



# Department of Environmental Protection

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Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

William P. Short III  
on behalf of North American Energy Alliance, LLC  
P.O. Box 237173  
New York, NY 10023-7008

October 19, 2011

Re: Request For Conditional Approval  
Red Bridge Hydro, FERC #10676

Dear Mr. Short,

In pursuit of certification from the Low Impact Hydropower Institute, North American Energy Alliance, LLC has requested the MA Department of Environmental Protection (the Department) to confirm (1) the Red Bridge Hydro facility (Project) is not expected to cause or contribute to violations of state water quality standards; (2) the automated slide gate that releases minimum flows was installed and is operating properly; and (3) that the Department approves of the monitoring approach being used to verify minimum flow.

- (1) The Department does not possess water quality data collected at the Red Bridge Hydro facility beyond that submitted with this request. However, the Department does have data collected in the vicinity and believes the presence of wet weather combined sewer overflows upstream of the Project is likely the cause of upstream waters requiring a TMDL for pathogens. The Department believes the Project does not cause nor contribute to the presence of pathogens, escherchia coli and fecal coliform both immediately upstream and downstream of or in the Project area.

Based on the upstream impoundment estimated retention time of approximately one day and information from the 1989 Environmental Report and Water Quality Report prepared for the FERC exemption application, the Department does not expect the Project to cause or contribute to violations of state water quality standards due to water chemistry, either downstream or in the impoundment.

- (2) The Department did not issue a water quality certificate for the Red Bridge Hydro exemption in 1992 and was not a participant in the exemption amendment of 1999 (the Supreme Court decision incorporating water quality certificates into FERC licenses was issued in 1994). We are not now requiring any information from the owner and cannot judge whether the slide gate is operating properly. We note however, via email from Melissa Grader to you October 13, 2011

that the U.S. Fish & Wildlife Service states the slide gate was installed in 2002 but they are unable to determine whether the Project is in compliance with its minimum flow requirement.

- (3) For reasons described in (2) above the Department cannot approve of the monitoring approach being used to verify minimum flow.

The Department can respond to approval requests (2) and (3) above when we receive the information identified as missing in the U.S. Fish & Wildlife Service email dated October 13, 2011, specifically:

1. A revised final Minimum Flow and Impoundment Fluctuation Monitoring Plan that addresses the comments contained in the U.S. Fish & Wildlife Service letter to Kleinschmidt Associates dated November 6, 2001;
2. Provide a method to allow visual verification of gate discharge.

In view of your Low Impact Hydropower Institute certification application, the Department notes this facility uses a peaking mode of operation. The Department intends to require all Projects to be operated at all times in a run-of-river mode with inflows equal to outflows and a stable pond level within a narrow band. While this Project may be in compliance with FERC exemption flow requirements, the Department has concerns that a peaking facility would be considered a low impact hydropower facility.

If you have any questions, please contact me at 508-767-2854.

Sincerely,



Robert Kubit, P.E.

Cc: Caleb Slater/MADFW  
Melissa Grader/USFWS