



OFFICE OF THE DIRECTOR

DIVISION OF WATER
POLLUTION CONTROL

The Commonwealth of Massachusetts

Water Resources Commission

State Office Building, Government Center

100 Cambridge Street, Boston 02202

H.E.S.
H.W.S.
R.B.S.
C.S.B.
C.M.H.
T.M.A.
J.W.C.
E.W.H.

February 24, 1971

Mr. Edward A. Plumley, Vice-President
New England Power Company
Turnpike Road
Westboro, Massachusetts 01581

RE: Rowe and Florida, Massachusetts
Request for Certification
Bear Swamp
Pumped Storage Project

Dear Mr. Plumley:

In response to your request in a letter dated June 1, 1970, this Division has reviewed your application for a permit to construct the proposed Bear Swamp Pumped Storage Project (Federal Power Commission Project No. 2669) in the towns of Rowe and Florida, Massachusetts, and the redevelopment of a portion of the existing Deerfield River Project (Federal Power Commission Project No. 2323).

This Division hereby certifies that, based on our investigation, we consider the proposed work will not violate applicable water quality standards under certain conditions. This Division will therefore interpose no objection to the issuance of the necessary permits for the requested work subject to the following conditions:

1. During the "fishing season" (and for one week prior thereto for stocking purposes) and except for the months of July and August, a minimum flow of one hundred cubic feet per second (100 c.f.s.) will be released at all times through the new Fife Brook Dam and Station into the Deerfield River, said flow to be measured at or in the immediate vicinity of said Fife Brook Dam and Station (by automatic continuous monitoring and recording equipment maintained by the U. S. Geological Survey whose records are available to the Massachusetts Water Resources Commission). Additional flows will be released through the Fife Brook Dam, as necessary, to provide a minimum flow of 100 c.f.s. at the Charlemont gage located approximately 12 miles downstream of the Fife Brook Dam. The term "fishing season," as used herein, shall mean the legally established open season on species of fish which, in the opinion of the Massachusetts Division of Fisheries and Game, constitute an important natural resources of the Deerfield.

2. During the months of July and August of each year, there shall be released from the Fife Brook Dam and Station, in addition to the 100 c.f.s. minimum specified in paragraph 1, such additional amounts of water as may be necessary to maintain a minimum continuous flow of 120 c.f.s. at the Charlemont gage.

Mr. Edward A. Plumley, Vice-President

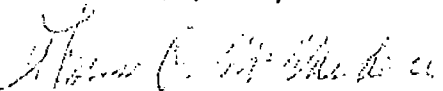
February 24, 1971

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3. During the portion of the year not included as "fishing season" there shall be released from the Fife Brook Dam and Station into the Deerfield River a minimum flow of 50 c.f.s., said flow to be measured at or in the immediate vicinity of Fife Brook Dam and Station (by automatic continuous monitoring and recording equipment maintained by the U. S. Geological Survey).
4. Flows from N. E. Power's Deerfield #2 (Conway), located approximately twelve miles above the confluence of the Deerfield and Connecticut Rivers, shall be re-regulated to provide a daily average minimum flow of 100 c.f.s. downstream, with no station shutdowns of more than four (4) hours.
5. The New England Power Company agrees to accept into the diversion canal or conduit supplying #5 hydroelectric station the treated wastewaters from the village of Monroe Bridge and from the Deerfield Glassine Company. If this cannot be accomplished, the Company agrees to release water from the Monroe Bridge Dam in sufficient quantity to maintain a continuous flow of 25 c.f.s. immediately below the dam.

Should any pollution arise through or because of the operation of the proposed facility or through non-enforcement of the Division's Rules and Regulations pertaining to waste disposal, this Division will direct that the condition be corrected. Non-compliance on the part of the licensee will be cause for this Division to recommend the revocation of the license issued therefor or to take such other action as is authorized by the General Laws of the Commonwealth.

Very truly yours,



Thomas C. McMahon
Director

TCM:WAS:mlw

cc: Chief, Permits Branch, Operations Division, Corps of Engineers, 424 Trapelo Road, Waltham, Massachusetts 02154

Commissioner, Department of Natural Resources, Saltonstall Office Building, 100 Cambridge Street, Boston



OFFICE OF THE DIRECTOR
DIVISION OF WATER
POLLUTION CONTROL

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Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

March 8, 1971

Mr. Edward A. Plumley, Vice President
New England Power Company
Turnpike Road
Westboro, Massachusetts 01581

Re: Rowe and Florida, Massachusetts
Request for Certification
Bear Swamp
Pumped Storage Project

Dear Mr. Plumley:

In response to your request in a letter dated June 1, 1970, this Division has reviewed your application for a permit to construct and operate the proposed Bear Swamp Pumped Storage Project (Federal Power Commission Project No. 2669) in the Towns of Rowe and Florida, Massachusetts, and the redevelopment of a portion of the existing Deerfield River Project (Federal Power Commission Project No. 2323).

In accordance with the provisions of Section 21(b)(1) of the Federal Water Quality Improvement Act of 1970 (Public Law 91-224), this Division hereby certifies that, based on our investigations, we consider the proposed work will not, under certain conditions, violate applicable water quality standards adopted by this Division under authority of Section 27(4) of Chapter 21 of the Massachusetts General Laws, said water quality standards having been filed with the Massachusetts Secretary of State on March 6, 1967. This Division will therefore interpose no objection to the issuance of the necessary permits for the requested work subject to the following conditions:

1. During the "fishing season" (and for one week prior thereto for stocking purposes) and except for the months of July and August, a minimum flow of one hundred cubic feet per second (100 c.f.s.) will be released at all times through the new Fife Brook Dam and Station into the Deerfield River, said flow to be measured at or in the immediate vicinity of said Fife Brook Dam and Station (by automatic continuous monitoring and recording equipment maintained by the U.S. Geological Survey whose records are available to the Massachusetts Water Resources Commission). Additional flows will be released through the Fife Brook Dam, as necessary, to provide a minimum flow of 100 c.f.s. at the Charlemont gage located approximately 12 miles downstream of the Fife Brook Dam. The term "fishing season", as used herein, shall mean the legally established open season on species of fish which, in the opinion of the Massachusetts Division of Fisheries and Game, constitute an important natural resources of the Deerfield.

Mr. Edward A. Plumley

Page 2

March 8, 1971

2. During the months of July and August of each year, there shall be released from the Fife Brook Dam and Station, in addition to the 100 c.f.s. minimum specified in paragraph 1, such additional amounts of water as may be necessary to maintain a minimum continuous flow of 120 c.f.s. at the Charlemont gage.

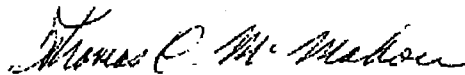
3. During the portion of the year not included as "fishing season" there shall be released from the Fife Brook Dam and Station into the Deerfield River a minimum flow of 50 c.f.s., said flow to be measured at or in the immediate vicinity of Fife Brook Dam and Station (by automatic continuous monitoring and recording equipment maintained by the U.S. Geological Survey).

4. Flows from New England Power's Deerfield #2 (Conway), located approximately twelve miles above the confluence of the Deerfield and Connecticut Rivers, shall be re-regulated to provide a daily average minimum flow of 100 c.f.s. downstream, with no station shutdowns of more than four (4) hours.

5. The New England Power Company agrees to accept into the diversion canal or conduit supplying #5 hydroelectric station the treated waste-waters from the village of Monroe Bridge and from the Deerfield Glassine Company. If this cannot be accomplished, the Company agrees to release water from the Monroe Bridge Dam in sufficient quantity to maintain a continuous flow of 25 c.f.s. immediately below the dam.

Should any pollution arise through or because of the operation of the proposed facility or through non-enforcement of the Division's Rules and Regulations pertaining to waste disposal, this Division will direct that the condition be corrected. Non-compliance on the part of the license will be cause for this Division to recommend the revocation of the license issued therefor or to take such other action as is authorized by the General Laws of the Commonwealth.

Very truly yours,



Thomas C. McMahon
Director

TCM-WAS/lma

cc: Chief, Permits Branch, Operations Division, Corps of Engineers
Commissioner Arthur W. Brownell, Department of Natural Resources



The Commonwealth of Massachusetts

Water Resources Commission

Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

OFFICE OF THE DIRECTOR

DIVISION OF WATER
POLLUTION CONTROL

April 12, 1977

Edward A. Plumley
Vice President
New England Power Company
20 Turnpike Road
Westborough, Massachusetts 01581

Re: Water Quality Certification
Maintain-Dam-Spillway
Bear Swamp Lower Reservoir
Deerfield River, Rowe and Florida

Dear Mr. Plumley:

In response to your petition dated November 24, 1976, submitted to the Division of Waterways, this Division has reviewed your application for a permit to maintain as constructed an Earth Dam, powerhouse and spillway originally authorized under D.P.W. License No. 5838 over and across the waters of Bear Swamp Lower Reservoir, Deerfield River, in the Towns of Rowe and Florida.

In accordance with the provisions of Section 401 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), this Division hereby certifies that, based on information and investigations, there is reasonable assurance that the proposed activity will be conducted in a manner which will not violate applicable water quality standards adopted by this Division under authority of Section 27 (5) of Chapter 21 of the Massachusetts General Laws, said water quality standards having been filed with the Secretary of State of the Commonwealth on May 2, 1974.

Should any violation of the water quality standards or the terms of this certification occur as a result of the proposed activity, the Division will direct that the condition be corrected. Non-compliance on the part of the permittee will be cause for this Division to recommend the revocation of the permit(s) issued therefor or to take such other action as is authorized by the General Laws of the Commonwealth.

Very truly yours,

Thomas C. McMahon
Director

TCM/HT/lcm

cc: David Standley, Commissioner, DEQE, Morgan Rees, Chief, Permits Branch, Corps of Engineers, Waltham, MA, John J. Hannon, Director, Division of Land & Water Use, DEQE, 100 Nashua St, Boston, Allen Peterson, Director, Division of Marine Fisheries



OFFICE OF THE DIRECTOR

The Commonwealth of Massachusetts

*Water Resources Commission
Division of Water Pollution Control
110 Tremont Street, Boston 02108*

April 25, 1977

Edward A. Plumley
Vice President
New England Power Co.
20 Turnpike Road
Westborough, Ma. 01581

Re: Slope Stabilization
Bear Swamp Lower Reservoir
Deerfield River
Rowe and Florida

Dear Mr. Plumley:

In response to your petition dated November 24, 1976, submitted to the Division of Waterways, this Division has reviewed your application for a permit to maintain as constructed slope stabilization areas and an intake tailrace structure originally authorized under D.P.W. License No. 5842, within the waters of Bear Swamp Reservoir, Deerfield River in the Towns of Rowe and Florida.

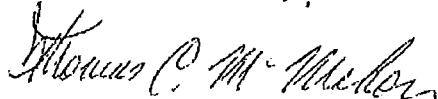
In accordance with the provisions of Section 401 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), this Division hereby certifies that, based on information and investigations, there is reasonable assurance that the proposed activity will be conducted in a manner which will not violate applicable water quality standards adopted by this Division under authority of Section 27 (5) of Chapter 21 of the Massachusetts General Laws, said water quality standards having been filed with the Secretary of State of the Commonwealth on May 2, 1974.

Should any violation of the water quality standards or the terms of this certification occur as a result of the proposed activity, the Division will direct that the condition be corrected. Non-compliance on the part of the

Edward A. Plumley
April 25, 1977
Page 2

permittee will be cause for this Division to recommend the revocation of the permit(s) issued therefor or to take such other action as is authorized by the General Laws of the Commonwealth.

Very truly yours,


Thomas C. McMahon
Director

TCM/HT/bc

cc: David Standley, Commissioner, Department of Environmental Quality
Engineering
Morgan Rees, Chief, Permits Branch, Corps of Engineers, 424 Trapelo Rd.,
Waltham, Ma. 02154
John J. Hannon, Director, Division of Land & Water Use, Department of
Environmental Quality Engineering, 100 Nashua Street, Boston, Massachusetts
02114
Allen Peterson, Director, Division of Marine Fisheries



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE
438 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

February 20, 2008

Bear Swamp Power Company, LLC
P. O. Box 461
Rowe, MA 01367

Re: Application for Non-capacity Amendment of License
Bear Swamp Hydroelectric Project
FERC Project No. 2669

Ladies and Gentlemen:

Thank you for meeting with MassDEP on January 3, 2008 to discuss the Bear Swamp Power Company, LLC's ("Bear Swamp") plans for the upgrade of its facility. More specifically, Bear Swamps plan for the replacement of both existing pump-turbine runners, the overhaul of the existing motor generators for each of the two pump turbines and associated improvements (the "Bear Swamp Project"). The January 23, 2008 site visit was also helpful to MassDEP in its review of the Bear Swamp Project and its potential impact on the various Massachusetts Water Quality Certificates.

As discussed at our meeting and observed in the field, the physical changes for the Bear Swamp Project are limited to the inside of the existing power station and no alteration outside the existing power station will result from the equipment upgrade. As discussed, the upgrade will allow Bear Swamp to shorten its pumping cycle moving water to the upper reservoir by about 13% and will increase the short-term turbine discharge by approximately 14%.

MassDEP has received confirmation from the Massachusetts Division of Fisheries and Wildlife that there are no fisheries issues with the proposed upgrade project. The increase in discharge flow rate should not result in scour due to the existing cobble/boulder substrate with minimal organic matter. The flow of water out of the lower reservoir should not change as that flow is controlled by the Fife Brook Dam and subject to a FERC License that incorporates the terms of a Settlement Agreement that provides for, among other things, a minimum continuous flow.

The Bear Swamp Hydroelectric facility has received five (5) Water Quality Certifications for various elements of its construction and operation (MA Department of Natural Resources dated 6/2/70, MA Water Resources Commission [MAWRC] dated 2/24/71, MAWRC dated 3/8/71,

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057, TDD: 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

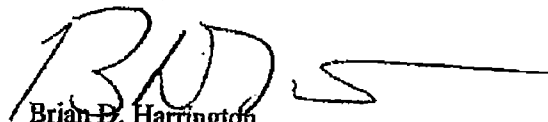
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MAWRC dated 4/12/77 and MAWRC dated 4/25/77). The Bear Swamp Project, including the resulting changes to the pumping cycle and discharge rate, is consistent with the terms of those existing Water Quality Certificates. As a result, no amendment to the existing Water Quality Certificates will be required for the Bear Swamp Project.

Should the operation of the Bear Swamp Hydroelectric facility result in any violations of the Massachusetts Water Quality standards, Bear Swamp will be required to correct that condition. Bear Swamp may also be subject to such other enforcement proceeding or permitting requirements as may be appropriate to address any violation of the Massachusetts Water Quality Standards or existing Water Quality Certificates.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully,



Brian D. Harrington
Deputy Regional Director
413 - 755 - 2291

cc: Paul A. Bernhardt, Brookfield Power, Paul.Bernhardt@BrookfieldPower.com
Daniel Whyte, Energie Brookfield, Daniel.Whyte@BrookfieldPower.com
Michael L. Hoover, Devine Tarbell & Associates, Inc., Mike.Hoover@DevineTarbell.com
Adam P. Kahn, Esq., FoleyHoag, LLP, AKahn@FoleyHoag.com
Patrick Moriarty, Brookfield Power, PatrickMoriarty@BrookfieldPower.com