

Fish and Game Department

MK-2 Permit to Discharge

Admin # 304  
June 17, 1970

EXHIBIT III

June 17, 1970

Bernard W. Corson  
Director

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MK-2 Permit to Discharge

We wish to be reasonable and cooperate with your staff and the P.S.C. in obtaining classification compliance at this installation. To this end, I believe we made a number of concessions in the permit. I would certainly hope and expect the P.S.C. would demonstrate its will-  
**William A. Healy, Executive Director**  
**Water Supply and Pollution Control Commission**  
**61 So. Spring Street**  
On the basis of this memo in question, it does not appear to be the case and at this time it is the opinion of the Fish and Game Department that the P.S.C. should be required to meet the conditions of the permit to discharge by October 7, 1971, or be subject to all penalties for violation of the same. Our anadromous fish restoration plans have necessarily considered compliance with the Federal 1969 order and any extended compliance failure would have a serious detrimental effect on this important project.

Dear Bill:

A memo to you from Eliot Priest dated June 1, 1970, requesting permission to test power spray modules and dredge the existing discharge canal for purposes of installation, has been considered by our fisheries people and a number of questions seem to require answers:

First and foremost, the final permit issued October 8, 1969, calls for meeting all conditions within two years (October 8, 1971). At the time of discussion, a plan presented by P.S.C. for development of cooling ponds appeared feasible as a method of meeting this deadline. The memo in question makes no mention of cooling ponds and we would like to know the status of this concept.

We have several objections to the concept of "testing" spray modules for the period of a year. Although actual testing may be required to obtain exact data, there is sufficient information presently available to be sure that permit conditions cannot be met or even reasonably approached through the use of this system alone. Even with ponds and spray combined, it was going to be necessary to re-cycle water part of the year. (Eliot Priest, October 2, 1969). A competent engineer given information presently available could certainly determine within a reasonable margin of error, the probable effectiveness of the spray operation and testing for a one year period certainly will guarantee the need for an extension of time for permit compliance. Under the circumstances, this request has the potential for unnecessary delay in meeting cold water fish standards. Since we are presently stocking shad eggs above the plant and expect downstream passage of juveniles this year, any delay could seriously affect our anadromous fish restoration efforts. In addition, it is possible to have downstream migrating Atlantic salmon within two years.

In your letter to Eliot dated October 8, 1969, it was clearly indicated that P.S.C. would construct the first cooling pond this year (1970). The recent memo indicates that plans now consider an "enlarged canal" after a year of testing spray modules. This indicates that plans would be submitted for a method of cooling that is very questionable about one month prior to order for compliance!

We wish to be reasonable and cooperate with your staff and the P.S.C. in obtaining "B" classification compliance at this installation. To this end, I believe we made a number of concessions in the permit. I would certainly hope and expect the P.S.C. would demonstrate its willingness to cooperate in this matter. On the basis of this memo in question, this does not appear to be the case and at this time it is the opinion of the Fish and Game Department that the P.S.C. should be required to meet the conditions of the permit to discharge by October 8, 1971, or be subject to all penalties for violation of the same. Our anadromous fish restoration plans have necessarily considered compliance with the October, 1969 order and any extended compliance failure would have a serious detrimental effect on this important Interstate program.

Sincerely yours,

Bernard W. Corson  
Director

BWC/ljw