

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: (207) 287-3901

FOR DEP USE

#L-_____
Fees Paid_____
Date Fees Received_____

**APPLICATION FOR PROJECT APPROVAL UNDER THE
MAINE WATERWAY DEVELOPMENT AND CONSERVATION ACT
(38 M.R.S.A. SECTIONS 630-637)
AND
WATER QUALITY CERTIFICATION
(U.S. P.L. 92-500 SECTION 401)**

HYDROPOWER PROJECT MAINTENANCE AND REPAIR ONLY

This form shall be used to request a state permit and Water Quality Certification for the proposed maintenance and repair of an existing and operating hydropower project where no expansion of generating capacity is proposed.

All required fees must be paid before application processing will begin. Please contact the Department for current fee schedule information. Fees are payable to Treasurer, State of Maine.

(Please Type or Print)

APPLICANT INFORMATION

Name of Applicant:_____

Mailing Address:_____

Name of Contact or Agent:_____

Telephone:_____

PROJECT INFORMATION

Name of Project:_____ FERC No._____

Address (use "911 address, if available):_____

Name of Waterbody Affected:_____

Municipality or Township:_____ County:_____

GPS Coordinates, if known:_____

REQUIRED INFORMATION

1. Provide all the information requested by this application form.
2. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
3. A signed Certification of Publication and a completed Notice of Intent to File an application for Water Quality Certification.

NOTE: All supporting documents summarized above must be attached to this form and sent to the DEP Office listed below:

Department of Environmental Protection
 Bureau of Land and Water Quality
 17 State House Station
 Augusta, ME 04333
 Tel: (207) 287-3901

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

DATE: _____

SIGNATURE OF APPLICANT

(IF SIGNATURE IS OTHER THAN APPLICANT,
ATTACH LETTER OF AGENT AUTHORIZATION
SIGNED BY APPLICANT)

PRINTED NAME & TITLE

HYDROPOWER PROJECT MAINTENANCE AND REPAIR

GENERAL INFORMATION

1. By submitting this application, an applicant requests approval under the Maine Waterway Development and Conservation Act and the Federal Clean Water Act to undertake maintenance and repair of a hydropower project.

Normal maintenance and repair of an existing and operating hydropower project is exempt from State regulation provided that:

- The activity does not involve any dredging or filling below the normal high-water line of any great pond, coastal wetland, river, stream, or brook; and
 - The activity does not involve any dredging or filling on the land adjacent to any great pond, coastal wetland, river, stream or brook such that any dredged spoil, fill or structure may fall or be washed into these waters.
2. The following types of normal maintenance and repair activities at existing and operating hydropower projects, by way of example, are specifically exempt from State regulation, provided that the activity does not diminish water quality below applicable standards:
 - The resurfacing or repair of dams, canals, powerhouses, retaining walls, or other structures where no cofferdam, dredging, filling, or permanent water level alteration is involved;
 - The repair, removal or replacement of flashboards, stop logs, gates, or intake racks where no cofferdam, dredging, filling, or permanent water level alteration is involved;
 - Removal of materials collected on trash racks;
 - Removal of dri-ki and other accumulated materials where no significant disturbance of soils or lake bottom materials is involved;
 - Installing or removing booms;
 - Placement and removal of non-earthen cofferdams temporarily installed immediately adjacent to an existing structure for the purpose of inspecting or repairing the structure;
 - Removal of sediment and debris from gated canals, tunnels and penstocks from which the water has been removed; and
 - Sealing of leaks in gates, stop logs and flashboards.
 3. Any maintenance and repair activity that involves dredging or excavating in or near the water or placing temporary or permanent fill in or near the water (including earth-fill cofferdams and rip-rap) **MUST BE APPROVED** by the Department.

FILING INSTRUCTIONS AND PROCEDURES

1. When filing, send an original plus seven (7) copies of a completed application to the Department. All maps and plans must be folded to 8 1/2" X 11" or equivalent size.
2. The Department is required by law to assess fees for processing applications and for monitoring permit compliance. Application processing will not begin until all required fees have been paid. When filing, submit full fee payment (checks payable to: Treasurer of State) or request that a fee bill be sent.
3. Within 15 working days of receiving an application and all required fees, the DEP shall determine whether the application is acceptable for processing.
4. Additional information may be required during the review process on any aspect of the project relating to compliance with applicable statutory criteria.

HYDROPOWER PROJECT MAINTENANCE AND REPAIR

1. **PROJECT DESCRIPTION.** Attach as EXHIBIT #1 a detailed description of the proposed maintenance and repair activity, including the following information:
 - A. General description of proposed activity, including in particular all proposed work below normal high-water line.
 - B. Purpose of/reasons for the proposed activity.
 - C. Physical dimensions of any structure(s) to be replaced or area to be dredged, excavated or filled.
 - D. Composition and quantity of any material to be dredged, excavated or placed as permanent or temporary fill (including cofferdams and access roads) in or adjacent to the waterway.
 - E. Plans for the disposal of any dredged, excavated or cofferdam spoils.
 - F. Equipment to be used.
 - G. Estimated date for start of activity and length of time to completion.

NOTE: Photographs of the proposed work area, while not required, may be very useful in describing the maintenance and repair activity and in determining its potential environmental impact. Any photographs included in EXHIBIT #1 must be labelled as to date, location of photographer, and direction of shot.

2. **MAPS AND PLANS.** Attach as EXHIBIT #2 maps and plans locating the project site and the proposed maintenance and repair activity, including:
 - A. A copy of the appropriate USGS topographic map or other map of similar detail (such as Maine Atlas and Gazetteer) marked to show the project location and the location of any proposed spoils disposal sites.
 - B. Scale drawings (plan and profile views) of the project site showing principal project structures, property lines, and the location of all areas proposed to be dredged, excavated or filled, including the location of any proposed cofferdams.
3. **TITLE, RIGHT OR INTEREST.** Attach as EXHIBIT #3 the appropriate document(s) establishing the applicant's title, right or interest in the project site, as described below:
 - Deed (Attach copy or list deed reference numbers).
 - Purchase Agreement or Option to Buy (Attach copy).
 - Lease (Attach copy).
 - Valid FERC License No. _____ (Copy not required).

4. **FINANCIAL INFORMATION.** Attach as EXHIBIT #4 the following information:
- A. A statement of the estimated total cost of the maintenance and repair activity, including the cost of measures proposed to minimize or prevent adverse effects on the environment.
 - B. A statement of the applicant's plans for the financing of the proposed activity.

5. **ENVIRONMENTAL IMPACT.** Attach as EXHIBIT #5 a statement of any anticipated adverse environmental impacts of the proposed maintenance and repair activity, including potential impacts on:

- Public Safety;
- Traffic movement;
- Water Quality, Soil Stability and the natural environment;
- Fish and Wildlife resources;
- Historic and archaeological resources;
- Public access and use; and
- Flood control.

6. **ENVIRONMENTAL MITIGATION.** Attach as EXHIBIT #6 a description of any measures proposed to mitigate adverse environmental impacts of the proposed maintenance and repair activity, including as applicable provisions for:

- In-stream erosion and sedimentation control;
- Temporary operational changes;
- Stabilization of disturbed soils/spoils disposal areas;
- Maintaining water levels and minimum flow releases;
- Minimizing the magnitude and duration of in-stream activity;
- Avoiding environmentally sensitive areas or time periods; and
- Avoiding more environmentally intrusive alternatives.

7. **PUBLIC NOTICE.** The Department requires that an applicant provide public notice describing the location and nature of the activity proposed for approval. The public notice requirements that apply to this application are described in the Certification of Publication below, which must be signed and dated by the applicant or authorized agent.

The following information must be submitted with this form:

- A copy of a completed Notice of Intent to File.
- A list of abutters to whom notice was provided. [For the purposes of public notice of this application, an "abutter" is any person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way.]

For the purposes of this application, abutters also include the owners of all property adjacent to the location of the maintenance and repair activity described in this application (including properties adjacent to any proposed dredging, excavating, filling, or access roads).

CERTIFICATION OF PUBLICATION

By signing below, the applicant (or authorized agent) certifies that he or she has:

1. Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located, within 30 days prior to filing the application;
2. Sent a completed copy of the Notice of Intent to File by certified mail or Certificate of Mailing to abutters, as determined by local tax records or other means, within 30 days prior to filing the application; and
3. Sent a copy of the Notice of Intent to File by certified mail or Certificate of Mailing and filed a duplicate of this application with the town clerk of the municipality(ies) where the project is located, within 30 days prior to filing the application.

Signature of Applicant

Date

Name and title of applicant

If signature is other than that of the applicant, attach letter of agent authorization signed by the applicant.

NOTICE OF INTENT TO FILE

MAINE WATERWAY DEVELOPMENT AND CONSERVATION ACT APPLICATION

Please take notice that _____
(applicant)
of _____
(address and telephone number)

is intending to file an application with the Maine Department of Environmental Protection for a permit and Water Quality Certification pursuant to the provisions of the Maine Waterway Development and Conservation Act and the Federal Clean Water Act, Section 401. The application is for

_____ (summary of the activity)

in the town/city of _____
(municipality, tax map or numbers)

The application will be filed on or about _____ for public
(anticipated filing date)

inspection at the DEP's offices in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(town/city)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333.