

Project No. 11163-000

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APPENDIX A
MAINE WATER QUALITY CERTIFICATION CONDITIONS
FILED MAY 25, 1995

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MDEP's Water Quality Certification for the South Berwick Project lists items labeled "1" through "8." Below, we present the conditions as listed in the MDEP order dated May 25, 1995.

1. MINIMUM FLOWS

A. Except as temporarily modified by equipment limitations and by emergencies beyond the applicant's control, as defined below, the Lower Great Falls and South Berwick Projects shall discharge the following minimum flows:

June 1 - September 30: Effective June 1, 1995, the projects shall discharge a minimum flow of 44 cfs or inflow, whichever is less. All non-generation flows (except those flows passed through minimum flows gates and/or flows for fish passage facilities) at Rollinsford and South Berwick shall be passed as leakage or spillage at the dams.

When the 3-day running average of water temperature times river flow duration is greater than 1,500, Lower Great Falls, Rollinsford and South Berwick shall be operated in a run-of-river mode with outflow equal to inflow on an instantaneous basis.

October 1 - May 31: Effective October 1, 1995, the projects shall discharge a minimum flow of 44 cfs or inflow, whichever is less.

B. Limitations in existing equipment and facilities and the installation of new automation equipment at the Lower Great Falls and South Berwick Hydroelectric Projects may make continuous compliance with the minimum flow requirements impossible. Therefore, compliance with the minimum flow of 44 cfs or inflow, whichever is less, at these dams will be on an "as best as can be reasonably achieved" basis until June 1, 1997, by which time any modifications necessary to comply with the minimum flow requirement shall be completed.

C. Operating emergencies beyond the applicant's control include, but may not be limited to, equipment failure, flashboard failure or other temporary abnormal operating condition, generating unit operation or interruption under power supply emergencies, and orders from local, state, or federal law enforcement or public safety authorities.

D. The applicant shall, within three months of issuance of this certification, submit plans for providing and monitoring the minimum flow required by Part A of this condition. These plans shall be reviewed by and must receive approval of the DEP Bureau of Land and Water Quality.

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E. The applicant shall, on an annual basis, submit daily flow, temperature, and operational records encompassing the period June 1 - September 30, to the Department for review. Operational records must include identification of run-of-river v. cycling operations.

2. WATER QUALITY CONDITIONS MONITORING PLAN

The applicant shall, within 15 days of the issuance of this certification, submit a plan to monitor temperature and flows in the Salmon Falls River during the period June 1 - September 30 annually. This plan shall be reviewed by and must receive approval of the Department prior to implementation of run-of-river operations.

3. WATER LEVELS

A. Except as temporarily modified by (1) approved maintenance activities (2) inflows into the project area, or (3) by operating emergencies beyond the applicant's control, as defined below, water levels in South Berwick impoundment shall be maintained according to the following schedule:

June 1 - September 30: Within 1 foot of full pond elevation of 24.95 feet (msl), except when the 3-day average of temperature times flow duration product is greater than 1,500, the project will be operated in a strict run-of-river mode.

October 1 - May 31: Within 2 feet of full pond elevation of 24.95 feet (msl).

B. Operating emergencies beyond the applicant's control include, but may not be limited to, equipment failure or other temporary abnormal operating condition, and orders from local, state, or federal law enforcement or public safety authorities.

C. The applicant shall, in accordance with the schedule established in a new license for the project, submit plans for providing and monitoring the water levels in South Berwick as required in Part A of this condition. These plans shall be reviewed by and must receive approval of the DEP Bureau of Land and Water Quality.

4. RECREATIONAL FACILITIES

A. The applicant shall transfer land to the Town of South Berwick to assist in the development of a park downstream of the powerhouse; and assist the Town of Rollinsford, New Hampshire, with the repair of the existing boat launch site on Foundry Street.

B. In accordance with the schedule established in a new license for the project, the applicant shall prepare a plan for implementing the items required in Part A

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of this condition. The plan must be reviewed by and receive approval from the DEP Bureau of Land and Water Quality.

5. UPSTREAM AND DOWNSTREAM FISH PASSAGE FACILITIES

A. Upstream and downstream fish passage facilities shall be installed and operated at the South Berwick Project within three years following the adoption of a formal anadromous fish restoration plan for the Salmon Falls River by the Maine Department of Marine Resources.

B. The applicant, shall within one year following the adoption of a DMR anadromous fish restoration plan for the Salmon Falls River, submit functional design drawings, a construction schedule, and operating and maintenance plans for the fish passage facilities required by Part A of this condition, prepared in consultation with state and federal fisheries agencies. These submittals shall be reviewed by and must receive approval of state and federal fisheries agencies and the DEP Bureau of Land and Water Quality prior to facilities construction.

6. LIMITS OF APPROVAL

This approval is limited to and includes the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. All variances from the plans and proposals contained in said documents are subject to the review and approval of the Bureau or Department prior to implementation.

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7. COMPLIANCE WITH APPLICABLE LAWS

The applicant shall secure and appropriately comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements and orders required for the operation of the project.

8. EFFECTIVE DATE

Except as otherwise noted in these conditions, this certification shall be effective on the date of issuance of a new project license by the Federal Energy Regulatory Commission (FERC) and shall expire with the expiration of this FERC license.