

Dated 13 April 83



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AUGUSTA, MAINE 04330

BOARD ORDER

IN THE MATTER OF

This permit has expired due to non-construction. Dana 20.11.86

RICHARD G. KENDALL
Auburn, Maine, Androscoggin County
STEVENS MILLS HYDRO PROJECT
#49-8407-01010

) SMALL HYDROELECTRIC GENERATING
) FACILITIES PERMIT AND WATER
) QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

After reviewing the project file which includes the application with its supportive data, agency review comments, staff summary, public comments, and other related materials on file with regard to the above noted project, under provisions of Title 38, M.R.S.A., Section 626 and the Federal Water Pollution Control Act, the Board finds the following facts:

1. PROJECT DESCRIPTION

The applicant proposes the development of the Stevens Mills Dam on Taylor Brook in Auburn, Maine, for the purpose of generating hydroelectric power.

Existing:

The existing Stevens Mills Dam is located approximately 1½ miles downstream from the outlet of Taylor Pond and approximately 1¼ miles upstream from the confluence of Taylor Brook and the Little Androscoggin River. The concrete and masonry dam is approximately 35 feet in length, 3 feet in height and creates an impoundment with a surface area of approximately 5 acres at an elevation of approximately 240 feet m.s.l. A flood gate abuts the east end of the spillway. The dam was once used to produce hydromechanical power for a grist mill at the site.

Proposed:

The applicant proposes to utilize the hydroelectric potential of the existing dam by: installing a new intake structure in the stream bank adjacent to the flood gate; installing a new buried penstock approximately 21 inches in diameter and 220 feet in length; constructing a new 10 feet by 14 feet concrete powerhouse; and installing a single turbine-generator unit.

Construction is expected to take approximately 3 months. Work is to be scheduled during summer low flows. No cofferdamming or mechanical dredging is proposed.

2. JURISDICTION

The proposed redevelopment qualifies as a "small hydroelectric power project" under the terms of Title 38, M.R.S.A., Section 622. The project is thereby exempted from the terms of the Stream Alteration Law, Title 12, M.R.S.A., Sections 7776-7780.

The project is subject to the jurisdiction of the Federal Energy Regulatory Commission, pursuant to the Federal Power Act. Water Quality Certification, is, therefore, considered, pursuant to Section 401 of the Federal Water Pollution Control Act.

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2 SMALL HYDROELECTRIC GENERATING
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) QUALITY CERTIFICATION
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The applicant currently holds title to all land and water rights necessary for the project.

3. ENERGY PRODUCTION

The proposed run-of-the-river hydroelectric generating facility would have a capacity of approximately 18 KW at a design head of 19 feet. The facility would utilize flows of approximately 18 cfs. The estimated annual power output of 188,000 KWH would have the potential of displacing approximately 313 barrels of fossil fuel annually. Project power would be sold to Central Maine Power Company.

4. FLOW REGULATION

There are no dams located upstream of the Stevens Mills Dam. Under low flow conditions, the dam can have some effect on water levels in Taylor Pond. A small dam is located downstream from the site at Parson's Mill.

5. FISH AND WILDLIFE

The Stevens Mills Dam currently constitutes a barrier to the upstream and downstream migration of fish. While no migratory fish species are currently present in the area, the Department of Marine Resources is seeking to restore anadromous alewives to the Little Androscoggin watershed. Interim plans call for alewives to be trapped at CMP's Brunswick Hydroelectric project and trucked upstream to Taylor Pond to spawn. Based on the success of this operation, upstream fish passage facilities may be required above the Brunswick Dam to accommodate self-sustaining runs of migratory alewives at some time after a minimum of five years of fishway operation at Brunswick has been concluded. The Brunswick facility is scheduled to be operational in 1983.

If the Stevens Mills Dam becomes part of a hydroelectric project, DMR will be precluded from using federal monies to construct fish passage facilities at the site.

The long-term protection of fish and wildlife habitat is dependent upon the presence of adequate upstream and downstream fish passage facilities at the site and the maintenance of adequate flows and water levels. DMR states that the project would not significantly affect the habitat for anadromous alewives provided that a) adequate downstream fish passage facilities are operational no later than July 15, 1984, and b) adequate upstream fish passage facilities are operational at such time as alewives are scheduled to be migrating upstream to the project site. IF&W states that the project would not significantly affect fish and wildlife habitat provided that a) an instantaneous minimum flow of 2 cfs is maintained at the dam from July 15 through November 30, annually, b) an instantaneous minimum flow of 7 cfs is maintained from the project at all times, and c) water levels are varied by not more than 1 foot above or below the crest of the dam spillway from October through April annually.

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3 SMALL HYDROELECTRIC GENERATING
) FACILITIES PERMIT AND WATER
) QUALITY CERTIFICATION
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6. PUBLIC USES

Currently, there is a limited use of the brook in the project area for fishing, boating and swimming. The project is not expected to have any significant impact on these existing public uses.

7. WATER QUALITY

Taylor Brook is classified as having Class B-2 waters. The waters are thus judged to suitable recreational boating and fishing, for fish and wildlife habitat, and for water contact recreation.

The estimated average annual flow of Taylor Brook at the project site is 31 cfs from a drainage area of approximately 16 square miles. The 7 day average low flow which has a 1 in 10 year recurrence interval (7Q10) for Taylor Brook at the Stevens Mills Dam is calculated to be 1 cfs.

The project is not expected to have any significant impact on existing water quality.

8. OTHER ENVIRONMENTAL CONSIDERATIONS

The environment would be affected during the construction phase of the project by the installation of the intake structure and penstock, and the construction of the powerhouse.

Significant erosion and sedimentation can be prevented if proper care is taken during construction.

Based on the above Findings of Fact, the BOARD concludes that the advantages of the project will outweigh the adverse impacts of the project over the life of the facility provided that:

1. Except as irreconcilably limited by inflows to the impoundment, by temporary abnormal operating conditions, or by order of state, local, or federal authorities, where all such conditions are beyond the applicant's control, and commencing with project operation, water levels in the impoundment are maintained within 1 foot of the crest of the dam from October through April annually;
2. Except as irreconcilably limited by order of state, local, or federal authorities, and commencing with project construction, an instantaneous minimum flow of 2 cfs, or a flow equal to inflow when inflow is less than 2 cfs, is maintained at the dam from July 15 through November 30 annually, and an instantaneous minimum flow of 7 cfs, or a flow equal to inflow when inflow is less than 7 cfs, is maintained from the project at all times;
3. Downstream fish passage facilities are designed and constructed according to acceptable plans and are operational by July 15, 1984;

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4 SMALL HYDROELECTRIC GENERATING
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} QUALITY CERTIFICATION
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4. Upstream fish passage facilities are designed and constructed according to acceptable plans and are operational at such time as anadromous alewives are scheduled to be migrating upstream to the project site; and
5. Erosion and sedimentation are adequately controlled during the construction and operation of the project.

THEREFORE, the Board of Environmental Protection APPROVES the application of RICHARD G. KENDALL to develop the hydroelectric potential of the STEVENS MILLS DAM on Taylor Brook in Auburn, Maine, as described in paragraph number 1 above, and GRANTS certification that there is reasonable assurance that the activity will not violate applicable Water Quality Standards, subject to the following terms and conditions:

1. Except as irreconcilably limited by inflows to the impoundment, by temporary abnormal operating conditions, or by order of state, local, or federal authorities, where all such conditions are beyond the applicant's control, and commencing with project operation, water levels in the impoundment shall be maintained within 1 foot of the crest of the dam from October through April annually.
2. Except as irreconcilably limited by order of state, local, or federal authorities, and commencing with project construction, the following instantaneous minimum flows shall be maintained: 2 cfs, or a flow equal to inflow when inflow is less than 2 cfs, at the dam from July 15 through November 30 annually; and 7 cfs, or a flow equal to inflow when inflow is less than 7 cfs, from the project at all ^{other} times.
3. Downstream fish passage facilities shall be constructed and shall be operational no later than July 15, 1984. The applicant must submit final design and construction plans for these facilities prior to the construction of the facilities or within 1 year of the issuance of this permit, whichever comes first. These plans shall be reviewed and must receive approval of DMR and the Commissioner prior to the construction of the facilities.
4. Upstream fish passage facilities shall be constructed and shall be operational at such time as is deemed appropriate by the Department of Marine Resources to allow the migration of alewives into Taylor Pond. The applicant must inform the Commissioner of DMR's notification that the facilities are required within 10 days of such notification, and must submit final design and construction plans for the facilities within 90 days of DMR's notification. These plans shall be reviewed and must receive approval of DMR and the Commissioner prior to the construction of the facilities.
5. The applicant shall take all necessary measures to ensure that his activities or the activities of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by the Approval.

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5 SMALL HYDROELECTRIC GENERATING
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6. The applicant shall notify the Department of the completion of project construction and the commencement of operation within 10 days following such completion and commencement.
7. 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 Department prior to implementation.
8. The applicant shall secure and appropriately comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation.
9. A copy of this permit must be included in or attached to contract bid specifications for the project.
10. Construction shall commence within 2 years from the date of granting of this approval unless a license has been issued for the project within the 2 years by the Federal Energy Regulatory Commission, in which case construction shall commence in accordance with the terms of that license.

If construction is not commenced within the authorized period of time, as is applicable; this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not commence construction of the project until a new approval is granted. Reapplications for approval shall state the reasons why the construction was not begun within the authorized period of time, as is applicable, and the reasons why the applicant will be able to begin the construction within 2 years from the date of the granting of an new approval, if such approval is granted. Reapplications for approval may include information submitted in the initial application by reference.

11. If the legal construction of the project is not completed and the operation of the project is not commenced within 5 years from the date of the granting of this approval, the Board may reexamine its approval and impose such additional terms or conditions or prescribe such other necessary corrective actions as it deems necessary to respond to significant changes in circumstances which may have occurred within the five year period.

DONE AND DATED AT AUGUSTA, MAINE, THIS 13TH DAY OF APRIL, 1983.

BOARD OF ENVIRONMENTAL PROTECTION

BY: 
Henry E. Warren, Chairman

PLEASE NOTE ATTACHED SHEET FOR APPEALS PROCEDURES....