

**New York State Department of Environmental Conservation
Facility DEC ID: 2630100185**



**PERMIT
Under the Environmental Conservation Law (ECL)**

IDENTIFICATION INFORMATION

Permit Type: Industrial SPDES
Permit ID: 2-6301-00185/00007
Effective Date: 11/01/2001 Expiration Date: 11/01/2006

Permit Type: Air State Facility
Permit ID: 2-6301-00185/00016
Effective Date: 05/06/2003 Expiration Date: No expiration date

Permit Type: Title IV (Phase II Acid Rain)
Permit ID: 2-6301-00185/00017
Effective Date: 05/06/2003 Expiration Date: 05/06/2008

Permit Issued To: ASTORIA GENERATING COMPANY LP
18-01 20TH AVE
LONG ISLAND CITY, NY 11105-4271

Contact: ANDREW OLIVER
ASTORIA GENERATING COMPANY LP
225 GREENFIELD PKWY SUITE 201
LIVERPOOL, NY 13088
(315) 413-2769

Facility: ASTORIA GENERATING STATION
18-01 20TH AVENUE
ASTORIA, NY 11105

Contact: RICHARD BOSCARINO
ASTORIA GENERATING COMPANY LP
18-01 20TH AVENUE
LONG ISLAND CITY, NY 11105
(718) 204-3821

Description:

Astoria Generating Company, L.P. is proposing to repower the Astoria Generating Station (AGS) located at 18-01 20th Avenue in Astoria, Queens County, New York. Existing structures and facilities at the site include an administration and warehouse building, cooling water intake and wastewater discharge structures along the East River, electrical transformers, natural gas pipelines and miscellaneous ancillary facilities. Fuel oil is stored at the Astoria Fuel Oil Tank Farm located to the northeast of the site.

The Astoria Generating Co. is proposing to construct six (6) combustion turbines each with a duct-fired (each duct burner is nominally rated at 309 mmBtu/hr heat input) heat recovery steam generator (HRSG). The facility will have a nominal electric output capability of 1816 megawatts. It is expected to operate at



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full load, except during startup and shutdown. The AGS is expected to have an overall availability of 95% or higher and to operate up to 8,760 hours per year.

The primary fuel for this project will be natural gas, with low sulfur content distillate oil backup. This facility will replace the existing boilers currently located at this site which have a capacity of 1254 megawatts. The duct burners will fire natural gas and cannot be operated independent of the combustion turbines. Since it is not feasible to monitor / measure the duct burner exhausts individually the permit contains "stack emission limits" that apply during periods of duct burner operation.

The potential emissions of major air pollutants from the facility will exceed the major source threshold.

The facility is subject to the provisions of State Facility specified under 6NYCRR Part 201-6.

The Air State Facility permit contains a listing of the applicable federal, state, and compliance monitoring requirements for the facility.

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

Permit Administrator: WILLIAM R ADRIANCE
 DIVISION OF ENVIRONMENTAL PERMITS
 625 BROADWAY
 ALBANY, NY 12233-1750

Authorized Signature: _____ Date: ___ / ___ / _____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee 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.



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Relationship of this Permit to Other Department Orders and Determinations

Facility Inspection by the Department

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal-REGION 2

HEADQUARTERS



DEC GENERAL CONDITIONS
****** General Provisions ******
GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 1.1:

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.

Condition 2: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 2.1:

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).

Item 2.2:

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

Item 2.3:

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.

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

The permittee must submit a separate written application to the Department for 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.

Item 3.2:

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 3.3:

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual



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transfer of ownership.

Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. 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.

****** Facility Level ******

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 2 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator
Region 2 Headquarters
Division of Environmental Permits
1 Hunters Point Plaza, 4740 21st Street
Long Island City, NY 11101-5407
(718) 482-4997

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - Industrial SPDES PERMIT

IDENTIFICATION INFORMATION

ASTORIA GENERATING
COMPANY LP

18-01 20TH AVE
LONG ISLAND CITY, NY 11105-4271

GENERATING STATION

18-01 20TH AVENUE
ASTORIA, NY 11105

Authorized Activity By Standard Industrial
Classification Code:
30 SERVICES

NO CONDITIONS FOR THIS PERMIT Permit Effective

Permit Expiration Date:
11/01/2006

Permit Conditions

Air Pollution Control

