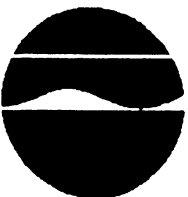


B.1 WATER QUALITY

**NYSDEC 401 Water Quality Certificate
(April 28, 1994)**

New York State Department of Environmental Conservation
Division of Regulatory Affairs - Room 514
50 Wolf Road, Albany, New York 12233-1750
Telephone: (518) 457-2224



Langdon Marsh
Acting Commissioner

April 28, 1994


Mr. Scott Schupe
Niagara Mohawk Power Corp.
300 Erie Boulevard West
Syracuse, N.Y. 13202

Re: Salmon River Project
DEC No. 7-3599-00013/00001-9
FERC No. 11408
Water Quality Certificate

Dear Mr. Schupe:

The Department of Environmental Conservation (the Department) hereby certifies that, based upon our review of all pertinent information presented by Niagara Mohawk Power Corporation (NMPC) in its application for a federal license for the Salmon River Project and the Settlement Agreement dated December 9, 1993 (copy attached), NMPC has provided reasonable assurance that the subject project will comply with all applicable effluent limitations, water quality standards, standards of performance and other state statutes, regulations and criteria applicable to the affected water body as required by the state regulatory provisions implementing Section 401 of the Federal Water Pollution Control Act.

This certification is issued pursuant to the Section 401 of the Federal Water Pollution Control Act, 33 U.S.C. 1341. The Department makes this certification provided that the terms and conditions of the attached Settlement Agreement, signed by the Department, NMPC, New York Rivers United, the Adirondack Mountain Club and Trout Unlimited are met. The terms and conditions of this Settlement describes operation of the Salmon River Project, which encompasses the Bennetts Bridge and Lighthouse Hill hydroelectric stations on the Salmon River in the towns of Redfield and Orwell, Oswego County, respectively. The Department reserves the right to reconsider the entire certification if there is a significant change in the scope of the proposal or project as licensed, or in the event the referenced application or Settlement Agreement are amended.

Sincerely,

Jeffrey J. Sama
Deputy Chief Permit Administrator

cc: R. Bendick, DEC
R. Manna, DEC, R. 7
J. Sabattis, NMPC
M. Murphy, NMPC
B. Carpenter, NY Rivers United
J. Hargraves, Adirondack Mt. Club
C. Gauvin, Trout Unlimited
P. Skinner, AWA
D. Stillwell, U.S. F & W Service
L. Cashell, FERC
F. Springer, FERC
M. Robinson, FERC
A. Sidoti, FERC

B.3 WATER QUALITY

**Excerpt From New York State 2004 Section 303(d) List
(January 28, 2004)**

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
Part 2b - Multiple Segment/Categorical (fish consumption) Waterbodies Requiring TMDL Development (con't)							
Ont (portion 1)	<u>Lake Ontario (Minor Tribs) Drainage Basin</u> (con't) Lake Ontario Shoreline, West (0301-0053) ²⁴	Niagara	G.Lakes	A	PCBs Mirex Dioxin	Contaminated Sed. Contaminated Sed. Contaminated Sed.	1998 1998 1998
Ont 53	Salmon River (0303-0016)	Oswego	River	C(T)	Mirex PCBs	Contaminated Sed. Contaminated Sed.	1998 1998
Ont 108/P113	Irondequoit Bay (0302-0001)	Monroe	Lake	B	Mirex PCBs	Contaminated Sed. Contaminated Sed.	1998 1998
Ont 148	Eighteenmile Ck (0301-0002)	Niagara	River	B,C,D	PCBs	Contaminated Sed.	1998
Ont 117 (portion 1)	<u>Genesee River Drainage Basin</u> Genesee River, Lower, Main Stem (0401-0001)	Monroe	River	B	PCBs Mirex Dioxin	Contam. Sed. Contam. Sed. Contam. Sed.	2004 2004 2004
Ont 117-27-34-11-P43	* Canadice Lake (0402-0002)	Ontario	Lake	AA(TS)	PCBs	Cont. Sed, Land, Disp.	1998
PA 3-28-6-1-3-13a	<u>Chemung River Drainage Basin</u> * Koppers Pond (0501-0012)	Chemung	Lake	C	PCBs	Cont. Sed, Land, Disp.	1998
SR (portion 1)	<u>Susquehanna River Drainage Basin</u> Susquehanna River, Lower, Main Stem (0603-0016)	Tioga	River	B	Mercury	Atmospheric Dep.	2002
SR (portion 2)	Susquehanna River, Lower, Main Stem (0603-0015)	Tioga	River	C	Mercury	Atmospheric Dep.	2002
SR (portion 3)	Susquehanna River, Lower, Main Stem (0603-0013)	Tioga	River	B	Mercury	Atmospheric Dep.	2002
SR (portion 4)	Susquehanna River, Lower, Main Stem (0603-0002)	Broome	River	A	Mercury	Atmospheric Dep.	2002
SR (portion 5)	Susquehanna River, Main Stem (0601-0182)	Broome	River	A	Mercury	Atmospheric Dep.	2002
SR (portion 6)	Susquehanna River, Main Stem (0601-0040)	Broome	River	B	Mercury	Atmospheric Dep.	2002
SR (portion 7)	Susquehanna River, Main Stem (0601-0020)	Broome	River	B	Mercury	Atmospheric Dep.	2002
SR (portion 8)/P360	Goodyear Lake (0601-0015)	Osego	Lake	B	Mercury	Atmospheric Dep.	2002
SR (portion 9)	Susquehanna River, Upper, Main Stem (0601-0041)	Osego	River	B	Mercury	Atmospheric Dep.	2002
SR-44 (portion 1)	Chenango River, Lower, Main Stem (0602-0033)	Broome	River	B	Mercury	Atmospheric Dep.	2002
SR-44 (portion 2)	Chenango River, Middle, Main Stem (0602-0009)	Chenango	River	B/C	Mercury	Atmospheric Dep.	2002
SR-44 (portion 3)	Chenango River, Upper, Main Stem (0602-0069)	Chenango	River	B/C	Mercury	Atmospheric Dep.	2002
SR-146 (portion 1)	Unadilla River, Lower, Main Stem (0601-0003)	Chenango	River	B	Mercury	Atmospheric Dep.	2002

²⁴ This waterbody segment was previously included within the segment listed as Lake Ontario (0300-0001). The larger Lake Ontario segment has been and will continue to be re-segmented into multiple, smaller waterbody segments that are listed here.