



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

October 30, 2019

RE: LOW IMPACT HYDROPOWER INSTITUTE STAGE II APPLICATION FOR RECERTIFICATION FOR THE RILEY, JAY, LIVERMORE (FERC No. 2375) AND OTIS (FERC No. 8277) HYDROELECTRIC PROJECTS; LIHI CERTIFICATE NO. 48

Shannon Ames
Low Impact Hydropower Institute
329 Massachusetts Ave. Suite 6
Lexington, MA 02420

The Riley Jay and Livermore Project (RJL) consists of three separate hydroelectric developments located between river miles 53 and 65, in the towns of Canton, Jay, Livermore and Livermore Falls within Oxford, Franklin and Androscoggin Counties, on an approximately 12-mile-long reach of the Androscoggin River. The Otis project is located between the Jay and Livermore developments at river mile 54 in the Towns of Jay in Franklin County and Livermore in Androscoggin County, Maine. The RJL Project has a total installed capacity of 19,725 kilowatts (KW) and Otis has a total installed capacity of 10,350 KW. The existing LIHI Certification for these Projects expires on September 25, 2019.

On April 9, 2019, the Maine Department of Environmental Protection received and reviewed the 2018 Water Quality Study conducted by Kleinschmidt and Eagle Creek to ascertain whether the RJL and Otis Hydroelectric Projects operate in compliance with Maine's water quality standards. The RJL and Otis Projects are licensed for run of river operations and the state of Maine classifies the main stem Androscoggin River near the Project as Class C (38 MRS § 465(4)(A)(B)). The Department reviewed the 2018 Water Quality Study Report for the Projects and finds no evidence to suggest that the continued operation of the project will negatively impact the designated uses, numeric or narrative criteria of its classification standards (Class C).

The water quality study erroneously states that the pH and Secchi disk transparency limits are in the draft rule, when in fact pH is established by statute at 38 MRS§ 464(4)(A)(5) and the Secchi disk transparency limit is established by rule at 06-096 CMR 581. Other than a few exceedances of the total phosphorus criterion and one exceedance of the chlorophyll-a criterion in the Department of Environmental Assessment draft nutrient rule, the transparency readings for Secchi disk, which is the only limit promulgated, are all within the criteria specified in 06-096 CMR 581. Therefore, the project does not cause or contribute to non-attainment of Maine's water quality standards.

The 2016 Integrated Water Quality and Assessment Report (305b Report) indicates that the main stem of the Androscoggin River in the area of the Project is categorized as '4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably expected to Result in Attainment'. This section shows that this reach of the river did not attain standards and

was impaired by dioxins, PCB legacy pollutants and by mercury, non-point source pollutants that are the basis of a statewide fish consumption advisory for all freshwaters. The presence of a fish consumption advisory due to dioxins, PCB's and mercury, for the waters of the RJL and Otis Project prevents attainment of Maine's Water Quality Standards, specifically the designated use of "fishing" which requires that fish are safe for human consumption. However, non-attainment status from these contaminants is not a result of the operation of the Project. No fish passage facilities are present at any of the project developments, however, there are no diadromous fish species found in the project waters between the Riley Dam and the Gulf Island Dam. Therefore, the Department supports the recertification for the RJL (FERC No.2375) and Otis (FERC No. 8277) Projects; LIHI Certificate No. 48.

Please feel free to contact me at (207) 446-1619 or via email at Christopher.Sferra@maine.gov if you have any questions regarding this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris O. Sferra". The signature is written in dark ink and is positioned above the typed name.

Christopher O. Sferra, Project Manager
Bureau of Land Resources