

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
ROCHESTER GAS & ELECTRIC CORPORATION) Docket No. 50-244
(R.E. Ginna Nuclear Power Plant,)
Unit No. 1))

AFFIDAVIT OF GEORGE F. DICK, JR.

I, George F. Dick, Jr., being duly sworn, state as follows:

1. I am employed by the U.S. Nuclear Regulatory Commission as Project Manager for the R. E. Ginna Nuclear Power Plant, in the Division of Nuclear Reactor Regulation. A copy of my professional qualifications is attached.

2. The current National Pollutant Discharge Elimination System Permit No. NY-0000493 for the Ginna facility, which authorizes the discharge of pollutants in compliance with the Federal Water Pollution Control Act, as amended, became effective March 31, 1975 and was modified on June 12, 1978. A copy of that permit is attached (Attachment A). The permit has been extended past its March 30, 1980 expiration date pending the issuance of a new permit by the New York State Department of Environmental Conservation. See letter to R. J. DeSeyn, RG&E, from G. K. Hansen, NYSDEC, dated May 23, 1980 (Attachment B). On Friday, June 1, 1984, I spoke with Mr. Allen Geisendorfer, Sr. of the New York State Department of Environmental Conservation, who confirmed that the permit remains effective and that the State of New York issued a Section 401 certificate regarding Ginna on April 26, 1974. On Monday, June 4, 1984

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I spoke with Mr. A. Minervini of the U.S. Environmental Protection Agency, Region II, who verified that Permit No. NY-0000493 remains effective.

3. The foregoing is true and correct to the best of my knowledge and belief.

George F. Dick, Jr.
George F. Dick, Jr.

Subscribed and sworn to before me
this 7th day of June 1984

Edythe S. Becker
Notary Public

My commission expires: 7/1/86

PROFESSIONAL QUALIFICATIONS

OF

GEORGE F. DICK JR.

I am employed as the United States Nuclear Regulatory Commission Project Manager for the R.E. Ginna Nuclear Power Plant. As a Project Manager I manage and participate in the review and evaluation of safety and environmental considerations associated with the design and operation of nuclear power facilities, particularly those licensed for operation. I also participate in the Systematic Evaluation Program which involves a comprehensive review and evaluation of older operating facilities to determine and document the acceptability of departures from current licensing requirements. I joined the Nuclear Regulatory Commission in June, 1982.

From 1974 to 1982, I was employed by the United States Department of Energy and its predecessor agencies as both a Project and Program Manager for coal liquefaction pilot plants used to assess the applicability of coal liquefaction processes for commercialization. The projects were cost-shared with the private sector and required coordination with the various companies in order to reach management decisions regarding the projects.

From 1968 to 1974, I was employed by Exxon Research and Engineering Company as a Research Engineer. I participated in the development of Exxon's coal liquefaction technology and improvement of selected petroleum refining processes.

From 1962 to 1964, I was employed by the United States Naval Oceanographic Offices as a Physical Oceanographer. I was a member of a section which was tasked with the responsibility of defining basic oceanographic characteristics in specific ocean areas.

I received B.S. and PhD degrees in Chemical Engineering from the University of Maryland in 1962 and 1969, respectively. Additionally I have taken NRC training in the safety analysis, design and operation of commercial nuclear power reactors.

Original

Permit No.: NY0000493

Name of Permittee: Rochester Gas and

Electric Corporation-Ginna Nuclear Power Plant

Effective Date: March 31, 1975

Expiration Date: March 30, 1980

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
DISCHARGE PERMIT

In reference to the above application for a permit authorizing the discharge of pollutants in compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, October 18, 1972 (33 U.S.C. §1251-1376) (hereinafter referred to as "the Act"), Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, New York 14649

(hereinafter referred to as "the permittee")

is authorized by the Regional Administrator, Region II, U. S. Environmental Protection Agency
to discharge from its facility located at 2640 Lake Road

Ontario, New York

to Lake Ontario

in accordance with the following conditions.

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, unless such new or increased discharge does not violate the effluent limitations specified in this permit, in which case they must be reported 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 terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition 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 State water pollution control agency, 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 State water pollution control agency 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 such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

9. General Limitations

a. Except as specifically authorized in this permit, the permittee shall not discharge floating solids or visible foam due to plant operation in other than trace amounts.

b. Initial Limitations-Unless specified otherwise in Conditions 10 and 11, the following conditions apply on the effective date of this permit and last for the duration of the permit.

(1) The permittee shall discharge effluents from discharge serial number 001 such that the following conditions are satisfied:

<u>Discharge Serial No.</u>	<u>Effluent Limit</u>
001	(a) The discharge temperature shall not exceed 39°C (102°F).
	(b) The discharge-intake temperature difference shall not exceed 15.5°C (28°F).
	(c) The net rate of addition of heat ** to receiving water shall not exceed 1.01 Billion Kilocalories per hour (4.0 Billion BTU/hour).
	(d) <u>Free available chlorine shall not exceed 0.5 mg/l and shall not exceed a maximum value of 45.4 kg/day (100 lbs/day).</u>
	(e) The pH shall not be less than 6.0 nor greater than 9.0 at any time.*
	(f) The concentration of Oil and Grease discharged from the retention tank shall not exceed a maximum of 20 mg/l net.

* The pH of the effluent shall not exceed 9.0 unless the pH of the intake water exceeds this value; in this case the pH of the effluent shall not exceed the pH of the intake water by more than 0.2 pH units.

** as determined by the product of the heat capacity, discharge flow and discharge-intake temperature difference.

2. (a) Required Limitations. During the period beginning on July 1, 1977 and lasting until the date of expiration of this permit, discharges shall comply with the following conditions and shall not exceed the values listed below for those parameters indicated:

(1) The water temperature at the surface of a lake shall not be raised more than 3 Fahrenheit degrees over the temperature that existed before the addition of heat of artificial origin.

In lakes subject to stratification as defined in Part 652*, thermal discharges that will raise the temperature of the receiving waters shall be confined to the epilimnion.

In lakes subject to stratification as defined in Part 652*, thermal discharges which will lower the temperature of the receiving waters shall be discharged to the hypolimnion, and shall meet the water quality standards contained in Parts 701 and 702 in all respects.

In order to assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife, thermal limitations based upon load allocations and other factors may be imposed and/or appropriate mixing zone dimensions may be defined (if not already done so) in accordance with the procedural requirements of Condition 2.

Thermal Discharges

No discharge which will be injurious to fishlife or make the water unsafe or unsuitable for any best usage determined for the specific waters which are assigned to each class.

* These "Parts" are in Title 6, Official Compilation of Codes, Rules, and Regulations of New York State.

(2) No residue of oil and floating substances attributable to sewage, industrial wastes or other wastes nor visible oil film nor globules of grease

(3) No taste and odor-producing substances, toxic wastes and deleterious substances in amounts that will be injurious to fishlife or which in any manner shall adversely affect the flavor, color or odor therefor.

(4) No suspended, colloidal or settleable solids 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.

(b) By December 31, 1976 the permittee shall complete its ongoing studies of alternative measures for minimizing entrapment and/or fish mortality resulting from operation of the present intake structure. By December 1, 1977 the permittee will submit a report to EPA and NYSDEC which contains recommendations for future operation of the intake system based upon the results of those studies.

In the event the permittee does not recommend modification (either physical or operational) of the existing intake system, the permittee shall fully describe the alternative measures it considered and its reasons for not recommending adoption of any or all of those measures.

In the event the permittee recommends intake system modifications to reduce or eliminate entrapment and/or fish mortality, the report will contain a schedule for implementation of those proposed modifications. If approved by EPA and NYSDEC, the permittee will subsequently implement those modifications at its own expense and in accordance with the schedule set forth in the report.

In the event EPA and NYSDEC do not approve the recommendations set forth in the report submitted by the permittee, EPA and NYSDEC may, after public notice and opportunity for an Adjudicatory Hearing as provided for in 40 C.F.R. Part 125, modify the permit to require such intake structure modifications as are authorized by law.

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 9(b) and/or 10 the surface water intake is to be sampled with the same frequency and type of sample as specified below for each required parameter.

Monitoring

a. Sampling Schedule for Discharge Serial No. 001:***

<u>(1)</u> <u>Parameter</u>	<u>Minimum Freq.</u> <u>of Analysis</u>	<u>Sample Type</u>
Discharge temperature	Continuous	
Intake temperature	Continuous	
pH	Twice Weekly	Grab**
Free available chlorine	Continuous only during chlorination periods	
Oil and Grease ****	Monthly	Grab**

(2) Within 60 (SIXTY) days of June 12, 1978 the permittee shall provide to the Regional Administrator and the NYSDEC calculations indicating the intake velocity at the trash racks and traveling water screens. Such calculations shall indicate velocity changes due to changes in water level and number of circulating water pumps operating.

* The flow of discharge 001 shall be calculated from the daily station log sheets by noting the operating mode of circulating water pumps; for intermittent discharges, 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.

** Grab samples only shall be taken for analysis of dissolved oxygen, oil and grease, pH and any bacteriological analysis. 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 the maximum holding time exceed that contained in the references cited in Condition 11 (g).

*** This schedule shall commence on July 1, 1975 and last for the duration of the permit

**** A grab sample shall be taken for Oil and Grease once a month for two discharge occurrences from the retention tank. The grab sample shall be taken within the first half-hour of commencement of subject discharge. This monitoring requirement is in addition to the monthly grab sample required for Discharge Serial NO. 001.

(3) Discharge 002 (Redundant Service Water Discharge):

The duration, flow, and temperature shall be reported during each discharge occurrence. The flow may be calculated by utilization of the daily log sheets.

b. Biological Monitoring

By August 30, 1976 the permittee shall submit to the Regional Administrator and to NYSDEC at its offices located in Avon and Albany, New York, a detailed biological monitoring program designed to determine the effects of facility operation (including impingement, entrainment, and the discharge of heated effluent(s)) upon the aquatic community in Lake Ontario. A final report on the monitoring program with respect to impingement and entrainment shall be submitted on or before December 9, 1977 to the Regional Administrator and NYSDEC at its offices located in Avon and Albany, New York.

The permittee shall submit a §316(a) demonstration supplement for the Ginna facility on or before March 31, 1977. The demonstration supplement shall provide additional data in accordance with an EPA letter dated September 9, 1976.

Upon review of the §316(a) demonstration and of the final report with respect to impingement and entrainment, and other relevant information, additional conditions, corresponding compliance schedules, and additional monitoring requirements may be imposed in accordance with the procedural requirements of 40 C.F.R. §125.36.

(c)

By September 12, 1978 the company shall submit to the Regional Administrator and NYSDEC at its offices in Avon and Albany a report containing a tabulation of all fish impingement data collected to date. Previously submitted reports need not be duplicated, but data location must be completely identified. Reported data shall specify cooling water flow, dates, times, available operating and meteorological conditions, and species, numbers and other available biological information.

By November 12, 1978 the company shall submit to the Regional Administrator and NYSDEC at its offices in Avon and in Albany a report containing a tabulation of all entrainment data collected to date. Previously submitted reports need not be duplicated, but data location must be completely identified. Reported data shall specify cooling water flow, dates, times, available operating and meteorological conditions, and species, numbers and other available biological information.

By August 12, 1978 the permittee shall file for approval with the Regional Administrator and NYSDEC at its offices in Avon, N. Y., and in Albany, N. Y., a report for monthly tri-axial isothermal measurements in the waters receiving the discharge. The program will be implemented within four (4) months of the above date, and provide for temperature measurements in increments of 1°F down to level of 1°F temperature excess above addition of heat of artificial origin. Surveys shall not be performed for the month of December, January, February, and March. Such report shall be due the 20th of the month following that in which the survey was conducted.

By November 11, 1977 the permittee shall file for approval with NYSDEC at its offices located in Avon and Albany, New York, a report on chlorine use and chlorination practice. Approval shall be granted only for practices which minimize the impact of chlorine on water resources.

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, and for the compositing by volume of individual discharge samples to make a single plant sample. With regard to substituting parameters such as TOC or COD for BOD, the permittee shall provide test data to support the correlation between the parameters.

If the permittee monitors any pollutant more frequently than is required by this permit, he 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 (10-72)) in Condition 11(h). Such increased frequency shall be indicated on the Discharge Monitoring Report Form.

(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 ensure 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 they have a viable 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 analyses were performed, who performed the sampling and analyses, and the results of such analyses.

All records shall be retained for a minimum of 3 years, such a period to be extended during the course of any unresolved litigation or when so requested by the Regional Administrator. The permittee also shall retain all original stripchart recordings from any continuous monitoring instrumentation and any calibration and maintenance records for a minimum of 3 years, such period to be extended during the course of any unresolved litigation or when so requested by the Regional Administrator.

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

(g) Sampling and Analysis

All sampling and analytical methods used to meet the monitoring requirements specified above shall conform to guidelines establishing test procedures for the analysis of pollutants, published pursuant to Section 304(g) of the Federal Water Pollution Control Act, as amended. If the Section 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 used to meet the monitoring requirements specified in this permit shall, unless otherwise specified by the

Regional Administrator, conforms to the latest edition of the following references:

Standard Methods for the Examination of Water and Wastewaters, 13th Edition, 1971 American Public Health Association, New York, New York 10019.

A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis, 1972, American Society for Testing and Materials, Philadelphia, Pennsylvania 19103.

W.Q.O. Methods for Chemical Analysis of Water and Wastes, April 1971, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, NERC, 1014 Broadway, Cincinnati, Ohio 45268.

(h) (1) Reporting

The results of the above monitoring requirements shall be reported by the permittee in the units specified in Conditions 9(b) and 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 discharges or otherwise concern these Conditions. Permanent elimination of a discharge shall be promptly reported by the permittee in writing to the Regional Administrator.

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 the State Agency on the 25th of each month reporting the monitoring data from the previous month. A Discharge Monitoring Report form [EPA Form 3320-1 (10-72)] shall be used for reporting.

(h) (2)

By June 1, 1975 the permittee shall submit to the NYSDEC at its offices located in Avon and Albany, New York, a monthly report of daily operating data by the 25th of the month 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 discharge shall be measured and recorded continuously. Daily minimum, maximum and average intake and discharge temperatures shall be logged.

12. Sludge Disposal. Sludges, collected debris, and other solids and precipitates separated from the permittee's discharges authorized by this permit and/or from intake and supply water at the trash racks shall be disposed of in accordance with State law and in such manner as to prevent entry of such materials into navigable waters or their tributaries. Live fish, shellfish, and other organisms washed from traveling screens may be returned to their water body habitat.

If the permittee wishes to return fish, shellfish and other organisms to their water body habitat during periods of less than 100% survivability*, and to return other collected screen washings to the water body, it shall submit to the Regional Administrator and to NYSDEC, no later than 3 (THREE) months from June 12, 1978, the following:

- (a) information (e.g., description, number, and total weight of fish) on collected screen washings, including fish, shellfish, or other organisms;
- (b) information on the survivability of fish, shellfish, and other organisms, including assessment of potential interrelationships between survivability, time of year, and treatment of collected screen washings;
- (c) a proposal for the discharge of live and dead fish, shellfish and other organisms during periods of low survivability, including the scientific and engineering bases therefor; and
- (d) a proposal for the discharge of other collected screen washings, including the scientific and engineering bases therefor.

The determinations by the Regional Administrator and NYSDEC with respect to the permittee's method of sludge disposal shall be based on the above-referenced report(s).

During the period prior to the determinations by the Regional Administrator and NYSDEC, the permittee shall be allowed to discharge to the receiving water both live and dead fish, shellfish and other organisms, and other material collected from the traveling screens.

*Based on the report referenced below, the Regional Administrator and NYSDEC will determine level(s) of survivability (in terms of the percent of numbers, fish biomass, or other appropriate units) and the corresponding periods of time during which the permittee shall be allowed to return live and dead fish, shellfish and other organisms to the water body.

Determinations of the Regional Administrator and NYSDEC with respect to the report(s) and any modification of this permit based thereon shall be subject to all applicable procedures set forth at 40 C.F.R. Part 125.

13. Discharge Containing Parameter Not Previously Reported. The permittee shall not discharge any waste water containing a substance, or characterized by a parameter, which was indicated as absent in its NPDES permit application, unless such substance or parameter is present in the intake water and was not added as a result of plant operation.

14. Non-Compliance with Conditions. In the event the permittee is unable to comply with any of these conditions, due, among other reasons, to:

- (1) Breakdown of waste treatment equipment, (biological and physical-chemical systems including, but not limited to, all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units);
- (2) Accidents caused by human error or negligence; or
- (3) Other causes, such as acts of nature.

The permittee shall notify the Regional Administrator and the State Agency immediately by telephone and in writing within five days. The written notification shall include the following pertinent information:

- (1) Cause of non-compliance;
- (2) A description of the non-complying discharge including its impact upon the receiving waters;
- (3) Anticipated time the condition of non-compliance is expected to continue, or if such condition has been corrected, the duration of the period of non-compliance;
- (4) Steps taken by the permittee to reduce and eliminate the non-complying discharge; and
- (5) Steps to be taken by the permittee to prevent recurrence of the condition of non-compliance.

Permittee 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 necessary to determine the nature and impact of the non-complying discharge.

Nothing in this permit shall be construed to relieve the permittee from appropriate civil or criminal penalties for non-compliance.

15. Bypass Provision. There shall be no bypass of the 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 partnership or a sole proprietorship, all reports must be signed by a general partner or a sole proprietor, respectively. 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. Radioactive Substances. Limits and monitoring for radioactive substances contained in wastewater discharges may be imposed in the future.

Definitions

Regional Administrator: Regional Administrator
 Region II
 Environmental Protection Agency
 26 Federal Plaza
 New York, New York 10007
 ATTN: Status of Compliance Branch

State Certifying Agency: Mr. Russell Mt. Pleasant, P.E., Chief
 Bureau of Monitoring and Surveillance
 Division of Pure Water
 New York State Department of
 Environmental Conservation
 50 Wolf Road
 Albany, New York 12201

Daily - each operating day.

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

Monthly - one day each month (the same day each month) and a normal operating day. (i.e. the 2nd 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 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.

Daily Maximum - the highest 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 the 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 - 8 hours duration, grab samples shall be taken at a minimum of 30 minute intervals. For intermittent discharges of less than 4 hours duration grab samples shall be taken at a minimum of 15 minute intervals.

Gross - the poundage contained in the discharge.

Grab - An individual sample collected in less than 15 minutes.

NYSDEC - New York State Department of Environmental Conservation

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 are required by the agency authorized to issue NPDES permits no later than 180 days prior to the above date of expiration.

By authority of _____ Gerald M. Handler, P.E.
(Regional Administrator)

_____ FEB 24 1975
(Date)

Meyer Scolnick

(Signature)

Meyer Scolnick, Director
Enforcement and Regional
Counsel Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
26 Federal Plaza
New York, New York 10007

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In the Matter of :
: National Pollutant Discharge Elimination :
System Permit for :
: Rochester Gas and Electric Corporation : Docket No.: II-WP-75-58
Rochester, New York :
: Permit No. NY 000 0493 (Ginna Nuclear :
Power Plant) :
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STIPULATION

Rochester Gas and Electric Corporation (hereinafter, "the permittee", and one of the "parties"), the United States Environmental Protection Agency (EPA), and the New York State Department of Environmental Conservation (NYSDEC) hereby agree and stipulate as follows with regard to the above-referenced administrative action:

(1) The permittee hereby withdraws its request for an Adjudicatory Hearing on all issues, subject to the conditions set forth below.

(2) The parties joined in this proceeding pursuant to 40 CFR §125.36(d) hereby withdraw their requests to be parties to this proceeding, subject to the conditions set forth below.

(3) As to any issues raised by any of the parties to this proceeding relating to the thermal component of the discharge or the cooling water intake system(s) at the facility to which this stipulation relates, including the possible construction of cooling towers as part

of a closed cycle cooling system, any of the parties to this proceeding shall have the right to renew and reinstate its request for an Adjudicatory Hearing on such issue(s), with the same force and effect that request originally had, at such time as final determinations are made by EPA either on the permittee's request for the imposition of alternative thermal limitations pursuant to 33 U.S.C. §1326(a) or on the location, design, construction or capacity of cooling water intake structures pursuant to 33 U.S.C. §1326(b), which final determinations any of the parties may deem adverse to its interests.

(4) The National Pollutant Discharge Elimination System (NPDES) permit which is the subject of this proceeding shall be modified as set forth herein:

A. The parties to this stipulation agree that the provisions of Condition 2. of the subject permit shall be implemented in accordance with the procedural requirements of 40 C.F.R. Part 125, and that no modification of the permit shall be required to effect this right of the permittee.

B. In Condition 9.a., the words "due to plant operation" shall be added after the word "foam".

C. Condition 9.b.(1)(f) shall be modified to read as follows:

The concentration of Oil and Grease discharged from the retention tank shall not exceed a maximum of 20 mg/l net.

D. Condition 9.b.(2) shall be deleted.

E. Condition 10(a)(2) shall be deleted.

F. Condition 10(b) shall be modified to read as follows:

By December 31, 1976 the permittee shall complete its ongoing studies of alternative measures for minimizing entrapment and/or fish mortality resulting from operation of the present intake structure. By December 1, 1977 the permittee will submit a report to EPA and NYSDEC which contains recommendations for future operation of the intake system based upon the results of those studies.

In the event the permittee does not recommend modification (either physical or operational) of the existing intake system, the permittee shall fully describe the alternative measures it considered and its reasons for not recommending adoption of any or all of those measures.

In the event the permittee recommends intake system modifications to reduce or eliminate entrapment and/or fish mortality, the report will contain a schedule for implementation of those proposed modifications. If approved by EPA and NYSDEC, the permittee will subsequently implement those modifications at its own expense and in accordance with the schedule set forth in the report.

In the event EPA and NYSDEC do not approve the recommendations set forth in the report submitted by the permittee, EPA and NYSDEC may, after public notice and opportunity for an Adjudicatory Hearing as provided for in 40 C.F.R. Part 125, modify the permit to require such intake structure modifications as are authorized by law.

G. Condition 11, Schedule of Compliance, shall be deleted from this permit, and all subsequent Conditions shall be appropriately renumbered.

H. That portion of the asterisked footnote to newly renumbered Condition 11, Monitoring and Recording, which precedes the semicolon shall be modified to read as follows:

* The flow of discharge 001 shall be calculated from the daily station log sheets by noting the operating mode of the circulating water pumps;

I. Newly renumbered Condition 11.a.(2) shall be modified to read as follows:

Within 60 (SIXTY) days of [date certain to be date of execution of this Stipulation] the permittee shall provide to the Regional Administrator and the NYSDEC calculations indicating the intake

velocity at the trash racks and traveling water screens. Such calculations shall indicate velocity changes due to changes in water level and number of circulating water pumps operating.

J. In the four asterisk (****) footnote to newly renumbered Condition II.a.(1) the first sentence shall be modified to read as follows: "A grab sample shall be taken for Oil and Grease once a month for two discharge occurrences from the retention tank."

K. A new Condition II.a.(3) shall be added to the permit, to read as follows:

Discharge 002 (Redundant service water discharge):

The duration, flow, and temperature shall be reported during each discharge occurrence. The flow may be calculated by utilization of the daily log sheets.

L. Newly renumbered Condition II(b) shall be modified to read as follows:

By August 30, 1976 the permittee shall submit to the Regional Administrator and to NYSDEC at its offices located in Avon and Albany, New York, a detailed biological monitoring program designed to determine the effects of facility operation (including impingement, entrainment, and the discharge of heated effluent(s)) upon the aquatic community in Lake Ontario. A final report on the monitoring program with respect to impingement and entrainment shall be submitted on or before December 9, 1977 to the Regional Administrator and NYSDEC at its offices located in Avon and Albany, New York.

The permittee shall submit a §316(a) demonstration supplement for the Ginns facility on or before March 31, 1977. The demonstration supplement shall provide additional data in accordance with an EPA letter dated September 9, 1976.

Upon review of the §316(a) demonstration and of the final report with respect to impingement and entrainment, and other relevant information, additional conditions, corresponding compliance schedules, and additional monitoring requirements may be imposed in accordance with the procedural requirements of 40 C.F.R. §125.36.

M. In the third paragraph of newly renumbered Condition II(c) the following sentence shall be inserted prior to the last sentence: "Surveys shall not be performed for the months

of December, January, February, and March. In addition, the dates in paragraphs 1, 2, and 3 shall be changed to dates certain which shall be dates 3, 5, and 2 months, respectively, from the date of execution of this stipulation.

N. A fourth paragraph shall be added to newly renumbered Condition 11(c), to read as follows:

By July 31, 1977 the permittee shall file for approval with NYSDEC at its offices located in Avon and Albany, New York, a report on chlorine use and chlorination practice. Approval shall be granted only for practices which minimize the impact of chlorine on water resources.

O. In newly renumbered Condition 11(d), the reference to Condition 12(h) in the next to last line shall be modified to read "Condition 11(h)."

P. Newly renumbered Condition 12 shall be modified to read as follows:

Sludge Disposal. Sludges, collected debris, and other solids and precipitates separated from the permittee's discharges authorized by this permit and/or from intake and supply water at the trash racks shall be disposed of in accordance with State law and in such manner as to prevent entry of such materials into navigable waters or their tributaries. Live fish, shellfish, and other organisms washed from traveling screens may be returned to their water body habitat.

~~The permittee shall report on all effluent screenings, sludges, and other solids associated with the discharge herein described. The following data shall be reported quarterly together with the monitoring data required in Condition 11:~~

~~a. the method by which they were removed and transported;~~

~~b. their final disposal locations.~~

If the permittee wishes to return fish, shellfish and other organisms to their water body habitat during periods of less than 100% survivability, and to return other collected screen washings to the water body, it shall submit to the Regional Administrator and to NYSDEC, no later than 3 (THREE) months from [date certain to be date of execution of this Stipulation], the following:

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11/19
MS

(a) information (e.g., description, number, and total weight of fish) on collected screen washings, including fish, shellfish, or other organisms;

(b) information on the survivability of fish, shellfish, and other organisms, including assessment of potential interrelationships between survivability, time of year, and treatment of collected screen washings;

(c) a proposal for the discharge of live and dead fish, shellfish and other organisms during periods of low survivability, including the scientific and engineering bases therefor; and

(d) a proposal for the discharge of other collected screen washings, including the scientific and engineering bases therefor.

The determinations by the Regional Administrator and NYSDEC with respect to the permittee's method of sludge disposal shall be based on the above-referenced report(s).

During the period prior to the determinations by the Regional Administrator and NYSDEC, the permittee shall be allowed to discharge to the receiving water both live and dead fish, shellfish and other organisms, and other material collected from the traveling screens.

Determinations of the Regional Administrator and NYSDEC with respect to the report(s) and any modification of this permit based thereon shall be subject to all applicable procedures set forth at 40 C.F.R. Part 125.

* Based on the report referenced below, the Regional Administrator and NYSDEC will determine level(s) of survivability (in terms of the percent of numbers, fish biomass, or other appropriate units) and the corresponding periods of time during which the permittee shall be allowed to return live and dead fish, shellfish and other organisms to the water body.

Q. Newly renumbered Condition 13 shall be modified to read as follows:

The permittee shall not discharge any waste water containing a substance, or characterized by a parameter, which was indicated as absent in its NPDES permit application, unless such substance or parameter is present in the intake water and was not added as a result of plant operation.

R. Newly renumbered Condition 11(h) shall become Condition 11(h)(1). A new Condition 11(h)(2) shall be added, to read as follows:

By June 1, 1975 the permittee shall submit to the NYSDEC at its offices located in Avon and Albany, New York, a monthly report of daily operating data by the 25th of the month 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 discharge shall be measured and recorded continuously. Daily minimum, maximum and average intake and discharge temperatures shall be logged.

(5) NYSDEC, by this stipulation, exercises its right to recertify the amended permit resulting from this stipulation, pursuant to 33 U.S.C. §1341 and regulations promulgated thereunder at 40 C.F.R. §125.32(e)(8)(vi).

Following a final determination by EPA to amend any limitation as a result of EPA's evaluation of studies submitted to it by the permittee pursuant to Item 4.L. and Item 4.P. of this stipulation, NYSDEC may, pursuant to 40 C.F.R. §§125.15 and 125.22(b), exercise its right to certify that those limitations are consistent with State Water Quality Standards for a period of 30 (THIRTY) days from the date of their receipt of EPA's final determination. NYSDEC's failure to certify or deny certification within said 30 (THIRTY) day period shall be deemed a waiver of such certification rights.

(6) The final NPDES permits issued as a result of this stipulation shall have required chemical limitations and monitoring schedules modified in accordance with the revised permit pages, which are attached hereto and made a part hereof. Certain of the modifications contained in the revised permit pages are based on new data submitted by the permittee in amendment to its original permit applications.

(7) This stipulation and attendant modifications to the issued NPDES permit to which it refers, as embodied in the attached modified permit pages, shall be in full force and

effect from and after the execution of this stipulation by the Director, Enforcement Division, EPA Region II, who shall be the last signatory to this stipulation.

(8) There are no parties to this stipulation other than the parties executing this stipulation.

Dated by the last signatory hereto:

June 12, 1978

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Robert A. Emmett
By: Robert A. Emmett
Office of Water Enforcement

Rochester Gas and Electric Corporation

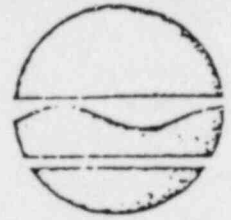
Keith W. Amish
By: Keith W. Amish
Executive Vice President

New York State Department of
Environmental Conservation

Philip H. Gitlen 6/8/78
By: Philip H. Gitlen
General Counsel

United States Environmental Protection
Agency, Region II

Meyer Scobnick
By: Meyer Scobnick
Director
Enforcement Division
Region II



Robert F. Flacke,
Commissioner

New York State Department of Environmental Conservation
Road, Albany, New York 12233

May 23, 1980

Mr. Robert J. DeSeyn, Manager
Environmental Engineering
Rochester Gas and Electric Corporation
89 East Avenue
Rochester, New York 14649

Re: Renewal of N/SPDES Discharge Permits

NY-0000493, Ginna Station
Ontario (T), Wayne County

NY-0000612, Russell Station
Rochester (C), Monroe County

NY-0000621, Beebee Station
Rochester (C), Monroe County

Dear Mr. DeSeyn:

The processing of the renewal application for your current N/SPDES wastewater discharge permit will be delayed pending promulgation of final Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology (BAT/BCT) permit guidelines by the United States Environmental Protection Agency (EPA) for your industrial category. *In the interim, you are hereby requested to continue to adhere to all the terms and conditions of your current permit which will remain in effect until a new permit is issued, pursuant to Section 401 of the State Administrative Procedure Act.

If EPA does not promulgate final guidelines in a timely manner, we must proceed to develop a draft permit of long term duration which will incorporate effluent limitations based on "best engineering judgement". The processing of the long term permit will be timed to allow you approximately two years to achieve BAT/BCT treatment levels which must be achieved by July 1, 1984, pursuant to Section 301 of the Federal Clean Water Act. (Note: A long term permit incorporating "best engineering judgement" could be developed at this time; however, we do not feel this effort would be productive if guidelines are promulgated at a later date and in fact would preclude the option of modifying your permit objectives should the promulgated guidelines be less stringent.

Because the processing of your renewal application will be delayed, we request your agreement that the time frames for processing your renewal application under the Uniform Procedures Act and Regulations will be suspended, and that DEC shall have 60 days, from the date you are notified by DEC that your application will be reactivated, in which to determine completeness and make any other decision concerning the processing of the renewal application. The Department may request additional information prior to reactivation of your application. We request that you sign and return the enclosed copy of this letter to give such agreement.

draft permits dated April 17, 1980, for Russell, Beebee and Ginna Stations are hereby withdrawn. *RDJ 5/25/80*

* and the ECCL dated July 11, 1977, *RDJ 5/30/80*

ATTACHMENT B

If you have any questions regarding this letter, please contact this office at (518) 457-4125.

Very truly yours,

George K. Hansen

George K. Hansen, P.E.
Chief, P.D.E.S. Permit Section
Bureau of Permits & Compliance
Division of Water

L. W. Tate, Jr.

Signature of Corporate Official)

Vice President

Electric and Steam Prod.
(Title)

5/30/80
(Date)

Enc.

- cc: Region #8
- Co. Health Dept. (Monroe)
- BIP
- EPA
- WSMS
- File (3)
- Ms. Ragna Henrichs, Nixon, Hargrave, Devins & Doyle

GKH/jrb


*Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Roger W. Kober
Vice President
Electric and Steam Production
Rochester Gas and Electric Corporation
89 East Avenue
Rochester, New York 14649

New York State Attorney General's Office
Consumer Frauds - Energy Utility Division
Room 4615
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New York, NY 10047

*Atomic Safety and Licensing
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U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555



Mary E. Wagner
Counsel for NRC Staff