

Hydroelectric Incentive Program: U.S. Department of Energy Announces Updated Guidance



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The United States Department of Energy (“DOE”) published a June 20th Federal Register notice announcing updated Guidance for the hydroelectric components of the Energy Policy Act of 2005 program. See 83 Fed. Reg. 28629.

The document provides guidance on various aspects of the hydroelectric incentive payment requirements.

By way of background, the Energy Policy Act of 2005 established a program to stimulate the expansion of hydropower energy development at existing dams and impoundments. The program utilizes an incentive payment procedure.

DOE is directed to provide incentive payments to the owner or authorized operator of qualified hydroelectric facilities for energy generated and sold by a qualified hydroelectric facility for a specified 10-year period.

The June 20th Federal Register notice references what are described as “minor updates” to clarify the Guidance. The web address to access the Guidance is:

<https://www.energy.gov/eere/water/downloads/federal-register-notice-epact-2005-section-242-hydroelectric-incentive-0>

The importance of the Guidance is driven by the fact that DOE states that each application will be reviewed based on this document. DOE further states that it has:

. . . updated its Guidance to clarify eligible rehabilitation on existing facilities that have been offline because of disrepair or dismantling for at least five consecutive years immediately prior to October 1, 2055 and returning online with new hydroelectric power on or before September 30, 2015. . . .

The Guidance is also stated to have been updated to “reemphasize the statutory deadline by which new hydropower generation must be placed into operation at a non-powered or powered dam as on or after October 1, 2005 and on or before September 30, 2015.”

A copy of the [Federal Register notice](#) can be downloaded here.