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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

STAFF ORDER
IN THE MATTER OF

EVERETT E. WHITMAN) WATER QUALITY CERTIFICATION
Benton, Maine, Kennebec County)
BENTON FALLS HYDROELECTRIC PROJECT)
02/49-7519-11040) SUMMARY, FINDINGS OF FACT AND ORDER

After review of the request and related materials submitted by the applicant under the provisions of Section 401 of the Federal Water Pollution Control Act, the Department finds that:

1. The applicant proposes the construction and operation of a new hydroelectric generating facility to be located on the Sebasticook River in Benton, Maine.
2. The project is subject to the jurisdiction of the Federal Energy Regulatory Commission and the U.S. Army Corps of Engineers. The applicant has filed an application for license to develop and operate the Benton Falls Hydroelectric Project (FERC No. 5073). Water Quality Certification is, therefore, considered, pursuant to Section 401 of the Federal Water Pollution Control Act.
3. The project was approved by the Department of Inland Fisheries & Wildlife by permit #1847-11040 issued September 28, 1983, pursuant to the Stream Alteration Act, 12 M.R.S.A., Sections 7776-7780.
4. The project was approved by the Board of Environmental Protection by permit #02/49-7780-11040 issued September 28, 1983, pursuant to the Site Location of Development Act, 38, M.R.S.A., Sections 481-490.
5. Water Quality Standards will not be adversely affected by the project as approved to the point of requiring reclassification.

THEREFORE, the Department GRANTS that there is a reasonable assurance that the activity will not violate applicable Water Quality Standards, subject to the following conditions:

1. This certification is conditional upon the applicant's continual compliance with all terms and conditions of Stream Alteration Permit #1847-11040 and Great Ponds Alteration Permit #02/49-7780-11040.
2. This certification is conditional upon the Department's issuance of any Waste Discharge License and the applicant's compliance with the terms and conditions of any such license that may be required for the discharge of any pollutant from the project (e.g., bearing cooling water), pursuant to the Protection and Improvement of Waters, 38, M.R.S.A., Sections 361-452.

DONE AND DATED AT AUGUSTA, MAINE, THIS 29TH DAY OF SEPTEMBER, 1983.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Henry E. Warren
HENRY E. WARREN, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR APPEAL PROCEDURES....