



John C. Brons
Executive Vice President
Nuclear Generation

July 17, 1989
IPN-89-042

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

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

Reference: (1) Letter to NRC from Mr. J. C. Brons, dated March
28, 1989 (IPN-89-021), Regarding Indian Point SPDES
Permit

Dear Sir:

This letter notifies the NRC of a modification to the Indian Point SPDES permit. 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.

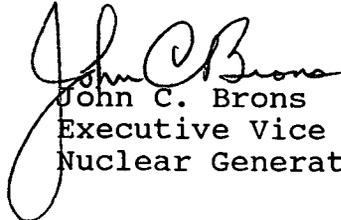
The Attachment to this letter contains a copy of the Order on Consent between the Authority and the Department of Environmental Conservation (DEC), dated July 5, 1989. The July 5, 1989 Order resolves an alleged violation of the Order on Consent dated August 20, 1987. The August 20, 1987 Order required cessation of discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility by January 1, 1989. This schedule could not be met because the Village of Buchanan failed to upgrade a lift station connecting the Indian Point sanitary waste pipeline to the Village sanitary waste system. A copy of the Authority's letter requesting modification to the August 20, 1987 Order was submitted to the NRC by Reference (1). The July 5, 1989 Order was proposed by the DEC in a letter dated May 11, 1989. A copy of the May 11, 1989 letter is also included in the Attachment.

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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
Executive Vice President
Nuclear Generation

Attachment

cc: Resident Inspector's Office
Indian Point Unit 3
U.S. Nuclear Regulatory Commission
P.O. Box 337
Buchanan, NY 10511

U.S. Nuclear Regulatory Commission
Region Administrator
475 Allendale Road
King of Prussia, PA 19406

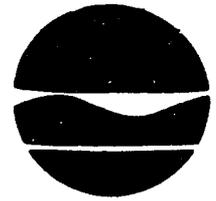
Joseph D. Neighbors, Sr. Proj. Manager
Project Directorate I-1
Division of Reactor Projects I/II
U.S. Nuclear Regulatory Commission
Mail Stop 14B2
Washington, D.C. 20555

**ATTACHMENT TO IPN-89-042
MODIFICATION TO INDIAN POINT SPDES PERMIT
ORDER ON CONSENT DATED JULY 5, 1989**

New York State Department of Environmental Conservation

21 South Putt Corners Road
New Paltz, NY 12561
(914) 255-5453

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#P 676 112 799



Thomas C. Jorling
Commissioner

July 7, 1989

Dennis J. Dunning Ph.D., Administrator,
Aquatic Programs and Permits
New York Power Authority
123 Main St.
White Plains, NY 10601

RE: Case #3-1624/8901

Dear Mr. Dunning:

Served upon you herewith, as an authorized representative of New York Power Authority, is a photocopy of the fully executed Consent Order which relates to violations committed by New York Power Authority of the Order on Consent dated August 20, 1987, entered into by New York Power Authority and the New York State Department of Environmental Conservation.

Very truly yours,

Joyce E. Giudice
Assistant Regional Attorney
Region 3

JEJ/bs
Enclosure

cc: Gerald Goldstein, Esq.

**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 #3-1624/8901

NEW YORK POWER AUTHORITY

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 SB).
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. Respondent and DEC entered into an Order on Consent dated August 20, 1987, whereby Respondent agreed to comply with the Schedule of Compliance incorporated therein which Schedule provided that Respondent shall cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility by January 1, 1989.
6. On November 17, 1988, Respondent requested a modification of the Order on Consent dated August 20, 1987 to allow discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility to continue until the Village of Buchanan accepts such discharges through the sanitary waste pipeline.

7. Respondent did not cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility by January 1, 1989.

8. DEC alleges that Respondent's failure to cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility by January 1, 1989, constitutes a violation of the Order on Consent dated August 20, 1987.

9. Section 71-1929 of the ECL provides for a maximum penalty of \$25,000 per day for each such violation. ECL §71-1929, effective prior to July 29, 1988, provided for a maximum penalty of \$10,000 per day of such violation.

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 herein.

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

I. Until November 1, 1989, Respondent shall comply with the interim effluent limitations and monitoring requirements at outfall 001A contained in the August 20, 1987, Order on Consent.

II. Respondent shall cease discharges from the Sanitary Waste Treatment Plant, outfall 001A, at the Indian Point Generating Facility prior to November 1, 1989.

III. Except as modified hereby, all other terms and conditions of the Order on Consent dated August 20, 1987, and the Order on Consent dated July 17, 1986, are continued and remain in full force and effect.

IV. (a). In respect of the aforesaid alleged violation, a civil penalty in the total amount of \$10,000 is hereby assessed against Respondent, which amount shall be suspended upon condition that Respondent remain in compliance with each term, provision and condition of Paragraph II hereof and shall become payable within 15 days after service upon Respondent of a notice of noncompliance. Such notice shall be deemed a part of this Order. Service of such notice may be by personal service or by certified mail return receipt requested (restricted delivery not required), or, if such service is refused or cannot be completed, by ordinary mail. Service shall be at the

following address, unless Respondent hereafter notifies the Department in writing of a different address:

New York Power Authority
123 Main Street
White Plains, NY 10601
Attn: Dennis J. Dunning, Administrator, Aquatic Programs
and Permits

(b) In the event that the Department serves upon the Respondent a notice of noncompliance pursuant to Paragraph I(a) hereof, demanding payment of all or a portion of the suspended penalty, and Respondent fails to make payment thereof within 15 days after service of such notice, this Order on Consent, together with a copy of the notice of noncompliance, shall be deemed the equivalent of a civil judgment after trial for the amount specified in such notice, and may be filed and enforced as a judgment for said amount in the State of New York and in any other jurisdiction in which Respondent may reside, do business or have any assets, without the need for any further proceedings whatsoever.

(c) Any failure by Respondent to comply fully with the terms of this Order may subject the Respondent to further enforcement action for the violations alleged herein. Compliance with this Order shall not excuse nor be a defense to charges of any violations of the ECL or any regulation or permit issued thereunder, which may occur subsequent to the date of this Order.

DATED: New Paltz, New York
July 5, 1989

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

BY:


PAUL D. KELLER
Regional Director
Region 3

TO: New York Power Authority

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.

NEW YORK POWER AUTHORITY

BY: John C Brons

TITLE: EXECUTIVE VICE PRESIDENT

DATE: 6/24/89

STATE OF *New York*

SS:

COUNTY OF *Westchester*

On this *29* day of *June*, 1989, before me personally came *John C. Brons*, to me known, who being by me duly sworn did depose and say that he resides in *Millwood, New York*, that he is *Executive Vice President* of the Corporation described in and which executed the foregoing instrument, and that he signed his name as authorized by said Corporation.

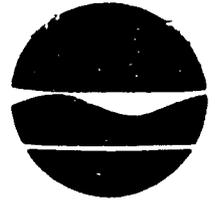
Barbara Ann Taggart

Notary Public

BARBARA ANN TAGGART
NOTARY PUBLIC, State of New York
No. 4851437
Qualified in Putnam County **90**
Commission Expires Jan. 27, 19

New York State Department of Environmental Conservation

21 South Putt Corners Road
New Paltz, NY 12561
(914) 255-5453



Thomas C. Jorling
Commissioner

May 11, 1989

Dennis J. Dunning, Administrator
Aquatic Programs and Permits
New York Power Authority
123 Main Street
White Plains, NY 10601

RE: Alleged Violations of Article 17 of the Environmental Conservation Law ("ECL") and Part 751.1 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6NYCRR") by the New York Power Authority Case #3-1624/8901

Dear Mr. Dunning:

Enclosed please find a Consent Order which has been drafted as a proposed settlement of the above-referenced violations. The Order modifies the Order on Consent entered into by the New York Power Authority on August 20, 1987, and assesses a civil penalty in the amount of \$10,000.

Please review the Order carefully. If you are willing to resolve this matter on the terms outlined in the Order, please sign the Consent Page and have the signature notarized. The Order should then be returned to me at the address indicated on the letterhead. You will be provided with a copy of the Order after it is executed by the Department.

If you wish the opportunity to discuss the enclosed Order, please contact the undersigned to schedule a compliance conference.

If we do not receive the signed and notarized Order by May 26, 1989, we will assume that you are not willing to consent to the Order and its offer will be withdrawn. Formal legal proceedings will then be instituted by the Department to obtain the necessary remediations and appropriate penalties.

If you have any further questions about the proposed Order, please contact me at the above telephone number.

Very truly yours,

Joyce E. Giudice
Senior Attorney
Region 3

JEJ/bs
Enclosure

**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 #3-1624/8901

NEW YORK POWER AUTHORITY

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. 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. Respondent and DEC entered into an Order on Consent dated August 20, 1987, whereby Respondent agreed to comply with the Schedule of Compliance incorporated therein which Schedule provided that Respondent shall cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility by January 1, 1989.
6. On November 17, 1988, Respondent requested a modification of the Order on Consent dated August 20, 1987 to allow discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility to continue until the Village of Buchanan accepts such discharges through the sanitary waste pipeline.

7. Respondent did not comply with the August 20, 1987 Order on Consent by ceasing discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility by January 1, 1989.

8. Respondent's failure to cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility by January 1, 1989, constitutes a violation of the Order on Consent dated August 20, 1987.

9. Section 71-1929 of the ECL provides for a maximum penalty of \$25,000 per day for each such violation. ECL §71-1929, effective prior to July 29, 1988, provided for a maximum penalty of \$10,000 per day of such violation.

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 herein.

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

I. Effective immediately and lasting until October 1, 1989, Respondent shall comply with the interim effluent limitations and monitoring requirements at outfall 001A contained in the August 20, 1987, Order on Consent.

II. Respondent shall cease discharges from the Sanitary Waste Treatment Plant, outfall 001A, at the Indian Point Generating Facility prior to October 1, 1989.

III. Except as modified hereby, all other terms and conditions of the Order on Consent dated August 20, 1987, and the Order on Consent dated July 17, 1986, are continued and remain in full force and effect.

IV. (a) In respect of the aforesaid violation, a civil penalty in the amount of \$10,000 is hereby assessed against Respondent, which amount shall be suspended upon condition that Respondent remain in compliance with each term, provision and condition of this Order and shall become payable within 15 days after service upon Respondent of a notice of noncompliance. Such notice shall be deemed a part of this Order. Service of such notice may be by personal service or by certified mail return receipt requested (restricted delivery not required), or, if such service is refused or cannot be completed, by ordinary mail. Service shall be at the following address, unless

Respondent hereafter notifies the Department in writing of a different address:

New York Power Authority
123 Main Street
White Plains, NY 10601
Attn: Dennis J. Dunning, Administrator, Aquatic Programs
and Permits

(b) In the event that the Department serves upon the Respondent a notice of noncompliance pursuant to Paragraph I(a) hereof, demanding payment of all or a portion of the suspended penalty, and Respondent fails to make payment thereof within 15 days after service of such notice, this Order on Consent, together with a copy of the notice of noncompliance, shall be deemed the equivalent of a civil judgment after trial for the amount specified in such notice, and may be filed and enforced as a judgment for said amount in the State of New York and in any other jurisdiction in which Respondent may reside, do business or have any assets, without the need for any further proceedings whatsoever.

DATED: New Paltz, New York
1989

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

BY:

PAUL D. KELLER
Regional Director
Region 3

TO: New York Power Authority

