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### Specific Comments

1. In 2001, KeySpan applied for and received a modification of their permit to allow for the injection of Sodium Hypochlorite at two of the power station's cooling water intakes to prevent befouling of the system. We would like to point out that we have never detected any chlorine in our weekly monitoring of the harbor's water quality and that according to the Nassau County Health Department (personal conversation on February 14, 2006), it has been at least three years since the health department has received any complaints of foaming discharge from the plant. It thus appears that the addition of Sodium Hypochlorite has effectively resolved this problem.
2. In view of the aforementioned role of the harbor in providing habitat, we support the biological monitoring requirements set forth in the draft permit. However, it is our understanding that several years ago KeySpan initiated a study to determine the affect of the cooling water on juvenile fish. We have not seen the results of this study and request that the results of this study be reviewed by DEC prior to the issuance of this permit.
3. We would also like to request that the Hempstead Harbor Protection Committee be included as a copy recipient of this former study and any future biological studies.
4. We would like to request that the DEC consider adding a permit condition that would require the installation of a permanent continuous monitoring device in the harbor downstream of the cooling water discharge outfall (such as a YSI Model 600XLM-S or similar) that would provide real-time readings on a publicly accessible website on a 24 hour basis. Our Committee has a similar device located elsewhere in the harbor and the addition of a second monitor would not only assist in the proposed biological monitoring requirements but would enhance the harbor's overall water quality monitoring program.
5. Since the Water Quality Improvement Plan for Hempstead Harbor (Coastal Environmental Services, 1998) identified non-point source pollutants (i.e. stormwater) as the single-largest threat to the harbor's water quality, we believe that the permit should include more stringent controls on this significant source of pollutants.

We note that In 2003, when KeySpan and LIPA applied to add new generation capacity on their parcel across the street, this Committee undertook an extensive review of that site's stormwater control measures and found that although their stormwater output and system was in compliance with their SPDES permit, it did not come close to meeting then applicable Nassau County or New York State standards as referenced in the October, 2001 New York State Stormwater Management System Design Criteria.

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By KeySpan's own admission, the stormwater system on that site could only handle a 0.29 inch storm, while the New York State design criteria called for a 1.20 inch storm and the Nassau County design criteria called for a 2.00 inch storm (*note: the County's criteria now calls for an 8.00 inch storm*).

In reviewing the adequacy of their system, we first obtained rainfall data for the year from NOAA's website (<http://www.erh.noaa.gov>) for the closest location (LaGuardia airport) and found that there were 92 days with rainfall of at least 0.01" (since March 1<sup>st</sup>, the earliest date for which data is available). We then looked at how many of these days had rainfall greater than 0.29" and how many days had rainfall greater than 1.2". We have summarized these results on the following chart.

#### 2003 RAINFALL DATA – LaGUARDIA AIRPORT

MONTH (2003)	# DAYS IN MONTH	# DAYS WITH RAINFALL > 0.01"	# DAYS WITH RAINFALL > 0.29"	# DAYS WITH RAINFALL > 1.2"
March	31	12	5	0
April	30	12	4	0
May	31	14	2	1
June	30	15	9	2
July	31	17	2	1
August	31	12	4	1
September	30	10	6	1
<b>TOTALS</b>	<b>214</b>	<b>92</b>	<b>32</b>	<b>6</b>

As you can see, that study period consisted 92 rain events. Of these, KeySpan's system was able to handle the volume of 60 (65% of all storm events) of them but unable to handle all of the volume of 32 of them.

Viewed another way, there were 32 days out of 214 days (or 14.95% of these days) in which the site's stormwater capacity was exceeded. This equates to 1 out of every 6 or 7 days in which we had a storm that resulted in stormwater discharging directly into the harbor.

When we looked at how many storm events exceeded the 1.2" criteria set forth in the New York State Stormwater Management Design Manual, we see that we only experienced this amount of rain on 6 out of the 92 rain events. Therefore, if KeySpan's system was designed to meet this standard, they would have been able to handle 86 out of the 92 storm events (or 93.5% of all storm events).

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The bottom line appears to be that by capturing only the first 0.29" of rain, KeySpan's system can only effectively handle 65% of the storm events. If their system were designed to meet the 1.2" criteria, you would have been able to handle 93.5%. If they met Nassau County's former 2.0" criteria, they would have handled 96.7%. If they met Nassau County's current 8.0" criteria, they would have handled 100%.

It thus appears to us that the New York State Stormwater Design Manual and Nassau County's requirements set the proper design criteria for stormwater management systems like KeySpan's.

In view of the above and the fact that nine of the outfalls listed in the draft permit are stormwater outfalls, we request that all stormwater discharges from this facility be required to at least meet the 1.2" standard set forth in the New York State Stormwater Management Design Manual if not the 8.0" Nassau County stormwater design standard.

6. We note that under Special Conditions, KeySpan is required to develop a plan incorporating 13 minimum best management practices which are aimed at reducing stormwater impacts. We request that this requirement be broadened to require that this plan be consistent with the Water Quality Improvement Plan for Hempstead Harbor (Coastal Environmental Services, 1998) and the Harbor Management Plan for Hempstead Harbor (Cashin Associates, 2004) and that the Hempstead Harbor Protection Committee be included as a copy recipient for both draft and final copies of this plan.
7. Beginning in 2006, the Hempstead Harbor Protection Committee has assumed responsibility for the harbor's most comprehensive water quality monitoring program. In order to enhance our data collection efforts, we request that as a condition of this permit that the Committee be included as a recipient of all water quality data, monitoring reports and incident reports that are required under this permit. Wherever possible, we would appreciate the receipt of these data electronically. Our e-mail address is [HempsteadHarbor@yahoo.com](mailto:HempsteadHarbor@yahoo.com).
8. We request that any water quality monitoring that is required to be undertaken pursuant to this permit, be performed only pursuant to an EPA-approved Quality Assurance Program Plan (QAPP). This will help to ensure the quality and usability of the data in evaluating the health of the harbor.
9. Finally, we request that the Hempstead Harbor Protection Committee be included on all future public notices of new SPDES permits or modifications to existing permits for this or any other KeySpan facility on Hempstead Harbor.

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Thank you once again for the opportunity to comment on this application. If you need to contact us, I can be reached at (516) 677-5790.

Sincerely,

Eric Swenson  
Executive Director

*Copy to: William Clemency, Chair, Hempstead Harbor Protection Committee  
Robert D. Teetz, KeySpan Energy Corporation  
John Jacobs, Nassau County Department of Health*