

Final Rule for RM24-5 in FERC-505

The final rule does not impose any new information collection requirements on license, amendment, and surrender applicants, nor certifying authorities.

The rule clarifies the filing requirements for exemption applicants who need a water quality certification. The final rule clarifies that if a proposed exemption project has the potential to discharge into waters of the United States, the applicant is required to file either a copy of the water quality certification or the certifying authority's express waiver, a copy of the request for certification, or notification that the certifying authority failed to act. Exemption applicants do not need to create a new document or fill out a form, rather they are just submitting to the Commission a copy of the certifying authority's response or informing the Commission that the certifying authority has failed to act within one year. Over the last ten years, the Commission received an average of less than two exemption applications per year. The directives to submit exemptions for certification or evidence of waiver of water quality certification are covered by and already included in, the existing OMB-approved information collection FERC-505 (Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption, and Qualifying Conduit Facility Determination; OMB Control No. 1902-0115).