

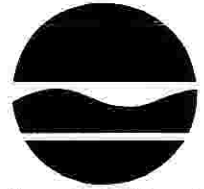
New York State Department of Environmental Conservation

Office of General Counsel, Region 2

47-40 21ST Street, Long Island City, NY 11101-5407

Phone: (718) 482-4965 • FAX: (718) 482-4962

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

February 13, 2009

Mr. Michael J. Tone, Esq.
Nixon Peabody LLP
50 Jericho Quadrangle, Suite 300
Garden City, NY 11753-2728

**Re: Clean Water of New York - Part 360 Permit
DEC Permit No. 2-6401-00065/00001**

Dear Mr. Tone:

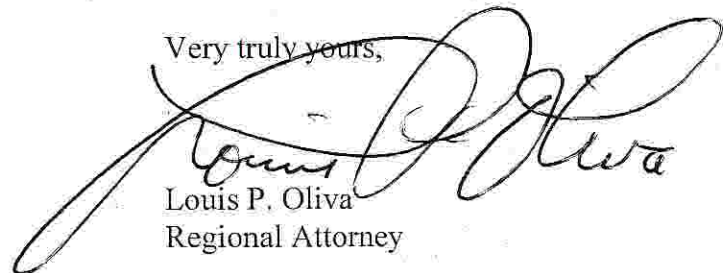
This is in regards to Clean Water of New York, Inc.'s Part 360 Permit which has an expiration date of December 17, 2000.

Pursuant to the State Administrative Procedure Act § 401(2) and 6 NYCRR § 621.13(I), when a permittee has submitted a timely and sufficient application for renewal of a permit for an activity of a continuing nature, the existing permit does not expire until the New York State Department of Environmental Conservation ("DEC") has made a final decision on the renewal application and if such application has been denied, then not until the last day for seeking review of the agency order or any later date fixed by a court. A timely renewal application for a Part 360 Permit is one which is submitted no less than 180 calendar days prior to the permit expiration (*see* 6 NYCRR § 621.13(a)).

Clean Water of New York, Inc. submitted a sufficient renewal application for its Part 360 Permit on March 5, 1999, which is more than 180 calendar days prior to December 17, 2000. Therefore, the existing Part 360 Permit does not expire until the New York State Department of Environmental Conservation ("DEC") has made a final decision on the renewal application and if such application has been denied, then not until the last day for seeking review of the agency order or any later date fixed by a court.

If you have any questions regarding this issue, please contact me at (718) 482-4965.

Very truly yours,



Louis P. Oliva
Regional Attorney