

New York State Department of Environmental Conservation

Division of Environmental Permits, 4th Floor

625 Broadway, Albany, NY 12233-1750

Phone: (518) 402-9167 • Fax: (518) 402-9168

Website: www.dec.ny.gov



Joe Martens
Commissioner

March 7, 2014

Mr. Daniel O'Donnell
TC Ravenswood LLC
38-55 Vernon Boulevard
Long Island City, NY 11101

RE: DEC #2-6304-0002400054
Ravenswood Generating Station
38-54 Vernon Blvd, Queens County

Dear Mr. O'Donnell;

The Department Initiated Modification of your facility's Initial Water Withdrawal Permit is enclosed. The maximum withdrawal has been corrected from 1,390 MGD to 1,527.84 MGD. All other permit terms and conditions remain in effect. This permit will run concurrently with the facilities SPDES Permit (NY-0005193) and **expire on October 31, 2017**. Withdrawals beyond the scope of the permit and the approved project plans may be considered a violation of the law and subject to appropriate enforcement action.

Also note that this permit does not eliminate the need to obtain any other federal, state or local permits or approvals that may be required for this project.

Should you have any questions regarding your obligations under the permit, please feel free to contact me by phone at (518) 402-9178 or by email at kpsander@gw.dec.state.ny.us.

Sincerely,

Kent P. Sanders
Deputy Chief Permit Administrator

Enclosures: Permit
cc: M. Holt, DOW
C. Conyers, OGC



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
TC RAVENSWOOD LLC
110 TURNPIKE RD STE 203
WESTBOROUGH, MA 01581
(508) 871-1850

Facility:
RAVENSWOOD GENERATING STATION
38-54 VERNON BLVD
QUEENS, NY 11101

Facility Location: in QUEENS COUNTY Village: Long Island City
Facility Principal Reference Point: NYTM-E: 588.961 NYTM-N: 4512.613
Latitude: 40°45'34.8" Longitude: 73°56'45.8"

Project Location: 38-54 Vernon Boulevard

Authorized Activity: This permit authorizes the withdrawal of a supply of water up to 1,527,840,000 gallons per day (GPD) from the East River for once through cooling and other processes related to electrical generation.

Permit Authorizations

Water Withdrawal Non-public - Under Article 15, Title 15

Permit ID 2-6304-00024/00054

(WWA No. 11,660)

New Permit

Effective Date: 11/15/2013

Expiration Date: 10/31/2017

Modification # 1

Effective Date: 3/7/2014

Expiration Date: 10/31/2017

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KENT P SANDERS, Deputy Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature:

Kent P. Sanders

Date 3/7/2014

Permit Components

WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS



GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS

1. **Approval of Completed Works from NYS P.E.** Any new works constructed or modified pursuant to this water withdrawal permit shall be constructed under the general supervision of a person licensed to practice engineering in this state (professional engineer). Upon completion of construction and pre-operational testing, such works may not commence final operation until the professional engineer first certifies in writing to the Department that the works have been constructed in accordance with the issued permit.
2. **Permit Expiration and Renewal** Any permittee who intends to continue to operate a water withdrawal system beyond the period of time covered in the applicable water withdrawal permit must apply for a renewal of the permit at least 30 days prior to its expiration.
3. **Transfer of Ownership of Water Withdrawal Systems** Unless otherwise specified in this permit, a new water withdrawal permit application is required for the acquisition or condemnation of the approved water withdrawal system.
4. **Cooling Water Withdrawals Regulated by SPDES** Nothing in this water withdrawal permit shall supercede the need to, where necessary, obtain an appropriate SPDES permit that allows for the operation of a cooling water intake structure and the discharge of the amounts of water approved by this water withdrawal permit. If any modifications to the location, or capacity of the intake structure are required by the permittee's SPDES permit, permittee must also apply for a modification of this water withdrawal permit to reflect such changes.
5. **Incorporation of the SPDES Water Conservation and Fisheries Protection Measures** Required measures for water conservation and the reduction of impacts to the fisheries resource contained in the Biological Monitoring Requirement Section of the facilities SPDES permit # NY0005193 are hereby incorporated by reference into this permit.
6. **Annual Water Withdrawal Reports** The permittee must submit a Water Withdrawal Reporting Form to the Department's Division of Water, Albany, NY, by March 31st of each year. The form is available on the Department's website and includes information regarding approved sources of water supply, source capacities, average and maximum day water use data and water conservation and efficiencies employed during the past calendar year.
7. **Source Meter Calibration** All source meters or measuring devices shall be calibrated for accuracy at least once each year.
8. **Meter All Sources** The permittee must install and maintain meters or other appropriate measuring devices on all sources of supply used in the system. Source master meters or measuring devices are to be read, and records kept of those readings, on at least a weekly basis. The permittee must maintain records of water withdrawn and consumptive use for each calendar year.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Deputy Chief Permit Administrator
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

4. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to



the permitted activity.

5. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.