

- Track 1 – 93% reduction (although still not Dry Cooling).
- Track 2
  - Definition of not feasible
  - Inconsistency of unit-by-unit vs. whole facility
  - Compliance for Impingement and Entrainment not supported
  - Allowance of operational controls
- Grid Reliability
- Nuclear plants:
  - Nuclear Safety exception
  - Special Study exception

# Track 2

- Definition of Infeasibility – permitting difficulties.
- Determining Compliance for impingement and entrainment.
  - How is this equivalent to 90% of Track 1?

# Track 2

- New inconsistency. Compliance as a whole vs. unit by unit.
- “[t]he owner or operator must reduce impingement mortality and entrainment of marine life for the facility, as a whole, to a comparable level...
- “a comparable level is a level that achieves at least 90 percent of the reduction in impingement mortality and entrainment required under Track 1 [which is unit by unit]”
- Paragraph (d) is unit-by-unit as well.

- Allowance of operational controls
  - Provides for flow manipulation rather than the factors in 316(b) – “location, design, construction, capacity of cooling water intake structures...”

# Grid Reliability

- Page 7, 3(B)(4)
  - The State Board shall consider the SACCWIS' recommendations and [may] direct staff to make modifications, if appropriate, for the State Water Board's consideration.
- Page 7, 3(C)(1)
  - If the State Water Board determines [through amendment to this policy] that a longer compliance schedule is necessary to maintain reliability of the electric system per SACCWIS recommendations . . .

# Nuclear Facilities

- Special Studies –
  - No explanation of why three extra years is given to Diablo Canyon.
  - Regardless of what the Review Committee decides, nuclear facilities still must meet BTA.
  - Cost considerations not required and already considered in Track 1. What level of cost consideration is allowed. BTA is not cost/benefit.

# Wholly Disproportionate Exception

- Strongly support staff's removal of this provision.
- Not required by the CWA or the U.S. Supreme Court.