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State Water Resources Control Board

RECEIVED BY
Office of the Secretary

AUG 16 2016

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

Natural Resources Agency California

FROM: 
Karen Larsen, Deputy Director
DIVISION OF WATER QUALITY

DATE: AUG 11 2016

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 April 7, 2015, the State Water Resources Control Board (State Water Board) adopted an amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy) under Resolution No. 2015-0018. The amendment extends the compliance deadline for Moss Landing Power Plant from December 31, 2017 to December 31, 2020. The amendment to the Policy was approved by the Office of Administrative Law on July 18, 2016.

The State Water Board's planning process has been certified by the Secretary for Natural Resources 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. California Code of Regulations, title 14, section 753.3, subdivision (e)(3) 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)). Separate environmental documents include EIRs, negative declarations, subsequent EIRs and negative declarations, and supplements to EIRs.

An addendum to the final Substitute Environmental Documentation adopted with the Policy on May 4, 2010 was prepared and approved for this Policy amendment. The addendum explains 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. No separate environmental document was required.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

California Code of Regulations, title 14, section 753, subdivision (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 document that payment has already been made for the project.

The attached Notice of Decision for State Water Board Resolution No. 2015-0018 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 Maria de la Paz Carpio-Obeso, Chief of the Ocean Standard Unit, at (916) 341-5858 or via e-mail MarieleaPaz.Carpio-Obeso@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. Filed Notice of Decision (2014)
7. OAL Approval
8. Resolution No. 2015-0018
9. 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. 2015-0018 amended the Policy to extend the compliance deadline for
Moss Landing Power Plant from December 31, 2017 to December 31,
2020. The proposed project constitutes a minor change to the previously
adopted Policy and the change does not trigger any conditions identified
in title 14, California Code of Regulations, section 15162.

CONTACT PERSON: Maria de la Paz Carpio-Obeso, (916) 341-5858
(MarieleaPaz.Carpio-Obeso@waterboards.ca.gov)

This Notice of Decision is to advise that the State Water Board has determined that Resolution No. 2015-0018, adopted on April 7, 2015, has been fully approved. The amendment was approved by the California Office of Administrative Law on July 18, 2016.

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.

/s/ 
Karen Larsen, Deputy Director
Division of Water Quality
State Water Resources Control Board

8/10/2016
Date

Date received for filing: _____