

WQC2203225-001 Comment Response Summary

Commenter #	Recommendation #	Recommendation	Response
Three Mile Island Alert, Inc.	1	It is not clear if the DEP has instructed Constellation to comply with 316 (b) or evaluated. If so, please provide the affirmative declaration as well as supporting document used by the DEP to support Constellation's BTA's claim the existing closed-cycle system at TMI-1 may be determined for entrainment and impingement. Constellations claims are not based on a dedicated 316(b) study.	To meet BTA requirements to minimize adverse impacts from impingement mortality and entrainment, the permittee will continue to operate a closed-cycle recirculating system as defined at 40 CFR §125.92©. DEP's Southcentral Community Information Page has a link to the Crane Clean Energy page. This page has a section for Clean Water and the information requested can be found in the NPDES Renewal Application Package.
Three Mile Island Alert, Inc.	2	It would be prudent for the DEP to review Brunner Island and York Haven Dam to determine if there are issues at Three Mile Island relating to masking.	Water Quality based effluent limits for dissolved oxygen, nitrogen, toxic pollutants, and thermal pollution were determined as described in the Fact Sheet and draft NPDES permit. Appropriate monitoring and effluent limits were determined for each individual outfall. In addition, technology based effluent limits were determined as per effluent limitation guidelines (ELG) pursuant to 40 CFR 423.12.

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Three Mile Island Alert, Inc.	3	There is inadequate information to substantiate Constellation's findings which are further undermined by chemical discharges, masking, non-credible comps. The DEP's review is flawed and narrow. There is an absence of current documentation, and the proposed approval is held together for after the certification compliance.	Water quality modeling was conducted to develop appropriate effluent limits as reflected in the draft Fact Sheet and NPDES permit. Since the facility was in decommission status, no current monitoring data was available. The NPDES permit will be re-opened after 18 months after start-up for re-evaluation.
Three Mile Island Alert, Inc.	4	The Department of Environmental Protection should deny Constellation's request for waivers of Section 401 Water Quality Certificate or waiver and instruct Constellation to provide: (1) General Information Form, (2) the Pennsylvania Department of Environmental Protection (PA DEP) Chapter 105 Fee Calculation Worksheet, (3) Environmental Assessment Form, (4) CCEC Section 401 CWA Crosswalk, and (5) the 1977 Section 401 State Water Quality Certification	While some of this information was already provided, they are requirements of the Chapter 105 application and the applicant will be required to provide that information if and when a Chapter 105 application is submitted for any potential Chapter 105 regulated activities.
Three Mile Island Alert, Inc.	5	There is no proof that Module 5 demonstrated that Three Mile Island Unit-1's updates since 2015 serve as the Best Technology Available. Please provide the relevant documents.	To meet BTA requirements to minimize adverse impacts from impingement mortality and entrainment, the permittee will continue to operate a closed-cycle recirculating system as defined at 40 CFR §125.92(c). DEP's Southcentral Community Information Page has a link to the Crane Clean Energy page. This page has a section for Clean Water and the information requested can be found in the NPDES Renewal Application Package.

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Three Mile Island Alert, Inc.	6	Updated wetland forms should be delineated before the Certification is granted. There are wetlands on and around Three Mile Island despite Constellations claims in their SRBC applications.	The WQC requires a complete delineation of waters of the Commonwealth on the property. No earthwork is currently proposed, but resource identification is also a requirement of the Chapter 102 and Chapter 105 applications and updated identification will be required in the event future earth disturbance is proposed.
Three Mile Island Alert, Inc.	7	There is a dearth of supporting data tied together by compliance milestones planned for after the approval of the Clean Water Act certification. The Certification is deficient and comments provided in this review.	The NPDES Permit will be based on expected conditions, but will be conditioned to allow for the authorization to be re-evaluated in the event that monitoring results appear to conflict with what was anticipated.
Three Mile Island Alert, Inc.	8	The NPDES Permit has timed out. The DEP failed to Certify an NPDES when First Energy was attempting to transfer their license to TMI-2 Solutions. DEP should compel TMI-2 Solutions.	All industrial wastewater discharges from Unit 1 are regulated under the NPDES permit which will be issued to Crane Clean Energy. Unit 2 is owned by TMI-2 Solutions. Under an agreement with both parties, stormwater from both units are monitored through the NPDES permit. The NPDES permit was effective on June 1, 2010 and had an expiration date of October 31, 2012. However, a renewal application was received 180 days prior to expiration and the NPDES permit was administratively extended. Due to variable discharge rates and changing operations from the facility, renewal during the decommissioning of the facility was not recommended. The NPDES permit renewal was drafted in April 2026.

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Three Mile Island Alert, Inc.	9	There are no mechanisms in place to ensure compliance.	The various water quality permits associated with the water quality certification contain enforcement mechanisms tied to regulations and statutes.
Three Mile Island Alert, Inc.	10	On site inspections were not conducted. Pre-approval inspections should be coordinated with the Dauphin County Conservation District.	There is no statutory requirement for pre-approval inspections prior to 401 Water Quality Certification. Further, no earth disturbance is proposed with the restart operations, so no E&S plan is currently required. Therefore, no inspection by the County Conservation District is necessary.
Three Mile Island Alert, Inc.	11	Requirements should be imposed prior to going on line.	The 401 WQC will require the applicant to secure the necessary applicable approvals prior to going online.
Three Mile Island Alert, Inc.	12	Requirements should be imposed prior to going on line and account for TMI-2.	This requirement is effective immediately with the certification, prior to the facility going online.
Three Mile Island Alert, Inc.	13	Constellation should submit a plan prior to Certification. Please refer to discussion on pp. 15-18.	The 401 Water Quality Certification will include a requirement to submit a plan for aquatic monitoring. The NPDES permit will include conditions for Cooling Water Intake Structures in Part C of the permit.
Three Mile Island Alert, Inc.	14	DEP is not mandated in position to order Constellation to meet the requirements of a federal agency. This provision should be stricken.	This condition ensures compliance with consumptive use requirements which ensure the protection of Pennsylvania's Water Quality Standards.

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Three Mile Island Alert, Inc.	15	There is no-real water monitoring in place for chemical releases, thermal discharges or ... SRBC monitoring limited to water consumption use. There is no monitoring plan because there are no real-time monitors. DEP should review.	Water Quality based effluent limits for dissolved oxygen, nitrogen, toxic pollutants, and thermal pollution were determined as described in the Fact Sheet and draft NPDES permit. Appropriate monitoring and effluent limits were determined for each individual outfall. In addition, technology based effluent limits were determined as per effluent limitation guidelines (ELG) pursuant to 40 CFR 423.12. The Susquehanna River Basin Commission (SRBC) regulates the withdrawal rate from the Susquehanna River.
Three Mile Island Alert, Inc.	16	Please provide the accountability measures in place to enforce ensure compliance.	The PA Clean Streams Law, NPDES permit and Water Quality Certification provides DEP with the authority to seek enforcement when appropriate.
PA Fish and Boat Commission & NOAA	1	Support impingement/ entrainment study, particularly to assess impacts on American eel and American shad	To meet BTA requirements to minimize adverse impacts from impingement mortality and entrainment the permittee will continue to operate a closed-cycle recirculating system as defined at 40 CFR §125.92(c). The water quality certification will include a requirement for aquatic monitoring.

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PA Fish and Boat Commission & NOAA	2	Ask for temperature considerations of the outfall	Constellation provided the following response: The permit authorizes discharges up to 110°F, however, historic discharge temperatures reported on monthly discharge monitoring reports (DMRs) for when the Facility was operating did not approach this limit. The 99th percentile discharge temperature for the period 2014-2018 was 100.9°F and occurred outside the migratory periods for diadromous fish in the Susquehanna River (on August 17, 2015). Although the permit authorizes a maximum effluent discharge of 43.2 MGD, actual discharge rates from the Facility are expected to approach that level only during refueling outage periods, which are limited duration events lasting approximately three weeks that are expected to occur once every two years. Per DMR data, average discharge rate under typical Facility operating conditions is expected to be approximately 20 MGD. DEP concurs with Constellation's response.
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