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State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

NOTICE OF ADOPTION HEARING NOTICE OF FILING NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

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

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will hold a public hearing to receive public comment on a proposed amendment to the *Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling* (Policy). The State Water Board may take action to adopt the proposed amendment to the Policy following the hearing, which will be held at the following time and location:

December 14, 2010 – 10:00 a.m.
Cal/EPA Headquarters Building
Coastal Hearing Room – Second Floor
1001 I Street
Sacramento, CA 95814

BACKGROUND

The Policy, adopted on May 4, 2010 as [Resolution No. 2010-0020](#), established 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.

The Policy applies to 19 existing power plants located along the California coast, and is implemented through National Pollutant Discharge Elimination System (NPDES) permits. The proposed Policy amendments would apply to power plants with previously installed combined-cycle power-generating units and to those fossil fuel power plants with compliance plans that extend beyond December 31, 2020, if such compliance plans are approved by the State Water Board.

Currently, the Policy requires that intake flow rates at each power-generating unit must be reduced to a level commensurate with that which can be attained by a closed-cycle wet cooling system. If the owner or operator can demonstrate that this is not feasible, the owner or operator may comply by reducing environmental impacts to marine and estuarine life comparably through other means, using operational or structural controls, or both. Prior reductions in impingement and entrainment resulting from the installation of combined-cycle power-generating units may be counted towards meeting the alternate requirements.

The Policy amendment would allow an owner or operator of a power plant with previously installed combined-cycle power-generating units to continue to use once-through cooling at combined-cycle units until the unit reaches the end of its useful life under certain circumstances. The affected facilities and power-generating units are Haynes Generating Station (Units 9 and 10), Harbor Generating Station (Unit 8) and Moss Landing Power Plant (Units 1 and 2). The owner or operator must specify the expected useful life of the combined-cycle unit(s), and this must be included in the facility's NPDES permit. The owner or operator must conduct feasibility studies of employing fine mesh screens or equivalent controls for these units. For units that continue operating without control measures, the owner or operator must submit mitigation funds in the amount of three dollars per million gallons of water withdrawn, payable annually.

In addition, the amendment would allow the owner or operator of a power plant with a compliance plan that extends beyond December 31, 2020 to continue to use once-through cooling under certain circumstances. The owner or operator would need to commit to eliminating the use of OTC upon repowering each unit and specify the date of repowering each unit. The owner or operator must conduct feasibility studies of employing fine mesh screens or equivalent controls for these units. For units that continue operating without control measures, the owner or operator must submit mitigation funds in the amount of three dollars per million gallons of water withdrawn, payable annually.

DOCUMENT AVAILABILITY

The proposed amendment to the Policy and supporting documents are available on the State Water Board's Web site at http://www.waterboards.ca.gov/water_issues/programs/npdes/cwa316.shtml. Alternatively, you may receive a paper copy in the mail by contacting Joanna Jensen at (916) 341-5582. To subscribe to an email list for future notifications about the proposed Policy, go to the State Water Board's Web site at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml, and choose "Ocean Issues – Once-Through Cooling".

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept only those written comment letters that are limited to the proposed amendment of the Policy. Each comment should clearly identify the proposed modification it addresses by stating the applicable section number of the Policy. Written comment letters that address any other aspect, section, or requirement of the Policy, other than the proposed amendments, are outside the scope of this Public Notice and will not be reviewed or considered by the State Water Board. Written comments (electronic submission preferred) must be received by **12:00 noon on November 19, 2010** and submitted to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Fax: (916) 341-5621
Email: commentletters@waterboards.ca.gov

Please write "**Comment Letter – OTC Policy Amendment**" in the subject line. Couriers delivering comment letters must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5600.

PROCEDURAL MATTERS

At the adoption hearing on December 14, 2010, participants will be given an opportunity to summarize and supplement their written materials with oral presentations **that are limited only to the proposed amendment**. To ensure a productive and efficient hearing, oral presentations may be time-limited.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (Cal/EPA) Building and public parking information, please refer to the map on the State Water Board's Web site at <http://www.calepa.ca.gov/EPABldg/location.htm>.

The Cal/EPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Joanna Jensen at (916) 341-5582 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922. A broadcast of the meeting will be available via the internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.


All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

ADDITIONAL INFORMATION

Please direct questions about this notice to Joanna Jensen at (916) 341-5582 (jjensen@waterboards.ca.gov) or Dominic Gregorio at (916) 341-5488 (dgregorio@waterboards.ca.gov).

September 30, 2010

Date



Jeanine Townsend
Clerk to the Board