Appendix 5

Water Quality

The DFA project received a 401 Water Quality Certificate from the Vermont Department of Water Resources and Environmental Engineering ("VtDEC") on March 29, 1986 (see Appendix 4-1). The NH Water Supply and Pollution Commission also issued a Water Quality Certification dated May 19, 1986. The NH certification specifically found the DFA plant to be in compliance with Section 303(d) of the Clean Water Act. (see Appendix 5-1). The DFA project did not receive any comments relative to water quality at the time the project FERC exemption was amended in 1993 nor has the project received any notice that it is not in compliance with Section 303(d) of the Clean Water Act 1993. The most recent New Hampshire 2008 Section 305(b) and 303(d) Surface Water Quality Report determined that no parameter of the Connecticut River within the town of Bath, NH was "threatened" (See Appendix 5-2).

One of the conditions contained in the DF project VtDEC 401 Water Quality Certification required DFA to conduct water sampling in the upstream and downstream areas of the DFA dam. Kleinschmidt Associates ("KA") was hired to conduct this study. KA prepared a sampling plan that was reviewed and approved by the VtDEC (see Appendix 5-3). On September 9, 1991 KA issued its report of water quality sampling in the area of the DF project area. The report concluded that the river was easily meeting its designated classification without spillage at the dam (see Appendix 5-4).

Please note that the sampling completed by KA was done at a time the McIndoes plant did not have a minimum flow discharge requirement. Moreover, the paper mill on the opposite side of the river from the DF plant was operating and discharging treated secondary effluent into the downstream reach of the river.

Since that report was completed the McIndoes plant now operates with a minimum flow requirement and the paper mill has shutdown, thereby improving what already had been found to be acceptable water quality in the vicinity of the DF plant.