

USNRC-DS

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October 19, 1987
IPN-87-048

John C. Brons
Executive Vice President
Nuclear Generation

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Subject: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
State Pollutant Discharge and Elimination System
(SPDES) Permit

This letter, in part, notifies the NRC of the re-issuance of the Indian Point 3 SPDES Permit pursuant to the Clean Water Act. The SPDES permit must be reviewed and re-issued every five years. Enclosure 1 of this letter provides the re-issued Indian Point 3 SPDES permit, which is effective as of October 1, 1987. Included as Attachments A and B to the SPDES permit are Consent Order Agreements with the New York State Department of Environmental Conservation (DEC). This notification is being made pursuant to Section 3.2 of the Non-Radiological Environmental Protection Plan, which requires changes to the SPDES permit be reported to the NRC within 30 days following the date the change is approved.

Enclosure 2 of this letter provides a copy of the Indian Point Station Discharge Monitoring Reports for the monthly monitoring periods from March 1987 to June 1987. These Monitoring Reports are accompanied by a Non-Compliance Report, which reports excursions from the SPDES Permit effluent limits. The DEC has not issued a notice of violation based on those excursions reported in the Non-Compliance Reports.

Should you or your staff have any questions regarding this matter, please contact Mr. P. Kokolakis of my staff.

Very truly yours,

John C. Brons
John C. Brons
Executive Vice President
Nuclear Generation

cc: See next page

8710260092 871019
PDR ADOCK 05000286
P PDR

IF48
Add: AEOD/DOA
AEON/DSP/TPAB *Ltr Encl*
1 1
1 1

cc: Resident Inspector's Office
Indian Point Unit 3
U.S. Nuclear Regulatory Commission
P. O. Box 377
Buchanan, NY 10511

U.S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, PA 19406

Joseph D. Neighbors, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects I/II
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Bethesda, MD 20014

Enclosure 1 to IPN-87-048
Re-Issued Indian Point 3 SPDES Permit

New York Power Authority
Indian Point 3 Nuclear Power Plant
Docket No. 50-286

State Pollutant Discharge Elimination System (SPDES)

DISCHARGE PERMIT

Special Conditions (Part 1)

Industrial Code 4911
Discharge Class (CL) 03
Toxic Class (TX) T
Major D.B. 13
Sub D.B. 01
Water Index Number H

Facility ID Number: NY- 000 4472
UPA Tracking Number: 3086-0062
Effective Date (EDP): October 1, 1987
Expiration Date (ExDP): October 1, 1992
Modification Date(s):
Attachment(s): General Conditions (Part II, 2/85)
"A" - Order on Consent, July 17, 1986
"B" - Order on Consent, August 20, 1987

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et. seq.) (hereinafter referred to as "the Act").

Attn: Robert Kaegan/John W. Blake

Permittee Name: Consolidated Edison Co. of New York/New York Power Authority
Street: 4 Irving Place, Room 300/123 Main Street
City: New York/White Plains State: NY/NY Zip Code: 10003/10601

is authorized to discharge from the facility described below:

Facility Name: Indian Point Generating Station (Units 1&2 Con Ed) & (Unit 3 PASNY)
Location (C,T,V): Buchanan (V) County: Westchester
Mailing Address (Street): Broadway and Bleakley Avenue
Mailing Address (City) Buchanan State: NY Zip Code: 10511
from Outfall No. 001 at Latitude 41°16'7" & Longitude 73°57'19"
into receiving waters known as: Hudson River Class: SB

and: (list other Outfalls, Receiving Waters & Water Classification)

- 001 Hudson River SB
002 Hudson River SB
003 Hudson River SB
004 Hudson River SB
005 Hudson River SB
006 Hudson River SB
007 Hudson River SB
008 Hudson River SB
009 Hudson River SB

in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit. This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal as prescribed by Sections 17-0803 and 17-0804 of the Environmental Conservation Law and Parts 621, 752, and 755 of the Departments' rules and regulations.

Table with 3 columns: PERMIT ADMINISTRATOR (Ralph Manna, Jr.), DATE ISSUED (8/28/87), ADDRESS (21 South Putt Corners Rd. New Paltz, NY 12561)

Distribution: C. Manfredi/P. Doshna
R. Hannaford - BWF
Westchester Co. H.D.
EPA, NY - R. Baker
EPA, NJ - R. Spear
ISC

E. Reilly (pg. 1)
E. Radle, BEP - Albany
B. Brandt

Handwritten signature of Ralph Manna, Jr. over the word SIGNATURE

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the Period Beginning October 1, 1987

and lasting until October 1, 1992

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

| Outfall Number & Effluent Parameter | Discharge Limitations | | Units | Minimum Monitoring Requirements | |
|-------------------------------------|-----------------------|------------|-------|---------------------------------|-------------|
| | Daily Avg. | Daily Max. | | Measurement Frequency | Sample Type |

001* Discharge Canal^{a,b}

The permittee shall discharge condenser cooling water so that the following conditions are satisfied:

1. At no time shall the maximum discharge temperature at Station DSN 001 exceed 43.3°C (110°F).
2. Between April 15 and June 30, the daily average discharge temperature at Station DSN 001 shall not exceed 34°C (93.2°F) for an average of more than ten days per year during the term of this permit beginning with 1981; provided that in no event shall the daily average discharge temperature at Station DSN 001 exceed 34°C (93.2°F) on more than 15 days between April 15 and June 30 in any year.
3. Whenever, due to forced outage or other technical problem, e.g. equipment failure, it is necessary to remove one or more circulating water pumps from service at an operating unit (or units), pumps at any non-operating unit (or units), including Unit 1, may be used to augment flow in the discharge canal as necessary to meet temperature limits, and will not be considered a violation of settlement outage requirements at the non-operating unit provided that in no event shall total Station flow, as so augmented, exceed the equivalent of full circulator flow at each unit which is then operating.
4. If the discharge temperature limits in clauses 1 and 2 above are exceeded as a result of reduced flow required by Section 2.D of the Settlement Agreement, corrective action, which may include increasing cooling water flow as necessary up to the equivalent of full circulator flow for each unit then operating, shall be taken as quickly as practical and will not be considered a violation of outage requirements at the non-operating unit. During the period required for corrective action (which shall not exceed 24 hours), the discharge will not be considered to be in excess of the foregoing temperature limits. To the extent practical the permittee shall anticipate when the ambient river temperature will rise to such level that the prevailing reduced cooling water flow rate specified in the Settlement will fail to maintain discharge temperature below 34°C, and may, upon consultation with DEC, increase flow to the next rate scheduled in the Settlement prior to the discharge temperature exceeding 34°C.
5. Nothing contained herein shall be construed to change or otherwise affect the provisions of the Settlement Agreement.
6. Except as set forth above, there shall be no thermal effluent limitations which govern or otherwise affect the operation of the Station or discharges therefrom.

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the Period Beginning October 1, 1987

and lasting until January 1, 1989

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

| Outfall Number & Effluent Parameter | Discharge Limitations | | Units | Minimum Monitoring Requirements | |
|---|-----------------------|-------------------|---------|---------------------------------|-------------|
| | Daily Avg. | Daily Max. | | Measurement Frequency | Sample Type |
| 001* Discharge Canal^{a,b} | | | | | |
| Total Residual Chlorine ^c | NA | 0.2 | mg/l | (See footnotes q,r) | |
| Lithium Hydroxide | NA | 0.01 ^d | mg/l | Monthly | Calculation |
| Boron | NA | 1.0 ^e | mg/l | Weekly | Calculation |
| Boron | NA | 525 ^e | lbs/day | Weekly | Calculation |
| pH (Range) 6.0 - 9.0 | | | SU | Weekly | Grab |

*Outfall 001 is the point prior to confluence of the discharge from the common discharge canal and the Hudson River.

Internal Waste Streams Effluent Limitations

001A - Sewage Treatment Plant

| | Monitor | Monitor | | | |
|--------------------------------------|------------------|------------------|------------|------------|---------------|
| Flow | | | GPD | Continuous | Recorder |
| BOD ₅ | 30 ^g | 45 ^h | mg/l | Monthly | 6hr Composite |
| Total Suspended Solids | 30 ^g | 45 ^h | mg/l | Monthly | 6hr Composite |
| Settleable Solids | | 0.3 | ml/l | Weekly | Grab |
| Fecal Coliform | 200 ⁱ | 400 ^j | NO./100 ml | Weekly | Grab |
| Total Residual Chlorine ^p | 0.5(min.) | 3.0 | mg/l | Weekly | Grab |
| pH (Range) | Monitor | Monitor | SU | Weekly | Grab |

Sum of 001B, 001C, 001D, 001E, 001G & 001K, 001L

| | Monitoring Only | | | | |
|------------------------|-----------------|----|------|--------|-------------------|
| Flow | | | MGD | Weekly | Instantaneous |
| Total Suspended Solids | 30 | 50 | mg/l | Weekly | Grab ^k |

Sum of 001C & 001D

| | Monitoring Only | | | | |
|---------------------|-----------------|-----|------|---------|-------------------|
| Flow | | | MGD | Weekly | Instantaneous |
| Hexavalent Chromium | 0.05 | 0.1 | mg/l | Monthly | Grab ^l |
| Total Chromium | 0.5 | 1.0 | mg/l | Weekly | Grab ^l |
| Lithium Hydroxide | Monitoring Only | | mg/l | Monthly | Grab ^l |

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the Period Beginning January 1, 1989and lasting until October 1, 1992

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

| Outfall Number & Effluent Parameter | Discharge Limitations | | Units | Minimum Monitoring Requirements | |
|--------------------------------------|-----------------------|-------------------|---------|---------------------------------|-------------|
| | Daily Avg. | Daily Max. | | Measurement Frequency | Sample Type |
| 001* Discharge Canal ^{a,b} | | | | | |
| Total Residual Chlorine ^c | NA | 0.2 | mg/l | (See footnotes q,r) | |
| Lithium Hydroxide | NA | 0.01 ^d | mg/l | Monthly | Calculation |
| Boron | NA | 1.0 ^e | mg/l | Weekly | Calculation |
| Boron | NA | 525 ^e | lbs/day | Weekly | Calculation |
| pH (Range) 6.0 - 9.0 | | | SU | Weekly | Grab |

*Outfall 001 is the point prior to confluence of the discharge from the common discharge canal and the Hudson River.

Internal Waste Streams Effluent Limitations**001A - Sewage Treatment Plant**

No Discharge Allowed

| | | | | | |
|---|-----------------|-----|------|---------|-------------------|
| <u>Sum of 001B, 001C, 001D, 001E, 001G & 001K, 001L</u> | | | | | |
| Flow | Monitoring Only | | MGD | Weekly | Instantaneous |
| Total Suspended Solids | 30 | 50 | mg/l | Weekly | Grab ^k |
| <u>Sum of 001C & 001D</u> | | | | | |
| Flow | Monitoring Only | | MGD | Weekly | Instantaneous |
| Hexavalent Chromium | 0.05 | 0.1 | mg/l | Monthly | Grab ^l |
| Total Chromium | 0.5 | 1.0 | mg/l | Weekly | Grab ^l |
| Lithium Hydroxide | Monitoring Only | | mg/l | Monthly | Grab ^l |

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the Period Beginning October 1, 1987and lasting until October 1, 1992

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

| Outfall Number & Effluent Parameter | Discharge Limitations | | Units | Minimum Monitoring Requirements | |
|---|----------------------------|------------|----------------|------------------------------------|--------------------------|
| | Daily Avg. | Daily Max. | | Measurement Frequency | Sample Type |
| <u>Sum of 001B, 001C, & 001D</u> Flow Boron | Monitoring Only | | MGD | Weekly | Instantaneous |
| | Monitoring Only | | mg/l | Weekly | Grab ⁿ |
| <u>001C</u> Flow | Monitoring Only | | MGD | Monthly | Instantaneous |
| <u>001E</u> Flow | Monitoring Only | | MGD | Weekly | Instantaneous |
| <u>001G</u> Flow Phosphates as P | Monitoring Only 16 | 38 | MGD lbs/day | Weekly Monthly | Instantaneous Grab |
| <u>001I</u> Flow | Monitoring Only | | MGD | Footnote o | Footnote o |
| <u>001J***</u> Flow Oil & Grease | Monitoring Only | | MGD | Weekly | Estimate |
| | No visible oil or sheen | | mg/l | Weekly | Visual Obser- vation. |
| <u>Sum of 001C, 001D, 001K and 001L</u> Oil & Grease | 15 | | mg/l | Monthly | Grab ^m |

***Because this outfall cannot be monitored, the following shall apply:

1. All oil spills shall be handled under the SPCC plan.
2. Flow tributary to the floor drains shall not contain more than 15 mg/l of oil and grease nor any visible sheen.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the Period Beginning October 1, 1987

and lasting until October 1, 1992

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Internal Wastes Streams

| Outfall Number & Effluent Parameter | Discharge Limitations | | Units | Minimum Monitoring Requirements | |
|--|-----------------------|------------|-------|---------------------------------|---------------|
| | Daily Avg. | Daily Max. | | Measurement Frequency | Sample Type |
| <u>001K - Filter Backwash</u> | | | | | |
| Flow | Monitor | Monitor | GPD | Weekly | Instantaneous |
| <u>001-L - Condensate Polisher System Effluent</u> | | | | | |
| Flow | Monitor | Monitor | GPD | Weekly | Instantaneous |
| <u>002-009 - Uncontaminated Stormwater Discharge</u> | | | | | |
| No monitoring required. | | | | | |

ACTION LEVEL REQUIREMENTS

The parameters listed below have been reported present in the discharge but at levels that currently do not require water-quality or technology-based limits. Action levels have been established which if exceeded will result in re-consideration of Water Quality and Technology based limits.

Routine action level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted.

If any of the action levels is exceeded, the permittee shall undertake a short-term, high-intensity monitoring program for this parameter. Samples identical to those required for routine monitoring purposes shall be taken on each of at least three operating days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the action level was first exceeded. Results may be appended to a DMR or transmitted under separate cover to the same addresses. If levels higher than the action levels are confirmed, the result shall constitute a revised application and the permit shall be reopened for consideration of revised action levels or effluent limits.

The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

| <u>Outfall Number and Effluent Parameter</u> | <u>Action Level</u> | <u>Units</u> | <u>Minimum Monitoring Requirements</u> | |
|---|---------------------|--------------|--|--------------------|
| | | | <u>Measurement Frequency</u> | <u>Sample Type</u> |
| <u>001L - Condensate Polisher System Effluent</u> | | | | |
| Fluorides | 5 | lbs/day | Semi-Annual | Grab |
| Iron | 4 | mg/l | Semi-Annual | Grab |
| Copper | 1.0 | mg/l | Semi-Annual | Grab |
| <u>001A - Sewage Treatment Plant (No discharge allowed after January 1, 1989)</u> | | | | |
| Copper | 0.5 | mg/l | Semi-Annual | Grab |
| Mercury | 0.1 | mg/l | Semi-Annual | Grab |
| Zinc | 1.0 | mg/l | Semi-Annual | Grab |

Footnotes

- a. Discharge 001 shall occur only through the subsurface ports of the outfall structure.
- b. When the temperature in the discharge canal exceeds 90°F or the site gross electric output equals or exceeds 600MW the head differential across the outfall structure shall be maintained at a minimum of 1.75 feet. When required, adjustment of the ports shall be made within four hours of any change in the flow rate of the circulating water pumps. If compliance is not achieved, further adjustments of the ports shall be made to achieve compliance. The requirements of the Settlement Agreement flow schedules shall take priority over the requirements of this footnote.
- c. The service water system may be chlorinated continuously. Should the condenser cooling water system be chlorinated, the maximum frequency of chlorination for the condensers of each unit shall be limited to two hours per day. The total time for chlorination of the three units for which this permit is issued shall not exceed nine hours per week. Chlorination shall take place during daylight hours and shall not occur at more than one unit at a time.
- d. The calculated quantity of these substances in the discharge shall be determined by using the analytical results obtained from sampling that is to be performed on internal waste streams 001C and 001D.
- e. The calculated quantity of this substance in this discharge shall be determined by using the analytical results obtained from sampling that is to be performed on internal waste streams 001B, 001C and 001D.

(Footnote f has been removed. Text has been placed in Additional Requirement #8.)
- g. Arithmetic mean of the values for effluent samples collected over a 30 day period.
- h. Arithmetic mean of the values for effluent samples collected over a 7 day period.
- i. 30 day geometric mean.
- j. 7 day geometric mean.
- k. One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 001B, 001C, 001D, 001E, 001G, 001K and 001L.

- l. One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 001C and 001D. Sampling is not required if use of chromium is discontinued.
- m. One grab sample shall be obtained from each of the internal waste streams 001C, 001D, 001K and 001L and the samples shall be analyzed separately. The results shall be reported by computing the flow-weighted average.
- n. One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 001B, 001C and 001D.
- o. The flow of condenser cooling water discharges shall be monitored and recorded by hourly recording the operating mode of the circulating water pumps. Any changes in the flow rate of each circulating water pump shall be recorded, including the date and time, and reported monthly together with the Discharge Reporting Form. The permittee shall indicate whether any circulating pumps were not in operation due to pump breakdown or required pump maintenance and the period(s) (dates and times) the discharge temperature limitation was exceeded, if at all. Methods, equipment, installation, and procedures shall conform to those prescribed in the Water Measurement Manual, U.S. Department of the Interior, Bureau of Reclamation, Washington D.C.: 1967 or equivalent approved by the permit issuing authority.
- p. Effluent disinfection is required all year. If chlorine is used for disinfection, a chlorine residual of 0.5 - 3.0 (Range) shall be maintained in the chlorine contact chamber effluent.
- q. Continuous monitoring of TRC during condenser chlorination is required. A continuous TRC monitor shall be installed by October 1, 1987 or by the date condenser chlorination begins, whichever is later. Prior to installation of the continuous monitor or when the continuous monitor fails, is inaccurate, or is unreliable, TRC shall be monitored during condenser chlorination by analyzing grab samples taken at least once every 30 minutes during each chlorination period.
- r. Grab samples shall be taken at least once daily during low level service water chlorination and at least once every 30 minutes during high level service water chlorination. During service water chlorination, Outfall 001 TRC concentrations may be determined by either direct measurement at Outfall 001 or by multiplying a measured TRC concentration in the service water system by the ratio of chlorinated service water flow to the total site flow.

Additional Requirements:

1. There shall be no discharge of PCB's from this facility.
2. Collected screenings, sludges, and other solids and precipitates separated from the Permittee's discharges and/or intake water authorized by this permit shall be disposed of in such a manner as to prevent entry of such materials into navigable waters or the tributaries. Any fish, shellfish, or other organisms collected or trapped as a result of intake water screening or treatment may be returned to the water body habitat, together with associated solids.
3. The permittee shall submit on a quarterly basis to the NYSDEC at its offices in White Plains and Albany a monthly report of daily operating data, by the 28th of the month following the end of the quarter, that includes the following:
 - a. Daily minimum, maximum and average station electrical output shall be determined and logged.
 - b. Daily minimum, maximum and average water use shall be directly or indirectly measured or calculated and logged.
 - c. Temperature of the intake and discharges shall be measured and recorded continuously. Daily minimum, maximum and average intake and discharge temperatures shall be logged.

4. Biological Monitoring and Reporting

The permittee shall comply with biological monitoring requirements which shall be embodied in a Memorandum of Agreement (MOA) to be entered into between the NYSDEC and the Permittee for the permit issued to Indian Point Generating Station Unit 1-3. Monitoring requirements shall be consistent with the Hudson River Settlement Agreement and Attachment V thereto.

Live sturgeon collected during biological monitoring studies will be counted, measured, and examined for tags, then carefully returned to the river as quickly as possible. Dead sturgeon collected during biological monitoring studies shall be counted, weighed, measured, examined for tags and frozen for salvage for the Department of Environmental Conservation for up to one year, at which time the sturgeon will be disposed of in a sanitary landfill. Each sturgeon shall be individually labeled indicating date of capture and appropriate measurements. The permittee shall provide written notice to the Chief, Bureau of Environmental Protection one (1) month prior to the disposal of any sturgeon.

5. Notwithstanding any other requirements in this permit, the permittee shall also comply with all applicable Water Quality Regulations promulgated by the Interstate Sanitation Commission including Sections 1.01 and 2.05 (f) as they relate to oil and grease.
6. It is recognized that influent quality changes, equipment malfunction, acts of God, or other circumstances beyond the control of the Permittees may, at times, result in effluent concentrations exceeding the permit limitations despite the exercise of appropriate care and maintenance measures, and corrective measures by the permittees. The permittees, either individually or jointly, may come forward to demonstrate to the DEC that such circumstances exist in any case where effluent concentrations exceed those set forth in this permit. The DEC, however, is not obligated to wait for, or solicit, such demonstrations prior to the initiation of any enforcement proceedings, nor must it accept as valid on its face the statements made in any such demonstration.

In the event of non-compliance attributable to only one facility, DEC will initiate enforcement proceedings against the permittee responsible for such facility.

DEC shall not initiate enforcement proceedings concurrently against both the Permittees, unless DEC has been unable to identify the non-complying facility. If DEC seeks to enforce in an administrative or judicial proceeding any provision of this permit, the Permittees may raise at that time the issue of whether, under the United States Constitution, statute, or decisional law, they are entitled to a defense that their conduct was caused by circumstances beyond their control.

7. The Hudson River Settlement Agreement, dated December 19, 1980, is annexed to this permit as Appendix 2 and is incorporated herein as a condition to this permit. The Settlement Agreement satisfies New York State Criteria Governing Thermal Discharges.
8. All chemicals listed and/or referenced in the January 17, 1986 permit application as well as Drewgard 315, Betz Corr-Shield 736 and Nalco 8325 are approved for use. Drewgard 100 may be added so the calculated concentration shall not exceed 11 mg/l and the active ingredient E.D.T.A. shall not exceed 0.28 mg/l in the discharge canal. If use of new biocides, corrosion control chemicals or water treatment chemicals is intended, application must be made prior to use. No use will be approved that would cause exceedance of state water quality standards.
9. Beginning upon the effective date of this permit, the permittees shall submit to the NYSDEC Offices in Albany and White Plains, a copy of their Semi-Annual Effluent and Waste Disposal Reports submitted to the Nuclear Regulatory Commission.

10. Permittee will (at Permittee's option) submit a report to analyze the suitability of continuous chlorine monitoring for compliance purposes. The report will compare results of continuous monitor to results of grab sampling program (for total residual chlorine). Within 60 days from receipt of the report, DEC shall either (a) approve the report's conclusions and recommendations and initiate any appropriate permit modification requested by the permittees or (b) provide the permittees with the detailed technical reasons for rejection. If DEC fails to meet this 60-day deadline, the Department shall initiate a permit modification to require grab samples at least once every 30 minutes during condenser chlorination.

11. The data, results and information being generated pursuant to aquatic studies and analyses and impact mitigation programs being conducted at this Facility under the terms of the Hudson River Settlement Agreement, dated December 19, 1980, shall constitute sufficient grounds for the applicant or the DEC to seek modification of this permit under 6 NYCRR 621.13.

Definition of Daily Average and Daily Maximum

The daily average discharge is the total discharge by weight or in other appropriate units as specified herein, during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of all the measured daily discharges in appropriate units as specified herein divided by the number of days during the calendar month when the measurements were made.

The daily maximum discharge means the total discharge by weight or in other appropriate units as specified herein, during any calendar day.

Monitoring Locations

Permittee shall take samples and measurements to meet the monitoring requirements at the location(s) indicated below:

(Show locations of outfalls with sketch or flow diagram as appropriate). The sampling for the internal waste streams 001A thru 001L shall be taken in the internal waste streams before entering the circulating cooling water discharge canal.

~~FINAL~~ SCHEDULE OF COMPLIANCE FOR EFFLUENT LIMITATIONS

(a) Permittee shall achieve compliance with the effluent limitations specified in this permit for the permitted discharge(s) in accordance with the following schedule:

| Action Code | Outfall Number(s) | Compliance Action | Due Date |
|-------------|-------------------|--|----------|
| 04 | 001A | Respondent shall begin construction of the "Sanitary Waste Pipeline Connection from the Indian Point Generating Facility to the Village of Buchanan. | 4/1/88 |
| 08 | 001A | Respondent shall complete construction of the "Sanitary Waste Pipeline Connection from the Indian Point Generating Facility to the Village of Buchanan." | 12/1/88 |
| 27 | 001A | Respondent shall cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility. | 1/1/89 |

The permittee shall comply with all terms and conditions of the orders on consent dated July 17, 1986 and August 20, 1987, described as attachments "A & B". Said terms and conditions are incorporated, herein, by reference.

(b) The permittee shall submit to the Department of Environmental Conservation the required document(s) where a specific action is required in (a) above to be taken by a certain date, and a written notice of compliance or noncompliance with each of the above schedule dates, postmarked no later than 14 days following each elapsed date. Each notice of noncompliance shall include the following information:

1. A short description of the noncompliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement without further delay;
3. A description of any factors which tend to explain or mitigate the noncompliance; and
4. An estimate of the date permittee will comply with the elapsed schedule requirement and an assessment of the probability that permittee will meet the next scheduled requirement on time.

SCHEDULE OF COMPLIANCE FOR EFFLUENT LIMITATIONS (continued)

(c) The permittee shall submit copies of the written notice of compliance or noncompliance required herein to the following offices:

Chief, Compliance Section
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233

Regional Water Engineer, Region 3
New York State Department of Environmental Conservation
202 Mamaroneck Avenue
White Plains, NY 10601

The permittee shall submit copies of any engineering reports, plans of study, final plans, as-built plans, infiltration-inflow studies, etc., required herein to the New York State Department of Environmental Conservation Regional Office specified above unless otherwise specified in this permit or in writing by the Department or its designated field office.

MONITORING, RECORDING AND REPORTING

a) The permittee shall also refer to the General Conditions (Part II) of this permit for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be:

Summarized, signed and retained for a period of three years from the date of sampling for subsequent inspection by the Department or its designated agent.

Summarized and reported by submitting completed and signed Discharge Monitoring Report forms once every 1 month(s) to the locations specified below. Blank forms available at department offices listed below.

The first report will be due no later than November 28, 1987

Thereafter, reports shall be submitted no later than the 28th of the following month(s): each month

Department of Environmental Conservation
Regional Water Engineer, Region 3
202 Mamaroneck Avenue
White Plains, NY 10601

Westchester County Health Department
112 East Post Road
White Plains, NY 10601

Department of Environmental Conservation
Division of Water
50 Wolf Road,
Albany, New York 12233

Interstate Sanitation Commission
ATTN: Mr. Thomas R. Glenn, Jr.
Director and Chief Engineer
10 Columbus Circle
New York, NY 10019

(Applicable only if checked)

Dr. Richard Baker, Chief
Permit Administration Branch
Planning & Management Division
USEPA Region II, 26 Federal Plaza
New York, New York 10278

- c) ~~XXXXXX~~ Monthly Wastewater Treatment Plant Operator's Reports should be submitted to the Regional Engineer and County Health Department or County Environmental Control Agency specified above. (outfall 001A only)
- d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.
- f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) On or after April 1, 1984, any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquires regarding laboratory certification should be sent to the Laboratory Certification/Quality Assurance Group, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Alleged Violations of the
Environmental Conservation Law ("ECL"), Article 17
and Part 751.1 of Title 6 of the Official Compilation
of Codes, Rules and Regulations of the State of
New York ("6NYCRR") by

ORDER
ON
CONSENT

Case #3-1212/8606

POWER AUTHORITY OF THE STATE OF NEW YORK

Respondent

WHEREAS:

1. New York State Department of Environmental Conservation ("DEC") has management responsibility for the issuance of all SPDES permits, which permits are required for the regulation of discharges into the waters of the State pursuant to Title 8 of Article 17 of the Environmental Conservation Law ("ECL") and the rules and regulations promulgated pursuant thereto.
2. Respondent owns and operates a sewage treatment plant known as the Indian Point Generating Station S.T.P. located in the Village of Buchanan, Westchester County, New York (the Facility).
3. Respondent and Consolidated Edison Company of New York, Inc. as co-permittees were issued SPDES permit NY-0004472 authorizing the Facility to discharge treated sanitary sewage to the Hudson River (Class 5B).
4. The DEC alleges that Respondent has exceeded the effluent limitations contained in its SPDES permit for flow, BOD₅, total suspended solids, settleable solids, fecal coliform and pH as set forth in exhibit "A" attached.
5. Section 754.4 of 6 NYCRR provides that:
"In addition to the requirements of sections 754.1, 754.2 and 754.3 of this Part, the following provisions apply to issued SPDES permits:
(a) All discharges authorized by the permit shall be consistent with the provisions of the permit.

(b) The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the provisions of the permit."

6. Section 17-0511 of the ECL provides that:

"The use of existing or new outlets as point sources, which discharge sewage, industrial waste or other wastes into waters of this State is prohibited unless such use is in compliance with all standards, criteria, limitations, rules and regulations promulgated or applied by the Department pursuant to this Article."

7. Section 17-0803 of the ECL and Section 751.1 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6NYCRR") provides that:

"It shall be unlawful to discharge pollutants to the waters of the State in a manner other than as prescribed by a SPDES permit issued pursuant to Article 17 of the ECL and the rules and regulations promulgated pursuant thereto."

8. The DEC alleges that the activities described in Paragraph 4 above constitute violations of Respondent's SPDES permit and Section 17-0501, 17-0509, 17-0511, 17-0701(1)(b), and 17-0803 of the ECL and Part 751.1 and 754.4 of 6 NYCRR.

9. Section 71-1929 of the ECL provides for a civil penalty of up to \$10,000 per day for a violation of any provision of Titles 1 through 11 of Article 17 of the ECL, or the rules, regulations, orders or determinations of the Commissioner promulgated thereto or the terms of a permit issued thereunder. Injunctive relief is also available.

10. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law and has consented to the issuing and entering of this Order and agrees to be bound by the terms, provisions and conditions contained therein.

NOW, having considered this matter and being duly advised, it is ORDERED that:

I. Respondent agrees to comply with the attached Schedule of Compliance, incorporated herein and made a part hereof.

II. The Department does not waive its right to seek relief for any violations alleged herein to have been committed by Respondent. However, the Department shall not institute an action or proceeding for penalties or other relief pursuant to law on account of any of such violations for as long as Respondent adheres to and fully complies with the terms, provisions and conditions of this Order.

III. Respondent shall not be in default of compliance with this Order if Respondent is unable to comply with any provision of this Order because of the action of a national or local government body or court, an act of God, war, strike, riot or catastrophe as to any of which the negligence or willful misconduct on the part of Respondent was not the proximate cause. Respondent shall apply in writing to the Department immediately upon obtaining knowledge of such event and request an appropriate modification to this Order.

IV. If, for any reason, Respondent desires that an provision of this Order be changed, Respondent shall make timely written application therefor to the Department setting forth reasonable grounds for the relief sought, together with any supporting documentation tending to establish such grounds. Such request shall be made as soon as reasonably possible after Respondent learns of the grounds for such relief. Such relief shall not be unreasonably withheld. No change or modification to this Order shall be made or be effective except as may be specifically set forth in writing by the Department.

V. All reports and submissions herein required shall be made to the Region 3 headquarters, New York State Department of Environmental Conservation, 202 Mamaroneck Avenue, White Plains, New York 10601. Attn: Regional Water Division

VI. For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question during reasonable hours, in order to inspect and/or require such tests as may be deemed necessary to determine the status of Respondent's compliance herewith.

VII. The terms of this Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

VIII. Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

IX. The provisions of this Order shall be deemed to bind Respondent, its officers, directors, agents, employees, successors and assigns, and all persons, firms and corporations acting under or for it.

DATED: New Paltz, New York
1986

July 17,

HENRY G. WILLIAMS
Commissioner
New York State Department of
Environmental Conservation

BY:

Paul D. Keller
PAUL D. KELLER
Regional Director
Region 3

TO: Power Authority of the State of New York

Schedule of Compliance

1. By October 1, 1986 Respondent shall submit preliminary conceptual report discussing options considered, cost analysis, conceptual design, and recommended proposed option.
2. By January 1, 1987 Respondent shall submit for approval final design and engineering report. Include schedule for final plans and construction. Upon approval, the schedule will be incorporated in the Order on Consent.

Exhibit A

10. Alleged Permit
Violations:

Calendar Year 1985 (Number of Excursions)

| | Flow | BOD ₅ | TSS | Set Sol | f. Coli | pH |
|--------------|--------|------------------|-------|---------|---------|-----|
| Permit | 20,000 | 30/45 | 30/45 | 0.3 | 200-400 | 6-9 |
| <u>Month</u> | | | | | | |
| Jan | 3 | 1 | 2 | 1 | 0 | 0 |
| Feb | 1 | 0 | 1 | 0 | 0 | 0 |
| Mar | 4 | 0 | 0 | 2 | 0 | 0 |
| Apr | 6 | 0 | 0 | 0 | 0 | 0 |
| May | 13 | 0 | 1 | 2 | 0 | 0 |
| Jun | 19 | 0 | 0 | 0 | 1 | 2 |
| Jul | 20 | 0 | 0 | 5 | 1 | 0 |
| Aug | 21 | 0 | 0 | 2 | 0 | 0 |
| Sep | 19 | 0 | 0 | 1 | 0 | 0 |
| Oct | 15 | 0 | 0 | 0 | 0 | 0 |
| Nov | 13 | 0 | 0 | 1 | 0 | 0 |
| Dec | 17 | 0 | 1 | 0 | 0 | 0 |
| Total | 151 | 1 | 5 | 14 | 2 | 2 |

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein. POWER AUTHORITY OF THE STATE OF NEW YORK

BY: Frank J. Smilgen

TITLE: PRESIDENT

DATE: JULY 10, 1986

STATE OF

SS:

COUNTY OF

On this 10th day of July, 1986, before me personally came Leroy W. Sindler, to me known, who being by me duly sworn did depose and say that he resides in White Plains, N.Y., that he is President of, the Corporation described in and which executed the foregoing instrument, and that he signed his name as authorized by said Corporation.

[Signature]

Notary Public

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Alleged Violations of the
Environmental Conservation Law ("ECL"), Article 17
and Part 751.1 of Title 6 of the Official Compilation
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ORDER
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1. New York State Department of Environmental Conservation ("DEC") has management responsibility for the issuance of all SPDES permits, which permits are required for the regulation of discharges into the waters of the State pursuant to Title 8 of Article 17 of the Environmental Conservation Law ("ECL") and the rules and regulations promulgated pursuant thereto.
2. Respondent owns and operates a sewage treatment plant known as the Indian Point Generating Station S.T.P. located in the Village of Buchanan, Westchester County, New York (the Facility).
3. Respondent and Consolidated Edison Company of New York, Inc. as co-permittees were issued SPDES permit NY-0004472 authorizing the Facility to discharge treated sanitary sewage to the Hudson River (Class 5B).
4. Respondent and the DEC entered into an Order on Consent dated July 17, 1986, to resolve alleged violations of Article 17 of the ECL and Respondent's SPDES permit that required Respondent among other things to submit a schedule for construction to come into compliance.
5. The parties acknowledge that the purpose of this Order is to incorporate the schedule for construction and to impose interim effluent limitations.
6. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law and has consented to the issuing and entering of this Order and agrees to be bound by the terms, provisions and conditions contained therein.

NOW, having considered this matter and being duly advised, it is ORDERED that:

I. Effective immediately and lasting until January 1, 1989, Respondent shall comply with the attached interim effluent limitations and monitoring requirements at outfall 001A.

II. Respondent agrees to comply with the attached Schedule of Compliance, incorporated herein and made a part hereof.

III. All other terms and conditions of the Order on Consent dated July 17, 1986, are continued and remain in full force and effect.

DATED: New Paltz, New York

August 20, 1987

THOMAS C. JORLING
Commissioner
New York State Department of
Environmental Conservation

BY:



PAUL D. KELLER
Regional Director
Region 3

TO: Power Authority of the State of New York

**INTERIM EFFLUENT LIMITATIONS
AND MONITORING REQUIREMENTS**

"Effective immediately and continuing upon reissuance of SPDES Permit No. NY-0004472 and lasting until January 1, 1989, Respondent shall comply with the following interim effluent limitations and monitoring requirements at Outfall 001A:

| <u>Parameter</u> | <u>Discharge Limitations</u> | | | <u>Units</u> | <u>Monitoring Requirements</u> | |
|---|------------------------------|------------------|------------------|--------------|--------------------------------|--------------------|
| | <u>Minimum</u> | <u>Average</u> | <u>Maximum</u> | | <u>Frequency</u> | <u>Sample Type</u> |
| Flow | NA | Monitor | Monitor | GPD | Continuous | Recorder |
| BOD ₅ | NA | 30 ^a | 45 ^b | mg/l | Monthly | 6hr Comp. |
| Suspended Solids Total | NA | 30 ^a | 45 ^b | mg/l | Monthly | 6hr Comp. |
| Settleable Solids | NA | NA | 0.3 | ml/l | Weekly | Grab |
| Fecal Coliform | NA | 200 ^c | 400 ^d | No/100ml | Weekly | Grab |
| Residual Chlorine ^e , Total | 0.5 | NA | 3.0 | mg/l | Weekly | Grab |
| pH (Range) | Monitor | NA | Monitor | SU | Weekly | Grab |

Notes

- a. Arithmetic mean of the values for effluent samples collected over a 30 day period.
- b. Arithmetic mean of the values for effluent samples collected over a 7 day period.
- c. 30 day geometric mean.
- d. 7 day geometric mean.
- e. Effluent disinfection is required all year. If chlorine is used for disinfection, a chlorine residual of 0.5-3.0 mg/l (Range) shall be maintained in the chlorine contact chamber effluent."

SCHEDULE OF COMPLIANCE

By April 1, 1988, Respondent shall begin construction of the "Sanitary Waste Pipeline Connection from the Indian Point Generating Facility to the Village of Buchanan."

By December 1, 1988, Respondent shall complete construction of the "Sanitary Waste Pipeline Connection from the Indian Point Generating Facility to the Village of Buchanan."

By January 1, 1989, Respondent shall cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility.

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein. POWER AUTHORITY OF THE STATE OF NEW YORK

BY: *J.P. Byrne*

TITLE: President and C.O.O.

DATE: August 6, 1987

STATE OF *New York*

SS:

COUNTY OF *WESTCHESTER*

On this *6th* day of *August*, 1987, before me personally came *J.P. Byrne*, to me known, who being by me duly sworn did depose and say that he resides in *Byghams, NY*, that he is *President* of, the Corporation described in and which executed the foregoing instrument, and that he signed his name as authorized by said Corporation.

Doreen Costabile

Notary Public

DOREEN COSTABILE
Notary Public, State of New York
No. 477373
Qualified in Westchester County
Commission Expires 12/31/1991

Memorandum of Agreement
Between
New York State Department of Environmental Conservation
and
the Hudson River Utilities

1. This Memorandum of Agreement (MOA) is entered into by the New York State Department of Environmental Conservation (Department) with Consolidated Edison of New York, Inc. (Consolidated Edison), and Power Authority of the State of New York (Power Authority), Orange and Rockland Utilities, Inc. (O and R), and Central Hudson Gas and Electric Corp. (CH) in accordance with the Department's certification pursuant to Section 401 of the Clean Water Act and to supply the appropriate conditions "Biological Monitoring and Reporting" of the SPDES discharge permit numbers:

NY 000 4472 Consolidated Edison's Indian Point Station Units 1 & 2
NY 002 7065 The Power Authority's Indian Point Station Unit 3
NY 000 8010 Orange and Rockland Utilities' Bowline Point Station
NY 000 8231 Central Hudson's Roseton Station,

and in accordance with the "Biological Monitoring Program" as provided for in Section 2.J and Attachment V to the Hudson River Settlement Agreement entered into December 19, 1980 (Settlement Agreement).
2. This MOA is to embody the agreement of the Utilities to conduct monitoring program studies as described in the Settlement Agreement. Specific studies will be carried out in accordance with work scopes approved by the Department. Nothing contained in this MOA shall cause the Utilities to perform activities or incur expenses in excess of or less than the amount specified in the settlement agreement. Any further studies necessary to fulfill the dollar value of the Utilities' monitoring obligations will be conducted only with the prior written approval of DEC.
3. The Utilities agree to use their best efforts to conduct fully the biological monitoring program as specified in the Settlement Agreement. The Department acknowledges that the Utilities will not be deemed to be in non-compliance with the Settlement Agreement or any Condition of any applicable discharge permit or Section 401 Certification if the full complement of all biomonitoring cannot be completed within the original calendar year for reasons beyond the reasonable control of the Utilities. However, should the full complement of biomonitoring not be completed within the original year, at the sole discretion of DEC, either the time to complete such studies shall be extended or the unexpended funds shall be used to supplement the biomonitoring program in the subsequent year.

4. The Department and the Utilities hereby agree that the study programs may be modified at any time by written agreement of the Department and the Utilities to fulfill the objectives of the study, provided that any cost savings which accrue through such modifications be redirected to other studies as appropriate.
5. Reports based on these studies and an accounting of funds expended will be submitted within six months of the completion of component studies and no later than June 30 of the subsequent year unless an extended schedule is mutually agreed upon by the Department and the Utilities.
6. The term of this MOA shall be from the expiration of the permit currently in force until the expiration date of this permit, after which time this MOA shall be of no further force or effect except for completion of reports, accountings, or studies identified in paragraphs 3 to 5.

Signatures

Con Edison

Date

Orange & Rockland

Date

Central Hudson

Date

Power Authority

Date

Niagara Mohawk

Date

NYSDEC

Date