

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections
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December 18, 2024

In reply refer to:
Project No. P-10482-NY

VIA Electronic Mail

Mr. Melvin Koleber
Chief Dam Safety Engineer
Eagle Creek Renewable Energy, LLC
Melvin.Koleber@eaglecreekre.com

Subject: Part 12D Inspection Plan and IC Team Proposal, 2025 Comprehensive
Assessment, Swinging Bridge Hydroelectric Project

Dear Mr. Koleber:

This letter is to acknowledge your November 21, 2024 letters transmitting two versions of the 2025 Comprehensive Assessment (CA) Part 12D Inspection Plan (Inspection Plan) for Swinging Bridge Hydroelectric Project, FERC No. 10482. Ms. Reta White from Eagle Creek Renewable Energy (ECRE) informed our staff via phone call that the two versions of the Inspection Plan are the same except for the schedule for the field inspection, and that FERC should only review the last document eFiled on November 21, 2024. We have reviewed that Inspection Plan and our comments are provided below.

1. We have the following comments on the proposed Independent Consultant (IC) Team:
 - a. The resume provided for Mr. R. Lee Wooten demonstrates that he fulfills the requirements of 18 CFR § 12.31(a), has the appropriate experience and expertise to serve in the proposed role of IC, and is thus accepted for that role.
 - b. The Inspection Plan demonstrates that the IC Team members Ms. Lissa Robinson, and Messrs. Matthew D. Farren and Nisheet Reddy meet the requirements of 18 CFR § 12.31(b) and have the appropriate experience and

expertise to serve as IC Team members for the project features and type of inspection identified in the Inspection Plan.

- c. The Inspection Plan does not include IC Team members covering mechanical and electrical disciplines, and notes in Table 2 that mechanical and electrical expertise will be provided by ECRE's operators. This arrangement for mechanical and electrical component inspection and evaluation is not accepted. Per our Engineering Guidelines, Chapter 16 (See Section 16-3.3.2.1) the Inspection Plan should be revised to demonstrate that the IC Team has the necessary experience and expertise to cover the mechanical and electrical disciplines, so that the IC Team can independently evaluate these components. Therefore, please either: 1) demonstrate that one or more of the currently proposed team members has adequate experience to evaluate any project features requiring mechanical/electrical expertise, or 2) propose a new IC Team member who does have the appropriate experience. The participation of the ECRE's operators providing information to the IC Team on how the project operates is encouraged.
 - d. The Inspection Plan identifies Ms. Gillian M. Williams and Mr. Philip J. Snyder as the PFMA/L2RA facilitators. Their resumes indicate that they have the required risk facilitator training and fulfils the requirements of Section 17-4.3.3 and Section 18-5.3 of Chapters 17 and 18, respectively, of our Engineering Guidelines, and are thus accepted for that role. In addition, Mr. William G. Lukas is proposed to be the note taker/recorder. It should be noted that FERC is not currently enforcing the project risk analysis experience requirements included in Section 18-5.3 of Chapter 18 of the Guidelines.
2. The Inspection Plan notes that the tunnel, penstock, and surge tank inspections will be limited to visible areas without confined space entry. The Inspection Plan does not discuss how the IC Team will evaluate the conditions of these structures in areas below the ground surface or requiring confined space entry. We note that the previous Part 12D inspection includes several Potential Failure Modes pertaining to the structural integrity of the tunnel, penstock, and surge tank. Provide details of how ECRE will provide the IC Team with sufficient information to assess the condition of the tunnel (including Broome intake gate), penstock, and surge tank that will not be visually inspected by the IC Team. Also, clarify when the most recent inspections of the full interior of the tunnel, penstock, and surge tank were completed, including steel liner thickness testing.
 3. The Inspection Plan does not discuss the IC Team inspection of the operation of the Obermeyer gates. Revise the Inspection Plan accordantly. Refer to our Engineering

Guidelines, Chapter 16, Section 16-5.3.1 for further guidance on requirements for IC Team inspection of gate operations and power sources.

4. The Inspection Plan notes that a full open test for the flood gates will be performed in 2025 and, if project operation and reservoir levels allow, this full open gate testing will be conducted during the IC Team site inspection. If the full open gate testing is not performed at the time of the IC Team site inspection, the applicable members of the IC Team should attend this gate testing in 2025 and include in the Comprehensive Assessment Report the results of their gate testing inspection.
5. Revise the Inspection Plan under the “Ongoing Studies” section (page 10) to include the investigation efforts for the abnormal readings collected from several piezometers installed in the embankment near the 2005 sinkhole area and near the conduit that was abandoned in 2007 as part of the sinkhole repair. As discussed during the initial coordination call with your staff, FERC is expecting the IC Team to evaluate in detail these abnormal readings and their potential root causes and impacts to the dam safety of the project.
6. Please update the proposed schedule for the PFMA and L2RA, as discussed during our December 11, 2024 phone call. Below are summarized the discussed schedule updates. This schedule adjustment was needed due to FERC RIDM Branch scheduling conflict with other previously scheduled PFMA and L2RAs.
 - In Person PFMA (Boston, MA): Monday, June 9 - Friday, June 13, 2025.
 - Virtual PFMA Carryover: Monday, June 16, 2025 - Wednesday, June 18, 2025.
 - Virtual L2RA: Monday, June 30, 2025 - Wednesday, July 2, 2025, and Monday, July 7 to Tuesday, July 8, 2025.
 - Virtual L2RA Carryover: Wednesday, July 9, 2025 - Friday, July 11, 2025.
7. No date is provided for the CA Review Meeting. The date of this meeting should be established at or before the second coordination call.

Per 18 CFR § 12.34(a), you are required to obtain the approval of the IC Team from the Director, Division of Dam Safety and Inspections, prior to the performance of this CA. At this time, we are unable to provide that approval pending the resolution of comments 1.c, and 2 through 6. As noted above, comment 7 should be addressed at or before the second coordination call.

Within 30 days of the date of this letter, submit a revised Inspection Plan that addresses the above comments. File your submittal using the Commission’s eFiling

system at <https://www.ferc.gov/ferc-online/overview>. When eFiling, select: Hydro; Dam Safety; Washington, DC; and Independent Consultant Approval Request. The cover page of the filing must indicate that the material was eFiled. For assistance with eFiling, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

Thank you for your continued cooperation and interest in dam safety. If you have any questions, please contact me at (202) 502-6740 or carlos.zambrano@ferc.gov.

Sincerely,

Carlos Zambrano, P.E.
Senior Civil Engineer
Division of Dam Safety and Inspections