



September 30, 1986

Mr. Steven A. Varga, Project Director
PWR Project Directorate No. 3
Division of PWR Licensing - A
Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Varga:

Please find attached a copy of the draft SPDES Permit No. NY0004422 for Indian Point Units 2 and 3 which we recently received from the New York State Department of Environmental Conservation.

Please call either Gene Metti (914/681-6389) or Ed Holman (6408) if you have any questions.

Sincerely,

A handwritten signature in cursive, appearing to read 'John W. Blake'.

John W. Blake, Ph.D.
Director
Environmental Division

JWB:EH:mr

cc:	Dara Gray	w/o att.
	Gene Metti	"
	Ed Holman	"
	Olga Paidoussis	"

Att.

50-247

8610100657 860930
PDR ADOCK 05000247
PDR

Blake
Cool '11

New York State Department of Environmental Conservation
21 South Putt Corners Road, New Paltz, New York 12561-1696
(914)255-5453



Henry G. Williams
Commissioner

Consolidated Edison Co. of NY, Inc.
4 Irving Place, Room 300
New York, N.Y. 10003

Attn: R. Keegan

Re: Facility Name: Indian Point Gen. Station
County: Westchester
SPDES No. NY- 0004472
Application Tracking No.: 3085-0580

Dear Mr. Keegan:

Enclosed is a "Notice of Complete Application" which you are to have published in the The Star, One Gannett Drive, White Plains NY 10604

once during the week of September 22, 1986 on any day Monday through Friday.

Please instruct the newspaper to publish only the material within the bold lines. Under the heading "SEQR Determination" only the single entry for which a box has been marked should be published.

Please request the newspaper publisher to provide you with a "Proof of Publication" for the notice. Upon receipt of the "Proof of Publication" promptly forward it to this office for filing with your application. You are to pay the cost of this publication within 30 days.

Please be advised that any delay or failure to comply with the requirements for publication may result in delays in processing or issuance of a permit for your application.

A notice of your application will also be published in the Department's weekly publication called the "Environmental Notice Bulletin" and the public or other interested parties will be afforded an opportunity to write comments and/or request that a public hearing be held.

Also enclosed, for your review and comments (if any), is a copy of the draft SPDES discharge permit this Department intends to issue to you for the discharge(s). The draft permit contains effluent limitations and monitoring requirements which you will be required to comply with.

If you have any questions please contact the undersigned.

Very truly yours,

Margaret E. Duke
Div. of Regulatory Affairs

Enc.

cc: J. Blake - NYPA ✓

**State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT
Special Conditions (Part 1)**

DRAFT

Industrial Code 4911
 Discharge Class (CL) 03
 Toxic Class (TX) 2
 Major D.B. 13
 Sub D.B. 01

Facility ID Number: NY- 000 4472
 UPA Tracking Number: 30-85-0580
 Effective Date (EDP): _____
 Expiration Date (ExDP): _____
 Modification Date(s): _____
 Attachment(s): General Conditions (Part II, 2/85),
Consent Order dated July 17, 1986

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 Keegan

Attn: John W. Blake

**Permittee Name s: Consolidated Edison Co. of NY, Inc.
 4 Irving Place, Room 300
 New York, New York 10003**

**New York Power Authority
 123 Main Street
 White Plains, New York 106**

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: New York 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	005	Hudson River	SB
002	"		006	"	
003	"		007	"	
004	"		008	"	

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.

PERMIT ADMINISTRATOR	DATE ISSUED	ADDRESS 21 South Platt Corners Rd. New Paltz, New York 12561-1696
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Distribution:

SIGNATURE

DRAFT**FINAL** EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the Period Beginning EDPand lasting until EDP + 5 Years

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:

- At no time shall the maximum discharge temperature at Station DSN 001 exceed 43.3°C (110°F).
- 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.
- 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.
- 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 violating 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.
- Nothing contained herein shall be construed to change or otherwise affect the provisions of the Settlement Agreement.
- 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.

DRAFTFINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the Period Beginning EDPand lasting until EDP + 5 Years

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>001* Discharge Canal</u> ^{a,b}					
Total Residual Chlorine ^c		0.2	mg/l	Continuous during periods of chlorination	Calculation
Total Chromium		30 ^d	lbs/day	Weekly	Calculation
Total Chromium		200 ^d	lbs/yr	Annual	Calculation
Lithium Hydroxide		0.01 ^d	mg/l	Weekly	Calculation
Boron		1.0 ^e	mg/l	Weekly	Calculation
Boron		525 ^e	lbs/day	Weekly	Calculation
pH (Range) 6.0 - 9.0			SU	Weekly	Grab
Biocides					
Beta, Total		1000	pci/l	Weekly	Instantaneous
*Outfall 001 is the point prior to confluence of the discharge from the common discharge canal and the Hudson River.					

Internal Waste Streams Effluent Limitations001A - Sewage Treatment Plant

Flow		20,000	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	MPN/100 ml	Weekly	Grab
pH (Range) 6.0 - 9.0			SU	Weekly	Grab
Total Residual Chlorine ^q	0.5(min.)	2.0	mg/l	Weekly	Grab

Sum of 001B, 001C, 001E, 001F**, 001G & 001H

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

Sum of 001C & 001D

Flow	Monitoring Only		MGD	Weekly	Instantaneous
Hexavalent Chromium	0.005	0.01	mg/l	Weekly	Grab ^l
Total Chromium	0.5	1.0	mg/l	Weekly	Grab ^l
Surfactants	3	6	lbs/day	Weekly	Calculated ^m
Oil and Grease		15	mg/l	Weekly	Grab ⁿ

001F

Total Suspended Solids	30	50	mg/l	Weekly	Grab
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**If river water is used in the Flash Evaporator, internal waste stream 001F must be sampled separately, and not included in the composite, the limits for 001F using river water are Net Limits.

FINAL _____ **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**During the Period Beginning EDPand lasting until EDP + 5 Years

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	Monitoring Only		MGD	Weekly	Instantaneous
Boron	Monitoring Only		mg/l	Weekly	Grab ^o
<u>001C</u> Flow	Monitoring Only		MGD	Monthly	Instantaneous
<u>001D</u> pH (Range)	Monitoring Only	6.0 - 9.0	MGD SU	Weekly Weekly	Instantaneous Grab
<u>001F</u> Flow	Monitoring Only		MGD	Monthly	Instantaneous
<u>001G</u> Flow Phosphates as P	Monitoring Only	16 38	MGD lbs/day	Weekly Weekly	Instantaneous Grab
<u>001H</u> Flow	Monitoring Only		MGD	Monthly	Instantaneous
<u>001J</u> Flow	Monitoring Only		MGD	P	P
<u>001J***</u> Flow Oil & Grease	Monitoring Only	No visible oil or sheen	MGD mg/l	Weekly Weekly	Estimate Visual Obser- vation.

***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**DRAFT**During the Period Beginning EDPand lasting until EDP + 5 Years

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

Internal Wastes Streams	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type
001K - Filter Backwash					
Flow	Monitor	Monitor	GPD	Weekly	Instantaneous
Oil and Grease	NA	15	mg/l	Monthly	Grab
Solids, Suspended	30	50	mg/l	Weekly	Grab
001-L - High TDS Tank (Condensate Polisher System)					
Flow	Monitor	Monitor	GPD	Weekly	Instantaneous
Oil and Grease	NA	15	mg/l	Monthly	Grab
Solids, Suspended	30	50	mg/l	Weekly	Grab

DRAFT**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.

Minimum Monitoring Requirements

Outfall Number and Effluent Parameter	Action Level	Units	Measurement Frequency	Sample Type
<u>001 L - High TDS Tank (Condensate Polisher Regeneration System)</u>				
Fluorides	5	lbs/day	Semi-Annual	Grab
Iron	4	mg/l	Semi-Annual	Grab
Copper	1.0	mg/l	Semi-Annual	Grab

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Part 1, Page 7 of 19
Facility ID #: NY 000 4472

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. Condenser Chlorination

Total residual chlorine at DSN 001 shall not exceed 0.2 mg/l. Should the circulating water system be chlorinated, the maximum frequency of chlorination for the condensers of each unit shall be limited to three times per week. The duration of any chlorination period shall not exceed one hour, with a maximum of 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 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.
- f. No biocides, corrosion control chemicals, or other water treatment chemicals are authorized for use by the permittee except those listed below or limited as a parameter in the permit.

Morpholine
Cyclohexylamine
Hydrazine

Drewgard 100 may be added so the calculated concentration shall not exceed 11 mg/l the active ingredient E.D.T.A. shall not exceed .28 mg/l in the discharge canal.

- 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.

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Facility ID #: NY 000 4472

- 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, 001F, 001G and 001H.
- l. One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 001C and 001D, during periods when chromium is being used.
- m. The calculated quantity of these substances in the discharge shall be based on the quantity of the substances consumed at the facility.
- n. One grab sample shall be obtained from each of the internal waste streams 001C and 001D and the samples shall be analyzed separately. The results of the two analyses shall be averaged and reported.
- o. One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 001C and 001D.
- p. 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. For all other discharges or internal waste streams (only those which are limited), the flow shall be measured 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.
- q. Effluent disinfection is required all year. If chlorine is used for disinfection, a chlorine residual of 0.5 - 2.0 (range) shall be maintained in the chlorine contact chamber.

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Part 1, Page⁹ of 19
Facility ID #: NY 000 4472

Additional Requirements:

1. There shall be no discharge of PCB's from this facility.
2. All collected solids from the washing of intake screens shall be disposed of by a New York State licensed contractor or by the permittee at a NYSDEC approved landfill.
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 permits issued to Indian Point Generating Station Unit 2 and Indian Point Generating Station Unit 3. Monitoring requirements shall be consistent with the Hudson River Settlement Agreement and Attachment V thereto.

Live sturgeon collected during scheduled 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 scheduled 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.
5. Notwithstanding any other requirements in this permit, the permittee shall also comply with all of the Water Quality Regulations promulgated by the Interstate Sanitation Commission on October 15, 1977 including Sections 1.01 and 2.05 (f) as they relate to oil and grease.

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Part 1, Page 10 of 19
Facility ID #: NY 000 4472

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.

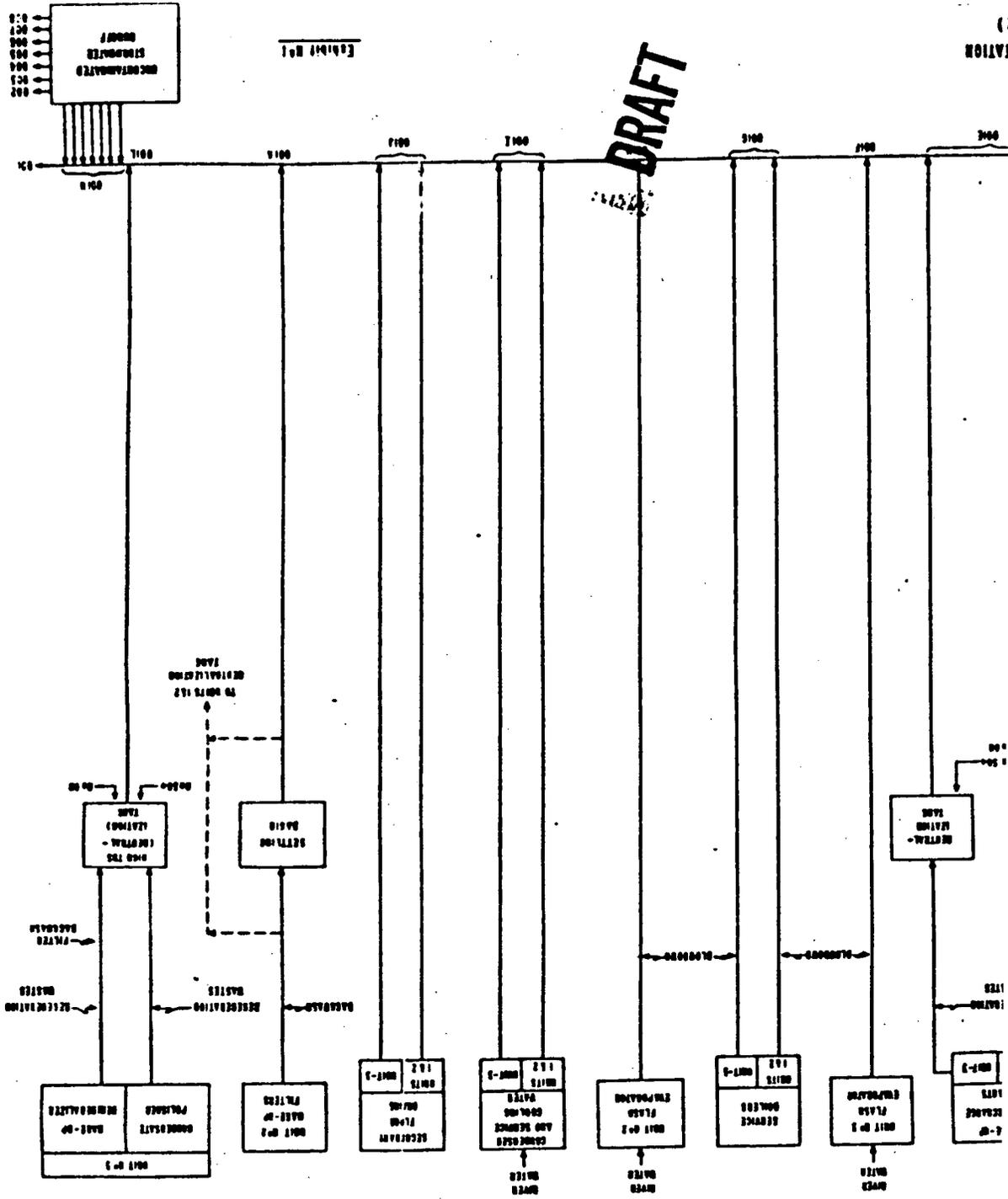
DRAFT**Definition of Daily Average and Daily Maximum**

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.**



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

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

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

Dr. Richard Baker, Chief
Permits Administration Branch
Planning and Management Division
U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

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.

DRAFT**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 to the locations specified below. Blank forms available at department offices listed below. The first report will be due no later than _____
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, New York 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) ~~As recommended~~, Monthly Wastewater Treatment Plant Operator's Reports shall be submitted to the Regional Engineer and County Health Department or County Environmental Control Agency specified above. (sanitary 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.

Between

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


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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), the 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 Attachment 1. The Department is of the view that the biological monitoring program described in Attachment 1 is consistent with program objectives and the funding level to which the Utilities have committed as identified in the Settlement Agreement. 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 Attachment 2. 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 and as identified in Attachment 1 hereto. 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 date of the last signature hereto until December 31, 1985, 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.
7. The term of Attachment I shall be until December 31, 1981 and each subsequent Attachment II shall expire at the end of its calendar year.

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Signatures _____ / _____
 Con Edison _____ / Date

_____ / _____
 Orange & Rockland _____ / Date

_____ / _____
 Central Hudson _____ / Date

_____ / _____
 Power Authority _____ / Date

_____ / _____
 Niagara Mohawk _____ / Date

_____ / _____
 NYSDEC _____ / Date

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Part I-Attachment 1
Page 17 of 19
Facility ID No.: NY 000 4472

Summary Description of Monitoring Program Studies
Mutually Agreed Upon by
New York State Department of Environmental Conservation
and the
Hudson River Utilities

A. Impingement - Indian Point, Bowline Point, Roseton

Impingement collections will be made at each plant from January 1981 through December 1981. Sampling frequency at Indian Point Unit Nos. 2 and 3 will be daily at water intakes at which circulating water pumps are in operation until such time as relief from this requirement is granted. Thereafter, collections will be made as specified by DEC. Impingement collections will be made once per week at Bowline Point and Roseton over a continuous 24-hour sampling period. At each plant, fish will be identified and enumerated to determine total number, total weights and length/frequency distributions of the collected species, utilizing appropriate subsampling methodologies. Water quality data and plant operating conditions will be recorded as appropriate.

B. Entrainment - Indian Point, Bowline Point, Roseton

Entrainment abundance sampling will be conducted approximately twice each week over a continuous 24-hour period weekly from mid-April at Roseton and early May at Bowline and Indian Point through August, 1981. Fish eggs and larvae will be identified and enumerated by species to the lowest taxonomic level practicable. Length of larvae will be determined from subsamples. Water quality data and plant operating conditions will be recorded as appropriate.

C. Fall Juvenile Survey

Beach seine, Tucker trawl and epibenthic sled samples will be collected between river miles 14 and 153 from August 1981 through October 1981. Approximately 100 randomly selected beaches will be seined biweekly. An aggregate of approximately 200 samples will be collected with the Tucker trawl and epibenthic sled during each bi-weekly sampling period.

Length and weight measurements of subsampled young-of-the-year and older striped bass, white perch and other selected fish species will be made. Striped bass and white perch will be examined for marks and suspected recaptures preserved for later verification. Appropriate water quality measurements will be taken with each sample.

D. River Ichthyoplankton

From early May through June 1981 approximately 200 samples will be collected weekly between river miles 14 and 140. At each sample site, water quality will be determined. From the samples collected, 157 will be analyzed for determination of the distribution and abundance of the eggs, larvae and juveniles of striped bass, white perch, Atlantic tomcod and other fish species within the Hudson River estuary.

E. BARRIER NET EVALUATION - BOWLINE POINT

Studies will be conducted at Bowline Point in the spring (periods of no river ice) of 1981 to further evaluate the efficiency of using a barrier net to reduce fish impingement. Methodologies using hydroacoustics, gill nets and fish tags will be used to refine previous efficiency estimates derived solely from tagging studies.

F. IMPINGEMENT SURVIVAL - BOWLINE POINT

Impingement survival studies at Bowline Point will be continued through the spring of 1981 to refine previous estimates of survival and evaluate any potential effects of the new return system for impinged fish. Initial and latent mortality estimates will be compared for impinged and control fish. Water quality data will be recorded as appropriate.

G. ENVIRONMENTAL TECHNICAL SPECIFICATION REQUIREMENTS

Biological studies conducted by Consolidated Edison and the Power Authority in accordance with the Environmental Technical Specification Requirements for the Indian Point plants in effect during April 1981 shall constitute part of the monitoring program identified in the Settlement Agreement.

DRAFT

The settlement specifies that the biological monitoring program will be conducted "at a cost of at least \$2 million per year, adjusted annually from the base year, which shall be the first year of the term of this Agreement, in accordance with the Implicit Price Deflator, GNP, published by the US Dept. of Commerce in the Survey of Current Business".

1981 represents the base year for which the biological monitoring expenditures will be \$2,000,000.

DRAFT

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
July 17, 1986

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 1995 (Number of Excursions)

	Flow	BOD ₅	TSS	Set Sol	f. Coli	pH
	20,000	30/45	30/45	0.3	200-400	6-9
Month						
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

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: George J. Smiley

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

John D. O'Toole
Vice President

Consolidated Edison Company of New York, Inc.
4 Irving Place, New York, NY 10003
Telephone (212) 460-2533

IE HQ FILE COPY

August 30, 1983

Re: Indian Point Unit Nos. 1 and 2
Docket Nos. 50-3 and 50-247

Dr. Thomas E. Murley, Regional Administrator
Region I
U. S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, Pa. 19406

Dear Dr. Murley:

Enclosed is a copy of the semi-annual Effluent and Waste Disposal Report
for the period January 1, 1983 through June 30, 1983.

Very truly yours,



for J. O'Toole

Encl.

cc:

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

Mr. Thomas Foley, Senior Resident Inspector
U. S. Nuclear Regulatory Commission
P. O. Box 38
Buchanan, New York 10511

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