

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land Resource
17 State House Station
Augusta, Maine 04333
Telephone: 207-287-7688

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 Resources 17 State House Station Augusta, ME 04333 Tel: (207) 287-7688
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"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: _____

SIGNATURE OF APPLICANT

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

PRINTED NAME & TITLE

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

- i i When filing, send an original paper copy plus one (1) electronic 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 that has been or will be filed with FERC. The State filing can be made prior to or concurrent with the FERC filing.
- i i 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 as shown on the [DEP fee schedule](#). Please make checks payable to: Treasurer, State of Maine.
- i i 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.
- i i 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.
- °i 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.
- OEi 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.

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for Water Quality Certification projects within 30 days prior to filing the application. In the notice, the applicant must provide the information included in the attached Notice of Intent to File form. "Abutter" for the purposes of the notice provision means any person who owns property that is contiguous with the property on which the project requiring a license from the Department is proposed.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication.
2. **Abutters and Others Owning Land Within 1,000 Feet:** You must mail a copy of the Notice of Intent to File to abutters and all persons owning land within 1,000 feet of the proposed project. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office or County Commissioner(s):** You must mail a copy of the Notice of Intent to File and a duplicate of the entire application to the Municipal Office or, if the proposed project is located in an unorganized or deorganized area of the State, to the county commissioner(s). The Municipal Office or county commissioner(s) must receive notice within 30 days prior to the filing of the application with the Department.

ATTACH a copy of the published notice and a list of persons to whom notice was provided.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A mailing of the Notice of Intent to File was sent to all abutters and all other persons owning land within 1,000 feet of the proposed project within 30 days prior to filing of the application;
3. A mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located or, if applicable, to the county commissioner(s); and
4. Provided notice of and held a public informational meeting, if required, in accordance with the Department's Chapter 2 rules, Processing of Applications and Other Administrative Matters, Section 12, prior to filing the application. Notice of the meeting was sent to abutters and all other persons owning land within 1,000 feet of the proposed project and to the town office of the municipality in which the project is located or to the county commissioner(s), as applicable, at least at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.
(Date)

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or Authorized Agent

Date

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that:

(Name and Mailing Address of Applicant)

(Phone Number and Email Address of Applicant)

is intending to file a permit 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 on or about:

(Anticipated Filing Date)

The application is for:

(Description of the Project)

at the following location:

(Project Location)

A request for a public hearing 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. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the application processing period.

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, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in ☐ Portland, ☐ Augusta, ☐ Bangor, or ☐ Presque Isle during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(City/Town)

Written public comments may be sent by email to LandOnCall@maine.gov or by mail to the regional office in Portland, Augusta, Bangor, or Presque Isle where the application is filed for public inspection:

MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401
MDEP, Northern Maine Regional Office, 1235 Central Drive, Presque Isle, Maine 04769

*For more information on how to submit public comment with the DEP, please go to our website:
[Public Participation in the Licensing Process \(Information Sheet\) Maine DEP](#)*