

Enclosure

DEP Application No. E40-720 Technical Deficiency Response

Comment:

"The Department has reviewed your application and has determined that the following significant deficiency exists:

1. The water withdrawal associated with the proposed water intake structure, according to the most recent reports with the Susquehanna River Basin Commission, will result in depleted water volume in the Susquehanna River, especially during periods of low flow conditions. The SRBC, Pennsylvania Fish & Boat Commission, and U.S. Fish & Wildlife Service have commented that this water withdrawal will likely impact aquatic resources in the river. Consequently, secondary impacts (§ 105.14(b)(12)) to aquatic resources associated with the water withdrawal have been identified by the SRBC, Pennsylvania Fish & Boat Commission, and the U.S. Fish & Wildlife Service.

Please provide additional data/analysis to address these comments and demonstrate that the secondary impacts associated with the water withdrawal will not adversely affect the aquatic resources of the Susquehanna River."

Response:

At the time of the submittal of reference 2) there were numerous documents in preparation dealing with consumptive water use and secondary impacts to aquatic resources associated with water withdrawal. These included the following reports which were subsequently submitted to the DEP (on disk) on the dates indicated.

- June 28, 2012, BNP-2012-148, "Potential Effects of the Bell Bend Project on Aquatic Resources and Downstream Users", Report No. 21665.001-LFHC4, Rev 1, May 10, 2012 prepared by Normandeau Associates.
- September 5, 2012, BNP-2012-200, "Mussel Survey in the Susquehanna River near the proposed Bell Bend Project at Berwick, PA", Report 21665.001-MS, Rev 0, August 2012 prepared by Normandeau Associates.
- September 21, 2012, BNP-2012-240, "Potential Effects of the Bell Bend Project on Water Quality of Backwater Areas used by Fry and Young-of-the-Year Smallmouth Bass for the Year 2012", Report No. 21665.001-SMB2, Revision 0, September 10, 2012 prepared by Environmental Resources Management Inc. et al.
- October 30, 2012, BNP-2012-253, "Low Flow Impact Analysis - Mussels", Report #565-065, Revision 0, October 2012 prepared by Kleinschmidt Associates, Inc.

In our opinion these reports show that the secondary impacts to aquatic resources, e.g. fish, mussels, downstream users, etc., during low flow conditions, and absent SRBC/agency prescribed mitigation, would be small and their occurrence infrequent.

On December 28, 2012, the SRBC issued its recommendations for consumptive use mitigation for the Bell Bend Nuclear Power Plant (BBNPP) based on its regulations, and also issued its recommendations for passby flow requirements for BBNPP based on Commission Policy 12-001, *Low Flow Protection related to Withdrawal Approvals*, adopted on December 14, 2012. A copy of this letter is attached for inclusion in the record. PPL has committed to fully comply with

SRBC prescribed mitigation requirements, which will result in no net reduction to flow during prescribed low flow periods. As a result, no secondary impacts are anticipated. Furthermore, PPL intends to fully satisfy this mitigation requirement via utilization of existing storage assets, and no additional construction that would affect the provisions of a Section 105 permit is anticipated.

Attachment: SRBC-2012-005, P. Swartz, SRBC, to M. Caverly, PPL, "Re: Requirements for Consumptive Water use Mitigation and Passby Flows for PPL Bell Bend, LLC – Bell Bend Nuclear Power Plant; Salem Township, Luzerne County, Pennsylvania; Commission Pending Nos. 2009-079 (SW) and 2009-080 (CU)" dated December 28, 2012.