

APR 24 1980



Salt water  
cooling tower

AS DEP: JCP Relinquish/  
VARIANCE Request

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF ENVIRONMENTAL QUALITY  
JOHN FITCH PLAZA, CN027, TRENTON, N.J. 08625

GEORGE J. TYLER  
DIRECTOR

April 21, 1980

Dr. S. Bartnoff, President  
Jersey Central Power and  
Light Company  
Madison Avenue at Punch  
Bowl Road  
Morristown, New Jersey 07960

Reference: Permit and Certificate for a Cooling Tower at  
Forked River, New Jersey

Dear Dr. Bartnoff:

The State Department of Environmental Protection ("Department") has determined that the applications made on July 31, 1978, and as amended on March 29, 1979 by Jersey Central Power and Light Company ("JCP&L") for a Permit to Construct and a Certificate to Operate Control Apparatus or Equipment for a cooling tower at the proposed Forked River Nuclear Generating Station have failed to satisfy the requirements of New Jersey's Air Pollution Control Act (N.J.S.A. 26:2C) and regulations promulgated thereunder by the Department (N.J.A.C. 7:27). In particular, the applications as amended are not in compliance with N.J.A.C. 7:27-6.2, 7:27-6.5, and 7:27-8.4. Your request for a variance from N.J.A.C. 7:27-6.2 (emission rates for particulates) cannot be granted and the Department is, therefore, precluded from issuing the permit and certificate for which JCP&L has applied.

The original application showed the amount of contaminants to be emitted with control apparatus as "maximum 282 lbs/hr. natural sea salt" (Sec. D) and the drift rate as 0.002% (Attachment I (2)).

On March 12, 1979 at a meeting of representatives of the Department and JCP&L in Trenton, the Department set forth its determination that advances in the art of control for particulates emitted ("state of the art") from a salt water cooling tower is a drift rate of 0.0005% of circulating water flow rate. The

Department further proposed that if JCP&L were to amend its application to include a guarantee from its contractor that upon completion the cooling tower would have a drift rate not in excess of 0.0005%, it would review the amended application. The amended application included an "expected average emission" rate of 70.5 lbs/hr. of natural sea salt during periods of plant operation, an "expected annual average emission rate" of 56.4 lbs/hr. based on 7,000 hours of plant operation per year (Sec. D) and an "average expected drift rate of 0.0005% of circulating water flow" (Attachment I (2)). Nevertheless, the amended application continued to specify the instantaneous maximum emission of natural sea salt as 282 lbs/hr.

Applications for permits to construct equipment or air pollution control apparatus must satisfy all relevant provisions of state statutes and the codes, rules and regulations promulgated thereunder. Under N.J.A.C. 7:27-6.5 an applicant may request a variance from N.J.A.C. 7:27-6.2 where it is believed that advances in the art of control have not developed to the degree necessary to meet the standard in N.J.A.C. 7:27-6.2. If the variance request is denied, the Department is precluded from further consideration of the application for approval.

The Department's denial of JCP&L's request for a variance is grounded in JCP&L's failure to satisfactorily demonstrate that its proposed equipment or air pollution control apparatus incorporates "state of the art" technology. The emission rates and drift rates stated in the original application do not represent the "state of the art." In addition, the emission rates shown in the amendments to the original application are termed "expected average" and "expected annual average" and the drift rate is termed "average expected." Such statements are insufficient to bind your company to the "state of the art" as set forth by the Department during the March 12, 1979 meeting.

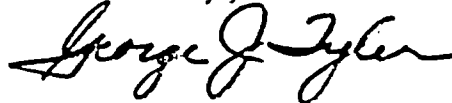
JCP&L has not provided the Department with information necessary for determining that the equipment or control apparatus to be installed in the proposed cooling tower would indeed incorporate the "state of the art." As authorized by N.J.A.C. 7:27-8.4, the Department requested that JCP&L submit specified technical data in support of its application (letter of September 22, 1978 from Mr. Edward J. Londres, (then) Chief Enforcement Officer, Bureau of Air Pollution Control, to Ivan Finfrock, Jr., Vice-Pres., JCP&L). Such information has never been received by the Department.

Furthermore, the letters attached to the amendments to the original application were insufficient guarantees of JCP&L's commitment to meet the "state of the art" (0.0005% drift rate).

Since the application as amended does not satisfy the requirements of N.J.A.C. 7:27-6.2 and JCP&L's request for a variance has been denied, the Department will not entertain a further review of the application at this time.

If JCP&L applies to the Department within 15 days of notice of this denial, it may be entitled under N.J.A.C. 7:27-6.5(e) to a hearing before the Department. Such hearing application may be made to Mr. Edward J. Londres, Assistant Director for Enforcement, CN 027, Trenton, New Jersey 08625, 609-292-6724.

Sincerely,



George J. Tyler  
Director

GJT:nes

cc: Commissioner English  
Paul Arbesman  
Jack Stanton  
Herb Wortreich

CERTIFIED MAIL