

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits

625 Broadway, 4th Floor, Albany, New York 12233-1750  
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www.dec.ny.gov

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

March 28, 2023

Consolidated Edison Company of New York, Inc.  
4 Irving Place  
New York, New York 10003

Re: Notice of Intent to Modify  
Con Ed 59<sup>th</sup> Street Station  
State Pollutant Discharge Elimination System (SPDES) Permit  
SPDES NY0005134 DEC ID 2-6202-00032/00004

Dear Permittee,

This letter is to advise you that the New York State Department of Environmental Conservation (department) proposes to renew and modify the permit referenced above, as explained in the enclosed Notice of Complete Application/Intent to Renew and Modify. Also enclosed is the draft SPDES permit and factsheet for your review. In addition to the public comment period provided by this notice, pursuant to 6NYCRR Part 621.13(d), should you object to the modification you may submit a written statement giving reasons why your permit should not be modified, or you may request a hearing or both. Statements and requests for hearing must be submitted by 4/28/2023 and should be sent to me at the above address.

Notice and the opportunity for public comment is required for this application. Please have the Notice published in the newspaper identified below once during the week of 3/27/2023 on any day Monday through Friday.

The official newspaper of the City of Manhattan. Contact the Clerk's office to confirm the official paper.

On the Notice of Complete Application/Intent to Renew and Modify, that information presented between the horizontal lines, on the enclosed page should be published. Do not print this letter or the information contained below the second bold horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.



Department of  
Environmental  
Conservation

Notification of this intent to modify is also being provided by the department in the NYSDEC Environmental Notice Bulletin.

If a statement or request for hearing is not submitted by 04/28/2023, it is anticipated that the permit will become effective on 6/1/2023. A copy of the final renewed and modified permit will be mailed to you.

The final decision on permit modification will await consideration of any statement you may provide or the conclusion of hearing proceedings.

In accordance with the approved Public Participation Plan for this application, please place this notice and the enclosed documents on the on-line document repository and distribute the notice to the contact list.

If you have any questions, please contact me using the contact information above.

Sincerely,



James J. Eldred  
Environmental Analyst  
Division of Environmental Permits

Enclosures: draft modified permit, draft factsheet

c: RPA  
S. Southwell, RWE  
G. Temple, CO DOW – Permit writer  
CO-BWP Permit Coordinator  
USEPA Region 2  
EFC  
NYC Mayor's Office (LWRP consideration)  
NYCDEP  
NYC DOH  
Borough President and Community Board(s)  
IEC

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**New York State Department of Environmental Conservation  
Notice of Complete Application/Intent to Renew and  
Modify Permit**

*Date:* 03/21/2023

*Applicant:* CONSOLIDATED EDISON COMPANY OF NEW YORK INC  
4 IRVING PL  
NEW YORK, NY 10003-3502

*Facility:* CON ED-59TH ST STATION  
850 12TH AVE  
NEW YORK, NY 10019

*Application ID:* 2-6202-00032/00004

*Permits(s) Applied for:* 1 - Article 17 Titles 7 & 8 Industrial SPDES - Surface Discharge

*Project is located:* in NEW YORK COUNTY

*Project Description:*

The Department has prepared a draft permit and has made a tentative determination, subject to public comment or other information, to approve a renewal and modification to the State Pollutant Discharge Elimination System (SPDES) permit NY0005134.

The permitted facility is an industrial facility that produces steam, for customer use, using boilers that are fired by gas or oil. The facility also has a combustion turbine for generating electricity for peak loads. The facility uses a once-through cooling system to withdraw water from the Hudson River and uses a cooling water intake structure subject to the requirements of 6 NYCRR 704.5. Wastewater consists of process wastewater, stormwater, and non-contact cooling water discharged through outfalls to the Hudson River, a Class I water.

In addition to renewing the permit, a full technical review has been undertaken and updates to the following parameters are proposed: Toxics Class; primary outfall changed to 002 with closure of outfall 001; removal of special conditions No.s 3,4,5,6, and 9; addition of special condition No.8 for sensitive test procedures; added biological monitoring requirements; added Mercury Minimization Plan requirements; added Submittal of Additional Submittals; WET action levels, mercury, added Outfall 02F (reverse osmosis water treatment plant discharge); added influent and effluent monitoring for Total copper and Total lead; among other requirements detailed within the draft permit and fact sheet.

As a result of the EBPS full technical review, a new five-year term is proposed.

The draft SPDES permit with fact sheet is available online at <https://dec.ny.gov/fs/projects/draftpermits> . The draft permit files are contained within regional folders and named by the SPDES number contained in this notice.

Requests for a legislative (public statement) hearing must be sent in writing to the DEC contact person below by the comment deadline. The Department assesses such requests pursuant to 6 NYCRR Section 621.8. Refer to this application by the application number listed above and SPDES Number NY0005134.

### Availability of Application Documents

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

### *State Environmental Quality Review (SEQR) Determination*

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

### *SEQR Lead Agency*

None Designated

### *State Historic Preservation Act (SHPA) Determination*

The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

### *Coastal Management*

This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.

### *DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)*

It has been determined that the proposed action is not subject to CP-29.

### *Availability For Public Comment*

Comments on this project must be submitted in writing to the Contact Person no later than 04/28/2023 or 30 days after the publication date of this notice, whichever is later.

### *Contact Person*

JAMES J ELDRED  
NYSDEC  
625 Broadway  
Albany, NY 12233  
(518) 402-9158

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### **CC List for Complete Notice**

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