



Department of Environmental Protection

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MassDEP FirstLight Water Quality Certification **Public Involvement Timeline**

FREQUENTLY ASKED QUESTIONS

Introduction

Several years ago, FirstLight Power (FirstLight) filed an application with the Federal Energy Regulatory Commission (FERC) to relicense the Connecticut River hydroelectric facilities in Turners Falls and Montague and the pumped storage facility in Northfield.

As a part of the federal relicense application filed with FERC, FirstLight must also apply for a state 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP). FirstLight is required to file its WQC application with MassDEP within 60 days of FERC issuing a Ready for Environmental Analysis (REA) notice.

This document serves as an overview to the public involvement timeline related to FirstLight's WQC application with MassDEP. More information on the public involvement timeline and the re-licensing process is available at MassDEP's webpage for this matter:

<https://www.mass.gov/info-details/401-wqc-for-the-firstlight-hydroelectric-re-licensing-project>

- **What is the status of the FERC relicensing process?**
 - On February 22, 2024, FERC issued the REA.
 - On April 22, 2024, FirstLight filed its WQC application with MassDEP, triggering the one-year period for MassDEP to issue the WQC.
 - FERC is responsible for determining whether to relicense the operations, and its environmental review will be ongoing during the state's WQC process.
 - A primer on hydropower was created by FERC and can be found on their website: <https://www.ferc.gov/sites/default/files/2020-05/hydropower-primer.pdf>
- **What is MassDEP's role in this federal relicensing matter?**

MassDEP will determine whether FirstLight's proposed relicensing will provide the water quality and quantity to support a variety of uses, including aquatic life and recreation.

 - MassDEP's role is separate from FERC's role.
 - MassDEP will have one year from when FirstLight files a complete WQC application to issue a WQC.

- The WQC issuance deadline is April 22, 2025.
 - To issue the WQC, MassDEP is obligated to determine whether there is reasonable assurance that the proposed relicensed operations will be conducted in a manner which will not violate Massachusetts Surface Water Quality Standards ([314 CMR 4.00.](#))
 - This determination is based on whether the proposed project will provide the water quality and quantity that supports existing and designated uses.
 - MassDEP may establish requirements, known as conditions, that it deems necessary to issue the WQC (which FERC generally incorporates into its renewed federal license) if the conditions are supported by the surface water quality standards law and sufficient evidence (e.g., how and when river flows are regulated below the dam).
- **What are the existing and designated uses for the part of the Connecticut River affected by FirstLight?**
 - As a Class B Warm Water, the designated uses for the Connecticut River are:
 - (1) habitat for fish, other aquatic life, and wildlife;
 - (2) contact recreation, including both primary (e.g., wading and swimming) and secondary (e.g., fishing (including consumption) and boating;
 - (3) irrigation and other agricultural uses;
 - (4) compatible industrial cooling and process use; and
 - (5) consistently good aesthetic value. 310 CMR 4.00
 - Surface waters are protected by the antidegradation provisions specified in 314 CMR 4.04(1), which require that “in all cases existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.”
 - Surface waters include all waters other than groundwaters within Massachusetts including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and vernal pools.
 - Existing uses are the designated uses and other uses that have been attained in a waterbody on or after November 28, 1975. 310 CMR 4.00
- **What information will MassDEP use to make the WQC determination?**
 - MassDEP’s WQC will be based on scientifically sound evidence and consideration of related public input concerning how FirstLight’s proposed project will affect the existing and designated uses of the Connecticut River.
 - It is important to remember that sometimes the uses of the river have conflicting water quality needs that MassDEP must consider.
 - MassDEP must protect the most sensitive use if there is a conflict.
 - For example, some uses may be improved by increased river flows that could be detrimental to other more sensitive uses.
- **How will the public be able to provide input for the WQC?**
 - There will be several opportunities for public participation during the year-long WQC process:
 - (1) On May 29, 2024, there will be two virtual public hearings, at 1:30 pm and 7:00 pm, occurring during the thirty-five-day written comment period.

Individuals can comment on FirstLight's WQC application orally at the public hearings and/or in writing during the written comment period.

- (2) About midway through the one-year WQC process there will be a hybrid public information session (combined in-person and virtual access) with an update on the status of the certification proceeding and an opportunity for discussion and a question and answer session; and
- (3) MassDEP will hold two more virtual public hearings on the DRAFT WQC. Individuals can comment on MassDEP's DRAFT WQC orally at the public hearings and/or in writing during the written comment period.

- **How will the public be informed of the above public participation opportunities.**

- On April 29, 2024, FirstLight published public notice in several newspapers that the virtual public hearings on the WQC application will occur on May 29, 2024 and the written comment period will occur from April 29, 2024 until June 3, 2024 (35 days).
- The public notice, which has been uploaded to MassDEP's FirstLight webpage, includes information about how to register for the public hearings and how to submit written comments.
- Specific dates for the above public information session and the second public hearing on the DRAFT WQC cannot be provided at this time because they are dependent upon other factors.
- MassDEP will continue to maintain and update a [webpage](#) with information about this project and will provide email notifications of updates for those who sign up on the webpage.
- Additional public notices will be provided for the public information session and the other public hearings and written comment periods.

- **Will there be other notices of the above public forums to enhance public participation in the WQC proceedings?**

- Yes, MassDEP and FirstLight will be implementing a Public Involvement Plan to facilitate communication with the public, including environmental justice communities.
- As part of the Plan, FirstLight and MassDEP will send copies of the public notices to the chief municipal officials and the conservation commission for municipalities that may be affected by the WQC.
- FirstLight or MassDEP will request that those municipalities publish the notices in the local town or city hall and on the website of the community or communities that may be affected.
- Notice may also be published in other local venues, such as libraries, grocery stores, and houses of worship.

- **What else will occur during the year-long process to inform MassDEP's WQC decision?**

- Throughout the year, MassDEP will be analyzing and considering the WQC application and supporting materials, public comments, and scientific literature to reach a scientifically and factually sound decision.
- MassDEP may also request additional information from FirstLight.

- **Will the extension of the FERC comment period affect the timing of MassDEP's 401 WQC process?**
 - No, not unless FirstLight or FERC request or take some other action that results in a change to the current schedule for issuance of the WQC. MassDEP does not anticipate that happening.

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