

APPENDIX 10.2.1
316(a) AND 316(b) DEMONSTRATIONS

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316(a) Demonstration Not Required

The Clean Water Act, Section 316(a) allows for use of once-through cooling if the electric power generator can demonstrate through appropriate study and modeling that the heated effluent will not adversely affect a balanced, indigenous community of fish and shellfish in the receiving water body. Since PEF has committed to the use of a closed-cycle recirculating cooling system (cooling towers) for LNP, a 316(a) Demonstration is not required.

316(b) Demonstration

The Clean Water Act, Section 316(b), establishes national technology-based performance requirements applicable to the location, design, construction, and capacity of Cooling Water Intake Structures (CWIS). The Final Rule establishes the best technology available for minimizing adverse environmental impacts associated with CWIS on aquatic organisms. 316(b) compliance is reviewed through the NPDES review process. Accordingly 316(b) is addressed in Appendix 10.2.2 (NPDES Application).