

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

RUMFORD FALLS HYDRO, LLC)	MAINE WATERWAY DEVELOPMENT AND
Rumford)	CONSERVATION ACT AND
Oxford County)	WATER QUALITY CERTIFICATION
RUMFORD FALLS HYDRO PROJECT)	
MIDDLE DAM REPAIR)	FINDINGS OF FACT AND ORDER
#L-24307-34-A-N (Approval))	NEW PERMIT

Pursuant to the provisions of 38 MRSA Sections 464 et seq. and Sections 630 et seq., 06-096 CMR 450 (Administrative Rules for Hydropower Projects, effective date September 1, 1987), and Section 401 of the Federal Water Pollution Control Act (a.k.a. Clean Water Act), the Department of Environmental Protection has considered the application of RUMFORD FALLS HYDRO, LLC with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- a. Application. The applicant proposes dam repair activities at Middle Dam, located on the Androscoggin River in the Town of Rumford, Oxford County, Maine. The dam is currently licensed and operated as part of the Rumford Falls Hydroelectric Project (FERC Project No. 2333).
- b. Summary of Proposal. The applicant proposes to repair the deteriorating upstream apron of the dam. The repair is needed to ensure the structural integrity of the dam.

The proposed dam repair will involve the placement of about 80 cubic yards of washed 3/8th-1 inch stone to fill gaps and sunken areas in the rock fill along 280 feet of the upstream apron of the dam, plus blanketing a 5-10 foot-wide strip upstream of the toe of the apron, concentrating on areas of highest flows. Equipment will include a crane, bobcat, workboat and several trucks to transport and place the stone. No cofferdamming, dredging or filling will be required.

The proposed dam repair activities are scheduled to begin the end of August 2008 and to be completed in about 5 days. The estimated cost of the repair is \$70,500.

2. EROSION AND SEDIMENTATION

Erosion and sedimentation caused by in-stream construction activities can degrade water quality and aquatic habitat unless adequately controlled. The applicant has generally

included appropriate erosion and sedimentation control measures as part of its construction plans, including the use of washed stone and avoiding any shoreline disturbance.

3. IMPOUNDMENT LEVELS AND FLOW RELEASES

Aquatic habitat can be adversely affected unless adequate impoundment water levels and flow releases are maintained during the proposed dam repair activities.

The DEP's December 17, 1992 water quality certification for the Rumford Falls Hydro Project requires that (a) water levels in the Middle Dam impoundment be maintained within 1 foot of full pond elevation (top of the flashboards) when flashboards are in place and (b) the project be operated in a run-of-river mode (outflow equals inflow) while maintaining a minimum flow in the river below the lower tailrace of 1,034 cfs or inflow, whichever is less.

The required impoundment levels and flow releases must be maintained at all times during the proposed dam repair activities.

4. OTHER ISSUES

No other significant issues involving compliance with any statutory criteria of the Maine Waterway Development and Conservation Act or any applicable water quality standards have been identified.

No objections to the proposed maintenance activity have been raised by any review agency or the affected municipality.

BASED on the above Findings of Fact, and the evidence contained in the application and supporting documents, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The applicant has the financial capacity and technical ability to undertake the project.
2. The applicant has made adequate provision for protection of public safety.
3. The project will result in significant economic benefits to the public.
4. The applicant has made adequate provision for traffic movement.
5. The proposed activity is not located within the jurisdiction of the Land Use Regulation Commission.
6. The applicant has made reasonable provisions to realize the environmental benefits and to mitigate the adverse environmental impacts of the project provided that:

- a. All necessary measures are taken to control erosion and sedimentation as a result of the approved maintenance and repair activities; and
 - b. The required impoundment levels and flow releases are maintained at all times during the proposed dam repair activities.
7. The advantages of the project are greater than the direct and cumulative adverse impacts over the life of the project provided that the project is undertaken in accordance with the provisions of Conclusion #6 above.
 8. There is a reasonable assurance that the project will not violate applicable State water quality standards.

THEREFORE, the Department APPROVES the above noted application of RUMFORD FALLS HYDRO, LLC to conduct dam repair activities at the Rumford Falls Hydro Project, as described above, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. STANDARD CONDITIONS

The Standard Conditions of Approval for projects under the Maine Waterway Development and Conservation Act, a copy attached.

2. EXISTING CERTIFICATION CONDITIONS

All existing conditions of the water quality certification for the Rumford Falls Hydro Project as contained in Department Order #L-17643-33-A-N, dated December 17, 1992, subject to any subsequent amendments, modifications and condition compliances, shall remain in effect. The impoundment levels and flow releases required by this certification shall be maintained at all times during the proposed dam repair activities.

3. EROSION CONTROL

In addition to any specific erosion and sedimentation control measures proposed by the applicant and/or set forth in this Order, the applicant and its agents shall take all necessary measures to ensure that their activities do not result in measurable erosion or sedimentation during or following the approved maintenance and repair work.

DONE AND DATED AT AUGUSTA, MAINE, THIS 21ST DAY OF AUGUST, 2008.

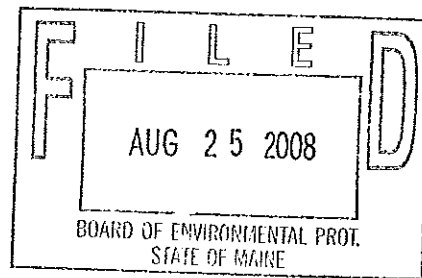
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 07/14/2008

Date application accepted for processing: 07/16/2008



Date filed with Board of Environmental Protection: _____

This Order prepared by Dana Murch, Bureau of Land & Water Quality.