

# Blue Ridge Environmental Defense League

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Hand-delivered this day to the Georgia Dept. of Natural Resources, Environmental Protection Division, at its Public Hearing held at Augusta Technical College, Augusta, Georgia.

**RE: Public Notice No. 2015-1ML, Permit No. GA0039420  
Vogle Electric Generating Plant Units 3 and 4, Burke County, Georgia**

To the Hearing Officer:

On behalf of the Blue Ridge Environmental Defense League, its chapter Concerned Citizens of Shell Bluff and our members throughout the State of in Georgia, I submit these comments regarding the proposed NPDES permit for Plant Vogtle. As we will detail below, the proposed permit fails to meet requirements of the regulations contained in state law and the federal Clean Water Act.

Two issues are of major concern: 1) The draft permit contains no effective heat discharge limits, and 2) The draft permit would allow 630 Curies of radioactivity to be discharged into the Savannah River annually.

## **HOT WATER**

The federal Clean Water Act places limits on the temperature of water that power plants can discharge into federal waters. Section 316(a) of the CWA applies to any power plant's point source thermal discharge to waters of the state, yet there are no limits in the draft permit applicable to hot water discharges from Plant Vogtle Units 3 and 4 into the Savannah River or Beaverdam Creek. The only reference to CWA §316 in the draft permit states:<sup>1</sup>

This facility is subject to EPA's Requirements applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Clean Water Act. The permittee will demonstrate compliance with 316(b) through monitoring and reporting in accordance with Parts 125.87 and 125.88 of the rule.

As you know, Section 316(b) of the CWA governs cooling water intake structure technology and environmental impacts. Regulations at 40 CFR Parts 125.87 and 125.88 merely determine that the permittee is required to perform monitoring to demonstrate compliance with the requirements in § 125.84, and how the permittee is to keep records and report information and data to the permitting agency. For a power plant such as Vogtle, Section 125.84 holds that "For cooling water intake structures located in a freshwater river or stream, the total design intake flow must be no greater than five (5) percent of the source water annual mean flow." These requirements all pertain to water *intake*, not to thermal discharge.

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<sup>1</sup> Permit No. GA0039420, Page 18 of 19, ¶12

Some heat values are listed in the permit application for Outfall No. 001; however, these numbers are estimates provided by computerized CORMIX calculations. They are NOT in the draft permit. They are NOT enforceable regulatory limits.

The CWA Section 316 sets standards for thermal pollution discharges from power plants, as well as standards for cooling water intake structures. These standards are applicable to power plants and other industrial facilities; Vogtle is no exception. The permit does not comply with the law.

## RADIOACTIVITY

The draft permit as written would allow excessive amounts of radioactive discharges into the Savannah River. The permit application indicates a minimum flow of 6,000 gallons per minute (GPM) at Radwaste Dilution Flow at Outfall No. 010. Elsewhere in the application, the average daily value for radioactive pollutants is 53,000 pico-curies per liter (pCi/l).<sup>2</sup> Outfall No. 010 does flow to the Blowdown Sump and then to the Final Plant Discharge, Outfall No. 001 (OSN 001), to the Savannah River. Using a conservative approach, the average daily release of radioactivity would be 630 Curies per year. But ingesting even a millicurie (one thousandth of a Curie) of some radioactive isotopes can be fatal. This is a fundamental flaw in the operation of a nuclear plant permitted under the Clean Water Act; that is, the regulatory failure to protect public health:

The Clean Water Act prohibits the discharge of toxics in toxic amounts. Therein lies its flaw. It presumes that we are able to determine what toxic amounts are, and to act on that knowledge in the rare event we can make the call. Neither assumption is correct. In fact, after 19 years of struggle, the most effective abatement of toxic pollution has been achieved through technology standards that are not predicated on toxicity at all.<sup>3</sup>

We oppose Southern Nuclear Operating Company's additional radioactive contamination of the Savannah River and the communities that depend on it for their livelihood.

## WATER HOG

The Vogtle Electric Generating Plant, if allowed to expand, would use seven times as much water as all of Burke County. Water reports for the US Geological Survey show Burke County's total water use is now 83 million gallons per day. But most of the water in Burke County is used by Plant Vogtle. Subtract the water used by Vogtle Units 1 and 2, 65 million gallons per day, and Burke County's other water needs for public water supply, commercial, industrial, and agricultural uses combined average only 18 million gallons per day.<sup>4</sup> Statewide, Burke County ranks number 12 in highest total water use, just behind Dekalb County in Atlanta.

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<sup>2</sup> EPA Form 3510-2D and Attachments: Application for Permit to Discharge Process Wastewater, Consolidated Permits Program, Vogtle Electric Generating Plant, Units 3 and 4

<sup>3</sup> The Regulation of Toxic Pollutants Under the Clean Water Act, Houck OA, *Environmental Law Reporter*, 21 ELR 10528

<sup>4</sup> Water Use in Georgia by County for 2005; and Water-Use Trends, 1980-2005, Julia L. Fanning and Victoria P. Trent, Georgia Environmental Protection Division, Atlanta, Georgia <http://pubs.usgs.gov/sir/2009/5002/>

But Dekalb County's population is 677,959 and Burke County's population is 23,299. What is the difference? Does a family in Atlanta use twenty-nine times more water than a Burke County family? No, the difference is that Burke County has a nuclear power plant. And now Southern Company wants to nearly double its water use by adding two more water-hogging nuclear plants.

Finally, EPD's draft permit fails to fully address the host of issues associated with the problem of rising temperatures. Annual temperatures in the Southeast are increasing and are projected to continue to do so. Regarding climate change factors, the Union of Concerned Scientists advised:

It would be good science, to be looking at the new projections for changes in coastline, increased storms, changes in water levels, changes in flood patterns.<sup>5</sup>

The EPD has not considered the potential for current and future climatological conditions to depart from the past. The Division must reconsider its business-as-usual approach towards the impacts of this power plant on water resources of the Savannah River.

## CONCLUSION

The EPD must not issue Plant Vogtle a blank check to pollute the Savannah River. The draft permit should not be approved.

We plan to submit further comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Louis A. Zeller", followed by a horizontal line.

Louis A. Zeller, Executive Director

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<sup>5</sup> Comments/Suggestions from December 6, 2007 Meeting on Enhancing the Efficiency and Effectiveness of the NRC Environmental Review Process, Jon Block, Union of Concerned Scientists, Transcript at 90