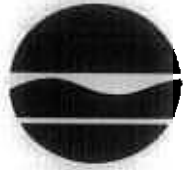


**New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor**

625 Broadway, Albany, New York 12233-1750
Phone: (518) 402-9167 • FAX: (518) 402-9168
Website: www.dec.state.ny.us



Denise M. Sheehan
Commissioner

October 25, 2007

James Morgan
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, New York 13202-4201

RE: Cohoes Fire Training Area – Remedial Action - Section 401 Water Quality
Certification & Article 15: Excavation & Fill

Dear Mr. Stoffle:

In conformance with the requirements of the State Uniform Procedures Act, Article 70 of the Environmental Conservation Law and its implementing regulations 6 NYCRR Part 621 (Uniform Procedures), enclosed is the Section 401 Water Quality Certification and Excavation and Fill permit for the remedial work to be completed at the fire training area in Cohoes.

Please read all terms and conditions carefully. If you have any questions regarding the certification please contact me at 518-402-9151.

Sincerely,

Christopher M. Hogan
Project Manager

cc: via e-mail:
A. Geisendorfer – Reg. 4
W. Little
W. Clarke
K. Kemp, Brookfield
R. Wingert
J. Brussel



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
NIAGARA MOHAWK POWER
CORPORATION
300 ERIE BLVD WEST
SYRACUSE, NY 13202-4201
(315) 592-0112

Facility:
COHOES FIRE TRAINING AREA

CRESCENT RD
COHOES, NY

Facility Location: in COLONIE in ALBANY COUNTY **Village:** Cohoes
Facility Principal Reference Point: NYTM-E: 605.047 NYTM-N: 4739.013
Latitude: 42°47'47.2" Longitude: 73°42'55.6"

Project Location: Crescent Rd, immediately above the School Street Hydro gatehouse/power canal
Authorized Activity: Excavate approximately 100 cubic yards of PCB contaminated sediment from the Mohawk River in conjunction with the remediation of a former fire training area. The remediation is being conducted in accordance with the Remedial Design, which was prepared in accordance with an existing consent order (Index No. A4-0416-003).

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5
Permit ID 4-0126-00656/00001

New Permit Effective Date: 10/25/2007 Expiration Date: 10/25/2008

Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 4-0126-00656/00002

New Permit Effective Date: 10/25/2007 Expiration Date: 10/25/2008

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: WILLIAM R ADRIANCE, Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
 625 BROADWAY
 ALBANY, NY 12233

Authorized Signature: William R. Adriance Date 10/25/07

Permit Components



NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; WATER QUALITY CERTIFICATION

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by ARCADIS Of New York, Inc. (See details in following condition.).

2. Conformance with Plans (continued) All work must be completed in accordance with the following approved plans:

- Remedial Design, prepared by Arcadis of New York, LLC, dated October 2007 (cover letter from James Morgan, National Grid, dated October 19, 2007.)
- Letter from James Morgan, National Grid, dated September 10, 2007 to Christine Delorier, US Army Corps of Engineers regarding Former Fire Training Area at the School Street Hydroelectric Station.

PRE-CONSTRUCTION REQUIREMENTS

3. Management of Dredge Spoils All dredged material shall be disposed of in accordance with the Final Remedial Design, referenced in Paragraph 1 and 2 (Conformance with plans) and approved by the Department on October 22, 2007.

4. Notification of the Commencement of Work The permittee shall submit a Notice of Intent to Commence Work to Christopher Hogan and Allan Geisendorfer via e-mail (cmhogan@gw.dec.state.ny.us and angeisen@gw.dec.state.ny.us) at least 72 hours in advance of the time of commencement of work and shall also provide e-mail notification of the completion of work.

DREDGING

5. Environmental Bucket Dredging shall be conducted using a closed environmental bucket in conjunction with the installation of turbidity barriers. Dredging equipment shall be operated in a manner that minimizes the in-stream resuspension of sediments. Dredging operations shall not cause an increase in turbidity that results in a substantial visible contrast to natural conditions or the deposition of sediment outside the limits of the installed turbidity barriers.

6. Surface Water Monitoring Surface water monitoring of turbidity shall be conducted to confirm the effectiveness of the turbidity barriers. In-water monitoring of turbidity shall be conducted at least 100 feet upstream and 500 feet downstream of the dredging operation, hourly. Dredging activities will be modified (slowed or halted) or other engineering controls will be implemented if the downstream turbidity exceeds the upstream turbidity by 10 NTU. NYSDEC shall be notified via e-mail



(cmhogan@gw.dec.state.ny.us) that dredging was slowed or halted, which specific adjustments were made and when dredging activities were resumed.

7. Water Column Sampling Two water column samples for TSS and PCB will be collected daily during sediment removal. Depth integrated samples shall be collected at multiple locations at least 100 feet upstream of the dredging and/or outside of the dredge plume. Upstream samples shall combined as a composite. Depth integrated samples shall be collected at multiple locations approximately 500 feet downstream of the dredging. Downstream samples shall be combined as a composite.

8. PCB Analysis PCB analysis shall be conducted using EPA Method 508. The detection/reporting limit for PCB analysis shall be 65 ppt. or less. All laboratory analyses required by this permit must be conducted by a laboratory certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) .

9. Water Column Sample Data Review - Halting Dredging When downstream turbidity exceeds upstream turbidity by more than 10 NTU, samples shall be collected for PCB analysis four times per day until the downstream turbidity no longer exceeds the upstream turbidity by more than 10 NTU. The first two samples collected will be analyzed for PCB concentration and the rest of the samples shall be archived. If PCB concentrations exceed 90 ppt in the first two samples, then archived samples will be analyzed. Water column samples shall be analyzed on a 24 hour turnaround basis or as quickly as can be achieved by the certified laboratory. Un-verified sample results shall be reported to DEC as soon as the information is available from the laboratory.

10. City of Cohoes Water Intake If, for any reason, the water supply intake for the City of Cohoes cannot be kept closed during the dredging, then dredging shall be halted. Prior to the resumption of dredging, the applicant shall coordinate with the Maureen Schuck of the NYSDOH.

11. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

12. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

13. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall



be made against the State of New York on account of any such removal or alteration.

14. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

15. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

POST-CONSTRUCTION REQUIREMENTS

16. Remedial Action Summary Report The Remedial Action Summary Report required by the Consent Order and described in the approved Final Remedial Design shall be provided to the Department within 60 days of completion of the remedial activities. Copies of the report shall be provided to Allan Geisendorfer, NYSDEC - Region 4, Division of Environmental Remediation and Christopher Hogan, NYSDEC - Central Office, Division of Environmental Permits. Reports can be provided via e-mail if electronic copies of the complete are available.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

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:

Chief Permit Administrator
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY12233

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right 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.

6. 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.