

# **Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling**

**Item #7  
July 19, 2011  
Sacramento, CA**



**California Environmental Protection Agency**

**STATE WATER RESOURCES CONTROL BOARD**

# The Law

- **Clean Water Act Section 316(b):**  
requires “that the location, design, construction, and capacity of cooling water intake structures reflect the Best Technology Available for minimizing adverse environmental impact.”

# Power Plant Cooling Policy

- **Compliance with CWA Section 316(b)**
  - ▶ Established BTA
  - ▶ Protects marine life from once-through cooling water intake structures
  - ▶ Ensures continuity of the electrical grid
- **Adopted May 4, 2010**
- **Approved by OAL Sept. 27, 2010**
- **Effective date October 1, 2010**

# Background

- **The Board considered a proposed amendment related to LADWP on December 14, 2010.**
- **The Board tabled the amendment pending the submittal of implementation plans, and early review by SACCWIS of DWP plans.**

# Implementation of the OTC Policy

- **Staff sent letters to all generators (including LADWP) on November 30, 2010 notifying them to submit implementation plans.**
- **At the Board's request, staff held a stakeholder meeting on February 7, 2011 to address questions on the implementation plans.**
- **All generators submitted their implementation plans by April 1, 2011.**

# Implementation of the OTC Policy

- **Supporting Bodies have formed and met**
  - ▶ Nuclear Review Committee
  - ▶ SACCWIS
  - ▶ Inter-Agency Working Group (IAWG)
- **Staff has been reviewing implementation plans**
  - ▶ Assisted by IAWG
- **NPDES permit writing is in progress**

# LADWP Implementation Plan

- LADWP implementation plans for their three OTC facilities (Haynes, Harbor, and Scattergood), requests:
  - ▶ extended deadlines for some units
  - ▶ proposed to meet the deadlines earlier for other units.
  - ▶ commits to ultimately eliminating OTC and seawater intakes for all units
  - ▶ mitigating interim impacts to the extent possible.

# Proposed Amendment

The proposed amendment would change the compliance deadlines for the LADWP plants found in Table 1 in Section 3.E of the Policy as follows:

Harbor GS Unit 5	12/31/2031 (previously 12/31/2015)
Haynes GS Units 1 and 2	12/31/2027 (previously 12/31/2019)
Haynes GS Units 5 and 6	<b>12/31/2013</b> (previously 12/31/2019)
Haynes GS Unit 8	12/31/2035 (previously 12/31/2019)
Scattergood GS Units 1 and 2	12/31/2024 (previously 12/31/2020)
Scattergood GS Unit 3	<b>12/31/2015</b> (previously 12/31/2020)

yellow font indicates accelerated re-powering without OTC

# Proposed Amendment

The amendment would add a paragraph (Section 2.C.4) to the Policy that would impose **special interim requirements for any** fossil-fueled power plant with a compliance plan that extends beyond **December 31, 2020**:

- The owner or operator must commit to eliminating the use of OTC for all units at the facility, and ...

# Proposed Amendment

New Section 2.C.4 continued:

- **The owner or operator would be required to conduct studies, to evaluate new technologies or improve existing technologies to reduce impingement and entrainment.**
- **The results of the studies and a proposal to minimize entrainment and impingement must be submitted to the Chief Deputy Director for approval no later than December 31, 2015.**
- **Implementation of the proposal must be completed no later than December 31, 2020.**

# Public Process

- **Notice of amendment posted/sent May 18, 2011**
- **The deadline for submitting comments was July 5, 2011.**
- **Four comment letters (many form letters from individuals):**
  - ▶ 1 opposed (NGOs)
  - ▶ 1 in favor (LADWP)
  - ▶ 2 other generators, opposed to new section 2.C.4
- **Staff prepared and posted Responses to Comments prior to this meeting**

# **State Agency Committee on Cooling Water Intake Structures (SACCWIS)**

- **Met on July 5, 2011**
- **Considered LA DWP Implementation Plan and Proposed Extended Schedule**
  - ▶ Local and grid reliability
- **Adopted Resolution**
  - ▶ Chief Deputy Bishop authorized to present the SACCWIS resolution to the Board today