

# STROOCK

By Federal Express

September 17, 2009

E. Gail Suchman  
Direct Dial 212-806-6656  
Direct Fax 212-806-7656  
gsuchman@stroock.com

Honorable Jaclyn A. Brillling  
Secretary to the Commission  
New York State Public Service Commission  
3 Empire State Plaza  
Albany, New York 12223-1350

Re: Case No.: 09-E-0250  
Astoria Generating Company's Petition for Certificate of Public Convenience and  
Necessity Pursuant to Section 68 of Public Service Law for Its Gowanus Generating  
Station, Order Approving Financing Thereof Pursuant to Section 69 of Public Service  
Law, and Order Approving Lightened Regulatory Regime

Dear Secretary Brillling:

Enclosed please find notice by the Department of Environmental Conservation (DEC) accepting the Final Environmental Impact Statement (FEIS) for Astoria Generating Company's South Pier Improvement Project (SPIP) at its Gowanus Generating Station in Sunset Park, Brooklyn, published in the Environmental Notice Bulletin (ENB) yesterday, September 16, 2009 (Attachment 1). Separate notice was also sent to all parties listed on SPIP's stakeholder list (formal service list) and public outreach list.

Accompanying this letter are one hard copy and one CD copy of the FEIS, to be filed in the above referenced proceeding in support of Astoria Generating Company's Petition for a Certificate of Public Convenience and Necessity, filed on March 12, 2009, and its Motion for Expedited Proceeding Pursuant to NYCRR 21.10(a), filed on August 3, 2009.

The FEIS is not different from the Draft Environmental Impact Statement (DEIS) in any substantive way except for the addition of new Chapter B which contains the DEC's responsiveness summary, addressing all public and agency comments on the DEIS (actual comment letters and hearing transcript are contained in new Appendix O of the FEIS). The responsiveness summary was previously submitted to the Public Service Commission (PSC) attached to the Motion for Expedited Proceeding. A sheet summarizing the changes to the DEIS as reflected in the FEIS may be found at the very beginning of the FEIS (also attached hereto as Attachment 2).

We expect the DEC to issue its findings under the State Environmental Quality Review Act (SEQRA) and the final air permit for the SPIP shortly after the close of the ten-day comment

September 17, 2009

Page 2

period set out in the ENB notice. We believe that with the filing of this FEIS, the PSC has all information and materials upon which to render its decisions with respect to the Petition and the Motion.

If you require any further information, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "E. Gail Suchman".

E. Gail Suchman

EGS:baa

Enclosures



NEW YORK STATE  
DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

## ENB - Region 2 Notices 9/16/2009

### Notice of Acceptance of Final EIS

**Kings County (Brooklyn)** - The New York State Department of Environmental Conservation (NYS DEC), as lead agency, has accepted a Final Environmental Impact Statement on the proposed South Pier Improvement Project (SPIP). A hard copy of the FEIS is available at the following locations: Community Board 7, 4201 4th Avenue, Brooklyn, NY 11232, Phone: (718) 854-0003, E-mail: [communityboard7@yahoo.com](mailto:communityboard7@yahoo.com); NYC Public Library, 5108 4th Avenue in Sunset Park, Brooklyn, NY 11220, Phone: (718) 567-2806; NYC Public Library, 7 Wolcott Street in Red Hook, Brooklyn, NY 11231, Phone: (718) 935-0203; NYS DEC - Region 2 Office, 47-40 21st Street, Long Island City, NY 11101, Phone: (718) 482-4997 The online version of the FEIS is available at the following NYS DEC website: <http://www.dec.ny.gov/permits/6061.html>, and at the South Pier Improvement Project website: [www.USPowerGen.com](http://www.USPowerGen.com).

The action consists of two components; the installation of one General Electric LMS 100 combustion turbine/electric generator at the existing Gowanus Generating Station, and an emissions reduction strategy for the new turbine and for the existing electric generating equipment at that facility. The project is located on the South Pier of the Gowanus Generating Station, with the entrance on 29th Street and 2nd Avenue in Brooklyn, New York.

**Contact:** Kevin A. Kispert, NYS DEC - Region 1 Office, SUNY at Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409, Phone: (631) 444-0369, E-mail: [kakisper@gw.dec.state.ny.us](mailto:kakisper@gw.dec.state.ny.us).

---

---

**CHAPTER A: DESCRIPTION OF CHANGES TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Draft Environmental Impact Statement (DEIS) was submitted in February 2009 by the Astoria Generating Company, L.P., a US Power Generating Company (AGC) to support the environmental permitting process for the South Pier Improvement Project. A public hearing was held on April 6, 2009 to accept comments on the proposed project. A Notice of Complete Application was published in The Daily News on March 13, 2009 and the comment period was initially set to expire on May 13, 2009. Due to requests from the community, NYSDEC and AGC agreed to extend the comment period until June 12, 2009.

No substantive changes were required to be made in the DEIS to develop the FEIS. The only changes made to the DEIS are as follows:

1. A new cover.
2. A new Table of Contents.
3. Page headers and other references in the document have been updated to reflect FEIS and the date.
4. A new Chapter B has been added that includes the Responsiveness Summary providing responses to comments addressed by the NYSDEC and dated July 22, 2009. Comments addressed were received at the Public Hearing on April 6, 2009 and written comments received during the comment period. Written comments were received from Dr. John Haughey, ARC Engineering & Construction P.C., New York State Department of Public Service, and the New York City Department of Transportation.
5. A new Appendix O has been added which includes the transcript of the Public Hearing and the comment letters received.

In a few instances, the NYSDEC requested further information from AGC to assist in the response to certain comments. AGC provided all such information as reflected in or attached to the Responsiveness Summary in Chapter B.