

Water Quality Certification Amendment
(P.L. 92-500, Section 401)

In the matter of: **Simpson Paper Company**
 Gilman, Vermont 05904

APPLICATION TO AMEND
THE GILMAN PROJECT
WATER QUALITY CERTIFICATION

The Water Quality Division of the Vermont Department of Environmental Conservation (the Department), pursuant to the attached December 15, 1993 settlement agreement between the Agency of Natural Resources and the Simpson Paper Company (Simpson or applicant), has reviewed the change in spillage regime for consistency with Vermont Water Quality Standards. The subject of the settlement agreement and this action is the July 28, 1989 water quality certification for the Gilman Project in the towns of Lunenburg, Vermont and Dalton, New Hampshire. The Department has made the following findings and conclusions:

1. Condition A of the water quality certification requires that the project spill 210 cfs continuously during the period June 1 through October 15 in order to protect water quality. Simpson has agreed to spill 210 cfs during that period whenever the instantaneous inflow to the project is 1,000 cfs or less. The addition of an inflow criteria to trigger the spillage during the period is the only change proposed pursuant to the agreement.

2. On the average, inflow can be expected to recede below 1,000 cfs about one quarter of the time during the critical summer/fall period (based on a review of the Dalton U.S. Geological Survey gage records for 1980-1990). Spillage of 210 cfs during the low flow will remove a portion of the dissolved oxygen deficit that would otherwise exist at and below the Gilman Dam. During higher flows, the mix of a highly oxygenated 210 cfs spillage with the total turbine discharge is less significant in terms of benefits to the downstream dissolved oxygen regime and consequently is not necessary for habitat improvement for aquatic organisms.

Simpson Paper Company
Water Quality Certification Amendment
Page 2

3. By facimile copy on October 26, 1993, Kleinschmidt Associates filed a minimum flow release plan with the Department. This management plan outlines a method for spilling the 210 cfs using the dam crest gate; a procedure to be followed in monitoring project inflows and initiating spillage when flows recede to 1,000 cfs; and recordkeeping details.
4. Simpson has demonstrated that it can reliably manage spillage as a function of inflow and thereby assure that water quality standards for dissolved oxygen will be met.
5. Pursuant to the settlement agreement, Simpson would institute the spillage-flow management beginning June 1, 1994.

ACTION OF THE DEPARTMENT

Based on its review of this change and the above findings, the Department concludes that there is reasonable assurance that operation of this project in accordance with Condition A as amended below and the remaining original certification conditions will not cause a violation of Vermont Water Quality Standards and will be in compliance with sections 301, 302, 303, 306, and 307 of the Federal Clean Water Act, P.L. 92-500, as amended, and other appropriate requirements of state law:

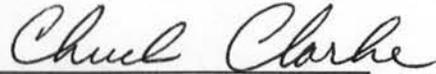
- A. The project shall be operated in a strict run-of-the-river mode where instantaneous flows below the tailrace are maintained equivalent to instantaneous inflows to the impoundment. The pond level shall be maintained at or within six inches of top of the flashboards at all times except where circumstances beyond the control of the applicant occur, such as the loss of flashboards. Under such circumstances, a minimum flow of 757 cfs, or instantaneous project inflow, if less, shall be maintained below the tailrace until normal operations are restored. There shall be no impoundment cycling for generation.

In order to protect water quality, a minimum instantaneous flow of 210 cfs shall be spilled at the dam, during the period June 1 through October 15, whenever instantaneous inflow to the project is 1,000 cfs or less. When the project is not operating, all inflows shall be spilled at the dam.

No later than 90 days from the issuance of this certification, the applicant shall file for review and approval a plan for monitoring instantaneous flow releases at the project, both in terms of spillage and total discharge below the project; instantaneous inflows to the project; headpond elevations; and gate settings. Following approval of the monitoring plan, the applicant shall initiate collection of the aforementioned

Simpson Paper Company
Water Quality Certification Amendment
Page 4

data and report the data to the Department on a regular basis as per specifications of the Department.



Chuck Clarke
Chuck Clarke
Secretary
Agency of Natural Resources

Dated at Waterbury, Vermont this 17
day of February, 1994.

attachment: settlement agreement
cc: distribution list

JRC