

PHILADELPHIA ELECTRIC COMPANY

2301 MARKET STREET

P.O. BOX 8699

PHILADELPHIA, PA. 19101

(215) 841-4000

May 23, 1988

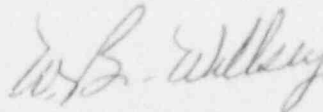
Director  
Office of Nuclear Reactor Regulation  
US Nuclear Regulatory Commission  
Washington, DC 20555

RE: Consent Order and Agreement for  
Peach Bottom Generating Station

Dear Sir:

In accordance with "Appendix B of the Peach Bottom Generating Station Operating License Nos. DPR-44 and DPR-56, docket numbers 50-277 and 50-278", attached is the subject Consent Order and Agreement, (COA) for Peach Bottom Generating Station. The attached COA became effective on April 29, 1988 and will terminate upon our compliance with the NPDES effluent limitations for outfall 501 for a period of six (6) consecutive months.

Sincerely yours,



W. B. Willsey  
Director  
Environmental Affairs

Attachment  
DWM:mas

cc: Administrator, Region I  
Office of Inspection and Enforcement  
US Nuclear Regulatory Commission  
631 Park Avenue  
King of Prussia, PA 19406

8805310127 880523  
PDR ADOCK 05000277  
P PDR

COO1  
11

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

In the Matter of:

Philadelphia Electric Company :  
Peach Bottom Atomic Power Station : Sewerage  
Peach Bottom Township, York County : NPDES Permit No. PA0009733  
:

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into by and between the Commonwealth of Pennsylvania, Department of Environmental Resources ("Department"), and Philadelphia Electric Company, its successors and assigns ("PECO").

FINDINGS OF FACT

The Department has made and determined the following finds of fact, which PECO agrees to as true and correct:

- A. The Department is the agency with authority to administer and enforce The Clean Streams Law, the Act of June 22, 1937, as amended, 35 P.S. §691.1 *et seq.* ("The Clean Streams Law"), Section 1917-A of the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17 ("the Administrative Code"), and the Rules and Regulations promulgated thereunder, and which has been delegated authority to administer a permit program, the National Pollutant Discharge Elimination System ("NPDES"), under the Federal Clean Water Act, 33 U.S.C. §1342.
- B. PECO is a Pennsylvania Corporation which operates a nuclear generating plant located in Peach Bottom Township, York County, Pennsylvania ("Peach Bottom Plant").
- C. On or about July 1, 1987, PECO spilled No. 6 fuel oil at its Peach Bottom Plant which entered a storm sewer via a sump and eventually to the Susquehanna River, a water of the Commonwealth.
- D. The discharge of a petroleum product into waters of the Commonwealth as described in Paragraph C herein, constitutes violations of Section 401 and 611 of The Clean Streams Law, *supra*.
- E. On September 27, 1985, the Department issued to PECO NPDES Permit No. PA0009733 ("NPDES Permit") which authorizes the discharge of treated wastewater from the Peach Bottom Plant into the Susquehanna River.
- F. Since January, 1987, PECO has discharged wastewater from Outfall 501 of its Peach Bottom Plant into the Susquehanna River in excess of the limitations contained in its NPDES Permit for phosphorus as found by a Department inspection on August 17, 1987 and Discharge Monitoring Reports submitted by PECO. Said discharges constitute violations of Sections 201, 202, and 611 of The Clean Streams Law, 35 P.S. §691.201, 691.202, and 691.611.

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby and in consideration of the mutual covenants contained herein, do mutually agree as follows:

ORDER

1. On or before May 1, 1988, PECO shall submit to the Department for approval a study or plan which describes the steps taken or to be taken by PECO to ensure compliance with the terms and conditions of NPDES Permit No. PA009733, Outfall 501 ("Plan").
2. Within fifteen (15) days after receipt of written notice from the Department describing any deficiencies in the plan, PECO shall make a responsive submission to the Department.
3. PECO shall implement the Plan as approved or modified by the Department within thirty (30) days after receipt of the Department's approval of the Plan.
4. If the approved Plan requires the issuance of a Water Quality Management Part II Permit, ("Part II Permit"), PECO shall:
  - a. submit a completed Part II Permit application to the Department within thirty (30) days after receipt of the Department's approval of the plan.
  - b. complete construction of any treatment facilities or modifications approved under PECO's Part II Permit within sixty (60) days after receipt of the Part II Permit from the Department.
5. PECO shall immediately achieve and maintain compliance with the terms and conditions of NPDES Permit No. PA009733 for Outfall 501.
6. Paragraphs 1 through 4 of this Consent Order and Agreement shall constitute an Order of the Department issued under authority of Sections 5 and 610 of The Clean Streams Law, supra, and Section 1917-A of the Administrative Code, supra, and PECO by execution of this document acknowledges receipt of the Order and waives any right to appeal from issuance of the Order.

AGREEMENT

7. In full settlement of all civil penalties assessable under Section 605 of The Clean Stream Law, supra, for the violations specifically described in Paragraphs C, D, E, and F of the Findings of Fact which occurred prior to the date of execution hereof, PECO shall pay the sum of ten thousand dollars \$10,000 to the "Commonwealth of Pennsylvania Clean Water Fund". Said payment shall be made by corporate check or the like and returned with the signed copies of this Consent Order and Agreement.
8. In the event that PECO fails to comply with the terms and conditions of Paragraphs 1 through 3 hereof, PECO shall incur liability for the payment of penalties in an amount of two hundred dollars (\$200) per day for each day of violation or part thereof. Failure to meet each compliance date shall constitute

separate violations. Said penalties shall be due and payable on or before the fifteenth day of each month succeeding the date of the violation's occurrence.

9. In the event that PECO fails to comply with the terms and condition of Paragraph 4, 5 <sup>B.L.</sup> PECO shall incur liability for the payment of penalties in an amount of two hundred dollars (\$200) for each violation of an instantaneous maximum effluent limitation contained in NPDES Permit NO. PA0009733 for Outfall 501, one thousand dollars (\$1,000) for each violation of a monthly average effluent limitation contained in NPDES Permit No. PA0009733 for Outfall 501. Failure to comply with each effluent limitation shall constitute separate violations. Said penalties shall be due and payable on or before the ~~fifteenth~~ <sup>twenty-eighth</sup> day of each month succeeding the date of the violation's occurrence.
10. Nothing contained herein shall be construed to relieve or limit PECO's obligation to comply with the terms and conditions of any permit existing or hereafter issued by the Department, nor to relieve or limit PECO's obligation to comply with any Federal, State or local laws.
11. Any breach of this Consent Order and Agreement by PECO shall be deemed a material breach, and in the event of such breach, the Department may, in addition to the remedies prescribed herein, proceed with any action to compel compliance with this Consent Order and Agreement. Nothing contained herein shall be construed to waive or limit the Department's right to institute any action for violations of or to compel compliance with the laws of the Commonwealth.
12. The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared by a court of law or by the Environmental Hearing Board to be invalid or unenforceable, the remainder shall continue in full force and effect between the parties.
13. If PECO fails to fully and timely comply with any of its obligations under this Consent Order and Agreement as a result of any act of God, riot, insurrection, war, pestilence, and which PECO by the exercise of reasonable diligence was unable to prevent, but specifically excluding the economic condition of PECO, then PECO shall be allowed an extension of time to perform its obligations equal to the delay resulting from such cause(s). PECO shall be entitled to the benefits of this paragraph only if PECO notified the Department in writing within ten (10) days after the occurrence of the delay. Said notification shall set forth the cause(s) of the delay and all steps taken by PECO to mitigate the delay, including an documentation thereof.
14. A. All correspondence with the Department concerning this Consent Order and Agreement may be addressed to:

Compliance Specialist  
Bureau of Water Quality Management  
Department of Environmental Resources  
One Ararat Boulevard  
Harrisburg, PA 17110

14. B. All correspondence with PECO concerning this Consent Order and Agreement may be addressed to:

Director  
Environmental Affairs  
Philadelphia Electric Company  
2301 Market Street  
Philadelphia, PA 19101

15. This is the entire agreement between the parties. Prior drafts of this Consent Order and Agreement shall not be used in any litigation involving interpretations of this Consent Order and Agreement.
16. Any changes to this Consent Order and Agreement shall be set out in writing as an amendment and signed by the parties hereto prior to becoming effective.
17. The Agreement portion of this Consent Order and Agreement shall terminate upon PECO's compliance with the effluent limitations for Outfall 501 contained in NPDES Permit No. PA0009733 for six (6) consecutive months after the effective date of this Consent Order and Agreement, as evidenced by Department inspections and PECO's Discharge Monitoring Reports. The Order portion of this Consent Order and Agreement shall remain in effect as an Order of the Department.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. This Consent Order and Agreement shall be effective as of the last date of signature by the parties.

FOR PHILADELPHIA ELECTRIC  
COMPANY

D. M. Smith 3/31/88  
Name: D. M. Smith Date  
Title: Vice President,  
Peach Bottom Atomic Power Station

Eugene J. Bradley 3/31/88  
Name: Eugene J. Bradley Date  
Title: Associate General Counsel

FOR THE COMMONWEALTH OF  
PENNSYLVANIA

Leon M. Oberdick 4/8/88  
Name: Leon M. Oberdick Date  
Title: Regional Water Quality Manager  
Harrisburg Regional Office

David Wersun 4/29/88  
Name: ~~Amy B. Putnam~~ David Wersun Date  
Title: Assistant Counsel

4/29/88  
Date of last Signatory hereto