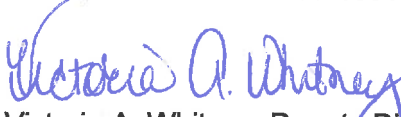

State Water Resources Control Board

TO: John Laird
California Secretary for Natural Resources
California Natural Resources Agency

FROM: 
Victoria A. Whitney, Deputy Director
DIVISION OF WATER QUALITY

DATE: APR 02 2014

SUBJECT: TRANSMITTAL OF NOTICE OF DECISION FOR AN AMENDMENT TO THE
WATER QUALITY CONTROL POLICY ON THE USE OF COASTAL AND
ESTUARINE WATERS FOR POWER PLANT COOLING

On June 18, 2013, the State Water Resources Control Board (State Water Board) adopted the amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy) under Resolution No. 2013-0018. The amendment reassigns the responsibility for National Pollutant Discharge Elimination System (NPDES) Permit issuance for existing power plants, and the review of impingement and entrainment studies for purposes of Track 2 compliance, to the Regional Water Boards. The amendment to the Policy was approved by the Office of Administrative Law on February 27, 2014.

The State Water Board's planning process has been certified as "functionally equivalent" under section 21080.5 of the California Environmental Quality Act (CEQA). Completion of the CEQA process involves the submittal of CEQA document filing fees with the Department of Fish and Wildlife and subsequently filing of a Notice of Decision (rather than a Notice of Determination) with the California Natural Resources Agency. The Fish and Wildlife Code section 753.5(e)(3), Collection Procedures for County Clerks, states the following:

"Only one fee shall be paid per project unless the project is tiered or phased, or separate environmental documents are required (Fish and Game Code section 711.4(g))...Only one fee is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to fish and wildlife."

An addendum to the final Substitute Environmental Documentation adopted with the Policy on May 4, 2010 was prepared and approved for this Policy amendment, explaining why changes to the Policy do not lead to new significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

The Fish and Wildlife Code section 753.5(e)(4) also states:

"In the event a project requires multiple notices of determination by lead and/or responsible agencies, the fee shall be paid at or before the time the lead agency files the first notice of determination. Upon payment, the applicant shall retain the receipt for presentation to any additional agencies whose approval may be required. A copy of that receipt shall be attached to any additional notices of determination that may be required for the same project. The copy shall suffice as documentation that the fee was paid."

Therefore, attached are the Environmental Filing Fee Cash Receipts of the CEQA filing for the Policy adoption dated, May 10, 2010, and the Policy Amendment dated, May 3, 2012 to ensure that payment has already been made for this project's determinations.

The attached Notice of Decision for State Water Board Resolution No. 2013-0018 is hereby filed with the California Resources Agency.

Please send back one copy of the Notice of Decision as notification that this item has been posted and filed.

If you have any questions regarding this submittal, please contact Ms. Shuka Rastegarpour, Environmental Scientist with the Division of Water Quality, at (916) 341-5576 (srastegarpour@waterboards.ca.gov).

Attachments:

1. Notice of Decision
2. Environmental Filing Fee Cash Receipt (May 10, 2010)
3. Filed Notice of Decision (2010)
4. Environmental Filing Fee Cash Receipt (May 3, 2012)
5. Filed Notice of Decision (2012)
6. OAL Approval
7. Resolution No. 2013-0018
8. Concise Summary of Regulatory Provisions

Notice of Decision

TO: Mr. John Laird
California Secretary for Natural Resources
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

FROM: State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

SUBJECT: Filing of Notice of Decision in compliance with section 21080.5
of the Public Resources Code

PROJECT TITLE: Amendment to the Water Quality Control Policy on the Use of Coastal
and Estuarine Waters for Power Plant Cooling

LOCATION: California Coastal and Estuarine Areas

DESCRIPTION: State Water Resources Control Board (State Water Board) Resolution
No. 2013-0018 amended the responsibility of National Pollutant
Discharge Elimination System Permit issuance for existing power plants,
and the review of impingement and entrainment studies for purposes of
Track 2 compliance, to the Regional Water Boards. The proposed project
constitutes a minor change to the previously adopted Policy and the
changes do not trigger any conditions identified in title 14, California Code
of Regulations, section 15162.

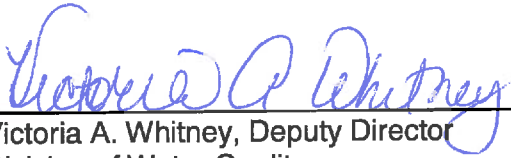
CONTACT PERSON: Ms. Shuka Rastegarpour (916) 341-5576
(srastegarpour@waterboards.ca.gov)

This Notice of Decision is to advise that the State Water Board has determined that Resolution No. 2013-0018, adopted on June 18, 2013, has been fully approved. The amendment was approved by the California Office of Administrative Law on February 27, 2014.

The State Water Board has made the following determinations regarding the above-referenced project:

1. An Addendum to the final Substitute Environmental Documentation (SED) approved on May 4, 2010 was prepared and approved for this project pursuant to the provisions of California Environmental Quality Act (CEQA).
2. The Addendum to the final SED concluded that the modifications to the proposed project would not lead to new significant environmental effects or a substantial increase in the severity of previously identified environmental effects.
3. A statement of overriding considerations was not adopted for this project.
4. No new findings were made pursuant to the provisions of CEQA.

The addendum to the final SED, supporting documentation and record of project approval, is available to the general public at the State Water Board's office at 1001 I Street, Sacramento, CA 95814.



Victoria A. Whitney, Deputy Director
Division of Water Quality
State Water Resources Control Board



Date

Date received for filing: _____



State of California—The Resources Agency
DEPARTMENT OF FISH AND GAME
2010 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT#

STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY State Water Resources Control Board			DATE October 1, 2010
COUNTY/STATE AGENCY OF FILING Sacramento			DOCUMENT NUMBER
PROJECT TITLE Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling			
PROJECT APPLICANT NAME State Water Resources Control Board			PHONE NUMBER (916) 341-5582
PROJECT APPLICANT ADDRESS 1001 I Street, 15th floor	CITY Sacramento	STATE CA	ZIP CODE 95814
PROJECT APPLICANT (Check appropriate box):			
<input type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input type="checkbox"/> Other Special District <input checked="" type="checkbox"/> State Agency <input type="checkbox"/> Private Entity			

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$2,792.25	\$	\$0.00
<input type="checkbox"/> Negative Declaration (ND)(MND)	\$2,010.25	\$	\$0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$	\$0.00
<input checked="" type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$949.50	\$	\$949.50
<input type="checkbox"/> County Administrative Fee	\$50.00	\$	\$0.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> DFG No Effect Determination (Form Attached)			
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

 Cash
 Credit
 Check
 Other _____

TOTAL RECEIVED \$ 949.50

SIGNATURE

X

TITLE

 Environmental Scientist
 California Department
 of Fish + Game

FILED

OCT 01 2010

Resources Agency of California

Notice of Decision

TO: Lester Snow
Secretary for Resources
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

FROM: State Water Resources Control Board (State Water Board)
1001 I Street, Sacramento, CA 95814

SUBJECT: Filing of Notice of Decision in compliance with section 21080.5
of the Public Resources Code

PROJECT TITLE: Water Quality Control Policy on the Use of Coastal and Estuarine
Waters for Power Plant Cooling

LOCATION: California Coastal and Estuarine Areas

DESCRIPTION: State Water Board Resolution No. 2010-0020 (see Attachment A)
establishes uniform, technology-based standards to implement
federal Clean Water Act section 316(b), which requires that the
location, design, construction, and capacity of cooling water intake
structures reflect the best technology available for minimizing
adverse environmental impact.

CONTACT PERSON: Joanna Jensen at (916) 341-5582
(email: jjensen@waterboards.ca.gov)

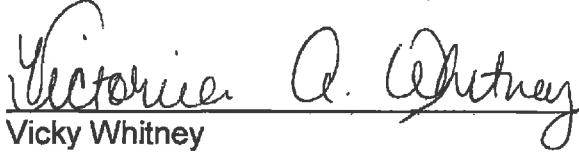
This Notice of Decision is to advise that the State Water Board has determined that Resolution No. 2010-0020, adopted on May 4, 2010, has been fully approved. The amendment was approved by the California Office of Administrative Law on September 27, 2010 (see Attachment B for the approval letter).

The State Water Board has made the following determinations regarding the above-referenced project:

1. The State Water Board found that the project would have a less than significant effect on the environment, if mitigated, after evaluating impacts, alternatives and mitigation measures (see Attachment C for the CEQA Checklist).
2. A substitute equivalent document was prepared for this project pursuant to the provisions of CEQA (see the State Water Board's web page at http://www.waterboards.ca.gov/water_issues/programs/npdes/cwa316.shtml).
3. A statement of overriding considerations was not adopted for this project.
4. Findings were made pursuant to the provisions of CEQA.

Notice of Decision

This is to certify that the final environmental document, with comments and responses and record of project approval, is available to the general public at the State Water Board's office at 1001 I Street, Sacramento, CA 95814.



Vicky Whitney
Deputy Director
Division of Water Quality
State Water Resources Control Board

10/1/10

Date

Date received for filing: _____



STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND GAME
 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFG 753.5a (01/2002)

Receipt No: **4747**

Attachment 4

Date: **5/10/2012**

Lead Agency: **SWRCB**
 State Agency of Filing: **Dept. of Fish and Game**
 Project Title: **Once through cooling amendment**

Invoice Date:
 Document No: **no invoice**
 Deposit No: **0919**

SWRCB
 1001 I Street
 Sacramento, CA 95814

Project Applicant Name
 Project Applicant Address:
 City, State, Zip

Project Applicant (check appropriate box) Local Public Agency School District Other Special District
 State Agency Private Entity

APPLICABLE FEES:

Environmental Impact Report:	\$0.00
Negative Declaration:	\$0.00
Application Fee Water Diversion (State Water Resources Control Board Only):	\$0.00
Projects Subject to Certified Regulatory Programs	\$992.50
Lien fee:	\$0.00
Penalty:	\$0.00
County Administrative Fee:	\$0.00
<input type="checkbox"/> Project exempt from fees	\$0.00
Other Fee:	\$0.00

Total Received **\$992.50**

Person receiving payment:


Bill Terry, Accountant I

Notice of Decision

TO: Mr. John Laird
California Secretary for Natural Resources
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

FROM: State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

SUBJECT: Filing of Notice of Decision in compliance with section 21080.5
of the Public Resources Code

PROJECT TITLE: Amendment to the Water Quality Control Policy on the Use of Coastal
and Estuarine Waters for Power Plant Cooling

LOCATION: California Coastal and Estuarine Areas

DESCRIPTION: State Water Board Resolution No. 2011-0033 amended deadlines for the
Los Angeles Department of Water and Power to comply with the
implementation schedule in the Statewide Water Quality Control Policy on
the Use of Coastal and Estuarine Waters for Power Plant Cooling (policy).
The amendment to the Policy also requires specified fossil-fueled power
plants that are not able to comply by December 31, 2022 to install
devices by December 31, 2020 that will minimize environmental impacts
caused by once through cooling.

CONTACT PERSON: Shuka Rastegarpour (916) 341-5576
(srastegarpour@waterboards.ca.gov)

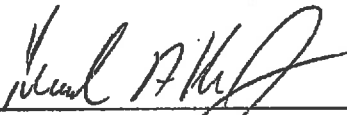
This Notice of Decision is to advise that the State Water Board has determined that Resolution No. 2011-0033, adopted on July 19, 2011, has been fully approved. The amendment was approved by the California Office of Administrative Law on March 12, 2012 (see Attachment B for the approval letter).

The State Water Board has made the following determinations regarding the above-referenced project:

1. The State Water Board found that the project would have a less than significant effect on the environment, if mitigated, after evaluating impacts, alternatives and mitigation measures.

2. A substitute equivalent document was prepared for this project pursuant to the provisions of CEQA (see the State Water Board's web page at http://www.waterboards.ca.gov/water_issues/programs/npdes/cwa316.shtml).
3. The Policy Amendment incorporates mitigation measures that will reduce any adverse effects on the environment to an insignificant level.
4. A statement of overriding considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

The final environmental document, with comments and responses and record of project approval, is available to the general public at the State Water Board's office at 1001 I Street, Sacramento, CA 95814.



Ken Harris
Assistant Deputy Director
Division of Water Quality
State Water Resources Control Board

5-17-2012

Date

Date received for filing: _____

FILED

MAY 17 2012

Resources Agency of California

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11353

Title 23, California Code of Regulations

OAL File No. 2014-0116-02 S

Adopt sections:
Amend sections: 2922
Repeal sections:

The State Water Resources Control Board Resolution 2013-0018, adopted June 18, 2013, amended the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling. The amendments reassign the responsibility for National Pollutant Discharge Elimination System (NPDES) Permit issuance for existing power plants, and the review of impingement and entrainment studies for purposes of Track 2 compliance, to the Regional Water Boards.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: 2/27/2014

 **TARPENNING**

Craig S. Tarpenning
Assistant Chief Counsel

For: **DEBRA M. CORNEZ**
Director

Original: Thomas Howard
Copy: Shuka Rastegarpour

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0018**

**ADOPTION OF AN AMENDMENT TO THE WATER QUALITY CONTROL POLICY ON
THE USE OF COASTAL AND ESTUARINE WATERS FOR POWER PLANT COOLING**

WHEREAS

1. The State Water Resources Control Board (State Water Board) is designated as the state water pollution control agency for all purposes stated in the Clean Water Act, including water quality control planning and waste discharge regulation.
2. The State Water Board is responsible for adopting state policy for water quality control, which may consist of water quality principles, guidelines, and objectives deemed essential for water quality control.
3. On May 4, 2010, the State Water Board adopted the statewide "*Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*" (Policy) under Resolution No. 2010-0020. The Policy was approved by the Office of Administrative Law on September 27, 2010 and became fully effective on October 1, 2010.
4. The Policy establishes uniform, technology-based standards to implement federal Clean Water Act section 316(b), which requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.
5. The Policy applies to 16 existing power plants located along the California coast, and is implemented through National Pollutant Discharge Elimination System (NPDES) permits, issued pursuant to Clean Water Act Section 402, which authorize the point source discharge of pollutants to navigable waters. The Policy originally affected 19 Once-Through Cooling (OTC) power plants, but three of these plants have ceased all once-through cooling operations since adoption of the Policy.
6. The Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) was convened pursuant to the Policy, composed of representatives from the California Air Resources Board, the California Coastal Commission, the California Energy Commission, the California Public Utilities Commission, the California State Lands Commission, the California Independent System Operator, and the State Water Board. The purpose of SACCWIS is to review implementation plans and schedules and to advise the State Water Board on Policy implementation, in order to ensure that the implementation schedule takes into account local area and grid reliability, including permitting constraints.

7. The Policy was amended on July 19, 2011, making changes to existing Policy compliance dates for the Los Angeles Department of Water and Power (LADWP) on a unit by unit basis rather than facility-wide basis. The changes allowed LADWP to commit to earlier deadlines than required for some of its OTC power-generating units, while meeting deadlines later than required. The amendments also included additional requirements for studies and implementation of technologies to reduce impingement and entrainment for facilities with compliance dates beyond 2022.
8. On September 29, 2011, SACCWIS adopted a report recommending that the State Water Board modify the Policy's implementation schedule to reflect compliance on a unit-by-unit basis. As SACCWIS formulates recommendations for specific changes to the implementation schedule, it may do so on a unit-by-unit rather than facility-wide basis.
9. The State Water Board and Regional Water Quality Control Boards (Regional Water Boards) are authorized to issue NPDES permits to point source dischargers in California, including power plants subject to the Policy.
10. Section 1.N of the Policy placed the entire responsibility of all NPDES permit actions on the State Water Board for all existing power plants subject to this Policy. The State Water Board staff developed a schedule for permit adoption, starting with the older permits first. Due to the large number of OTC Power Plants, and minimal resources, the requirement has prevented the adoption of NPDES Permits on an efficient and timely manner.
11. The State Water Board has determined that it is in the best interest of the marine and estuarine life to have an NPDES Permit adopted by a power plant's corresponding Regional Water Boards as it has been in the past. It prevents delays in adoption of permits since more permits can be adopted by simultaneous Regional Water Boards. In addition, the Regional Water Boards are more aware of all the local water quality issues and concerns. Therefore, it is more effective to have the Regional Water Boards issue the NPDES Permits, and to ensure consistency on the OTC issues and implementation, it is appropriate for the Regional Water Boards to consult with State Water Board staff, when appropriate.
12. The Resources Agency has approved the State Water Board's water quality control planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) requirements for preparing environmental documents. A Substitute Environmental Document (SED) is used in place of an Environmental Impact Report (EIR) as CEQA environmental documentation.

13. State Water Board staff has prepared a Draft Staff Report for the amendment that contains the required environmental documentation under the State Water Board's CEQA regulations. (California Code of Regulations, title 23, section 3777). The changes to the Policy do not lead to new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. Therefore, an addendum to the Final SED adopted with the Policy on May 4, 2010 has been prepared for this Policy amendment, explaining why no new environmental effects will result.
14. The Health and Safety Code section 57004 requires external scientific peer review of the scientific basis for any rule proposed by any board, office, or department within the California Environmental Protection Agency. However, because this amendment is strictly administrative and is not based on any scientific data, peer review requirements do not apply.
15. Consistent with CEQA, the State Water Board considers that the Draft Staff Report does not engage in speculation, but rather analyzes the project and the alternatives to the project, and concludes that the project will not result in any additional environmental impacts.
16. An amendment to a policy for water quality control does not become effective until adopted by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Draft Staff Report and as an addendum to the 2010 Final SED of the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.
2. Adopts the amendment (Appendix A of the Draft Staff Report) to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.
3. Authorizes the Executive Director or designee to submit the amendment to OAL for review and approval.
4. Directs the Executive Director or designee to make minor, non-substantive modifications to the language of the amendment, if OAL determines during its approval process that such changes are needed, and inform the State Water Board of any such changes.

5. Directs staff to solicit annual updates covering any substantive changes to implementation plans or compliance schedules for each of the power plants subject to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling, if appropriate.
6. Directs staff to bring any appropriate modifications to the implementation schedule, including modifications on a unit-by-unit basis, to the State Water Board for its consideration.”

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 18, 2013.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

CONCISE SUMMARY OF REGULATORY PROVISIONS

California Code of Regulation, Title 23, Division 3, Chapter 22:

Section 2922. Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling

23 CCR § 2922

Cal. Admin. Code tit. 23, § 2922

Barclays Official California Code of Regulations

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 22. State Policy for Water Quality Control

§ 2922. Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.

The following is to be added under § 2922:

(c) On June 18, 2013, the State Water Board amended the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling under Resolution No. 2013-0018.

Resolution No. 2013-0018 amended the Policy to reassign the responsibility for National Pollutant Discharge Elimination System (NPDES) Permit issuance for existing power plants to the Regional Water Boards. Section 1.N and subsequent sections of the Policy are modified so that NPDES actions to issue, modify, reissue, revoke, and terminate are assigned to the Regional Water Boards.

Section 4.Track 2 Monitoring Provisions are amended so that the Regional Water Boards take responsibility for reviewing and approving the Impingement and Entrainment Impact studies.

