IN THE MATTER OF

FPL ENERGY MAINE HYDRO LLC
Brunswick and Topsham
Cumberland and Sagadahoc Counties
BRUNSWICK HYDRO PROJECT
#03-4458-05030

TOPSHAM HYDRO PARTNERS
Topsham and Brunswick
Cumberland and Sagadahoc Counties
PEJEPSOT HYDRO PROJECT
#L-007867-35-A-A

MILLER HYDRO GROUP
Lisbon and Durham, Androscoggin County
WORUMBO HYDRO PROJECT
#L-10930-35-A-N

FPL ENERGY MAINE HYDRO LLC
Lewiston and Auburn, Androscoggin County
LEWISTON FALLS HYDRO PROJECT
#L-009206-35-A-N

FPL ENERGY MAINE HYDRO LLC
Lewiston, Auburn, Turner, Greene, Leeds,
and Livermore, Androscoggin County
GULF ISLAND-DEER RIPS PROJECT
#L-17100-33-O-N

VERSO ANDROSCOGGIN LLC
Canton, Jay, Livermore & Livermore Falls
Androscoggin County
RILEY-JAY-LIVERMORE PROJECT
OTIS HYDRO PROJECT
#L-18829-33-A-N

MAINE WATERWAY DEVELOPMENT AND
CONSERVATION ACT PERMITS AND
WATER QUALITY CERTIFICATIONS

PETITION FOR REVOCATION, MODIFICATION,
OR SUSPENSION
Pursuant to the provisions of 38 M.R.S.A. Sections 341-D(3), 464 et seq., and 06-096 CMR Chapter 2 (Rules Concerning the Processing of Applications and Other Administrative Matters), the Board of Environmental Protection has considered the May 17, 2006 petition of 64 individuals and Friends of Merrymeeting Bay with its supportive data, the responses of the permit/certification holders and other interested parties, and other related materials on file and, pursuant to the discretion vested in it, finds that the petition before it is substantially and materially the same as petitions to modify, revoke or suspend water quality certification for dams on the Androscoggin and Little Androscoggin Rivers by Friends of Merrymeeting Bay and Douglas Watts, also among the petitioners here, in 2005 ("2005 petitions"). The present petition raises the same issues and has substantially and materially the same factual basis as those petitions dismissed by the Board little more than a year ago. Petitioners here do not allege that conditions have changed since the last petitions were filed and dismissed, nor do they present any other considerations that materially affect the issues as initially presented to the Board.
Therefore, the Board dismisses the petition dated May 17, 2006 to modify the water quality certifications for the Brunswick, Pejepscot, Worumbo, Lewiston Falls, Upper Androscoggin, Gulf Island-Deer Rips, Riley-Jay-Livermore, Otis, and Rumford Falls Projects located on the Androscoggin River and for the Lower Barker Mill, Upper Barker Mill, Hackett Mills, and Marcal Hydro Projects located on the Little Androscoggin River.

DONE AND DATED AT AUGUSTA, MAINE, THIS 17th DAY OF May, 2007.

BOARD OF ENVIRONMENTAL PROTECTION

BY: Virginia Plummer, Chair