

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

STAFF NOTICE OF ALLEGED VIOLATIONS

(July 3, 2013)

Take notice¹ that in a non-public, preliminary investigation pursuant to 18 CFR Part 1b, the staff of the Office of Enforcement of the Federal Energy Regulatory Commission (Commission) has preliminarily determined that Erie Boulevard Hydropower, L.P. (Erie), licensee, violated the Commission's Part 12 regulations² relating to ensuring public safety in connection with Erie's Varick development, part of its Oswego River Project (P-2474-NY). On September 28, 2010, two fishermen drowned at the Varick development which is located in the City of Oswego, New York, near the High Dam Project, a facility located approximately one-half mile upstream of Varick. Due to the proximity of the two projects, operations at Varick and High Dam are coordinated to regulate water levels and flow changes at Varick which can change rapidly and significantly. Varick is operated remotely out of the National System Control Center (NSCC) in Marlborough, Massachusetts.

Staff alleges the following violations of Part 12: (1) on September 28, 2010, the NSCC operator failed to sound, within a reasonable time and given the existing circumstances, Varick's Fishermen Alert System (FAS) when an increased spillage of water over the Varick dam was imminent, after the traveling operator successfully brought on-line three generator units at High Dam; (2) Erie failed to report to FERC's New York Regional Engineer that the Varick public safety camera was not working; (3) Erie failed to repair within a reasonable time the camera, monitoring fishermen in Varick's tailrace area; (4) Erie failed to report to FERC's New York Regional Engineer that Varick's staggered-height flashboards were in partial failure; (5) Erie failed to file requested information on the condition of Varick's staggered-height flashboards; (6) Erie failed to repair or replace, within a reasonable time and given the existing circumstances, staggered-height flashboards at Varick; (7) the NSCC operator monitoring Varick on September 28, 2010, routinely failed to utilize his monitor to view fishermen in Varick's tailrace; and, (8) Erie failed to adequately train on the FAS or public safety the NSCC operator monitoring Varick on September 28, 2010. This notice does not confer a right on third parties to intervene in the investigation or any other right with respect to the investigation.

Kimberly D. Bose,
Secretary.

¹ *Enforcement of Statutes, Regulations, and Orders*, 129 FERC ¶ 61,247 (2009); *order on reh'g*, 134 FERC ¶ 61,054 (2011).

² 18 C.F.R Part 12 (2012).

Document Content(s)

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