State Water Resources Control Board



Division of Water Quality

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TO:

Susan Lapsley, Director Office of Administrative Law 300 Capitol Mall, Suite 1250 Sacramento, CA 95814

FROM:

Elizabeth L. Haven

Assistant Deputy Director

DIVISION OF WATER QUALITY

DATE:

AUG 1 0 2010

SUBJECT:

SUBMITTAL OF REGULATORY PROVISIONS OF A WATER QUALITY

CONTROL POLICY ON THE USE OF COASTAL AND ESTUARINE WATERS

FOR POWER PLANT COOLING

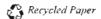
On May 4, 2010, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2010-0020 adopting a statewide water quality control policy that establishes uniform, technology-based standards to implement federal Clean Water Act section 316(b), which requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

Pursuant to Government Code section 11353, the regulatory provisions of the policy are being submitted to the Office of Administrative Law (OAL) for approval. As required by that section, this submittal includes:

- Seven copies of OAL Form 400 with the Clear and Concise Summary of Regulatory Provisions;
- The necessity for the regulatory provisions, which will be found in the State Water Board's Substitute Environmental Document;
- A certification by the Chief Counsel of the State Water Board that the action was taken in compliance with all applicable procedural requirements of the Porter-Cologne Water Quality Control Act, Water Code section 13000 et seg.; and
- The Administrative Record for the State Water Board proceedings on this matter.

The State Water Board's authority to adopt a water quality control policy is contained in Water Code section 13140. We recommend that the regulatory summary be added to Title 23,

California Environmental Protection Agency



Division 3, Chapter 22, as new section 2921: "Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling".

If you have any questions regarding this submittal, you may contact me at (916) 341-5457 (lhaven@waterboards.ca.gov). You may also contact Dominic Gregorio, Chief of the Ocean Unit, at (916) 341-5488 (dgregorio@waterboards.ca.gov) or Joanna Jensen at (916) 341-5557 (jjensen@waterboards.ca.gov), who is the lead staff person on this matter.

Attachments (4)

bc: (without attachments)

Jonathan Bishop, Exec Marleigh Wood, OCC Bruce Fujimoto, DWQ Dominic Gregorio, DWQ Joanna Jensen, DWQ