

CENTER FOR THE INLAND BAYS

Citizens' Advisory Committee **DRAFT Meeting Minutes**

Center for the Inland Bays Indian River Inlet Facility
Rehoboth Beach, DE
December 9, 2008

IN ATTENDANCE:

CAC Members Present	Glen Urquhart
Ron Wuslich, Chair	Arleen Wilkes
Carol Bason, Vice-Chair	April Willey
Bob Collins	Members of the General Public
Steve Callanen	John Austin
Bob Cubbison	Dr. Robert Adams
Bob Gallagher	Bill Baker
Harry Haon	Tom Bason
Barbara Lifflander	Donald Boebel
Carl Mantegna	Sallie Callanen
Graham Purchase	Larry Christman
Barbara Sorgeler	Lindley Hudson
CAC Alternates Present	Dr. Desmond Kahn, DNREC
David Truitt for Helen Truitt	Pete Keenan
CAC Members Not In Attendance	Jim Moore
June Connor	Bill Moyer
Valerie Cloutier	Andrew Ostroski
Muns Farestad	Bill Wickham
Jeff Gordon	Center for the Inland Bays Staff
Martha Keller	Ed Lewandowski
Vicky Mertes	Chris Bason
Todd Smallwood	Sally Boswell
Peter Tiberi	Eric Buehl
Helen Truitt	Jenn Jones

MINUTES:

Welcome and Introductions

Citizens' Advisory Committee (CAC) Chairman Ron Wuslich called the meeting to order at 4:05 p.m. and welcomed those in attendance. This was followed by introductions. Due to a power outage, copies of the October 14, 2008 meeting minutes were not available for approval.

NRG/Indian River Power Plant Cooling System Overview

Dr. Desmond Kahn, DNREC Division of Fish and Wildlife discussed the permitting process, the current system in use at the power plant, and the impacts on aquatic organisms. Dr. Kahn also discussed the consultant's report, species impacted, impingement/entrainment, mortality, and sampling methods. Dr. Kahn answered questions relating to how the power plant could reduce mortality and the impact of thermal effluent.

"Once Through" Cooling Resolution for the CIB Board of Directors

Ron Wuslich read the Preface and Background sections of the prepared resolution and entertained questions. There were comments about the need for the economic statements, the date of the additional unit shutdown, and the narrow focus on only fish and crabs.

Graham Purchase motioned and Bob Collins seconded to strike the comments regarding the Texas nuclear facility from the Preface and Background. The motion passed unanimously.

Ron Wuslich read the Action paragraph and entertained questions. There were questions and comments relating to the length the permit has been under consideration, the potential for DNREC to grant another extension, and the process for converting unit 3 prior to the shutdown of units 1 and 2. Wording was suggested that ensured the resolution encompassed other aquatic organisms and that it would be forwarded to DNREC, EPA Region 3, and EPA Headquarters.

Harry Haon motioned and Bob Collins seconded the revised wording to the Action paragraph. The motion passed unanimously. The resolution in its entirety is attached.

CAC Recruiting

Dr. Graham Purchase distributed a handout and gave a presentation on how members should go about encouraging others to get involved with CAC in an effort to increase membership and diversity.

Committee Reports

Carol Bason, of the Public Policy subcommittee, gave an update on the open space and superior design land use ordinances under consideration by the Sussex County Council. Carol noted that adoption of the ordinances by the Council was anticipated before the end of the year.

Steve Callanen, co-chair of the Public Policy Committee, gave a report that the committee had set priorities that focused on flyash contamination, fish kills, land use and development practices, and an Inland Bays annual report card. Other important issues were stormwater runoff, marinas/docks, dredging, and spray irrigation. Carl Mantegna will serve as committee co-chair.

Sally Boswell reported that the Outreach Committee had not met since October and will be meeting soon.

Old Business

There was no old business brought before the CAC.

New Business

It was questioned as to whether or not the CAC would get involved in the Sussex County Council and Positive Growth Alliance's lawsuit against DNREC regarding the Pollution Control Strategy. Should CAC develop position paper or a general statement on the importance of buffers?

Bob Collins motioned and Carol Bason seconded that the CAC send the issue of the Sussex County Council/Positive Growth Alliance lawsuit against DNREC to the CAC Public Policy Committee for consideration. The motion passed unanimously.

Next Meeting

The date for next CAC meeting is set for Tuesday, February 10, 2009 at 4:00 p.m.

Adjournment

At 6:04 p.m. it was motioned and seconded that the meeting be adjourned. Motion passed unanimously.

Respectfully reviewed and submitted,

Ron Wuslich, Chair
RW/ehb

ATTACHMENT

Citizens' Advisory Committee Resolution regarding NRG's use of "once-through" cooling water at its Indian River Generating Station

Prepared on 3 DEC 2008

Preface

In 1994, the Delaware General Assembly passed HB540, which established the Center for the Inland Bays (CIB) to oversee management of the Inland Bays Comprehensive Conservation and Management Plan (CCMP) and promote the wise use and enhancement of the Inland Bays watershed. In accordance with the CCMP, the Inland Bays Citizens' Advisory Committee (CACC) reviews issues of concern to stakeholders regarding the protection of the Inland Bays and brings recommendations to the CIB Board in support of that protection

Background

NRG currently operates four coal-fired steam electric generating units at its Indian River Generating Station in Millsboro. Units 1, 2 and 3 use a system known as "once-through cooling." These systems take in bay water, use it to absorb heat and return the water to the bay at a higher temperature (thermal effluent).

Unit 4 employs a closed-cycle recirculating cooling system with a cooling tower and must take only a small amount of water from the bay to replace water that has evaporated. This type of system is widely recognized as the "best technology available" (BTA) for minimizing environmental impacts as mandated by Section 316(b) of the Federal Water Pollution Control Act (Clean Water Act). Since the mid-1970's, all new coal-fired steam electric generating units in the State require cooling towers, such as that used by unit 4 that came on-line in 1980.

In total, units 1, 2 and 3 withdraw as much as 411 million gallons per day (MGD) from the Indian River. Each year, millions of fish and an estimated 400,000 blue crabs are killed through entrainment and impingement as a result of the "once-through cooling" process ⁽¹⁾. Entrainment is when fish eggs and larvae are drawn through the power plant's intake screen. Impingement is when organisms too large to be entrained are caught on the intake screen. Such fish or crabs can die either directly or indirectly from injuries.

As a result of a consent decree between NRG and Department of Natural Resources & Environmental Control, units 1 and 2 will be shut down no later than May 11, 2011, Department of Natural Resources & Environmental Control estimates that these closings will reduce cooling water intake by 57%.

The IRGS recently applied for an National Pollutant Discharge Elimination System (NPDES) permit inasmuch as it has been operating since 1992 under an administratively extended NPDES permit. Basically, units 1 and 2 aren't an issue and neither is unit 4, which already employs a cooling tower.

The issue is when will unit 3, which withdraws as much as 175 MGD from Indian River, be required to install a cooling tower similar to unit 4 and discontinue "once-through cooling?" Or, in other words, what is a reasonable time-frame to mandate the conversion of unit 3 to a closed-cycle cooling tower?

This decision should consider the fact that unit 3, in and of itself, has been responsible for the mortality of millions of fish and crabs annually and that the goals and objectives of the Inland Bays CCMP state the following:

- **G2:** Protect, restore and enhance living resources by improving water quality and protecting and enhancing habitat
- **G2B:** Restore finfish and shellfish populations
- **G2C:** Decrease potential for fish kills

Action

Now therefore, inasmuch as the BTA exists to minimize the losses of fish, crabs and other aquatic organisms as a result of "once-through cooling," and that the BTA has existed for over thirty years, and, inasmuch as the State of Delaware has the legal authority to regulate cooling water discharges in order to prevent violations of its Water Quality Standards, the Citizens' Advisory Committee believes that the Department of Natural Resources & Environmental Control should not grant NRG additional time to retrofit unit 3 with a cooling tower.

Accordingly, be it resolved that the CAC recommends that the Board ask the State to give NRG until May 2011 to retrofit unit 3 with a cooling tower. Following Board approval of this resolution, we request that copies of the resolution shall be forwarded to the Governor-elect and members of the General Assembly as well as the Environmental Protection Agency's Headquarters and Region III offices.

⁽¹⁾ Entrix, I. 2003. An ecological risk-based 316(B) evaluation for the Indian River Generating Station. Prepared for NRG Energy, Inc. Wilmington, DE