

**RESPONSE TO COMMENTS ON TENTATIVE TERMINATION ORDER
FOR
NRG California South, LP
Mandalay Generating Station
NPDES Permit No. CA0001180**

This Table describes the significant comments received from interested persons with regard to the above-mentioned tentative order. Each comment has a corresponding response.

Commenter	No.	Comment	Response
Robert Chatenever (Comments received on 6/29/2018 and 7/2/2018)	1	<p>Water Quality Emergency in Channel Islands Harbor.</p> <p>I am forwarding you the attached email because evidently each of you is somehow involved with the NRG request to terminate their permit to operate their cooling water pumps for the Mandalay Bay power station. I presume that each of you has a role or responsibility in protecting water quality, marine life and the environment.</p> <p>The pumps at the Mandalay Bay power station have been an integral part of the ecosystem of the Channel Islands Harbor since it was built in 1963. Now that the pumps have been turned off, the ecosystem is dying. See the following facebook video that was recorded by a local dive service. It is heartbreaking. https://www.facebook.com/100010195779926/videos/647874835562370/?id=100010195779926&fref=nf</p> <p>I believe that we all have a responsibility to protect the ecosystem that we created when the harbor was built. I implore you to get involved to stop this environmental tragedy that is unfolding right before our eyes.</p> <p>In 2010 the State Water Resources Control Board adopted a policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling. According to NRG, the water-cooled power plant at Mandalay Bay was shut down in February of this year and the cooling water pumps that pull water through Channel Islands Harbor were last run in March. Within the past two weeks, the water quality and</p>	<p>Response sent via email on 7/19/2018, which stated:</p> <p>We understand your concerns regarding the recent conditions in Channel Islands Harbor, which you conveyed in emails dated June 29, 2018, and July 2, 2018. However, in response to your two requests, there is no possibility that NRG California South LP (NRG) can continue to operate any of the cooling water intake pumps associated with Mandalay Generating Station (the Facility). The Facility is located at 393 North Harbor Boulevard, Oxnard, California. In a letter dated June 5, 2018, NRG notified the Los Angeles Regional Water Quality Control Board (LA Regional Water Board) that the Facility operations and all discharges of cooling water and wastewater to surface waters ceased on March 29, 2018. This was done in order to comply with the statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling or OTC Policy). Background on the legal basis and necessity for the OTC Policy is provided below. Consequently, NRG requested that the LA Regional Water Board terminate its National Pollutant Discharge Elimination System (NPDES) permit (Order No. R4-2015-0201).</p> <p>On June 25, 2018, LA Regional Water Board staff conducted a site visit and verified that the Facility operations and withdrawals from, and discharges to, surface water have ceased. The once-through cooling</p>

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		<p>clarity in the harbor and surrounding residential areas has been visibly and dramatically affected. It is ironic that the policy that was designed to protect marine life and required the shutdown of the power plant may be causing exactly the opposite effect. The harbor which has always been a jewel in the City of Oxnard, County of Ventura, is quickly becoming a smelly eyesore and may be due to the lack of water circulation. Instead of protecting marine life, it is killing marine life and destroying the beauty of the harbor.</p> <p>I am aware that the City has ordered water quality testing and is in the process of hiring a marine biologist and consulting with water aeration specialists. Regardless of the test results, giving a scientific name to the problem does not change the solution. I think we can all agree that there is a significant likelihood that we will not be able to restore the prior water clarity and marine habitat with aeration alone, and that turning pumps back on will be the only way to restore the water quality.</p> <p>Reason in sending the email is two-fold:</p> <ol style="list-style-type: none"> 1. Although the council has had a very adversarial past relationship with NRG, it is time to reach out to them to see what would be required to start pumping again. There is urgency to get this conversation started now. If we wait until all the studies are in and proposals are analyzed, we may find ourselves at a point where the pumps have been removed or otherwise disabled in a way that would make it impractical to turn them on again. 2. By copy of this email to the California State Water Resources Control Board and other regulatory agencies, I am requesting information on what would have to happen to allow NRG to start pumping again. There are four pumps of 44000 gallons per minute (gpm) each. It may be possible that we might be able to restore the water quality with only one pump running. If that is the 	<p>(OTC) circulating system, including the intake pumps and the associated conduits/piping, have been disconnected and the ends plugged, eliminating the withdrawal of ocean water from the canal and the discharge of once-through cooling water and in-plant wastewater to the outfall. Mandalay Generating Station is deactivated, and NRG has no future plans to operate generating units at this location. Since the Facility no longer discharges any wastewater or cooling water to surface water, the NPDES permit regulating the discharge is no longer needed. The termination of the NPDES permit is scheduled for the September 13, 2018, LA Regional Water Board meeting. The existing NPDES permit is not transferable to a new owner since the Facility is no longer used for power generation. Any party proposing to restart an intake pump at the site that would result in discharges to surface waters would be required to submit a Report of Waste Discharge (i.e., permit application) to the LA Regional Water Board and must be issued a new NPDES permit prior to any discharge.</p> <p>As background, the OTC Policy was adopted by the State Water Resources Control Board (State Water Board) May 4, 2010, and became effective on October 1, 2010 (Resolution No. 2010-0020). The OTC Policy applies to the Mandalay Generating Station and 18 other power plants across California. These 19 power plants withdraw significant volumes of seawater or water from estuaries every day to cool steam used for generating electricity. In the process, fish, larvae, eggs, seals, sea lions, turtles, and other creatures are killed because they are either trapped against screens (impingement) or are drawn into the cooling system (entrainment) where they are exposed to pressure and high heat. The impact on marine life can adversely affect the population of certain species and, consequently, impact recreational and commercial fishing. To address these environmental impacts and as</p>

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		<p>case, the water velocity through the inlet screens will be reduced by 75% and any impact of entrainment will be far less than when the generating plant was in operation.</p>	<p>required by the section 316(b) of the Federal Water Pollution Control Act (33 U.S.C. § 1326(b)), the OTC Policy established technology-based standards to reduce the harmful effects on marine and estuarine life associated with cooling water intakes for power generating facilities.</p> <p>For each of the 19 power plants, the OTC Policy specifies a date by which each must come into compliance with the OTC Policy and by reducing their impingement and entrainment impacts (see Section 3.E, Table 1 of the OTC Policy). Alternatively, power plant owners and operators could choose to retire (decommission) the once-through cooling structures ahead of their specified compliance dates if doing so would not impact the state's power supply. To date, eleven of the nineteen power plants have ceased using their once-through cooling structures. Mandalay Generating Station retired its once-through cooling units on February 5, 2018. NRG elected to shut down Mandalay Generating Station ahead of its compliance deadline of December 31, 2020, because it was no longer economically viable to continue to operate. The State Water Board was notified of NRG's intent to shut down and retire the Facility in a letter received on October 19, 2017. With the cessation of once-through cooling at Mandalay Generating Station, impacts to marine life from impingement and entrainment have been eliminated.</p> <p>In conclusion, as you noted in your June 29, 2018, email, the City of Oxnard is monitoring water quality at stations throughout the harbor in response to residents' concerns. Based on our review of the results as presented on the City's website, conditions are improving in terms of dissolved oxygen levels. For information concerning the water quality and what steps are being considered to continue to address the situation, please visit the City of</p>

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			Oxnard's website (https://www.oxnard.org/channel-islands-harbor-water-quality-is-safe-and-improving/). For additional information, please contact Rosemarie Gaglione, Public Works Director at rosemarie.gaglione@oxnard.org or 805-263-3494.
Robert Chatenever (Comment received on 7/23/2018)	2	<p>Thank you for your response to the concerns that I raised regarding the deterioration of water quality in Channel Islands Harbor since the shutdown of the NRG pumps at the north end of Edison Canal. By way of information for those on the distribution of this email, I have attached a map showing the layout of our harbor. Since 1963 when the harbor was constructed, the water that the power plant pumped out of the north end of the Edison Canal caused an inflow from the harbor entrance at the south end of the harbor. Millions of gallons per day were circulated which mitigated the effects of nutrients that made their way into the Edison Canal from the surrounding community and farmland. Now that the pumping has stopped, the 2.3 miles of canal have become a stagnant body of water collecting nutrients with no place to go. They are slowly contaminating the rest of the harbor as the tides ebb and flow.</p> <p>I can appreciate that it is impractical to run the NRG pumps for the sole purpose of flushing out the harbor. However, for the past 20 years, the State Water Boards and the US Environmental Protection Agency have regulated the runoff of storm water to reduce harmful pollutants and fertilizer draining into our rivers, lakes and ocean. One of the reasons for the regulation is to ensure that we are managing water in a sustainable way that preserves our resources for future generations. If the existing dead-end geometry of Channel Islands Harbor is allowed to persist, the continued build-up of nutrients will inexorably lead to the destruction of most wildlife in the harbor</p>	<p>The LA Regional Water Board acknowledges your concerns regarding water quality in Channel Islands Harbor (Harbor) and Edison Canal since the Mandalay Generating Station (MGS) has ceased the intake and discharge of water to the ocean. The Regional Water Board does not have the authority to direct NRG or any entity to design and construct a channel that connects the north end of the Edison Canal and the ocean to address the water quality concerns of the Edison Canal. However, the Board is committed to taking the necessary steps within our authority to ensure that the beneficial uses and water quality of the Harbor and Edison Canal are protected.</p>
Robert Chatenever, Arthur Bierman			

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		<p>ecosystem. There are options that we can pursue before we are in a position where it is too late to rescue the harbor:</p> <ol style="list-style-type: none"> 1. The north end of the Edison Canal is quite close to the ocean. If a channel could be opened up between the end of the canal and the ocean, the tide would be allowed to enter and leave from both ends of the harbor. This would drastically reduce the distance from the northern half of the harbor to a source of uncontaminated water, while at the same time, relieving the canal from the concentrated effects of storm water runoff. 2. The NRG plant has been pumping at a very reduced rate over the past years, but it has been sufficient to keep the harbor water crystal clear. Perhaps there is an option for a very reduced pumping system to maintain the harbor water quality. 3. It is my understanding that the owner of the Edison Canal (Centerpoint Energy) is seeking to divest itself of it's interest. If that is true, there is an opportunity for either the City, the County or the State to take ownership and develop it into a valuable resource, including recreation, ground water recharge, and or course, a means to protect the existing harbor water quality. <p>I am neither an expert or a developer, but I can see the handwriting on the wall if we do nothing. I hope you will not ignore this opportunity to protect the future water quality of Channel Islands Harbor. I also request that you pass this email along to whomever is considering the NRG permit withdrawal request referenced in the subject line of this email.</p>	<p>The Regional Water Board appreciates that you and other stakeholders are providing a number of suggestions for addressing the water quality issues. Any solution that focuses solely on pumping of ocean water through the Channel Island Harbor (CIH) and Edison Canal, however, would not be addressing potential elevated concentrations of pollutants that are entering the waterbodies.</p> <p>Therefore, Regional Water Board staff have been communicating with the City of Oxnard, the County of Ventura, residents and their representatives about these concerns. Staff circulated a Fact Sheet on August 22, 2018 to stakeholders that submitted email addresses, which provides a summary of actions taken thus far. Staff will continue to provide information and guidance and help facilitate discussions between the City of Oxnard and County of Ventura and other stakeholders to evaluate the water quality in the CIH, to discuss and evaluate the mitigation measures and to ensure that the beneficial uses are protected. Staff will also evaluate whether discharges to the CIH and Edison Canal that may be contributing pollutants are causing adverse effects to the water quality. There are various Regional Water Board programs that can be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p>

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Marty Sasson, Dann Daggett, Mr. & Mrs. Dewayne Weaver, Randy and Aileen Cabral, Mike Turner, Mark Varshawsky, Tracy Varshawsky, Ken & Susan Bauer, Andrew & Dore Ozdy, Mr. and Mrs. Charles J. Lucas III, Denise Schriedel, Frank Sullivan, Anthony Argall, Janice Argall, Rocco Belmonte, Bruno and Ellen Torin, Danny & Julie Mascari, Marlene Rini Fusano, Brian Wiggins, Bruno & Ellen Tonin, Colleen McNally, Donna M. Dempsey, Frank Sullivan, Gary & Debra Gallinot, Gina Harris, Glenn Harris, Haven & Jackie Burke, Howard S. Ashe, Ina Daniels, Jack Scapa, Jonathan Jordan, Joy W. Lyche, Kathryn Yulish, Kathy White, Larry & Brenda DeDonato, Melinda Walling, Michelle Dilldine, Mike & Windy Wysocki, Mike Turner, Mr. & Mrs. Dewayne Weaver, Rekanui Collins, Rodlyn Brown, Sharon Jordan, Sheila Consoli, Thomas Consoli, Tom & Leslie Webb, Philip Woolf	3	<p>Permit Termination Mandalay Generating Station (NPDES No. Ca0001180, Ci No. 2093)</p> <p>The main reason that we purchased our home here in the Channel Island Harbor was its great water quality. Now we have very poor water quality since the closure of the NRG Mandalay Peaker plant on March 31, 2018. Not only did they stop the cooling pumps that provided circulation in our very long harbor, but for some reason the state had the Edison canal blocked on both the plant inlet and outlet, preventing any water circulation back to the ocean. Now we have sea life dying and the threat of massive sea life loss in future months.</p> <p>A few key facts:</p> <ul style="list-style-type: none"> • Channel Island Harbor used to be one of the cleanest harbors in the state due to the water flow through the Edison Canal, and now it's becoming one of the worst. • When the city and county agreed to develop Westport and Seabridge, they created an unusually long harbor, and it was understood that the water needed to be continually circulated to prevent major harbor deterioration, but nothing was done upon closure of the NRG power plant. • Our sea life is being threatened along with overall water quality due to very low oxygen levels. • We are at risk of a major catastrophe as occurred at King Harbor in Redondo Beach in 2011. • Property values will erode, and businesses may leave as the harbor stagnates, negatively impacting county and city revenues. • The city hired two marine biologists to assess the situation and their findings are alarming. The main culprit is algae bloom that results from several factors 	<p>NRG, the owner and operator of the Mandalay Generating Station, has made the decision to cease operations, including the intake and discharge of the once-through cooling (OTC) water. The cessation of the pumping operations also brings the MGS into compliance with the OTC Policy, which was developed to preserve and protect marine life and the ocean ecosystem.</p> <p>The City of Oxnard is already taking actions to assess and mitigate any water quality impacts in the CIH, including:</p> <ul style="list-style-type: none"> • Frequent sampling for dissolved oxygen, bacteria, pH, temperature and salinity at 25 sites within CIH since late June. (See below for a link to the data.) https://www.arcgis.com/apps/webappviewer/index.html?id=636cb6231b4444d19cb1f0e30b2d7934&extent=6180154.1812%2C1882662.4135%2C6205487.5145%2C1896612.4135%2C102645 • Installation of six aerators in the Seabridge residential area on July 26. The City is in the process of studying the effect of these devices on water quality in CIH. • Amendment of a contract for the services of USC professor in oceanography and a biologist to evaluate conditions in CIH and potential mitigation measures. • Development of a study plan to determine if irrigated agricultural discharges to Edison Canal are contributing to elevated nutrient levels in CIH. <p>The City presented initial results of sampling and the response plan to the public at a meeting on July 11, 2018. Data showed dissolved oxygen levels were returning to an acceptable level of 5 mg/L or greater.</p>

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		<p>including rising water temperature and increased nutrients from nearby agriculture run off. But the closure of the plant and Edison Canal flow to the ocean by the plant is a key contributing factor.</p> <ul style="list-style-type: none"> • When NRG was directed to close the plant, there was no provision for an alternative path for the runoff that enters the canal north of Wooley Road where there are major agriculture fields. Now that runoff is running back into our harbor, adding more nutrients that contribute to algae growth, compounding the problem. • The city is planning on installing 7 aerators at the back end of the harbor, but that will have negligible impact on our water quality and may actually result in great algae bloom. • We believe that if the Edison Canal is reopened to allow circulation back to the ocean by the Mandalay plant, our harbor will be restored to its former clean state. More efficient pumps <u>may be</u> required to facilitate the circulation, but they will not need to run very often, as evidenced by the fact that the plant only ran 120 days at 6-8 hours/day over the past few years and the circulation was sufficient. New pumps can also be solar-powered. <p>Oxnard and its harbor residents need your help to allow us to reopen the flow in the Edison Canal to help correct this current problem before it gets much worse.</p>	<p>The potential water quality impacts associated with the cessation of pumping at the MGS were also considered in an environmental study and in the Final Supplemental Environmental Impact Report for the Seabridge Project in the early 2000s. The study found that water quality could be degraded following closure of the MGS. As a result, the City of Oxnard, the County of Ventura, and OLY Mandalay General Partnership, the Seabridge Project developer, put in place a Memorandum of Understanding (MOU) that contains provisions to fund and implement measures to mitigation any such impacts.</p> <p>The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH, and will continue to work closely with the City of Oxnard and the County to monitor conditions in CIH.</p>
<p>Danny E. Irvin, Melinda L. Irvin, Meggie Hawthorne, Roy and Donna Graboff, Lauraine Effress, Karan Kortlander, Katie Poole, Colleen McNally, Renee Knight, Carol Antoni, Allan & Allison Gabel, Channel Islands Neighborhood Council, Connie & Robert Heagy, Cynthia Todd, Darrell</p>	<p>4.</p>	<p>We along with the greater community here in Ventura County, have recently experienced an extremely serious condition affecting the waters of the Channel Islands Harbor. We have gathered with community stakeholders, boaters, kayakers, swimmers, visitors, both within and without the boundaries of our neighborhood council in a</p>	<p>We understand your concerns regarding the recent conditions in CIH.</p> <p>The Mandalay Generating Station ceased operation on March 29, 2018. Based on the study documented in the MOU discussed in Response to Comment 2, it is likely that the intake pumping from the MGS, had an influence</p>

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L. Thompson, David Rubenstein, Derek Hawthorne, Donald T. Hoover, Donna M. Dempsey, Gilberto & Judith Valdesuso, Howard & Belinda Kornstein, Howard S. Ashe, Jack Scapa, James & Kathy White, Joy W. Lyche, Julie Gutierrez, Kathryn L. Thompson, Lee Hilbert, Mike Kommel, Oxnard Shores Neighborhood Council, Robert Murphy, Roy & Donna Graboff, Victor & Linda Beverson, William & Candice Clark, Rene & Patti Veluzat, Thomas H. Warden, Claudia Calig, Tony Rondinella, Alka Patel, Allen Dirrim, Angela Landers, Arielle D. West, Arlene Beckwith, Ashley Snyder, Autumn Snyder, Barbara G. Driscoll, Bill Karr, Bill Snyder, Bluma Chernobelsky, Bruce Pollock, Cali Baxter, Carmen A. Olmo, Carole Pollock, Carolina Gallardo-Magaña, Carolyn Beaver, Cary Verstynen, Chelsea Gray, Chris Conte, Clarence E. Redman, Cristy Fredrick, Curt Ingram, Dan Tullis, Daniel Estabrook, David Wolf, Derek Hawthorne, Desiree Reyes, Dexter Kelly, Diane Sabol, Diane Sherlock, Diego Mendoza, Don Singer, Donald T. Hoover, Dorothy F. Thomas, Edward Fredrick, Eleanor M. Hovaten, Elizabeth Garcia, Elizabeth Rinnander, Evelina Bartolini, Frank Laza, Gail Smith, Estabrook, Gayle Laza, Gene Snyder, George J. Arglen, Gregory Hill, Helen Green, Ingrid Schuh, Jacque Martinez, Jacqueline E. Tedeschi, James C. Bizzelle, James P. West, Janis Pulliam, Jerry Word, John J. O'Brien, Jon Huydae,		<p>mighty effort to bring to your attention a matter of grave concern.</p> <p>One does not have to live on the water or be a “water person” to appreciate and value the beautiful clear and clean Channel Islands Harbor. This Harbor, which is the fifth largest recreational harbor in the State of California, has often been cited as the cleanest in the State. Sadly, the Harbor has recently suffered a devastating blow to its pristine condition. We regret to tell you that in your effort to accommodate the NRG Mandalay Generating Station early shut-down in accordance with the NPDES mandate for closure of water-cooled generating stations, this significant decision has had a dramatic negative effect on the Channel Islands Harbor waters and its aquaculture. We have substantive evidence that because of this shut-down, the circulation system that has existed in this Harbor from its construction completion in 1965, has been completely physically impeded causing significant quantitative negative results to both the water and the marine life.</p> <p><i>With due respect for your authority in this matter, we are, nonetheless, requesting with the strongest urgency that the Board immediately reverse its decision to allow suspension of the NRG NPDES permit and the acceptance of the shutdown of its circulation pumps prior to the legally-mandated shutdown date. We urge that the Board, concurrently, require NRG to reinstate the pumps operations or otherwise facilitate the outflow of the Edison Channel waters until such time that an alternate method of water circulation and flushing for the Channel Islands Harbor can be determined and implemented.</i></p> <p>We believe that when you responded positively to NRG's request for approval of the early shutdown of its operation</p>	<p>on the water quality in the CIH by increasing the amount of water flow through the area. However, the cessation of the intake pumping and potential water quality impacts were anticipated prior to the development of much of the CIH. These concerns were documented and addressed in the MOU discussed previously.</p> <p>Staff will continue to provide information and guidance and help facilitate discussions between the City of Oxnard and the County of Ventura and other stakeholders to evaluate the water quality in the CIH, to discuss and evaluate any mitigation measures and to ensure that the beneficial uses of the CIH are protected. The mitigation measures implemented to date appear to have contributed to addressing the impacts noted earlier this summer - murky water, odor, and algae.</p> <p>As noted in your comments, there are agricultural areas near CIH, which may be contributing to elevated nutrient levels. Elevated nutrient levels can result in excess algal growth. Regional Water Board staff is aware that MGS periodically treated Edison Canal (canal) for algae. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available from the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH. These Regional Water Board programs among others can be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p>

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<p>Juan Magaña, Judith A. Dixon, Kathleen Reed, Leonard Shulman, Leslie Herrera, Lori Snyder, M. Wendell Morrisett, Maguhild Beck, Marc Morris, Marilyn Osenbaught, Martin Buse, Marty Howard, Matthew Kelly, Melinda Cater, Michelle Morris, Nancy Horwitz, Nancy J. Davis, Nancy Pederise, Nong J. O'Brien, Ofelia Lazano, Patricia (Kim) Henriksen, Paul Copeland, Reta Singer, Richard D. Erlich, Richard Green, Robert O'Riley, Rose LePonne, Ruby Durias, Ruth Anita Redman, Samuel Bradbury, Samuel Peck, Sandra Kelly, Sandy Diaz, Sergio Solis Jr., Sharon V. Dameron, Sheila Carrigan, Shelly R. Johnson, Sheryle Milmont, Sofia Vega, Susan Peck, Sydney Kaye McFarland, Tasha Vivelos, Tong (Sunny) Sun, Veronica Miranda, Victoria Dixon, Vidar Bech, Virginia F. Johnson, William G. Schneberg, William Gary McFarland, William S. Berger, Yoel Wazana</p>		<p>which, in simple terms, resulted in the cessation of the pumps that used the waters from the Channel Islands Harbor via the Edison Canal (aka Mandalay Canal), the Board was not fully informed of the ecological impact that this decision would have on the vibrant and healthy Channel Islands Harbor. It is our understanding that it was not clearly disclosed or explained to you in the NRG closure applications that the pumps captured and used the waters from what is, for all intents and purposes, the end loop of the entire Harbor's flushing system and that shutting down the pumps used by Mandalay would totally impeded the tidal outflow of the waters.</p> <p>Further, the picture becomes more complex when you are made aware that this same canal appears to serve as the irrigation run-off for miles of farm fields, thus infusing chemicals and fertilizers into the water which as of now - and as a result of the canal blockade, are flowing directly back into the Harbor itself with no filtration of any kind.</p> <p>Frankly, we believe NRG could easily have predicted the disastrous effects this shutdown would have on the entire Harbor and, consequently, had an obligation to disclose this situation in its application but refrained from doing so.</p> <p>We thank you for the time you have taken to read our appeal and for your positive response to our request for immediate action.</p>	

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Diane Delaney	5	<p>Please revisit your decision allowing the shutdown of the NRG circulation pumps prior to the legally-mandated shutdown date in order to provide the City of Oxnard time to provide a viable solution for maintaining the harbor's water circulation issues.</p> <p>The change in the harbor – color, smell, etc, has changed dramatically since NRG stopped the circulation pumps. I would hate to think that NRG did this with malicious intent due to decisions regarding building more power plants on our coast, but my understanding is that they did not notify the city of their shutdown plans, and they were aware the shutdown would negatively impact the harbor and the residents of the city of Oxnard if the city did not have an alternative up and running.</p>	<p>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.</p> <p>As stated in Response to Comment 3 above, the potential water quality impacts were also considered in an environmental study and in the Final Supplemental Environmental Impact Report for the Seabridge Project in the early 2000s. The study found that water quality could be degraded following closure of the MGS. As a result, the City of Oxnard, County and OLY Mandalay General Partnership, the Seabridge Project developer, put in place a Memorandum of Understanding (MOU) that contains provisions to fund and implement measures to mitigate any such impacts. The initial actions taken by the City of Oxnard are also listed in that Response. More recently the City of Oxnard issued a News Release dated August 23, 2018, providing an update on ongoing and planned activities and enlisting the help of neighbors in the area to observe and report changes in the water quality and to assist if necessary.</p>
Angie Wiggins	6	<p>I have been a resident of Oxnard for 30 years. I have lived in the harbor for most of that time, and chose this place to live because of the quality of life it gave my family, and my children in particular. I am extremely alarmed and saddened by the fact that the water is no longer the clean, pristine water that my children grew up with. The water was teeming with sea life and my children swam and played in the harbor all the time. The closure of the NRG</p>	<p>See Response to Comment 2 above.</p>

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		plant, and their pumps has caused an ecological disaster. The water no longer flows properly and has contributed to an accelerated algae bloom that threatens the water, the sea life and the community at large that enjoys using the water to play, swim, paddleboard, kayak etc. There is substantive evidence the cause of this disaster is the shut-down of the pumps from the NRG plant and the lack of proper water circulation. PLEASE, PLEASE, PLEASE help us restore the water of the harbor.	
Art Munson	7	<p>A neighbor of mine pointed out the following in an e-mail that he had sent you.</p> <p><i>"As you know, the NRG pumps were shut down in March, and many of us believe that the shutdown contributed to the poor water quality in our harbor during the recent red tide. While the water clarity issue seems to be subsiding and oxygen levels are coming up (even before the addition of 4-aeration units in Seabridge), I think that we are staring at a continuing problem that will get worse over time."</i></p> <p>As someone who is a resident I can attest to the problem the harbor suffered a month or so ago. In our 6 years of living here we had never witnessed such an event before. I hope you consider some options so that we may maintain a healthy harbor for now and future generation.</p>	See Response to Comment 2 above.
Mike Schultz	8	<p>Please keep the pumps going from the electrical plant.</p> <p>At this time, it's not clear how the water quality is affected.</p> <p>Some aerators are being installed at the pump house that was built into the harbor right now.</p>	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. The Board also does not have the authority

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			<p>to require that NRG or a third party continue to operate the water intake pumps in the canal.</p> <p>Response to Comment 3 includes a summary of the efforts by the City of Oxnard to address the recent water quality concerns. The City presented initial results of sampling and the response plan to the public at a meeting on July 11, 2018. Data showed dissolved oxygen levels returning to an acceptable level of 5 mg/L or greater. While dissolved oxygen levels have fluctuated, as described in the news release from the City of Oxnard issued on August 23, 2018, the levels have generally remained in the acceptable range since early July.</p> <p>The Board is committed to appropriate actions to evaluate and address water quality concerns in CIH. Staff will enlist other programs to assist with assessing and regulating, if necessary, the discharges that enter the CIH.</p>
Larry Manion	9	<p>Throughout the past three years I have participated in community meetings concerning the proposed construction of a new natural gas Peaker Power Generating Plant located at the NRG Mandalay Generating Station, 393 North Harbor Boulevard, Oxnard, CA 93035. Due to the initial design of the existing NRG Mandalay Generating Station, saltwater pumping systems have been used to circulate water through various parts of the complex. Accordingly, Channel Islands Harbor has been the recipient of unparalleled harbor water movement throughout the North end of the harbor. I have always been an advocate for the proposed Peaker Power Generating Plant and supported the efforts of NRG. In my opinion, NRG is a superb company that has been a vital part of Oxnard for over sixty years. Thanks to the unyielding efforts of various Oxnard community activists groups, the Oxnard Mayor, the City Council and the California Energy</p>	<p>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. The Board also does not have the authority to require that NRG or a third party continue to operate the water pumps in the canal.</p> <p>The Board is committed to appropriate actions to evaluate and address water quality concerns in the CIH. Staff will enlist other programs to assist with assessing and regulating, if necessary, the discharges that enter the CIH.</p>

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		<p>Commission, the Peaker Power Generating Plant will not be constructed and the existing NRG Mandalay Generating Station has been shutdown. As predicted by water management experts, the crystal clarity of the North end of Channel Islands Harbor that once existed has degraded significantly. Ironically, the same people that refused to work with NRG and support the Peaker Power Generating Plant construction are now perplexed by the results of terminating the water pumps connected to the NRG Mandalay Generating Station.</p> <p>I do not claim to be water circulation expert and can only offer a neophytes view of the subject matter. If Oxnard City leadership and activists groups had been willing to engage in supportive dialog regarding the proposed Peaker Power Generating Plant, I believe NRG would have been willing to keep the water circulation pumps operational. It is my understanding the final coup de gras for the proposed Peaker Power Generating Plant has been extended by approximately one year. If this is accurate, is it not possible to reengage in negotiations with NRG and reach an agreement amenable with all parties concerned? I also believe the pumps could be operated in a manner that would not harm seal life. This would most likely appease environmental organizations who were initially opposed to the Peaker Power Generating Plant. Simply stated, I would like to see NRG receive support for their proposals and accordingly agree to keep the water circulation pumping system operational. I welcome your response regarding my proposal.</p>	
Akshay J. Manek	10	One of the main reasons that my family decided to relocate to the Channel Island Harbor was the vibrant and varied ecosystem that flourished here, one that no doubt was spurned to life by the harbor's clean water. Much to everyone's dismay, however, this ecosystem is quickly	See Responses to Comments 2 and 3 above.

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		<p>coming to a grinding halt. While there had been some speculation that there would be adverse effects to the health of the ecosystem upon closure of the NRG Mandalay Peaker plant on March 31, 2018, none of us really imagined they would be to a scale that we have seen, with a near complete eutrophication of parts of the harbor that are no longer circulating water. While we fully understand and support the State Water Resources Board's mandate to minimize the disruption to aquatic life that can result from large volume/velocity use of ocean water for cooling, it does not appear that the unique nature of this particular harbor was factored in - specifically the beneficial and vital role of water circulation via the Mandalay Generating Station pumps through this enormous harbor marina in promoting and maintaining the health of the ecosystem and quality of water . But, there's hope that this can be remedied, but only if we all do our part and act to stop this crisis immediately. This is where we need your assistance in reconsidering the termination of water flow through the MGS (generating station) - either by an extension /repurposing or this permit or the allowance of an application for a new permit that would enable some type of circulation, be it passive or active. I am by no means an expert in this branch of engineering but we desperately need your authoritative assistance and engineering guidance.</p> <p>The most immediate actions might be to first stop any further closure of the inlet and outlet ports at the plant and next begin low flow intermittent circulation to an extent that permits some circulation without the harmful effects of high velocity and heat/pressure on marine life. The Edison Canal has for half a century served as the umbilical cord to the harbor, and now that this cord has been cut, the</p>	

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		<p>ecosystem is literally suffocating a slow death that we cannot just stand by and watch occur. Please, sea life is dying and the threat of massive sea life loss in future months and years is looming especially as the algae bloom that occurred returns next summer in full force once the winter storms fill up the harbor with nutrients from the surrounding agricultural runoff The recent presentation by marine biologist Dr Caron of USC to the city of Oxnard during the July 11th harbor task force meeting provided clear and convincing evidence that the harbor suffered an unprecedented algae bloom and they gave us clear recommendations to begin continuous oxygen and chlorophyll monitoring. Never before in 50 years has this been necessary but basically the message was "watch out, it's going to happen again, best prepare." The marine life that is suffering is unable to speak for itself but thankfully, there has been a public outcry to reverse and retrace our steps to undo this mess. Please, we implore you to use any and all of your broad influence in these matters to implement restoration of water circulation in the harbor without delay.</p>	
Anne & Allan Baldinger	11	<p>My husband and I live in the Channel Islands Harbor having retired to Oxnard in 2011.</p> <p>We often walk around the marina, along with people from all over, of all ages and different walks of life. It is a pleasure to be together with everyone enjoying nature. Unfortunately, this summer there has been a terrible odor coming from the harbor water. It seems to be caused by stagnant water coming from the Edison canal.</p> <p>Since the NRG plant has closed operation and is no longer pumping water from the canal which leads from the harbor,</p>	See Response to Comment 3 above.

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		<p>there is much less circulation. Consequently, the ecosystem is being damaged each day. Nutrients are building up and pollutants as well.</p> <p>If allowed to continue I fear this situation will only get worse, affecting fish, birds, and sea lions which regularly visit the harbor. We've been fortunate enough to see even a couple of dolphins near the Whales Tale one afternoon! And herons make their nests in the palm trees lining the walkways.</p> <p>People come to the harbor for all kinds of recreational activities and also just to rest and enjoy nature. And in turn they support all the local businesses for shopping and dining.</p> <p>As you consider NRG 's application to terminate their work at the harbor please consider the effects on water quality for our future. Do all you can to keep our beautiful harbor clean and healthy for all to enjoy.</p>	
<p>Bodo & Debbie Meschkat, Christine Gardner, Darryl J. Anderle, John Parmenter, Joji A. Barris-Paster, Juan Carlos Diaz, Lori & Jim Vreeke, Maree Penhart, Alan Carver, Warner & Patricia Younis, Richard M. Beal & family, Robert Orgel, Rocco & Mary Belmonte, Ronald J. Brenner, Scott D. Bernstein, Wendy Parmenter, Bradley Boeckmann, Patricia Boeckmann, J. Marie Carobini, George J. Bregante</p>	12	<p>We are writing to add our names to the list of clean water advocates requesting your help and support, regarding the matter of the Channel Islands Harbor that has become seriously negatively affected by the lack of flushing. Flushing has stopped as a result of the shutdown of the pumps that supported the Mandalay Generating Station.</p> <p>We are, today, in just the beginning of what could become a completely degraded harbor as time, rain, storm water and continued agricultural discharges take their toll.</p> <p>We understand that the matter before your Board is the release of the operator from the NPDES permit and that, perhaps, this request does not dovetail exactly with the</p>	

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		<p>agenda item. Nevertheless, we are compelled to ask for your immediate attention to the matter.</p> <p>The situation we are placing before you is real. We need your help and support to resolve it. We need your help and support Before California loses another harbor to deteriorated water conditions</p> <p>BEFORE YOU AGREED ON THE SHUTDOWN OF THE PUMPS, WERE YOU MADE AWARE OF THE REPERCUSSION OF THE SHUTDOWN?</p> <p>The Channel Islands Harbor, all sections of it, were designed and constructed in such a way that the Harbor would flush effectively from the start. This main Harbor and each of its subsequent sections were each constructed by utilizing the Mandalay Canal (aka the Edison Canal) as its water pathway. The Mandalay Canal was constructed in the early 50's, before either the main Channel Islands Harbor or any of the extending harbors were constructed. The design of the Harbor as a whole relied on a naturally-occurring seawater entry point and a reliable seawater exit point. The current, which flows south to north at this location, enters the Channel Islands Harbor not far from the Edison Canal's beginning point at Port Hueneme and exits at the Canal's termination which is the entry into the Mandalay Generating Station pumps. The seawater then passes through the pumps and exits back into the ocean, completing the Harbor's natural flushing pattern. The cessation of the pumps completely stops the flushing essential for water quality</p> <p>Unlike many harbors and marinas in California, this harbor was actually constructed with flushing in mind and for that</p>	<p>During its operation, MGS discharged once-through cooling water, other in-plant wastes, and storm water to a concrete and rock discharge structure on Mandalay Beach, into the Pacific Ocean. At maximum capacity, MGS was permitted to discharge up to 255.3 million gallons per day (mgd) of wastewater.</p> <p>NRG permanently ended its operation of MGS and the permitted wastewater discharges, which include cooling water discharges, from the facility on March 29, 2018. On June 25, 2018, the Regional Water Board conducted a site inspection and verified that facility operations and wastewater discharges to the ocean had stopped. The OTC system's water intake pumps and associated piping have been disconnected and the ends plugged, eliminating the withdrawal of water from Edison Canal and eliminating all wastewater discharges into the ocean.</p> <p>Since NRG ceased operation of the Facility and is no longer discharging wastewater 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</p>

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		<p>reason it can lay claim to its well-deserved title as one of the cleanest in the state of California.</p> <p>PLEASE DO NOT LET THIS OPPORTUNITY slip through the political cracks. Your mandate is to preserve water quality, please make certain we do not lose this very valuable and special California asset: A California harbor with clean water for all to enjoy.</p>	<p>individual NPDES permit coverage for wastewater discharges if it is not discharging wastewater to the ocean. The Board also does not have the authority to require that NRG or a third party continue to operate the water pumps in the canal.</p> <p>If discharges of waste to the CIH and Edison Canal are causing water quality impacts, the Board will utilize its regulatory programs to support assessment and regulation of those discharges and work towards improving the water quality. Staff will continue to work with stakeholders to ensure that CIH water quality meets water quality standards and supports the beneficial uses of the waterbody.</p>
Bonnie & Charles Carter	13	<p>We have lived in Mandalay Bay at Channel Islands Harbor for seven years and we are very concerned about the degraded water quality in our harbor. We have never seen so much unusual algae and murky water. We cannot see more the 3 feet deep in our channel now. We are accustomed to seeing the bottom of our channel at over 10 feet deep.</p> <p>The NRG Mandalay Generating Station used cooling pumps that circulated 50 million gallons of seawater per day from the Channel Islands Harbor through the Edison Canal and out to the Pacific Ocean. Those pumps were shut down in March 2018 and the blockage of the outflow has contributed to the degraded water quality in the Channel Islands Harbor.</p> <p>The Algae Bloom that we experienced starting in mid-June was the result of low dissolved oxygen, higher water temperatures, increased nutrients and reduced water circulation, according to a study conducted by Aquatic Eco Technologies and Aquatic Bioassay Consulting. They</p>	

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		<p>compared our situation with the massive Algae Blooms that killed over 175 tons of fish in King Harbor Redondo Beach in 2005 and 2011. We do not want that to happen in the Channel Islands Harbor.</p> <p>Aquatic Bioassay tested the water quality at 5 locations in the Channel Islands Harbor on June 19th, 21st and 22nd 2018 and reported that Total Nitrogen (TKN) and Ortho Phosphates exceed levels "Of Concern". These contaminants come from irrigation and storm water run-off.</p> <p>The Oxnard Public Works Department started testing water quality at 25 sites in the Channel Islands Harbor on June 23rd. They reported that several of the sites showed dissolved oxygen (DO) below 5.0 through early July. DO levels below 5.0 ppm are considered hazardous to aquatic species. Oxnard Public Works also tested 5 sites on June 28th for bacteriological contaminants and found that the results were within acceptable levels on that date.</p> <p>The Ventura County Resource Management Agency (VCRMA.org) conducts weekly tests at 2 locations near the entrance of the Channel Islands Harbor (Hobie Beach and Kiddie Beach) and those areas have exceeded California State safety standards for 20 days since the NRG pumps have been shut down. The beaches were posted with signs warning people to avoid body contact due to health concerns.</p> <p>Oxnard Public Works needs to increase our water quality testing for "Indicator Bacteria" (total coliform, fecal coliform and enterococcus) at other locations in the Channel Islands Harbor that are farther from the harbor entrance. Seabridge East, Westport and Seabridge North are more than 2 miles from the harbor entrance and consequentially</p>	<p>The Board appreciates the detailed description of the conditions in CIH that you provided. 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. Consequently, Regional Water Board staff prepared a tentative termination order for the individual NPDES permit for MGS for Board consideration.</p> <p>However, the Regional Water Board is committed to appropriate actions to evaluate and address concerns regarding water quality in CIH. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH.</p> <p>These Regional Water Board programs can be used, among others, to support evaluating and regulating, if necessary, the discharges that enter the CIH and the Edison Canal.</p>

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		<p>have less circulation to flush the contaminants out of the harbor.</p> <p>A 2001 Water Quality Study Report by Moffatt and Nicolls Engineering predicted that water quality in the Channel Islands Harbor would deteriorate when the NRG pumps were scheduled to be shut down in 2020, in compliance with the Once-Through-Cooling requirements. They estimated the “residence time” would increase from 6 days to 17 days at Seabridge. We need another hydrological study to confirm that shutting down the NRG pumps and blocking the outflow channel has contributed to the decreased circulation and increased contaminants in the Channel Islands Harbor.</p> <p>The Regional Water Board’s Order No R4-2018-xxxx that required or allowed NRG to block the only compliant discharge for agricultural and storm water run-off is inappropriate and possibly illegal. Without any discharge point, the agricultural and storm waters that flow into the 2.3 mile long Edison Canal have nowhere to go, except back into the Channel Islands Harbor at low tide.</p> <p>The California Water Board’s Storm Water Fact Sheet states that “Water runoff can carry pollutants that degrade water quality and impact the beneficial use of our waters – beneficial use that belongs to all Californians and entrusted to the California Water Board to protect...California State Water Board, Regional Water Quality Control Boards and the US EPA have regulated the runoff and treatment of storm water” to protect our waters.</p> <p>We respectfully request that the Water Board reconsiders this order and requires NRG to research and recommend a solution to re-establish the flow of water through the Edison Canal that will provide circulation that restores the</p>	

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		water quality in Channel Islands Harbor to the levels prior to the shutdown.	
Carol Taylor	14	<p>When my husband and I chose to move to our destination home surrounded by the waters of Ventura and Santa Barbara Counties, we were searching for that rare quality of life. After significant research and investigation, we opted for Channel Islands Harbor as it offered full recreational access and unsurpassed water quality due to the regular flushing of the harbor waters from the Harbor Blvd. Power Plant. We have recently experienced an extremely serious condition affecting the waters of the Channel Islands Harbor. We have found this potential environmental crisis to be a matter of grave concern.</p> <p>As a long-term resident of the harbor, as well as boater, kayaker, paddle boarder and diver, I can bear witness to the environmental crisis looming over our once pristine harbor. This harbor was abundant with fish, making it a home for the Great Blue Herons and Crowned Night Herons to nest and feed. The sea lions would herd the fish for a feast shared by the majestic Brown Pelicans. The White Egrets could be seen feeding at low tide. The Cormorants would group and entertain us with their synchronized diving while they fed in our harbor. Octopus, star fish, sea cucumbers and rays were sightings that brought smiles to those who visited the harbor. This year the Blue Herons are limited, the Cormorants, White Egrets and Crowned Night Herons are all but gone. The Brown Pelicans are not feasting. The rays, octopus and star fish are not brightening our days.</p> <p>The recent algae bloom, which would typically not sit in our harbor due to the consistent flushing, has brought devastation to our harbor's ecological environment. If this is only the beginning, I greatly fear what is to come if</p>	See Response to Comment 13 above.

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		<p>nothing is done to renew the flushing system for this harbor.</p> <p>The harbor is a significant asset to our community and to the California coast. This is not a resource we can simply allow to fail.</p> <p>I beg your consideration in reviewing your decision on the above permits and consideration of continued or alternative measures to secure the water quality and protect the delicate marine environment now at risk.</p>	
Denise J. Thuot	15	<p>The community of Oxnard in Ventura County has recently experienced a serious issue affecting the waters of Channel Islands Harbor, and I wish to bring this matter to your attention.</p> <p>Channel Islands Harbor has recently suffered a devastating blow to its pristine condition. In the Board's decision to accommodate the NRG Mandalay Generating Station early shut-down in accordance with the NPDES mandate for closure of water-cooled generating stations, a dramatic negative effect on the Channel Islands Harbor waters and its aquaculture has been experienced. The City of Oxnard and its community organizations have substantive quantitative evidence that, because of this generating station shut-down, the Harbor's circulation system has been disrupted causing a significant negative impact to both the water and the marine life. This circulation system, of which the Generating Station's circulation pumps are a critical component, has operated in this Harbor from its completion in 1965, has now been completely physically impeded.</p> <p>With due respect for your authority in this matter, I request with the strongest urgency that the Board immediately</p>	<p>See Response to Comment 2 above.</p> <p>See Response to Comment 13 above.</p>

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		<p>reverse its decision to allow suspension of the NRG NPDES permit and the acceptance of the shutdown of its circulation pumps prior to the legally-mandated shutdown date. I urge that the Board, concurrently, require NRG to reinstate the pump operations or otherwise facilitate the outflow of the Edison Channel waters into the ocean until such time as an alternate method of water circulation and flushing for the Channel Islands Harbor can be determined and implemented.</p> <p>These pumps drew a significant amount of water from Channel Islands Harbor via the Edison Canal (aka Mandalay Canal), and as a result pulled clean, oxygenated water into the Harbor through its entrance at Hollywood Beach. I am confident that when you responded positively to NRG's request for approval of the early shutdown of its operation, the Board was not fully informed of the ecological impact that its decision would have on the vibrant and healthy Channel Islands Harbor. It is possible that it was not clearly disclosed or explained to you in the NRG closure applications that the pumps captured and used the waters from what is, for all intents and purposes, the end loop of the entire Harbor's flushing system and that shutting down the pumps used by Mandalay would totally impeded the tidal outflow of the waters.</p> <p>Further, please be aware that the Edison Canal appears to serve as the irrigation run-off for acres of adjacent farm fields, thus infusing chemicals and fertilizers into the water which, as a result of the canal blockade, are flowing directly back into the Harbor itself with no filtration of any kind. This appears to be causing an influx of nutrients into the Harbor and disrupting its ecological balance. NRG should have been able to predict the disastrous effects this shutdown would have on the entire Harbor and had an obligation to disclose this situation in its application.</p>	<p>The potential water quality impacts were considered in an environmental study and in the Final Supplemental Environmental Impact Report for the Seabridge Project in the early 2000s. The study found that water quality could be degraded following closure of the MGS. As a result, the City of Oxnard, County and OLY Mandalay General Partnership, the Seabridge Project developer, put in place a Memorandum of Understanding (MOU) that contains provisions to fund and implement measures to mitigation any such impacts.</p> <p>If discharges of waste to the CIH and Edison Canal are causing water quality impacts, the Board will utilize the programs available to assess and regulate, if necessary, those discharges and work towards improving the water quality. Staff is aware that irrigation runoff from adjacent farm fields is discharged to nearby coastal waterways. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH.</p>

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		<p>One does not have to live on the water or be a "water person" to appreciate and value the beautiful clear and clean Channel Islands Harbor. Channel Islands Harbor, which is the fifth largest recreational harbor in the State of California, has often been cited as the cleanest in the State. I believe that the Board's decision has inadvertently caused this harbor to be one of the worst in the State.</p> <p>Thank you for the time you have taken to read my appeal, and for your positive response to this request for immediate action.</p>	
Dana Brandt Hill, Edward F. Hill	16	<p>I am a homeowner and income property owner in the Channel Islands Harbor. It is my understanding that the NRG Mandalay Generating Station early shut-down in accordance with the NPDES mandate for closure of water-cooled generating stations, has had a negative effect on the Channel Islands Harbor waters. I am told the circulation system that has existed in this Harbor from its construction in 1965, has been disrupted causing negative results to the water quality.</p> <p>It is my understanding that NRG' s request for approval of the early shutdown of its operation resulted in the cessation of the pumping that used the waters from the Channel Islands Harbor via the Edison Canal (aka Mandalay Canal). It is most likely that the Board was not fully informed of the impact that this decision would have on the Harbor and that it was not clearly disclosed or explained that the pumps captured and used the water from what is the Harbor and that shutting down the pumps would impede the tidal outflow of the waters.</p> <p>Furthermore, the picture becomes more complex when you are made aware that this same canal appears to serve as</p>	See Response to Comment 15 above.

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		the irrigation run-off for agricultural fields. Chemicals and fertilizers flow into the waters which are flowing back into the Harbor with no filtration of any kind. Immediate action needs to be taken to protect the waters of the Channel Islands harbor and our property values. We thank you for the time you have taken to read our appeal.	
Gregory Shanks, Janine Ann Nesbit	17	<p>The many residents and visitors of the Channel Islands Harbor in Ventura County have been experiencing an extremely serious condition significantly and adversely affecting the formerly pristine waters in the Channel Islands Harbor. The current deplorable condition of the waters in Channel Islands Harbor have caused the death of marine life, muddy disgusting waters and a noxious stench in the North end of the Harbor which is so foul that residents are forced to stay indoors with their windows closed. The appalling condition of the waters in the Channel Island Harbor is a matter of grave concern and demands your immediate attention.</p> <p>The Channel Islands Harbor is the fifth largest recreational harbor in the State of California. It has often been cited as the cleanest harbor in the State of California. Tragically, the Harbor has recently suffered a devastating blow to its formerly pristine condition.</p> <p>The Board's approval of the early shut down of the NRG Mandalay Generating Station in accordance with the NPDES mandate for closing water-cooled generating stations has had a dramatically destructive impact on the Channel Islands Harbor waters, its sea life and its benefits to all who reside near and visit this once beautiful Harbor.</p> <p>We have evidence that the Board's approval of the shut-down of the NRG circulation system, which has existed in this Harbor from its completion in 1965, and which has kept the Harbor the cleanest in the State of California has</p>	See Responses to Comments 2, 3, and 15 above.

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		<p>significantly and adversely affected the Harbor's waters and marine life.</p> <p>I am requesting with the strongest urgency that the Board immediately REVERSE its decision to allow suspension of the NRG NPDES permit and the acceptance of the shutdown of its circulation pumps prior to the legally-mandated shutdown date. I urge that the Board require NRG to reinstate the pumps operations or otherwise facilitate the outflow of the Edison Channel waters until such time as an alternate method of water circulation and flushing for the Channel Islands Harbor can be determined and implemented.</p> <p>I am hopeful that the Board was unaware of the impact of its approval of NRG's request for an early shutdown of its operation. The early shutdown approval resulted in the stopping of the pumps that pushed fresh sea water through the Channel Islands Harbor via the Edison Canal (aka Mandalay Canal). Sea life has died, the waters are disgusting, and the stench is foul. The environmental and ecological impact of the Board's decision on our formerly vibrant and healthy Channel Islands Harbor is detrimental to the survival of the sea life and welfare of all who enjoy this formerly beautiful Harbor.</p> <p>The situation in the Channel Islands Harbor has added complexity because the Edison Canal also serves as irrigation run-off for miles of farm fields, thus infusing chemicals and fertilizers into the Harbor waters which, as a result of the Edison Canal blockade, are flowing directly back into the Harbor itself with no filtration of any kind.</p> <p>I can only assume that NRG could easily have predicted the disastrous impact of this shutdown would have on the entire Harbor. I also assume that NRG would have had an</p>	

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		<p>obligation to disclose the impact of the closure on its application.</p> <p>Thank you for your time and attention to this matter I look forward to a prompt resolution which will serve the residents, visitors, sea life and waters of the Channel Islands Harbor.</p>	
Irene Swanson	18	<p>My family has resided in the Channel Island Harbor for over 45 years. During that time we have enjoyed beautifully clean, clear water until the last few months. We have noticed that the channel water has become a murky, yellowish brown color. It is actually scummy in some areas. We thought that this was a situation that would improve within a short period of time.</p> <p>We have recently learned that the deteriorating water quality in the harbor is due to the fact that the circulation pumps at the Mandalay Generating Station have been shut down and the Edison Canal blocked. The lack of water circulation and the run off from nearby agriculture are creating a threatening situation for sea life and harbor residents.</p> <p>Our community needs your assistance to help restore the harbor to its former clean state. A first step could be to reopen the Edison Canal and reinstate the pumps operation.</p>	<p>The Regional Water Board is committed to ensuring that the water quality supports the beneficial uses associated with the respective waterbodies. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. This program and other Regional Water Board programs will be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p> <p>For additional detail, see Response to Comment 15 above.</p>
Jerry Watson	19	<p>I write this message as a resident of the Mandalay Bay neighborhood in the Oxnard, California Channel Islands Harbor. My neighbors and I are very concerned about the very noticeable deterioration in the quality of the water that flows in the channels behind our homes, which deterioration began to occur immediately following the shutdown of the Mandalay Generating pumping station.</p>	<p>The Regional Water Board had no role in NRG's decision to decommission the facility and does not have the authority to require that NRG (or a third party) continue to operate the intake pumps so that there is circulation in the CIH. However, the Board is committed to ensuring that the water quality in the Channel Islands Harbor and</p>

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		<p>If you will, let me give you just one real life example of the seriousness of the matter for our family personally. Ten years ago we were looking to purchase a home in the Channel Islands area. The realtor showed us a modest dwelling with a back deck over the channel that flows by the homes on Falkirk Bay Street. We were immediately attracted, not to the structure itself which we have since completely rebuilt, but to the beautiful water flowing right behind the house.</p> <p>It was that water that caused us to decide to purchase the property, and with our boat, kayaks and paddle boards it has been the focus of attraction and great enjoyment to our children and grandchildren. But now, with the serious deterioration of the water those days are lost to us. Being quite honest about it I can say without reservation that had the water at the time of our purchase been as it is on a typically bad day now, there is no way we would have decided to make the site our permanent home.</p> <p>We are advised that returning the circulation of the waters in the channel to their state prior to the shutdown of those pumps would correct this serious problem. Further, we are advised that it is within your power to cause that to occur.</p> <p>Therefore, we are writing to respectfully seek your help. Will you please exercise your authority to return our homes and our enjoyment of them to their condition prior to the decision to stop the pumps? If you would, we will be more appreciative than words can express.</p>	<p>Edison Canal supports the beneficial uses associated with the respective waterbodies.</p> <p>Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH. These Regional Water Board programs and others will be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p>
Jon Schwalbach	20	This letter addresses my concerns with the water quality in Channel Islands Harbor. As you are certainly aware, water quality is significantly degraded this year, likely related to the cessation of pumping water through the Edison Canal. Based on observations a number of residents have made,	The City of Oxnard has taken steps to address the water quality concerns. The actions taken are summarized in Response to Comment 3 above.

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		<p>it is clear the canal is a continuous source of poor-quality water being introduced to the harbor during each tide cycle. A number of these observations are based on multiple kayak and stand-up paddleboard trips each week residents have taken around the harbor. These trips allow for a real-time and close-up view of water quality at different times and during different tide conditions. We use clarity as a proxy for water quality.</p> <p>Currently the waters around the Seabridge Marina and Vons shopping center and around the Westport and Seabridge developments are clearer than the water in the Edison Canal. During outgoing tides, however, the poor-quality (turbid) water is pulled out of the Edison Canal into the main channel. When the tide turns around (incoming tide) much of this turbid, murky water is pushed back into the Westport - Seabridge area, degrading the water quality. Below is a photo taken on August 3, during the outgoing tide, showing the debris backed up against the grating in the Canal, south of Wooley Road. Is there a responsible party assigned to clean this, either the city or NRG? This probably isn't the photo one would want to find in the local newspapers.</p>	<p>The potential water quality impacts were also considered in an environmental study and in the Final Supplemental Environmental Impact Report for the Seabridge Project in the early 2000s. The study found that water quality could be degraded following closure of the MGS. As a result, the City of Oxnard, County and OLY Mandalay General Partnership, the Seabridge Project developer, put in place a Memorandum of Understanding (MOU) that contains provisions to fund and implement measures to mitigation any such impacts.</p> <p>The Board is committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of the water quality and beneficial uses in CIH and Edison Canal. Staff will continue to work closely with the City of Oxnard and the County and other stakeholders to monitor conditions in CIH.</p>
Judy Havas	21	<p>As you may be aware, residents of Oxnard's Channel Islands Harbor area community held several homeowners' associations meetings in the last six weeks regarding an urgent, destructive situation to the Channel's water. I along with the residents of the community are seeking your timely assistance to bring needed remedy to the situation.</p> <p>The cause of the devastating water conditions has been determined to be created by the lack of circulation system/pumping operations from NRG's Mandalay Generating Station (which had been in existence since 1965). In meeting with Mayor Tim Flynn and Councilman</p>	<p>The Board has no role in NRG's decision to decommission the Facility or in NRG's decision to proceed with decommissioning prior to the compliance deadline in the OTC Policy. NRG made the decision to cease operations on March 29, 2018. Discharges from the facility were terminated and subsequently the intake and discharge structures were closed off. On June 5, 2018, NRG submitted a request to terminate the NPDES permit for MGS. 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</p>

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		<p>Bert Perello, they referenced that the Regional Water Control Board had authorized an earlier than anticipated shut down of Mandalay Generating plant. Community members became aware of a 2020 mandated shutdown agreement with the State, but were not aware of the early shut down that occurred. We are concerned about the disastrous impact of the early shut down, and certainly wonder what NRG presented to the Commissioners regarding the impact of their early shut down actions. In response to this critical situation, the City hired experts to test waters. In their report, in addition to reporting on water toxicity levels, the scientific executives warned that the lack of circulation will create long term, sustained problems. In fact they cited several examples of other harbors with similar disastrous results. Their advice was clearly to deal with this matter in a timely manner in order that conditions in the water do not develop to promote even more radical algal growth.</p> <p>From my and others in the community's understanding, it appears that the NRG may not have fully informed the Board of the ecological impact that their actions would have on the critical Channel Islands Harbor waterway/canals. In fact, our homeowners' association leadership has indicated that there was not a full disclosure in NRG's application to explain that the pumps captured and used the waters from what is the end loop of the entire Harbor's flushing system. The result of the cessation of the pump activity resulting in totally impeding the tidal outflow of the waters.</p> <p>In addition, we have also learned that the same canal waters serve as the irrigation run-off for miles of farm fields, creating a problem of the chemicals and fertilizers flowing back into the Harbor itself, given that there is no filtration.</p>	<p>cannot require NRG to maintain its individual NPDES permit coverage for wastewater discharges if it is not discharging wastewater to the ocean.</p> <p>Regional Water Board staff has been working with City staff and staff from the County of Ventura to better understand the water quality conditions recently observed and discuss potential mitigation measures. Staff will continue to provide information and guidance and help facilitate discussions between the City, County of Ventura and other stakeholders to evaluate the water quality in the CIH, to discuss and evaluate proposed mitigation measures and to ensure that the beneficial uses are protected.</p> <p>Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH. These Regional Water Board programs and others will be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p>

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		<p>The unique qualities of Oxnard's Channel Harbor serve as a special draw not only to current residents, but also to future homeowners and tourists-all of whom bring their buying power/support of local community businesses and contribute to tax dollar revenue. We know that each of you appreciates the importance of assuring that the local regulatory and government officials attend to ensuring that the vibrancy of waters in the area are maintained and held to the highest standards.</p> <p>We have been advised that there will be a public hearing set for September 13, 2018 regarding the Regional Water Quality Board's prior response to NRG's request to discontinue pump operations coverage under the NPDES permit program. I, and other concerned residents, respectfully request that you address this matter-reverse the decision to allow suspension of the NRG NPDES permit and the acceptance of the shutdown of the circulation pumps prior to the legally-mandated shut down date several years away. We ask that NRG be required to reinstate the pumps operations or provide a solution to provide for the outflow of channel waters until an alternative process can be assessed and implemented to provide water circulation.</p>	
Michael L. Millett	22	<p>I am sending you this correspondence to be part of the public comments section of this hearing. MY wife and I recently purchased a home in Channel Islands Harbor in the Seabridge Community. When we first moved in last Fall the waters in the harbor were beautifully clear and there was an abundance of bird ad sea life. In the past few months the water changed and grew murky with excessive blooms of algae, most of the bird population disappeared and you could only see a few inches into the water so it was hard to tell what condition the sea life was in? We did</p>	

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		<p>observe some dead fish and on certain days there was an odor coming off the water.</p> <p>I am not a Marine Biologist or any other form of scientist, however I grew up within two blocks of the ocean and have lived close to it most of my life. I have been a surfer and at one time was active in the Surfrider Foundation during the years we lived in San Clemente. My wife and I were also part of the Management of a Mutually Owned Water District serving approximately 50 families for about 18 years. During that time period we became aware of a toxic waste dump in the vicinity and had to mobilize a group of residents to shut it down and assure it's proper clean up, so I am somewhat aware of water quality issues and how to make sure they are properly addressed.</p> <p>It would seem to me that the problems with our water quality in the Channel Islands Harbor seem to have some direct relationship with the closure of the NRG California South LP Mandalay Generating Station. I don't claim to know exactly, but I suspect it has something to do with the stagnant water in the Edison Canal. This body of water makes it way from our harbor past hundreds of acres of farmland towards the NRG facility, with it's closure the water has no place to go but back in the harbor carrying all of the runoff from the farm land back into the harbor. On your own website you make mention of this problem as pertains to Watershed Management, and I quote:</p> <p>Excessive nitrogen (reflected here as high levels of ammonia) may lead to a condition of eutrophication (excessive nutrient loading) which can influence pH levels as well as promote increased algal growth. Scum may be evident due to floating algal material and odors may result when excessive algae starts to die off. Thus, it makes</p>	<p>See Response Letter to Bert E. Perello, attached to this Response to Comments Table.</p>

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		<p>sense to group these TMDLs (calling it a "nitrogen and related effects" TMDL "group") and approach the problem by determining the sources of nitrogen loading into the watershed.</p> <p>The Edison Canal was put in place to provide a source of water for the power plant and any problems it may now be creating should be handled as part of any proposed closure. If the Los Angeles Regional Water Quality Control Board has factual evidence that this is not the case and the problems in the harbor stem from some other factor or combination of factors then those should be addressed.</p> <p>Channel Islands Harbor is not just my home, it is a living part of the ecosystem and if it is not cleaned up and restored to it's former condition it is going to have far reaching consequences to the human and animal population in the area. Beyond those issues a polluted and dead harbor will have financial impact on the City of Oxnard, the County of Ventura and the State of California.</p> <p>I would ask the Board to not release NRG from any involvement until all of the issues are fully investigated and a satisfactory resolution put in place.</p>	
Mike Schultz	23	<p>Please keep the pumps going from the electrical plant.</p> <p>At this time, it's not clear how the water quality is affected.</p> <p>Some aerators are being installed at the pump house that was built into the harbor right now.</p>	<p>The owner of the Mandalay Generating Station ceased operations at the site and the associated discharges of wastewater/cooling water to the ocean. The Regional Water Board does not have the authority to require that NRG (or any third party) keep the pumps operating.</p> <p>The City of Oxnard has implemented a number of actions to address the concerns noted. As you indicated, six aerators have been installed. The specific actions that have been undertaken are outlined in Response to Comment 3 above.</p>

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			The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH and Edison Canal.
Mr. & Mrs. Charles J. Lucas III	24	In the recent weeks we have noticed our waterfowl population strikingly decrease. The fish population has diminished and our beautiful herons have left our harbor. Please help us restore the beauty we once had.	See Response to Comment 23 above.
Mr. Robert Chappell, Mrs. Roxana Chappell	25	<p>In recent weeks, we've been aware of water quality problems here at Channel Islands Harbor, in Ventura County.</p> <p>Apparently, since NRC Energy shut down circulation pumps in the Edison Canal, in Oxnard, at the Mandalay Generating Station, we've been having water circulation problems on the canal here at Seabridge Harbor.</p> <p>We have heard that algae blooms due to runoff on farms, etc., suck out the oxygen from the water resulting in fish dying. The city of Oxnard has installed 6 aerators to help oxygenate the water.</p> <p>However, this is likely to be a longterm problem, and we would like the state to be aware of it. We appreciate anything you can do to prevent and eliminate this problem.</p>	The Board is committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and the beneficial uses in CIH.
Nick & Denise Morris	26	My husband and I have just retired here with the funds we have for our entire life. We have been here 10 months. We are very concerned with the prospect of the harbor water returning to the conditions it was pre-purchase. We are very frightened this will affect our home values as well as the sea life.	The City of Oxnard began sampling and has installed aerators to mitigate the water quality condition of low dissolved oxygen and associated impacts that have been observed in the CIH. Regional Water Board staff will continue working with staff from the City of Oxnard, the County of Ventura, and other stakeholders to address water quality concerns.

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Richard M. Antoni & Carol A. Antoni	27	Because we walk the Coral Island portion of Seabridge two times a day we have been eye witnesses to the gradually deteriorating water in the marina. It has been very upsetting to watch the decline of the crystal clear water and to virtually watch fish come to the surface gasping for air as the water quality became uninhabitable and deadly to the marine life. The smell of decaying sea life coupled with the dark, murky water has been devastating.	The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH, and will continue to work closely with the City of Oxnard and the County to monitor conditions in CIH. The City of Oxnard has implemented weekly sampling in the CIH and installed six aerators.
Rita Johnson	28	<p>When additional housing was approved on the northern portion of the Oxnard Edison Canal Channels, policy makers, elected officials and government professionals heard concerns about water quality issues. Thus, water circulation studies were required from the developer prior to the additional housing/commercial unit expansions. The results of those circulation studies showed that the existing channels' water quality would be improved as a result of the new development because of the "through" circulation utilizing the Edison Canal for pumping and circulation. Water quality issues were a concern in 2000 when the expanded development was reviewed. expanded land use was approved because of the Edison Canal and the assurance that water. The circulation pumps were available and were to be operated at the Edson facility.</p> <ul style="list-style-type: none"> • These pumps were found to be required' by the developer's circulation studies. • These pumps were to be utilized in order for the development to be approved because of the studies. <p>Channel Island Harbor must have the circulation in order to assure water quality. In fact, over the past ten years the water quality in the channel has improved because of the channel's expansion and the circulation provided by the pumps.</p>	<p>The Regional Water Board is aware of the Seabridge Memorandum of Understanding that was executed in 2002. It includes findings regarding the water circulation in the Channel Islands Harbor. Items 4. (a) and (b) address the potential cessation of operations at the Mandalay Power Generation Plant and its potential adverse effects on water quality in CIH. As described in the MOU, a study was completed that determined the most efficient alternative for remediating any water quality degradation that may occur as a result of the cessation of operations at the Mandalay Power Plant and the cost of implementing such remediation. The MOU in item 4(b) states:</p> <p>“The Study, as expanded by FSEIR, show that following closure of the Mandalay Plant, the water flows or water quality within the Channel Islands Harbor South, the Existing Mandalay Bay Waterways, the Westport Waterways, or the Seabridge Waterways could be degraded. If such degradation occurs and is below generally accepted State standards in place at the time, then, in order to achieve water flows and water quality consistent with such standards, the County and Oxnard agree to implement the Study's Remediation Measure at the time of closure of the Mandalay Plant to the</p>

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		<p>Oxnard and its harbor residents respectfully request your re-evaluation of the Edison Canal. Please look to the continued use of the Edison Canal pumps and circulation decision as one needed to assure correction to environmental concerns documented only a few years ago.</p> <p>Please reinstate the canal circulation as was previously required in developer studies and reiterated the two marine biologist reports recently provided by the City of Oxnard. Leaving our channels without proper and needed circulation will result in catastrophe.</p>	<p>extent that such water quality and water flow remediation is not otherwise required and satisfied by conditions placed by the regulatory agencies on the owners or operators of the Mandalay Plant at the time of [of] its closure."</p> <p>The Regional Water Board is not a party to the MOU and has no authority to enforce its terms. Staff will continue to provide information and guidance and help facilitate discussions between the City and County of Ventura and other stakeholders to evaluate the water quality in the CIH, to discuss and evaluate the mitigation measures and to ensure that the beneficial uses are protected.</p> <p>Regarding the Regional Water Board's authority, the Board has no role in NRG's decision to decommission the Facility and does not have the authority to require that NRG (or a third party) continue to operate the intake pumps. 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.</p>
Roy & Donna Graboff	29	My wife and I have been living in our home in Mandalay Bay (Channel Islands Harbor) since 1999 and we were very proud of the harbor's water quality. The water clarity and quality had many migrant water birds settle here during their migrations. The water had many fish - so seagulls, pelicans, herons, cormorants were everywhere. Even harbor seals would roam down our channel from time-to-time - the feeding was that good.	Please see Responses to Comments 26 and 27 above.

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		<p>One of the reasons we moved to our home in Mandalay Bay was knowing that the NRG Mandalay power plant circulated water through the harbor (including Mandalay Bay) and back out to the ocean thus giving us good quality ocean water year round.</p> <p>Now, within the past few months, we noticed the water in the harbor (and by our home) is no longer clear dark blue, but a dirty brown. The waterfowl are no longer around. We had a Great Heron family living on the top of one of trees for years (with newly hatched chicks each year) - they are gone now. Then my wife and I heard of the power plant shutting down, which explains the cause of this ecological disaster.</p>	
Steven L. Kinney	30	<p>On authorization of this Association's Board of Directors, I am writing to urge your attention to the pressing issue of deteriorating water quality at Channel Islands Harbor. The Lessees Association represents all of the commercial development interests, including all of the apartment, hotel, office, and retail developments, at the Harbor. The Lessees, as with all residents around the harbor, have a direct and compelling interest in the water quality of the Harbor. We have taken it as a point of pride for decades that Channel Islands Harbor has consistently been regarded as having the best water quality of the man-made harbors along the coastline. We now have an equally serious concern that the water quality appears to be in jeopardy.</p> <p>I draw your attention to a letter to the RWQCB dated July 24, 2018 from the Channel Islands Neighborhood Council. Since that organization represents all of the residential neighborhoods fronting on the harbor, it could be considered our counterpart with a residential perspective. Without reiterating all of the points of that excellent</p>	<p>When much of the CIH was developed, the potential cessation of pumping at the Mandalay Generating Station was considered. In Response to Comment 3, the contents of the Seabridge Memorandum of Understanding (MOU) that was executed on September 10, 2002 are outlined. That MOU put in place a protocol for addressing any water quality impacts associated with the cessation of pumping at the Mandalay Generating Station.</p> <p>The City of Oxnard has taken a number of actions to mitigate the water quality conditions, including low dissolved oxygen levels, noted in June 2018. Those actions are outlined in Response to Comment 3.</p> <p>The Regional Water Board does not have the authority to require that NRG (or a third party) continue to operate the intake pumps. However, the Regional Water Board is committed to appropriate actions to evaluate and address concerns regarding CIH water quality. Regional Water Board staff have been working with City staff and staff</p>

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		<p>summary of the situation at the harbor, I will simply state that our Board shares the view that the closure of the pumps at the NRG Mandalay Generating Station is a proximate cause of the deteriorating water quality in the harbor.</p> <p>In our view, it is inconceivable that the Harbor's natural flushing action through the Edison Canal and the pumps at the Mandalay Plant, which was incorporated into the original design of the harbor sixty years ago and which has performed effectively throughout that time, could be abruptly terminated, by closing down the pumps, without expecting exactly the deteriorating effects to the water and marine life which we see happening now.</p> <p>We join with our residential partners in the harbor community in the request that the Board require NRG to reinstate the pumping operations at the plant or otherwise facilitate the outflow of the Edison Canal waters until such time that an alternate method of water circulation and flushing for the Channel Islands Harbor can be determined and implemented.</p>	<p>from the County of Ventura to better understand the water quality conditions recently observed and discuss potential mitigation measures. Staff will continue to provide information and guidance and help facilitate discussions between the City, County of Ventura and other stakeholders to evaluate the water quality in the CIH, to discuss and evaluate proposed mitigation measures and to ensure that the beneficial uses are protected. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH. These Regional Water Board programs and others will be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p>
Ted J. Nighbert	31	<p>I purchased my home on the main channel two years ago. We have immensely enjoyed watching our grandkids kayaking, paddle boarding and swimming in front of our home. Now we are very concerned about the quality of the water in the channel. I can foresee our quality of life as well as the viability of the numerous businesses that depend on our channel deteriorating. I ask that you please find a solution to our water quality problem. If our water is stagnant our property values will decrease, businesses will close and your city revenue will be impacted. Please think about using some of that revenue now to solve the problem before it becomes too late.</p>	<p>The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH, and will continue to work closely with the City of Oxnard and the County to monitor conditions in CIH.</p>

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Tom McNally	32	<p>I am writing in regards to the deterioration of water quality in Channel Islands Harbor since the shutdown of the NRG pumps at the north end of Edison Canal in Oxnard, CA.</p> <p>Since 1963 when the harbor was constructed, the water that the power plant pumped out of the north end of the Edison Canal for cooling purposes caused an inflow from the harbor entrance at the south end of the harbor. Now that the pumping has stopped, the 2.3 miles of canal have become a stagnant body of water collecting nutrients with no place to go.</p> <p>I think we should consider the practicality of running the NRG pumps; on a regular but limited basis; for the purpose of flushing out the harbor. If the existing dead-end layout of Channel Islands Harbor is allowed to remain, the continued build-up of runoff nutrients will eventually lead to the destruction of most wildlife in the harbor ecosystem.</p> <p>There are options that we suggest can be pursued before we are in a position where it is too late to rescue the harbor:</p> <ul style="list-style-type: none"> • The north end of the Edison Canal is quite close to the ocean. If a channel could be opened up between the end of the canal and the ocean, the tide would be allowed to enter and leave from both ends of the harbor. This would drastically reduce the distance from the northern half of the harbor to a source of uncontaminated water, while at the same time, relieving the canal from the concentrated effects of storm water runoff. • The NRG plant has been pumping at a very reduced rate over the past years, but it has been sufficient to keep the harbor water crystal clear. Perhaps there is an option for a very reduced 	<p>The Board does not have the authority to require that NRG (or a third party) continue to operate the intake pumps. NRG made the decision to terminate the intake and discharge of the once-through cooling water, ceasing the pumping that has historically largely controlled the residence times of ocean water in the CIH. The termination of the pumping operations also brings the MGS into compliance with the OTC policy, which was developed to preserve and protect marine life and the ocean ecosystems.</p> <p>The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH, and will continue to work closely with the City of Oxnard and the County to monitor conditions in CIH. Board staff are evaluating the discharges into the harbor and canal from agricultural irrigation, municipal storm water discharges, and any other discharges.</p> <p>The Regional Water Board does not have the authority to direct NRG or any entity to design and construct a channel that connects the north end of the Edison Canal and the</p>

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		<p>pumping system to maintain the harbor water quality.</p> <ul style="list-style-type: none"> It is my understanding that the owner of the Edison Canal (CenterPoint Energy) is seeking to divest itself of its interest. If that is true, there is an opportunity for either the City, the County or the State to take ownership and develop it into a valuable resource; including recreation; and a means to protect the existing harbor water quality. <p>I am a resident and regular observer of the water as I walk each day. The wildlife has definitely diminished and most of the seagulls have abandoned the north end of the harbor. I am not an expert or a developer, but I can see a high risk of a constant decline in the Channel Islands Harbor water quality if we do nothing.</p> <p>Our hope you will help us remedy this situation and not let this opportunity to protect the future water quality of Channel Islands Harbor pass by.</p>	<p>ocean to address the water quality concerns of the Edison Canal.</p> <p>See Response to Comment 2 above.</p>
Victor & Linda Beverson	33	<p>Recently the fish have disappeared, the water smells & looks like sludge do to the effects of the shut down of the circulation system that existed since 1965.</p> <p>Our house was old when we bought it, we have worked to make it a place we would love to spend the rest of our lives with our family. At great expense</p> <p>To purchase and maintain this property we find it has all been for nothing. We bought in Oxnard for the water, the quality of the water, the color,</p> <p>The sea lions that would come to visit & chase the fish that no longer exists. We have lost at least half the value of our property if we could even find</p>	<p>The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH, and will continue to work closely with the City of Oxnard and the County to monitor conditions in CIH. The City of Oxnard has implemented sampling, installed aerators, posted the data and funded experts to evaluate the water quality in the CIH. As stated in Response to Comment 32, Regional Water Board staff are evaluating discharges to the CIH and Edison Canal.</p>

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		A buyer that does not mind living with toxic fumes and brown water. This is eroding one of the largest tax income basis & business supporting areas.	
Zoran L. Barbaric, Erika L. Barbaric	34	<p>For the health and viability of Channel Islands Harbor, it is crucial to keep the water pumps through the Edison canal operational.</p> <p>The decay in water quality will be detrimental to the health of sea life as well as to the financial stability and prosperity of the harbor and area surrounding it.</p> <p>It's to the advantage of both the city of Oxnard and Ventura County to keep the harbor water clean. If the harbor deteriorates, people will move away, the marinas will decay, and tax revenues will suffer. We, the taxpayers, should be heard!</p>	<p>The Board does not have the authority to require that NRG (or a third party) continue to operate the intake pumps. The Board has no role in NRG's decision to decommission the facility.</p> <p>The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH, and will continue to work closely with the City of Oxnard and the County to monitor conditions in CIH. The City of Oxnard has installed six aerators in the Seabridge residential area, initiated sampling of twenty-five sites within the CIH, began a pilot study to look at the effects of the aerators and developed a workplan to conduct a nutrient study.</p>
Werner E. Keller, Sig & Rima Raulinaitis	35	<p>In your effort to accommodate the NRG Mandalay Generating Station's early shut-down in accordance with the NPDES mandate, you have, sadly, facilitated a significant environmental attack on the water quality of Channel Islands Harbor. Certainly, this was not your intent, but this is clearly your result.</p> <p>Just that we share the same perspective: these out of date, inefficient Mandalay power plants had lost their contracts with SCE and were barely in use (5% of annual capacity or less). Market forces had, in fact, already retired these plants and facilities. However, the inadvertent consequence of your action is that one of California's major</p>	<p>The Regional Water Board has no role in NRG's decision to decommission the Facility and it played no role in NRG's decision to shut down before 2020. 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.</p> <p>The Board does not have the authority to require that NRG (or a third party) continue to operate the intake</p>

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Commenter	No.	Comment	Response
		<p>harbors now stands on the threshold of environmental disaster. This condition is being facilitated by an Agency whose specific mission is to protect California's waters: The State Water Resources Control Board {State Water Board) was created to provide comprehensive protection for California's waters. (From the Mission Statement of the California Water Resources Control Board)</p> <p>A critical first step would be for your Agency not to stand in the way of re-opening the Canal to the ocean. Obviously, specific engineering evaluation and a comprehensive plan would need to follow, but please don't do anything to make the current closure more permanent!</p>	<p>pumps, nor does it have the authority to direct NRG or any entity to design and construct a channel that connects the north end of the Edison Canal and the ocean to address the water quality concerns of the Edison Canal.</p> <p>The City of Oxnard has taken steps to address the water quality concerns. The actions taken are summarized in Response to Comment 3 above.</p> <p>The Board remains committed to appropriate actions to evaluate and address water quality concerns and to ensure protection of water quality and beneficial uses in CIH, and will continue to work closely with the City of Oxnard and the County to monitor conditions in CIH.</p>
Rene & Patti Veluzat	36	<p>We purchased our home in Mandalay Bay because of the proximity to the water with boat access. We are very distressed about the quality of the water in the past few months. It seems to be getting worse and smelly by the day.</p> <p>We believe the water now holds health hazards for people and the sea life depending on the water.</p> <p>SOMETHING NEEDS TO BE DONE AND SOON.</p> <p>We strongly urge the Water Commission to address this problem and come up with a solution, as our health is at risk.</p>	Please see Response to Comment 3 above.
Robert T. Rubin	37	<p>My wife and I have lived in Oxnard Shores, close to the Channel Islands Harbor, for five years. During this time, we have thoroughly enjoyed the Harbor, including its offerings of water sports and other activities.</p>	

Response to Comments
Tentative Termination Order
Mandalay Generating Station

Commenter	No.	Comment	Response
		<p>As you are aware, the Harbor water quality unfortunately has degraded severely since the NRG Mandalay Generating Station cooling pumps were shut down in March 2018. These pumps circulated 50 million gallons of seawater per day from the Channel Islands Harbor through the 2.3-mile-long Edison Canal and out to the Pacific Ocean, thus ensuring needed influx of fresh seawater through the Harbor entrance. After the pumps were shut down, the Harbor water became stagnant, especially in the northern part of the Harbor, and an unwanted algae bloom resulted, which has been only partially mitigated by emergency measures such as aerators.</p> <p>As noted by others in their written communications to you, the Regional Water Board's Order that allowed NRG to shut down the Edison canal pumps and block the only compliant discharge for agricultural and storm water run-off is inappropriate and possibly illegal. Without any discharge point, the agricultural and storm waters that flow into the Canal have nowhere to go, except back into the Harbor at low tide. We request that the Board take immediate action to have the pumps turned back on, in the most expedient way possible. If, in your estimation, it is not NRG's responsibility to re-activate the pumps, since NRG shut down their generating plant, then Ventura County, the State of California, the cities of Oxnard and Port Hueneme, or a combination thereof, should be allowed / directed to run and maintain the pumps. The weather continues to get warmer, oxygen levels in the Harbor will continue to decline, and the Harbor's aquatic environment will continue to deteriorate, to the detriment of all residents and visitors who utilize the Channel Islands Harbor, as well as the businesses therein.</p>	<p>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. Consequently, Regional Water Board staff prepared a tentative termination order for the individual NPDES permit for MGS for Board consideration.</p> <p>The Regional Water Board also does not have the authority to require NRG or any third party, such as a local or state agency, to re-activate the pumps.</p> <p>The Mandalay Generating Station ceased operation on March 29, 2018. Staff agrees that the discharge from the MGS, based on the study documented in the 2002 Seabridge Memorandum of Understanding (MOU), likely had an influence on the water quality in the CIH by increasing the amount of water flow through the area. However, the cessation of the intake pumping and</p>

Response to Comments
Tentative Termination Order
Mandalay Generating Station

Commenter	No.	Comment	Response
			<p>potential water quality impacts were anticipated prior to the development of much of the CIH. These concerns are documented and addressed in Items 4(a) and (b) of the MOU discussed previously. The MOU also discusses implementation of remedial measure(s) by the County of Ventura and the City of Oxnard.</p> <p>The Regional Water Board is committed to appropriate actions to evaluate and address concerns regarding water quality in CIH. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH. These Regional Water Board programs and others will be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p>
Ronald Consiglio	38	<p>It appears as if the NRG Mandalay Generating Station shut-down is causing significant quantitative negative results to the water. This condition was anticipated prior to the construction of the Seabridge development and resulted in agreements between the Seabridge and the City of Oxnard and Seabridge and adjacent neighborhoods that had contractual remedies in the potential consequences of water degradation caused by a Generating Station shut-down. Therefore, the current negative change in our water quality comes as no surprise.</p> <p>When the State Water Board effectively shut down the Mandalay Plant, were the adverse effects of the loss of coolant flow considered? Was anything like a cost-benefit analysis done – costs being such things as: change to the ecosystem, replacement of fish and birds that feed on fish with their wetlands counterparts, loss of values in homes,</p>	<p>The City of Oxnard has moved expeditiously to address the community concerns regarding water quality conditions in the CIH area. They have installed six aerators and are monitoring the effect of these aerators on water quality conditions through a pilot study that began on July 26, 2018. Data collected in the area indicates increases in the oxygen levels. The data collected is available on the City of Oxnard's website. A workplan for a nutrient study has also been developed to look at the nutrient levels in CIH and current nutrient sources to CIH. They also plan to look at historic algal blooms with the goal of implementing source control.</p> <p>The OTC Policy did not require the facility to cease operations; rather, it required the facility to comply with Clean Water Act Section 316(b), which requires that the location design, construction and capacity of cooling</p>

Response to Comments
Tentative Termination Order
Mandalay Generating Station

Commenter	No.	Comment	Response
		<p>loss of customers to contiguous shops and restaurants, loss of boating population and consequent loss of marinas, and all the tax revenue losses that the foregoing would cause? Accordingly, shouldn't the State be required to compensate the City of Oxnard to remediate this draconian mistake and all these problems?</p> <p>The Mayor's comments notwithstanding, the installation of the fix should be started now. There appears to be sufficient biological evidence that the lack of aeration is the issue and will remain the issue no matter how much effort will go into finding more definitive causation data. Additional collection of data will likely serve only an administrative requirement to justify and package a request to the State for financial support. That's important, but it is not necessary to be completed before the installation of pumps or aerators or both. (A large field of aerators will not do much for the aesthetics of Mandalay Bay, so it would be expected that a combination of both would be the most reasonable).</p>	<p>water intake structures reflect the best technology available for minimizing adverse environmental impact associated with cooling water intake and outfall structures. The data indicated that intake structures for power plants that use once through cooling impinge (trap against screens) and entrain (draw through cooling water systems) marine life to the detriment of the marine environment. NRG put forth an alternative power generation plan (the Puente Power Project), which many of the residents of Oxnard opposed. Subsequently, NRG made the decision to discontinue power generation in the area and thus ceased operations at the Mandalay Generating Plant.</p> <p>The Regional Water Board is committed to appropriate actions to evaluate and address concerns regarding water quality in CIH. Regional Water Board staff have been working with staff from the City of Oxnard and staff from the County of Ventura to better understand the water quality concerns and conditions observed and discuss potential mitigation measures. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH. These Regional Water Board programs and others will be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal. .</p>
Walter Olsen	39	When the State Water Board effectively shut down the Mandalay Power Plant, were the adverse effects of the loss of coolant flow considered? Was anything like a cost-benefit analysis done – costs being such things as: change to the ecosystem, replacement of fish and birds with their wetlands counterparts, loss of values in homes, loss of	The State Water Board did not shut down the MGS. The State Water Board, after an extended comment period and hearing, adopted the OTC Policy, which addresses 19 power plants across California. The power plants withdraw significant volumes of seawater or water from estuaries and the ocean every day to cool steam used for

Commenter	No.	Comment	Response
		<p>customers to contiguous shops and restaurants, loss of boating population and consequent loss to marinas, and all the tax revenue losses that the foregoing would cause? Accordingly shouldn't the State be required to compensate the City of Oxnard to remediate this draconian mistake and all these problems?</p> <p>If such a cost-benefit analysis was effected and released to the public, it would be refreshing and widely reviewed. If such an analysis was not considered, wouldn't it be considered a failure of the State Commission's fiduciary responsibilities?</p> <p>All stakeholders appreciate the City's undertaking of installing a minimal number of aerators for increasing the oxygen levels and doing the safety testing. But the loss of the Edison flow must be acknowledged as the prime culprit and those responsible for creating a gargantuan problem to correct a relatively small one should be held accountable!</p>	<p>generating electricity. In the process, fish, larvae, eggs, seals, sea lions, turtles, and other creatures are killed because they are either trapped against screens (impingement) or are drawn into the cooling system (entrainment) where they are exposed to pressure and high heat. The impact on marine life can adversely affect the population of certain species and, consequently, impact recreational and commercial fishing. To address these environmental impacts and as required by section 316(b) of the federal Clean Water Act, the OTC Policy established technology based standards to reduce the harmful effects on marine and estuarine life associated with cooling water intakes for power generating facilities.</p> <p>For each of the 19 power plants, the OTC Policy specifies a date by which each must come into compliance with the OTC Policy and reduce their impingement and entrainment impacts (see Section 3.E, Table 1 of the OTC Policy). Alternatively, power plant owners and operators could choose to retire (decommission) the once-through cooling structures ahead of their specified compliance dates if doing so would not impact the state's power supply. To date, eleven of the nineteen power plants have ceased using their once-through cooling structures. Mandalay Generating Station retired its once-through cooling units on February 6, 2018. NRG elected to shut down Mandalay Generating Station ahead of its compliance deadline of December 31, 2020, because it was no longer economically viable to continue to operate. The State Water Board was notified of NRG's intent to shut down and retire the Facility in a letter received on October 19, 2017. With the cessation of once-through cooling at Mandalay Generating Station, impacts to marine life from impingement and entrainment have been eliminated.</p>

Response to Comments
Tentative Termination Order
Mandalay Generating Station

Commenter	No.	Comment	Response
			<p>Based on the study documented in the 2002 Seabridge Memorandum of Understanding (MOU), it is likely that the discharge from the MGS an influence on the water quality in the CIH by increasing the amount of water flow through the area. However, the cessation of the intake pumping and potential water quality impacts were anticipated prior to the development of much of the CIH. As mentioned previously, the MOU that was executed on September 10, 2002 was the result of potential impacts identified by the OLY Mandalay Bay General Partnership during the Final Supplemental Environmental Impact Report regarding the Seabridge Project. The MOU which was entered into by the City of Oxnard, County of Ventura and OLY Mandalay Bay General Partnership, includes stipulations in Items 4 (a) and (b) that address the potential cessation of operations at the Mandalay Power Generation Plant and its potential adverse effects on water quality in the Channel Islands Harbor.</p> <p>For additional detail on the stipulations included in the MOU, please see Response to Comment 3 above.</p> <p>The Regional Water Board is committed to appropriate actions to evaluate and address concerns regarding water quality in CIH. Staff is examining data available from its Irrigated Lands Conditional Waiver Program, which may help characterize agricultural discharges to the canal and CIH. Staff are also examining data available the MS4 Permit program, which may help characterize stormwater and urban runoff to the canal and CIH. These Regional Water Board programs and others will be used to evaluate and regulate, if necessary, the discharges that enter the CIH and the Edison Canal.</p>

Response to Comments
Tentative Termination Order
Mandalay Generating Station

Commenter	No.	Comment	Response
Paul Jenkin, Surfrider Foundation Ventura County Chapter	40	<p>It is unfortunate that the reduction in circulation following decommissioning of the Mandalay Power Plant may be exacerbating a water quality problem in Channel Islands Harbor. The existing NPDES permit is outdated under current regulations, and should not be reinstated in order to transfer polluted water from one water body to another. Surfrider believes that source control and better harbor management will offer great improvements to resolve an existing problem within the harbor. We have been in communication with the Channel Islands Neighborhood Council, and our correspondence is attached for your information.</p> <p>Surfrider is happy to assist with developing programs to improve the water quality in the harbor. Residents and boat owners can and should play a role in this process; indeed, success depends on it.</p>	See attached response letter to Laura Oergel, Chair, Ventura County Chapter, Surfrider Foundation
Carmen Ramirez, Mayor Pro Tem	41	Please refer to the attached comment letter.	Please refer to the attached response letter.
Bert E. Perello, Member Oxnard City Council	42	Please refer to the attached comment letter.	Please refer to the attached response letter.
Bob Nast	43	Please refer to the attached comment letter.	Please refer to the attached response letter.
Heal the Bay and Wishtoyo	44	Please refer to the attached comment letter.	Please refer to the attached response letter.
Laura Oergel, Chair, Ventura County Chapter, Surfrider Foundation	45	Please refer to the attached comment letter.	Please refer to the attached response letter.

Response Letter

To

Mayor Pro Tem Carmen Ramirez, City of Oxnard



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

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

Response Letter

To

Councilman Bert E. Perello, City of Oxnard



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 28, 2018

Councilman Bert E. Perello
City of Oxnard
300 West Third Street
Oxnard, CA 93030
perellobert@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 Councilman Perello:

On August 10, 2018, the Los Angeles Regional Water Quality Control Board (Regional Water 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). In your letter and supporting attachments you outline the recent water quality issues in Channel Islands Harbor (CIH), notably the algal bloom and associated degraded conditions, and the nexus to the cessation of the operations at MGS. You also reference and state your support for the comments of Mayor Pro Tem Carmen Ramirez in her letter to the Regional Water Board dated August 9, 2018. Your letter requested that the Regional Water Board reconsider its Tentative Order and require NRG to research and recommend a solution to re-establish the flow of water through Edison Canal to provide circulation in CIH.

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.

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

MADELYN GLICKFELD, CHAIR | DEBRAH J. SMITH, EXECUTIVE OFFICER

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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 CIH water quality. 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 Once Through Cooling 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 and 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.

Regional Water Board staff will remain engaged in discussions regarding CIH water quality. Board staff will continue to provide information and guidance and facilitate discussions between the City, County of Ventura, and other stakeholders related to monitoring and evaluating CIH water quality, evaluating potential mitigation measures, and ensuring that the beneficial uses are protected. The mitigation measures implemented to date appear to be having positive effects, but we understand that the remote sensor has recently recorded a minor but steady decrease in daily average concentrations of dissolved oxygen (D.O.), which is causing concern that there may be another very low D.O. event.

The algal blooms may be caused by elevated nutrient levels in discharges from the agricultural areas near CIH or in urban runoff. Board staff is aware that MGS periodically treated Edison Canal for algal blooms. Staff will review any available data, including data collected from the Irrigated Lands Conditional Waiver Program, which may provide information regarding agricultural discharges to the canal. Staff will also evaluate other discharges to CIH and Edison Canal, which may be contributing pollutants that are causing adverse effects to the water quality. Other Regional Water Board programs will be used to evaluate and regulate the discharges to CIH and Edison Canal.

Thank you for your commitment to ensuring that the water quality in the CIH meets water quality standards and protects the beneficial uses. Regional Board staff will continue to work 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)

Mayor Pro Tem Carmen Ramirez, carmen4oxnard@gmail.com
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
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Sara Wan, sarawan425@gmail.com

Response Letter
To
Mr. Robert Nast



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 22, 2018

Mr. Bob Nast
3600 Harbor Blvd. #148
Oxnard, CA 93035
nofrack@hotmail.com

VIA EMAIL

RESPONSE TO REQUEST THAT THE LOS ANGELES REGIONAL WATER BOARD POSTPONE TERMINATION OF THE MANDALAY GENERATING STATION (MGS) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES No. CA0001180, CI No. 2093)

Dear Mr. Nast:

On August 5, 2018, the Los Angeles Regional Water Quality Control Board (Regional Water Board or Board) received your letter addressed to several public and private sector stakeholders, including the Regional Water Board. Your letter expressed concerns that the closure of the Mandalay Generating Station (MGS or Facility) has, in part, caused impacts to water quality in Channel Islands Harbor (CIH), noting observations of dark, murky and odorous water in early June 2018, approximately two and a half months following the cessation of the MGS operations. In your letter, you also made several recommendations. Two of these were related to a pending matter before the Board. Specifically, your letter requests that the Regional Water Board postpone termination of the NPDES permit issued to NRG California South LP (NRG) for the Mandalay Generating Station (MGS or Facility), currently scheduled for consideration at the Board's September 13, 2018 meeting, and modify the existing permit to allow for the continued operation of the circulating water pumps at the Facility. Here, Board staff are responding to these two specific requests directed to the Board.

NRG ceased operation of the Facility and all permitted discharges from the Facility to the ocean on March 29, 2018. By way of explanation, the MGS was a natural gas-fired plant that used a once-through cooling (OTC) water system. While the Facility was designed to generate up to 560 megawatts of electricity, in recent years it operated only when required by the marketplace demand. Therefore, while the NPDES permit for the Facility allows discharge of up to 255.3 million gallons per day (MGD) of wastewater to the ocean, the average discharge for the first quarter of 2018 was 13.14 MGD.

On June 5, 2018, NRG submitted to the Regional Water Board a request to terminate their NPDES permit for MGS. On June 25, 2018, Board staff conducted a site inspection and verified that Facility operations and discharges to the ocean had ceased. The OTC circulating system, including the ocean water cooling 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.

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, which includes 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. We do note that NRG has also been enrolled in the Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (NPDES No. CAS000001); however, this permit coverage for stormwater discharges from the Facility does not have any bearing on the operation of the OTC system intake pumps in Edison Canal.

The Board also does not have the authority to require that NRG (or a third party) continue to operate the intake pumps. Even if NRG or a third party were willing to continue to operate the pumps and maintain coverage under a NPDES permit, as you note, there are entrainment concerns. Therefore, the Board intends to move forward with consideration of the 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 CIH. To further evaluate the recent concerns raised by residents about CIH water quality and options to address possible water quality impacts, Board staff held a conference call with Ms. Sara Wan and Mr. Rick Belmonte on August 7, 2018. Other participants included staff from the State Water Resources Control Board and the City of Oxnard. During the call, 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. During the call, Mr. Thien Ng summarized the recent actions the City of Oxnard has taken to address concerns about water quality in CIH. You also mention some of these actions in your letter. Specifically, Mr. Ng discussed the following actions.

- 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 present to the City Council for possible funding in September. The purpose of the study would be to identify current nutrient sources with the goal of implementing source control.

The discussion on the call continued with how to ensure that the CIH water quality is acceptable to the agencies and the residents. The Seabridge Memorandum of Understanding (MOU)

between the County of Ventura, the City of Oxnard, and OLY Mandalay Bay General Partnership that you referenced in your letter 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 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.

The Regional Water Board will continue to work with stakeholders to ensure that CIH water quality meets water quality standards and supports beneficial uses of the waterbody.

Sincerely,



Renee Purdy
Assistant Executive Officer

cc: (via email only)

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Supervisor John Zaragoza, Ventura County Board of Supervisors
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Response Letter
To
Heal the Bay and Wishtoyo



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 30, 2018

Annelisa Ehret Moe, Heal the Bay
Jason Weiner, Wishtoyo Foundation
amoe@healthebay.org
jweiner.venturacoastkeeper@wishtoyo.org

Dear Ms. Moe and Mr. Weiner:

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

On August 10, 2018, the Los Angeles Regional Water Quality Control Board (Regional Water 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). Thank you for your consideration of the issues associated with the Tentative Termination of the Mandalay Generating Station and the relationship between the shutdown of MGS and changes in the water quality in Channel Islands Harbor (CIH) and Edison Canal. Below we summarize your comments and provide our responses.

Comment 1: We support the termination of the NPDES permit for NRG California South LP Mandalay Generating Station because termination of the NPDES permit is important to preserve and protect marine life and our ocean ecosystems from the devastating effects of once-through cooling (OTC).

Response 1: We acknowledge and appreciate your support of the Board's proposed action to terminate the NPDES permit. In addition to the positive effects of eliminating OTC discharges, since there is no discharge of wastewater, including cooling water, from MGS, a permit is no longer required.

Comment 2: In June 2018, growth of brown algae was observed in the harbor waters. This may be an indication of nutrient pollution. If nutrient concentrations increase, nutrient overload can cause proliferation of harmful blooms with both human and environmental health effects. The agricultural fields adjacent to the Edison Canal are a possible source of nutrients, and this agricultural stormwater and non-stormwater runoff is often accompanied by other wastes such as sediment, pesticides and oxygen demanding organic matter.

Response 2: Regional Water Board staff has been engaged with the stakeholders of CIH and will utilize the programs and regulatory authority of the agency to address the water quality issues as the sources of the pollutants are identified. With reference to the algal blooms, staff notes that MGS periodically treated Edison Canal to control algae. Our records indicate that the last treatment occurred in 2007. Staff is in the process of reviewing data available from the Irrigated

Lands Conditional Waiver Program and the Ventura County MS4 Permit monitoring and reporting program to assess the quality of discharges entering the CIH or Edison Canal.

Comment 3: The Channel Islands Harbor is also listed on the 2010 Clean Water Act (CWA) 303(d) list as impaired for bacteria, lead and zinc, which creates significant human health risks. Possible sources of bacteria include waste disposal from harbor boats and local homes and stormwater runoff from inland impermeable surfaces, which may also provide an additional source of nutrients to the canal and harbor waters. Although these conditions existed long before the Generating Station was shut down, the decrease in water circulation through the canal and harbor has exacerbated the negative effects of these pollutants, and brought local community attention to these water quality issues.

The City of Oxnard initiated water quality monitoring on June 23, 2018... Rigorous monitoring must continue and be adjusted to include testing for other contaminants of concern including nutrients, pesticides and metals.

Response 3: The 2010 CWA 303(d) list included bacteria indicators as stressors in the Channel Islands Harbor (CIH). In 2010, lead and zinc were delisted because of flaws in the original data used to list them as stressors. The 2014 - 2016 CWA 303(d) list is the current list and it includes bacteria as an impairment at Hobie Beach and Channel Islands Harbor Beach. The Harbor Beaches of Ventura County (Kiddie Beach and Hobie Beach) Bacteria TMDL was incorporated into the Region's Basin Plan through Resolution No. R4-2007-017 and addresses these impairments. Based on the current 303(d) list there are no additional TMDLs planned for the CIH.

The City of Oxnard is currently sampling for dissolved oxygen, pH, water temperature, salinity and fecal indicator bacteria. In late June there was one sampling event that included data for nitrate, nitrite, total nitrogen, and ortho phosphate. Additional sampling of these pollutants is needed to accurately assess the harbor water quality relative to nutrients. If, as additional data are collected, and additional water quality impairments are identified, staff will implement protocols to address those impairments including listing on the CWA section 303(d) list and the development and implementation of TMDLs or other regulatory mechanisms, as appropriate.

Comment 4: "...We recommend that the Regional Board adaptively manage water quality regulation in response to the altered residence time in these waterways through the Irrigated Lands Conditional Waiver Program (Waiver program), the Municipal Separate Storm Sewer System (MS4) Permit, and implementation of TMDLs in the region's Basin Plan.

Response 4: Staff is examining the data available from the Waiver Program and the MS4 Permit. Staff is also in the process of updating the MS4 permit and can consider what, if any, additional monitoring or implementation actions may be warranted to address water quality in CIH. During the September 13, 2018 Board meeting one of several workshops related to updating the MS4 permit will occur and is focused, in particular, on a review of monitoring data collected under the Ventura County MS4 Permit. Additionally, the next water quality management plan (WQMP) under the Conditional Waiver is due in December 2018. Agricultural dischargers are required to increase management practice implementation, including nutrient management, between WQMP submittals and Board staff will be evaluating the WQMP submittal and taking actions, as appropriate.

Comment 5: This process should involve an updated water residence time study in the canal and harbor to accompany the Water Quality Model Study completed in 2001⁸. The Regional Board

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should then review the most recent Report of Waste Discharge (ROWD) submitted by the owners/operators of the agricultural land adjacent to the Edison Canal, which are enrolled under the Waiver program, taking into account the prolonged residence time for water in the canal and harbor. Where appropriate, new WDRs must be implemented and existing WDRs must be updated to protect water quality under these new conditions. TMDLs must be developed for contaminants listed on the CWA 303(d) list and implemented into the Basin Plan. Under these TMDLs, all dischargers into the harbor must be subject to WDRs. Where appropriate, updates should be made to the MS4 Permit to protect water quality from surface runoff pollution.

Response 5: The MOU which was executed in 2002 between the City of Oxnard, County of Ventura and OLY Mandalay Bay General Partnership includes provisions for updating the Water Quality Model Study completed in 2001. Regional Water Board staff will review any updates made to the study and any changes to the mitigation measures currently implemented. After identifying the sources of discharges to the CIH and Edison Canal that may be causing any impairments, staff will utilize the appropriate regulatory programs to assess and regulate those discharges and work towards improving the water quality to remedy any impairments. See also our response to Comment 4 above.

Comment 6: We thus ask that the Regional Board move forward with termination of the NPDES permit but continue to work with the City of Oxnard, the Ventura County Harbor Department, CenterPoint Energy (the current owner of the Edison Canal), owners/operators of the adjacent agricultural land, and other interested stakeholders to implement a monitoring program, and to develop and implement an action plan to address pollution through remediation and/or pollution prevention best management practices. We urge the Regional Board to take this proactive leadership role to follow the California State Water Resources Control Board mission statement to not only restore, but also to preserve and enhance water quality in the Channel Islands Harbor and Edison Canal to protect the environment, public health and all beneficial uses.

Response 6: It is our goal to preserve, enhance, and restore the quality of California's water sources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use for the benefit of present and future generations. It is our commitment to this goal that has resulted in our response to the recent changes in the water quality in the CIH and Edison Canal. Staff from the Municipal Permitting Unit, Industrial Permitting Unit, TMDL Unit, our Public Participation Officer, legal counsel and the Assistant Executive Officer have all been engaged in securing information and providing input into addressing the issues raised by the stakeholders. We will continue to engage with stakeholders as we work toward a permanent solution to the water quality issues in these water bodies.

Thank you for your commitment to ensuring that the water quality in the Channel Islands Harbor and Edison Canal protects the beneficial uses. The Regional Water Board looks forward to input from Heal the Bay and Wishtoyo as well as other stakeholders to preserve and protect this resource.

Sincerely,



Cris Morris, P.E.
Chief, Watershed Regulatory Section

August 30, 2018

Mailing List (via Email Only)

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Response Letter
To
Laura Oergel, Chair,
Ventura County Chapter Surfrider Foundation



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 30, 2018

Ms. Laura Oergel, Chair
Ventura County Chapter
Surfrider Foundation
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Info@surfrider.org

Dear Ms. Oergel:

RE: MANDALAY GENERATING STATION; NPDES CA0001180; CI 2093

On August 10, 2018, the Los Angeles Regional Water Quality Control Board (Regional Water 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). Thank you for your consideration of the issues associated with the Tentative Termination of the Mandalay Generating Station permit and the relationship between the shutdown of MGS and changes in the water quality in the Channel Islands Harbor (CIH) and Edison Canal. Below we summarize your comments and provide our responses.

Comment 1: The decommissioning of the Mandalay power plant offers perhaps the most significant improvement to our coastline in decades. The removal of this industrial facility and associated NPDES permit will end the persistent harmful discharge into our coastal waters.

Response 1: We acknowledge and appreciate your support of the Board's proposed action to terminate the NPDES permit. In addition to the positive effects of eliminating OTC discharges, since there is no discharge of wastewater, including cooling water, from MGS, a permit is no longer required.

Comment 2: It is unfortunate that the reduction in circulation may be exacerbating a water quality problem in Channel Islands Harbor. The existing NPDES permit is outdated under current regulations, and should not be reinstated in order to transfer polluted water from one water body to another.

Response 2: Board staff concurs that pumping the ocean water from Edison Canal and discharging it to the ocean is not the best way to address water quality concerns in Channel Islands Harbor. Board staff agrees that identifying and controlling pollutants that may be causing water quality degradation is an appropriate way to address water quality concerns in CIH.

Comment 3: Surfrider believes that source control and better harbor management will offer great improvement to resolve an existing problem within the harbor. We have been in communication with the Channel Islands Neighborhood Council, and our correspondence is attached for your information.

Response 3: See our response above. Additionally, Board staff will continue to provide information and guidance, and facilitate discussions between the City, County of Ventura and community representatives to assess water quality in the CIH and to ensure that the beneficial uses are protected. Staff is in the process of reviewing available data to characterize the discharges entering the Edison Canal or the CIH if possible. Based on this data review and collection and evaluation of additional data and information by local agencies, the Board will use its programs as appropriate to assess and regulate the discharges that enter the CIH. As you note, controlling the pollutants entering these waterways will result in improvement in the water quality.

Thank you for your commitment to ensuring that the water quality in the Channel Islands Harbor and Edison Canal supports the beneficial uses. The Regional Water Board looks forward to input from the Ventura County Chapter of Surfrider Foundation as well as other stakeholders to preserve and protect this resource.

Sincerely,



Cris Morris, P.E.
Chief, Watershed Regulatory Section

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