

## **Section XII            Implementation Time for Design, Procurement, Fabrication, Installation, and Initial Operation**

### **Comment XII.A:**

Mirant comments that:

As discussed in the preceding comments, EPA proposes to require the Canal Station to implement a host of new monitoring requirements, as well as to make significant structural and operational changes. In many cases (as, for instance, with respect to the proposed requirements that the Station switch from grab sampling to sampling by recorder, or segregate chemical and non-chemical metal cleaning wastes from ash sluice water and boiler water), EPA has provided *no compliance period whatsoever*. In other cases, EPA has acknowledged the need for some compliance period (*e.g.*, providing six weeks from the effective date of the permit (“EDP”) to remove sediment build up from the Unit 2 intake sill, beginning extensive biological sampling thirty days after EDP, and providing twelve to eighteen months from EDP to complete various major structural changes to the cooling water intake structure).

### **Response XII.A:**

*See* Response to Comment X.A. EPA expects to issue an Administrative Compliance Order (ACO) pursuant to CWA § 309(a) that will contain, to the extent necessary, a reasonable compliance schedule for the various technology-based requirements of the Final Permit for which there are statutory deadlines that have already passed.

### **Comment XII.B:**

Mirant comments that:

In addition to the timing issues identified in the comments in Sections IX and X regarding easements and supplemental permitting, the modifications to the Station directly or indirectly required by the Draft Permit also will involve significant time to prepare designs and specifications for bidding or other procurement, for negotiation and implementation of construction contracts, for fabrication of equipment, for installation, and for initial operations prior to acceptance of the work. It does not appear from the Fact Sheet that EPA has provided any consideration to those issues in developing the effective dates of the proposed requirements.

Accordingly, the final permit should not contain any deadlines or effective dates (a) for installations of such modifications, or (b) for compliance with permit conditions limitations that can be met only through obtaining all necessary permits and/or making the installations operational, unless those deadlines or effective dates take appropriate account of the time needed for design, procurement, fabrication, installation, and initial operation of such modifications.

Alternatively, the final permit should abjure rigid deadlines while placing an obligation on Mirant Canal periodically to report on progress.

**Response XII.B:** *See* Response to Comment X.A.