

## Alternate Schedule Request §316(b) of the Clean Water Act

### Marshall Steam Station

Final regulations to establish requirements for cooling water intake structures at existing facilities were published in the Federal Register on August 15, 2014 (i.e. regulations implementing §316(b) of the Clean Water Act) with an effective date of October 14, 2014. Marshall Steam Station will be subject to the regulations. The design intake flow of the station is greater than 2 million gallons per day (MGD) and the historical actual intake flows are greater than 125 MGD; therefore, the following submittals are expected to be required:

- §122.21(r)(2) Source Water Physical Data
- §122.21(r)(3) Cooling Water Intake Structure Data
- §122.21(r)(4) Source Water Baseline Biological Characterization Data
- §122.21(r)(5) Cooling Water System Data
- §122.21(r)(6) Chosen Method(s) of Compliance with Impingement Mortality Standard
- §122.21(r)(7) Entrainment Performance Studies
- §122.21(r)(8) Operational Status
- §122.21(r)(9) Entrainment Characterization Study
- §122.21(r)(10) Comprehensive Technical Feasibility and Cost Evaluation Study
- §122.21(r)(11) Benefits Valuation Study
- §122.21(r)(12) Non-water Quality and Other Environmental Impacts Study

As allowed under §125.95(a)(2), Duke Energy would like to request an alternate schedule for the submittals listed above. Information requested in §122.21(r)(2), (3), and (5) were completed under the remanded rule; however, this information must be updated to reflect current operations and information requested in §122.21(r)(4) is substantially different from the remanded rule. Information requested in §122.21(r)(6) – r(12) are new provisions and these submittals must be developed. Duke Energy will need at least 60 months to prepare the necessary submittals. This timeframe includes complying with the peer review requirement for submittals §122.21(r)(10), §122.21(r)(11), and §122.21(r)(12).

The rule requires the necessary submittals to be included with the permit renewal application for permits with an effective date after July 14, 2018. Duke Energy, therefore, would like to request the 316(b) submittals, with the exception of §122.21(r)(6) *Chosen Method(s) of Compliance with Impingement Mortality Standard*, for Marshall Steam Station to be required with the subsequent permit renewal application due after July 14, 2018. Since Marshall Steam Station is subject to the entrainment best technology available (BTA) determination, a compliance schedule to complete §122.21(r)(6) *Chosen Method(s) of Compliance with Impingement Mortality Standard* will be requested to be included in the permit upon issuance of the entrainment BTA determination.