

## CONCISE SUMMARY OF REGULATORY PROVISIONS

California Code of Regulations, Title 23, Division 3, Chapter 22:

### **Section 2922. Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling**

23 CCR § 2922

Cal. Admin. Code tit. 23, § 2922

Barclays Official California Code of Regulations

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 22. State Policy for Water Quality Control

#### **§ 2922. Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.**

(a) On May 4, 2010, the State Water Resources Control Board (State Water Board) adopted a statewide policy (Policy) on the use of Coastal and estuarine waters for power plant cooling under Resolution No. 2010-0020. The Policy establishes uniform, technology-based standards to implement federal Clean Water Act section 316(b), which requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

The Policy applies to 19 existing power plants, including two nuclear plants. An owner or operator of an existing power plant must reduce the intake flow rate at each unit, at a minimum, to a level commensurate with that which can be attained by a closed-cycle wet cooling system (a minimum 93% reduction compared to the design intake flow rate). Additionally, the through-screen intake velocity must not exceed 0.5 foot per second.

If the owner or operator can demonstrate that this is not feasible, the owner or operator may comply by reducing environmental impacts for the facility comparably through other means, using operational or structural controls, or both. Previous technology-based improvements, specifically designed to reduce impacts or resulting from the replacement of steam turbine power-generating units with combined-cycle power-generating units, may be counted towards meeting the alternate requirements. Monitoring requirements are dependent upon the type of control technology chosen for compliance.

No later than one year after the effective date of this Policy, all facilities must install large organism exclusion devices and cease intake flows if not engaging in power-generating activities or critical system maintenance. The owner or operator must further mitigate any interim impacts from five years after the effective date until final compliance is achieved.

The Policy employs an adaptive management strategy that will be implemented through National Pollutant Discharge Elimination System permits. The State Water Board will convene a Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) with representatives from relevant state agencies and the California Independent System Operator to review plans and schedules submitted by dischargers and to ensure that the implementation schedule is realistic and will not jeopardize the reliability of the electric system. SACCWIS will present its recommendations to the State Water Board at least annually, and the State Water Board will amend the Policy as appropriate based on these recommendations. The schedule may also be temporarily suspended, if necessary for grid reliability purposes.

The Policy requires special studies for the nuclear-fueled power plants to address their unique issues and to evaluate appropriate requirements for those plants. The special studies shall be conducted by an independent third party overseen by a Review Committee. Within three years after the Policy's effective date, the Review Committee shall report to the State Water Board on the ability of these

plants to achieve compliance, the cost of compliance, and potential environmental impacts of compliance.

(b) Based on review of the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy), the State Water Board adopted an amendment to this Policy under State Water Board Resolution No. 2011-0033 on July 19, 2011 that revised the Policy by adding a new Section 2.C.(4) and amending existing Section 3.E. (Table 1. Implementation Schedule).

New Section 2.C.(4) of the Policy imposes special requirements for specified fossil-fueled power plants that request a compliance plan that extends beyond December 31, 2022 that are approved by the State Water Board. The owners or operators of these facilities must:

- Commit to eliminate seawater use for cooling water purposes for all units at the facility;
- Conduct a study or studies, singularly or jointly with other facilities, to evaluate new technologies or improve existing technologies to reduce impingement and entrainment;
- Submit the results of the study and a proposal to minimize entrainment and impingement to the Chief Deputy Director of the State Water Board no later than December 31, 2015;
- Upon approval of the proposal by the Chief Deputy Director, complete implementation of the proposal no later than December 31, 2020.

Section 3.E. of the Policy was amended by changing compliance deadlines for the Los Angeles Department of Water and Power's three affected power plants: the Harbor, Haynes and Scattergood Generating Stations. The compliance date for Harbor Generating Station Unit 5 was extended from December 31, 2015 to December 31, 2029. Compliance dates for Scattergood Generating Station was changed from December 31, 2020 for all units to December 31, 2024 for Units 1 and 2, and to December 31, 2015 for Unit 3. Compliance dates for Haynes Generating Station was changed from December 31, 2019 for all units to December 31, 2013 for Units 5 and 6 and to December 31, 2029 for Units 1, 2, and 8.