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Alabama Power
the southern electric system

October 9, 1990

Docket Nos. 50-348
50-364

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

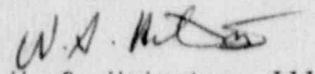
Joseph M. Farley Nuclear Plant
NPDES Permit

Gentlemen:

Please find enclosed a copy of an order issued by the Environmental Management Commission of the Alabama Department of Environmental Management (ADEM) which grants a stay of the NPDES Permit limit on hydrazine at the Farley Nuclear Plant main facility discharge. The order was issued on September 19, 1990. This submittal is made in accordance with Section 3.2 of the Farley Nuclear Plant Environmental Protection Plan, Appendix B to Facility Operating License Nos. NPF-2 and NPF-8.

Should you have any questions or comments, please advise.

Respectfully submitted,


W. G. Hairston, III

WGH, III/JAM:db1144
Enclosure

cc: Mr. S. D. Ebnetter
Mr. S. T. Hoffman
Mr. G. F. Maxwell

00106

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION :
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

_____)
ALABAMA POWER COMPANY,)
)
Petitioner,)
)
v.)
)
ALABAMA DEPARTMENT OF)
ENVIRONMENTAL MANAGEMENT,)
)
Respondent.)
_____)

Docket No. 90-46

PARTIAL CONSENT ORDER

Come now petitioner Alabama Power Company ("Alabama Power") and respondent Alabama Department of Environmental Management ("the Department") on their joint motion for entry by the Commission of an order related to petitioner's Request for a Hearing. Upon consideration of this matter, the Commission makes the following FINDINGS and ORDER:

WHEREAS, on August 15, 1990 the Department reissued NPDES Permit Number AL0024619 to Alabama Power Company authorizing the discharge of pollutants, subject to certain terms, limitations and conditions; and

WHEREAS, the reissued NPDES Permit Number AL0024619 contains, among other changes, more stringent discharge limitations and monitoring requirements for temperature and total residual chlorine at Farley Nuclear Plant's final discharge (DSN001) point than the previous permit and new limitations and monitoring requirements for hydrazine at DSN001 and oil and grease at DSN019 and DSN020; and

WHEREAS, the draft of reissued NPDES Permit Number AL0024619 did not contain the discharge limitations and monitoring requirements referenced above; and

WHEREAS, the new and more stringent limitations were included in the final reissued permit as a result of comments made during the public comment period; and

WHEREAS, until Alabama Power received the final reissued NPDES permit, it had no opportunity to plan to meet the new and more stringent discharge limitations; and

WHEREAS, Alabama Power has reason to believe that it may be unable to meet the new discharge limitations for total residual chlorine, temperature, and hydrazine contained in the reissued NPDES Permit Number AL0024619; and

WHEREAS Alabama Power utilizes best available technology to discharge effluent with a temperature which is protective of water quality standards; and

WHEREAS even with best available technology, Alabama Power may not be able to meet water quality standards for temperature at all times without a reasonable opportunity for mixing; and

WHEREAS, ADEM Admin Code R. 335-6-10-.01(3) provides that water quality criteria shall apply "only after reasonable opportunity for mixture of wastes with receiving waters has been afforded; and

WHEREAS, no mixing zone for temperature has been established in the permit; and

WHEREAS, Alabama Power uses chlorine to prevent biological growth within its cooling water to meet operational commitments between the Company and the Nuclear Regulatory Commission; and

WHEREAS, the use of chlorine may result at certain times in concentrations of that pollutant in excess of water quality criteria immediately upon discharge; and

WHEREAS, ADEM Admin Code R. 335-6-10-.01(3) provides that water quality criteria shall apply "only after reasonable opportunity for mixture of wastes with receiving waters has been afforded"; and

WHEREAS, no mixing zone for chlorine has been established in the permit; and

WHEREAS, hydrazine may be used in lay-up water during unit outages to prevent corrosion and, as a unit is returned to service, the lay-up water is released over time and residual hydrazine dissipates through reaction with oxygen available in the discharge pathway and waters; and

WHEREAS, ADEM Admin. Code R. 335-6-10-.01(3) provides that water quality criteria shall apply "only after reasonable

opportunity for mixture of wastes with receiving waters has been afforded"; and

WHEREAS, no mixing zone for hydrazine has been established in the permit; and

WHEREAS, the performance of monitoring at DSN019 and 020 for oil and grease will result in the unnecessary generation of waste which meet the regulatory definition of mixed waste; and

WHEREAS, the treatment technology associated with these discharge points provides a level of treatment which will preclude the discharge of oil and grease; and

WHEREAS, Alabama Power has appealed the discharge limitations and monitoring requirements for total residual chlorine, hydrazine and temperature to the Environmental Management Commission and, with the Department's concurrence, has received a stay of the limitations and monitoring requirements for total residual chlorine and temperature; and

WHEREAS, Alabama Power has developed a plan of study for determining mixing zones for total residual chlorine, temperature and hydrazine in the receiving stream and has, with the Department's approval, already begun implementation of said study; and

WHEREAS, the parties have filed a joint motion with this Commission requesting an order granting a temporary stay of the permit's hydrazine limits and monitoring requirements on terms identical to the stay granted for temperature and total residual chlorine limits and requirements and this Commission's

approval of a plan and schedule of study intended to develop information necessary to assess and resolve Alabama Power's appeal and request for hearing. :

NOW, THEREFORE, it is ORDERED as follows:

1. That a temporary stay of the hydrazine limitation contained in NPDES Permit Number AL0024619 is hereby granted and shall remain in effect until such time as the appeal is dismissed, a final Order is entered by the Commission, or a settlement is reached by the parties; and
2. That not later than October 12, 1990 Alabama Power shall complete the first field study for monitoring residual chlorine concentrations and thermal effects;
3. That not later than November 12, 1990 Alabama Power shall submit to the Department a report from the first study evaluating the mixing zones for residual chlorine and temperature;
4. That not later than January 1, 1991 Alabama Power shall submit to the Department a report from the first study evaluating the mixing zones and alternate effluent limitations for hydrazine and shall cooperate in the submission to the U.S. Environmental Protection Agency of a request for waiver of the federal effluent guideline, 40 C.F.R. 423, which requires oil and grease limitations at DSN019 and DSN020;
5. That not later than February 28, 1991 Alabama Power shall complete the second field study for monitoring thermal effects;
6. That not later than April 1, 1991 Alabama Power shall submit to the Department a final report evaluating the mixing zones for residual chlorine and temperature;

7. That not later than June 1, 1991 the Department shall have reviewed the studies submitted by Alabama Power and made an assessment of the claims made in Alabama Power's Appeal and Request for Hearing;

8. That if a delay in the completion of any activity required or imposed under this Order results from an act of God, a delay by the Department, or from any other events beyond the reasonable control of Alabama Power, including a determination by the parties of the need for additional studies under specified conditions of temperature and flow, the time for completion of that activity shall be extended for a period equal to the duration of the delay attributable to said cause.

9. That if Alabama Power fails to meet the April 1, 1991 deadline for submission of the final reports, the June 1, 1991 deadline for the Department to have made an assessment of the claims made in Alabama Power's Appeal and Request for Hearing shall be extended for a period equal to the duration of the delay in submission by Alabama Power.

10. That at the next regularly scheduled Commission meeting to take place after June 1, 1991 the parties will either submit to the Commission a Final Consent Decree addressing all issues raised by this appeal or shall submit to the Commission a stipulation identifying the issues of the appeal remaining unresolved. Unless either party wishes to exercise its right to a hearing under paragraph 4 of the Commission's order dated August 22, 1990, the parties

shall submit to the Commission the plan of study, the Department's response to the plan of study, together with briefs, verified affidavits (with opportunity for cross examination of affiants by deposition) and documentary evidence so that the Commission may determine, at its next regularly scheduled meeting to take place after July 1, 1991, the merits of Alabama Power Company's appeal. In the event either party desires to exercise its right to a hearing, that party shall submit to the Commission with the referenced stipulation of unresolved issues a statement identifying the need for said hearing and the reasons the above procedure would be inadequate to resolve the stipulated issues. In such event, the Commission shall, at its first regularly scheduled meeting after June 1, 1991, determine if it will appoint a hearing officer to hold a hearing or will make a final order based upon the submissions of the parties referenced above in accordance with a schedule to be then set by the Commission.

Cameron M. Cowell
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

J. H. Winsten Jr.
Commissioner

[Signature]
Commissioner

Claire B. Beckett
Commissioner

Alan C. Bryant
Commissioner

DISSENT:

Commissioner

Commissioner

Commissioner