



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30308

4E-WE

JAN 18 1980

Dr. Mohamed T. El-Ashry
Director
Environmental Quality
Tennessee Valley Authority
Forestry Building
Norris, Tennessee 37828

Re: Modification of NPDES Permit # TN0027740 (Hartsville Nuclear Plant)

Dear Sir:

Enclosed is the National Pollutant Discharge Elimination System (NPDES) permit modification for the above referenced facility. This action constitutes issuance of a final permit under Title 40, Code of Federal Regulations, Section 124.61 (44 FR 32936, June 7, 1979).

In accordance with 40 CFR 124.61, this modification will become effective on the effective date noted in the modification provided that no request for an evidentiary or panel hearing is granted by the Agency. In the event that such a request is granted, the contested provisions of the modification will be stayed and will not become effective until the administrative review process is completed. All uncontested provisions of the modification will be effective and enforceable in accordance with the provisions of 40 CFR 124.61(e).

If you wish to request an evidentiary hearing or a panel hearing, you must submit such request (an original and two copies) to the Regional Hearing Clerk within thirty (30) days from the receipt of this letter. The request will be timely if mailed by certified mail within the thirty (30) day time period. For the request to be valid, it must conform to the requirements of 40 CFR 124.74. A summary of these requirements is enclosed.

Information on procedures and legal matters pertaining to an evidentiary or panel hearing request may be obtained by contacting Mr. James L. Zimmerman, Attorney, EPA Legal Branch, at 404/881-3506.

Sincerely yours,

Sanford W. Harvey, Jr.
Director
Enforcement Division

Enclosures

cc: See Attached

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cc: Mr. Elmo Lunn
Tennessee Dept. of Public Health

Asst. Director of Environmental Projects
U. S. Nuclear Regulatory Commission

Mr. Kenneth E. Black, Regional Director
U. S. Fish and Wildlife Service

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REQUIREMENTS FOR EVIDENTIARY/PANEL
HEARING REQUEST

Evidentiary Hearing (40 CFR 124.74)

1. Requests must be made within 30 days following date of issuance of final permit.
2. Requests must contain:
 - (a) the name, mailing address, and telephone number of the person mailing the request
 - (b) a clear and concise factual statement of the nature and scope of the interest of the requester
 - (c) the names and addresses of all persons whom the requester represents
 - (d) a statement by the requester that upon motion of any party, or upon request of the Presiding Officer and without cost or expense to any other party, the requester shall make available to appear and testify the following:
 - (i) the requester
 - (ii) all persons represented by the requester, and
 - (iii) all officers, directors, employees, consultants and agents of the requester and the persons represented by the requester.
 - (e) a statement of each legal or factual question alleged to be at issue and their relevance to the permit decision together with a designation of the specific factual areas to be adjudicated
 - (f) an estimate of the hearing time necessary for the adjudication
 - (g) specific references to the contested permit terms and conditions as well as suggested revised or alternate permit terms and conditions, (not excluding permit denial) which, in the judgement of the requester, would be required to implement the purposes and policies of the Clean Water Act.
 - (h) in the case of challenges to the application of control or treatment technologies identified in the statement of basis or the fact sheet, identification of the basis for the objection, and the alternative technologies which the requester believes are necessary to meet the requirements of the Clean Water Act.

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*(i) specific identification of each of the discharger's obligations which should be stayed if the request is granted. If the request contests more than one permit term or condition then each obligation which is proposed to be stayed must be referenced to the particular contested term warranting the stay.

Panel Hearing (40 CFR 124.111)

The form and content of a request for a panel hearing is the same as for an evidentiary hearing, except that the permittee may specifically include a request that the hearing be conducted under the non-adversary procedures of subpart I of the regulations.

*Note: for new source & new dischargers, if the request is granted, the applicant will be considered without a permit pending final agency action.