

Permit No. NY 000 4472

Name of Permittee: Consolidated  
Edison Company of New York,  
Inc. - Indian Point Generating  
Station Units 1 and 2

Effective Date: March 31, 1975

Expiration Date: March 30, 1980

#### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE

In reference to the application from the above-referenced permittee for a permit authorizing the discharge of pollutants pursuant to the provisions of the Clean Water Act, 33 U.S.C. §§1251-1376 (hereinafter referred to as "the Act"), Consolidated Edison Company of New York, Inc., with offices located at 4 Irving Place, New York, New York 10003 (hereinafter referred to as "the Permittee") is authorized by the Regional Administrator, United States Environmental Protection Agency, Region II, to discharge from the Indian Point Generating Station, Units 1 and 2, Buchanan, New York, to the Hudson River by way of a common discharge channel shared with the Power Authority of the State of New York (for discharge from the Indian Point Generating Station, Unit 3, permit No. NY 002 7065) in accordance with the following conditions.

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1. All discharges authorized herein shall be consistent with the terms and conditions of this permit; facility expansions, production increases or process modifications which result in new or increased discharges of pollutants must be reported by submission of a new NPDES application, or if such new or increased discharge does not violate the effluent limitations specified in this permit, by submission to the Regional Administrator of notice of such new or increased discharges of pollutants; the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

2. After notice and opportunity for a public hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any aspect of operation that requires either a temporary or permanent reduction or elimination of the permitted discharge.

3. Notwithstanding Condition 2 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, the Regional Administrator shall revise or modify this permit in accordance with the toxic effluent standard or prohibition and so notify the Permittee.

4. The Permittee shall allow the Regional Administrator or his authorized representative and/or the authorized representative of the NYSDEC, in the case of non-Federal facilities, upon the presentation of his credentials:

- a. To enter upon the Permittee's premises in which an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. To have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
- c. To inspect at reasonable times any monitoring equipment or monitoring method required by this permit;
- d. To sample at reasonable times any discharge of pollutants.

5. The Permittee shall at all times maintain in good working order and operate as efficiently as possible any facilities or systems of treatment or control installed or utilized by the Permittee to achieve compliance with the terms and conditions of this permit.

6. The issuance of this permit does not convey any property rights either in real estate or material, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations; nor does it obviate the necessity of obtaining State or local assent required by law for the discharge authorized.

7. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

8. The specific effluent limitations and other pollution controls applicable to the discharge permitted herein are set forth in the following conditions. The following conditions also set forth self-monitoring and reporting requirements. Unless otherwise specified, the Permittee shall submit duplicate original copies of all reports to the head of the NYSDEC and the Regional Administrator. Except for data determined to be confidential under Section 308 of the Act, all such reports shall be available for public inspection at the office of the Regional Administrator. Knowingly making any false statement on any report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

## 9. General Limitations

Except as specifically authorized in this permit, the Permittee shall not discharge floating solids or visible foam, unless such discharge results from intake screen backwash.

## 10. Required Effluent Limitations

The following conditions apply on the effective date of this permit and shall remain in effect for the term of the permit:

a. The Permittee shall discharge condenser cooling water effluent such that the following conditions are satisfied at DSN 001:

1. The discharge temperature shall not exceed 37.2°C (99.0°F)\*, except that to the extent the intake temperature exceeds 27.8°C (82°F) the discharge temperature may exceed 37.2°C (99°F) by the same amount.
2. The discharge-intake temperature difference shall not exceed 9.4°C (17.0°F) when each circulating water pump is operating at full flow\*.
3. The allowable temperature differences set forth in Conditions 10.a.2. shall be increased by an additional 1.1°C (2.0°F) when heater or pre-heater drains empty directly into the condenser or during periods of high air leakage into the condenser.
4. The net rate of addition of heat to the receiving waters shall not exceed  $3.60 \times 10^9$  Kcal/hr ( $14.3 \times 10^9$  BTU/hr).
5. The pH at DSN 001\*\* shall not be less than 6.0 nor greater than 9.0 at any time based on the sampling schedules specified in Conditions 11.a.1. and 11.b.

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\* This limitation may be exceeded during periods when one or more condensing units is (are) operating with one or more circulating water pumps inoperative due to routine pump maintenance or pump breakdown. In the event of pump breakdown, the Permittee shall take corrective action as soon as possible. Where possible, routine pump maintenance resulting in the limitations of Conditions 10.a.1. and 10.a.2. being exceeded should be avoided during June - September. In no case shall the limitations specified in Condition 10.a.1. be exceeded more than 10% of the operating time during June - September, nor shall the limitation specified in Condition 10.a.2. be exceeded more than 10% of the time during the operating year due to routine pump maintenance or pump breakdown.

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

Condition 10. (continued)

b. Condenser and Service Water Chlorination

1. Total residual chlorine at DSN 001 shall not exceed 0.5 mg/l. Should the circulating water system be chlorinated, the maximum frequency of chlorination for the condensers of each unit shall be limited to 3 (THREE) times per week. The duration of any chlorination period shall not exceed one hour, with a maximum of 2 (TWO) chlorination periods occurring in a 24 hour period. The total time for chlorination of the three units for which this permit is issued shall not exceed 9 (NINE) hours per week. Chlorination shall take place during daylight hours and shall not occur at more than one unit at a time.

2. On November 10, 1975 the Permittee filed for approval with NYSDEC at its offices located in New Paltz and Albany, New York a plan on chlorine use and chlorination practice. Such plan includes practices which minimize the impact of chlorine on water resources.

After NYSDEC approval of the plan, and so long as the once-through cooling system is used, there shall be no use of chlorine which results in a discharge except at times and in circumstances in accordance with the approved plan, as necessary for the proper functioning of the facilities permitted herein and in accordance with Condition 10.b.1.

c. The following provision shall not be effective if the Settlement Agreement dated December 19, 1980 entered into between EPA, NYSDEC, and the Permittee becomes effective:

The area average approach velocity at a point 24 inches in front of the outermost intake screens shall not exceed:

1. 0.55 feet per second within one week after the 24-hour average intake temperature is 4.4°C (40.0°F) or less; and

2. 0.9 feet per second at any time.

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10. d. The Permittee shall discharge such that the following conditions are satisfied at the discharge points indicated:

Discharge Serial Number or Type	Parameter	Discharge Limitation in Net kg/day (lb/day)	
		Daily Average	Daily Maximum
(1) Total Site Discharge for Units 1-3	Hexavalent Chromium	-	0.1 mg/l**
	Total Chromium	-	1.0 mg/l** 30 (200)***
	Boron	- 71.5 (157.5)	1.0 mg/l** 143 (315)
	Lithium Hydroxide	- -	0.01 mg/l** 2.28 (5.0)
		Discharge Limitation in Gross kg/day (lb/day)	
		Daily Average	Daily Maximum
Auxiliary Boiler Blowdown*	Total Phosphorus (as P)	7.2 (16)	17.3 (38)
Plant Laundry Wastes	Surfactants	1.4 (3)	2.7 (6)
Sum of Evaporator Blowdown and Demineralizer Wastes (Units 1, 2, and 3)	Total Suspended Solids	2.4 (5.4)	8.0 (17.8)
Auxiliary Boiler Chemical Cleaning Wastes	Total Suspended Solids	-	50 mg/l
	Total Iron	-	1.0 mg/l
	Total Copper	-	1.0 mg/l
	Oil & Grease	-	15 mg/l
(2) Sanitary Waste Facility	Total Suspended Solids****	30 mg/l	45 mg/l
	BOD <sub>5</sub> ****	30 mg/l	45 mg/l

\* Includes Unit 1 and Unit 3 house service boilers

\*\* Expressed as instantaneous maximum value

\*\*\* Expressed as maximum lb/day (maximum lb/year)

\*\*\*\* Expressed as arithmetic means over 30 and 7 consecutive days, respectively. In addition, at least 85% of Total Suspended Solids and BOD<sub>5</sub> entering the facility must be removed prior to discharge.

Condition 10.d. (continued)

<u>Discharge Serial Number or Type</u>	<u>Parameter</u>	<u>Discharge Limitation in Gross kg/day (lb/day)</u>	
		<u>Daily Average</u>	<u>Daily Maximum</u>
Sanitary Waste Facility	Total Residual Chlorine	-	2.0 mg/l
	Settleable Solids	-	0.3 ml/l
	pH*	-	-
	Fecal Coliform**	200 MPN/100 ml	400 MPN/100 ml
	Total Coliform***	-	750 MPN/100 ml
	Flow (gallons per day)	-	20,000

e. 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 4 (FOUR) hours of any change in the flow rate of the circulating water pumps. If compliance is not achieved, further adjustments shall be made to achieve compliance.

f. The following New York State Standards applicable to receiving water quality shall be complied with:

1. Oil and Floating Substances - No residue attributable to sewage, industrial wastes or other wastes nor visible oil film nor globules of grease.
2. Toxic Wastes and Deleterious Substances - None in amounts that will interfere with use for primary contact recreation or that will be injurious to edible fish or shellfish or the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor, or sanitary condition thereof or impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
3. Suspended, Colloidal or Settleable Solids - None from sewage, industrial wastes or other wastes which will cause deposition or be deleterious for any best usage determined for the specific waters which are assigned to each class.

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\* The pH shall range from 6.0 to 9.0 at all times  
 \*\* Expressed as 30 day and 7 day arithmetic mean, respectively  
 \*\*\* Expressed as daily maximum

Condition 10. (continued)

g. The Permittee shall discharge thermal effluents such that the following conditions are satisfied beginning on the effective date of this permit and continuing for the term of this permit\*:

1. Thermal Discharges

a. For the protection of the aquatic biota from severe temperature changes, routine shutdown of an entire thermal discharge at any site shall not be scheduled during the period from December through March.

b. All mixing zones shall have definable numerical limits specified by the NYSDEC (e.g., linear distances from the point of discharge, surface area involvement, or volume of receiving water entrained in the thermal plume).

c. Conditions in the mixing zone shall not be lethal in contravention of water quality standards to aquatic biota which may enter the zone.

d. The location of mixing zones for thermal discharges shall not interfere with spawning areas, nursery areas, and fish migration routes.

2. Estuaries or Portions of Estuaries - As used herein, estuary shall refer to the Hudson River in the vicinity of Indian Point.

a. The water temperature at the surface of an estuary shall not be raised to more than 90°F at any point.

b. At least 50% of the cross-sectional area and/or volume of the flow of the estuary, including a minimum of one third of the surface measured from water edge to water edge at any stage tide, shall not be raised to more than 4°F (FOUR Fahrenheit degrees) over the temperature that existed before addition of heat of artificial origin, or a maximum of 83°F, whichever is less.

c. From July through September, if the water temperature at the surface of an estuary before the addition of heat of artificial origin is more than 83°F, an increase in temperature not to exceed 1.5°F (ONE AND ONE HALF Fahrenheit degrees) at any point of the estuarine passageway, as delineated above, may be permitted.

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\* The New York State Standards (NYCRR Parts 700, 701, 702, and 704), as applicable to the receiving water body, shall be complied with, including those specified in Condition 10.h.

Condition 10. (continued)

h. The Permittee shall provide for notification to the Regional Administrator and NYSDEC of any shutdown involving all units during December through March. Notification shall be made by telephone on the same day the shutdown occurs and shall be confirmed in writing not later than the day following such shutdown. If shutdown occurs after the close of business of EPA or NYSDEC on any day, notification by telephone shall be made not later than 10 a.m. on the next business day. Notification to EPA shall be directed to the Chief, Water Facilities Branch.

i. On November 10, 1975 the Permittee filed for approval with NYSDEC a report on all water treatment, corrosion inhibitor, anti-fouling, slimicide, biocide, and boiler cleaning chemicals or compounds used in Indian Point Units 1, 2, or 3. That report identified each product by chemical formula and/or composition, annual consumption, frequency of use, maximum use per incident, effluent concentration, available bioassay and toxicity limits, and procedures for use. Approval shall be granted only for uses which do not contravene New York State Water Quality Standards. Except for emergency measures which shall be reported to NYSDEC within 24 (TWENTY-FOUR) hours, no substitutions will be allowed without prior written approval of NYSDEC. As determined by NYSDEC, wastewaters containing chemicals and/or oil shall be collected and treated prior to dilution with non-contact cooling water on a schedule to meet effluent limitations and in facilities which shall be approved by NYSDEC, provided that the Permittee shall have 60 (SIXTY) days from the date of receipt of the NYSDEC's determination to present for consideration alternative facilities, controls, and measures.

11. Monitoring and Recording

The Permittee shall monitor and record the quantitative values of each discharge according to the following schedules and other provisions. For each discharge and for each sampling schedule listed below, the flow (in gallons per day) shall be measured.\* Where net values are listed in Condition 10, the surface water intake is to be sampled with the same frequency and type of sample as specified below for each required parameter. Reporting requirements which are supplemental to those reported on the Discharge Monitoring Report need not duplicate any other reporting requirements.

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\* The flow of condenser cooling water discharges shall be monitored and recorded by hourly recording of 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 Monitoring Report form. The Permittee shall indicate whether any circulating water pumps were not in operation due to pump breakdown or required pump maintenance and shall indicate the date(s) and time(s) the discharge temperature limitation was exceeded, if at all. For all other discharges or internal waste streams specifically limited in this permit, the flow shall be monitored and recorded at a frequency coinciding with the most frequently sampled parameter. 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.

Condition 11. (continued)

a. Sampling Schedule for Cooling Water Discharge (DSN 001)

The following sampling schedule shall apply on the effective date of the permit and shall remain in effect for the term of the permit:

11. a. 1.

<u>Parameter</u>	<u>Minimum Frequency of Analysis</u>	<u>Sample Type*</u>
Discharge Temperature	Continuous	
Intake Temperature	Continuous	
pH	Weekly	Grab
Total Residual Chlorine	Continuous during condenser and service water chlorination periods	
Total Chromium**	Each batch discharge	Grab
Boron**	Each batch discharge	Grab
Lithium Hydroxide**	Each batch discharge	Grab
Phosphate	Weekly	Composite
Hydrazine***	Weekly	Composite
Cyclohexylamine***	Weekly	Composite
Morpholine***	Weekly	Composite
Total Suspended Solids	Weekly	Composite
Dissolved Oxygen	Monthly	Grab at intake and discharge

\* Except where specified otherwise, grab samples only shall be taken for analysis of Dissolved Oxygen, Oil & Grease, and pH. Care shall be exercised when collecting a composite sample such that the proper preservative is present in the sample container during sample collection. Depending on the analysis to be conducted, several different containers and preservation techniques may be required. Samples shall be analyzed as quickly as possible after collection, and in no case shall maximum holding time exceed that contained in the references cited in Condition 11.g.

\*\*, \*\*\* Footnotes on following page

Condition 11.a. (continued)

2. The Permittee shall continue to submit to NYSDEC a monthly report of daily operating data by the 15th day of the following month for:

- a. Daily minimum, maximum, and average station electrical output in kilowatts, which shall be monitored and recorded, and daily minimum, maximum, and average electrical output in kilowatt hours, which shall be determined and recorded.
- b. Daily minimum, maximum, and average flow rate for each pump, which shall be directly or indirectly measured or calculated, and logged. The basis for such measurements or calculation shall be reported.
- c. Temperature in °F (degrees Fahrenheit) of the intake forebay and effluent canal prior to discharge, which shall be measured and recorded continuously.
- d. Daily minimum, maximum, and average intake and discharge temperatures, which shall be logged.

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[Footnotes from previous page]

\*\* Each batch shall be sampled prior to discharge into the discharge canal. Concentration at DSN 001 shall be calculated based on results of samples taken and their flow rates.

\*\*\* To be analyzed only when additives known to contain this parameter have been introduced into the process and will be present in the discharge, in which case sampling shall coincide with presence of this parameter.

Condition 11. (continued)

b. Sampling Schedule for Discharges Other than Condenser Cooling Water and Service Cooling Water

Unless otherwise indicated, the following sampling schedule shall apply on the effective date of the permit and shall remain in effect for the term of the permit.

<u>Discharge Type</u>	<u>Parameter</u>	<u>Minimum Frequency of Analysis</u>	<u>Sample Type</u>
Plant Laundry Wastes	Surfactants	Monthly	Grab
Auxiliary Boiler Blowdown	Total Phosphorus	Monthly	Composite
Evaporator Blowdown and Demineralizer Waste	Total Suspended Solids Weekly		Composite
Auxiliary Boiler Chemical Cleaning Wastes	Discharge Volume Discharge Duration Total Suspended Solids Total Iron Oil & Grease Total Copper	When boiler* discharge and/or air preheater cleaning occurs	Composite*
Neutralization Facilities Effluent	pH	Each discharge	Continuous
Sanitary Waste Facility**	Total Suspended Solids	Monthly	6-hour Composite
	BOD <sub>5</sub>	Monthly	6-hour Composite
	pH	Daily	Grab
	Fecal Coliform (MPN/100 ml)	Monthly	Grab

\* Over duration of auxiliary boiler chemical cleaning discharge for all parameters except Oil & Grease, for which sampling shall be by grab sample taken every four hours during discharge. Composite samples shall be taken at least once per hour.

\*\* Results of monitoring for this discharge shall also be submitted to NYSDEC White Plains Office, 202 Mamaroneck Avenue, White Plains, New York 10601 and to the Westchester County Department of Health, 148 Martine Avenue, White Plains, New York 10601.

Condition 11.b. (continued)

<u>Discharge Type</u>	<u>Parameter</u>	<u>Minimum Frequency of Analysis</u>	<u>Sample Type</u>
Sanitary Waste Facility*	Total Coliform (MPN/100 ml)	Monthly	Grab
	Settleable Solids	Daily	Grab
	Residual Chlorine (mg/l)	Daily when used	Grab
	Total Flow	Daily	Continuous

c. Impingement and Entrainment Data and Reports

The Permittee shall comply with impingement and entrainment data monitoring requirements which shall be embodied in a Memorandum of Agreement (MOA) to be entered into between the NYSDEC and the Permittee for the permits issued to Indian Point Generating Station Units 1 and 2 and Indian Point Generating Station Unit 3. A new MOA shall be entered into each year.

d. Modifications to Sampling Schedules

The Permittee may submit for approval an alternate schedule(s) to account for any realignment of discharges, for substitutions of parameters to be sampled, for analytical and sampling methods to be utilized, for realignment of sampling locations so that concentrations to be measured are within reliable sensitivity ranges of the analytical techniques utilized, and for the compositing by volume of individual discharge samples to make a single plant sample. With regard to the possible substitution of parameters such as TOC or COD for BOD, the Permittee shall provide adequate test data to support any claimed correlation between the parameters.

If the Permittee monitors any parameter more frequently than is required by this permit, it shall include the results of such monitoring in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA Form 3320-1) required to be submitted by Condition 11.h. Such increased frequency shall be indicated on the Discharge Monitoring Report Form.

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\* Results of monitoring for this discharge shall also be submitted to NYSDEC White Plains Office, 202 Mamaroneck Avenue, White Plains, New York 10601 and to the Westchester County Department of Health, 148 Martine Avenue, White Plains, New York 10601.

Condition 11. (continued)

e. Quality Control

Adequate care shall be maintained in obtaining, recording, and reporting the required data on effluent quality and quantity, so that the precision and accuracy of the data will be equal to or better than that achieved by the prescribed standard analytical procedures.

The Permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at sufficiently frequent intervals to insure accuracy of measurements.

Sampling shall be representative of the volume and quality of effluent discharged over the sampling and reporting period.

The Permittee is responsible for assuring that the methodology used is reliable for their specific wastes in their laboratory. The Permittee must be able to demonstrate to the Regional Administrator that it maintains an ongoing quality control program.

f. Recording

The Permittee shall maintain and record the results of all required analyses and measurements and shall record, for all samples, the date and time of sampling, the sample method used, the dates the analyses were performed, who performed the sampling and analyses, and the results of such analyses.

All records created under Condition 11 of this permit and any other permit condition requiring creation of a record shall be retained by the Permittee for a minimum of 3 years, such a period to be extended during the course of any unresolved litigation and during the pendency of any administrative actions commenced or noticed against the Permittee by EPA or NYSDEC, or when so requested by the Regional Administrator or State Director or their designee(s).

The Permittee shall also retain for an amount of time as set forth above all original stripchart recordings from any continuous monitoring instrumentation as well as any calibration and maintenance records.

Upon request of the Regional Administrator, the Permittee shall provide the above records and shall demonstrate the adequacy of the flow measuring and sampling methods. The Permittee shall identify the effluent sampling point used for each discharge pipe by providing a sketch or flow diagram, as appropriate, showing each such location.

Condition 11. (continued)

g. Sampling and Analysis

All sampling and analytical methods employed by the Permittee to meet the monitoring requirements specified above shall conform to guidelines establishing test procedures for the analysis of pollutants published pursuant to §304(g) of the Clean Water Act. If the §304(g) guidelines do not specify test procedures for any pollutants required to be monitored by this permit, and until such guidelines are promulgated, sampling and analytical methods employed by the Permittee to meet the monitoring requirements specified in this permit shall, unless otherwise specified by the Regional Administrator, conform to the most current edition of one of the following references:

1. Standard Methods for the Examination of Water and Wastewaters, 14th Edition, 1975, American Public Health Association, Washington, D.C. 20036.
2. Annual Book of A.S.T.M. Standards, Part 31, Water, 1976, American Society for Testing and Materials, Philadelphia, Pennsylvania 19103.
3. Methods for Chemical Analysis of Water and Wastes, EPA-625/6-74-003, 1974, Methods Development and Quality Assurance Research Laboratory, National Environmental Research Center, Cincinnati, Ohio 45268

h. Reporting

The results of the above monitoring requirements shall be reported by the Permittee in the units specified in Condition 10. A report or a written statement shall be submitted, even if no discharge occurred during the reporting period. A report shall also be submitted if there have been any modifications in the waste collection, treatment, and disposal facilities, changes in operations procedures, or other significant activities which alter the quality and quantity of the discharge or otherwise concern Condition 10. Permanent elimination of a discharge shall be promptly reported by the Permittee in writing to the Regional Administrator and NYSDEC.

The Permittee shall include in this report any previously approved non-standard analytical methods used. Copies of the report shall be sent to both the Regional Administrator and NYSDEC on the 15th of each month reporting the monitoring data from the previous month. A Discharge Monitoring Report form (EPA Form 3320-1 (10-77) or a future revision thereof) shall be used for reporting.

## 12. Sludge Disposal

Collected screenings, sludges, and other solids and precipitates separated from the Permittee's discharges authorized by this permit and/or separated by the Permittee from the facility intake supply water shall be disposed of in such a manner as to prevent entry of such materials into navigable waters or their tributaries. Any live fish, shellfish, or other animals trapped as a result of intake water screening or treatment should be returned to the water body habitat by means which cause no additional injury. In appropriate circumstances\* the Permittee may, at its discretion, choose not to return live organisms to the receiving water body and will dispose of the removed organisms by appropriate means.

## 13. Discharge Containing Parameters Not Previously Reported\*\*

The Permittee shall not discharge any wastewater containing a substance, or characterized by a parameter, which was indicated as absent in its NPDES Permit Application. In the event of such a discharge, the Permittee shall notify the Regional Administrator and NYSDEC. Notification shall be made by telephone on the same day the discharge occurs and shall be confirmed in writing not later than the day following such discharge. If such discharge occurs after the close of business of EPA or NYSDEC on any day, notification by telephone shall be made not later than 10 a.m. on the next business day. Notification to EPA shall be directed to the Permits Administration Branch.

## 14. Non-Compliance with Conditions

a. If, for any reason, the Permittee does not comply with, or anticipates that it will be unable to comply with, any daily maximum, or other maximum, effluent limitation specified in this permit, the Permittee shall provide the Regional Administrator and NYSDEC with the following information in writing, within 5 (FIVE) working days of becoming aware of such non-compliance:

1. A description of the discharge, the cause of the non-compliance, the identity\*\*\* of the facility or facilities responsible for such discharge, an assessment of the impact of the non-complying discharge on the receiving water body, and the identity of the operator(s) of such facility or facilities if such information can be reasonably ascertained; and

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\* For example, during fish counting studies

\*\* This condition applies unless such substance or parameter is present in the intake water and the concentration of the substance or parameter in the discharge does not exceed the concentration of the substance or parameter in the intake water.

\*\*\* i.e., specification of the DSN and source (discharge type) of non-complying discharge.

Condition 14.a. (continued)

2. The period of non-compliance, including exact dates and times, or, if the non-compliance is not corrected at the time of making the report, the period of time for which the non-compliance is anticipated to continue, and the steps being taken to reduce or eliminate it, and to prevent recurrence of the non-complying discharge.

b. The Permittee identified as owner or operator of the facility responsible for the non-compliance, or, if the facility responsible for the non-compliance cannot be timely identified, the Permittee and the permittee for NPDES Permit No. NY 002 7065, jointly, shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from non-compliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as is necessary to determine the nature and impact of the non-complying discharge on the receiving waters.

c. It is recognized that influent quality changes, equipment malfunction, acts of God, or other circumstances beyond the control of the Permittee 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 Permittee. The Permittee, either individually or jointly with the permittee for NPDES Permit No. NY 002 7065, may come forward to demonstrate to the EPA that such circumstances exist in any case where effluent concentrations exceed those set forth in this permit. The EPA, however, is not obligated to wait for, or solicit, such demonstrations prior to the initiation of any enforcement proceeding, nor must it accept as valid on its face the statements made in any such demonstration.

EPA shall not initiate enforcement proceedings against the Permittee and the permittee for NPDES Permit No. NY 002 7065 jointly unless both permittees have been unable to identify the non-complying facility pursuant to Condition 14.a.1. If EPA seeks to enforce in an administrative or judicial proceeding any provision of this permit, the Permittee may raise at that time the issue of whether, under the United States Constitution, statute, or decisional law, it is entitled to a defense that its conduct was caused by circumstances beyond their control.

15. Bypass Provision

There shall be no bypass of the Permittee's waste treatment facilities which would allow the entry of untreated or partially treated wastes to the receiving waters.

16. Authorized Signature for Reporting Requirements

All reports required to be submitted by a corporation must be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a municipal, State, federal, or other public facility, the application must be signed by either a principal executive officer, ranking elected official, or other duly authorized employee.

17. U.S. Army Corps of Engineers Requirements

The United States Army Corps of Engineers conducts maintenance dredging of navigable waters and their tributaries pursuant to certain federal statutes. The Permittee should be aware of its possible responsibilities under the maintenance dredging program. Under these laws, any person, firm or entity discharging suspended solids into a navigable waterway of the United States, or tributary thereof, which contribute to the necessity for maintenance dredging of that waterway, may be required to participate in the maintenance dredging program.

18. Construction In or On Waters of New York State

Should any limitation or condition of this permit require construction in or on waters of the State of New York or the banks or bed thereof, such construction and associated excavation, fill or disturbance shall require prior approval of NYSDEC under stream protection regulations, where applicable.

19. Definitions

Regional Administrator:

Regional Administrator  
U.S. Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10278  
ATTN: Permits Administration Branch

NYSDEC - The New York State Department of Environmental Conservation. All reports and modifications the Permittee provides to NYSDEC pursuant to this permit shall be submitted to the Director of Environmental Analysis in Albany at the following address:

Chief, Bureau of Monitoring  
and Surveillance  
Division of Pure Waters  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233

Condition 19. (continued)

and, where specifically required in this permit, to the Regional Supervisor of Environmental Analysis in New Paltz at the following address:

Supervisor, Environmental Analysis  
Division of Pure Waters  
New York State Department of  
Environmental Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561

Daily - each operating day

Weekly - every seventh day (the same day each week) and a normal operating day

Condition 19. (continued)

Monthly - one day each month (the same day each month) and a normal operating day (i.e., the second Tuesday of each month)

Daily Average - 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 facility was operating.

Daily Maximum - the total discharge by weight, or in other appropriate units, as specified herein, during any calendar day.

Net - the amount of a pollutant contained in the discharge, measured in appropriate units, as specified herein, less the amount of a pollutant contained in the surface water body intake source, measured in the same units, over the same period of time

1. The intake source must be the same water body that is being discharged to.

2. In cases where the surface water body intake source is pretreated for removal of pollutants, the intake level of a pollutant to be used in calculating the net is that level contained after the pretreatment steps.

Composite - a combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge, a minimum of 24 individual grab samples (at hourly intervals) shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of 4 (FOUR) to 8 (EIGHT) hours duration, grab samples shall be taken at a minimum of 30 minute intervals. For intermittent discharges of less than 4 (FOUR) hours duration, grab samples shall be taken at a minimum frequency of 15 (FIFTEEN) minute intervals.

Gross - the poundage contained in the discharge. Gross applies when the intake source is a municipal or private water supply, ground water, or a surface water body other than the one being discharged to.

Grab - an individual sample collected in less than 15 minutes

Area Average Approach Velocity - water velocity determined by the volumetric flow rate divided by the average area available for intake flow

Intake Temperature - the water temperature measured in the intake structure forebay in the inlet to the circulating system

Net Rate Addition of Heat - the value of the Net Rate of Addition of Heat shall be calculated based on a heat balance which considers reactor core design, the primary and secondary coolant heat transfer systems, and the spent steam temperature and volume as the steam reaches the condenser tubes

Operating Year - the time Unit 2 and/or Unit 3 generated electrical power during each 12 month period commencing on the effective date of this permit

Instantaneous Maximum - the highest discharge value at any time

Continuous - a succession of measurements taken 24 hours per day at intervals of 15 (FIFTEEN) minutes or less

This permit and the authorization to discharge shall be binding upon the Permittee and any successors in interest of the Permittee and shall expire at midnight on March 30, 1980. The Permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the above date of expiration, the Permittee shall submit such information, forms, and fees as may be required by the agency authorized to issue NPDES permits no later than October 1, 1979.

By authority of Richard T. Dewling, Acting Regional Administrator

Dated this 14th  
day of April, 1981.

By:   
JULIO MORALES-SANCHEZ

Title: Director  
Enforcement Division  
U.S. Environmental Protection  
Agency  
Region II