

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits

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April 9, 2024

VIA ELECTRONIC FILING

The Honorable Debbie-Anne A. Reese,
Acting Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1a
Washington, D.C. 20426

RE: Swinging Bridge Hydroelectric Project
FERC #10482
DEC ID #3-4830-00086/00004
Final Modified Section 401 Water Quality Certification
Town of Forestburgh, Sullivan County

Dear Secretary Reese,

Enclosed herewith, and on behalf of the New York State Department of Environmental Conservation (NYSDEC), please find the final modified Section 401 Water Quality Certification (WQC) for the Swinging Bridge Hydroelectric Project (Federal Energy Regulatory Commission (FERC) Project # P-10482), operated by Eagle Creek Renewable Energy, LLC (Eagle Creek) in the Town of Forestburgh, Sullivan County, State of New York.

On November 27, 2023 NYSDEC issued a WQC to Eagle Creek for the Swinging Bridge Hydroelectric Project. On December 27, 2023, pursuant to 6 NYCRR Part 621.7(b)(6)(ii), Eagle Creek requested modifications to the issued WQC as well as a separate request for a public comment hearing or an adjudicatory proceeding before NYSDEC's Office of Hearings and Mediation. The requested modifications were determined by NYSDEC to be necessary to ensure the WQC was clearly consistent with the terms of the Offer of Settlement. NYSDEC did not consider Eagle Creek's modifications to be material changes to the WQC. On January 29, 2024¹, pursuant to 40 CFR §121.10(a), NYSDEC filed a draft modified WQC with FERC and requested FERC's concurrence, in writing, to the proposed non-material corrections. By letter dated, March 21, 2024², FERC issued an Order agreeing to the proposed modifications to the Project's WQC.

Please feel free to contact me by telephone at (518) 402-6594 or by e-mail at Patrick.Rahm@dec.ny.gov if there are any questions.

¹ FERC Accession Number: 20240129-5163

² FERC Accession Number: 20240321-3034



Sincerely,

A handwritten signature in blue ink, reading "Patrick J. Rahm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patrick Rahm
Environmental Analyst

ecc: K. Gaidasz, DEC CO DEP
S. Crounse, DEC CO OGC
N. Cain, DEC CO BEH
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