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ACCESSION NBR: 9505030472 DOC. DATE: 95/04/21 NOTARIZED: NO DOCKET #
 FACIL: 50-250 Turkey Point Plant, Unit 3, Florida Power and Light C 05000250
 50-251 Turkey Point Plant, Unit 4, Florida Power and Light C 05000251

AUTH. NAME AUTHOR AFFILIATION
 PLUNKETT, T.F. Florida Power & Light Co.
 RECIP. NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk)

SUBJECT: Forwards revised & EPA approved NPDES permit for Turkey Point.

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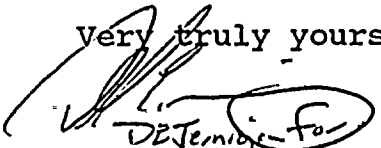
U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

Gentlemen:

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
NPDES Permit Renewal

In accordance with Section 3.2.2 of the Turkey Point Units 3 and 4 Environmental Protection Plan (Appendix B of Facility Operating Licenses DPR-31 and DPR-41), attached is a copy of the revised and Environmental Protection Agency approved National Pollution Discharge Elimination System (NPDES) permit for Turkey Point. The revised permit was approved on September 12, 1994 and became effective on January 1, 1995.

Very truly yours,



T. F. Plunkett
Vice President
Turkey Point Plant

TFP

cc: Stewart D. Ebnetter, Regional Administrator, Region II, USNRC
T. P. Johnson, Senior Resident Inspector, USNRC, Turkey
Point Plant

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET NE
ATLANTA GEORGIA 30365

SEP 12 1994

RECEIVED

SEP 15 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-WPEB

Ms. Nancy H. Roen, Director
Environmental Affairs
Florida Power and Light Company
P.O. Box 088801
North Palm Beach, FL 33408-8801

DIRECTOR
ENVIRONMENTAL AFFAIRS

RE: Final Issuance of NPDES Permit No. FL0001562
Florida Power & Light - Turkey Point Plant

Dear Ms. Roen:

Enclosed is the National Pollutant Discharge Elimination System (NPDES) permit for the above-referenced facility. This action constitutes the Environmental Protection Agency's final permit decision in accordance with Title 40, Code of Federal Regulations (CFR) Section 124.15(a). The permit will become effective as specified, provided that no timely request for an evidentiary hearing is received by the Agency.

Any interested person may contest this decision by submitting a timely request for an evidentiary hearing (hearing) pursuant to the procedures at 40 CFR § 124.74. If a request for a hearing is received by the Agency, following review, a determination will be made and the requester advised of the Agency's decision on the request. Until that time, please be advised that any request will render the permit ineffective pursuant to 40 CFR § 124.15(b). For a new source, a new discharger, a recommencing discharger, or a facility for which an untimely permit renewal application was submitted, a hearing request renders the facility without an NPDES permit and the facility may not discharge (unless relief is granted by the Presiding Officer under 40 CFR § 124.60(a)).

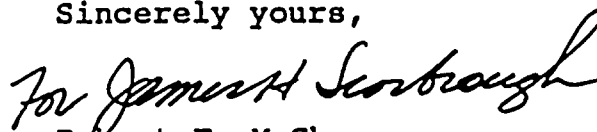
If the evidentiary hearing request is granted, in whole or part, to an existing source, the effect of the contested provision(s), and any other conditions not severable from those conditions, will be stayed and not subject to judicial review pending final Agency action. In this case, all provisions of the prior permit, as well as, all uncontested provisions of the reissued permit shall continue fully enforceable and effective pending final Agency action on the permit appeal. See 40 CFR § 124.60.

To request an evidentiary hearing under 40 CFR § 124.74, you must submit an original and two copies of the request to the Regional Hearing Clerk at the letterhead address within thirty (30) days from service of this notice. A copy of the procedures and requirements for evidentiary hearing requests and appeals to the Administrator is enclosed.

For purposes of judicial review under the Clean Water Act, 33 U.S.C. § 1251 et seq., final Agency action on a permit does not occur unless and until a party has exhausted its administrative remedies as required by 40 CFR Part 124.

Further information on procedures pertaining to the filing of an evidentiary hearing request or other legal matters may be obtained by contacting Ms. Gwen Eason, Assistant Regional Counsel, at (404) 347-2309, extension 2906.

Sincerely yours,



Robert F. McGhee
Acting Director
Water Management Division

Enclosures (3)

1. Evidentiary Hearing Procedures
2. Final NPDES Permit
3. Amendment to Fact Sheet or Statement of Basis

cc: Florida DEP (with all enclosures, except Evid. Hearing Procedures)

U.S. Fish & Wildlife Service, Vero Beach Field Office
(with all enclosures, except Evid. Hearing Procedures)

CONTROLLED COPY

PERMIT NO. FL0001562
Major Non-POTW

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the "Act"),

Florida Power and Light Company
P.O. Box 088801
North Palm Beach, Florida 33408-8801

is not authorized to discharge from a facility located at

Turkey Point Plant
Palm Drive (9.5 miles east of Florida City)
Dade County
Florida City, Florida 33034

to water of the United States, except as provided in Part II.B of this permit.

The monitoring and reporting requirements and other conditions are set forth herein. This permit consists of this cover sheet, Part I 1 page, Part II 9 pages, and Part III 3 pages.

This permit shall become effective on January 1, 1995.

This permit and the authorization to discharge shall expire at midnight, September 30, 1999.

SEP 12 1994

Date Issued

For James H. Scarborough

Robert F. McGhee, Acting Director
Water Management Division

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CONTROLLED COPY

Page I-1

Permit No. FL0001562

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - FINAL

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is not authorized to discharge from serial number 001, closed cycle cooling canal system, or any other point source(s) to waters of the United States.

PART II

STANDARD CONDITIONS FOR "NO DISCHARGE" NPDES PERMITS

SECTION A. GENERAL CONDITIONS1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully violates permit conditions is subject to a fine of not less than \$5000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. Any person who negligently violates permit conditions is subject to a fine of not less than \$2500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

3. Duty to Mitigate

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

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, terminated or revoked for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. Information newly acquired by the Agency indicating that any condition poses a threat to human health or the environment.

If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance under 40 CFR 122.62, the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. 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 noncompliance, does not stay any permit condition.

5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Section B, Paragraph B-3 and "Upsets" Section B, Paragraph B-4, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

8. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. Onshore or Offshore Construction

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any waters of the United States (including wetlands).

10. Severability

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

11. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required to be kept by this permit.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce not a Defense

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

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility, which is not a designed or established operating mode for the facility.

- (2) "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.

b. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-4 (24-hour notice).

c. Prohibition of bypass.

- (1) Bypass is prohibited and the Permit Issuing Authority may take enforcement action against a permittee for bypass, unless:
- (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass (e.g., maintenance of sufficient reserve holding capacity, the use of auxiliary treatment facilities, retention of untreated wastes, waste hauling, maintenance of a sufficient spare parts inventory, maintenance of an emergency power supply, or maintenance during normal periods of equipment downtime, etc.). This condition is not satisfied if adequate back-up 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; and
- (c) The permittee submitted notices as required under Paragraph b. of this section.
- (2) The Permit Issuing Authority may, within its authority, approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph c.(1) of this section.

4. Upsets

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset constitutes an affirmative defense to an action brought for non-compliance with such technology-based permit limitation if the requirements of 40 CFR 122.41(n)(3) are met. (Note that this provision does not apply to water quality-based requirements.)

5. Removed Substances

This permit does not authorize discharge of solids, sludge, filter backwash, or other pollutants removed in the course of wastewater treatment.

SECTION C. INSPECTION AND ENTRY

The permittee shall allow the Permit Issuing Authority, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; and
- c. Inspect at reasonable time any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. 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.

SECTION D. REPORTING REQUIREMENTS

1. Change in Discharge

The permittee shall give notice to the Permit Issuing Authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could change the method of disposal.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Permit Issuing Authority of any planned change in the permitted facility or activity which may result in noncompliance with permit requirements. Any maintenance of facilities, which might necessitate unavoidable interruption of operation, shall be scheduled during noncritical water quality periods.

3. Transfer of Ownership or Control

A permit may be automatically transferred to another party if:

- a. The permittee notifies the Permit Issuing Authority of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Permit Issuing Authority does not notify the existing permittee of his or her intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b.

4. Twenty-Four Hour Reporting

The permittee shall orally report any noncompliance which may endanger health or the environment 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, an estimate of the volume discharged and the name of the receiving stream, 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. The Permit Issuing Authority may verbally waive the written report, on a case-by-case basis, when the oral report is made.

The following violations shall be included in the 24 hour report:

- a. An unanticipated bypass which results in a discharge to waters of the U.S.
- b. Any upset which results in a discharge to waters of the U.S.

5. Other Noncompliance

The permittee shall report in narrative form, all instances of noncompliance not previously reported under Section D, Paragraphs D-2 and D-4. The reports shall contain the information listed in Paragraph D-4.

6. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The Permit Issuing Authority may grant permission to submit an application less than 180 days in advance but not later than the permit expiration date.

Where EPA is the Permit Issuing Authority, the terms and conditions of this permit are automatically continued in accordance with 40 CFR 122.6, only where the permittee has submitted a timely and complete application for a renewal permit and the Permit Issuing Authority is unable through no fault of the permittee to issue a new permit before the expiration date.

7. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified.

- a. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (1) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy - or decision-making functions for the corporation, or (2) the manager of one or more manufacturing production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (3) The written authorization is submitted to the Permit Issuing Authority.
- c. Certification. Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

8. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Permit Issuing Authority. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

9. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false material 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 noncompliance, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Clean Water Act, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both.

SECTION E. DEFINITIONS

1. Permit Issuing Authority

The Regional Administrator of EPA Region IV or his designee, unless at some time in the future the State receives the authority to administer the NPDES program and assumes jurisdiction over the permit; at which time, the Director of the State program receiving authorization becomes the issuing authority.

2. Act

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576 and Public Law 100-4, 33 U.S.C. 1251 et seq.

3. Calendar Day

A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

**PART III
OTHER REQUIREMENTS****A. Reporting of Monitoring Results**

Reports of compliance with the no discharge to waters of the United States requirement shall be submitted for each calendar month by writing the statement "No Discharge" on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1). These forms shall be submitted after each calendar month and postmarked no later than the 28th day of the month following the completed calendar month. (For example, data for January shall be submitted by February 28.) Signed copies of these, and all other reports required by Section D of Part II, Reporting Requirements, shall be submitted to the Permit Issuing Authority at the following address:

Environmental Protection Agency
Region IV
Enforcement Section
Water Permits and Enforcement Branch
Water Management Division
345 Courtland Street, N.E.
Atlanta, GA 30365

Reopener Clause

This permit shall be modified, or alternatively, revoked and reissued to comply with any applicable effluent standard or limitation, or sludge disposal requirement issued or approved under Sections 301(b)(2)(c) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standard or limitation requirement so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any condition in the permit; or
- (2) Controls any pollutant, or disposal method not in the permit.

The permit as modified or reissued under this paragraph shall contain any other requirements of the Act then applicable.

C. Polychlorinated Biphenyl Compounds

There shall be no discharge of polychlorinated biphenyl compounds (PCB) such as those commonly used for transformer fluid.

D. Toxic Compounds

The company shall notify the Director in writing at least six months prior to planned use and discharge of any chemical or other product(s) which may be toxic to aquatic life. Such notification shall include:

1. Name and general composition of the chemical,
2. Frequencies of use,
3. Quantities to be used,
4. Proposed discharge concentrations,
5. Any acute and chronic toxicity data (including laboratory reports)
6. Product Data Sheet, and
7. Product label.

Upon receipt of this information, the Permit Issuing Authority will determine if a major modification to this permit is warranted. Discharge of materials subject to this part is prohibited prior to approval from the Permit Issuing Authority.

E. Products Registered Under FIFRA

Discharge of any product under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to any waste stream which may ultimately be released to lakes, rivers, or other waters of the United States is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes, or to herbicides if used in accordance with labeled instructions and any applicable State permit.

F. Hydrazine Monitoring Requirements

1. Discharge of hydrazine in boiler or steam generator blowdown is authorized without limitation or monitoring requirements.
2. Hydrazine from plant layup water during overhauls and/or refueling outages shall be measured at the outlet from the unit being serviced. Sampling shall be once per day of discharge by grab sample at the time of maximum expected concentration. Results of sampling will be submitted to EPA upon request. To determine the hydrazine concentration being discharged to the cooling canal system, the following equation shall be used:

$$\frac{(B/S) \text{ Blowdown Flow} \times (B/S) \text{ Hydrazine Concentration}}{\text{Once-through Cooling Water Flow}} = \text{Hydrazine concentration at the close cycle cooling canal system}$$

where (B/S) refers to boiler or steam generator.

In the event that any value exceeds 3.4 mg/l, the permittee shall immediately modify its release pattern and resample. EPA shall be notified of the situation within five days.

G. Molybdate, Tolytriazole, and Nitrite Discharge Requirements

The discharge of molybdate, tolytriazole, and nitrite to the closed cycle recirculating cooling canal system during maintenance of the auxiliary closed cooling water system is allowed without limitations and monitoring requirements.

.. Closed Cycle Cooling Canal System Monitoring Requirements

The permittee shall monitor the water quality of the closed cycle cooling canal system. Grab samples shall be taken quarterly at the outlet from Lake Warren and shall include the following parameters:

Salinity	Temperature
Total Suspended Solids	Specific Conductance
Total Recoverable Zinc	pH
Total Recoverable Iron	
Total Recoverable Copper	

Results shall be submitted annually and are due on January 31, of each year.

I. Compliance with Other Provisions

Notwithstanding any other requirements of this "No Discharge" permit, the permittee shall comply with all applicable provisions of the Final Judgement dated September 10, 1971, in Civil Action Number 70-328-CA issued by the U.S. District Judge C. Clyde Atkins of the Southern District of Florida.



CONTROLLED COPY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

AMENDMENT TO THE FACT SHEET
AT THE TIME OF FINAL PERMIT ISSUANCE

DATE: SEP 12 1994

APPLICATION NO.: FL0001562.

NAME OF APPLICANT: Florida Power & Light Company
Turkey Point Plant

1. Changes to Permit from Draft Permit to Final Permit Stage:

Page III-2: Condition G has been modified to authorize the discharge of nitrite to the closed cycle recirculating cooling system.

2. Public Comments:

In a letter dated August 2, 1994, the facility requested the addition of nitrite to Part III, condition G. Such change was done as described above.

3. State Certification:

State certification was requested on June 6, 1994.. The State waived Section 401 certification of this permit in a letter dated August 17, 1994.