



American Electric Power
Hydro Generation
P.O. Box 2021
Roanoke, VA 24022-2121
AEP.com

Mr. Scott G. Mandirola, Director
Division of Water and Waste Management
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, West Virginia 25304

RE: Appalachian Power Company
401 Water Quality Certification
London/Marmet Hydropower Project No. P-1175, WQC 120017

August 16, 2013

Dear Mr. Mandirola:

On behalf of Appalachian Power Company (Appalachian), we are responding to the State 401 Water Quality Certification (Certification) issued by letter dated July 30, 2013 for the above referenced hydropower project located on the Kanawha River in West Virginia and appealing certain portions of that Certification in accordance with Title 47, Series 5A, Section 7 of the Code of State Regulations for West Virginia. Our issues with the Certification are presented below.

DATE OF RECEIPT OF CERTIFICATION

Appalachian has not received directly the letter sent from your office dated July 30, 2013 regarding the subject Certification. We had no knowledge of the letter being sent until a review of the Federal Energy Regulatory (FERC) docket for the project was reviewed by Appalachian staff. According to the docket, the letter was not submitted to the FERC until August 9, 2013 and was recorded as being filed the same day.

Under the Code of Regulations for the State of West Virginia referenced previously, Appalachian has fifteen days from date of notification of certification from WVDEP to

respond. Since Appalachian never received the letter of notification, we believe that no actual date for response from Appalachian has been established. However, acknowledging the date the letter was filed with the FERC, Appalachian is submitting this response within fifteen days of that date, August 9.

EFFECTIVE DATE OF CERTIFICATION

The Certification notes that the effective date is fifteen days after receipt of notification by WVDEP. As explained above, since Appalachian has not received appropriate notification of the Certification for the Winfield hydropower project, we believe that a certain date that the Certification is considered effective cannot be determined.

Even if a certain date of effectiveness could be established, we believe that it is more appropriate that the date the Certification should be considered effective is the date of issuance of the license for the London/Marmet project by the FERC. This is normal for projects licensed by the FERC and would result in conditions of the new license and the Certification running concurrently. Proclaiming that the Certification is effective prior to issuance of the new license would result in Appalachian attempting to meet the requirements of the newly issued Certification as well as continuing to operate the project in accordance with the conditions of the existing license. That could be problematic.

Appalachian firmly believes that the effective date of the Certification for the London/Marmet hydropower project should be concurrent with the effective date of the license to be issued by the FERC for the project.

SPECIAL CONDITIONS – WATER QUALITY MONITORING

Under Special Condition No.1 addressing water quality monitoring, WVDEP is requiring that Appalachian monitor water entering the intakes and downstream of the project after mixing. Appalachian believes that the requirement is without substantiation and should be deleted from the Certification for the Winfield project.

As stated in Notice of Availability of Environmental Assessment issued December 4, 2012, FERC staff concluded:

“Run-of-release operation would also ensure that downstream water quality standards (i.e., temperature, pH, and dissolved oxygen) are not affected by the projects operations.”

As part of the Application for New License for the subject projects, Appalachian had water quality studies completed that included: (1) reviews of existing water quality data; (2) characterization of DO and temperature within and downstream of the impoundment; (3) collection of additional data during low flow/high temperature conditions; and (4) identification of project operation impacts on water quality. The WVDEP participated in the development of the studies and reviewed the results as the studies progressed. The WVDEP had multiple opportunities to recommend long-term water quality monitoring, but remained silent as the record shows.

The Environmental Assessment (EA) issued by the FERC under the December 4, 2012 Notice of Availability concluded on page 31:

“Appalachian’s water quality study concluded that the projects’ operations have little effect on DO or temperature in the system. The current allowable project-related fluctuations are a fraction of those that occur during run-off events. Observed increases in temperatures from upstream to downstream through the study area appear to be caused by waste water and tributary discharges rather than the projects’ operations. Occasional increases in temperature immediately above one or more of the Corps’ dams were most likely due to the time of day samples were collected or from the Corps impoundments rather than due to project-related effects.

Maintaining run-of release operation at the projects with minimal fluctuations in the Corps’ impoundments would minimize the residence time of the water in this portion of the system and increase the dilution of waste discharges which would continue to benefit aquatic habitat for fisheries and mussel communities. Therefore, continued operation of the projects would not affect water quality in the Kanawha River.”

The West Virginia Department of Natural Resources (WVDNR) reviewed the Final License Application for the London/Marmet project filed by Appalachian on January 31, 2012 with the FERC. In its response dated August 7, 2012, the WVDNR did not address any water quality concerns. In fact, the Certification submitted by WVDEP in the July 30, 2013 is the

first time that the issue has been raised and recommendations for monitoring made by any agency.

Based upon the information provided above as well as the results of the related water quality studies, we firmly believe that Special Condition No.1 of the Certification (WQC 120017) for the London/Marmet project is inappropriate and without foundation and should be stricken from the requirements.

ADMINISTRATIVE MODIFICATIONS

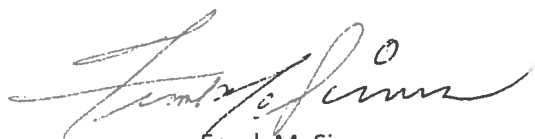
On page 1 of the Certification for the London/Marmet project, it is stated that the London development is located in Fayette County, West Virginia. The development is actually located in Kanawha County, West Virginia. Therefore, an administrative modification is requested.

The Certification for the London/Marmet project incorrectly references Winfield in Special Condition No.2. Appalachian requests that an administrative modification be made to correct the reference.

CONCLUSION

We believe that this submittal is timely and should be given due consideration. Questions and/or comments regarding the information provided should be directed to the undersigned either by phone (1-540-985-2875) or email (fmsimms@aep.com).

Very truly yours,



Frank M. Simms
Plant Manager II

Cc: Secretary – FERC