

DOCKET NO. D-2008-038 CP-2

DELAWARE RIVER BASIN COMMISSION

**Exelon Generation Company, LLC
Eddystone Generating Station
Surface Water Withdrawal
Eddystone Borough, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Exelon Generation Company, LLC to the Delaware River Basin Commission (DRBC or Commission) on December 30, 2013 (Application), for the reduction of an allocation of surface water at the docket holder's Eddystone Generating Station (EGS).

The Application was reviewed for continuation in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Delaware County Planning Department has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on September 9, 2014.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to reduce the surface water withdrawal (SWWD) allocation at the docket holder's EGS from 44,064 million gallons per 30 days (mg/30 days) to 25,892 million gallons per month (mgm) as a result of decommissioning Electric Generating Units Nos. 1 and 2 and discontinuing withdrawals from Intake No. 1.
- 2. Location.** The eight (8) pumps located at Intake No. 2 will continue to withdraw surface water from Water Quality Zone 4 near River Mile 84.5 of the Delaware River in the Borough of Eddystone, Delaware County, Pennsylvania. Specific location information has been withheld for security reasons.
- 3. Area Served.** Intake No. 2 will continue to provide once through cooling water to the EGS. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION Section of this docket.
- 4. Physical Features.**
 - a. Design criteria.** The docket holder proposes to continue operating Intake No. 2 with a continued total demand of 25,892 mgm. 0.4% of the total withdrawal (3.341 mgd) is estimated to be for consumptive use.

- b. **Facilities.** Intake No. 2 is comprised of the following characteristics:

| INTAKE NO. | NUMBER OF PUMPS | TOTAL PUMP CAPACITY (GPM) | TOTAL PUMP CAPACITY (MGD) |
|------------|-----------------|---------------------------|---------------------------|
| 2 | 8 | 580,000 | 835.2 |

Intake No. 2 will continue to supply Electric Generating Units Nos. 3 and 4 (oil or natural gas fired) at the docket holder's EGS with once through cooling water and has 3/8" mesh conventional traveling screens with lateral fish passage slots.

Water withdrawn for cooling purposes is pre-treated to protect the equipment related to the once through cooling system. Pre-treatment includes a biocide (Spectrus OX1200), clamicide (Spectrus CT1300 and DT 1400), hydrazine, and/or ammonium hydroxide.

Water withdrawals are calculated by multiplying pump rated capacities by the pump run time (interval needed to withdraw enough water for cooling purposes). These numbers are recorded daily and submitted to the DRBC quarterly.

c. **Other.** Once through cooling water, non-contact cooling water (NCCW), and treated industrial wastewater are conveyed to the Delaware River via on-site operations last approved by Docket No. D-92-66 on August 10, 1994. Docket No. D-1992-066 CP-2 is also being heard at the June 10, 2014 Commission Public Hearing and will replace Docket No. D-92-66 upon approval. The Pennsylvania Department of Environmental Protection (PADEP) issued its most recent NPDES Permit No. PA0013714 on February 26, 2008, effective March 1, 2008, for these discharges. Renewal of the NPDES Permit is expected shortly.

Aqua Pennsylvania Inc. (Aqua) supplies the facility's potable water.

d. **Cost.** There are no construction costs associated with this renewed SWWD project.

e. **Relationship to the Comprehensive Plan.** The EGS was incorporated into the Comprehensive Plan upon issuance of Docket No. D-2008-038 CP-1 on July 15, 2009. Issuance of this docket will continue approval of the withdrawal facilities associated with the EGS in the Comprehensive Plan.

B. **FINDINGS**

The purpose of this docket is to reduce the SWWD allocation at the docket holder's EGS from 44,064 mg/30 days to 25,892 (mgm as a result of decommissioning Electric Generating Units Nos. 1 and 2 and discontinuing withdrawals from Intake No. 1.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations (WQR)* of the DRBC.

The DRBC has confirmed the docket holder's estimate that the project withdrawals, used for the purpose of once through cooling, result in a consumptive use of 0.04 percent (0.04%) of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

Section 2.3.5.1 C. of the Commission's *Rules of Practice and Procedure (RPP)*, requires industrial and commercial water withdrawals in excess of one million gallons per day to develop a contingency plan including emergency conservation measures to be instituted in the event of a Commission declared drought or other water shortage. Resolution No. 83-14 amended the Commission's *Water Code* (Section 2.1.4) to include the conservation goal of a 15 percent reduction in depletive use during drought conditions. Hereafter referred to as drought management and contingency plans (DMCPs), DMCPs must contain the following: source of water supply; the average daily and monthly peak water withdrawal; average daily and peak monthly consumptive use (difference between quantity withdrawn and quantity returned to the ground or surface waters of the basin); description of recycling and conservation measures; point of discharge (where water is returned or discharged); types of products produced; normal employment levels (numbers); and estimated employment (numbers) and economic impact for curtailment of water usage for the following levels of curtailment: 10%; 25%; 35%; 50% and 100%. The docket holder has purchased storage in Merrill Creek Reservoir for the purpose of release during a Commission defined drought to make up all consumptive use water.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

- I. Effective on the approval date for Docket No. D-2008-038 CP-2 below:
 - a. The project described in Docket No. D-2008-038 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2008-038 CP-2; and
 - b. Docket No. D-2008-038 CP-1 is terminated and replaced by Docket No. D-2008-038 CP-2.
 - c. The project and the appurtenant facilities described in the Section A “Physical Features” shall be added to the Comprehensive Plan.
- II. The project and appurtenant facilities as described in the Section A “Physical Features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:
 - a. The intake and operational records shall be available at all times for inspection by the DRBC.

b. Intake No. 2 shall be operated at all times to comply with the requirements of the Commission's *Water Code* and *WQR*.

c. During any month, the withdrawal from Intake No. 2 shall not exceed 25,892 million gallons.

d. The docket holder shall continue to pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended.

e. The project withdrawals shall continue to be monitored using Exelon's current method of recording pump run time and multiplying that by the pump's rated capacity. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

f. The docket holder shall continue to implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary licenses, permits, and/or approvals from other State, Federal and/or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

i. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

j. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

k. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

l. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

m. Whenever the Commission’s DMCP (present or future) indicates that storage levels in the Delaware River Basin have fallen below normal conditions for five consecutive days, and the daily mean “Equivalent Flow” (as measured at the Trenton U.S.G.S. gage, minus the previous day’s release from Merrill Creek Reservoir, and including appropriate adjustments for directed releases from Blue Marsh Reservoir) is below 3,000 cfs and is forecast to remain below 3,000 cfs for the next day, or whenever the salt front (250 isochlor) is above River Mile 92.5, the docket holder shall operate the power supply project at a level corresponding to the equivalent consumptive use that the docket holder can replace on a daily basis, or as otherwise approved by the Executive Director of the DRBC.

BY THE COMMISSION

APPROVAL DATE: September 10, 2014

EXPIRATION DATE: June 10, 2024