

Los Angeles Regional Water Quality Control Board

August 28, 2018

Carmen Ramirez, Mayor Pro Tem
City of Oxnard
300 West Third Street
Oxnard, CA 93030
carmen4oxnard@gmail.com

VIA EMAIL

RE: RESPONSE TO COMMENTS ON THE TENTATIVE TERMINATION OF WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR MANDALAY GENERATING STATION (NPDES NO. CA0001180, CI NO. 2093)

Dear Mayor Ramirez:

On August 9, 2018, the Los Angeles Regional Water Quality Control Board (Regional Water Board or Board) received your letter regarding the Tentative Order Terminating Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for Mandalay Generating Station (MGS or Facility). Your letter expressed the concerns of the City of Oxnard (City) that terminating the permit may have unintended negative water quality consequences and requested that the Regional Water Board fully analyze any such impact before acting on the Tentative Order.

To provide some background, the NPDES program, which implements the regulations governing wastewater, including cooling water, discharges from MGS, requires that all facilities that discharge pollutants from any point source into waters of the United States obtain a permit. The permit is a license for a facility to discharge waste to a surface water – in the case of MGS to the Pacific Ocean. As you note, NRG California South LP (NRG or Discharger) has ceased operations at the Facility. On June 5, 2018, NRG submitted to the Regional Water Board a request to terminate their NPDES permit for discharges of wastewater, including once through cooling water, from MGS. On June 25, 2018, Board staff conducted a site inspection and verified that Facility operations and discharges to the ocean had ceased. The once through cooling (OTC) system, including the intake pumps and the associated conduits and piping, had been disconnected and its ends plugged, eliminating withdrawal of water from Edison Canal and discharge to the ocean.

Owners of coastal power plants using once-through-cooling (OTC) systems have several options for meeting the requirements of the State Water Board's OTC Policy and the choice is at their discretion. Regarding the Regional Water Board's authority, the Board has no role in NRG's decision to decommission the Facility. Since NRG ceased operation of the Facility and is no longer discharging wastewater / cooling water, to the ocean, its individual NPDES permit is no longer required by the federal Clean Water Act. The Board cannot require NRG to maintain its individual NPDES permit coverage for wastewater discharges if it is not discharging wastewater to the

ocean nor can the Board require NRG or a third party to continue operating the intake pumps at the Facility. Therefore, the Board intends to move ahead with consideration of termination of the referenced permit at the September 13, 2018 Board meeting scheduled to begin at 9:00 AM at the Ventura County Government Center Hearing Room, 800 South Victoria Avenue, Ventura, California.

However, the Regional Water Board is committed to appropriate actions to evaluate and address concerns regarding water quality in Channel Islands Harbor (CIH). Regional Water Board staff have been working with some of your staff and staff from the County of Ventura to better understand the water quality issues recently observed and discuss potential mitigation measures. To help facilitate a solution to this issue, we held a conference call with stakeholders on Tuesday, August 7, 2018. The meeting was requested by Sara Wan who is working with the residents from the CIH area. Other participants included Rick Belmonte from Westport and staff from the State Water Resources Control Board and the City of Oxnard.

During the call, Regional Water Board staff discussed the purpose and requirements of the State's OTC Policy and the NPDES permitting program as well as specifics regarding the Board's jurisdiction over NRG and the MGS given the cessation of wastewater discharges. Participants discussed the regulatory and technical reasons that prevent the Board from requiring continued pumping of water from Edison Canal.

Mr. Thien Ng, the City's Assistant Public Works Director, summarized the positive actions Oxnard has taken recently to address water quality in CIH. In particular, he mentioned the following:

- On June 23, 2018, the City initiated water quality sampling at twenty-five sites within CIH for dissolved oxygen, bacteria, pH, temperature and salinity. The results are posted at: <https://www.arcgis.com/apps/webappviewer/index.html?id=636cb6231b4444d19cb1f0e30b2d7934&extent=6180154.1812%2C1882662.4135%2C6205487.5145%2C1896612.4135%2C102645>.
- On July 5, 2018, the City Council amended a contract for the services of a USC professor in oceanography and a biologist to evaluate conditions in CIH and potential mitigation measures.
- On July 11, 2018, the City presented initial results of sampling and the response plan to the public at a meeting. The water quality data presented showed that the dissolved oxygen levels were returning to the acceptable level of 5 mg/L.
- On July 26, 2018, the City installed and placed into operation six aerators in the Seabridge residential area and began a pilot study to look at the effect of aeration on conditions in CIH.
- City staff are developing a proposal for a nutrient study to identify nutrient sources to CIH with the goal of implementing source control.

After a discussion of these actions, we continued to talk about how to ensure that CIH water quality is maintained at acceptable levels. The analysis of water circulation in CIH, conducted in the early 2000s which you mention in your letter, and the 2002 Seabridge Memorandum of Understanding (MOU) between the County of Ventura, the City of Oxnard, and OLY Mandalay Bay General Partnership was also discussed. In particular, we discussed Items 4(a) and (b) of the MOU, which address the potential cessation of operations at the Mandalay Power Generation Plant and its potential adverse effects on CIH water quality, including implementation of remediation measure(s) by the County of Ventura and City of Oxnard.

At the close of the conference call, Board staff committed to the following action items:

- Identify any relevant data collected through the Conditional Waiver for Discharges from Irrigated Lands (Order No. R4-2016-0143) regarding irrigated agricultural discharges to the Edison Canal and/or CIH;
- Develop a list of qualifications for a modeler to evaluate the retention time for ocean water pulled into the CIH at different conditions;
- Contact staff at the County of Ventura to help facilitate discussions with City of Oxnard regarding provisions of the Seabridge MOU related to implementation of remediation measures to address any adverse effects on CIH water quality from cessation of the operation of MGS; and
- Facilitate discussions between stakeholders to effectively maintain and protect CIH water quality.

Thank you for your commitment to ensuring that the water quality in the CIH meets water quality standards and supports the beneficial uses of the waterbody. Regional Board staff will continue to collaborate with staff from the City of Oxnard, Ventura County, and other stakeholders to preserve and protect the water quality in CIH.

Sincerely,



Renee Purdy
Assistant Executive Officer

cc: (via email only)

Councilman Bert Perello, City of Oxnard, bert.perello@oxnard.org

Supervisor John Zaragoza, Ventura County Board of Supervisors

c/o Chief of Staff (COS) Lourdes Solorzano, Lourdes.Solorzano@ventura.org

George Piantka, NRG, George.piantka@nrg.com

Thomas Dicioli, NRG, Thomas.Dicioli@genon.com

Thien Ng, City of Oxnard, Thien.Ng@oxnard.org

Audrey Keller, Chair, Channel Islands Neighborhood Council, Audrey@swissfamilykeller.com

Jeff Pratt, Ventura County Director of Public Works, Jeff.Pratt@ventura.org

Robert Bravo, Ventura County, Robert.Bravo@ventura.org

Marilyn Miller, Marilyn.Miller@ventura.org

Mark Sandoval, Director, Channel Islands Harbor, Mark.Sandoval@ventura.org

Suzy Watkins, Suzy.Watkins@ventura.org

Gary Hirtensteiner, Gary.Hirtensteiner@ventura.org

Sara Wan, sarawan425@gmail.com