

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Land and Water Quality  
17 State House Station  
Augusta, Maine 04333  
Telephone: 207-446-2642

FOR DEP USE  
ATS # \_\_\_\_\_  
#L- \_\_\_\_\_  
Fees Paid \_\_\_\_\_  
Date Fees Received \_\_\_\_\_

**APPLICATION FOR  
WATER QUALITY CERTIFICATION  
(U.S. P.L. 92-500, SECTION 401)**

**HYDROPOWER PROJECT LICENSING/RELICENSING ONLY**

This form shall be used to request Water Quality Certification for the proposed FERC licensing or relicensing of an existing hydropower generating or storage project where no construction, reconstruction or structural alteration of project facilities which would affect water levels or flows is proposed.

All required fees must be paid before application processing will begin. Please contact the Department for current fee schedule information. Fees are payable to Treasurer, State of Maine.

**APPLICANT INFORMATION**

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Name of Contact or Agent: \_\_\_\_\_

Telephone: \_\_\_\_\_

**PROJECT INFORMATION**

Name of Project: \_\_\_\_\_ FERC No. \_\_\_\_\_

Address (use "911" address, if available): \_\_\_\_\_  
\_\_\_\_\_

Name of Waterbody Affected: \_\_\_\_\_

Municipality or Township: \_\_\_\_\_ County: \_\_\_\_\_

GPS Coordinates, if known: \_\_\_\_\_

**REQUIRED INFORMATION**

1. Provide all the information requested by this application form.
2. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
3. A signed Certification of Publication and a completed Notice of Intent to File an application for Water Quality Certification.

**NOTE:** All supporting documents summarized above must be attached to this form and sent to the DEP Office listed below:

Department of Environmental Protection  
Bureau of Land and Water Quality  
17 State House Station  
Augusta, ME 04333  
Tel: (207) 287-3901

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

DATE: December 20, 2017

(IF SIGNATURE IS OTHER THAN APPLICANT,  
ATTACH LETTER OF AGENT AUTHORIZATION  
SIGNED BY APPLICANT)



SIGNATURE OF APPLICANT

**Lewis C. Loon**

PRINTED NAME & TITLE

Operations and Maintenance Manager

## WATER QUALITY CERTIFICATION APPLICATION

### GENERAL INFORMATION

1. By submitting this application, an applicant requests Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act for the continued operation of an existing hydropower generating or storage project under the terms of an initial or a new license from the Federal Energy Regulatory Commission. Certification must be obtained for any activity requiring a federal license or permit which may result in a discharge into the navigable waters of the United States.
2. The purpose of this application form is to obtain from the applicant a thorough description of project facilities and operation and the impacts of the continued operation of the project on water quality.

The Department's Regulations provide that the applicant bears the burden of proof in the application process. This is the burden of presenting sufficient evidence for the Department to make the affirmative findings required by law regarding matters about which no questions are raised and the burden of presenting a preponderance of the evidence regarding matters about which questions are raised.

3. In order to grant certification, the Department must conclude that there is a reasonable assurance that the continued operation of a hydropower generating or storage project will not violate applicable Water Quality Standards. These standards have been established in the State's Water Classification Program (Title 38 MRSA Sections 464-469). These standards designate the uses and related characteristics of those uses for each class of water and establish water quality criteria necessary to protect those uses and related characteristics.
4. Any applicant for a FERC license must complete a three stage consultation process with appropriate state and federal agencies. The purpose of this process is to identify and analyze the potential environmental and socioeconomic impacts of a project.

The consultation process requires an applicant to have either requested or obtained water quality certification at the time of filing with FERC. The process also requires that an applicant serve a copy of its FERC application, including any revisions, supplements or amendments thereto, on each of the agencies consulted.

## WATER QUALITY CERTIFICATION APPLICATION

### FILING INSTRUCTIONS AND PROCEDURES

1. When filing, send an original plus one (1) copy of a completed Application for Water Quality Certification to the Department, along with two (2) copies of the Application for Initial License or New License has been or as will be filed with FERC. The State filing can be made prior to or concurrent with the FERC filing.
2. The Department is required by law to assess fees for processing applications and for monitoring permit compliance. Application processing will not begin until all required fees have been paid. When filing, submit full fee payment (checks payable to: Treasurer of State) or request that a fee bill be sent.
3. A number of consulting agencies will be involved in the State review process of hydropower projects. Distribution of copies of the FERC application to these agencies may be coordinated by DEP or may be handled directly by the applicant. When filing, please notify the DEP staff to discuss distribution procedures.
4. Most information requested by this application form can be provided by making reference to the appropriate exhibit of the FERC license application. Space is provided on the form for such references.
5. Within 15 working days of receiving an application and all required fees, the DEP shall determine whether the application as filed is acceptable for processing.
6. Additional information may be required during the review process on any aspect of the project relating to compliance with applicable statutory criteria.

## WATER QUALITY CERTIFICATION APPLICATION

1. **NATURE OF ACTIVITY.** Check appropriate item:

\_\_\_\_\_ Application for Initial License.

\_\_\_\_\_ Application for New License (Relicense).

A COPY OF A COMPLETED FERC APPLICATION FOR LICENSE (THIRD STAGE CONSULTATION) MUST ACCOMPANY THIS FORM.

NOTE: A copy of any document revising, supplementing, amending, or correcting deficiencies in the application as originally filed with FERC must also be filed with D.E.P.

2. **EXISTING ENVIRONMENT.** Provide a description of the physical environment of the project site and its immediate vicinity. The project site includes all land and water areas affected by the project.

REFERENCE: FERC EXHIBIT(S) \_\_\_\_\_

3. **PROJECT DESCRIPTION.** Provide a detailed description of the existing project. A hydropower project includes all powerhouses, dams, water conduits, transmission lines, water impoundments, roads, and other appurtenant works and structures that are part of the development. This description must include:

- A. The physical composition, dimensions, and general configuration of all project structures;
- B. The normal maximum surface area and elevation, gross storage capacity, and usable storage capacity of any impoundments;
- C. The number, type, and rated capacity of any turbines or generators; and
- D. The number, length, and voltage of any primary transmission lines.

REFERENCE: FERC EXHIBIT(S) \_\_\_\_\_

4. **PROJECT OPERATION.** Provide a description of project operation, to include:

- A. The mode of project operation during low, mean, and high water years, including extent and duration of flow release and impoundment fluctuations;
- B. An estimate of the dependable capacity and average annual energy production, in kilowatt hours, of the project;
- C. An estimate of minimum, mean, and maximum flows, in cubic feet per second, at the project site, including a flow duration curve;
- D. An estimate of the maximum and minimum hydraulic capacities, in cubic feet per second, of any powerplant; and
- E. A statement of the manner in which the power generated at the project is utilized.

REFERENCE: FERC EXHIBIT(S) \_\_\_\_\_

5. **PROJECT PLANS.** Provide general design drawings showing all major project structures in sufficient detail to provide a full understanding of the project, including:
- A. Plans (overhead view);
  - B. Elevations (front view); and
  - C. Sections (side view).

REFERENCE: FERC EXHIBIT(S) \_\_\_\_\_

6. **PROJECT MAPS.** Provide maps of the project showing:
- A. The location of the project, including principal project structures and features, with reference to local geographic features; and
  - B. A project boundary enclosing all principal project structures and features proposed to be licensed.

REFERENCE: FERC EXHIBIT(S) \_\_\_\_\_

7. **TITLE, RIGHT OR INTEREST.** The Department's Regulations require that any applicant must possess sufficient title, right or interest in all project lands and waters in order to have standing to seek a permit, license, or certification. Please complete the appropriate item(s) below establishing title, right or interest and attach a copy of the indicated document(s):

- \_\_\_\_\_ Deed.
- \_\_\_\_\_ Option to buy.
- \_\_\_\_\_ Lease.
- \_\_\_\_\_ Valid FERC License (including all amendments/modifications).
- \_\_\_\_\_ Exercise of flowage rights through operation of the Mill Act (12 MRSA Section 651).
- \_\_\_\_\_ Exercise of eminent domain under FERC License.

8. **WATER QUALITY.** Provide a description of the impact of the project on water quality, including:

- A. A description of the applicable water quality standards and stream segment classification for the project impoundment and downstream waters, including a description of designated uses;
- B. A description of existing water quality in the project impoundment and downstream waters affected by the project, including a description of existing in-stream water uses;
- C. A statement of the existing measures to be continued and new measures proposed for the purpose of protecting and improving water quality, including measures for the mitigation of project impacts on the designated uses of project waters; and

- D. A description of any anticipated continuing impact on water quality from the continued operation of the project, including impacts on the designated uses of project waters.

REFERENCE: FERC EXHIBIT(S) \_\_\_\_\_

9. **PUBLIC NOTICE.** The Department requires that an applicant provide public notice describing the location and nature of the activity proposed for approval. The public notice requirements that apply to this application are described in the Certification of Publication below, which must be signed and dated by the applicant or authorized agent.

The following information must be submitted with this form:

- A copy of a completed Notice of Intent to File.
- A list of abutters to whom notice was provided. [For the purposes of public notice of this application, an “abutter” is any person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way.]

### **CERTIFICATION OF PUBLICATION**

By signing below, the applicant (or authorized agent) certifies that he or she has:

1. Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located, within 30 days prior to filing the application;
2. Sent a completed copy of the Notice of Intent to File by certified mail or Certificate of Mailing to abutters, as determined by local tax records or other means, within 30 days prior to filing the application; and
3. Sent a copy of the Notice of Intent to File by certified mail or Certificate of Mailing and filed a duplicate of this application with the town clerk of the municipality(ies) where the project is located, within 30 days prior to filing the application.



December 20, 2017

Signature of Applicant

Date

**Lewis C. Loon - Operations and Maintenance Manager**

Name and title of applicant

If signature is other than that of the applicant, attach letter of agent authorization signed by the applicant.

**NOTICE OF INTENT TO FILE**

**MAINE WATER QUALITY CERTIFICATION APPLICATION**

Please take notice that **KEI (Maine) Power Management (III) LLC**

(applicant)

of 423 Brunswick Avenue, Gardiner, ME 04345, 207-203-3026

(address and telephone number)

is intending to file an application with the Maine Department of Environmental Protection for a Water Quality Certification pursuant to the provisions of the Federal Clean Water Act, Section 401. The application is for

the Federal Energy Regulatory Commission (FERC) relicensing of the continued operation of the Lower Barker Hydroelectric Project

(summary of the activity)

in the town/city of **Gardiner, Maine 04345**

(municipality, tax map or numbers)

under the terms of an initial or new license from the Federal Energy Regulatory Commission.

The application will be filed on or about **December 20, 2017** for public

(anticipated filing date)

inspection at the DEP's offices in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in

**Gardiner**

, Maine.

(town/city)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.



For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333.