

State Water Resources Control Board

NOTICE OF DOCUMENT AVAILABILITY, OPPORTUNITY FOR PUBLIC COMMENT, AND PUBLIC HEARING

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

TO EXTEND THE COMPLIANCE SCHEDULE FOR ALAMITOS, HUNTINGTON BEACH, ORMOND BEACH, AND SCATTERGOOD GENERATING STATIONS

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive comments on the Draft Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling to Extend the Compliance Schedule for Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations (OTC Policy Amendment) and Draft Staff Report. The OTC Policy Amendment also includes a change without regulatory effect to revise the compliance date for Diablo Canyon Nuclear Power Plant.

The State Water Board will release these documents for public comment on or before **January 31, 2023**. Written comments must be received no later than **12:00 noon on March 17, 2023**. See below for additional information.

The proposed amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling or OTC Policy) would extend the compliance date for the following power plants:

- Alamitos Generating Station (Alamitos) Units 3, 4, and 5; Huntington Beach Generating Station (Huntington Beach) Unit 2; and Ormond Beach Generating Station (Ormond Beach) Units 1 and 2 for three years, from December 31, 2023, to December 31, 2026, to support system-wide grid reliability; and
- Scattergood Generating Station (Scattergood) Units 1 and 2 for five years, from December 31, 2024, to December 31, 2029, to support local system reliability.

The proposed amendment would also include a change without regulatory effect to revise the compliance date for Diablo Canyon Nuclear Power Plant (Diablo Canyon) Units 1 and 2 to October 31, 2030, to comport with the extension provided by Senate Bill 846.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public hearing to receive oral comments on the proposed OTC Policy Amendment and Draft Staff Report. The public hearing will be held as follows:

Public Hearing
Tuesday, March 7, 2023, at 9:30 a.m.
COASTAL HEARING ROOM
Joe Serna Jr. – CalEPA Headquarters Building
1001 I Street, Second Floor
Sacramento, CA 95814
And via Video and Teleconference

VIDEO AND TELECONFERENCE PARTICIPATION

The public hearing and consideration of adoption meetings will occur with both a physical meeting location and an option for the public to participate from a remote location.

- Webcast: Live video and audio broadcasts of the public hearing, for attendees that are solely interested in watching and not participating, will be available via the internet and can be accessed at the [CalEPA Public Meeting Live Webcasts page](#). Closed captioning is available.
- Video and teleconference participation: For members of the public who wish comment telephonically or via the remote meeting solution, additional information about participating will be available at least 10 days before the hearing on the [Remote Meeting page](#).

Additional information on the hearing and consideration of adoption meetings can be found at the [State Water Board's website](#). Any person desiring to receive future notices about changes to the date, time, location, or format of the public meetings should sign up for the Lyris e-mail list, as described below under "Potential Future Changes to the Noticed Items."

BACKGROUND

The State Water Board adopted the [OTC Policy](#) on May 4, 2010 (effective date October 1, 2010), and amended it several times, with the last amendment on October 19, 2021 (effective date December 23, 2021). The OTC Policy includes 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 impacts. The OTC Policy includes compliance dates for power plants using once-through cooling technology with orderly retirements and replacement of capacity aimed at maintaining local and system-wide electrical grid reliability in the State of California. Of the nineteen power plants originally covered by the OTC Policy, eleven have either retired, repowered, or have come into final compliance.

The joint-agency Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) was created to advise the State Water Board on the implementation of the

OTC Policy, ensuring compliance schedules take into account the reliability of California's electricity supply, including local area reliability, statewide grid reliability, and permitting constraints.

Recent events have resulted in the need to consider extending OTC power plant compliance dates to address both system and local reliability.

On September 30, 2022, the SACCWIS recommended the State Water Board extend the compliance dates for Alamitos, Huntington Beach, and Ormond Beach to address system-wide grid reliability concerns associated with the following circumstances. The California Public Utilities Commission, California Energy Commission, and California Independent System Operator conducted a reliability analysis in May 2022 that considered impacts from extreme weather events, wildfires, supply chain constraints, interconnection and permitting concerns, and improved climate change updates in the electricity demand forecast. The analysis also considered the potential for coincidental events that could further adversely affect system-wide reliability, such as a simultaneously occurring heat wave, drought, and wildfire affecting transmission capacity. The resulting conclusions of this analysis identified a need for resource capacity beyond existing required planning criteria. Specifically, this new analysis identified a projected shortfall up to 10,000 megawatts in summer 2025. In recognizing these issues, the State Legislature subsequently adopted, and the Governor signed Assembly Bill 205, which created a statewide Electricity Supply Strategic Reliability Reserve Program to bolster system reliability while California procures clean energy resources, including extending the operations of power plants currently scheduled for retirement.

Also on September 30, 2022, the SACCWIS reviewed a request from the Los Angeles Department of Water and Power (LADWP) to extend the OTC Policy compliance date of Scattergood for five years from December 31, 2024, to December 31, 2029. The extension would provide time for planning, permitting, procurement, and construction of a new, non-OTC power plant at the Scattergood site and transmission infrastructure projects to ensure local grid reliability while LADWP transitions to zero-carbon energy. SACCWIS reviewed the LADWP's extension request and supporting documentation and found no cause for objecting (although the California Air Resources Board abstained from weighing-in on the request to evaluate it further). The SACCWIS therefore approved the [2022 Special Report of the SACCWIS](#), which includes alternatives and support for the LADWP's request to extend the OTC Policy compliance date for Scattergood for five years to support local grid reliability.

The proposed amendment to the OTC Policy would extend the compliance dates for Alamitos, Huntington Beach, Ormond Beach, and Scattergood generating stations per the recommendations and statements of support of the SACCWIS to support grid reliability.

The proposed amendment would also include a change without regulatory effect to revise the compliance date for Diablo Canyon. This change will ensure the OTC Policy is consistent with the compliance date that was already extended by SB 846, which was approved by Governor Gavin Newsom on September 2, 2022, to support statewide grid reliability.

DOCUMENT AVAILABILITY

The Draft OTC Policy Amendment and Draft Staff Report will be available on the [OTC Policy documents website](#) on or before **January 31, 2023**. You may request a paper copy of the Draft OTC Policy Amendment or Draft Staff Report by contacting Jonathan Dolan at (916) 323-0880 or via email at jonathan.dolan@waterboards.ca.gov.

Information pertaining to the SACCWIS is posted on the [SACCWIS website](#). The OTC Policy and supported documents are available on the [OTC Policy documents website](#).

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept written comments on the Draft OTC Policy Amendment and Draft Staff Report. Written comments that are unrelated to the proposed amendment will not be accepted.

Written comments must be received no later than **12:00 noon on March 17, 2023**, and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Box 100, Sacramento, CA 95812-2000 (Mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)

Please indicate in the subject line: **“Comment Letter – OTC Policy Amendment.”**

Comment letters may be submitted electronically, in PDF text format if less than 15 megabytes in total size, to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, the comment letter may be submitted by mail, hand delivery, or fax to (916) 341-5620. U.S. mail must be received (not postmarked) at the State Water Board offices by the close of the comment period.

Note: All hand-delivered submittals must arrive and be dated and time-stamped prior to 12:00 p.m. (noon) on March 17, 2023. Couriers delivering hard copies of comment letters must check-in with lobby security personnel, who can contact the Clerk’s office at (916) 341-5600.

If you would like a copy of the written comments submitted on this subject, please send a request to commentletters@waterboards.ca.gov, identifying the subject listed above. Written comments will not be available until after the comment deadline.

PROCEDURAL MATTERS

At the March 7, 2023 public hearing, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. At the hearing, participants will be given an opportunity to provide oral comments. Participants will also be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral comments may be time limited. Presentation recommendations can be found on the [Board Presentation’s webpage](#).

If you require language interpretation or sign language services, please email a request to jonathan.dolan@waterboards.ca.gov as far in advance of the meeting as possible. Telecommunications devices for hearing impaired (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board website: <http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5254 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.


POTENTIAL FUTURE CHANGES TO THE NOTICED ITEMS

Any changes regarding the noticed items will be noticed through the e-mail distribution list. Any person desiring to receive future notices must sign up for the e-mail distribution list by accessing the [Email List Subscription Form website](#). To subscribe, select "Ocean Issues-Once Through Cooling" under "Water Quality."

CONTACT INFORMATION

Please direct questions about this notice, the amendment, or the OTC Policy to Jonathan Dolan at (916) 323-0880 or jonathan.dolan@waterboards.ca.gov or Katherine Walsh at (916) 445-2317 or katherine.walsh@waterboards.ca.gov.

Date January 4, 2023



Jeanine Townsend
Clerk to the Board