

**RESPONSE TO COMMENTS
AES ALAMITOS, LLC (DISCHARGER)
ALAMITOS GENERATING STATION (FACILITY)
TENTATIVE TIME SCHEDULE ORDER (TSO) NO. R4-2023-YYYY
NPDES NO. CA0001139**

Note: All timely written comment letters are provided to the Board members in their entirety in their agenda packages prior to the Board meeting. This response to comments summarizes the comments for ease of reference, in accordance with 40 CFR § 124.17.

Comment Letter dated October 20, 2023 from Mark Miller of AES Alamitos (Discharger)

No.	Comment Summary	Response	Action Taken
	<p>The Discharger provided background information on the current circumstances at the Facility. The main points were the following:</p> <ul style="list-style-type: none"> • AES is a Leader in Making California’s Renewable Energy Future a Reality • AES and AES Alamitos Have Made Substantial Progress in Complying with The Receiving Water Classification and OTC Policy • The California Energy Agencies Have Identified the Need for Emergency Backup Generation Through 2026 • Engineering Alternatives to Achieve Thermal Compliance with The NPDES Permit Are Not Feasible in The Extension Period • Mandatory and Voluntary Abatement Funding Is Targeted at Key Environmental Concerns in The AGS Local Area 	<p>The background information is noted and several of the items discussed are referenced in the findings of the tentative TSO.</p>	<p>No action taken.</p>
1	<p>The Regional Board has the Legal Authority to Issue this New TSO Through December 31, 2026</p> <p>AES Alamitos appreciates and supports the Staff’s recommendation to adopt a new, more limited TSO through December 31, 2025. In its TSO application, AES Alamitos requested that the Board grant a TSO to be coextensive with the amended OTC Policy Compliance Date of December 31, 2026, and argued, as outlined extensively in that application, that the</p>	<p>The Discharger’s reservation of its right to raise arguments related to the length of this TSO is noted. However, the Los Angeles Water Board disagrees that the State Water Board’s recent amendment of the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (OTC Policy) to extend the Facility’s compliance deadline gives the Los Angeles Water Board the legal authority to extend the TSO beyond the 10-year maximum in the Water Code.</p>	<p>No action taken.</p>

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	<p>Board has the authority to grant a TSO to be coextensive with the amended OTC Policy Compliance Date of December 31, 2026. For the reasons presented in Finding 24 of the proposed TSO order, Staff clearly communicated to AES Alamos its disagreement with these arguments and that Staff does not recommend to the Board the adoption of TSO coverage beyond December 31, 2025. By supporting the proposed TSO order, AES Alamos does not waive and wishes to reserve its rights to raise these arguments, to the extent necessary, in a future proceeding.</p>	<p>Water Code. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties (MMPs) where (1) "the waste discharge is in compliance with... a time schedule order issued pursuant to Section 13300..." and (2) "the effluent limitation is a new, more stringent, or modified regulatory requirement ..." Water Code section 13385.1 defines effluent limitation for the purpose of this section as:</p> <p><i>"a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim, and may be expressed as a prohibition. An effluent limitation, for those purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice."</i> (emphasis added.)</p> <p>The OTC Policy imposes requirements on the operation of intake structures and does not impose a numeric restriction on the pollutants in the discharge. Further, the definition of effluent limitation in Water Code section 13385.1 expressly excludes compliance schedules (i.e., extensions of compliance deadlines) from the definition of effluent limitation. Therefore, the amendment to the compliance dates in the OTC Policy does not meet the definition of "effluent limitation" in Water Code section 13385.1, and by extension section 13385(j).</p> <p>Even if the OTC Policy requirements were considered an "effluent limitation" for the purposes of Water Code section 13385(j), this would not make the effluent limitations covered by this TSO "new, modified, or more stringent." The effluent limitations for temperature, copper</p>	
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		<p>and enterococcus have been in the NPDES permit for the Facility since Order No. R4-2015-0173 went into effect on January 1, 2016. The extension of the OTC Policy did not result in a change to the applicable temperature, copper or enterococcus limits, but it merely extended the time that the Discharger would be out of compliance with these limits because shutting down the Facility is the chosen method to comply with the OTC Policy. Because the underlying effluent limitations for temperature, copper, and enterococcus are not “new, modified, or more stringent,” the Tentative TSO proposes an expiration date consistent with the allowable timeframes in the Water Code. Pursuant to Water Code section 13385 (j)(3)(c), a TSO must be for a period that is as short as possible and does not exceed five years in length. If a discharger needs additional time to comply, a TSO may be extended at a public hearing for a period not to exceed five years (i.e., a total of 10 years) if the discharger can show it has made diligent progress coming into compliance. In no case can a TSO be issued for more than 10 years. The original TSO for temperature and copper, TSO No. R4-2015-0174, went into effect on January 1, 2016. The Discharger has made diligent progress in coming into compliance with effluent limitations in Order No. R4-2020-0134. Therefore, the TSO extension date of December 31, 2025 is appropriate.</p>	
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Joint Comment Letter dated October 23, 2023 from Annelisa Moe of Heal the Bay, Benjamin Harris of Los Angeles Waterkeeper, and Elizabeth Lambe of Los Cerritos Wetlands Land Trust

No.	Comment Summary	Response	Action Taken
2	<p>The Regional Board must enforce all final water quality limits immediately beginning January 1, 2026.</p> <p>As required by the California Water Code, the total length of a TSO must be “as short as possible” (Water Code § 13385(j)(3)(C)(i)) and cannot exceed ten years in total (Water Code § 13385(j)(3)(C)(ii)(I)).</p> <p>As described in the proposed TSO, Alamitos previously received a TSO regarding effluent limits for total residual chlorine, temperature, and copper (TSO No. R4-2015-0174), issued concurrently with the 2015 discharge permit for the facility (Order No. R4-2015-0173). The TSO was subsequently amended in 2017 to include new effluent limits for <i>Enterococcus</i> and total suspended solids (TSO No. R4-2015-0174-A01), and amended a second time in 2018 for grid reliability purposes (TSO No. R4-2015-0174-A02). The requirements in the previous TSO became effective on January 1, 2016 and were set to expire on December 31, 2020. Then, in 2020, when energy regulators again extended the facility’s OTC operations through December 31, 2023, the Regional Board issued a new TSO for Alamitos alongside the adoption of the 2020 discharge permit for the facility (TSO No. R4-2020-0135), which carried over the previous interim effluent limitations (while adding new interim limitations for nickel and bis(2-ethylhexyl)phthalate) and revised the expiration date to be December 31, 2023.</p> <p>Because the TSOs for the facility became effective on January 1, 2016, pursuant to Water Code section 13385(j)(3)(C)(ii)(I), the compliance requirements contained in TSO No. R4-2020-0135 for temperature, copper, and <i>Enterococcus</i> at Discharge</p>	<p>As of January 1, 2026, the Discharger will be required to comply with the final effluent limitations established in Order R4-2020-0134 and will be subject to mandatory minimum penalties (MMPs) for violations of the final effluent limitations contained in Order R4-2020-0134.</p> <p>See also response to Comment 1.</p>	No action taken.

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	<p>Points 002 and 003 may be extended only until December 31, 2025 under this new TSO. As such, December 31, 2025 must be the absolute latest date that the Regional Board allows protections for Alamos Generating Station's polluted discharges from OTC operations. The proposed TSO includes the following requirement affirming this constraint:</p> <p>"Achieve full compliance with the final effluent limitations for temperature, copper, and <i>Enterococcus</i> and receiving water limitations for temperature as soon as possible, but no later than December 31, 2025."</p> <p>Although the State Board voted to extend the final operational deadline for the Alamos Generating Station through December 31, 2026, pursuant to the Water Code, the Regional Board must enforce any Alamos violations of all final effluent limitations immediately beginning January 1, 2026.</p>		
3	<p>The proposed TSO should include risk-based interim effluent limitations for temperature, copper, and <i>Enterococcus</i>.</p> <p>Water temperature influences the types of aquatic life that are able to survive and reproduce. Warmer water amplifies existing water pollution problems, holds less dissolved oxygen, and increases the rate of decaying organic matter, further depleting the supply of oxygen and leading to hypoxic conditions. Copper can have both acute and chronic toxic effects on aquatic life including fish, invertebrates, and aquatic plants. This toxicity affects the whole food chain and, thus, can disrupt entire ecosystems. While certain forms of bacteria are an essential part of aquatic ecosystems and contribute to nutrient cycling, elevated levels of bacteria (especially orders of magnitude above water quality limitations) can cause hypoxia or "dead zones" in aquatic habitats, posing serious ecological and human</p>	<p>The interim limitations contained in the tentative TSO are retained from TSO R4-2020-0135. These limitations were established based on a statistical analysis of data submitted by the Discharger, consistent with how interim limitations are typically calculated for other facilities in the region. Due to the unique characteristics at the Facility, where extremely large volumes of water pass through in a matter of minutes, treatment beyond current performance levels is logistically problematic. Using more stringent risk based interim limits would undermine the purpose of the TSO. If a discharger is not in compliance with the terms and conditions of the TSOs, it is subject to MMPs. As such, the interim effluent limitations are set at levels that the Facility can meet and are performance based.</p> <p>The proposed TSO, however, does represent incremental progress toward compliance with the final effluent</p>	<p>Revisions made to the interim limits in the revised tentative TSO.</p>

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<p>health risks with the presence of waterborne pathogens. Continued discharge of effluent with elevated levels of temperature, copper, and <i>Enterococcus</i> from the Alamitos Generating Station will continue to be a serious concern through the new December 31, 2026 compliance date for OTC operation.</p> <p>It is common practice for the Regional Board to set performance-based interim effluent limits in TSOs, at a level designed to be achieved based on a certain percentile of historical data from a facility, without consideration of the risk involved to aquatic life for those interim limits. We believe this practice should be changed, and the Regional Board should set interim limits at risk-based levels intended to ensure dischargers are able to achieve incremental progress toward the final compliance limits and take measures during the TSO period to reduce the magnitude of pollution in the discharges.</p> <p>For Alamitos, the interim effluent limit for <i>Enterococcus</i> in the proposed TSO has been set at 2429 MPN/100 ml for the maximum daily effluent limit (MDEL), while the maximum value reported in discharges from the previous permit term was 2430 MPN/100 ml. This is more than an order of magnitude higher than the final MDEL of 104 MPN/100 ml. Similarly, the interim average monthly effluent limit (AMEL) for <i>Enterococcus</i> in the proposed TSO, set at 935 MPN/100 ml, is also more than an order of magnitude higher than the final AMEL of 35 MPN/100 ml. Similar interim limits for temperature in the proposed TSO reflect historical discharge levels, rather than an intermediate level between historic performance and final compliance limits.</p> <p>In this proposed TSO, and in other TSOs issued in the future, <i>we urge the Regional Board to utilize a risk-based approach to set interim limits that are more protective of aquatic life and public health and facilitate improvements in the quality</i></p>	<p>limitations contained in Order R4-2020-0134 in that the interim limitations for total suspended solids have not been retained and the interim limitations have been restricted to only apply during the period of May 1 through October 31. Further, the reduction in discharge volume from 1,271 MGD to 729 MGD has reduced the mass loading of pollutants to the receiving water. Also, as discussed in Finding 28 the tentative TSO has added requirements to abate the effects of any exceedances in the San Gabriel River Estuary. Finally, incremental progress from previous TSOs has included the elimination of the discharge of sanitary wastes by the construction of a new sewer line and the elimination of interim limitations for total residual chlorine.</p> <p>The comment recommends using a risk-based approach to the establishment of interim limitations in a TSO. The Los Angeles Water Board often considers factors beyond only a statistical analysis. However, due to the unique characteristics at this Facility, along with the most recent OTC Policy compliance date requirements based on grid reliability concerns, the Los Angeles Water Board has determined that the incremental progress toward compliance with the final effluent limitations established in the tentative TSO to be appropriate under the circumstances.</p> <p>In consideration of the commenters' concern regarding interim measures to reduce levels of copper, temperature, and <i>Enterococcus</i> in Alamitos' ongoing OTC discharges, Los Angeles Water Board revised the notes of the interim limitations table to further clarify that the interim limits for temperature, copper and <i>Enterococcus</i> only apply for the time period of May 1 through October 31 when the Facility</p>
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	<p>of the discharges. In this way, TSOs would better ensure dischargers take all steps available to achieve progress toward final compliance or else be subject to mandatory minimum penalties for anomalously high levels of continuing contamination. At the same time, TSOs would still protect the discharger from additional enforcement actions as long as they comply with the requirements of the TSO, providing clear expectations and some level of security as the discharger works towards compliance.</p> <p>While we recognize that OTC facilities occupy a more unique space in terms of actions necessary to achieve final compliance (in other words, cease OTC operations entirely), we believe it is crucial for the Regional Board and Alamos to explore and discuss all options for interim actions that would reduce the extent of pollution and ecological harm in the meantime. The proposed TSO lacks any discussion about what interim measures may be available to reduce levels of copper, temperature, and <i>Enterococcus</i> in Alamos' ongoing OTC discharges. The absence of such analysis makes the justification for the proposed interim limits set at performance-based levels incomplete, and makes it impossible for us to suggest more appropriate risk-based interim limits. Therefore, we request that the Regional Board utilize its expertise to revisit this issue and set new risk-based interim effluent limitations after obtaining the necessary information from Alamos.</p>	is limited to operate.	
4	<p>The Regional Board should increase abatement payments to at least \$200,000 per year.</p> <p>The proposed TSO includes additional abatement requirements for Alamos during the remaining term of the TSO, requiring annual payments of \$75,000 for two years through the end of 2025. These abatement requirements appear similar to those added by the State Board when reconsidering the TSO for the</p>	As discussed in the response to Comment 3, treatment of the discharge is logistically problematic and therefore the tentative TSO includes other means of incremental progress toward compliance with the final effluent limitations established in Order R4-2020-0134. These means include the added requirement to abate the effects of any exceedances in the San Gabriel River Estuary	Requirement to report on the voluntary environmental programs added to the revised

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<p>Redondo Beach Generating Station in 2022, after the Regional Board rejected the original proposed TSO for that facility in part because the TSO lacked those additional abatement requirements. We commend staff for proactively assessing the applicability of additional abatement requirements for this proposed TSO for Alamitos.</p> <p>While we are pleased to see those abatement requirements, we believe they fall far short of what is necessary in light of the history of this facility's violations and the likely future harm caused through 2025. We understand that the operation of the Alamitos Generating Station will be limited under the extension granted by the State Board, which is contingent upon the facility participating in the Strategic Reserve established by AB 205 that states OTC units will only be used in extreme events such as heatwaves and only as a last resort. However, considering historical data, it is very likely that each day that the Alamitos facility is put in operation will result in significant exceedances of final effluent and receiving water limitations, by orders of magnitude in the case of <i>Enterococcus</i>.</p> <p>Furthermore, from our review, none of the previous TSOs for discharges from the Alamitos Generating Station included any requirements for interim measures to address ongoing pollution. As a result, our understanding is that Alamitos Generating Station has taken no actions to date to address the high levels of copper, temperature, and <i>Enterococcus</i> from the OTC units that remain in operation, despite the consistent exceedances shown in the historical data. Instead, Alamitos has consistently relied on the final compliance objective to cease OTC operation, which has been repeatedly extended and did not include any interim requirements to address ongoing pollution in the meantime. The TSO also fails to explain what additional control measures may be possible to reduce pollution of <i>Enterococcus</i>,</p>	<p>through annual payments of \$75,000.</p> <p>In arriving at the amount of \$75,000 per year, the Los Angeles Water Board analyzed historical data to predict the number of annual exceedances that would occur without the interim limitations in the TSO. The conclusion was that there would be approximately 15 annual exceedances, which, given a mandatory minimum penalty (MMP) of \$3,000 per exceedance, would result in approximately \$45,000 in penalties per year. The analysis was similar to what was described in the comment, which estimated \$312,000 in penalties for the period of January 2016 through May 2023, but the Board's analysis was prospective, rather than retroactive.</p> <p>In determining the final annual payment amount, staff considered the precedent established in the TSO issued by the State Water Board for the Redondo Beach Generating Station that included annual payments of \$75,000 per year. To better facilitate abatement of the effects of the discharge, the larger amount between the established precedent and the estimate based on predicted exceedances was selected.</p> <p>The amount of \$200,000 per year proposed in the comment effectively would serve to retroactively assess MMPs for exceedances that would have occurred without a TSO. However, as discussed in the response to Comment 2 above, Water Code section 13385(j)(3) exempts violations of an effluent limitation from MMPs where (1) "the waste discharge is in compliance with... a time schedule order issued pursuant to Section 13300..." and (2) "the effluent limitation is a new, more stringent, or modified regulatory requirement ..." During the time period analyzed, the Discharger was in compliance with a TSO</p>	<p>tentative TSO.</p>
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<p>copper, and temperature in the OTC discharges through the end of 2025. The failure to take sufficient measures to address ongoing OTC pollution of bacteria, copper, and temperature since the initial passage of the OTC policy cannot go unaddressed in the proposed TSO.</p> <p>Finally, the previous TSOs for Alamitos since 2016 did not include any abatement payments, meaning that Alamitos has not been held accountable for the harm caused by the OTC pollution from its facility. As a result, the proposed abatement payments in this proposed TSO should reflect the harm caused by the facility over the entire 10-year TSO term as a condition for obtaining the requested extension through the end of 2025. We appreciate that the proposed TSO states the abatement payments are to be “[b]ased on the historical exceedances and receiving water impacts from the discharges” from Alamitos Generating Station. But the recent history of exceedances at the facility is quite stark—between January 2020 and May 2023 alone, Alamitos had 35 exceedances for temperature effluent limitations, 16 exceedances for copper effluent limitations, 8 exceedances for Enterococcus effluent limitations, and 1 exceedance of temperature receiving water limitations (out of only 6 samples). Combined with the 44 other exceedances across all parameters since the effective date of the first TSO at the beginning of 2016, applying a mandatory minimum penalty of \$3,000 for each exceedance, Alamitos would have faced upward of \$312,000 in penalties if the TSOs were not issued. Therefore, the proposed TSO’s suggested two annual abatement payments of \$75,000 through the end of 2025 are not sufficient to hold Alamitos accountable for past and future harm caused by the facility’s discharges.</p> <p>We are encouraged to hear that Alamitos intends to support voluntary environmental programs such as the reintroduction of</p>	<p>and therefore exempt from MMPs.</p> <p>The voluntary programs referenced in the proposed TSO are part of the coastal enhancement program that the Discharger is developing in coordination with other agencies. The Discharger has committed to support these programs in an amount of \$125,000 per year. The individual programs supported and amounts for each are still being determined. The revised tentative TSO adds a requirement that the Discharger include in the semi-annual progress reports an update on these programs including the amount of funding provided.</p> <p>The comment also references the draft Revision to Interim Mitigation Payments Calculation released by the State Water Board. This is a proposed revision to Resolution No. 2015-0057 that delegates authority to the Executive Director of the State Water Board to approve measures that owners or operators of OTC facilities shall take to comply with interim mitigation on a case-by-case basis. Under this resolution the State Water Board calculates interim mitigation payments annually based on data and information provided by the OTC facility operators. The California Coastal Commission and the Ocean Protection Council collect and use the interim mitigation payments to fund projects that restore marine life in the geographic region of the power plants. The Discharger has and will continue to make required interim mitigation payments. For the years 2015 through 2022 the Discharger made payments totaling approximately \$4.2 million. This mitigation required by the State Water Board addresses impacts to marine life associated with operation of the cooling water intake and not the water quality of the discharge. Therefore, it is not necessary or</p>	
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<p>endangered Salt Marsh Bird's Beak plant in Los Cerritos Wetlands, establishment and maintenance of a Native Plant Nursery for the Los Cerritos Wetlands, and expansion of Southern California Sea Turtle Monitoring Community Science Program. Restoration work in the Los Cerritos Wetlands is critical to support overall ecosystem health, which is degraded in part by OTC operations at the Alamitos Generating Station through OTC intake as well as industrial stormwater discharge through several facility outfalls. While we appreciate Alamitos' good intentions, those good intentions are not enough. Participation in these voluntary environmental programs has not yet occurred and is not required under the proposed TSO, making any representations about voluntary participation unfulfilled to date.</p> <p>Considering the risks posed by future exceedances of temperature, copper, and <i>Enterococcus</i>, as well as the historical pollution from the facility and the incomplete justification for the extension request (given that no other actions to reduce ongoing OTC pollution have been identified), <i>we request that the Regional Board increase the required abatement payments to at least \$200,000 per year.</i> Alamitos should not be relieved of responsibility for the harm caused to the marine environment since 2016, and more than doubling the abatement payments is the bare minimum necessary to provide economic accountability in line with the civil penalties that otherwise would have applied, and to account for Alamitos' economic benefit in failing to implement control measures for temperature, bacteria, and copper since 2016.</p> <p>We also note that the State Board recently released the draft OTC Mitigation Fees Recalculation, which proposes to increase OTC fees significantly based on, among other things, inflation and an updated study on the true impacts of OTC operation.</p>	<p>appropriate to address these payments in the proposed TSO.</p>	
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	<p>Entrainment costs are proposed to increase from \$5/million gallons discharged to \$12/million gallons, and Impingement costs are proposed to increase from \$0.80/lb to \$102.73/lb. These significant cost increases demonstrate the major impacts that OTC operation has had on our coastal resources, and the lack of accountability for OTC operators over the past decade. The OTC Mitigation Recalculation is scheduled for State Board consideration in early 2024. The new recalculated OTC Mitigation Fees must apply to the Alamitos Generating Station as soon as they are approved but more importantly, the abatement payments under the proposed TSO must also reflect the recalculated OTC Mitigation Fees and must accurately account for the past, present, and future harm caused by discharges from Alamitos.</p>		
5	<p>The Regional Board should direct annual abatement payments to fund projects that reduce pollution and support ecological health throughout the Los Cerritos Channel watershed and Alamitos Bay.</p> <p>Lastly, we are troubled by the language in the proposed TSO regarding where the abatement payments will be directed. Specifically, the proposed TSO contemplates that the payments could go to “an entity such as the City of Long Beach, for studies or projects to increase circulation in Alamitos Bay.” While we recognize the need to improve water quality in Alamitos Bay, the City of Long Beach’s plan to continue pumping water from the bay after the OTC system ceases operation will most likely continue the discharge of pollutants into the San Gabriel River long after Alamitos complies with the TSO. We believe this “solution” to pollution in Alamitos Bay is illogical and inadequate.</p> <p>Currently, the Alamitos Generating Station’s OTC operation draws in polluted water from the Los Cerritos Channel Estuary</p>	<p>The Los Angeles Water Board understands the commenter’s concern that continued operation of the intake structure may result in the addition of pollutants that impact the San Gabriel River Estuary.</p> <p>The Los Angeles Water Board has considered the commenter’s recommendation that abatement payments be used to fund projects that reduce pollution upstream in the Los Cerritos Channel watershed, control the source of the pollution, and/or support overall ecosystem health in the Los Cerritos Channel Estuary through restoration. In response to the commenters’ recommendation, the Los Angeles Water Board discussed these issues with the Discharger and determined that there is mutual concern to abate the effects of the prolonged discharge. As a result of these discussions, the Discharger has agreed to redirect the \$75,000 annual abatement payments, and also proposed to contribute an additional \$100,000 per year, for projects to control the sources of pollutants in the</p>	<p>Clarifying language and an increased requirement for abatement payments of \$175,000 per year added to the revised tentative TSO.</p>

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<p>and discharges it to the San Gabriel River Estuary. The circulation created by the OTC operation may temporarily improve water quality in the Los Cerritos Channel Estuary, but it also moves contamination in the water from that estuary into the San Gabriel River, another important estuarine habitat.</p> <p>We are deeply troubled by proposals to continue circulating water in this manner following the cessation of the OTC operations at Alamitos Generating Station, without any means to address contamination of the water being circulated. Alamitos Generating Station is primarily responsible for temperature exceedances, but issues with bacteria, nutrients, and dissolved oxygen will still persist in the water being pumped from Alamitos Bay into the San Gabriel River Estuary once the OTC operations at the facility are offline. Thus, continued pumping of water after Alamitos ceases OTC operations will do nothing to address the real issue—the persistence of contamination in the aquatic environment. The plan to continue pumping also conflicts with the intent of the TSO, which is to ensure Alamitos complies with final effluent limitations and receiving water limitations by December 31, 2025, which will be achieved through compliance with the OTC policy that requires ceasing pumping operations.</p> <p>We believe any circulation project that dumps water into the San Gabriel River Estuary is an inappropriate solution to address water quality issues in Alamitos Bay. Therefore, the annual abatement fees under the proposed TSO cannot be directed to projects that perpetuate this insufficient, and even dangerous, practice of masking pollution instead of remediating it. Instead, the abatement payments must be used to fund projects that reduce pollution upstream in the Los Cerritos Channel watershed, control the source of the pollution, and/or support overall ecosystem health in the Los Cerritos Channel Estuary</p>	<p>Los Cerritos Channel. Therefore, the revised tentative TSO establishes the requirement to make annual payments of \$175,000 towards a watershed-based best management practice identified in the Los Cerritos Channel Watershed Management Program to address temperature, copper and/or <i>Enterococcus</i> and reduce the amount of these pollutants entering the Los Cerritos Channel above the Alamitos Generating Station intake structure.</p>	
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	<p>through restoration.</p> <p>We therefore request the following language change on Page 10 of the proposed TSO to ensure the abatement payments are used on appropriate projects:</p> <p>“AES Alamos, LLC shall make annual payments of \$200,000 for pollution reduction in the Los Cerritos Channel watershed and/or wetlands restoration projects in Alamos Bay.”</p>		
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