

FENOC

FirstEnergy Nuclear Operating Company

Beaver Valley Power Station
Route 168
P.O. Box 4
Shippingport, PA 15077-0004

James H. Lash
Plant General Manager

724-682-7773

08-04-03
L-03-120

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

Subject: Beaver Valley Power Station, Unit No. 1 and No. 2
BV-1 Docket No. 50-334, License No. DPR-66
BV-2 Docket No. 50-412, License No. NPF-73
Amended National Pollutants Discharge Elimination System
(NPDES) Permit No. PA0025615

Enclosed please find a copy of the amended National Pollutants Discharge Elimination System (NPDES) Permit No. PA0025615 for FirstEnergy Nuclear Operating Company, Beaver Valley Power Station, Units 1 and 2. The amended permit became effective on June 1, 2003. If you have any questions, please contact Mr. Edward Hubley, Manager Nuclear Environmental and Chemistry, at 724-682-7340.

Sincerely,



James H. Lash *for*
Plant General Manager

Enclosure

c: Mr. T. G. Colburn, NRR Senior Project Manager
Mr. D. M. Kern, NRC Sr. Resident Inspector
Mr. H. J. Miller, NRC Region I Administrator

JE25



Pennsylvania Department of Environmental Protection

**400 Waterfront Drive
Pittsburgh, PA 15222-4745**

MAY 22 2003

Southwest Regional Office

**412-442-4000
Fax 412-442-4328**

CERTIFIED MAIL NO. 7000 1670 0005 1021 5535

**First Energy Nuclear Operating Company
175 S. Main Street
Akron, OH 44308**

**Re: Industrial Waste
Beaver Valley Power Station
NPDES Permit No. PA0025615
Amendment No. 1
Shippingport Borough
Beaver County**

Gentlemen:

Your permit is enclosed. Review it carefully, with special attention to the effluent limitations, monitoring requirements, and other requirements in Part C of the permit.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU



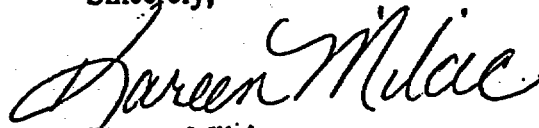
First Energy Nuclear Operating Company

-2-

MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

If you have any questions, please call me at 412-442-4033.

Sincerely,



Kareen Milcic
Sanitary Engineer
Water Management

Enclosures

cc: EPA
ORSANCO
Mr. Don Bluedorn, Esq. ✓

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER MANAGEMENT PROGRAM

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT PA0025615 AS ISSUED ON December 27, 2001

AMENDMENT NO. 1

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the above referenced permit issued to:

First Energy Nuclear Operating Company
175 S. Main Street
Akron, OH 44308

for a facility located at

Beaver Valley Power Station
Shippingport Borough
Beaver County

is amended as follows:

1. Page 2b (IMP301) is modified to include authorization to discharge IMP301 to IMP401.
2. Page 2c (IMP401) is modified to include IMP301 as a source into IMP401.
3. Page 2f (Outfall 001) is modified by deleting the monitor and report requirement for Phenols, Iron, and Aluminum.
4. Page 2m (Outfall 003) is modified by deleting the monitor and report requirement for Phenols, Iron, Aluminum, Nitrate-Nitrite, and Phosphorus and changing the sampling location of Outfall 003.
5. Page 2n (Outfall 004) is modified by deleting the monitor and report requirement for Iron, Aluminum, and Phenols. The sampling location of "Outfall 004" is added to this page.
6. Page 2q (Outfall 008) is modified by deleting the monitor and report requirement for Ammonia, Iron, Aluminum, Manganese, Phenols, Zinc and Color.
7. Page 2r is modified by deleting IMP 110. Subsequent pages have been renumbered.
8. Page 2s (Outfall 011) is modified by deleting the reference to Condition C-20.
9. Page 2v (Outfall 012) is modified by deleting the limit for Chromium, changing the measurement frequencies to 2/month for TDS, Zinc, and Copper and imposing a monitor and report requirement for Zinc. A two year compliance schedule is incorporated for Outfall 012.
10. Page 2w (Outfall 012) is added to the permit. The final water quality based effluent limit for Zinc is imposed within two years after the permit amendment issuance date.
11. Page 2y (IMP213) is modified by the addition of a TRC limit and a description of the monitoring of this discharge.
12. Page 2bb (Outfall 013) is modified by changing the measurement frequencies and sample types and deleting the temperature limit and the TRC limit.

13. Page 2cc (Outfall 013) is modified by changing measurement frequencies and deleting the temperature limit and the TRC limit.
14. Condition C-16 is deleted from the permit and replaced with another condition requiring the posting of a sign warning of the heated discharge at Outfall 013.
15. Condition C-18(F) is modified by allowing the collection of storm water runoff sampling during the first 30 minutes of the discharge or as soon thereafter as practicable.
16. Condition C-20 is modified to limit the Pollution Reduction Report to Outfalls 012 and 013. Copper is eliminated from Outfall 012.
17. Condition C-21 is modified to delete Paragraphs 2 and 3. Paragraphs 2, 3 and 4 are added to this condition.
18. Condition C-22 is modified to change the date and to include three additional paragraphs explaining the required sampling.

The remainder of the permit is in full force and effect.

DATE AMENDMENT ISSUED	<u>MAY 13 2003</u>	ISSUED BY	<u><i>Stephen R. Batte</i></u>
DATE EFFECTIVE	<u>JUN -1 2003</u>		Tim V. Dreier, P.E. <i>for</i> Water Management Program Manager

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER MANAGEMENT PROGRAM

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

NPDES PERMIT NO. PA0025615

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

First Energy Nuclear Operating Company
175 S. Main Street
Akron, OH 44308

is authorized to discharge from a facility located at

Beaver Valley Power Station
Shippingport Borough
Beaver County

to receiving waters named Ohio River and Peggs Run (Outfalls 012 and 013)

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B, and C hereof.

THIS PERMIT SHALL EXPIRE AT MIDNIGHT, DEC 27 2006

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions, or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal.
3. Complete application for renewal of this permit, or notification of intent to cease discharging by the expiration date, must be submitted to the Department at least 180 days prior to the expiration date (unless permission has been granted by the Department for submission at a later date), using the appropriate NPDES permit application form.

In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the permit before the expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports, will be automatically continued and will remain fully effective and enforceable pending the grant or denial of the application for permit renewal.

This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED

DEC 27 2001

ISSUED BY


Tim V. Dreier, P.E.

Water Management Program Manager

DATE EFFECTIVE

FEB - 1 2002

PART A

Page 2a of 14
Permit PA00256151. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 101 WHICH RECEIVES WASTE FROM:
Chemical Waste Treatment System (demineralizing regenerants, lab sink drains)

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					daily	continuous
Suspended Solids			30	100		1/week	2 hr. comp.
Oil and Grease			15	20		1/week	grab
*Hydrazine			Monitor and Report			1/week	grab
*Ammonia			Monitor and Report			1/week	grab
*Hydrazine and ammonia monitoring to apply during periods of wet layup.							
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: At the discharge from the chemical waste sump prior to mixing with any other water.

PART A

Page 2b of 14
Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 301 WHICH RECEIVES WASTE FROM:
Unit #2 auxiliary boiler blowdown, which may, on occasion, be routed to IMP401*
 - a. The permittee is authorized to discharge during the period from issued date through expiration date.
 - b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		2/month	grab
Oil and Grease			15	20		2/month	grab

*It should be noted on the DMR when the wastewater discharge is conveyed to IMP401.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: The discharge of boiler blowdown prior to mixing with any other water.

PART A

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Permit PA0025615

1. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 401 WHICH RECEIVES WASTE FROM:**
Drains from the chemical feed area of the auxiliary boilers for Unit #2, and on occasion, unit #2 auxiliary boiler blowdown (IMP301)
 - a. The permittee is authorized to discharge during the period from issued date through expiration date.
 - b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		2/month	grab
Oil and Grease			15	20		2/month	grab
pH	not less than 6.0 standard units					2/month	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Chemical feed area drains prior to mixing with any other water

PART A

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Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 501 WHICH RECEIVES WASTE FROM:
Unit #1 steam generator blowdown filter backwash

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Total Suspended Solids			30	100		1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Internal monitoring point 501 prior to mixing with any other water.

PART A

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Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 001 WHICH RECEIVES WASTE FROM:

Unit #1 and Unit #2 cooling tower blowdown, sources previously monitored at 101, 201, 301, and 401, treated rad waste and occasional clarified overflow
at Latitude 40° 37' 16" Longitude 80° 26' 10" Stream Code 32317 River Mile Index (RMI) 945.7

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					daily	continuous
			<u>Average Concentration**</u>		<u>Maximum Concentration</u>		
Free Available Chlorine			0.2	0.5		continuous	recorded
Total Residual Chlorine			0.5		1.25	1/week	grab
Clamtrol (CT-1)			Not Detectable			when discharging	24 hr. comp.
Betz DT-1				35.0		when discharging	24 hr. comp.
Chromium			0.2	0.2		2/year	24 hr. comp.
Zinc			1.0	1.0		2/year	24 hr. comp.

It is the Department's understanding that the permittee does not add chromium or zinc compounds to the cooling water. The permittee is prohibited from adding chromium or zinc compounds to the cooling water unless the permittee obtains permission from the Department. Refer to Part C for restrictions on the discharge of the 126 priority pollutants (with the exception of chromium and zinc), free available and total residual chlorine, and the net addition of pollutants to non-contact cooling water.

** The term "average concentration" as it relates to chlorine discharge means the average analyses made over a single period of chlorine release which does not exceed two hours.

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 001 (CONTINUED):

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Hydrazine*	Not Detectable		Using ASTM D-1385			1/week	grab
Ammonia*			Monitor and Report			1/week	grab
*Hydrazine and ammonia monitoring to apply during periods of wet layup.							
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: At the discharge

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 102 WHICH RECEIVES WASTE FROM:

Intake screenhouse (pump bearing cooling water leakage)

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					2/month	estimate
Suspended Solids			30	100		2/month	grab
Oil and Grease			15	20		2/month	grab
pH	not less than 6.0 nor greater than 9.0 standard units					2/month	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: The discharge of collected pump bearing leakage prior to mixing with any other water

PART A

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Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 002 WHICH RECEIVES WASTE FROM:

Intake screen backwash and pump bearing leakage from 102

at Latitude 40° 37' 26"

Longitude 80° 26' 07"

Stream Code 32317

River Mile Index (RMI)

945.9

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate

Debris collected on the intake trash racks shall not be returned to the waterway.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 002

PART A

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Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 103 WHICH RECEIVES WASTE FROM:
Settling basin handling sludge from the intake clarifier

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					2/month	estimate
Suspended Solids			30	100		2/month	24 hr. comp.
pH	not less than 6.0 nor greater than 9.0 standard units					2/month	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Overflow from the basin prior to mixing with any other water

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 203 WHICH RECEIVES WASTE FROM:

The sewage treatment plant at the main plant

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	0.023					1/week	measured
CBOD-5 Day			25	50		2/month	8 hr. comp.
Suspended Solids			30	60		2/month	8 hr. comp.
Total Residual Chlorine			1.4		3.3	2/month	grab
% Removal (BOD-5 Day & SS)	refer to Part C						
Fecal Coliform Organisms	refer to Part C for effective disinfection						2/month grab
pH	not less than 6.0 nor greater than 9.0 standard units						2/month grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Overflow from the chlorine contact tank prior to mixing with any other water

PART A

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Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 303 WHICH RECEIVES WASTE FROM:
Oil water separator handling Unit #1 turbine room floor drain

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		1/week	grab
Oil and Grease			15	20		1/week	grab
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Overflow from the oil water separator prior to mixing with any other water.

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 403 WHICH RECEIVES WASTE FROM:
Condensate blowdown and uncontaminated river water

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		1/week	grab
Oil and Grease			15	20		1/week	grab
Hydrazine*	Not detectable using ASTM D-1385					1/week	grab
Ammonia*			Monitor and Report			1/week	grab
TRC			0.5		1.25	1/week	grab
Clamtrol CT-1			Not Detectable			when discharging	24 hr. comp
Betz DT-1				35		when discharging	24 hr. comp.
Monitoring is applicable to 403 and must be shown on the DMR for 403 whenever there is a discharge at 403.							
*Hydrazine and ammonia monitoring to apply during periods of wet layup.							
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Monitoring point 403 prior to mixing with any other water. The condensate blowdown and uncontaminated riverwater is conveyed via a flexible hose to Manhole No. 1B34.

PART A

Page 2m of 14
Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 003 WHICH RECEIVES WASTE FROM:

See below*

at Latitude 40° 37' 26" Longitude 80° 26' 07" Stream Code 32317 River Mile Index (RMI) 946.0

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					2/month	estimate

*This discharge shall consist solely of uncontaminated yard storm water runoff, deionized water storage tank drainage, and those sources monitored at 103, 203, 303, and 403.

See Condition C-21

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Manhole Number 1 on Outfall 003.

PART A

Page 2n of 14
Permit PA0025615

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 004 WHICH RECEIVES WASTE FROM:

Unit #1 cooling tower overflow

at Latitude 40° 37' 30"

Longitude 80° 26' 02"

Stream Code 32317

River Mile Index (RMI) 946.3

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

DISCHARGE LIMITATIONS (gross unless otherwise indicated)MONITORING REQUIREMENTS

Discharge Parameter	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	measured
			<u>Average Concentration</u>	<u>Maximum Concentration</u>			
Free Available Chlorine			0.2	0.5		1/week	grab
Total Residual Chlorine			0.5		1.25	1/week	grab
Chromium			0.2	0.2		2/year	grab
Zinc			1.0	1.0		2/year	grab

This overflow at Outfall 004 normally takes place during the months July through October when the water level in the cooling tower basin is raised to increase pumping efficiency. The blowdown at Outfall 001 comes from the same basin, and the limitations and restrictions placed on 001 apply also to this 004. Outfall 004 must be sampled when discharging and the results must be reported on the Discharge Monitoring Report.

The term "average concentration" as it relates to chlorine discharge means the average analyses made over a single period of chlorine release which does not exceed two hours.

pH not less than 6.0 nor greater than 9.0 standard units 1/week grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 004.

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 006 WHICH RECEIVES WASTE FROM:

Auxiliary intake screen backwash water

at Latitude 40° 37' 26"

Longitude 80° 26' 07"

Stream Code 32317

River Mile Index (RMI)

946.6

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimated

Debris removed from the intake trash racks shall not be returned to the waterways.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 006

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 007 WHICH RECEIVES WASTE FROM:

Auxiliary intake system testing water and periodic discharge from Unit #2 reactor plant river water system

at Latitude 40° 37' 26" Longitude 80° 26' 07" Stream Code 32317 River Mile Index (RMI) 946.5

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
			<u>Average Concentration</u>	<u>Maximum Concentration</u>			
Free Available Chlorine			0.2	0.5		1/week	grab
Total Residual Chlorine			0.5		1.25	1/week	grab
<p>Monitoring for flow, free available chlorine, and total residual chlorine are required only during those periods of discharge from the alternate flow path of the reactor plant river water system. Also refer to Part C for additional restrictions on free available and total residual chlorine, and the net addition of pollutants to non-contact cooling water.</p> <p>The term "average concentration" as it relates to chlorine discharge means the average analyses made over a single period of chlorine release which does not exceed two hours.</p>							
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples in compliance with the monitoring requirements specified above shall be taken at the following location: At the discharge pipe

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 008 WHICH RECEIVES WASTE FROM:

Unit #1 cooling tower pumphouse drains and storm water runoff

at Latitude 40° 37' 30"

Longitude 80° 26' 02"

Stream Code 32317

River Mile Index (RMI)

946.36

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		2/month	grab
Oil and Grease			15	20		2/month	grab
See Condition C-21							
pH	not less than 6.0 nor greater than 9.0 standard units					2/month	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: A valve after the discharge of the pumps.

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 010 WHICH RECEIVES WASTE FROM:

Once-through cooling water from Unit #2 heat exchangers

at Latitude 40° 37' 15"

Longitude 80° 26' 21"

Stream Code 32317

River Mile Index (RMI)

945.2

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	measured
			<u>Average Concentration</u>	<u>Maximum Concentration</u>			
Free available Chlorine			0.2	0.5		1/week	grab during chlorination
Total Residual Chlorine			0.5		1.25	1/week	grab during chlorination
Clamtrol CT-1			Not Detectable			when discharging	24 hr. comp.
Betz DT-1				35.0		when discharging	24 hr. comp.
<p>Refer to Part C for additional restrictions on free available and total residual chlorine, and the net addition of pollutants to non-contact cooling water.</p> <p>The term "average concentration" as it relates to chlorine discharge means the average analyses made over a single period of chlorine release which does not exceed two hours.</p>							
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: At the emergency overflow structure.

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 011 WHICH RECEIVES WASTE FROM:

Diesel generator building oil/water separator drain (OWS #22) and turbine building oil/water separator drain (OWS #23) and storm water runoff
 at Latitude 40° 37' 28" Longitude 80° 26' 05" Stream Code 32317 River Mile Index (RMI) 946.2

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate

This discharge shall consist solely of those sources monitored at internal monitoring points 111 and 211 and yard storm water runoff. See Condition C-21.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

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Permit PA00256151. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 111 WHICH RECEIVES WASTE FROM:
Diesel generator building oil/water separator drain (OWS #22)

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		1/week	grab
Oil and Grease			15	20		1/week	grab
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at the discharge pipe.

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 211 WHICH RECEIVES WASTE FROM:
Turbine building oil/water separator drain (OWS #23):

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		1/week	grab
Oil and Grease			15	20		1/week	grab
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at the discharge pipe

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 012 WHICH RECEIVES WASTE FROM:

Blowdown from the HVAC unit serving the emergency response facility and storm water runoff

at Latitude 40° 37' 25"

Longitude 80° 25' 47"

Stream Code 33515

River Mile Index (RMI) 0.1

- a. The permittee is authorized to discharge during the period from amendment issued date through two years after permit amendment issued date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/month	estimate
Total Dissolved Solids	Monitor and Report					2/month	grab
Zinc	Monitor and Report					2/month	grab
Copper	Monitor and Report					2/month	grab

The permittee is prohibited from adding chlorine, or chromium and zinc compounds to the cooling water unless the permittee obtains permission from the Department. See Conditions C-20 and C-21.

pH not less than 6.0 nor greater than 9.0 standard units 1/month grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: The blowdown valve above Manhole No. 012 on Outfall 012.

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 012 WHICH RECEIVES WASTE FROM:

Blowdown from the HVAC unit serving the emergency response facility and storm water runoff

at Latitude 40° 37' 25"

Longitude 80° 25' 47"

Stream Code 33515

River Mile Index (RMI) 0.1

- a. The permittee is authorized to discharge during the period from two years after permit amendment issued date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/month	estimate
Total Dissolved Solids	Monitor and Report					2/month	grab
Zinc	1.5 1.5					2/month	grab
Copper	Monitor and Report					2/month	grab
The permittee is prohibited from adding chlorine, or chromium and zinc compounds to the cooling water unless the permittee obtains permission from the Department. See Conditions C-20 and C-21.							
pH	not less than 6.0 nor greater than 9.0 standard units					1/month	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: The blowdown valve above Manhole No. 012 on Outfall 012.

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 113 WHICH RECEIVES WASTE FROM:

The sewage treatment plant serving Unit #2 and handling sanitary wastes

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	0.043					1/week	measured
CBOD-5 Day			25	50		2/month	8 hr. comp.
Suspended Solids			30	60		2/month	8 hr. comp.
Total Residual Chlorine			1.4		3.3	2/month	grab
% Removal (BOD-5 Day & SS)	refer to Part C						
Fecal Coliform Organisms	refer to Part C for effective disinfection					2/month	grab
pH	not less than 6.0 nor greater than 9.0 standard units					2/month	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Overflow from the chlorine contact tank prior to mixing with any other water

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 213 WHICH RECEIVES WASTE FROM:

Unit #2 cooling tower pumphouse floor and equipment drains

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING* REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		2/month	grab
Oil and Grease			15	20		2/month	grab
TRC			0.5		1.25	2/month	grab
*The monitoring of this discharge is not required when effluent from the Unit No. 2 cooling tower pumphouse floor and equipment drains is being recycled to the Unit No. 2 water recirculation system.							
pH	not less than 6.0 nor greater than 9.0 standard units					2/month	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Discharge from the pumphouse prior to mixing with any other water

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 313 WHICH RECEIVES WASTE FROM:
Turbine building oil/water separator drain (OWS #21)

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					1/week	estimate
Suspended Solids			30	100		1/week	grab
Oil and Grease			15	20		1/week	grab
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Discharge from OWS #21 prior to mixing with any other water

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR INTERNAL OUTFALL 413 WHICH RECEIVES WASTE FROM:
Bulk fuel storage oil/water separator drain (OWS #24)

- a. The permittee is authorized to discharge during the period from issued date through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					2/month	estimate
Suspended Solids			30	100		1/week	grab
Oil and Grease			15	20		1/week	grab
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Discharge from OWS #24 prior to mixing with any other water

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1. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 013 WHICH RECEIVES WASTE FROM:

See below*

at Latitude 40° 37' 25" Longitude 80° 25' 47" Stream Code 33515 River Mile Index (RMI) 0.1

- a. The permittee is authorized to discharge during the period from issued date through three years after permit issuance.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units (lbs/day except flow)		Concentrations (mg/l unless otherwise indicated)			Measurement Frequency	Sample Type
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					2/month	estimate
Copper**	Monitor and Report					2/month	grab
Chlorobenzene	Monitor and Report					2/quarter	grab
Cyanide, tot	Monitor and Report					2/month	grab
<p>*This discharge shall consist solely of uncontaminated storm water runoff and the sources monitored at 113, 213, 313, and 413.</p> <p>**See Condition C-25 See Conditions C-16, C-20 and C-21</p>							
pH	not less than 6.0 nor greater than 9.0 standard units					1/week	grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: This outfall is inaccessible. The permittee shall sample IMPs 113-413 for these parameters using a flow weighted composite (Copper, Cyanide-Total, Chlorobenzene and pH).

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1. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 013 WHICH RECEIVES WASTE FROM:

See below*

at Latitude 40° 37' 25" Longitude 80° 25' 47" Stream Code 33515 River Mile Index (RMI) 0.1

- a. The permittee is authorized to discharge during the period from three years after the permit issuance through expiration date.
- b. Based on the production data and/or anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply. Total (dissolved plus suspended fraction) is implied for each parameter unless otherwise indicated.

Discharge Parameter	DISCHARGE LIMITATIONS (gross unless otherwise indicated)					MONITORING REQUIREMENTS	
	Mass Units		Concentrations			Measurement Frequency	Sample Type
	(lbs/day except flow)		(mg/l unless otherwise indicated)				
	Average Monthly	Max. Daily	Average Monthly	Max. Daily	Instant. Max.		
Flow (mgd)	Monitor and Report					2/month	estimate
Copper			0.05	0.1	0.125	2/month	24 hr. comp.
Chlorobenzene			Monitor and Report			2/month	24 hr. comp.
Cyanide, Total			Monitor and Report			2/month	24 hr. comp.

*This discharge shall consist solely of uncontaminated storm water runoff and those sources monitored at 113, 213, 313 and 413.

See Conditions C-16

pH	not less than 6.0 nor greater than 9.0 standard units	1/week	grab
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There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: This outfall is inaccessible. The permittee shall sample IMPs 113-413 for these parameters using a flow weighted composite (Copper, Cyanide-Total, and pH). To calculate the 24 hr. composite for chlorobenzene, the permittee shall collect a series of grab samples for the composite.

DEFINITIONS

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- c. "Daily discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- d. "Average" refers to the use of an arithmetic mean, unless otherwise specified in this permit.
- e. "Geometric average (mean)" means the average of a set of n sample results given by the n^{th} root of their product.
- f. "Average monthly discharge limitation" means the highest allowable average of "daily discharge" over a calendar month, calculated as the sum of all "daily discharge" measured during a calendar month divided by the number of "daily discharge" measured during that month.
- g. "Average weekly discharge limitation" means the highest allowable average of "daily discharge" over a calendar week, calculated as the sum of all "daily discharge" measured during a calendar week divided by the number of "daily discharge" measured during that week.
- h. "Maximum daily discharge limitation" means the highest allowable "daily-discharge."
- i. "Maximum any time" (or instantaneous maximum) means the concentration not to be exceeded at any time in any grab sample.
- j. "Composite sample" (for all except GC/MS volatile organic analysis) means a combination of at least 8 individual samples of at least 100 milliliters collected manually or automatically at periodic intervals during the operating hours of a facility over a 24 hour period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.

"Composite sample for GC/MS volatile organic analysis" consists of at least four (rather than eight) aliquots or grab samples collected during actual hours of discharge over a 24 hour period and need not be flow proportioned. The four samples are composited in the laboratory immediately before analysis, and only one analysis performed.

The maximum time period between individual samples used for any "composite sample" shall not exceed two hours, except that for wastes of a uniform nature the samples may be collected on a frequency of at least twice per working shift and shall be equally spaced over a 24-hour period (or over the operating day if flows are of a shorter duration).

12/11/01

- k. "Grab sample" means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not to exceed 15 minutes.
- l. "i-s" means immersion stabilization - in which a calibrated device is immersed in the wastewater until the reading is stabilized.
- m. "Daily average temperature" means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.
- n. "Measured flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- o. "At outfall XXX" means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line XXX, or where otherwise specified.
- p. "Estimated flow" means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.
- q. "Non-contact cooling water" means water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

Such water may on occasion, as a result of corrosion, cooling system leakage or similar cooling system failures contain small amounts of process chemicals: provided, that all reasonable measures have been taken to prevent, reduce, eliminate and control to the maximum extent feasible such contamination: and provided further, that all reasonable measures have been taken that will mitigate the effects of such contamination once it has occurred.

- r. "Toxic pollutant" means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of the United States Environmental Protection Agency, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organisms or their offspring.
- s. "Hazardous substance" means any substance designated under Title 40 Code of Federal Regulations Part 116 (40 CFR 116) pursuant to Section 311 of the Clean Water Act.
- t. "Publicly Owned Treatment Works" or "POTW" means a facility as defined by Section 212 of the Clean Water Act which is owned by a State or Municipality, as defined by Section 502(4) of the Clean Water Act, including any sewers that convey wastewater to such a treatment works, but not including pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in Section 502(4) of the Clean Water Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Industrial User means an establishment which discharges or introduces industrial wastes into a Publicly Owned Treatment Works (POTW).

"Total Dissolved Solids" means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.

- 1. **"Storm water associated with industrial activity"** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas as defined at 40 CFR 122.26(b)(14).
- 2. **"Storm water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 3. **"Best Management Practices ("BMPs")"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "Waters of the United States". BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

SELF-MONITORING, REPORTING, AND RECORDS KEEPING

a. Representative Sampling

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

- (2) Records Retention

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for three (3) years from the date of the sample measurement, report, or application. The three year period shall be extended as requested by the Department or the EPA Regional Administrator.

- (3) Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- (i) The exact place, date, and time of sampling or measurements;
- (ii) The person(s) who performed the sampling or measurements;
- (iii) The date(s) the analyses were performed;
- (iv) The person(s) who performed the analyses;

- (v) The analytical techniques or methods used; and the associated detection level; and
- (vi) The results of such analyses.

(4) Test Procedures

Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those contained in 40 CFR 136 (or in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR 503), or alternate test procedures approved pursuant to those parts, unless other test procedures have been specified in the permit.

(5) Quality Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- (a) Permittee or its designated laboratory shall participate in the periodic scheduled quality assurance inspections conducted by the Department and EPA.
- (b) The permittee or its designated laboratory shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit in accordance with 40 CFR 136, Appendix A

Reporting of Monitoring Results

- (1) The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit.
- (2) Unless instructed otherwise in Part C of this permit, monitoring results obtained each month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR).
- (3) The completed DMR Form shall be signed and certified either by the following applicable person (as defined in 40 CFR 122.22(a)) or by that person's duly authorized representative (as defined in 40 CFR 122.22(b)):
 - For a corporation - by a responsible corporate officer
 - For a Partnership or Sole Proprietorship - by a general partner or the proprietor, respectively
 - For a Municipality, State, Federal or other public agency - by a principle executive officer or ranking elected official.

If signed by other than the above, written notification of delegation of DMR signatory authority must be submitted to the Department. The DMR and any other reports required herein shall be submitted to the appropriate agency at the address listed in Part C of this permit and postmarked no later than the 28th day of the following month.

- (4) If the permittee monitors any pollutant, using analytical methods described in A.3.a(4) above, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR.

Reporting Requirements

(1) **Planned Changes** - The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
- (c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(2) **Anticipated Non-Compliance**

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) **Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(4) **Twenty-Four Hour Reporting**

- (a) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (b) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (i) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (ii) Any catastrophic event which causes the discharge to exceed effluent limitations in this permit.
 - (iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

- (c) The Department may waive the written report on a case-by-case basis for reports under paragraph c (4)(a) of this section if the oral report has been received within 24 hours.

(5) Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraphs c (3), (4) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph c (4) of this section.

Compliance with reporting requirements under A.3.c. above shall not excuse a person from immediate notification of incidents causing or threatening pollution pursuant to 25 Pa. Code, Chapter 91.33.

d. Specific Toxic Substance Notification Levels (for Manufacturing, Commercial, Mining, and Silvicultural Dischargers) The permittee shall notify the Department as soon as it knows or has reason to believe the following:

- (1) That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels".
 - (a) One hundred micrograms per liter.
 - (b) Two hundred micrograms per liter for acrolein and acrylonitrile.
 - (c) Five hundred micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol.
 - (d) One milligram per liter for antimony.
 - (e) Five (5) times the maximum concentration value reported for that pollutant in the permit application.
 - (f) Any other notification level established by the Department.
- (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (a) Five hundred micrograms per liter;
 - (b) One milligram per liter for antimony;
 - (c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application;
 - (d) Any other notification level established by the Department.

MANAGEMENT REQUIREMENTS**a. Compliance Schedules**

- (1) The permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in Part C of this permit.
- (2) The permittee shall submit reports of compliance or noncompliance with, or progress reports as applicable, any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline.

b. Permit Modification, Termination, or Revocation and Reissuance

- (1) This permit may be modified, terminated, or revoked in whole or in part during its term for cause including, but not limited to, any of the causes specified in 25 Pa. Code, Chapter 92.
- (2) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
- (3) In the absence of a Departmental action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions.

c. Duty to Provide Information

- (1) The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
- (2) The permittee shall furnish to the Department, upon request, copies of records required to be kept by this permit.
- (3) Other Information - 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, it shall promptly submit such facts or information to the Department.
- (4) Where the permittee is a POTW, the permittee shall provide adequate notice to the Department of the following:
 - (a) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were otherwise discharging those pollutants.
 - (b) Any substantial change in the volume or character of pollutants being introduced into the POTW by an Industrial User which was discharging into the POTW at the time of issuance of this permit.

(c) Adequate notice shall include information on:

- (i) the quality and quantity of the effluent introduced into the POTW, and
- (ii) any anticipated impact of the change on the quantity or quality of the effluent to be discharged from the POTW.

The submission of the above information in the POTW's Annual Wasteload Management Report, required under the provisions of 25 Pa. Code Chapter 94, will normally be considered as providing adequate notice to the Department, unless a more stringent time period is required by law, regulation, or permit condition in which case the more stringent submission date shall apply.

- (d) The identity of Industrial Users served by the POTW which are subject to pretreatment standards adopted under Section 307(b) of the Clean Water Act; the POTW shall also specify the total volume of discharge and estimated concentration of each pollutant discharged into the POTW by the Industrial Users.
- (e) The POTW shall require all Industrial Users to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act and any regulations adopted thereunder, and the Clean Streams Law and any regulations adopted thereunder.

d. Facilities Operation

The permittee shall at all times maintain in good working order and properly operate and maintain all facilities and systems which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems which are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit.

The permittee shall develop, install, and maintain Best Management Practices to control or abate the discharge of pollutants when the practices are reasonably necessary to achieve the effluent limitations and standards in this permit or to carry out the purposes and intent of the Clean Water Act, or when required to do so by the Department.

e. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

f. Bypassing

- (1) Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be violated, but only if the bypass is essential for maintenance to assure efficient operation. This type of bypassing is not subject to the reporting and notification requirements of Part A.3.c.

(2) Other Bypassing - In all other situations bypassing is prohibited unless all of the following conditions are met:

- (a) A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage";
- (b) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods 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 which occurred during normal periods of equipment downtime or preventive maintenance;
- (c) The permittee submitted the necessary reports required under Part A.3.c.

(3) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions (a through c) listed above.

2. PENALTIES AND LIABILITY

a. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative, and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality who violates any provision of this permit, any rule, regulation, or order of the Department, or any condition or limitation of any permit issued pursuant to the Clean Streams Law is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

b. Falsifying Information

Any person who does any of the following:

Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit; or

Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or non-compliance);

shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 P.S. §4904 and 40 CFR 122.41(j)(5) and (k)(2).

c. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

d. Enforcement Proceedings

- (1) It shall not be a defense for the 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 this permit.

3. **OTHER RESPONSIBILITIES**

a. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law and 25 Pa. Code, Chapter 92, the permittee shall allow the head of the Department, the EPA Regional Administrator, and/or their authorized representatives, upon the presentation of credentials and other documents as may be required by law:

- (1) To 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 this permit;
- (2) To have access to and copy at reasonable times any records that must be kept under the conditions of this permit;
- (3) To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;
- (4) To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

b. Transfer of Permits

- (1) *Transfers by modification.* Except as provided in paragraph (2) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
- (2) *Automatic transfers.* As an alternative to transfers under paragraph (1) of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - (a) The current permittee notifies the Department, at least 30 days in advance, of the proposed transfer date in paragraph (2)(b) of this section;

- (b) The notice includes the appropriate Department transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - (c) The Department does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (2)(b) of this section.
- (3) In the event the Department does not approve transfer of the permit, the new owner or controller must submit a new permit application.

c. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

d. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

OTHER REQUIREMENTS

1. In accordance with Part A.3.b of this permit, the permittee shall submit a copy of the reports to each of the following:

Department of Environmental Protection
Water Management
400 Waterfront Drive
Pittsburgh, PA 15222-4745

U.S. EPA - Region III
NPDES Discharge Monitoring Reports (3WP31)
1650 Arch Street
Philadelphia, PA 19103-2029

For Outfall 203, effective disinfection to control disease producing organisms shall be the production of an effluent which will contain a concentration of fecal coliform organisms not greater than

- a. 200/100 ml as a monthly geometric mean, nor greater than 1000/100 ml in more than ten percent of the samples examined during any month from May through September inclusive.
 - b. 2000/100 ml as a monthly geometric mean based on five consecutive samples collected on different days during any month from October through April inclusive.
3. For Outfall 113, effective disinfection to control disease producing organisms shall be the production of an effluent which will contain a concentration of fecal coliform organisms not greater than
 - a. 200/100 ml as a monthly geometric mean of all values for effluent samples collected during any one of the months from May through October inclusive, nor exceed 400/100 ml in more than ten percent of the samples during any one of the months.
 - b. 2000/100 ml as a monthly geometric mean of all values for effluent samples collected during any month from November through April inclusive.

4. In no case shall the arithmetic means of the effluent values of the biochemical oxygen demand (BOD-5 Day) and suspended solids discharged during a period of 30 consecutive days exceed 15 percent of respective arithmetic means of the influent values for those parameters during the same time period except as specifically authorized by the Department.
5. There shall be no net addition of pollutants to non-contact cooling water over intake values except for heat and water conditioning additives for which complete information was submitted in the application or is required to be submitted as a condition of this permit.
6. There shall be no discharge of polychlorinated byphenyl (PCB) compounds such as those commonly used for transformer fluid.
7. In cooling tower blowdown there shall be no detectable amount of the 126 priority pollutants from chemicals added for cooling tower maintenance. The 126 priority pollutants are listed at 40 CFR 423 - Appendix A, and "no detectable amount" means that the pollutants are not detectable by the analytical methods at 40 CFR 136.
8. Neither free available chlorine nor total residual chlorine may be discharged from any generating unit for more than two hours in any one day and nor more than one generating unit in any plant may discharge free available or total residual chlorine at any one time unless the permittee can demonstrate to the Department that the units in a particular location cannot operate at or below this level of chlorination.
9. Waterborne releases of radioactive material to unrestricted areas shall conform to criteria set forth in Title 10 Code of Federal Regulations part 50 Appendix I - Numerical guides for Design Objectives and Limiting Conditions For Operation To Meet The Criterion "As Low As Is Reasonably Achievable" For Radioactive Material In Light-Water-Cooled Nuclear Reactor Effluents, as implemented through the Environmental Technical Specifications for the Facility. The facility operator shall provide the Department with copies of reports specifying the quantities of radioactive materials released to unrestricted areas in liquid/gaseous effluents. The facility operator shall provide the Department with copies of reports of the results of environmental surveillance activities and other such reports as necessary for the estimation of the dose consequential to facility operation. The above reports are to be forwarded to the following addresses:

Pennsylvania Department of Environmental Protection
Bureau of Radiation Protection and Toxicology
PO Box 2063
Harrisburg, PA 17120
10. The discharge may not change the temperature of the receiving stream by more than 2°F in any one hour period.

11. Usage rates of any chemical additives used at this facility that may be discharged and blow-down rates shall be controlled by the permittee to prevent any impairments to receiving water uses and/or effluent limit violations. Chemical additives include, but are not limited to, any chemicals added to water for control of corrosion, scaling, algae, slime or fouling in cooling, boiler, or process water systems. Chemical additives also include, but are not limited to agents used to aid in treatment such as water softeners, flocculants, coagulants, emulsion breakers, anti-foaming agents, dispersants, oxygen scavengers, pH stabilizers, and regenerants. Usage rates shall be limited to the minimum amount necessary to accomplish the intended purpose of the chemical addition.

Accurate and complete records of chemical usage and discharge volumes must be maintained and summarized on a monthly basis using the attached form and kept on-site by the permittee. These records must be produced upon request by the Department. The "allowable usage rate" is the rate specified in the information submitted as required below unless notified otherwise by the Department.

The information described below must be submitted within ninety (90) days of the effective date of this permit (with 2 copies) for all chemical additives currently in use at this facility, unless the specific chemical additive has already been approved in writing by the Department.

- a. Trade name of the additive.
- b. Name, address and phone number of the chemical additive manufacturer.
- c. A list of all the active and inactive ingredients.
- d. The additive usage rate (in lb/day or gal/day).
- e. The conditioned water discharge rate (MGD).
- f. The "in-system" concentration of whole product which the usage rate in item d. above will produce (mg/l). Include the product density (lb/gal) for liquids used to convert usage rate (gal/day) to concentration (mg/l).
- g. Any available data regarding in-system degradation or decomposition of the additive and any other data or information that would be helpful to the Department in completing its review.
- h. The expected concentration of the product at the final outfall.
- i. The analytical test method that could be used to verify final outfall concentrations and the associated minimum analytical detection level.

- j. A flow diagram showing the point of chemical addition and the affected outfalls.
- k. 96 hour - LC50 bioassay data on the whole product for at least one species of freshwater fish (mg/l).
- l. The MSDS and any mammalian toxicity data that is available for the whole product.

If the additive is currently in use at the facility, it may continue to be used at the maximum rate reported pursuant to item d. above unless the permittee is notified otherwise.

Whenever a change in chemical additives or an increase in usage rates is desired by the permittee, a complete written notification shall be submitted at least sixty (60) days prior to the proposed use of the chemical. This notification, at a minimum shall include the information outlined above. If the information is complete, and its use is not specifically denied, use of the proposed chemical additive is allowed 60 days after notification. The usage rate shall not exceed the maximum rate reported pursuant to item d. above.

Use of additives that contain one or more ingredients that are carcinogens are generally prohibited, and should be substituted with alternative products. If no alternatives are available, the permittee must submit written documentation with the information required above that no alternatives are available and that the carcinogen involved will be "not detectable" in the final effluent using the most sensitive analytical method available.

Based on the information submitted, the Department will determine if any effluent limitations or other restrictions are necessary to protect water quality standards for aquatic life or human health. The permittee is responsible for preventing impairments to receiving water uses independent of the Department's review of this material.

12. Total Residual Chlorine (TRC)

A. Chlorine Minimization

The permittee will ensure that applied chlorine dosages, used for disinfection or other purposes, are optimized to the degree necessary such that the total residual chlorine in the discharge does not cause an adverse stream impact. In doing so, the permittee shall consider relevant factors affecting chlorine dosage, such as wastewater characteristics, mixing and contact times, desired result of chlorination, and expected impact on the receiving water body.

To reduce or eliminate the amount of chlorine discharged into water bodies, the permittee must: (1) improve/adjust process controls and (2) improve operation/maintenance practices.

B. Site-Specific Data Collection

The permittee may choose to conduct studies to collect site-specific data to determine in-stream chlorine demand and/or discharge mixing characteristics to refine the final water quality-based TRC effluent limitations. The permittee waives the right to conduct such studies if the intent is not conveyed in writing to the Department within sixty (60) days of the permit effective date (PED).

The studies must be conducted in accordance with the Department's document titled "Discharger Determination of Site-Specific Chlorine Demand". Within eighteen (18) months of the PED, the study results must be submitted to the Department for use in reevaluating the effluent limitations. The final water quality-based effluent limitations for TRC in Part A of this permit may be adjusted and superseded by the Department on the basis of the reevaluation.

13. If the continuous recorder to measure free available chlorine is inoperable, the permittee shall measure free available chlorine two times per day using grab samples at Outfall 001. The monitoring is to be conducted during chlorination. This condition is applicable only if all reasonable measures to repair or replace the recorder are being taken.
14. The permittee is authorized to use chemical additives, subject to the following conditions:
- A. No chemical addition for control of corrosion, scaling, algae, slime or fouling shall be made to the cooling or boiler water system which has a discharge covered by this permit, without prior written approval by the Department.
- B. The additives and usage rate currently approved are the following:

<u>Name</u>	<u>Usage Rate (lbs/day)</u>
Hydrazine (35%)	1-20 gallons/day/unit

The permittee is authorized to use a 30% solution of hydrogen peroxide or equivalent amounts of sodium hypochlorite at Outfalls 101 and 403 to oxidize unreacted Hydrazine in the wet layup from the Unit 1 and Unit 2 secondary systems, provided compliance with pH limitations is maintained.

15. **Asiatic Clam Control**

The permittee is authorized to add 7,000 pounds per day of Betz Clamtrol (CT-1) and 21,000 pounds per day of Betz DT-1 (bentonite clay) for a period not to exceed 24 hours on an as-needed basis. These are maximum useage rates and efforts are to be made to minimize the addition of these chemicals. Simultaneous multi unit dosing is prohibited.

Effluent limitations and monitoring requirements have been placed on Outfalls 001, 403 and 010. If any other outfall is affected, the CT-1 concentration is not to be detectable and the DT-1 concentration shall not exceed 35 mg/l (maximum daily). The amount of DT-1 in any discharge is to be estimated using the feed rate and discharge flow rate.

The permittee will ensure that all Clamtrol effluent is detoxified prior to discharge. If the product exhibits toxicity or impairment to the receiving stream's aquatic life, use is to be terminated immediately.

The permittee shall submit advanced (14 days) written notice of any large system dosings. Reports with the conclusions of large system dosings shall be submitted 120 days after dosing.

Clamtrol may also be used to treat small subsystems of the plant without detoxifying with clay. Quarterly reports on the amount of Clamtrol used, dates and times of product addition shall be recorded and submitted to the Department.

16. Within 30 days from the permit amendment date, the permittee shall post a warning sign at or near Outfall 013 that reads "Caution! Heated Discharge."
17. The permittee shall implement Best Management Practices to minimize the amount of deionized water storage tank drainage discharged through the storm water drains via Outfall 003.
18. Storm Water Discharges
 - A. Except as provided in Section B of this condition, all storm water discharges shall be composed entirely of uncontaminated storm water.
 - B. The following non-storm water discharges are authorized provided the non-storm water component of the discharge is in compliance with Section C of this condition: discharges from firefighting activities, fire hydrant flushings, potable water sources including waterline flushings, irrigation drainage, lawn watering, routine external building washdown which does not use detergents or other compounds, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used, air conditioning condensate, springs, uncontaminated ground water, and foundation or footing drains where flows are not contaminated with process materials such as solvents.
 - C. This permit does not authorize any discharge (storm water or non-storm water) which contains any pollutant that may cause or contribute to an impact on aquatic life or pose a substantial hazard to human health or the environment due to its quantity or concentration.
 - D. This permit does not authorize the discharge of any pollutant resulting from an on-site spill, any such occurrence is subject to Sections A.3.c or d of this permit.

E. Preparedness, Prevention and Contingency Plans (PPC)

1. Operators of facilities shall review and revise as appropriate the PPC Plan for the site in accordance with 25 Pa. Code, Chapter 91, Section 91.34 to address storm water. The PPC Plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the facility. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor storage activities, outdoor manufacturing or processing activities, significant dust or particulate generating process, and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. In addition, the PPC Plan shall describe the implementation of practices which are to be used to reduce the pollutants in storm water discharges ensuring compliance with the terms and conditions of this permit.
2. Facilities subject to SARA Title III, Section 313 reporting requirements for releases of Section 313 water priority chemicals that have occurred within the last three years shall include a description of such releases in the PPC Plan.
3. Qualified personnel shall conduct site compliance evaluations at least once a year. A report summarizing the evaluation and any required follow-up actions shall be prepared and kept on-site. Such evaluations shall include the items in 3.a of this condition.
 - a. Areas contributing to a storm water discharge shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly.
 - b. Based on the results of the inspection, the description of potential pollutant sources and pollution prevention measures and controls identified in the PPC Plan shall be revised as appropriate and shall provide for implementation of any changes to the plan in a timely manner.

F. Sampling Requirements

Storm water samples are required by Part C of this permit Condition C-21. They shall be collected as a grab sample during the first 30 minutes of the discharge or as soon thereafter as practicable. Analytical results of the sampling event shall be summarized on the attached Discharge Monitoring Reports (DMR) and submitted to the Department. If it is not practicable to collect samples due to adverse climatic conditions, or other circumstances beyond the permittee's control, the discharger must submit an explanation with the DMR as to exactly why the samples could not be collected.

19. In order to demonstrate that Chromium and Zinc are not added for cooling tower maintenance, the permittee shall sample (grab) Outfalls 001, 004 and 012 twice per year in the same calendar month. The results of the sampling shall be summarized and submitted as an attachment to the next Discharge Monitoring Report Form.
20. For the pollutants listed at the outfalls below, the permittee shall survey the plant to identify the sources of the pollutants and submit a Pollutant Reduction Report to the Department by December 31, 2002. In the report the permittee shall describe the survey conducted and identify the sources of the pollutants. If the report determines that the permittee is the source of the pollutant(s) in the discharges, the permittee shall: (a) describe those measures that were tried after issuance of this permit and their effectiveness in meeting the discharge limitations and/or eliminating or reducing the pollutants; and (b) describe and submit schedules for those measures that will be put into effect.

<u>Outfall</u>	<u>Pollutants</u>
012	TDS
013	Chlorobenzene, Cyanide, total

21. Storm Water Pollution Prevention Plan (SWPPP)

Within one (1) year from the permit issuance date, the permittee shall submit a Storm Water Pollution Prevention Plan (SWPPP) for Outfalls 003, 008, 011, 012, and 013. The SWPPP shall identify Best Management Practices (BMPs), housekeeping procedures, and control structures installed or implemented to reduce the amounts of pollutants in Outfalls 003, 008, 011, 012, and 013 storm water discharges.

The storm water component of Outfalls 012 and 013 shall be sampled and analyzed within the first full calendar quarter following the issuance of amendment No. 1 to the NPDES permit. The storm water samples shall be analyzed for the storm water parameters identified in the NPDES permit application and shall include, at a minimum, Oil and Grease, BOD, COD, TSS, TKN, Nitrate plus Nitrite Nitrogen, Total Phosphorus, pH, Antimony, Cyanide (free), Cyanide (total), TRC, FAC, Ammonia, Hydrazine, Copper, Zinc, Iron, and Chromium (total). The analytical results shall be reported to the Department within sixty days of sample collection on the NPDES permit application form.

The storm water component of Outfalls 001, 003, and 008 shall be monitored within the second full calendar quarter following the issuance of amendment No. 1 to the NPDES permit. The storm water samples shall be analyzed for the storm water parameters identified above. The analytical results shall be reported to the Department within sixty days of sample collection on the NPDES permit application form.

Beginning in the third full calendar quarter following the issuance of amendment No. 1 to the NPDES permit, and in every calendar quarter thereafter, the storm water components for Outfalls 001, 003 and 008 shall be monitored for iron and zinc. The sample results shall be reported to the Department on Discharge Monitoring Reports in accordance with Condition C-1 of this permit.

22. On or before December 31, 2002, the permittee shall sample all internal monitoring points and report the results to the Department in accordance with the NPDES permit application and for the pollutants listed in Groups 1-5 of the application.

The influent (1 sample) and effluent (3 samples) shall be collected and analyzed at the following internal monitoring points: 101, 103, 203, 303, 403, 111, 211, 113, 313, and 413.

The effluent (3 samples) shall be collected and analyzed at the following internal monitoring points: 301, 401, 102, and 213.

The sample results shall be reported to the Department on the NPDES application form within sixty days of sample collection.

23. All discharges of floating materials, oil, grease, scum and substances which produce tastes, color, odors, turbidity or settle to form deposits shall be controlled at levels which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.
24. Collected screenings, slurries, sludges and other solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapters 271, 273, 275, 283, and 285 (related to permits and requirements for landfilling, land application, incineration and storage of sewage sludge) Federal Regulations 40 CFR 257, and the Federal Clean Water Act and its amendments.

Sludges and other solids shall be handled and disposed of in compliance with the Solid Waste Management Act of 1980 (Act 97) and with 25 Pa. Code, Chapters 287, 291, and 299 (relating to residual waste generators) and 288 and 289 (relating to residual waste landfills and impoundments) and the Federal Clean Water Act and its amendments.

25. Toxics Reduction Evaluation (TRE)

A. Preliminary Water Quality Based Effluent Limitations (PWQBELS)

1. Based on the discharge and stream data currently available to the Department, the PWQBELS denoted with an asterisk (*) on page 2cc of 14 are necessary to protect the receiving stream uses designated in Chapter 93 of the Department's Rules and regulations. The Final WQBELS denoted with a double asterisk (**) were developed based on sufficient discharge and stream data, and further site-specific data collection is not necessary. Therefore Sections A.2, C.2 and C.3 below do not apply to the ** parameters.
2. Within 60 days of the permit effective date (PED), the permittee must submit notification to the Department verifying one of the following options has been selected:

- a. The permittee accepts the Department's modeling which was the basis for the PWQBEL's and will not proceed with the optional site-specific data collection activities described in C.2 and C.3 below. In this case, the PWQBELS on page 2cc of 14 will be considered final and enforceable within three years of PED as currently shown on page 2cc of 14, and should be used as the basis for Phase II of the TRE.

or

- b. The permittee agrees to conduct the optional site-specific discharge or stream data collection described in C.2 or C.3 below that would provide the Department with data for use in verifying and refining the PWQBELS. In this case, the PWQBELS on page 2cc of 14 would not go into effect until the Department modifies the permit. The permittee will be notified of the results of the Phase I review, at which time the permittee can proceed with Phase II.

If the permittee fails to select one of these options within 60 days of the PED, option "a" is selected by default.

3. In either case, the Permittee must conduct a TRE as outlined below. Phase I of the TRE has both required and optional components. The Department will review the Phase I report and may establish final WQBELS and compliance schedules through a permit modification. Any such permit modification shall be considered a formal permitting action by the Department. The permittee shall submit progress reports to the Department as shown on the TRE schedule below outlining the progress being made to achieve the final WQBELS and/or modify the PWQBELS.

B. TRE Submission Requirements

1. - The TRE shall be developed to:
 - a. confirm and quantify the presence of the pollutants in the discharge with PWQBELS.
 - b. verify or refine the modeling data and/or assumptions used to develop the PWQBELS.
 - c. identify sources of the pollutants with final WQBELS or PWQBELS.
 - d. recommend management practices, wastewater treatment technologies, or other control techniques to reduce or eliminate these pollutants.
2. A copy of the Department's "Guidelines for Conducting a Toxics Reduction Evaluation" is enclosed for your use. The TRE and associated reports shall be completed and submitted in accordance with the following schedule:

<u>Action</u>	<u>Date</u>
a. submit notification specified in A.2 above	within 60 days of PED
b. submit work plan for conducting Phase I	within 90 days of PED
c. start Phase I	within 120 days of PED
d. submit complete Phase I report (3 copies)	within 18 months of PED
e. start Phase II	within 30 days of notice from the Department to proceed with Phase II
f. submit complete Phase II report	within 180 days of notice to proceed with Phase II
g. progress reports	every three months starting 120 days after PED

C. Phase I

1. The permittee is required to submit Phase I of the TRE consisting of the following components:
 - a. influent and effluent quality review
 - b. source inventory and evaluation
 - c. source reduction evaluation
 - d. implementation of pollution prevention, sound housekeeping practices, and other management practices in accordance with 40 CFR 125 Subpart K.
2. The permittee has the option of providing all or some of the following site-specific data as part of Phase I for use in verifying and refining the PWQBELs:
 - discharge hardness
 - discharge pollutant concentration and variability
 - design discharge flow
 - discharge mixing characteristics
 - pollutant fate characteristics
 - stream width, depth and slope
 - stream velocity
 - ambient stream data for pollutants, pH, temperature
 - instream hardness
 - water intake quality and quantity
 - treatment plant influent pollutant concentrations
 - chemical translators
 - Water Effects Ratio (WER)

The permittee should contact the Department for guidance in determining which of the above data will have a significant impact on the PWQBELs and also for protocols on collecting and submitting the data. The Department will determine the adequacy of any site-specific data submitted and advise the permittee accordingly. If initial review of the submitted data suggests that additional data collection is necessary, the Department will so advise the permittee. The Department will notify the permittee what effect, if any, the data have on the PWQBELs using the procedure outlined in A.3 above.

3. Site-Specific Criteria

The PWQBELs for copper are necessary for the protection of aquatic life or human health. The permittee may request an opportunity to demonstrate alternative, site-specific criteria for these pollutants. The procedures for carrying out such demonstrations must receive written approval in advance by the Department and must be in accordance with the requirements of Section 93.8 of the Department's Rules and Regulations.

If the permittee chooses this option, requests for alternative, site-specific criteria must be submitted to the Department as part of the Phase I TRE report. Where the demonstration results in more stringent limitations than those previously established by the Department, the more stringent limitation will apply. Any less stringent limitations which are approved by the Department shall not violate any other applicable water criteria.

4. Alternative Site Specific Method Detection Limits (MDL)

In some cases, the PWQBEL may be less than the Method Detection Level (MDL) in the Department's Policy, 25 PA Code 16. In this event, the permittee has the option to demonstrate alternative, facility-specific MDLs to account for analytical matrix interference associated with the wastewater in question. The procedures for determining MDLs, published as Appendix B in 40 CFR 136 must be followed and complete documentation provided. The request for approval of

alternative facility-specific MDLs including all documentation required to support such a request must be submitted to the Department with the Phase I TRE report. The Department may grant a facility specific MDL by specifying "not detectable" as a WQBEL and including the numeric alternate MDL value for compliance purposes through the permit modification or renewal process.

D. Phase II

The permittee should not proceed with Phase II until notified by the Department to do so. Depending on the results of Phase I the PWQBELs may need to be modified or Phase II may not be necessary.

1. Source Reduction Evaluation

In addition to those items in C.1 above, as part of Phase II, the permittee must conduct source reduction evaluations including recycle, reuse, and process/chemical substitution. The intent of this portion of the TRE is to investigate and implement all low-cost, non-structural alternatives to reduce pollutants.

2. Final WQBEL Compliance Strategies and Schedule

A complete TRE report must consist of identification and assessment of all available pollution control options (Best Management Practices and/or treatment technologies and other structural alternatives) and their ability to comply with the PWQBELs and/or final WQBELs on page 2cc of 14 or other WQBELs identified in response to Phase I. The permittee must select a specific pollution control option that will achieve the applicable WQBELs and specify a schedule for the implementation of this option.

3. Section 95.4 Time Extension Requests

In some cases, the final WQBEL may not be technologically achievable using any combination of control options. In this event, the permittee has the option of requesting an extension of time to achieve the WQBEL, provided the permittee demonstrates eligibility for time extension under the requirements contained in 25 Pa. Code 95, Section 95.4 of the Department's Rules and Regulations. If the permittee elects to submit the 95.4 time extension request, the request must be submitted with Phase II of the TRE report. Forms are available from the Department to be used for any such requests.

FACT SHEET/STATEMENT OF BASIS

NPDES PA0025615

Prepared by: Kareen Milcic

Amendment No. 1

Date: November, 2002

Outfalls 001-013

Phone: 412-442-4000

(ES) First Energy Nuclear Operating Company

(MUN) Shippingport Borough

(AF) Beaver Valley Power Station

(CO) Beaver

The Department issued NPDES PA0025615 to First Energy Nuclear Operating Company (FENOC) on December 27, 2001. The permittee appealed the NPDES permit issuance objecting to the following:

- A. With regard to Outfalls 301 and 401, the Final Permit should expressly state that the monitoring and reporting requirements for these Outfalls are applicable only during times when the discharges are routed to Outfall 010 and are not applicable during times when the discharges are routed to the Unit No. 2 water re-circulation system.
- B. The Final Permit should not require FENOC to monitor and report analytical results for Phenols, Iron and Aluminum at Outfalls 001 and 004.
- C. The Final Permit should not require FENOC to monitor and report analytical results for Iron, Aluminum, Phenols, Nitrate-nitrite, and Phosphorus at Outfall 003.
- D. The Final Permit should not require FENOC to monitor and report analytical results for Ammonia, Total Iron, Aluminum, Manganese, Phenols, Zinc, and Color at Outfall 008.
- E. The Final Permit should not impose discharge limitations for Chromium and Zinc at Outfall 012.
- F. The Final Permit should not require FENOC to monitor and report analytical results for Total Dissolved Solids ("TDS") and Copper at Outfall 012.
- G. With regard to Outfall 213, the Final Permit should expressly state that the monitoring and reporting requirements for this Outfall are applicable only during times when the discharge is routed to Outfall 013 and are not applicable during times when the discharge is routed to the Unit No. 2 water re-circulation system.
- H. The Final Permit should not impose monitoring or discharge limitations for Copper at Outfall 013.

FACT SHEET/STATEMENT OF BASIS

NPDES PA0025615

(ES) First Energy Nuclear Operating Company

(MUN) Shippingport Borough

(AF) Beaver Valley Power Station

(CO) Beaver

- I. Alternatively, the Final Permit should provide a five-year compliance schedule for FENOC to comply with the Copper limitation at Outfall 013 within which FENOC should have the express option to conduct a dissolved metals translator to determine the appropriate Total Recoverable Copper limitation for Outfall 013.**
- J. The Final Permit should not impose monitoring requirements for Chlorobenzene at Outfall 013.**
- K. The Final Permit should not impose monitoring requirements for Total Cyanide at Outfall 013.**
- L. The Final Permit should not impose Total Residual Chlorine ("TRC") and Temperature limitations at Outfall 013.**
- M. The Final Permit should not impose weekly interim monitoring requirements at Outfall 013 for Flow, Copper, and Temperature, and the Final Permit should not impose semi-monthly monitoring requirements for Total Cyanide.**
- N. The Final Permit should not impose weekly final monitoring requirements at Outfall 013 for Flow, TRC, Copper, Chlorobenzene, Total Cyanide, Temperature, and pH.**
- O. Paragraph 16 of Part C of the Final Permit should not impose monitoring, reporting, and investigation requirements at Outfalls 001, 003, 004, 008, and at the intake for parameters such as Phenols, Iron, Aluminum, Manganese, and pH.**
- P. Paragraph 20 of Part C of the Final Permit should not require FENOC to conduct a Pollution Reduction Survey and Report regarding sources of Phenols at Outfalls 001, 003, 004, 008, 011, and 013 and sources of Chlorobenzene and Total Cyanide at Outfall 013.**
- Q. Paragraph 21 of Part C of the Final Permit should not require monitoring of storm water for Iron and Zinc and should not impose the specific demonstration regarding storm water quality.**
- R. Paragraph 22 of Part C of the Final Permit should not require FENOC to conduct sampling and analysis of all internal monitoring points for Groups 1-5 of the Application.**
- S. Paragraph 25 of Part C of the Final Permit should not require FENOC to conduct a Toxics Reduction Evaluation.**

The Department and FENOC have met on several occasions and have participated on several conference calls to resolve the NPDES permit appeal. As a result, the Department and FENOC will enter into a Consent Order and Agreement, resolving the NPDES permit appeal. The Department will also amend the NPDES permit incorporating the following into Amendment #1:

FACT SHEET/STATEMENT OF BASIS

NPDES PA0025615

(ES) First Energy Nuclear Operating Company

(MUN) Shippingport Borough

(AF) Beaver Valley Power Station

(CO) Beaver

- A. The permittee agrees to monitor IMP301 and 401, regardless of whether these discharges are recycled into the Unit #2 recirculation system. As requested by FENOC during the pendency of the administrative appeal, the permit will be modified to allow the permittee to route IMP301 to IMP401. When IMP301 is directed to IMP401, the permittee shall provide that information on the Discharge Monitoring Report Form.
- B-D. In the Consent Order and Agreement which settled the administrative appeal, the permittee agreed to conduct influent/effluent monitoring to demonstrate that there is no net addition of pollutants to these discharges (Outfalls 001, 003 and 008). This obligation will be removed from the permit and placed in the Consent Order and Agreement.
- E. The limit for zinc was based on a single sample analysis. Nevertheless, the permittee agreed to the imposition of a final water quality based effluent limitation for zinc at Outfall 012 but needed a limited amount of time to further assess the quality of the discharge and if necessary, plan for and construct additional treatment facilities. This is a cooling tower blowdown from the HVAC system for the emergency response building. The chromium limit is deleted from the permit. Unlike zinc, there were low levels of chromium in this discharge.
- F. The permittee agreed to monitor and report TDS and Copper in the discharge at Outfall 012. This outfall is subject to the pollutant reduction report condition of the permit (Condition C-20).
- G. The permittee agreed that the monitoring of IMP213 is not required when effluent from the Unit No. 2 cooling tower pump house floor and equipment drains is being recycled to the Unit No. 2 water circulation system. This language has been added to the permit amendment.
- H-I. The permittee agreed to the Copper limit at Outfall 013 and the compliance schedule incorporated into the existing TRE provision of the NPDES permit. The permittee's request for an extensive compliance schedule cannot be incorporated into the permit. This is contrary to federal and state regulatory requirements.
- J-K. The permittee agreed to the monitoring requirements for Chlorobenzene and Cyanide at Outfall 013.
- L. The TRC limit at Outfall 013 is deleted from the permit. Through the course of the negotiations, the permittee identified IMP213 as a chlorinated discharge. In accordance with the Department's regulations, a BAT limit of 0.5 mg/l (monthly average) and 1.25 mg/l (instantaneous maximum) will be imposed at IMP213. The TRC limits at IMPs 113 and 213 are protective of water quality.

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The temperature limit at Outfall 013 has been deleted from the permit. The permittee shall install a sign warning "CAUTION - HEATED DISCHARGE!"

M-N. The Department has modified the monitoring requirements at Outfall 013.

O. Condition C-16 is deleted from the permit and replaced with a condition requiring the posting of the sign referenced in Paragraph L above.

P. Condition C-20 (Pollutant Reduction Report) is modified. Outfalls 012 and 013 are subject to this condition. The report shall be submitted by December 31, 2002.

Q. The permittee has agreed to provide additional storm water samples for those outfalls previously identified as inaccessible. The permittee has also agreed to ongoing monitoring of the storm water contributions to Outfalls 001, 003, and 008. Condition C-21 of the permit has been modified. The modified condition also allows additional time to collect the routine storm water samples in the event that they cannot be collected during the first 30 minutes of a storm event.

The modified condition also allows the permittee to sample, during the first calendar quarter after the permit is amended, Outfalls 012 and 013 which are parking lot drains. The Department will then determine based upon the analytical results if additional monitoring is necessary.

R. The permittee agreed to sample and analyze all internal monitoring points. For those IMPs where treatment facilities exist, one (1) influent and three (3) effluent samples will be collected. At all other IMPs, three (3) effluent samples will be collected. Condition C-22 of the permit has been modified, accordingly. The modification of this condition also allows additional time to collect this data. The Department and FENOC agreed, at the time the appeal was filed, to delay the imposition of the deadline pending resolution of the appeal.

S. Since the permittee has agreed to final water quality based effluent limits, the TRE Condition (C-25) will remain in the permit.

In addition to those changes outlined above, the permittee has requested that IMP110 be deleted from the permit. The permit is modified in response to this request.

ADDENDUM TO FACT SHEET/STATEMENT OF BASIS

On December 10, 2002, the Department and First Energy Nuclear Operating company (FENOC) entered into a Consent Order and Agreement, resolving the NPDES permit appeal and requiring the Department to amend the NPDES permit in accordance with the CO&A. The Department published the draft

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NPDES permit in the PA Bulletin. Both the permittee and the EPA commented on the proposed draft amendment. The Department offers the following responses:

By letter dated January 31, 2003, the following comments were offered on behalf of FENOC. Included are the Department's responses.

1. The public notice incorrectly references the docket number as 2001-023-R. The correct docket number is 2002-023-R.

There is no need to correct this typographical error. The public notice informed the public that there was a Consent Order and Agreement and amended NPDES permit in this matter. The public was on notice that these documents were available for its review. The public was also specifically notified that FENOC filed an appeal in this matter.

2. The public notice contains another typographical error. The maximum daily effluent limitation of 0.2 mg/l and an instantaneous maximum effluent limitation of 0.5 mg/l for free available chlorine were published in the PA Bulletin. The correct limits should have listed the 0.2 mg/l as an average monthly limitation and a 0.5 mg/l daily maximum effluent limitation.

There is no need to correct the public notice. See the Department's response to Comment 1. The public was specifically notified of the existence of a limit for free available chlorine and the public were on notice that the NPDES permit amendment and fact sheet were available for its review.

3. Outfall 004 on page 2 of the public notice references the blowdown at Outfall 301 twice. These references should be correct to reflect Outfall 001. This comment is noted.

There is no need to correct the public notice. See the Department's response to Comment 1. The public is aware that a blowdown exists and that it could review the NPDES permit amendment and fact sheet.

4. Outfall 010 of the public notice contains the same typographical error outlined in comment number two.

The Department offers the same response. See the Department's response to Comment 1. The public was on notice that the NPDES permit amendment and fact sheet were available for its review.

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5. The permittee commented that the public notice for Outfall 012 did not reference the compliance period (from two years after permit amendment issue date through expiration).

There is no need to correct the public notice. See the Department's response to Comment 1. The public is aware that final effluent limitations have been imposed at Outfall 012. The public was on notice that the NPDES permit amendment and fact sheet were available for its review.

Comments on the Fact Sheet/Statement of Basis:

1. The date on the Fact Sheet/Statement of Basis has been corrected.
2. Paragraph B-D on page 3 of 4 incorrectly includes a reference to Outfall 004 (which will not be sampled) and does not reference the intake sampling that is to be conducted pursuant to the Consent Order and Agreement. The reference to Outfall 004 should be deleted and a reference to the intake should be added. The Fact Sheet/Statement of Basis has been corrected in response to this comment.
3. The word "not" has been inserted into Paragraph G of the Fact Sheet/Statement of Basis. The sentence should correctly state, "The permittee agreed that the monitoring of IMP 213 is not required..."

EPA also commented on the draft permit amendment. EPA's comments and the Department's responses follow:

EPA's January 24, 2003 Comments:

1. EPA asked the Department to clarify what happened to the zinc limit over the last few permit cycles. A review of the permit file, it seems that in the amendment issued on May 16, 1996, the zinc limit of 1.0 mg/l stated in the in 1995 was dropped from the permit. Yet in the permit that was reissued in 2001, a zinc limit of 1.0 mg/l was given for Outfall 012. However, according to the fact sheet, the permittee appealed the permit and a variety of things were changed, resulting in this amendment. Therefore, on page 2w of 14, the zinc limits for Outfall 012 area reported as 1.5 mg/l for average monthly and daily max. The previous permit issued 12/27/01 stated that the limits for zinc at Outfall 012 were 1.0 mg/l for average monthly and daily max. Why is there a difference in the permit limits? The fact sheet on page 13 states that the zinc limits will remain in the permit and the prohibition will remain in the permit as well. How was the zinc limit derived?

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2. In addition to zinc limits at Outfall 012, chromium limits were to remain in the permit also (see fact sheet, page 13). Yet, on page 2w of 14, there is no chromium limit. Please correct this or explain why the chromium limit was removed.
3. Even though Condition C-25 was not part of the amendment, it was mentioned in the fact sheet on page 15, so the TRE condition was checked in the 2001 permit and noted that the old Part A/Part C condition was used. EPA requested that if possible, in the amendment, to revise the Part A/Part C language to the language that was agreed to by both EPA and PADEP.

January 31, 2003 DEP Response:

Outfall 012 was described as cooling tower blowdown in the NPDES permit application. This description was used to derive the effluent limitations contained in the December, 2001 NPDES permit. I incorporated 40 CFR 423.13(d)(1), which is the BAT for cooling tower blowdown, into the 2001 NPDES permit. FENOC challenged the applicability of this regulation to this discharge.

The Beaver Valley Power Station is a nuclear power station. Associated with the operation of this station are office buildings and facilities. One of the office buildings has a heating, ventilation, and air conditioning (HVAC) system and an associated HVAC blowdown from that system. This is Outfall 012. This blowdown is not associated with the generation of electricity, and therefore, we agreed that the effluent limitation guideline was not applicable. We did, however, consider the analytical data reported on the NPDES permit application. Elevated levels of zinc were reported on the permit application.

The change in the zinc limitation is attributed to the change in the governing limit (BAT vs. Water Quality). We determined that the BAT 1.0 mg/l limit was no longer appropriate, but that a WQBEL is necessary. That WQBEL is the 1.5 mg/l and is contained in the proposed amendment.

The same analysis was applied to the Outfall 012 chromium limit. The chromium levels reported on the NPDES permit application did not warrant a WQBEL, therefore, chromium was deleted from the permit amendment.

As to the comments concerning the TRE Condition, EPA agreed to the language in condition C-25 when the permit was issued. The Consent Order and Agreement between the Department and First Energy has been filed with the Pennsylvania Environmental Hearing Board and is a final binding legal document. The Department understands your main interest is ensuring that there will be a final enforceable effluent limitation for zinc at outfall 012. As a result of this litigation, the NPDES permit will be amended to

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legally require First Energy to comply with a water quality based effluent limit for zinc within two (2) years without the necessity of submitting a TRE. Condition C-25, the TRE condition, was not challenged or implicated by the appeal or settlement and thus cannot be amended.

February 10, 2003 EPA Comment:

EPA commented that the change in the zinc limitation - the BAT limit of 1.0 mg/l is more stringent than the WQBEL of 1.5 mg/l. By changing the limit from 1.0 mg/l in the previous permit to 1.5 mg/l in the amendment, it appears that backsliding has occurred. According to 122.44(l) backsliding is only permitted under certain conditions (i.e. material and substantial alterations or additions to the facility, new information - other than revised regulations, guidance that have become available, etc.) Please provide additional information before finalizing the permit.

February 18, 2003 DEP response:

There are a number of exceptions to anti-backsliding. If cause exists to modify the permit and the new limit complies with water quality standards and technology requirements, the "original" limit can be relaxed. Section 122.62 of the Federal Regulations, 40 CFR 122.62, allows a permit to be modified if there is new information or a technical mistake or mistaken interpretation of law has been made. 40 CFR 122.62(a)(2) and (15). In this case, the Department mistakenly believed that this particular HVAC facility on-site was associated with industrial activities. After the NPDES Permit was issued, however, we learned and realized that the HVAC facility was merely an air conditioner for an office building. Accordingly, the ELGs (40 CFR 423) were not appropriate and were mistakenly applied by us. There are no ELGs for office building air conditioners. Accordingly, anti-backsliding should not apply.

On February 19, 2003, EPA agreed with Amendment No. 1 to the NPDES permit.

KM:njh

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE ENVIRONMENTAL HEARING BOARD**

**FIRSTENERGY NUCLEAR
OPERATING COMPANY,**

Appellant,

v.

Docket No. 2002-023-R

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,**

Appellee.

**JOINT MOTION TO MARK MATTER
SETTLED AND DISCONTINUED**

The Department of Environmental Protection ("Department") and FirstEnergy Nuclear Operating Company ("FENOC") move the Environmental Hearing Board to mark this matter **SETTLED AND DISCONTINUED**, for the reasons set forth below.

1. This matter is an appeal of a NPDES Permit issued by the Department on December 27, 2001.
2. In response to that action, FENOC filed this appeal with the Environmental Hearing Board on February 1, 2002.
3. The Department and FENOC have settled this matter by entering a Consent Order and Agreement, which is attached as Appendix A.
4. Pursuant to the settlement, FENOC hereby withdraws the appeal filed at the above docket number.

WHEREFORE, the Department and FENOC request the Environmental Hearing Board to mark this matter SETTLED AND DISCONTINUED.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



Bruce M. Herschlag
Senior Assistant Counsel
Office of Chief Counsel
400 Waterfront Drive
Pittsburgh, PA 15222-4745
412-442-4262

12-11-02

Date

FOR FIRSTENERGY NUCLEAR
OPERATING COMPANY:



Donald C. Bluedorn II, Esquire · Date
Babst, Calland, Clements & Zomnir, PC
Two Gateway Center, Eighth Floor
603 Stanwix Street
Pittsburgh, PA 15222
412-394-5400

APPENDIX

A

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:

FirstEnergy Nuclear	:	
Operating Company	:	Clean Streams Law
Beaver Valley Power System	:	NPDES Permit
Shippingport Borough	:	
Beaver County	:	

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 10 day of December, 2002, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (hereinafter "Department"), and FirstEnergy Nuclear Operating Company (hereinafter "FENOC").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 ("Clean Streams Law"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); and the rules and regulations ("rules and regulations") of the Environmental Quality Board promulgated thereunder.

B. FENOC owns and operates the Beaver Valley Power Station (the "Facility") located in Shippingport Borough, Beaver County, Pennsylvania. The Facility is a nuclear-powered generating station on the Ohio River.

C. On or about December 27, 2001, in response to an application submitted by FENOC, the Department renewed National Pollutant Discharge Elimination System ("NPDES") Permit No. PA0025615 ("NPDES Permit") to FENOC authorizing FENOC to discharge wastewaters and stormwater runoff from several outfalls into the Ohio River and Peggs Run, both waters of the Commonwealth.

D. On or about February 1, 2002, FENOC filed an appeal of the issuance of the NPDES Permit wherein FENOC set forth its objections to the NPDES Permit. The appeal was docketed at EHB Docket No. 2002-023-R.

E. The Department and FENOC desire to resolve this matter without resort to further litigation. Specifically, FENOC will conduct additional sampling analyses of intake water and effluent under this Consent Order and Agreement. In addition, the Department and FENOC have agreed to revise certain terms of the NPDES Permit.

F. FENOC has requested an extension to complete Phase I of the Toxic Reductions Evaluation ("TRE") and to submit progress reports required by Condition C.25 of the NPDES Permit. The Department is willing to grant this request.

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by FENOC as follows:

1. Authority. This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Sections 5, 316 and 610 of the Clean Streams Law, 35 P.S. §§ 691.5, 691.316 and 691.610; and Section 1917-A of the Administrative Code, supra.

2. **Findings.**

a. FENOC agrees that the findings in Paragraphs A through F are true and correct and, in any matter or proceeding involving FENOC and the Department, FENOC shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

3. Within a reasonable period of time following the execution of this Consent Order and Agreement, the Department shall send a draft of Amendment No. 1 to the NPDES Permit ("Amendment No. 1") to the Pennsylvania Bulletin for public notice and comment. The draft of Amendment No. 1 is set forth in Exhibit A which is attached to this Consent Order and Agreement. Within a reasonable period of time following expiration of the required thirty (30) day public comment period, the Department shall issue Amendment No. 1 in final form.

4. FENOC waives its right to appeal the issuance of Amendment No. 1, so long as Amendment No. 1 is the same or less stringent than Exhibit A. It is understood by the parties that Amendment No. 1 may differ in certain administrative, non-substantive ways from Exhibit A. These differences may include, but are not limited to, changes to pagination and condition numbers. Such changes will not affect the meaning or effect of Amendment No. 1 or this Consent Order and Agreement.

5. FENOC shall complete the following actions:

a. Sample and analyze the effluent from Outfall 001, Unit 1 Cooling Tower Blowdown for phenols, iron, aluminum, and pH two (2) times per month over six (6) months beginning the month that Amendment No. 1 becomes effective.

b. Sample and analyze the effluent from Outfall 003 for phenols, iron, aluminum, nitrate-nitrite, and phosphorus two (2) times per month over six (6) months beginning the month that Amendment No. 1 becomes effective.

c. Sample and analyze the effluent from Outfall 008 for ammonia, iron, aluminum, manganese, phenols, zinc, color, and pH two (2) times per month over six (6) months beginning the month that Amendment No. 1 becomes effective.

d. Sample and analyze the intake river water for phenols, iron, aluminum, nitrate-nitrite, phosphorus, manganese, zinc, color and pH two (2) times per month over six (6) months beginning the month that Amendment No. 1 becomes effective.

e. Samples required by Paragraphs 5.a through 5.d above shall be collected from the locations depicted on Drawing No. 8700-RM-0027F-9, Wastewater Flow Diagram, attached to this Consent Order and Agreement as Exhibit B.

f. All samples collected under this Paragraph 5 shall be collected during non-precipitation events, seventy-two (72) hours from the last precipitation event or snow melt.

g. Within nine (9) months of the effective date of Amendment No. 1, FENOC shall submit a complete report to the Department providing copies of all sample analyses required to be collected under this Paragraph 5 at the address listed in Paragraph 14. Such report shall include the effluent and influent flows at the time of sampling for each location identified in Paragraphs 5.a through 5.e. Flows may be monitored by measurement, estimate or pump reading.

6. Upon execution of this Consent Order and Agreement, FENOC will comply with the terms and conditions of Exhibit A and the parties agree that the terms and conditions of Exhibit A are in full effect pending the issuance of Amendment No. 1 in final form.

03-00235

7. This Consent Order and Agreement is in settlement of FENOC's appeal of the NPDES Permit to the Environmental Hearing Board at EHB Docket No. 2002-023-R. Within fifteen (15) days of the execution of this Consent Order and Agreement, FENOC and the Department shall take all necessary measures to make this settlement part of the record of the appeal and to discontinue the matter.

8. a. The date for FENOC to submit to the Department a work plan for conducting the Phase I TRE pursuant to Condition C.25.B.2.b. of the NPDES Permit is extended to January 31, 2003.

b. The date for FENOC to start the Phase I TRE pursuant to Condition C.25.B.2.c. of the NPDES Permit is extended to March 3, 2003.

c. The date for FENOC to submit to the Department three (3) copies of a complete Phase I TRE pursuant to Condition C.25.B.2.d. is extended to April 30, 2004.

d. The date for FENOC to begin submitting progress reports to the Department every three months pursuant to Condition C.25.B.2.g. is extended to March 3, 2003.

9. Stipulated Civil Penalties.

a. In the event FENOC fails to comply in a timely manner with the provisions of Paragraph 5.g., FENOC shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount of \$200.00 per day for each violation.

b. Stipulated civil penalty payments shall be payable monthly on or before the fifteenth day of each succeeding month. The payment shall be made by corporate check or the like made payable to the Clean Water Fund and sent to the address set forth in Paragraph 14.

c. Any payment under this paragraph shall neither waive FENOC's duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel FENOC's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only FENOC's liability for civil penalties arising from the violation of this Consent Order and Agreement for which the payment is made.

d. Stipulated civil penalties shall be due automatically and without notice.

10. **Additional Remedies.**

a. In the event FENOC fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this Consent Order and Agreement.

b. The remedies provided by this paragraph and Paragraph 9 (Stipulated Civil Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

11. **Reservation of Rights.**

The Department reserves the right to require additional measures to achieve compliance with applicable law. FENOC reserves the right to challenge any action which the Department may take to require those measures.

12. **Liability of FENOC.** FENOC shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers,

agents, employees, or contractors. FENOC also shall be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

13. Transfer of Site.

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Facility or any part thereof.

b. If FENOC intends to transfer any legal or equitable interest in the Facility which is affected by this Consent Order and Agreement, FENOC shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Southwest Regional Office of the Department of such intent.

14. Correspondence with Department. All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Kareen Milcic
Sanitary Engineer
Water Management
400 Waterfront Drive
Pittsburgh, PA 15222-4745
412-442-4033

Patrick LaSitis
Compliance Specialist
Water Management
400 Waterfront Drive
Pittsburgh, PA 15222-4745
412-442-4068

15. Correspondence with FENOC. All correspondence with FENOC concerning this Consent Order and Agreement shall be addressed to:

Joseph Venzon
Chemistry Manager
FENOC, BVPS
Route 168
P. O. Box 4
Shippingport, PA 15277
724-682-5113

FENOC shall notify the Department whenever there is a change in the contact person's name, title, or address. Service of any notice or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first class mail to the above address.

16. Force Majeure.

a. In the event that FENOC is prevented from complying in a timely manner with any time limit imposed in this Consent Order and Agreement solely because of a strike, fire, flood, act of God, or other circumstances beyond FENOC's control and which FENOC, by the exercise of all reasonable diligence, is unable to prevent, then FENOC may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Order and Agreement shall not constitute circumstances beyond FENOC's control. FENOC's economic inability to comply with any of the obligations of this Consent Order and Agreement shall not be grounds for any extension of time.

b. FENOC shall only be entitled to the benefits of this paragraph if it notifies the Department within five (5) working days by telephone and within ten (10) working days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as a notarized affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by FENOC to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten (10) working days of its submission. FENOC's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by FENOC and other information available to the Department. In any subsequent litigation, the operator shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

17. **Severability.** The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

18. **Entire Agreement.** This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

19. **Attorney Fees.** The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

20. **Modifications.** No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

21. **Titles.** A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

22. Termination.

a. The obligations of this Consent Order and Agreement shall terminate upon the completion of the following:

- i. Submission of the full and complete report required by Paragraph 5.g. to the Department;
- ii. Issuance of Amendment No. 1 to NPDES Permit PA0025615 pursuant to Paragraph 3;
- iii. Final resolution, settlement, or withdrawal of the appeal docketed at EHB Docket No. 2002-023-R; and
- iv. Payment of any outstanding stipulated penalties.

b. If the conditions of Paragraph 22.a. above are not met by February 1, 2007, this Consent Order and Agreement shall automatically terminate on February 1, 2007.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of FENOC certify under penalty of law, as provided by 18 Pa.C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of FENOC; that FENOC consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that FENOC hereby knowingly waives its rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa.C.S. § 103(a) and Chapters 5A and 7A;

