STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

April 29, 2019

RE: LOW IMPACT HYDROPOWER INSTITUTE STAGE II APPLICATION FOR RECERTIFICATION FOR THE MILFORD PROJECT (FERC NO. 2534); LIHI CERTIFICATE NO. 113

To whom it may concern:

The Milford Project consists of two dams; the Milford Dam is located on the main stem of the Penobscot River at river mile 33.25, and the Gilmans Falls Dam is located on the Stillwater Branch. The Project is in Milford and Old Town, Penobscot County, Maine. The existing LIHI Certification for the project expires on May 31, 2019.

On March 3, 2019, the Department of Environmental Protection received a request to review its water quality data to ascertain whether the Milford Hydroelectric Project is in compliance with Maine's water quality standards, in support of a LIHI certification renewal.

The Milford Dam is licensed for run of river operations, which includes minimum flow requirements, as well as mainstem and Stillwater Branch allocation requirements outlined in the FERC license, WQC, and fisheries Settlement Agreement. The Gilmans Falls Dam receives flows from the Stillwater branch of the Penobscot River. The Penobscot surface waters upstream and downstream of the project are described Class B waters, the 3rd highest classification by the Department. The Department reviewed its most recent water quality data for surface waters of the Milford Project. The Department has 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 B).

The 2016 Integrated Water Quality and Assessment Report (305b Report) indicates that the main stem of the Penobscot River from Orson Island to the Veazie Dam, including its Stillwater Branch, is categorized as '4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably expected to Result in Attainment'. This section shows that, previously, this reach of the river did not attain standards for dissolved oxygen (DO), nutrient/eutrophication biological indicators and dioxins. In 2011, permits were issued by the Department which limited nutrient discharges. These were anticipated to correct existing aquatic life use impairments and this river reach was expected to attain water quality standards by 2014. DO data collected in 2011 and 2012 showed no continued criteria violations. This river reach was also described as impaired by dioxins, PCB legacy pollutants and by mercury, a non-point source pollutant that is 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 Milford Project prevents attainment of Maine's Water Quality Standards, specifically the designated use of "fishing" which requires that fish are safe for human consumption in unlimited quantities. However, non-attainment status from these contaminants is

not a result of the operation of the Milford Project. The Department has determined that project waters meet Maine's water quality standards for nutrients and DO. Further, fish passage facilities are present at the project which accommodate target diadromous fish species including Atlantic salmon, American eel, American shad and river herring. Therefore, the Department supports the recertification for the Milford Project (FERC No. 2534); LIHI Certificate No. 113.

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,

Christopher O. Sferra, Project Manager
Bureau of Land Resources