

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Application of
RELIANT ENERGY for §401 Water Quality
Certifications for Hydroelectric
Power Facilities:

**ORDER
OF
DISPOSITION**

(March 10, 2004)

<u>Facility</u>	<u>DEC Project No.</u>	<u>FERC Project No.</u>
Oswego River	7-3500-00001/00001-9	2474-004 (Amendment of 5984)

On April 29, 2003, the New York State Department of Environmental Conservation ("NYSDEC" or the "Department") Deputy Commissioner Stark executed the settlement offer in the above referenced matter, commonly called the Oswego River project.

The settlement is a stipulation that resolves all potential adjudicable issues between Erie Boulevard Hydropower, LP (the "Applicant" [acting through its General Partner, Reliant Energy]; successor in interest to the original water quality certification applicants), Department Staff and all Intervenors in the above referenced matter¹.

Several other interested entities have executed the settlement since the settlement also has been submitted to the Federal Energy Regulatory Commission ("FERC") as a settlement offer in the relicensing proceeding for these hydroelectric power facilities.

The approved settlement fully resolves all possible issues with respect to the above referenced water quality certification applications and represents the litigants' willingness, subject to the terms and conditions of the settlement, to have the Department issue federal Clean Water Act §401 water quality certificates for

¹Intervenors in the Department's Oswego River water quality certification proceeding are the U.S. Fish and Wildlife Service, New York Rivers United, the New York Power Authority and the Central New York Chapter of the Izaak Walton League of America.

the hydroelectric generating facilities addressed by the settlement.

Therefore, the water quality certification application above referenced are hereby remanded to Staff under cover of this memorandum, for further processing and issuance.

March 10, 2004
Albany, New York

/s/
Kevin J. Casutto
Administrative Law Judge

TO: Oswego River Distribution List (dated 2/26/2004)

OSWEGO RIVER PROJECT
ERIE BOULEVARD HYDROPOWER, LP
(Acting through its general partner RELIANT ENERGY)
(Formerly NIAGARA MOHAWK POWER CORPORATION project)

NYSDEC No. 7-3500-00001/00001-9
[FERC Project No. 2474 (Amendment of 5984)]

DISTRIBUTION LIST

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