a maximum hydraulic capacity of 7,300 cubic feet per second (cfs). The project is operated in a run-of-river (ROR) mode.

3. The Upper Station Development consists, among other things, of a masonry powerhouse integral with the dam, occupying two adjoining sections of the dam: (a) the Old Station, about 30 feet wide by 120 feet long by 92 feet high, equipped with one horizontal generating unit with a capacity of 4,050 kW, and (b) the New Station, about 60 feet wide by 140 feet long by 76 feet high, equipped with three vertical generating units, two with a capacity of 7,650 kW each, and one with a capacity of 7,200 kW.

4. The Lower Station Development consists, among other things, of a masonry powerhouse, equipped with two identical vertical units, each with 6,400 kW capacity.

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<sup>1</sup> 69 FERC ¶ 61, 063 (1994).

### **Proposed Amendment**

5. The licensee completed the replacement of the runner on Unit 3 at the Upper Station in January of 2010. The need for a new runner was caused by an equipment malfunction that occurred in January 2009. The malfunction caused the aged runner to become disengaged from the turbine and break off into the river, putting Unit 3 out of service. The completed work resulted in a 1,600 kW increase in the generating capacity and 50 cfs increase in the hydraulic capacity of Unit 3.

6. The licensee also completed maintenance upgrades to Units 1 and 2 at the Lower Station, in the form of runner replacements. The maintenance upgrades resulted in a 1,200 kW increase in generating capacity and a 98 cfs increase in the hydraulic capacity at each unit, or a 2,400 kW and 196 cfs total increase in generating and hydraulic capacities, respectively, at the Lower Station.

### **Consultation**

7. The licensee circulated the draft application for an amendment of license to resource agencies and stakeholders that included the Maine Department of Environmental Protection (MDEP), the U.S. Fish & Wildlife Service (USFWS), Maine Division of Inland Fisheries and Waterways (MDIFW) and the Maine Historic Preservation Officer (SHPO). All were given 60 days to review; none expressed concerns to the licensee before during or after the 60-day review period. MDEP issued an order approving the licensee's Maine Waterway Development and Conservation Act (MWDCA) Permit and Water Quality Certification (WQC) on July 13, 2009.

### **Public Notice**

8. On May 18, 2010, the Commission issued a Notice of Application for Amendment of License, and Soliciting Comments, Motions to Intervene and Protests. The notice set a closing date of June 18, 2010 for any comments, motions to intervene, and protests to be filed with the Commission.

9. On June 16, 2010, the Department of the Interior (Interior) filed comments that they do not object to the proposed amendment of license and that the modest increase in hydraulic capacity is not relevant to any of the fish and wildlife measures included in the license.

### **Discussion**

#### A. Installed Capacity

10. The completed upgrades to the generating units at the Upper and Lower Stations would result in an increase of 4,000 kW (an increase of 1,600 kW at the Upper Station and 2,400 kW at the Lower Station). The licensee also updated the generating capacity

of Units 1, 2, and 4 at the Upper Station to reflect a more realistic power factor in their update filing. The licensee states that the updates reflect a more realistic power factor of 95%, which resulted in an increase of 1,150 kW for Units 1, 2 and 4.<sup>2</sup> Table 1 provides a summary of the existing and upgraded capacities for each unit along with the approximate date that construction began on the upgrades. As such, the total authorized installed capacity of the project would change from 39,350 kW to 44,500 kW. Ordering paragraph (B) of this order amends ordering paragraph (B) (2) of the license to reflect the changes in installed and hydraulic capacities.

**Table 1 - Authorized Installed Capacity Summary Table**

Unit	Station	Existing Capacity (MW)	Upgraded Capacity (MW)	Start of Construction Date
1	Upper	7.65	8.10	January 1, 2009
2	Upper	7.65	8.10	January 1, 2009
3	Upper	7.20	8.80	January 1, 2009
4	Upper	4.05	4.30	January 1, 2009
1	Lower	6.40	7.60	September 1, 2007
2	Lower	6.40	7.60	May 1, 2008

#### B. Annual Charges

11. The increase in authorized installed capacity requires revising the annual charges, Article 201 of the license, as shown in ordering paragraph (C) of this order. In accordance with the Commission's regulations at 18 C.F.R § 11.1 (c)(5), the assessments for new authorized capacity start on the date of commencement of construction of such new capacity.

#### C. Exhibits

12. The licensee filed exhibits A, B, C, D, and E to reflect the proposed amendment with the amendment application on July 23, 2009. The licensee included a revised Exhibit A and updates to Exhibits B, C, D, and E. The Exhibit A needs to be further revised to reflect the updated changes described in the May 13, 2010 filing. In ordering paragraph (D) we are requiring the licensee to file a revised as-built Exhibit A, to reflect this order's authorization to the revised description of the generating units. The Exhibits B, C, D, and E are specific to only the amendment process and do not necessitate approval. The licensee did not file Exhibits F and G because the upgrades and maintenance work did not result in a change in the existing exhibits.

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<sup>2</sup> This was explained by the licensee through electronic mail communications with Commission staff that were filed on May 28, 2010 and July 22, 2010.

#### D. Environmental Review

13. Approving the application allows the licensee to further develop the water resources of the Androscoggin River by increasing capacity and efficiency of the existing project. The replacement of the runner on Unit 3 at the Upper Station and the maintenance upgrades to Units 1 and 2 at the Lower Station, in the form of runner replacements, were performed within the existing powerhouses.

14. There were no structural modifications to the powerhouse itself, as the new turbines were placed in the same location as the existing equipment. There are no further plans to modify the intakes to the powerhouse, the Upper or Middle Dam, or the tailrace structures. No new or additional pollutants are expected to be introduced into the river as a result of the upgrades. The only flow change resulting from the turbine upgrades will be an increase in maximum turbine discharge of the Project by approximately 3.4 percent, which is not expected to negatively impact the Androscoggin River currents, river bed, fisheries or water quality. These modifications would not affect minimum flow requirements, run-of-river operation, or fluctuations of the impoundment elevation. Since the upgrade of the turbines did not require ground-disturbing activity, soils, terrestrial vegetation, wildlife, and cultural resources in the vicinity of the project were not affected. Similarly, the upgrades did not preclude public access during the construction period. As such, there are no temporary or permanent impacts to water quality, surrounding soils, fish and wildlife, historic/archaeological resources, public access or flood control resulting from the proposed upgrades.

15. The original Water Quality Certificate (WQC) was issued on December 7, 1992. The Androscoggin River, main stem, including all impoundments, from the Ellis River to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction is classified as Class C by the MDEP. The MDEP in its letter of July 13, 2009, approved the upgrades stating that the proposed changes will not have a material adverse effect on water quality and the support of designated uses for Class C waters. All existing conditions for the existing WQC remain in effect and no new conditions were added. No comments or conditions of approval were received from the other consulted agencies.

15. Therefore, the licensee's replacement of the runner on Unit 3 at the Upper Station and maintenance upgrades to Units 1 and 2 at the Lower Station would not negatively affect the fisheries and water quality resources of the Androscoggin River.

#### **Conclusion**

13. We conclude that the turbine maintenance upgrades would not constitute a major federal action significantly affecting the quality of the human environment. This order

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approves the amendment of the maintenance upgrades completed at the Upper and Lower Stations.

The Director orders:

(A) The amendment application for the Rumford Falls Hydroelectric Project (FERC No. 2333) filed July 23, 2009, and updated May 13, 2010, is approved, as provided in this order.

(B) Ordering paragraph (B) (2) of the license is amended in part, by revising the description of the generating units, item (5) of the Upper Station and item (6) of the Lower Station, as follows:

(2) Project works consisting of: two discrete hydropower developments, the Upper Station Development and the Lower Station Development. The total nameplate capacity of the project is 44.5 megawatts (MW) and the project's maximum hydraulic capacity is 7,546 cubic feet per second (cfs).

(a) Upper Station Development:

The Upper Station Development's principal features consist of a dam, a forebay, a gatehouse, four short penstocks, a powerhouse, an impoundment, two overhead transmission lines, and appurtenant facilities. The development has a total installed nameplate capacity of 29.30 MW, a maximum hydraulic capacity of 4,550 cfs, and an average annual energy generation of about 179,317 MWh. In detail, the project can be described as follows:

The Upper Station Development consists of: ... (5) a masonry powerhouse integral with the dam, occupying two adjoining sections of the dam: (a) the Old Station, about 30 feet wide by 120 feet long by 92 feet high, equipped with one horizontal generating unit with a capacity of 4,300 kW, and (b) the New Station, about 60 feet wide by 140 feet long by 76 feet high, equipped with three vertical generating units, two with a capacity of 8,100 kW each, and one with a capacity of 8,800 kW; ...

(b) Lower Station Development:

The Lower Station Development's principal features consist of the Middle Dam, the Middle Canal headgate structure with a waste weir section, the Middle Canal, a gatehouse, two penstocks (each with a surge tank), a powerhouse, an impoundment, a short transmission line, and appurtenant facilities. The existing development has a total nameplate capacity of 15.20 MW and a total maximum hydraulic capacity of 2,996 cfs. In detail, the project can be described as follows:

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The Lower Station Development consists of: ... (6) a masonry powerhouse, equipped with two identical vertical units, each with 7,600 kW capacity; ...

(C) Article 201 of the license is amended to read as follows:

Article 201. The licensee shall pay the United States an annual charge, effective the date of commencement of construction of the additional capacity, for the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act as determined by the Commission. The authorized installed capacity for that purpose and the dates associated with the additional capacity is displayed in the table below.

<b>Annual Charges Breakdown</b>	
<b>Dates</b>	<b>Authorized Installed Capacity (kW)</b>
September 1, 2007 – April 30, 2008	40,500
May 1, 2008 – December 31, 2008	41,750
January 1, 2009 – Beyond	44,500

(D) Within 45 days from the issuance of this amendment, the licensee shall file, for Commission approval, a revised Exhibit A to describe the project as-built after completion of the upgrade to Unit 3 at the Upper Station.

(E) 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 C.F.R. § 385.713.

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Document Content(s)

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