

Attachment C

Clean Water Act Documentation

- SPDES Permit NY-0004472
- Water Quality Certification for IP1 and IP2, December 7, 1970.
- Water Quality Certification for IP3, May 2, 1975.

RECEIVED

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT Special Conditions (Part 1)

SEP 02 1987

DIVISION OF WATER BUREAU OF WASTEWATER FACILITIES DESIGN

Industrial Code 4911 Discharge Class (CL) 03 Toxic Class (TX) T Major D.B. 13 Sub D.B. 01 Water Index Number H

Facility ID Number: NY- 000 4472 UPA Tracking Number: 3086-0062 Effective Date (EDP): October 1, 1987 Expiration Date (ExDP): October 1, 1992 Modification Date(s): Attachment(s): General Conditions (Part II, 2/85)

"A" - Order on Consent, July 17, 1986

"B" - Order on Consent, August 20, 1987

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et. seq.) (hereinafter referred to as "the Act").

Attn: Robert Keegan/John W. Blake

Permittee Name: Consolidated Edison Co. of New York/New York Power Authority Street: 4 Irving Place, Room 300/123 Main Street City: New York/White Plains State: NY/NY Zip Code: 10003/10601

is authorized to discharge from the facility described below:

Facility Name: Indian Point Generating Station (Units 1&2 Con Ed) & (Unit 3 PASNY) Location (C,T,V): Buchanan (V) County: Westchester Mailing Address (Street): Broadway and Bleakley Avenue Mailing Address (City): Buchanan State: NY Zip Code: 10511

from Outfall No. 001 at Latitude 41°16'7" & Longitude 73°57'19" into receiving waters known as: Hudson River Class: SB

and: (list other Outfalls, Receiving Waters & Water Classification)

- 001 Hudson River SB 002 Hudson River SB 003 Hudson River SB 004 Hudson River SB 005 Hudson River SB 006 Hudson River SB 007 Hudson River SB 008 Hudson River SB 009 Hudson River SB

in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit. This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal as prescribed by Sections 17-0803 and 17-0804 of the Environmental Conservation Law and Parts 621, 752, and 755 of the Departments' rules and regulations.

Table with 3 columns: PERMIT ADMINISTRATOR (Raiph Manna, Jr.), DATE ISSUED (8/28/87), ADDRESS (21 South Putt Corners Rd. New Paltz, NY 12561)

Distribution: C. Manfredi/P. Doshna R. Hannaford - BWFD Westchester Co. H.D. EPA, NY - R. Baker EPA, NJ - R. Spear ISC

E. Reilly (pg. 1) E. Radle, BEP - Albany B. Brandt

Signature of Raiph Manna, Jr. SIGNATURE

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the Period Beginning October 1, 1987

and lasting until October 1, 1992

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type

001* Discharge Canal^{a,b}

The permittee shall discharge condenser cooling water so that the following conditions are satisfied:

1. At no time shall the maximum discharge temperature at Station DSN 001 exceed 43.3°C (110°F).
2. Between April 15 and June 30, the daily average discharge temperature at Station DSN 001 shall not exceed 34°C (93.2°F) for an average of more than ten days per year during the term of this permit beginning with 1981; provided that in no event shall the daily average discharge temperature at Station DSN 001 exceed 34°C (93.2°F) on more than 15 days between April 15 and June 30 in any year.
3. Whenever, due to forced outage or other technical problem, e.g. equipment failure, it is necessary to remove one or more circulating water pumps from service at an operating unit (or units), pumps at any non-operating unit (or units), including Unit 1, may be used to augment flow in the discharge canal as necessary to meet temperature limits, and will not be considered a violation of settlement outage requirements at the non-operating unit provided that in no event shall total Station flow, as so augmented, exceed the equivalent of full circulator flow at each unit which is then operating.
4. If the discharge temperature limits in clauses 1 and 2 above are exceeded as a result of reduced flow required by Section 2.D of the Settlement Agreement, corrective action, which may include increasing cooling water flow as necessary up to the equivalent of full circulator flow for each unit then operating, shall be taken as quickly as practical and will not be considered a violation of outage requirements at the non-operating unit. During the period required for corrective action (which shall not exceed 24 hours), the discharge will not be considered to be in excess of the foregoing temperature limits. To the extent practical the permittee shall anticipate when the ambient river temperature will rise to such level that the prevailing reduced cooling water flow rate specified in the Settlement will fail to maintain discharge temperature below 34°C, and may, upon consultation with DEC, increase flow to the next rate scheduled in the Settlement prior to the discharge temperature exceeding 34°C.
5. Nothing contained herein shall be construed to change or otherwise affect the provisions of the Settlement Agreement.
6. Except as set forth above, there shall be no thermal effluent limitations which govern or otherwise affect the operation of the Station or discharges therefrom.

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the Period Beginning October 1, 1987

and lasting until January 1, 1989

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type
<u>001* Discharge Canal</u> ^{a,b}					
Total Residual Chlorine ^c	NA	0.2 ^d	mg/l	(See footnotes q,r)	
Lithium Hydroxide	NA	0.01 ^d	mg/l	Monthly	Calculation
Boron	NA	1.0 ^e	mg/l	Weekly	Calculation
Boron	NA	525 ^e	lbs/day	Weekly	Calculation
pH (Range) 6.0 - 9.0			SU	Weekly	Grab

*Outfall 001 is the point prior to confluence of the discharge from the common discharge canal and the Hudson River.

Internal Waste Streams Effluent Limitations

001A - Sewage Treatment Plant

	Monitor	Monitor	GPD	Continuous	Recorder
Flow					
BOD ₅	30 ^g	45 ^h	mg/l	Monthly	6hr Composite
Total Suspended Solids	30 ^g	45 ^h	mg/l	Monthly	6hr Composite
Settleable Solids		0.3	ml/l	Weekly	Grab
Fecal Coliform	200 ⁱ	400 ^j	NO./100 ml	Weekly	Grab
Total Residual Chlorine ^p	0.5(min.)	3.0	mg/l	Weekly	Grab
pH (Range)	Monitor	Monitor	SU	Weekly	Grab

Sum of 001B, 001C, 001D, 001E, 001G & 001K, 001L

	Monitoring Only		MGD	Weekly	Instantaneous
Flow					
Total Suspended Solids	30	50	mg/l	Weekly	Grab ^k

Sum of 001C & 001D

	Monitoring Only		MGD	Weekly	Instantaneous
Flow					
Hexavalent Chromium	0.05	0.1	mg/l	Monthly	Grab ^l
Total Chromium	0.5	1.0	mg/l	Weekly	Grab ^l
Lithium Hydroxide	Monitoring Only		mg/l	Monthly	Grab ^l

INTERNAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the Period Beginning January 1, 1989

and lasting until October 1, 1992

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type
<u>001* Discharge Canal</u> ^{a,b}					
Total Residual Chlorine ^c	NA	0.2	mg/l	(See footnotes q,r)	
Lithium Hydroxide	NA	0.01 ^d	mg/l	Monthly	Calculation
Boron	NA	1.0 ^e	mg/l	Weekly	Calculation
Boron	NA	525 ^e	lbs/day	Weekly	Calculation
pH (Range) 6.0 - 9.0			SU	Weekly	Grab

*Outfall 001 is the point prior to confluence of the discharge from the common discharge canal and the Hudson River.

Internal Waste Streams Effluent Limitations

001A - Sewage Treatment Plant

No Discharge Allowed

<u>Sum of 001B, 001C, 001D, 001E, 001G & 001K, 001L</u>					
Flow	Monitoring Only		MGD	Weekly	Instantaneous
Total Suspended Solids	30	50	mg/l	Weekly	Grab ^k
<u>Sum of 001C & 001D</u>					
Flow	Monitoring Only		MGD	Weekly	Instantaneous
Hexavalent Chromium	0.05	0.1	mg/l	Monthly	Grab ^l
Total Chromium	0.5	1.0	mg/l	Weekly	Grab ^l
Lithium Hydroxide	Monitoring Only		mg/l	Monthly	Grab ^l

WES

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning October 1, 1987
and lasting until PERMIT EXPIRATION

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations			Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.	Units	Measurement Frequency	Sample Type
<u>Sum of 01B, 01C, 01D & 01J, 01L</u>					
Flow	Monitoring	Only	MGD	Weekly	Instantaneous
Boron	Monitoring	Only	mg/l	Weekly	Grab ^a
<u>001C</u>					
Flow	Monitoring	Only	MGD	Monthly	Instantaneous
<u>001E</u>					
Flow	Monitoring	Only	MGD	Weekly	Instantaneous
<u>001G</u>					
Flow	Monitoring	Only	MGD	Weekly	Instantaneous
Phosphates as P ^{**}	16	38	lbs/day	Monthly	Grab
<u>001I</u>					
Flow	Monitoring	Only	MGD	Footnote o	Footnote o
<u>001J***</u>					
Flow	Monitoring	Only	MGD	Weekly	Estimate
Oil & Grease		No visible oil or sheen	mg/l	Weekly	Visual Observation
<u>Sum of 01C, 01D, 01K and 01L</u>					
Oil & Grease		15	mg/l	Monthly	Grab ^m

**This applies to only those internal streams at Indian Point 2, which comprise this outfall.

***Because this outfall cannot be monitored, the following shall apply:

1. All oil spills shall be handled under the SPCC plan.
2. Flow tributary to the floor drains shall not contain more than 15 mg/l of oil and grease nor any visible sheen.
3. Treated wastewater from the desilting operation within the intake structure and forebays shall be monitored once per 12 hour shift on the sand filter effluent. Grab samples shall be analyzed for total suspended solids and oil & grease. An estimate of discharge flow rate and a visual observation for the presence of any visible sheen shall be made on the sand filter effluent. The limitations for this discharge event are: 15 mg/l (oil&grease), 50 mg/l (total suspended solids) and no visible sheen.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning November 20, 2000 and lasting until permit expiration
 the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter Type	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample
<u>01K - Filter Backwash</u>					
Flow	Monitor	Monitor	GPD	Weekly	Instantaneous
<u>001C</u>					
Flow	Monitoring	Only	MGD	Monthly	Instantaneous
<u>001L - Condensate Polisher System Effluent and Stormwater Runoff from Chemical Bulk Storage Secondary Containment</u>					
Flow	Monitor	Monitor	GPD	Weekly	Instantaneous
pH	(Range 6.0-9.0)		SU	Monthly	Grab
Chlorine, Total Residual	NA	Monitor	mg/l	Monthly	Grab
<u>001N - Reverse Osmosis Reject</u>					
Flow	Monitor	Monitor	GPD	Weekly	Instantaneous
Oil & Grease	NA	15	mg/l	Weekly	Grab
Total Suspended Solids	30	50	mg/l	Weekly	Grab

002-009 - Uncontaminated Stormwater Discharge

No monitoring required

ACTION LEVEL REQUIREMENTS

The parameters listed below have been reported present in the discharge but at levels that currently do not require water-quality or technology-based limits. Action levels have been established which if exceeded will result in re-consideration of Water Quality and Technology based limits.

Routine action level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted.

If any of the action levels is exceeded, the permittee shall undertake a short-term, high-intensity monitoring program for this parameter. Samples identical to those required for routine monitoring purposes shall be taken on each of at least three operating days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the action level was first exceeded. Results may be appended to a DMR or transmitted under separate cover to the same addresses. If levels higher than the action levels are confirmed, the result shall constitute a revised application and the permit shall be reopened for consideration of revised action levels or effluent limits.

The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

Outfall Number and Effluent Parameter	Action Level	Units	Minimum Monitoring Requirements	
			Measurement Frequency	Sample Type
<u>001L - Condensate Polisher System Effluent</u>				
Ammonia	5	lbs/day	Semi-Annual	Grab
Iron	4	mg/l	Semi-Annual	Grab
Copper	1.0	mg/l	Semi-Annual	Grab
<u>001A - Sewage Treatment Plant (No discharge allowed after January 1, 1989)</u>				
Copper	0.5	mg/l	Semi-Annual	Grab
Mercury	0.1	mg/l	Semi-Annual	Grab
Zinc	1.0	mg/l	Semi-Annual	Grab

Modified: 9-30-99 (ndm)

Footnotes

- a. Discharge 001 shall occur only through the subsurface ports of the outfall structure.
- b. When the temperature in the discharge canal exceeds 90°F or the site gross electric output equals or exceeds 600MW the head differential across the outfall structure shall be maintained at a minimum of 1.75 feet. When required, adjustment of the ports shall be made within four hours of any change in the flow rate of the circulating water pumps. IF compliance is not achieved, further adjustments of the ports shall be made to achieve compliance. The requirements of the Settlement Agreement flow schedules shall take priority over the requirements of this footnote.
- c. The service water system may be chlorinated continuously. Should the condenser cooling water system be chlorinated, the maximum frequency of chlorination for the condensers of each unit shall be limited to two hours per day. The total time for chlorination of the three units for which this permit is issued shall not exceed nine hours per week. Chlorination shall take place during daylight hours and shall not occur at more than one unit at a time.
- d. The calculated quantity of these substances in the discharge shall be determined by using the analytical results obtained from sampling that is to be performed on internal waste streams 01C and 01D.

The calculated quantity of this substance in this discharge shall be determined by using the analytical results obtained from sampling that is to be performed on internal waste streams 01B, 01C, 01D and 01L and releases from Unit 3's chemical batch tanks into 01J.

(Footnote f has been removed. Text has been placed in Additional Requirement #8.)

- g. Arithmetic mean of the values for effluent samples collected over a 30 day period.
- h. Arithmetic mean of the values for effluent samples collected over a 7 day period.
- i. 30 day geometric mean.
- j. 7 day geometric mean.
- k. One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 01B, 01C, 01D, 01E, 01G, and 01L.
- l. One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 001G and 001D. Sampling is not required if use of chromium is discontinued.

One grab sample shall be obtained from each of the internal waste streams 001C, 001D, 001K and 001L and the samples shall be analyzed separately. The results shall be reported by computing the flow-weighted average.

One flow proportioned composite sample shall be obtained from one grab sample taken from each of the internal waste streams 01B, 01C, 01D, 01L and each release from the chemical batch tanks at Unit 3 into 01J.

- o. The flow of condenser cooling water discharges shall be monitored and recorded every eight hours by recording the operating mode of the circulating water pumps. Any changes in the flow rate of each circulating water pump shall be recorded, including the date and time, and reported monthly together with the Discharge Reporting Form. The permittee shall indicate whether any circulating pumps were not in operation due to pump breakdown or required pump maintenance and the period(s) (dates and times) the discharge temperature limitation was exceeded, if at all. 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 or equivalent approved by the permit issuing authority.
- p. Effluent disinfection is required all year. If chlorine is used for disinfection, a chlorine residual of 0.5 - 3.0 (Range) shall be maintained in the chlorine contact chamber effluent.
- q. Continuous monitoring of TRC during condenser chlorination is required. A continuous TRC monitor shall be installed by October 1, 1987 or the date condenser chlorination begins, whichever is later. Prior to installation of the continuous monitor or when the continuous monitor fails, is inaccurate, or is unreliable, TRC shall be monitored during condenser chlorination by analyzing grab samples taken at least once every 30 minutes during each chlorination period.
- r. Grab samples shall be taken at least once daily during low level service water chlorination and at least once every 30 minutes during high level service water chlorination. During service water chlorination, Outfall 001 TRC concentrations may be determined by either direct measurement at Outfall 001 or by multiplying a measured TRC concentration in the service water system by the ratio of chlorinated service water flow to the total site flow.

Additional Requirements:

1. There shall be no discharge of PCB's from this facility.
2. Collected screenings, sludges, and other solids and precipitates separated from the Permittee's discharges and/or intake water authorized by this permit shall be disposed of in such a manner as to prevent entry of such materials into navigable waters or the tributaries. Any fish, shellfish, or other organisms collected or trapped as a result of intake water screening or treatment may be returned to the water body habitat, together with associated solids.
3. The permittee shall submit on a quarterly basis to the NYSDEC at its offices in White Plains and Albany a monthly report of daily operating data, by the 28th of the month following the end of the quarter, that includes the 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 discharges shall be measured and recorded continuously. Daily minimum, maximum and average intake and discharge temperatures shall be logged.
4. Biological Monitoring and Reporting

The permittee shall comply with biological monitoring requirements which shall be embodied in a Memorandum of Agreement (MOA) to be entered into between the NYSDEC and the Permittee for the permit issued to Indian Point Generating Station Unit 1-3. Monitoring requirements shall be consistent with the Hudson River Settlement Agreement and Attachment V thereto.

Live sturgeon collected during biological monitoring studies will be counted, measured, and examined for tags, then carefully returned to the river as quickly as possible. Dead sturgeon collected during biological monitoring studies shall be counted, weighed, measured, examined for tags and frozen for salvage for the Department of Environmental Conservation for up to one year, at which time the sturgeon will be disposed of in a sanitary landfill. Each sturgeon shall be individually labeled indicating date of capture and appropriate measurements. The permittee shall provide written notice to the Chief, Bureau of Environmental Protection one (1) month prior to the disposal of any sturgeon.

5. Notwithstanding any other requirements in this permit, the permittee shall also comply with all applicable Water Quality Regulations promulgated by the Interstate Sanitation Commission including Sections 1.01 and 2.05 (f) as they relate to oil and grease.
6. It is recognized that influent quality changes, equipment malfunction, acts of God, or other circumstances beyond the control of the Permittees may, at times, result in effluent concentrations exceeding the permit limitations despite the exercise of appropriate care and maintenance measures, and corrective measures by the permittees. The permittees, either individually or jointly, may come forward to demonstrate to the DEC that such circumstances exist in any case where effluent concentrations exceed those set forth in this permit. The DEC, however, is not obligated to wait for, or solicit, such demonstrations prior to the initiation of any enforcement proceedings, nor must it accept as valid on its face the statements made in any such demonstration.

In the event of non-compliance attributable to only one facility, DEC will initiate enforcement proceedings against the permittee responsible for such facility.

DEC shall not initiate enforcement proceedings concurrently against both the Permittees, unless DEC has been unable to identify the non-complying facility. If DEC seeks to enforce in an administrative or judicial proceeding any provision of this permit, the Permittees may raise at that time the issue of whether, under the United States Constitution, statute, or decisional law, they are entitled to a defense that their conduct was caused by circumstances beyond their control.

7. The Hudson River Settlement Agreement, dated December 19, 1980, is annexed to this permit as Appendix 2 and is incorporated herein as a condition to this permit. The Settlement Agreement satisfies New York State Criteria Governing Thermal Discharges. The Agreement for Installation of Modified Ristroph Screens at Indian Point Units 2 & 3, dated October 31, 1988 is annexed to this permit as Appendix 3 and is incorporated herein as a condition to this permit. The Agreement for Installation of Modified Ristroph Screens at Indian Point Units 2 & 3 implements Section 2.F of the Hudson River Settlement Agreement and satisfies New York State Criteria Governing Thermal Discharges.
8. All chemicals listed and/or referenced in the January 17, 1986 permit application as well as Drewgard 315, Betz Corr-Shield 736 and Nalco 8325 are approved for use. Drewgard 100 may be added so the calculated concentration shall not exceed 11 mg/l and the active ingredient E.D.T.A. shall not exceed 0.28 mg/l in the discharge canal. If use of new biocides, corrosion control chemicals or water treatment chemicals is intended, application must be made prior to use. No use will be approved that would cause exceedance of state water quality standards.
9. Beginning upon the effective date of this permit, the permittees shall submit to the NYSDEC Offices in Albany and White Plains, a copy of their Semi-Annual Effluent and Waste Disposal Reports submitted to the Nuclear Regulatory Commission.

10. Permittee will (at Permittee's option) submit a report to analyze the suitability of continuous chlorine monitoring for compliance purposes. The report will compare results of continuous monitor to results of grab sampling program (for total residual chlorine). Within 60 days from receipt of the report, DEC shall either (a) approve the report's conclusions and recommendations and initiate any appropriate permit modification requested by the permittees or (b) provide the permittees with the detailed technical reasons for rejection. If DEC fails to meet this 60-day deadline, the Department shall initiate a permit modification to require grab samples at least once every 30 minutes during condenser chlorination.

11. The data, results and information being generated pursuant to aquatic studies and analyses and impact mitigation programs being conducted at this Facility under the terms of the Hudson River Settlement Agreement, dated December 19, 1980, shall constitute sufficient grounds for the applicant or the DEC to seek modification of this permit under 6 NYCRR 621.13.

SPECIAL CONDITIONS - BEST MANAGEMENT PRACTICES

1. The permittee shall develop a modification to the Best Management Practices (BMP) plan to prevent, or minimize the potential for, release of significant amounts of toxic or hazardous pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and storm water discharges including, but not limited to, drainage from raw material storage. Completed BMP plans shall be submitted by EDM + 6 Months to the Regional Water Engineer at the address shown on the Recording, Reporting and Additional Monitoring Requirements. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by this Department.
2. Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (1) above, unless a new deadline is set explicitly by such permit modification or renewal.
3. The permittee shall review all facility components or systems (including material storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where toxic or hazardous pollutants are used, manufactured, stored or handled to evaluate the potential for the release of significant amounts of such pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. For hazardous pollutants, the list of reportable quantities as defined in 40 CFR, Part 117 may be used as a guide in determining significant amounts of releases. For toxic pollutants, the relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are listed as toxic pollutants under Section 307(a)(1) of the Clean Water Act or as hazardous pollutants under Section 311 of the Act or that are identified as Chemicals of Concern by the Industrial Chemical Survey.

4. Whenever the potential for a significant release of toxic or hazardous pollutants to State waters is determined to be present, the permittee shall identify Best Management Practices that have been established to minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider typical industry practices such as spill reporting procedures, risk identification and assessment, employee training, inspections and records, preventive maintenance, good housekeeping, materials compatibility and security. In addition, the permittee may consider structural measures (such as secondary containment and erosion/sediment control devices and practices) where appropriate.
5. Development of the BMP plan shall include sampling of waste stream segments for the purpose of toxic "hot spot" identification. The economic achievability of effluent limits will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a "hot spot" is a segment of an industrial facility; including but not limited to soil, equipment, material storage areas, sewer lines etc.; which contributes elevated levels of problem pollutants to the wastewater and/or storm water collection system of that facility. For the purposes of this definition, problem pollutants are substances for which treatment to meet a water quality or technology requirement may, considering the results of waste stream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the concentration of that same pollutant at the compliance monitoring location so as to allow for an economically justifiable removal and/or isolation of the segment and/or B.A.T. treatment of wastewaters emanating from the segment.

The BMP plan shall be documented in narrative form and shall include any necessary plot plans, drawings or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. USEPA guidance for development of storm water elements of the BMP is available in the September 1992 manual "Storm Water Management for Industrial Activities," USEPA Office of Water Publication EPA 832-R-92-006 (available from NTIS, (703)487-4650, order number PB 92235969). A copy of the BMP plan shall be maintained at the facility and shall be available to authorized Department representatives upon request. As a minimum, the plan shall include the following BMP's:

- | | | |
|-------------------------------------|----------------------------|--------------------------------|
| a. BMP Committee | e. Inspections and Records | i. Security |
| b. Reporting of BMP Incidents | f. Preventive Maintenance | j. Spill prevention & response |
| c. Risk Identification & Assessment | g. Good Housekeeping | k. Erosion & sediment control |
| d. Employee Training | h. Materials Compatibility | l. Management of runoff |

7. The BMP plan shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for significant releases of toxic or hazardous pollutants, (b) actual releases indicate the plan is inadequate or (c) a letter from the Regional Water Engineer highlights inadequacies in the plan..

8. **Facilities with Petroleum and/or Chemical Bulk Storage (PBS and CBS) Areas:**

Compliance must be maintained with all applicable regulations including those involving releases, registration, handling and storage (6NYCRR 595-599) and (6NYCRR 612-614). Stormwater discharges from handling and storage areas should be eliminated where practical.

a. **Spill Cleanup** - All spilled or leaked substances must be removed from secondary containment systems as quickly as practical and in all cases within 24 hours. The containment system must be thoroughly cleaned to remove any residual contamination which could cause contamination of stormwater and the resulting discharge of pollutants to waters of the State. Following spill cleanup the affected area must be completely flushed with clean water three times and the water removed after each flushing for proper disposal in an on-site or off-site wastewater treatment plant permitted to discharge such wastewater. Alternatively, the permittee may test the first batch of stormwater following the spill cleanup to determine discharge acceptability. If the water contains no pollutants it may be discharged. Otherwise it must be disposed of as noted above. See *Discharge Monitoring* below for the list of parameters to be sampled for.

b. **Discharge Operation** - Stormwater must be removed before it compromises the required containment system capacity. Each discharge may only proceed with the prior approval of the permittee staff person responsible for ensuring compliance with this permit. Bulk storage secondary containment drainage systems must be locked in a closed position except when the operator is in the process of draining accumulated stormwater. Transfer area secondary containment drainage systems must be locked in a closed position during all transfers and must not be reopened unless the transfer area is clean of contaminants. Stormwater discharges from secondary containment systems should be avoided during periods of precipitation. A logbook shall be maintained on-site noting the date, time and personnel supervising each discharge.

c. **Discharge Monitoring of Bulk Storage Secondary Containment Systems and Tank Hydrotest Waters** - *This paragraph only applies to those bulk storage containment system outlets which are not identified in the SPDES permit as an outfall with explicit effluent limitations.* Prior to each discharge of contained waters, such waters must be screened for contamination*. The method of screening shall be developed by the permittee as part of the overall Best Management Practices Plan. Examples of screening methods include inspection for any visible evidence of contamination for non-fuel petroleum secondary containment and volatile gas meters for petroleum fuel or volatile materials secondary containment. If the screening indicates contamination, the permittee must collect and analyze a representative sample** of the contained liquid and contact the regional water engineer (or the regional water engineer's authorized representative) to determine if the contained liquid may be discharged.

d. **Discharge Monitoring of Transfer Area Secondary Containment Systems** - *This paragraph only applies to those transfer area containment system outlets which are separate from bulk storage containment system outlets and are not identified in the SPDES permit as an outfall with explicit effluent limitations.* The first discharge* following any spill or leak must be sampled for flow, pH, the substance(s) transferred in that area and any other pollutants believed to be present**.

e. Discharge Reporting - Results of analytical monitoring required above must be submitted to the Department by appending them to the corresponding discharge monitoring report (DMR). Failure to perform the required discharge monitoring and reporting shall constitute a violation of the terms of the SPDES permit.

f. Prohibited Discharges - The following discharges are prohibited unless specifically authorized elsewhere in this SPDES permit or unless proper notification is provided to the department and the department determines such discharge may proceed without modification to this permit: spills or leaks, tank bottoms, maintenance wastewaters, wash waters where detergents or other chemicals have been used, contained fire fighting runoff, fire training water contaminated by contact with pollutants or containing foam or fire retardant additives, and, unnecessary discharges of water or wastewater into secondary containment systems. An example of a necessary discharge could be the addition of steam to prevent bulk storage containment area sump pumps from freezing during cold weather. In all cases, any discharges which contain a visible sheen, foam, or odor, or may cause or contribute to a violation of water quality are prohibited.

* Discharge includes stormwater discharges and snow and ice removal. If applicable, a representative sample of snow and/or ice should be collected and allowed to melt prior to assessment.

** If the stored substance is a petroleum fuel (i.e. fuel oil, gasoline, kerosene, etc.), then the discharge should be sampled for oil & grease, benzene, ethylbenzene, naphthalene, toluene and total xylenes. If the stored substance(s) are listed in Tables 6-8 of application form NY-2C sampling is required. If the substance(s) are listed in NY-2C Tables 9-10 sampling for appropriate indicator parameters may be required, e.g., substituting BOD5 for methanol, substituting toxicity testing for demeton. The volume of discharge may be calculated by measuring the depth of water within the containment area times the wetted area converted to gallons or by other suitable methods. Form NY-2C is available on the NYSDEC web site. Contact the facility inspector for further guidance.

Definition of Daily Average and Daily Maximum

The daily average discharge is 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.

The daily maximum discharge means the total discharge by weight or in other appropriate units as specified herein, during any calendar day.

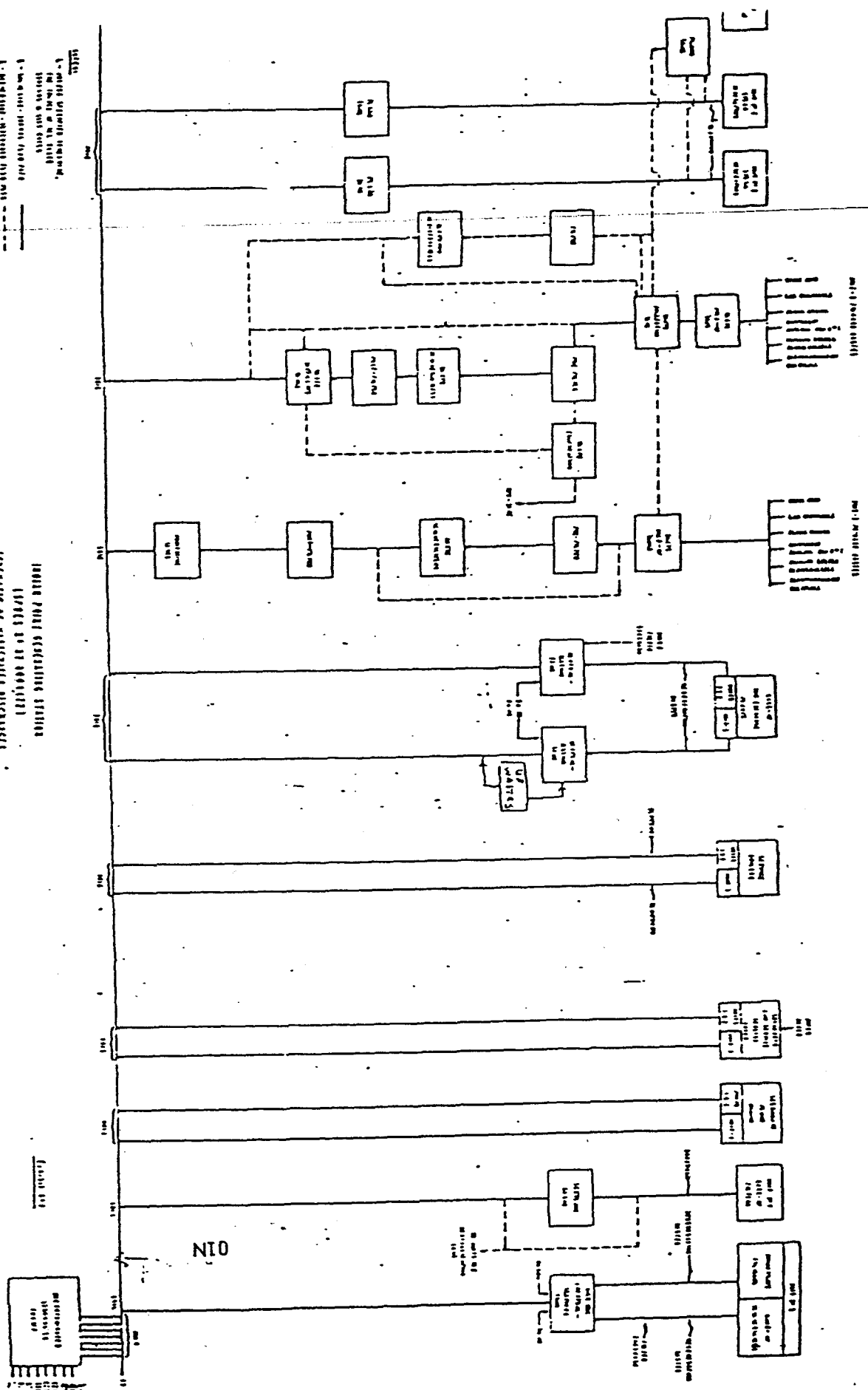
Monitoring Locations

Permittee shall take samples and measurements to meet the monitoring requirements at the location(s) indicated below:

(Show locations of outfalls with sketch or flow diagram as appropriate). The sampling for the internal waste streams 001A thru 001L shall be taken in the internal waste streams before entering the circulating cooling water discharge canal.

INDIAN POINT GENERATING STATION
(APPROX. 27° 00' N 71° 00' W)
(GENERATOR OF PARTICULATE DISCHARGE)

- LEGEND**
- 1 - major different treatment for each of all field devices & unit only
 - 2 - has queue - reject flow only
 - 3 - not rejected - without flow only
 - 4 - no reject flow in unit only



~~FINAL~~ SCHEDULE OF COMPLIANCE FOR EFFLUENT LIMITATIONS

(a) Permittee shall achieve compliance with the effluent limitations specified in this permit for the permitted discharge(s) in accordance with the following schedule:

Action Code	Outfall Number(s)	Compliance Action	Due Date
04	001A	Respondent shall begin construction of the "Sanitary Waste Pipeline Connection from the Indian Point Generating Facility to the Village of Buchanan.	4/1/88
08	001A	Respondent shall complete construction of the "Sanitary Waste Pipeline Connection from the Indian Point Generating Facility to the Village of Buchanan."	12/1/88
27	001A	Respondent shall cease discharges from the Sanitary Waste Treatment Plant, Outfall 001A, at the Indian Point Generating Facility.	1/1/89

The permittee shall comply with all terms and conditions of the orders on consent dated July 17, 1986 and August 20, 1987, described as attachments "A & B". Said terms and conditions are incorporated, herein, by reference.

(b) The permittee shall submit to the Department of Environmental Conservation the required document(s) where a specific action is required in (a) above to be taken by a certain date, and a written notice of compliance or noncompliance with each of the above schedule dates, postmarked no later than 14 days following each elapsed date. Each notice of noncompliance shall include the following information:

1. A short description of the noncompliance,
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement out further delay;
3. A description of any factors which tend to explain or mitigate the noncompliance; and
4. An estimate of the date permittee will comply with the elapsed schedule requirement and an assessment of the probability that permittee will meet the next scheduled requirement on time.

SCHEDULE OF COMPLIANCE FOR EFFLUENT LIMITATIONS (continued)

(c) The permittee shall submit copies of the written notice of compliance or noncompliance required herein to the following offices:

Chief, Compliance Section
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233

Regional Water Engineer, Region 3
New York State Department of Environmental Conservation
202 Mamaroneck Avenue
White Plains, NY 10601

The permittee shall submit copies of any engineering reports, plans of study, final plans, as-built plans, infiltration-inflow es. etc. required herein to the New York State Department of Environmental Conservation Regional Office specified above unless otherwise specified in this permit or in writing by the Department or its designated field office.

MONITORING, RECORDING AND REPORTING

a) The permittee shall also refer to the General Conditions (Part II) of this permit for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be:

Summarized, signed and retained for a period of three years from the date of sampling for subsequent inspection by the Department or its designated agent.

Summarized and reported by submitting completed and signed Discharge Monitoring Report forms once every 1 month(s) to the locations specified below. Blank forms available at department offices listed below.

The first report will be due no later than November 28, 1987

Thereafter, reports shall be submitted no later than the 28th of the following month(s): each month

Department of Environmental Conservation
Regional Water Engineer, Region 3
202 Mamaroneck Avenue
White Plains, NY 10601

Westchester County Health Department
112 East Post Road
White Plains, NY 10601

Department of Environmental Conservation
Division of Water
50 Wolf Road,
Albany, New York 12233

Interstate Sanitation Commission
ATTN: Mr. Thomas R. Glenn, Jr.
Director and Chief Engineer
10 Columbus Circle
New York, NY 10019

(Applicable only if checked)

Dr. Richard Baker, Chief
Permit Administration Branch
Planning & Management Division
USEPA Region II, 26 Federal Plaza
New York, New York 10278

- c) ~~XXXXXX~~ Monthly Wastewater Treatment Plant Operator's Reports should be submitted to the Regional Engineer and County Health Department or County Environmental Control Agency specified above. (outfall 001A only)
- d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.
- f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) On or after April 1, 1984, any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquires regarding laboratory certification should be sent to the Laboratory Certification/Quality Assurance Group, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.

Memorandum of Agreement
Between
New York State Department of Environmental Conservation
and
the Hudson River Utilities

1. This Memorandum of Agreement (MOA) is entered into by the New York State Department of Environmental Conservation (Department) with Consolidated Edison of New York, Inc. (Consolidated Edison), and Power Authority of the State of New York (Power Authority), Orange and Rockland Utilities, Inc. (O and R), and Central Hudson Gas and Electric Corp. (CH) in accordance with the Department's certification pursuant to Section 401 of the Clean Water Act and to supply the appropriate conditions "Biological Monitoring and Reporting" of the SPDES discharge permit numbers:

NY 000 4472 Consolidated Edison's Indian Point Station Units 1 & 2

NY 002 7065 The Power Authority's Indian Point Station Unit 3

NY 000 8010 Orange and Rockland Utilities' Bowline Point Station

NY 000 8231 Central Hudson's Roseton Station,

and in accordance with the "Biological Monitoring Program" as provided for in Section 2.J and Attachment V to the Hudson River Settlement Agreement entered into December 19, 1980 (Settlement Agreement).

2. This MOA is to embody the agreement of the Utilities to conduct monitoring program studies as described in the Settlement Agreement. Specific studies will be carried out in accordance with work scopes approved by the Department. Nothing contained in this MOA shall cause the Utilities to perform activities or incur expenses in excess of or less than the amount specified in the settlement agreement. Any further studies necessary to fulfill the dollar value of the Utilities' monitoring obligations will be conducted only with the prior written approval of DEC.
3. The Utilities agree to use their best efforts to conduct fully the biological monitoring program as specified in the Settlement Agreement. The Department acknowledges that the Utilities will not be deemed to be in non-compliance with the Settlement Agreement or any Condition of any applicable discharge permit or Section 401 Certification if the full complement of all biomonitoring cannot be completed within the original calendar year for reasons beyond the reasonable control of the Utilities. However, should the full complement of biomonitoring not be completed within the original year, at the sole discretion of DEC, either the time to complete such studies shall be extended or the unexpended funds shall be used to supplement the biomonitoring program in the subsequent year.

4. The Department and the Utilities hereby agree that the study programs may be modified at any time by written agreement of the Department and the Utilities to fulfill the objectives of the study, provided that any cost savings which accrue through such modifications be redirected to other studies as appropriate.
5. Reports based on these studies and an accounting of funds expended will be submitted within six months of the completion of component studies and no later than June 30 of the subsequent year unless an extended schedule is mutually agreed upon by the Department and the Utilities.
6. The term of this MOA shall be from the expiration of the permit currently in force until the expiration date of this permit, after which time this MOA shall be of no further force or effect except for completion of reports, accountings, or studies identified in paragraphs 3 to 5.

Signatures

Con Edison _____ Date _____

Orange & Rockland _____ Date _____

Central Hudson _____ Date _____

Power Authority _____ Date _____

Niagara Mohawk _____ Date _____

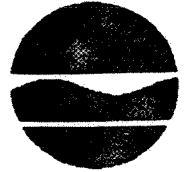
NYSDEC _____ Date _____

New York State Department of Environmental Conservation

Division of Environmental Permits, Room 538

50 Wolf Road, Albany, New York 12233-1750

Phone: (518) 457-2224 FAX: (518) 457-5965



John P. Cahill
Commissioner

September 26, 1997

DENNIS DUNNING
CON ED/PASNY
123 MAIN ST.
WHITE PLAINS, NY 10601-

Facility Information

INDIAN POINT STATION #1 2 & 3

SPDES #: NY 0004472

DEC #: 3-5522-00011/00004

CORTLANDT (T), WESTCHESTER CO.

Dear Permittee:

This is to inform you that pursuant to Article 17, Title 8 (State Pollution Discharge Elimination System) and Article 70 (Uniform Procedures) of the Environmental Conservation Law (ECL), and 6NYCRR Parts 621 and 757, the Department has made a determination to modify the permit referenced above, in conformance with requirements of the "Discharge Notification Act" (§ 17-0815-a of the ECL). This new section of law, which became effective October 1, 1996, requires you to post a sign at each point of wastewater discharge to surface waters and to provide a public repository for Discharge Monitoring Reports (DMR's) required by the SPDES permit.

The enclosed permit modification page, which is to be appended to your existing permit, contains the specifics for: sign design, language, and posting; repository availability; and the compliance time frame.

The "Discharge Notification Act" also provides the Department with discretion to waive all or part of the requirements of the sign posting provisions if it is determined that a sign can not be located so as to satisfy the intent of the Act. Enclosed is a Waiver Request form that identifies the four circumstances in which the Department may determine that your discharge point is eligible for such a waiver. If you think you may qualify for a waiver, you must complete the Waiver Request form for each outfall by checking the appropriate box(es) and providing written justification to substantiate your waiver request.

The modification will become effective October 31, 1997 unless you either submit a completed Waiver Request form to the Department before the effective date, or should you object to this permit modification on other grounds, you submit a written statement giving supporting reasons why the permit should not be modified, or to request a hearing or both. Such a submission or request must be made within 15 calendar days of the date of this letter.

Completed Waiver Request forms, statements, and requests for hearing are to be addressed to New York State Department of Environmental Conservation, Bureau of Water Permits, 50 Wolf Road, Albany, New York 12233-3505.

If you require further information please contact Joseph DiMura at (518) 457-0657 or at the address in the preceding paragraph.

Sincerely,

William R. Adriance
Chief Permit Administrator

Enclosures

cc: RPA - Region 3

RWE - Region 3

DISCHARGE NOTIFICATION REQUIREMENTS

- a) Within ninety days after the effective date of this permit modification, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in a manner that poses minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have minimum dimensions of eighteen inches by twenty four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY _____

OUTFALL No. : _____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: () - ### - ####

OR:

NYSDEC Division of Water Regional Office Address :

NYSDEC Division of Water Regional Office Phone: () - ### - ####

- b) If, upon the effective date of this modification, the permittee has installed signs that include the information required by § 17-0815-a(2)(a), but do not meet the specifications listed above, the permittee may continue to use the existing signs for a period of up to five years, after which the signs shall comply with the specifications listed above.
- c) The permittee shall periodically inspect the outfall identification signs in order to insure that they are maintained, are still visible and contain information that is current and factually correct.
- d) Within ninety days after the effective date of this permit modification, the permittee shall provide for public review at a repository accessible to the public, copies of the Discharge Monitoring Reports (DMRs) as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public at a minimum of normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of three years.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

DIRECTORY OF REGIONAL OFFICE ADDRESSES AND PHONE NUMBERS
FOR USE ON "DISCHARGE NOTIFICATION ACT" SIGNS

REGION	DIVISION OF WATER (DOW) REGIONAL OFFICE
1	Building 40 - SUNY @ Stony Brook Stony Brook, New York 11790-2358 Tel. (516) 444-0405
2	1 Hunters Point Plaza, 47-40 21st St. Long Island City, New York 11101-5407 Tel. (718) 482-4933
3	200 White Plains Road, 5 th Floor Tarrytown, New York 10591-5805 Tel. (914) 332-1835 Ext. 359
4	1150 North Westcott Road Schenectady, New York 12308-2014 Tel. (518) 357-2045
5	Hudson Street Extension Warrensburg, NY 12885-0220 Tel. (518) 623-3671
6	State Office Building 207 Genesee Street Utica, New York 13501-2885 Tel. (315) 793-2554
7	815 Erie Blvd. West Syracuse, New York 13204-2400 Tel. (315) 426-7500
8	6274 East Avon-Lima Road Avon, New York 14414-9519 Tel. (716) 226-2466
9	270 Michigan Avenue Buffalo, New York 14202-2999 Tel. (716) 851-7070

WAIVER REQUEST

WAIVERS FROM REQUIREMENTS OF THE SPDES PERMIT MODIFICATION FOR DISCHARGE NOTIFICATION REQUIREMENTS:

In order to apply for a waiver pursuant to the provisions specified in ECL § 17-0815-1 a. Discharge Point Signs, the permittee must check the following boxes as applicable *and* provide written justification in the space provided below. Use additional pages, as necessary, to request waivers for additional outfalls with different explanations.

- Outfall(s) to surface water listed in my SPDES permit are composed exclusively of storm water runoff.
- There are circumstances for outfall(s) to surface water listed in my SPDES permit such that the sign(s) cannot be reasonably maintained.
- The placement of signs for outfall(s) to surface waters listed in my SPDES permit would be inconsistent with another statute.
- The placement of signs for outfall(s) to surface waters listed in my permit can not be so located as to provide a public purpose.

Permittee Name: _____ Contact Name: _____

SPDES No.: NY _____ Outfall Number(s): _____ Phone: _____

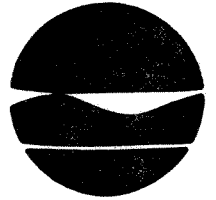
EXPLANATION:

This request shall be submitted to the address listed below by the effective date of the permit modification:

Bureau of Water Permits, Room 338
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-3505

New York State Department of Environmental Conservation
Region 3
21 South Platt Corners Road
New Paltz, NY 12561-1696
914-255-5453

May 14, 1992



Thomas C. Jorling
Commissioner

MR JOHN R KELLY
NEW YORK POWER AUTHORITY
123 MAIN STREET
WHITE PLAINS NY 10601

Re: Zebra Mussel Control
Indian Point Generating Stations 1, 2, and 3
SPDES #NY-0004472
DEC # 3-5522-11/4-0

PERMIT MODIFICATION

Dear Mr. Kelly:

This letter approves your firm's April 20, 1992 request (as supplemented May 7, 1992) to modify the above State Pollutant Discharge Elimination System permit under the Department's generic permit modification for zebra mussel control. The treatment program shall be undertaken in accordance with the effluent limitations, monitoring requirements and special conditions as set forth in the enclosed attachment # C. This approval should be attached to your existing permit dated August 28, 1987, which expires October 1, 1992.

Please make all involved facility staff aware of these requirements and provide a full copy of the modification to your counterpart at Consolidated Edison. Thank you for your attention to this matter. If you have any questions you may contact Mr. David Reid of this office or Mr. Joseph Marcogliese at our White Plains office (914)761-6660.

Sincerely,

Margaret E. Duke

Margaret E. Duke
Regional Permit Administrator
Region 3

MED/DJR/dah
Enclosure

cc: w/enclosure
C. Manfredi/J. Marcogliese/E. Zicca
R. Hannaford-BWFD
Westchester County DOH
EPA-NY, L. Livingston
EPA-NJ, R. Spear
Interstate Sanitation Commission

CONTROLLED

COPY # 8

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSDuring the period beginning May 15, 1992and lasting until October 1, 1992

the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

Outfall Number & Effluent Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements	
	Daily Avg.	Daily Max.		Measurement Frequency	Sample Type
Outfall(s) <u>001</u>					
Betz Clam-Trol CT-1 (whole product)	N/A	0.2	mg/l	Duration of chemical application & discharge	Multiple Grab*

* For purpose of this authorization, multiple grab is defined as individual grab samples collected at three hour intervals during the duration of chemical addition and discharge.

Special Conditions

The Betz Clam-Trol CT-1 program for zebra mussel control, application submitted by letter application dated 04/20/92 to NYSDEC Region 3 New Paltz Office is approved with the following conditions:

- The effluent concentrations at the discharge shall not exceed 10 ug/l (ppb) of quaternary ammonium compounds and 6 ug/l (ppb) of dodecylguanidine hydrochloride. For Betz Clam-Trol CT-1, these limitations will be achieved by limiting effluent whole product concentrations.
- Clam-Trol CT-1 detoxification with bentonite clay or other Department approved adsorption medium is required for all affected discharge waste streams throughout the treatment period.
- Each individual zebra mussel control treatment is limited to a maximum of 24 hours duration.
- Treatments for zebra mussel control shall be limited to a maximum of four treatments annually. Treatments shall be separated by at least 45 days.
- Caged fish studies are required to be conducted during the discharge of the molluscicide. Sample study protocols are available from the Department's Division of Fish and Wildlife. Specific caged fish study protocols must be approved by the Department prior to commencement of the zebra mussel control program.
- Records of product dosage concentration, effluent flow and effluent concentration of product during addition and discharge must be maintained. The flow shall be measured at the frequency specified for flow elsewhere in this permit or at the frequency of the parameter specified above, whichever is more frequent.
- The Regional Water Engineer shall be notified not less than 48 hours before initiation of a zebra mussel control program.
- Reports describing caged fish studies shall be sent to New York State Department of Environmental Conservation, Division of Fish and Wildlife, Standards and Criteria Unit - Room 530, 50 Wolf Road, Albany, New York 12233-4756, within 60 days following each individual zebra mussel control treatment.
- Reports describing the results of the effectiveness of the zebra mussel control program and the effluent analyses for Betz Clam-Trol CT-1 shall be submitted to the Regional Water Engineer, NYSDEC, within 60 days following each chemical treatment.
- This permit modification is issued based on the best environmental and aquatic toxicity information available at this time. This authorization is subject to modification or revocation any time new information becomes available which justifies such modification or revocation.

D. GRAY

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233-3505

RECEIVED



August 27, 1995

Michael D. Zagata
Commissioner

Mr. John W. Blake, Ph.D., Director
Environmental Division
New York Power Authority
123 Main Street
White Plains, New York 10601

RE: Chemical Use Request
Indian Point No. 3
NY 000 4472

Dear Mr. Blake:

Your June 2, 1995 request for permission to use Ethanolamine (ETA) has been reviewed. This chemical is approved for use as specified in your application. Use of this chemical must not cause or contribute to a violation of New York State Water Quality Standards.

Should you have any questions, please call me at (518) 457-1632.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul J. Kolakowski".

Paul J. Kolakowski, P.E.
Environmental Engineer II
Physical Systems Section

PJK:mak
cc: Arthur Crawford, Region 3



March 8, 1995

Mr. John W. Blake, Ph.D.
Director, Environmental Division
New York Power Authority
123 Main Street
White Plains, New York 10601

RECEIVED

MAR 13 1995

RE: Continuous Chlorine Analyzer
Indian Point Unit No. 3
NY 000 4472

NYPA ENV

Dear Mr. Blake:

Your January 19, 1995 letter submitted in accordance with additional requirement No. 10 of the SPDES permit has been reviewed. The submittal demonstrated that the continuous chlorine monitoring equipment was not reliable. Therefore, monitoring for condenser chlorination shall be conducted by analyzing grab samples taken at least once every 30 minutes during each chlorination period (Footnote q). Samples shall be taken at least once daily during low level service water chlorination (Footnote r).

Modification of the permit will not be necessary since these monitoring requirements are already part of the permit. Should you have any questions, please call me at (518) 457-1632.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul J. Kolakowski".

Paul J. Kolakowski, P.E.
Environmental Engineer II
Physical Systems Section

PJK:sj

cc: Arthur Crawford, Region 3

New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
625 Broadway, Albany, New York 12233-1750
Phone: (518) 402-9167 • FAX: (518) 402-9168
Website: www.dec.state.ny.us



J. FULTON

20 February 2004

ENTERGY NUCLEAR INDIAN POINT 2, LLC
MICHAEL R KANSLER
440 HAMILTON AVE
WHITE PLAINS, NY 10601

Re: Department Initiated Permit Modification
DEC ID: 355220001100021
SPDES Number: NY 0004472

Dear Permittee:

The purpose of this correspondence is to notify you of a Department initiated modification to the above-referenced State Pollutant Discharge Elimination System (SPDES) permit. This modification is undertaken in accordance with the provisions of the Uniform Procedures Act [6 NYCRR 621.14(a)(4)] and is due to the amendment of the existing regulation governing the administration of SPDES permits (6 NYCRR 750). The amendments incorporate provisions of the 'Part II General Conditions' supplement that serves as an additional set of conditional requirements to your SPDES permit. These amendments may be found in the enclosed copy of 6 NYCRR 750 in Section 750-2, entitled 'Operating in Accordance with a SPDES Permit.' You may also access this regulation from the internet on the Department's website at <http://www.dec.state.ny.us/website/regs/750.htm> for html format or <http://www.dec.state.ny.us/website/dow/part750.pdf> for a two sided format suitable for binding and copying.

The amendment of 6 NYCRR 750 duplicates many of the provisions of the 'Part II General Conditions' supplement, and includes some revisions and additions to those conditions. The following is a general list of locations within section of 6 NYCRR 750-2 that contain new and significant information pertaining to your permit.

- 750-2.1 General Provisions of a SPDES Permit
(b), (f), and (k)
- 750-2.3 Inspection and Entry
(f)
- 750-2.4 Operator and Permittee Liability
- 750-2.5 Routine Monitoring, Recording, and Reporting
(a)- (2)-(iii) and (v); (4); (5)
(b)- (1); (2); (3)
(c)- (1); (2)-(vii)
(d)- (1)-(i) and (ii); (2); (3)-(iv)
- 750-2.6 Special Reporting Requirements for Dischargers that are not POTWs
- 750-2.7 Incident Reporting
- 750-2.8 Disposal System Operation and Quality Control

- (a)- (1); (2)-(i); (5); (6)
- (c)- (2)
- (d)
- (e)
- (f)
- 750-2.9 Additional Conditions Applicable to Publicly Owned Treatment Works
 - (a)- (2); (4)
 - (b)- (1); (2); (3); (4); (5); (6); (7)
 - (c)
- 750-2.10 Special Provisions- New or Modified Disposal Systems or Service Areas
 - (a); (b); (d); (e); (f); (g); (h); (i)
- 750-2.11 Closure Requirements for Disposal Systems

Also, please note that the telephone number designated by the Regional Water Engineer to receive after business hours reports (as set forth in 6 NYCRR 750-1.2(a)(73) is now (518)-457-7362.

The Department initiated modification to your permit deletes the 'Part II General Conditions' and all references to them from your permit, and further amends the permit requiring you to comply with 6 NYCRR 750-2. The specific language of the modification is contained in the attached modification page that is to be appended to your existing permit.

The Department's Uniform Procedures Act affords permittees the right to comment on Department initiated permit changes [6 NYCRR 621.14(d)]. After reviewing the content of 6 NYCRR 750-2 and its effect on your SPDES permit, should you have any objections to the permit modification, you may submit a written statement to the Department giving reasons why the permit should not be modified, request a hearing, or both. Any statement or request for hearing must be made within 15 calendar days of the mailing of this letter. Failure to submit a timely request or statement will result in the modification of your permit, becoming effective 07 March 2004.

If you have any questions on this action, please contact Andrea Sheeran at the above address, or by telephone at (518) 402-9179.

Sincerely,



William R. Adriance
Chief Permit Administrator

cc: RPA
RWE
BWP
file

New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
625 Broadway, Albany, New York 12233-1750
Phone: (518) 402-9167 • **FAX:** (518) 402-9168
Website: www.dec.state.ny.us



STATEMENT OF STATE POLLUTANT DISCHARGE ELIMINATION
SYSTEM (SPDES) PERMIT MODIFICATION
TO BE KEPT WITH SPDES PERMIT NUMBER NY 0004472.
INDIAN POINT STATION #1 2 & 3
DEC ID 355220001100021
EFFECTIVE 07 MARCH 2004

Per Department of Environmental Conservation amendment to the regulations governing the administration of the State Pollutant Discharge Elimination System Permit, this permit is hereby modified to mandate compliance with New York State Environmental Conservation Law, 6 NYCRR Part 750 entitled State Pollutant Discharge Elimination System (SPDES) Permits.

This Department initiated modification to your permit deletes the former 'Part II General Conditions' requirements and all references to them from your permit, and further amends the permit requiring you to comply with 6 NYCRR 750-2, entitled Operating in Accordance with a SPDES Permit.



6 NYCRR | [Chapter X](#) | [Disclaimer](#) | [Legend](#)

Part 750 [2/2] See also [1/2]. *This regulation became effective 05/11/03. The original Parts 750 through 758 became effective 08/29/75 and were repealed 05/11/03.*

Available DEC Guidance: [The Division of Water Technical and Operational Guidance Series \(TOGS\)](#)

This web page was last updated 05/23/2003. Please refer to the Disclaimer and Legend links above.

All publications referenced in this Part are available electronically at <http://www.dec.state.ny.us/website/dow/bwp/ref750/index.html> and are also available for copying and inspection at the New York State Department of Environmental Conservation, Division of Water, 624 Broadway, Albany, NY 12233-3500. For more information about this posting, contact: [The Division of Water](#)

PART 750

SUBPART 750 - 2

OBTAINING A SPDES PERMIT

State Pollutant Discharge Elimination System (SPDES) Permits

(Statutory authority: Environmental Conservation Law (ECL) Article 3, Title 3; Article 15; Article 17, Titles 3, 5, 7, 8; Article 21; Article 70, Title 1; Article 71, Title 19. New York State Penal Code, Articles 175 and 210.

Public Health Law, Section 502. Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.))

Section

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§ 750-2.1 General Provisions of a SPDES Permit

(a) The SPDES permit, or a true copy, shall be kept readily available for reference at the largest wastewater treatment facility on site.

(b) Upon issuance of a SPDES permit, a determination has been made on the basis of a submitted application, plans, or other available information, that compliance with the specified permit provisions will reasonably protect classified water use and assure compliance with applicable water quality standards. Satisfaction of permit provisions notwithstanding, if operation pursuant to the permit causes or contributes to a condition in contravention of State water quality standards or guidance values, or if the department determines that a modification of the permit is necessary to prevent impairment of the best use of the waters or to assure maintenance of water quality standards or compliance with other provisions of ECL Article 17, or the Act or any regulations adopted pursuant thereto (see section 750-1.24 of this Part), the department may require such a modification and the Commissioner may require abatement action to be taken by the permittee and may also prohibit such operation until the permit has been modified pursuant to section 621.14 of this title.

(c) The provisions of a SPDES permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

(d) If the discharge(s) permitted in a SPDES permit originate(s) within the jurisdiction of an interstate water pollution control agency, then the permitted discharge(s) must also comply with any applicable effluent standards or water quality standards promulgated by that interstate agency and as set forth in the permit for such discharge(s).

(e) The permittee must comply with all terms and conditions of the permit. Any permit noncompliance constitutes a violation of the Environmental Conservation Law and the Clean Water Act and is grounds for: enforcement action; for permit suspension, revocation or modification; and for denial of a permit renewal application.

(f) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit such facts or corrected information to the regional water engineer.

(g) It shall not be a defense, for a permittee in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(h) The filing of a request by the permittee for a permit modification, termination, transfer, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(i) The permittee shall furnish to the department, within a reasonable time as set forth in the department request, any information that the department may request to determine whether cause exists for modifying, suspending, or revoking a SPDES permit, or to determine compliance with the permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permittee.

(j) Nothing in a SPDES permit relieves the permittee from a requirement to obtain any other permits required by law.

(k) Discharges authorized by a SPDES permit as defined in subdivision 1.2(a) of this Part are deemed in compliance with Titles 5, 7 and 8 of Article 17 and the regulations promulgated thereunder.

§750-2.2 Exclusions

(a) The issuance of a SPDES permit by the department and the receipt thereof by the Applicant does not supersede, revoke or rescind an order on consent or modification thereof or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by said order or a newly issued order.

(b) The issuance of a SPDES permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations; nor does it obviate the necessity of obtaining the assent of any other jurisdiction as required by law for the discharge authorized.

(c) A SPDES 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.

(d) Oil and hazardous substance liability. The imposition of responsibilities upon, or the institution of any legal action against the permittee under Section 311 of the Act (see section 750-1.24 of this Part) shall be in conformance with regulations promulgated pursuant to Section 311 governing the applicability of Section 311 of the Clean Water Act to discharges from facilities with NPDES permits.

§ 750-2.3 Inspection and Entry

The permittee shall allow the commissioner, the regional administrator, the applicable county health department, or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

(a) enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of a SPDES permit;

(b) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit, including records required to be maintained for purposes of operation and maintenance;

(c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit;

(d) sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location; and

(e) enter upon the property of any contributor of wastewater to the system under authority of the permittee's Sewer Use Law, Ordinance (municipalities) or Regulations.

(f) If any part of the permittee's sewer system or sewage treatment works is located on any property not owned by the permittee, the permittee must be able to reasonably demonstrate to the satisfaction of the Department that it has legal access to these locations or facilities and ensure that the commissioner, the regional administrator or the county health department or any authorized representative thereof, upon presentation of credentials, will have access to these locations and facilities.

§750-2.4 Operator and Permittee Liability

(a) Any person who, having any of the culpable mental states defined in Section 15.05 of the Penal Law, shall violate any of the provisions of Titles 1 through 5, 9 through 11 and 19 of Article 17 of ECL or the rules, regulations, orders or determinations of the commissioner promulgated thereto, or the terms of any permit issued thereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or by both.

(b) Any person is guilty of a Class A misdemeanor who with criminal negligence, as defined in Section 15.05 of the Penal Law,

- (1) violates any provision of Titles 7 or 8 of Article 17 of ECL,
- (2) violates the rules or regulations promulgated thereunder,
- (3) violates any term of any permit issued thereunder,
- (4) violates any requirement imposed in a pretreatment program approved pursuant to Section 402(a)(3), 402(b)(8) of the Act (see Section 750-1.24 of this Part), or approved pursuant to Titles 7 or 8 of Article 17 of ECL,
- (5) violates any final administrative orders issued pursuant to Article 71 of ECL where an opportunity for a hearing is provided, or
- (6) introduces into a sewer system or publicly owned treatment works any pollutant or hazardous substance:
 - (i) when such person knew that such introduction was likely to cause personal injury or property damage, except if that introduction was in compliance with all applicable federal, state or local requirements or permits, or
 - (ii) which causes the treatment works to violate any term of any permit issued under Titles 7 or 8 of Article 17 of ECL or the rules or regulations promulgated thereunder except if that introduction was in compliance with all applicable federal, state or local requirements or permits.

(c) Any person is guilty of a Class E felony who knowingly, as defined in Section 15.05 of the Penal Law,

- (1) violates any provision of Titles 7 or 8 of Article 17 of ECL,
- (2) violates the rules or regulations promulgated thereunder,
- (3) violates any term of any permit issued thereunder,
- (4) violates any requirement imposed in a pretreatment program approved pursuant to Section 402(a)(3), 402(b)(8) of the Act (see Section 750-1.24 of this Part), or approved pursuant to Titles 7 or 8 of Article 17 of this ECL,
- (5) violates any final administrative orders issued pursuant to Article 71 of ECL where an opportunity for a hearing is provided, or
- (6) introduces into a sewer system or publicly owned treatment works any pollutant or hazardous substance:
 - (i) when such person knew that such introduction was likely to cause personal injury or property damage, except if that introduction was in compliance with all applicable federal, state or local requirements or permits, or
 - (ii) which causes the treatment works to violate any term of any permit issued under Titles 7 or 8 of Article 17 of ECL or the rules or regulations promulgated thereunder except if that introduction was in compliance with all applicable federal, state or local requirements or permits.

(d) Any person is guilty of a Class C felony who intentionally, as defined in Section 15.05 of the Penal Law,

- (1) violates
 - (i) any provision of Titles 7 or 8 of Article 17 of ECL,
 - (ii) the rules or regulations promulgated thereunder,
 - (iii) any term of any permit issued thereunder, or
 - (iv) any final administrative orders issued pursuant to this article where an opportunity for a hearing was provided, and
- (2) knows at that time that he thereby places another person who is not a participant in the crime in imminent danger of death or serious bodily injury.
- (3) for the purpose of paragraphs (1) and (2) of this subdivision, in determining whether a defendant who is an individual knew that his conduct placed another person in imminent danger of death or serious bodily injury:

(i) the person is responsible only for actual awareness or actual belief that he possessed; and

(ii) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant.

(e) For purposes of subdivisions (b), (c), and (d) of this section, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

(f) Any person shall be guilty of a class E felony who, with intent to deceive, makes any false material statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to Titles 7 or 8 of Article 17 of this chapter or who intentionally falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained pursuant to Titles 7 or 8 or Article 17 of ECL.

(g) A person who violates any of the provisions of, or who fails to perform any duty imposed by Titles 1 through 11 inclusive and Title 19 of Article 17, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable to a penalty of not to exceed twenty-five thousand dollars per day for each violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. Violation of a permit condition shall constitute grounds for revocation of such permit.

§750-2.5 Routine Monitoring, Recording, and Reporting

(a) GENERAL

(1) The permittee shall comply with all recording, reporting, monitoring and sampling requirements specified in the permit.

(2) Samples and measurements taken to meet the monitoring requirements specified in a SPDES permit shall be representative of the quantity and character of the monitored discharges. Unless otherwise specified in the permit or directed by the regional water engineer in writing, the following shall apply to such sample collection:

(i) A representative sample is one that adequately reflects the actual condition of the wastewater. The most representative sample will be drawn from a point that represents the wastewater discharged. When appropriate, that point should be at a depth where the flow is turbulent and well-mixed and the likelihood of solids settling is minimal.

(ii) For all parameters except volatile organics and oil and grease, composite samples required by a SPDES permit shall be composed of a minimum of 8 grab samples, collected over the specified collection period, either at a constant sample volume for a constant

flow interval or at a flow-proportioned sample volume for a constant time interval. Where continuous flow monitoring equipment is not available or where effluent flows do not vary more than ten percent over the course of composite sample collection, composite samples may be composed of equal size grab samples taken at equal time intervals.

(iii) For volatile organics and oil and grease, composite samples required by a SPDES permit shall be collected as individual aliquots that must be combined in the laboratory for analysis. At least 4 (rather than 8) aliquots or grab samples should be collected over the specified collection period, either at a constant sample volume for a constant flow interval or at a flow-proportioned sample volume for a constant time interval. Where flow monitoring equipment is not available or where effluent flows do not vary more than ten percent over the course of composite sample collection, composite samples may be composed of equal size grab samples taken at equal time intervals.

(iv) Grab sample means a single sample, taken over a period of time not exceeding 15 minutes.

(v) Sample collection shall be scheduled to be representative of the normal discharge. Representative sample collection schedules include schedules set at least one month prior to when the samples are to be collected. A true and accurate copy of the schedule shall be kept readily available for reference at the wastewater treatment facility and shall be provided to the department upon request. The schedule may only be changed for good cause including but not limited to sampling equipment failure and unanticipated process shutdown. Samples may be scheduled as follows:

(a) randomly;

(b) day of the week or month, provided that scheduling by day of week or month does not persistently coincide with or exclude recurrent discharges;

(c) for stormwater: based on availability of a suitable stormwater event;

(d) any other method of scheduling that is representative and acceptable to the regional water engineer.

(3) Accessible sampling locations must be provided and maintained by the permittee. New sampling locations shall be provided by the permittee if existing locations are deemed unsuitable by the department.

(4) Unless otherwise specified in the permit or directed by the regional water engineer, actual measured values of all positive analytical results obtained above the method detection limit (MDL) for all monitored parameters shall be recorded and reported, as required by the permit.

(5) For instrumentation that is not used by a certified laboratory, but which is used to measure discharges to the environment as specified in a SPDES permit, the permittee shall periodically calibrate and perform maintenance procedures to ensure accuracy of measurements. Verification of maintenance shall be logged into the record book(s) of the facility. The permittee shall notify the department's regional office in the Discharge Monitoring Report if any required instrumentation becomes inoperable. In addition, the permittee shall verify the accuracy of its measuring equipment to the department's regional office or its designated field office upon request.

(6) No person shall falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under the permit.

(b) SIGNATORIES AND CERTIFICATION

(1) All SPDES applications and reports required by a SPDES permit shall be signed as provided in 40 CFR 122.22 (see section 750-1.24 of this Part) except that, in lieu of a signature, the Department may permit the use of a unique identifier assigning responsibility for the veracity of the information contained in an application to the same person or persons that would otherwise be required to sign the application in this section. Such a document with a unique identifier shall be considered a signed document with a certifying signature and a written instrument that could subject the signatory to liability under the New York State penal law for officers concerning perjury and false written statements pursuant to Articles 175 and 210 of said law.

(2) No person shall knowingly make any material false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance. Any person who violates this subsection shall be liable for violation of ECL § 71-1933 and subject to a fine and/or imprisonment thereunder.

(3) All applications, reports, or notifications required or authorized to be made or filed by this Article or ECL Article 17, Titles 7 or 8, or by the provisions or conditions of any permit issued pursuant thereto, by or on behalf of a permittee, applicant for a permit or person subject to the requirement of a permit shall be sworn to in respect to all statements of fact therein or shall bear an executed statement as provided in Section 210.45 of the New York State Penal Law to the effect that false statements made therein are made under penalty of perjury.

(c) RECORDING OF MONITORING ACTIVITIES AND RESULTS

(1) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings

for continuous monitoring instrumentation, copies of all reports required by a SPDES permit, and records of all data used to complete the application for the permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by written request of the department, provided that the extension is necessary to implement the provisions of this Part or ECL and that the reason or reasons for the extension are provided in the request.

(2) Records of monitoring information shall include:

- (i) the date, exact place, and time of sampling or measurements;
- (ii) the individual(s) who performed the sampling or measurements;
- (iii) the date(s) analyses were performed;
- (iv) the individual(s) who performed the analyses;
- (v) the analytical techniques or methods used;
- (vi) the results of such analyses; and
- (vii) Quality assurance/quality control documentation.

(3) When records are stored electronically, the records must be preserved in a manner that reasonably assures their integrity and are acceptable to the department. Such records must also be in a format which is accessible to the department.

(4) The permittee shall make available to the department for inspection and copying or furnish to the department within 25 business days of receipt of a department request for such information, any information retained in accordance with this subdivision.

(d) TEST AND ANALYTICAL PROCEDURES

(1) Monitoring and analysis conducted in accordance with an issued SPDES permit must be conducted using test procedures promulgated, pursuant to 40 CFR Part 136 (Test Procedures - see section 750-1.24 of this Part), except:

- (i) when the permit specifies an alternative procedure; or
- (ii) when the permittee applies to the department and the department approves an alternative test method in accordance with applicable law and regulation.

(2) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory that has been issued a certificate of approval.

(3) Application for approval of alternative test procedures shall be made to the department's regional permit administrator, and shall contain:

- (i) the name and address of the applicant or the responsible person making the discharge, the DEC permit number and applicable SPDES identification number of the existing or pending permit, name of the permit issuing agency, name and telephone number of applicant's contact person;
- (ii) the names of the pollutants or parameters for which an alternate testing procedure is being requested, and the monitoring location (s) at which each testing procedure will be utilized;
- (iii) justification for using test procedures, other than those approved in paragraph (a) of this section; and
- (iv) a detailed description of the alternate procedure in accordance with requirements set forth 40 CFR Part 136 (see section 750 - 1.24) or other applicable law and regulation.

(e) REPORTING OF MONITORING RESULTS AND OTHER INFORMATION

(1) The permittee shall submit the results of any wastewater or ambient monitoring results required by the permit at the end of each month, unless otherwise specified by the department. Such reports shall be made on the reporting forms supplied to the permittee by the department, in a format acceptable to the department, or by the electronic transfer of data as approved by the department. Electronic submissions shall conform to the format, standards and other conditions specified by the department. The regional water engineer may also require the submittal of such other information as is necessary to determine the validity of monitoring results submitted in accordance with permit requirements. In no event shall reports on discharges to surface waters required by this subdivision be submitted at a frequency of less than once per year.

(2) For any parameter, analytical results shall be reported to the same number of significant digits as the permit limits or action level for that parameter. If the permit does not clarify the number of significant digits to which results should be reported, the results must be reported to two significant digits, except in cases of effluent TSS or BOD where single digit effluents are achieved. In these cases single digits may be reported.

(3) On each discharge monitoring report, the permittee shall include the ELAP Identification number or numbers for the certified laboratory or laboratories who performed the analyses, the results of which, are summarized on that Discharge Monitoring Report. Where the monitoring is not performed under ELAP, the permittee shall provide the MDL for the parameter monitored.

(4) If the permittee monitors any pollutant at the discharge or monitoring point or points described in the permit or if the permittee monitors the waters of the

state to which the permittee discharges more frequently than required by the permit and, where the analysis for that monitoring is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, such monitoring results shall be appended to the discharge monitoring report for the period during which the monitoring was performed.

§750-2.6 Special Reporting Requirements for Dischargers that are not POTWs.

(a) All existing dischargers that are not POTWs must notify the Regional water engineer as soon as they know or have reason to believe that any activity has occurred or will occur that would result in the discharge of any pollutant that is not a "discharge" authorized by a SPDES permit as defined in section 750-1.2 of this Part.

(b) Facility expansion, as defined in section 750-1.2 of this Part, for all existing dischargers that are not POTWs must be reported by submission of a letter to the regional water engineer. The department may determine that additional information must be submitted or that the information submitted by letter to the regional permit administrator must be submitted on a department application form.

The department may determine, on the basis of such information, and any related investigation, inspection or sampling, that a modification of the permit is necessary to assure maintenance of water quality standards or compliance with other provisions of ECL, Article 17 or the Clean Water Act. Conversely, the department may determine in accordance with this Part that the proposed activity does not require a permit modification. Unless the department determines that a permit modification is unnecessary, operations that fit the following criteria, which may result in discharges that are not discharges authorized by the SPDES permit, are prohibited until the permit has been modified in accordance with the Part 621 of this Title:

(1) increases in production or the mass of any one pollutant in wastewater that occur and are expected to continue or have occurred and been existing for more than one year; or

(2) the permittee commences a new operation, of which no operations in this category currently exist at the facility, subject to regulation under 40 CFR 405 to 471 and/or 40 CFR Part 125 (see section 750 - 1.24) which will result in pollutants which the permittee knows or has reason to believe will be discharged (except substances not required to be reported on the appropriate and current New York State SPDES permit application) and which is not described in the SPDES permit application record upon which the current permit is based.

(c) The permittee shall submit written notice to the department if the permitted facility experiences a decrease in production, a decrease of process flow, or a facility modification, where such change results in a greater than 20 percent decrease in the discharges of a pollutant explicitly limited in a SPDES permit and the limit was based on production or flow, provided that such decrease in discharge is expected to continue or has been existing for more than one year.

§750-2.7 Incident Reporting

(a) **ANTICIPATED NONCOMPLIANCE.** The permittee shall give at least 45 days advance notice to the Regional water engineer of any change in the permitted facility or activity that the permittee knows or has reason to know would occur as part of a construction project, which is part of the permittee's routine maintenance program, or which the permittee knows or has reason to know about 60 or more days before it occurs, and that is very likely or certain to result in a bypass or other noncompliance with permit requirements.

(1) Such notice shall contain:

- (i) a description of the treatment units to be effected;
- (ii) the anticipated character and volume of wastewater and/or stormwater to be discharged;
- (iii) the need for the changes;
- (iv) the anticipated duration of the non-compliance;
- (v) the receiving stream for the non-complying wastewater and/or stormwater;
- (vi) the anticipated benefits of the change;
- (vi) the alternatives considered and
- (vii) such additional information requested by the Regional water engineer to assess the effects of and need for such a change.

(2) In the time between notification of a planned change and the date scheduled for the change the department may choose to do one or more of the following:

- (i) Require additional information that can reasonably be used to decide the necessity of such non-compliance;
- (ii) Require that the permittee delay the planned change up to 45 additional days until the department may adequately assess the necessity for the planned change;
- (iii) Require the permittee to modify the planned change;
- (iv) Prohibit the planned change; or
- (v) Apply no conditions to the planned change.

(b) **TWO HOUR ORAL REPORTING OF BYPASS, UPSET OR OTHER INCIDENT.** For discharges that would affect bathing areas during the bathing season, shellfishing or public drinking water intakes, the permittee shall, within two hours of becoming aware of the discharge, report orally to the regional water engineer and the local health department of any discharge of untreated or partially treated sewage, except a discharge due to a properly operating, wet weather combined sewer overflow or a discharge in accordance with a

department approved plan for managing wastewater (provided that such plan is in compliance with applicable law and regulation). Each permittee that must provide oral report within two hours under this subdivision for incidents resulting in discharges from the permittee's site or service area will be so notified in writing by the regional water engineer. Such a report shall include:

- (1) A brief description of the bypass, upset, or other incident;
- (2) The location of the bypass, upset or other incident including the receiving water effected by the bypass, upset, or other incident;
- (3) The estimated volume and characteristics of the discharge at the time of the oral report;
- (4) A brief description of the measures taken to end the bypass, upset, or other incident; and
- (5) An estimate when the bypass, upset, or other incident will be over and the total expected volume of the discharge.

(c) TWENTY FOUR HOUR ORAL REPORTING OF BYPASS, UPSET OR OTHER INCIDENT. The permittee shall report, including the same information required to be reported under subdivision (b) of this section, orally to the regional water engineer within 24 hours from the time the permittee becomes aware of any of the following incidents:

- (1) A discharge of untreated or partially treated sewage that would otherwise be treated, except a discharge due to a properly operating wet weather combined sewer overflow or a discharge in accordance with a department approved plan for managing wastewater and/or stormwater (provided that such plan is in compliance with applicable law and regulation);
- (2) A discharge of untreated wastewater and/or stormwater that would otherwise be treated, except a discharge in accordance with a department approved plan for managing wastewater (provided that such plan is in compliance with applicable law and regulation);
- (3) A spill that may result in a discharge that may:
 - (i) violate permit limitations of pollutants limited in the SPDES permit;
 - (ii) exceed an action level or more than one action level in the SPDES permit;
 - (iii) cause discharges of pollutants not explicitly listed in the SPDES permit, in amounts in excess of normal effluent variability of the level of discharge that may reasonably be expected for that pollutant from information provided in the SPDES permit application record; or

(iv) which would result in dilution in lieu of treatment of a discharge authorized by a SPDES Permit;

(4) A spill to waters of the state of greater than the reportable quantity for releases to water as set forth in Part 597 of this Title; or

(5) A bypass, upset or other incident that a reasonable practitioner in water pollution control would consider to be similar in severity and consequences to the incidents set forth in the other paragraphs of this subdivision.

(d) FIVE DAY WRITTEN INCIDENT REPORT. A written report to the Regional water engineer of a bypass, upset or other incident reported under subdivisions (b) and (c) of this subsection shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written report shall contain a description of the bypass, upset, or other incident and its cause; the period of the bypass, upset, or other incident, including exact dates and times, and if the bypass, upset, or other incident has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent the bypass, upset, or other incident and its reoccurrence. The regional water engineer may waive the written report on a case-by-case basis if the oral report has been received within the time periods required under subdivisions (b) and (c) of this subsection.

(e) ADDITIONAL REPORTING. The permittee shall report all instances of noncompliance with permit conditions not otherwise required to be reported under these regulations or the SPDES permit, with each submitted copy of its discharge monitoring reports until such noncompliance ceases. Such noncompliance reports shall contain the same information required to be submitted under subdivision (d) of this section.

(f) DUTY TO MITIGATE. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment.

(g) DUTY TO ASSESS. Where a bypass, upset, or other incident occurs as defined in subdivision (b) or subdivision (c) that can reasonably be expected to create detectable discharges of a substance where that substance was not detectable prior to the bypass, upset, or other incident or the bypass, upset, or other incident can reasonably be expected to increase the discharge of a substance or substances by 20 percent or more, the permittee shall collect at least one representative sample for each day of discharge effected by the bypass, upset or other incident in a manner that can be used to assess compliance with the permit. Each sample should be monitored for the parameters which the permittee knows or has reason to believe will be detectable or increased by 20 percent or more in the discharge due to the bypass, upset, or other incident.

§ 750-2.8 Disposal System Operation And Quality Control

(a) GENERAL

(1) The disposal system shall not receive or be committed to receive wastes beyond its design capacity for volume and character of wastes treated without written approval of the regional water engineer. Nor shall the system operation

be impaired by alterations to the type, degree, or capacity of treatment provided; disposal of treated effluent; or treatment and disposal of separated scum, liquids, solids or combination thereof resulting from the treatment process without written approval of the department or its duly authorized representative.

(2) The permittee shall, at all times, properly operate and maintain all disposal facilities, which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes as a minimum, the following:

(i) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. A facility or system is critical if it contains process equipment that is essential for proper operation and necessary to achieve compliance with the applicable SPDES permit effluent limits;

(ii) Written procedures for operation and maintenance, training new operators, adequate laboratory controls and appropriate quality assurance. This provision requires the operation of installed backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(3) When required under Part 650 of this Title, sufficient personnel meeting qualifications for operators of sewage treatment works as required therein and additional maintenance personnel shall be employed to satisfactorily operate and maintain the treatment works.

(4) The permittee shall not discharge floating solids or visible foam.

(5) The permittee and operator shall operate the wastewater treatment facility in such a manner as to minimize the discharge of pollutants to a degree that is achievable when compared to standard practices for operation of such wastewater treatment facilities.

(6) The permittee and operator shall operate the wastewater treatment facility in such a manner as to minimize odors and other nuisance conditions to a degree that is achievable when compared to standard practices for operation of such wastewater treatment facilities.

(b) BYPASS

(1) Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be violated, but only if it also is for essential maintenance, repair or replacement to assure efficient and proper operation. These bypasses are not subject to the paragraph (2) of this subdivision, provided that written notice is submitted prior to the bypass in

accordance with subdivision 2.7(a) of this Part (if anticipated) or (if unanticipated) with the discharge monitoring report for the reporting period during with the bypass occurred. Covered under this paragraph is the diversion of wastewater or stormwater around any portion of a treatment facility in accordance with a department approved plan for wastewater or stormwater management (provided that such plan is in compliance with applicable law and regulation).

(2) Prohibition of bypass. Except as provided for in paragraph (1) of this subdivision, bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:

(i) bypass was unavoidable to prevent loss of life, personal injury, public health hazard, environmental degradation or severe property damage;

(ii) there were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal period of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance or if designed and installed backup equipment that could have prevented or mitigated the impact of the bypass is not operating during the bypass; and

(iii) the permittee submitted notices as required under section 2.7 of this subpart and, excepting emergency conditions, the proposed bypass was accepted by the department.

(c) UPSET

(1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such permit effluent limitations if the requirements of paragraph (2) of this subdivision are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operation logs, or other relevant evidence that:

(i) an upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) the permitted facility was, at the time, being properly operated; and

(iii) the permittee submitted notice of the incident for which an upset defense in being claimed as required in section 750-2.7 of this Part.

(iv) the permittee implemented any mitigation and assessment required under section 750-2.7, subdivisions (f) and (g) of this Part.

(3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(d) SPECIAL CONDITION - DISPOSAL SYSTEMS WITH SEPTIC TANKS. Unless otherwise directed by the regional water engineer, if a septic tank is installed as part of the disposal system, it shall be inspected by the permittee or his agent for scum and sludge accumulation at intervals not to exceed one year's duration, and such accumulation will be removed before the depth of either exceeds one-fourth (1/4) of the liquid depth so that no settleable solids or scum will leave in the septic tank effluent. Such accumulation shall be disposed of in accordance with all applicable law and regulation.

(e) RESIDUALS MANAGEMENT . The permittee shall properly store or dispose of collected screenings, sludges, other solids or precipitates removed from the permitted discharges, intakes or supply waters. Proper storage or disposal shall prevent creation of nuisance conditions or the entry of such materials into state waters and shall be in a manner approved by the department. Any live fish, shellfish, or other animals collected or trapped as a result of intake water screening or treatment should be returned to their water body habitat. The permittee shall maintain records of disposal on all effluent screenings, sludges and other solids associated with the discharge(s) herein described. The following data shall be compiled and reported to the department upon request:

- (1) the sources of the materials to be disposed of;
- (2) the approximate volumes, weights, water content and (if other than sewage sludge) chemical composition;
- (3) the method by which they were removed and transported, including the name and permit number of the waste transporter; and
- (4) their final disposal locations.

(f) BIOSOLIDS REUSE - Permittees shall make reasonable efforts, to the extent practical, reuse biosolids.

§750-2.9 Additional Conditions Applicable to a Publicly Owned Treatment Works (POTW)

(a) GENERAL

(1) In addition to the requirements set forth in this subpart, all POTWs must provide adequate notice to the department of the following:

- (i) As set forth in department guidance on what is a substantial

change in volume or character of pollutants introduced into a POTW, any such change.

(ii) For purposes of this paragraph, adequate notice shall include information on:

(a) the quality and quantity of effluent introduced into the POTW; and

(b) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(2) If the department determines, on the basis of a notice provided pursuant to paragraph (1) of this subdivision and any related investigation, inspection or sampling, that a modification of a permit is necessary to assure maintenance of water quality standards and guidance values or compliance with other provisions of ECL Article 17, this Part, or the Act, then the department may propose such a modification. Unless the department determines that such permit modification is unnecessary, the noticed Act is prohibited until the permit has been modified pursuant to Part 621 of this title.

(3) The permittee shall identify all inflow to the tributary system and remove excessive infiltration/inflow to an extent that is economically feasible.

(4) The permittee shall enact, maintain and enforce or cause to be enacted, maintained and enforced up-to-date and effective sewer use law in all parts of the POTW service area. Such enactment and enforcement shall include intermunicipal agreements and/or other enforceable legal instruments that allow the permittee to control discharges, either directly or through jurisdictions contributing flows to the POTW, flow and loads to the POTW as well as discharges to the POTW.

(5) New connections to a publicly owned sewer system or a privatized municipal sewer system are prohibited when the permittee is notified by the department:

(i) that the discharge(s) regulated by a SPDES permit create(s) or is likely to create a public health or potential public health hazard, a contravention of water quality standards or guidance values or the impairment of the best use of waters, as determined by the commissioner; or

(ii) that the permittee has failed or is likely to fail to carry out, meet or comply with any limit or requirement of the permit, compliance schedule, order of the department, judicial order, or consent decree.

(6) The provisions provided for in paragraph (5) of this subdivision shall remain in effect until the permittee can demonstrate to the department's

satisfaction and approval that adequate available capacity exists in the plant and that the facility is in full compliance with all of the effluent limitations required by the permit.

(b) NATIONAL PRETREATMENT STANDARDS

- (1) All POTWs shall comply with the provisions contained in 40 CFR 403.5(a), (b), (c) and (d) (see 750-1.24 of this Part).
- (2) EPA and State Enforcement Actions. If, within 30 days after notice of an interference or pass-through violation has been sent by EPA or the department to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA and the department may take appropriate enforcement action.
- (3) POTWs required by the department to develop a pretreatment program in accordance with 40 CFR 403.8 shall submit an approvable program application in accordance with 40 CFR 403.8 (see section 750 -1.24 of this Part).
- (4) The approval authority, as defined by 40 CFR 403.3 (see section 750-1.24 of this Part), shall review, require changes to, approve and/or disapprove such a program in accordance with 40 CFR 403.9 and 403.11(see section 750-1.24 of this Part).
- (5) POTWs and industrial users shall submit reports as required in accordance with 40 CFR 403.12 (see section 750 - 1.24 of this Part).
- (6) Industrial users may obtain intake credits in accordance with 40 CFR 403.15 (see section 750 - 1.24 of this Part).
- (7) Modifications to pretreatment programs shall be made in accordance with 40 CFR 403.18 (see section 750 - 1.24 of this Part).

(c) POTW DESIGN, PLANNING AND FLOW MANAGEMENT

(1) Flow Management Plan

- (i) Within 120 days of when the permittee determines in accordance with paragraph 4 of this subdivision that the annual average flow value for a calendar year to a POTW has reached or exceeded 95 percent of that POTW's design flow, the permittee shall submit to the regional water engineer a flow management plan to identify and implement reductions in hydraulic loading to the POTW treatment plant or failing that, approvable engineering reports, plans and specifications and/or capital improvements as necessary to stabilize annual average flows below the POTW treatment plant design flow. This plan shall be certified by a professional engineer licensed to practice in the State of New York and endorsed by the chief fiscal officer of the municipality. The provisions of the plan may reflect new efforts or may refer to

existing, ongoing efforts. The flow management plan shall, at a minimum, include provisions for:

(a) A statement to the effect that the permittee has the authority in all parts of the POTW service area to implement or cause to be implemented the provisions of this subdivision or, if the permittee does not have such authority, a proposed schedule, not to exceed three years, to obtain such authority or a statement from the permittee's designated legal representative that existing law precludes the permittee from obtaining such authority;

(b) An inventory of all known facilities/projects that have applied to connect to the sewer system and a determination if there is capacity for connection;

(c) A schedule of implementation for all flow reduction measures identified herein;

(d) A map delineating the service area as defined; and

(e) A description of information that will be reported during implementation of the plan to the regional water engineer and a schedule for such reporting.

(ii) The flow management plan required by subparagraph (i) of this paragraph shall also include provisions for implementation of any or all of the following that are necessary to stabilize influent flows below design flows:

(a) Water conservation measures to reduce customer usage by measures including but not limited to customer metering, meter calibration, retrofitting existing plumbing fixtures with water conservation fixtures and revision of water rate structures;

(b) Reduction of infiltration and inflow through continuous measures including but not limited to sewer system metering, evaluation and rehabilitation, removal of roof leaders and footing drains from separate sanitary sewers and installation of separate storm sewers;

(c) Prevention of future sources of infiltration and inflow where feasible through measures including but not limited to implementation of standards for sewer installation and requirements to provide for adequate drainage from roof leaders and footing drains in new construction;

(d) Measures to maximize sewer system and sewage treatment works capacity at a minimum cost; and/or

(e) Approvable engineering reports and/or plans and specifications to assure annual average flows do not exceed 95 percent of the POTW treatment plant design flow.

(f) Capital improvements necessary to assure annual average flows do not exceed 95 percent of the POTW treatment plant design flow.

(iii) Within 90 days of submittal to the regional water engineer of the plan required under subparagraphs (i) and (ii) of this paragraph, the permittee shall begin to implement the provisions of said program in accordance with the proposed schedule or cause the provisions of said program to be implemented by another party.

(iv) The regional water engineer may object to the plan, or implementation of the plan, submitted in accordance with subparagraph (i) and (ii) of this paragraph if the plan does not provide for substantive and effective measures to reduce hydraulic loading to the POTW. Within 90 days of receipt of written notification from the regional water engineer documenting the aspects of the plan that must be revised, the permittee shall submit a revised plan that addresses the department's objection(s).

(2) Planning

(i) Within 120 days of when the permittee determines that the actual influent mass loading of Biochemical Oxygen Demand or Total Suspended Solids to a POTW has reached or exceeded the design influent loading for those parameters for any eight calendar months during a calendar year, the permittee shall submit a plan for future growth at the POTW. The plan shall include:

(a) Provisions for obtaining any necessary funding;
and

(b) Provisions for preparation and submission to the regional water engineer of approvable engineering reports and/or plans and specifications to provide for growth of discharges in the POTW service area.

(c) A demonstration of the permittee's ability to impose a connection moratorium in any and all parts of the service area or, if the permittee does not have such authority, a proposed schedule, not to exceed three years, to obtain such authority or a statement from the permittee's designated legal representative

that existing law precludes the permittee from obtaining such authority.

(ii) The regional water engineer may object to the plan, or implementation of the plan, submitted in accordance with subparagraph (i) of this paragraph if the plan does not provide for substantive and effective measures to accommodate future growth of discharges from the POTW service area. Within 90 days of receipt of written notification from the regional water engineer documenting the aspects of the plan that must be revised, the permittee shall submit an approvable, revised plan that addresses the department's objection(s).

(iii) Within 90 days of submittal to the regional water engineer of the plan required under subparagraph (i) of this paragraph, the permittee shall begin to implement the plan to obtain the authority required under clause '(c)' of subparagraph (i) of this paragraph.

(3) Plan Implementation and Sewer Connection Moratorium. For POTWs that have exceeded the design influent loading criteria set forth in paragraph (2) of this subdivision, within 90 days of when the permittee determines that, in accordance with the annual review required by paragraph (4) of this subdivision, that the effluent discharge from a publicly owned treatment works has exceeded a SPDES permit limit for Biochemical Oxygen Demand or Ultimate Oxygen Demand for any four or more months during two consecutive calendar quarters, or a SPDES permit limit for Total Suspended Solids for any four or more months during two consecutive calendar quarters, the permittee shall:

(i) Begin to implement the plan developed in accordance with paragraph (2) of this subdivision or in accordance with subparagraph (i) of this paragraph; and

(ii) Cease the further approval of sewer connections to the POTW;

(4) Annual Certification. The chief fiscal officer of any municipality subject to this subdivision shall certify in writing to the department as an attachment to its February discharge monitoring report that the municipality is complying with the provisions of this subdivision and, if applicable, is complying with the implementation schedule in the program adopted in accordance with paragraphs 1, 2 and 3 of this subdivision or if such compliance certification cannot be provided to the department, satisfactory explanation for deviation from the provisions of this subdivision must be provided.

(5) Rescission of Plan Requirements or Moratoria. The regional water engineer may rescind or hold in abeyance any or all of the conditions imposed under this subdivision provided the permittee can demonstrate to the satisfaction of the department that:

(i) The conditions were implemented on the basis of erroneous

data; or

(ii) The situation that gave rise to the imposition of the conditions has been adequately addressed; or

(iii) There is an existing or potential public health nuisance or hazard as determined by the state Department of Health, that is best remediated by rescinding or holding in abeyance the conditions; or

(iv) All compliance conditions in a SPDES permit or a judicially or administratively imposed order have been or will be met;

(6) Violations of Permit Limits. Compliance with this section does not, in any way, shield the permittee from enforcement actions for violations of SPDES permit limits.

(7) The regional water engineer may, by written approval, upon adequate demonstration of compelling need, allow for relaxation of schedules contained in this subdivision.

§750-2.10 Special Provisions - New or Modified Disposal Systems or Service Areas

(a) Except as provided in subdivision (h) of this section, prior to construction of any new or modified waste disposal system or modification of a facility or service area generating wastewater that could alter the design volume of, or the method or effect of treatment or disposing of the sewage, industrial waste or other wastes, from an existing disposal system, provided that discharge from such system is required in accordance with this Part to be authorized under a SPDES permit, the permittee shall submit to the regional water engineer an approvable engineering report, plans, and specifications that have been prepared by a person or firm licensed to practice professional engineering in the State of New York in accordance with standards accepted by the department.

(b) The construction of such new or modified disposal system shall not start until the discharger receives written approval of the system from the department and an issued permit. The department may require the discharger to remove any constructed disposal system or portion thereof if such a system or portion thereof is constructed prior to written approval from the department. The department may approve portions of disposal systems to allow for design and construction of disposal systems to proceed at the same time.

(c) The construction of such new or modified disposal system shall be under the general supervision of a person or firm licensed to practice professional engineering in the State of New York. Upon completion of construction, that person or firm shall certify to the department that the disposal system has been fully completed in accordance with the approved engineering report, plans and specifications, permit and letter of approval; and the permittee shall receive written acceptance of such certificate from the department prior to commencing discharge.

(d) The department reviews disposal system reports, plans, and specifications for treatment process capability only, and approval does not represent any opinion of the system's

structural integrity.

(e) Department approval of the disposal system or service area does not relieve the permittee of any responsibility for compliance with its SPDES permit.

(f) The department may accept, in lieu of submission of engineering reports or plans and specifications, certification by a person or firm licensed to practice professional engineering in the State of New York that the design of the disposal system or service area conform to design standards accepted by the department. The department may require certification by letter or form (where the form may include but is not limited to a checklist consistent with the applicable standards). Such certifications shall be deemed notifications in accordance with ECL Section 17-0819.

(g) The following standards are accepted by the department:

(1) Ten States Standards (see section 750-1.24) for use in designing POTWs and POTW collection systems;

(2) Intermediate Design Standards (see section 750-1.24) for use in designing facilities that are not POTWs, which treat only sanitary sewage; and

(3) Other standards that are acceptable by the department.

(h) Submission of approvable engineering report, plans, and specifications is not required where:

(1) the treatment unit is temporarily (less than one year) installed for benchmarking and/or troubleshooting and the permittee has provided notification to the Regional water engineer at least 30 days prior to installation.

(2) an equivalent or superior treatment unit is installed.

(3) changes to treatment units do not have a reasonable potential to affect the discharge.

(i) Sewer Extensions, public or private, must be reviewed and approved in accordance with this section before construction and connection to any conveyance tributary to a SPDES permitted discharge.

§750-2.11 Closure Requirements for Disposal Systems

(a) This section applies to any and all disposal systems permanently removed from use or operation at SPDES permitted facilities or at facilities for which a SPDES permit has been revoked or an application for renewal denied, unless a judicial or administrative stay is in effect. The intent of this section is to protect public safety and health and to assure that no contamination of ground or surface water will occur as a result of removing such systems from service either through the act of closure or through continuing the discharge of pollutants into or through equipment; or through leaking, leaching, or discharge of pollutants from wastewater or residuals remaining in disposal systems which has been removed from use but remains on site.

(b) The closure of a disposal system means either the termination of the source of wastewater or stormwater, or the permitted conveyance of wastewater or stormwater to an alternate location (such as a regional facility) in such a manner that no further treatment storage or conveyance of wastewater or stormwater is performed by the system.

(c) Disposal system closures shall conform with the following procedures:

(1) On or before 60 calendar days prior to taking the system out of service a permittee shall:

(i) Submit to the Regional water engineer the following information concerning closure activities:

(a) The date the system will cease operation;

(b) The date the influent and effluent pipes will be sealed;

(c) Plans (signed and sealed by a New York State licensed professional engineer) for final disposition of the physical facilities, including all treatment units, outfall line, and all mechanical and electrical equipment and piping;

(d) Plans (signed and sealed by a New York State licensed professional engineer) for elimination of all equipment and/or conditions that could possibly pose a safety hazard, either during or after shut-down of operations;

(e) Verification that there are no lines in the collection system which are cross connected (receiving both sanitary and storm water) or which do not contain adequate conveyance capacity.

(f) The name of the licensed individual responsible for the maintenance and operation of the wastewater pumping station and/or disposal system systems that are still to be maintained; and

(ii) Notify the Regional water engineer, in writing, concerning any deactivated lagoons or other actual or potential discharges to ground water which may exist at the site.

(2) Proper management and/or removal of all residual materials (collected grit and screenings, scums, sand bed material, and dried or liquid sludges), as well as filter media, and all other solids from the treatment process that may remain in the abandoned treatment works is required.

(i) The permittee shall submit to the Regional water engineer proof



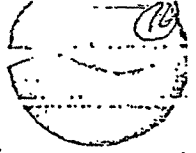
of ownership of or contractual arrangement with an operation or operations permitted to manage all such waste materials. A contract with a hauler will only be accepted as proof of proper waste management if documentation of management at an approved site or sites is included. In addition, all necessary State or Federal permits/approvals must accompany the submission.

(ii) All residual material shall be removed within 180 calendar days after the system is taken out of service. Proof of proper residuals management shall be submitted to the Regional water engineer within 30 calendar days after their removal. The dates of removal and quantities removed shall be specified.

(d) Upon satisfaction of closure requirements specified in (c) above, the Regional water engineer shall be contacted, in writing, to schedule a final site inspection of any disposal system which had a SPDES discharge permit to verify that influent and effluent pipes have been sealed and that all solid and residual materials related to the treatment process have been removed.

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20312
(Special Message)



New York State Department of Environmental Conservation
Albany, N. Y. 12201

Henry L. Diamond
Commissioner

December 7, 1970

Mr. Harry G. Woodbury
Senior Vice President
Consolidated Edison Company of
New York, Inc.
4 Irving Place
New York, New York 10003

Dear Mr. Woodbury:

Water Quality Certification
Indian Point Generating Station

In response to your letter of September 2, 1970 and in accordance with Section 21-b of the Water Quality Improvement Act of 1970 (P.L. 91-224), reasonable assurance is hereby given by the State of New York that the effluent from Generating Station Units #1 and #2 to be discharged through the submerged jet outlet will not contravene the applicable water quality standards for the Hudson River at the point of discharge. This letter supercedes our letter of September 29, 1970.

Accordingly, an operating permit will be issued upon receipt of the required application under provisions of Part 73, Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York. However, prior to the granting of operating permits for the discharge of effluents from Unit 3, the applicant must demonstrate that thermal criteria relating to limits and distribution of temperature and the thermal standard relating to conditions noninjurious to fish life will be satisfied.

Very truly yours,



T. P. Curran
For Department of Environmental
Conservation

cc: Mr. D. Stevens
Mr. I. Grossman
Mr. W. McKeon
Mr. R. Mt. Pleasant
Mr. T. Quinn
Corps of Engineers - New York
Federal Water Quality Administration
U.S. Department of the Interior



STATE OF NEW YORK
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
ALBANY

OGDEN REID
COMMISSIONER

May 2, 1975

Dear Sirs:

We have reviewed your application of October 4, 1974, for certification pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500 ("the Act"). In the application, Consolidated Edison Company of New York, Inc. (Con Edison) requested certification for its Indian Point Nuclear Power Plant Unit No. 3 (Indian Point No. 3), for the purposes of the U.S. Atomic Energy Commission, now the U.S. Nuclear Regulatory Commission (Commission), license to operate Indian Point No. 3 and the U.S. Environmental Protection Agency permit pursuant to the National Pollutant Discharge Elimination System (NPDES). Indian Point No. 3 is located on the east bank of the Hudson River in the Village of Buchanan, Westchester County, New York, adjacent to two other nuclear power plants, Units No. 1 and 2.

Con Edison or any assignee or successor to the license or permit of Con Edison or any of its obligations hereunder is hereinafter referred to as the "Licensee".

This certification applies to the Commission license to operate Indian Point No. 3 and any appurtenant devices, structures or facilities used in conjunction with Indian Point No. 3, such as, but not limited to, the discharge structure which is common to Indian Point Units No. 1, 2 and 3. This certification also applies to the U.S. Environmental Protection Agency NPDES permit. In view of the changes in operation of the common discharge structure and the recent promulgation of State thermal standards and criteria (6 NYCRR Part 704) this certification is supplemental to the certification dated September 24, 1973 with respect to Indian Point Unit No. 2. To the extent any requirement of this certificate for the Indian Point site is inconsistent with a requirement of the certificate for Indian Point Unit No. 2, the requirements of this certificate shall prevail.

Public notice of the application has been duly given pursuant to Part 608.16 of the official Compilation of Codes, Rules and Regulations of the State of New York.

Based upon the foregoing, the Department of Environmental Conservation (Department) hereby certifies that the Licensee will comply with all applicable provisions of Sections 301, 302, 306 and 307 of the Act, provided that

I. There are no future changes in any of the following that would result in non-compliance with Sections 301, 302, 306 and 307 of the Act:

- A. The proposed construction and operation of the facility;
- B. The characteristics of the waters into which discharges are made;
- C. The water quality criteria applicable to such waters; or
- D. Applicable effluent limitations or other requirements;

II. The applicable provisions of State laws and regulations are complied with; and

III. The following effluent limitations and other limitations and monitoring requirements, which shall become conditions on any Commission license and NPDES permit for Indian Point No. 3, pursuant to Section 401(d) of the Act, are complied with:

A. REQUIREMENTS FOR MINIMIZING ENVIRONMENTAL IMPACT

1. In the event that an alternative to the present once-through cooling system is ultimately required pursuant to final Commission action, NPDES permit or other circumstance, a compliance schedule for the construction of such a system shall be established by the State pursuant to the provisions of Article 15, 17 and 19 of the Environmental Conservation Law and the applicable provisions of the Act.

If the Commission does not require such alternative system, or, if as a result of any intermediate or final Commission order, NPDES permit, court decision, settlement or other circumstance there is, in the judgment of the Department, a substantial likelihood that no such alternative system will be required, whichever event may first occur, Licensee shall, within sixty days of the date of

Commission action, NPDES permit or receipt by Licensee of the Department's notice of determination, present to the Department for its approval an implementation plan for the site, including schedules, for compliance with the State's water quality standards and criteria.

2. Within six (6) months of the date of issuance of the Commission operating license, or NPDES permit, whichever shall first occur, Licensee shall prepare and submit to the Department for its approval an implementation plan for minimizing to the extent practicable environmental impacts on aquatic biota from the operation of Indian Point Units 1, 2 and 3 with once-through cooling systems detailing:

a. OPERATING PROCEDURES

This section of the plan shall contain plant procedures relevant to the intake of water and the discharge of effluents.

b. CONTINGENCY PROCEDURES

This section of the plan shall contain the procedures which the plant will follow in order to minimize environmental effects in case of large fish kills and other detrimental effects on aquatic biota. Among other requirements:

(1) The Contingency Procedures shall contain requirements that if the number of fish of all sizes and species collected from the fixed and traveling screens of all forebays at the Indian Point Station exceeds 5,000 per day for three consecutive days or such number in a single day exceeds 15,000, or such other numbers as may be approved by the Department upon application by Licensee, Licensee shall immediately notify the Department by telegram or telephone and shall take immediate corrective action to reduce the number to below these levels. If Licensee fails to reduce such collections to below the levels specified above, Licensee shall immediately notify the Department of its inability to attain such reduction, and the Department may direct Licensee to suspend the operation of the system causing the excess collections; provided, however, no such suspension shall be directed if:

(a) Such suspension would require a power reduction at the facility and Licensee establishes to the reasonable satisfaction of the Department that:

- (i) An emergency need for power exists on its system which cannot otherwise be met by consumption reductions or otherwise; or
- (ii) Such suspension would create an impact on the indigenous aquatic population of the Hudson River potentially more adverse than such fish kill; or
- (iii) Such suspension would cause a significant violation of the appropriate Commission operating license.

(b) The Department believes such suspension would invalidate planned experiments approved by the Department and designed to minimize fish kills.

(2) The Contingency Procedures in the plan shall also contain requirements that if the number of fish of any specified size, species or both collected from the fixed and traveling screens of all forebays at the Indian Point site or otherwise determined to be killed or unduly stressed exceeds such numbers for such lengths of time as may be determined under the biological study program undertaken pursuant to Condition C(7) or otherwise approved by the Department or, if any other specified effect on aquatic biota exceeds such parameters as may be determined under such study program or otherwise approved by the Department, Licensee shall immediately notify the Department and take immediate corrective action to prevent such effect from continuing to occur. If Licensee fails to prevent such effect from continuing to occur, Licensee shall immediately notify the Department of its inability to do so, and the Department may direct Licensee to suspend the operation of the system causing the effect to continue to occur; provided, however, no such suspension shall be directed in the circumstances set forth in Condition A(2)(b)(1)(a) and (b) above.

(3) The plan will include conditions applicable to Indian Point 1, 2 and 3 under which the licensees of Indian Point 1, 2 and 3 will alter the operation of their respective plants and, if necessary, the dispatch of their systems consistent with their obligations for furnishing reliable and economical electric utility service and taking into consideration the national policy for conservation of fuel oil.

(4) The Contingency Procedures shall provide for prompt notification to the Department of shutdowns of all units during the months of December through March which result in significant reduction of the plants' thermal effluent.

c. MODIFICATION TO THE PRESENT DESIGN OF THE ONCE-THROUGH COOLING SYSTEM INCLUDING THE INTAKE STRUCTURES

This section of the plan will explain modifications to intake and discharge structures and other cooling system modifications which the Licensee believes can be made as possible interim solutions to potential biological problems at Indian Point prior to completion of the biological study program, and as possible permanent solutions after the end of that study program.

If it is subsequently determined by a final order of any governmental agency or court that an alternative to the present once-through cooling system is not required for Indian Point Nos. 2 and 3, the Licensee shall design, construct and operate, as provided below, a new intake system for Indian Point Nos. 1, 2 and 3 as required by the Department construction permit dated December 10, 1970 in order to provide a level of fish protection significantly higher than the existing intake system. After obtaining Department approval of the intake system and implementation schedule, Licensee shall forthwith apply for all permits, licenses, approvals and land rights required for the construction and operation of such new intake system and shall prosecute all such applications

with due diligence. Upon the granting of all such applications, Licensee shall with due diligence construct and operate said new intake system.

The plans pursuant to a, b and c above shall be designed to reduce to the extent practicable fish impingement, entrainment mortality, and detrimental effects on aquatic biota in the Hudson River from the Indian Point plants during the period during which Indian Point No. 3 utilizes a once-through cooling system. Upon approval by the Department, Licensee shall implement this program in accordance with an approved schedule.

3. Prior to operation of any alternative to the present once-through system, Licensee shall submit to the Department for its approval a plan to minimize to the extent practicable the environmental effects of such alternative cooling system.

4. Within three (3) months of the date of issuance of the Commission operating license, or NPDES permit, whichever shall occur first, the Licensee shall file for approval with the Department at its offices in New Paltz and in Albany a plan on chlorine use and chlorination practice. Such plan shall include practices which minimize the impact of chlorine on water resources.

a. After the Department approves the plan and so long as the once-through cooling system is used, there shall be no use of chlorine which results in a discharge except at times and in circumstances in accordance with the approved report as necessary for the proper functioning of the plants at Indian Point.

b. The maximum concentrations of the total residual chlorine in the cooling water discharged at the confluence of the discharge canal with the Hudson River shall not exceed 0.5 ppm.

B. DISCHARGE LIMITS AND MONITORING

1. The New York State Standards (NYCRR Parts 700, 701, 702, 704) as applicable to the receiving waters shall be complied with including the following:

a. Oil and floating substances - No residue attributable to sewage, industrial waters or other wastes nor visible oil film nor globules of grease.

b. Toxic wastes and deleterious substances - None in amounts that will interfere with use for primary contact recreation or that will be injurious to edible fish or shellfish or the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof or impair the waters for any other best usage as determined for the specific waters which are assigned to this class.

c. Thermal Discharges -

(1) All thermal discharges to the waters of the State shall assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water.

(2) For the protection of the aquatic biota from severe temperature changes, routine shutdown of an entire thermal discharge at any site shall not be scheduled during the period from December through March.

(3) All mixing zones shall have definable numerical limits specified by the Department (e.g., linear distances from the point of discharge, surface area involvement, or volume of receiving water entrained in the thermal plume).

(4) Conditions in the mixing zone shall not be lethal in contravention of water quality standards to aquatic biota which may enter the zone.

(5) The location of mixing zones for thermal discharges shall not interfere with spawning areas, nursery areas and fish migration routes.

(6) The location, design, construction and capacity of cooling water intake structures, in connection with point source thermal discharges, shall reflect the best technology available for minimizing adverse environmental impact.

d. Suspended, colloidal or settleable solids - None 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.

e. Estuaries or portions of estuaries - As used herein, estuary shall refer to the Hudson River in the vicinity of Indian Point.

(1) The water temperature at the surface of an estuary shall not be raised to more than 90°F at any point.

(2) At least 50 percent of the cross sectional area and/or volume of the flow of the estuary including a minimum of one-third of the surface as measured from water edge to water edge at any stage of tide, shall not be raised to more than 4 Fahrenheit degrees over the temperature that existed before the addition of heat of artificial origin or a maximum of 83°F whichever is less.

(3) From July through September, if the water temperature at the surface of an estuary before the addition of heat of artificial origin is more than 83°F an increase in temperature not to exceed 1.5 Fahrenheit degrees at any point of the estuarine passageway as delineated above, may be permitted.

2. Licensee shall continue to conduct a continuous chemical, physical, hydraulic, biological, meteorological, and thermal monitoring program in accordance with the ETSR which will be incorporated by the Commission in the applicable operating license and will transmit to the Department concurrently with the reports to the Commission such reports as are required by the ETSR.

This monitoring shall be carried on under the surveillance of the Department and is further understood that such monitoring is in no way intended to supersede the independent monitoring program of the Department, but to supplement it.

3. Licensee shall monitor chemical discharges according to the frequency established in the table below. Analyses shall be performed in accordance with appropriate standard methods and shall be reported monthly as mg/l and pH units (nearest tenth).

<u>ITEMS</u>	<u>FREQUENCY</u>
pH	DD
Chromium +6 (and +3)**	WK
Boron	D
Phosphate	WK
Hydrazine	MO
Cyclohexylamine	MO
Lithium Hydroxide*	D
Chlorine	I
Suspended Solids	WK
Dissolved Oxygen:***	MO

- DD - Continuous at discharge of Neutralization Facility
- D - Daily during discharge
- WK - Weekly
- MO - Monthly
- I - At start and at 10 minute intervals during chlorination.

* By pH measurement.

** If total chromium tests show detectable chromium concentrations, a test for trivalent chromium will also be conducted.

*** Dissolved oxygen in ppm shall be measured monthly at the intake forebay and in the effluent canal prior to discharge.

A limitation of 0.05 mg/l each of trivalent and hexavalent chromium shall apply at the discharge.

A discharge limitation of 100 lbs. chromium per year shall also apply.

A limitation of 0.1 mg/l Boron shall apply at the outlets of the discharge canal.

4. Dissolved Oxygen - In addition to the requirements above, dissolved oxygen in ppm shall be measured at the intake forebay and in the effluent canal prior to discharge for five (5) days during the week of each routine thermal survey and reported within ninety (90) days of the close of each survey.

5. Discharge shall occur only through the subsurface ports of the outfall structure for which a construction permit has heretofore been issued by the Department. After the date of issuance of the operating license, under all conditions, modes, and sequences of operation of Units 1, 2 and 3 above a combined power level from any and all units of 600 MW gross electric output or whenever the discharge canal temperature exceeds 90°F, Licensee shall maintain an average discharge velocity of not less than ten ft/sec. at the vena contracta of the discharge ports. The relationships between discharge velocity, open port area, and canal head above river level shall be confirmed by actual measurement and reported to the Department. The manual adjustments in the ports shall be made within 12 hours after any change in the flow rate of the circulating water pumps has occurred. After June 1, 1975, the adjustments shall be made within four hours.

C. STUDIES AND BIOLOGICAL DATA

1. Licensee shall study the relationship between the salt water front passing the intakes at Indian Point and the number and kinds of fish impinged. A report presenting this information and data shall be submitted to the Department by September 1, 1975, and if the Department deems it necessary Licensee shall implement an approved program to reduce fish impingement occasioned by salt water passage.

2. Impingement and Entrainment Data and Reports:

a. Within three (3) months of the date of issuance of the operating license, or NPDES permit, whichever is earlier, Licensee shall file for approval with the Department a report containing a tabulation of all fish impingement data collected to date at Indian Point.

b. Within five (5) months of the date of issuance of the operating license, or NPDES permit, whichever is earlier, Licensee shall file for approval with the Department a report containing a tabulation of all entrainment data collected to date at Indian Point.

c. Fish impingement data will be collected, recorded and reported as described in the ETSR.

Also, once a week (or sooner as required by the Contingency Procedure 2.b.(1)), impingement records will be reported to the New Paltz office by telephone or telegram.

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 conditions, species, numbers and other available biological information.

3. Upon issuance of the operating license, or NPDES permit, whichever is earlier, the Licensee shall continue the previously initiated site program, or Department approved amendments thereto, for monthly triaxial isothermal measurements for the Indian Point plume. The program shall provide for temperature measurements in increments of 1°F down to a level of 2°F temperature excess above addition of heat of artificial origin. Surveys shall not be required during the months of December, January, February and March. A summary report shall be submitted within 90 days of completing each survey. The program shall continue through November 1977.

4. Within two (2) months of the date of issuance of the operating license, or NPDES permit, whichever is earlier, Licensee shall file for approval with the Department a report for intensive seasonal triaxial isothermal measurements which shall be conducted during April, August and October in the waters receiving the discharge. The program shall provide for temperature measurements in increments of 1°F down to a level of 1°F temperature in excess of the temperature which existed prior to the addition of heat of artificial origin. The data and following analyses for all previous surveys shall be presented at the time of the first required report. Such surveys shall not be required during the year 1975.

Beginning February 1, 1977, for the 1976 surveys, and each February 1st thereafter, Licensee shall file with the Department a complete report on the previous year's intensive isothermal surveys. Such report shall include:

- a. A summary and assessment of the data presented for the individual surveys including a complete evaluation of the observed data in respect to the predictive mathematical and hydraulic models, and the assumptions used for their construction, as have been previously filed with the Department.
- b. Meteorological conditions, hydrological conditions, heat transfer coefficients, dispersion coefficients, salinity, tidal data and any other appropriate data deemed necessary by the Department to supplement and assist interpretation of the thermal plume mapping program.
- c. Data correlated and integrated to the predictive models previously presented to the Department with full justification made for adjustments in previous assumptions and predictions.
- d. A revision of expected temperature distributions as appropriate and justified from the data gathered.
- e. Background ambient temperature which would persist but for the addition of heat of artificial origin from any and all discharges which would affect the survey area, incremental effects from the operation of the Indian Point plants, and incremental effects of thermal discharges of others that may have influence in the area of the Indian Point discharge.

As there is only one combined discharge from the Indian Point site, for Units Nos. 1, 2 and 3, the triaxial isothermal measurement programs relate to all three units. The intensive program will be suspended if, and when (a) the Licensee shall provide clear and convincing proof, to the satisfaction of the Department that it will comply with all provisions of water quality standards and criteria applicable at the site under any and all conditions of operation of Indian Point Units 1, 2 and 3 or any combination of units,

or (b) the Licensee shall initiate construction of an alternative to the present once-through cooling system (provided, however, such program shall be reinstated if such system is not completed and operated), whichever circumstance, (a) or (b), should first occur.

5. Within three (3) months of the date of issuance of the Commission operating license, or NPDES permit, whichever is earlier, Licensee shall file for approval with the Department a report on all water treatment, corrosion inhibitor, anti-fouling, slimicide, biocide and boiler cleaning chemicals or compounds used in Indian Point Units No. 1, 2 or 3. Such report shall identify each product by chemical formula and/or composition, annual consumption, frequency of use, maximum use per incident, effluent concentration, available bioassay and toxicity limits and procedures for use. Approval shall only be granted for uses which do not contravene New York State Water Quality Standards. Except for emergency measures which shall be reported to the Department within twenty-four hours, no substitutions will be allowed without prior written approval of the Department. As determined by the Department, wastewaters containing chemicals and/or oil shall be collected and treated prior to dilution with non-contact cooling water on a schedule to meet effluent limitations and in facilities which shall be approved by the Department provided that Licensee shall have sixty days from the date of receipt of the Department's determination to present for consideration alternative facilities, controls and measures.

6. Within three (3) months of the date of issuance of the Commission operating license, or NPDES permit, whichever is earlier, the Licensee shall file for approval with the Department a report on practices which minimize the impact and use of chlorine on water resources and identify reports previously submitted to the Department.

7. Within four (4) months of the date of issuance of the operating license, or NPDES permit, whichever is earlier, Licensee shall file for approval with the Department the detailed biological study program it is conducting to determine effects of once-through cooling system operation on aquatic organisms. The Department and Licensee shall from time to time consult on any necessary changes to the program. Segments of such biological study program shall be implemented as approved by the Department. A summary progress report shall be submitted six (6) months following

implementation of the first segment and every six (6) months thereafter. An annual report shall be submitted by July 31 of each year covering the preceding calendar year's operation. Additional reporting requirements may be imposed for certain segments of the program as necessary.

D. SUBMISSION OF ADDITIONAL REPORTS.

1. Starting one month from the date of issuance of the operating license, or NPDES permit, whichever is earlier, Licensee shall submit to the Department a monthly report of daily operating data by the 15th of the following month for:

a. Daily minimum, maximum and average station electrical output in kilowatts which shall be monitored and recorded, and daily minimum, maximum and average electrical output in kilowatt hours, which shall be determined and recorded.

b. Daily minimum, maximum and average water use for each pump, which shall be directly or indirectly measured or calculated and logged. The basis for such measurements or calculation shall be reported.

c. Temperature in degrees Fahrenheit of the intake forebay and effluent canal prior to discharge, which shall be measured and recorded continuously. Daily minimum, maximum, and average intake and discharge temperatures, which shall be logged.

d. Daily fish collections by number, size, weight, and species of fish and other aquatic biota impinged as a result of operation of all units.

2. Licensee shall file with the Department at its offices in New Paltz and in Albany, concurrently with filing with the U.S. Environmental Protection Agency, copies of all applications, reports, and supporting data filed pursuant to Sections 316(a) and 316(b) of the Act.

3. Copies of any other reports for Indian Point Unit No. 3 pertaining to the environment which Licensee submits to any federal, state or local agency, shall also be concurrently submitted to the Department.

4. Licensee shall notify the Department within one week from the time of submission to the Commission of any requested change in the ETSR at the time of such request. Such notification shall fully discuss the requested change.

5. All reports and notifications Licensee provides to the Department pursuant to this certification shall be submitted to the Director of Environmental Analysis in Albany and the Regional Supervisor of Environmental Analysis in New Paltz.

E. OTHER

1. Licensee shall provide access to the Indian Point site at any time to representatives of the Department, subject to site security regulations, to assess the environmental impacts of the operations of Indian Point Units No. 1, 2 and 3 and to review the data gathering techniques of Licensee.

2. Should any limitation or condition of this certification or any permit issued require construction in or on waters of the State or the banks or bed thereof, such construction and associated excavation, fill or disturbance shall require prior approval of the Department under stream protection regulations.

3. This certification with conditions shall not be deemed to modify, extend, or affect in any manner any order of the Commissioner against Licensee; nor does it constitute a condonation of any violation of any order or release, compromise, or waiver of any rights or any course of action which the Commissioner has or may have against Licensee because of any violation of any order and does not preclude compliance of the discharge from Indian Point Units Nos. 1, 2 or 3 with any permit with respect to such discharge which may be hereafter issued by the Commissioner.

This certification with conditions is issued on the basis that the Licensee has not yet established that Indian Point No. 3 as presently designed will meet the State's water quality criteria and standards, and with the full understanding and acknowledgement by Licensee that the Department, in cooperation with the U.S. Environmental Protection Agency, has promulgated revised thermal criteria in order to bring such criteria into conformity with the Act.

The acceptance by Licensee of this certification with conditions shall not be deemed a waiver by Licensee of its right to obtain judicial review of any disapproval of a plan, report or other document submitted by Licensee to the Department for its approval, as provided by law.

This certification with conditions is issued solely for the purpose of Section 401 of the Act.

If any condition of this certification is declared invalid, the Department shall reconsider the entire certification and may make appropriate amendments or modifications as a result of such reconsiderations.

A copy of this certification with conditions is being forwarded to the Director of Regulations, U.S. Nuclear Regulatory Commission, and the Regional Administrator of the Environmental Protection Agency.

Sincerely yours,



Consolidated Edison Company
of New York
4 Irving Place
New York, New York 10003

Attention: Mr. Carl L. Newman
Vice President

cc: Nuclear Regulatory Commission
Environmental Protection Agency, Region II