



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PERMIT

PERMITTEE: Milford Power Company LLC
300 Bic Drive
Milford, CT 06460

PERMIT NO.: DIV-199902354
TOWN: Milford
WATERS: Housatonic River

Pursuant to Connecticut General Statutes section 22a-368, the Milford Power Company LLC (the "permittee") is hereby authorized to divert the waters of the state at 300 Bic Drive in Milford, CT (the "site") in accordance with permittee's application dated July 20, 1999, filed with this Department on July 23, 1999, amended on December 13, 2000 and described herein. The purpose of the diversion is to provide cooling water to the Milford Power Project.

AUTHORIZED ACTIVITY

The permittee is authorized to withdraw a maximum of 8.0 million gallons of water per day at a maximum rate of 12.38 cubic feet per second from the Housatonic River at the Beard Sand and gravel facility, located on Oronoque Road in Milford, CT. The withdrawal of water from the Housatonic River shall not exceed an annual average withdrawal of 3.0 million gallons of water per day. The withdrawal of water shall be conducted in accordance with plans entitled "Milford Power Project," sheets 1 through 6, dated July 16, 2000, revised through November 2, 2000, prepared by Milone & MacBroom, Inc. and in accordance with documentation submitted in the application.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

SPECIAL CONDITIONS

1. The permittee shall, 60 days prior to initiation of the water diversion, submit to the Commissioner the name, title, address and phone number of the individual responsible for the implementation of and compliance with the approved Long-Range Water Conservation Plan.

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2. **Documentation of Water Withdrawals.** Prior to initiation of the activities authorized herein, the permittee shall install a totalizing flow meter(s) to measure the total amount of water withdrawn each day from the Housatonic River and for the duration of this permit continuously operate and maintain such meter(s). In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours. In accordance with the manufacturer's specifications the permittee shall annually test such meter(s) and calibrate to within two percent accuracy as shown through a post calibration test, and shall submit the results of the accuracy and calibration tests for the preceding year annually to the department no later than January 15 of each year. The permittee shall maintain such meter(s) in optimal operating condition. Permittee shall secure such meter(s) in a locked facility, with access controlled solely by the permittee or other designee.
3. **Record Keeping and Reporting.** The permittee shall maintain a record of daily meter readings, which record the total amount of water withdrawn from the Housatonic River each day. On or before January 15 of each year, the permittee shall submit to the Department, all records of daily meter readings for the preceding year.
4. **Water Use Audit.** Every five years, beginning in 2005, the permittee shall conduct a water use audit and implement water conservation opportunities. No later than January 15 of the following year, the permittee shall report to the Commissioner all actions taken pursuant to the audit.
5. **Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall report same in writing to the Commissioner. Such report shall include the following information:
 - a. The provision(s) of this permit that has been violated;
 - b. The date and time the violation(s) was first discovered and by whom;
 - c. The cause of the violation(s), if known;
 - d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
 - e. If the violation(s) has not ceased, the anticipated date when it will be corrected;
 - f. Steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
 - g. The signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify as follows:

"I have personally examined and am familiar with the information submitted in this document, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a

false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

GENERAL CONDITIONS

1. The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this

permit shall expire three years after issuance or at the end of such other time.

7. This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. This permit shall expire on July 13, 2026.
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."
12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

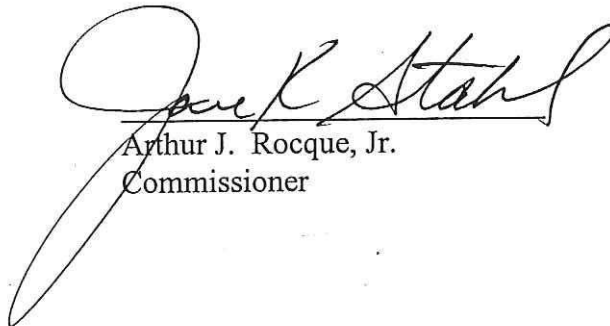
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Director
DEP/Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on July 13, 2001.



Arthur J. Rocque, Jr.
Commissioner