Corps of Engineers Agreement with Columbia Riverkeeper Regarding Hydropower Plant Discharges

2015 Southwestern Federal Hydropower Meeting
June 18, 2015

[redacted]

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US Army Corps of Engineers
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Who is Columbia Riverkeeper?

From their official website:

Columbia Riverkeeper is the leading public-interest group working to protect the Columbia…. While we utilize sophisticated scientific, legal, and policy tools to protect the river, we remain a grassroots organization at heart – powered by the river people and river ideas in river communities.

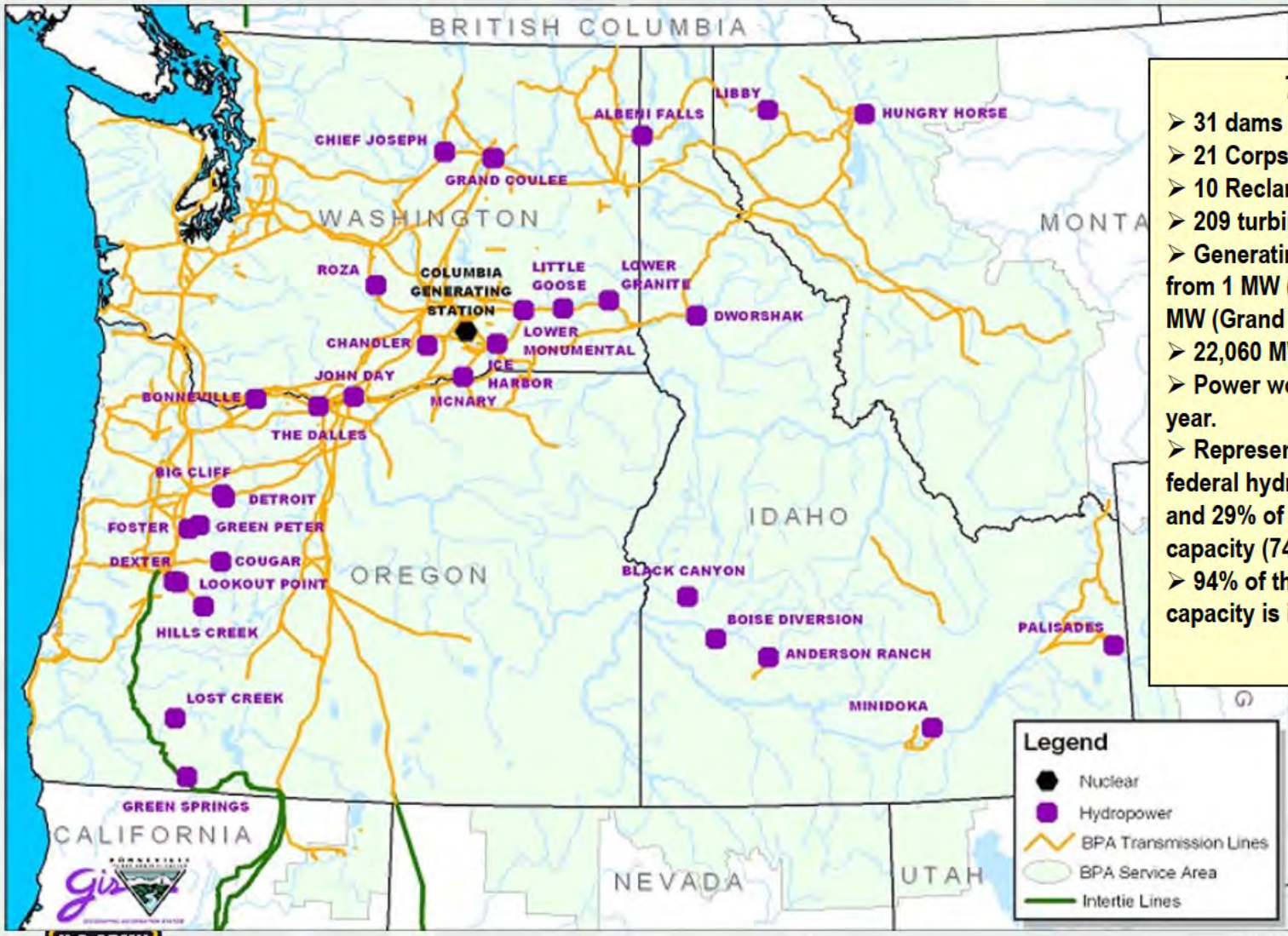
Riverkeeper organizations exist for many major river systems across the country

Columbia Riverkeeper Lawsuit

In July 2013 Columbia Riverkeeper (CRK) filed lawsuits in federal court asserting that the Corps discharges pollutants from eight dams that the Corps owns and operates in Washington and Oregon, allegedly in violation of section 301(a) of the Clean Water Act, 33 U.S.C. § 1311{a)l

These dams include the 4 on the Lower Columbia and 4 on the Lower Snake Rivers

Federal Columbia River Power System Generation & Transmission – System Map



The FCRPS

- 31 dams
- 21 Corps Projects
- 10 Reclamation Projects
- 209 turbine-generating units
- Generating units range in size from 1 MW (Boise Diversion) to 805 MW (Grand Coulee)
- 22,060 MW nameplate capacity
- Power worth about $4 billion per year.
- Represents about 59% of US federal hydro capacity (37,215MW), and 29% of US national hydro capacity (74,872MW).
- 94% of the FCRPS generating capacity is in 12 projects

Corps Practice

- The Corps did:
  - Have Spill Prevention Control and Countermeasure (SPCC) plans in place at all 8 projects
  - Conduct annual drills with other agencies to ensure that they have appropriate capability to respond to spills
  - Report spills to the National Response Center and the states
- The Corps did not:
  - have consistency regarding obtaining NPDES permits for Hydropower Assets:
    - Bonneville Project obtained a permit from Oregon DEQ for their oil-water separator
    - The Dalles Project had filed for a permit with EPA in 2008 for the entire facility which was still pending

What Was the Result of the Lawsuit?

In August 2014 the Corps and CRK reached a settlement agreement that dismissed the lawsuit without prejudice

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Settlement Agreement

1. Within one (1) year of the Effective Date of this Agreement, apply for NPDES permits - The Corps shall submit written requests to EPA and/or Oregon DEQ every twelve (12) months, and notify CRK until we get permits.

2. Until the permits are issued notify CRK of those events that the Corps reports to the National Response Center

3. Within twelve months, complete an assessment of technical feasibility to switch from using grease as a lubricant to using one or more EALs - Within eighteen (18) months switch to using one or more EALs as a lubricant and shall provide to Plaintiff at that time the Corps' assessment of whether it is technically feasible to switch from using grease as a lubricant on certain "in-water" equipment and the decisions whether or not to switch to using EALs.

4. Within twelve months prepare a final regional Oil Accountability Plan ("OAP") for the Corps' Northwestern Division; apply that OAP to each Dam and provide to Plaintiff a copy of the final regional OAP and how the regional OAP was applied to each Dam. The Corps shall develop, and make publically available on a Corps website six (6) months after completion of the OAPs and annually thereafter, reports that include a description of the results of the monitoring and any assessments that occurred during the preceding reporting period until we get a permit.

5. Legal fees

Settlement: EPA National Pollutant Discharge Elimination System (NPDES) Permits

- Within one year of the agreement, the Corps will apply for pollution permits to address:
  - powerhouse drainage, unwatering, spillway and navigation lock sumps
  - wicket gate bearings
  - turbine blade packing seals
  - discharges from cooling water systems at each dam
  - in-water equipment, cranes
  - wire rope

National Pollutant Discharge Elimination System (NPDES) Permits

- Permits that are issued to industrial, municipal, and other facilities if their discharges go directly to surface waters.
- In most cases the NPDES permit program is administered by authorized States.
  - In Oregon, regulator is ODEQ
  - In Washington, regulator is EPA

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Settlement: CRK Notification

- Corps will notify Riverkeeper of all spills reported to the National Response Center until the permits are issued
- The Corps will do this until the NPDES permits are received

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Settlement: Environmentally Acceptable Lubricants (EALs)

- The Army Corps will complete an EAL feasibility analysis within 12 months

- The Army Corps will switch from using grease to one or more Environmentally Acceptable Lubricants within 18 months if it is feasible to do so.

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Settlement:

Oil and Grease Accountability Plans (OGAPs)

- The Corps will prepare a regional Oil and Grease Accountability Plan
- Each district and dam will build upon the regional plan
- The intent is to track oil and grease usage at the dams and to determine where improvements can be made to reduce releases to the environment
- The Corps is required to make annual reports public until permits are issued

Current Status

- Each of the 8 projects are in the process of applying for permits
- As of 11 June, Riverkeeper has been notified of 18 Spills reported to the National Response Center to date, total estimated volume was less than 22 gallons
  - Most of that volume never made it out of the Corps control (recovered in sumps or gate wells)
- EAL research on greases is underway at Corps of Engineer labs and the Hydroelectric Design Center. The draft report is currently being reviewed.

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Current Status

- A draft regional oil and grease accountability policy has been prepared for the northwest covering 3 major parts:
  - Inventory
  - Inspection
  - Monitoring

Summary Statement

- From the Corps' perspective, some positive results of the settlement include:
  - establishing consistent tracking of oils and greases
  - getting permits to track the pollution that we believe we are releasing
  - and to use EAL greases where we know we have grease/water contact
- All of these will serve to reduce the environmental footprint of the dam

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Questions?