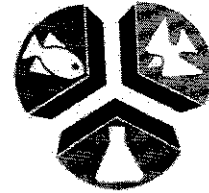
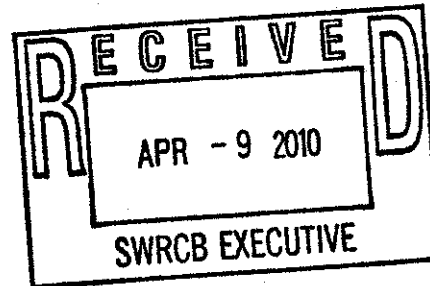


April 9, 2010

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814



MBC



Comment Letter – OTC Policy

Dear Ms. Townsend:

MBC *Applied Environmental Sciences* (MBC) appreciates the opportunity to participate in the scoping process for the State Water Resource Control Board's (SWRCB's) proposed once-through cooling (OTC) policy. MBC is an environmental consulting firm that recently assisted with 316(b) entrainment/impingement compliance activities for eight coastal generating stations in southern California. Our recent 316(b) experience includes design and implementation of Impingement Mortality and Entrainment (IM&E) Characterization Studies, data analysis, document preparation, and compliance planning and support. Our experience with 316(b) spans three decades, as MBC biologists worked with representatives from state and federal resource agencies to design and conduct 316(b) demonstrations at California's coastal generating stations in the late 1970s.

The following are our comments on the recent revisions to the proposed power plant cooling policy (March 22, 2010 Draft).

Requirements for Existing Power Plants (Section 2.A.2.d.i)

The revised policy allows credit for entrainment reductions resulting from "CEC and/or a Regional Water Board imposed mandatory mitigation requirements...", but only for combined-cycle power generating units. It is unclear why the policy would limit credit for past restoration to only combined-cycle units.

Use of HPF (Section 2.C.3.d)

The definition of HPF in the revised policy continues to be misleading. The clarifications below were submitted with our comments in December 2009. The application of HPF in California has not been consistent from site to site. This is due to a variety of reasons, but the correct application of HPF should take into account variations in habitat.

The definition indicates that HPF is the area of production "lost to all entrained species." The proportional mortality estimates, which are used as input to HPF, cannot be calculated for all entrained species. Therefore, at present, HPF can only be used for (1) those species with sufficient abundance in both entrainment and source water samples, and (2) species with sufficient life history information for calculation of larval duration (exposure to entrainment). In addition, there must also be some level of confidence in estimates of the size and extent of the source water.

MBC Applied Environmental Sciences, 3000 Red Hill Ave., Costa Mesa, CA 92626

The correct application should also take into account variations in habitat in the source waters. The example listed in the definition assumes the habitat is homogenous, and the affected species all utilize this same habitat. This is unlikely to ever be the case, and we recommend deleting the example. The HPF, if used appropriately, can be one of many methods used in scaling restoration projects to offset IM&E losses. However, like all other scaling methods, it has limitations on its use. Any restoration scaling application, such as the HPF, is limited by the state of science with regards to relevant knowledge of the life history parameters of affected species.

While HPF is a valuable method for calculation of habitat restoration, it is only appropriate when the actual adult habitat can be identified and estimated. Similar to the limitations with any restoration project, it will only be successful for species that are dependent on the specific habitat being restored.

Entrainment Sampling Requirements (Section A.B.1)

The revised policy continues to require entrainment sampling with 200-micron mesh nets, and the intent of this sampling in the March 2002 draft is "to provide a broader characterization of other meroplankton entrained." We reiterate there are currently no known technologies that could screen or exclude zooplankton to comply with the proposed policy. Fish eggs, fish larvae, crustacean megalops, lobster phyllosoma, and squid paralarvae can all be effectively sampled with 333- or 335-micron mesh nets.

Global Warming Solutions Act (Section 1L)

This section of the revised policy outlines the State's compliance objectives with Assembly Bill 32, which requires statewide reductions in greenhouse gas emissions by 2020. However, there is no discussion of this requirement in Section 4.6 "Greenhouse Gases" of the Draft Substitute Environmental Document (SED), which estimates a net increase in greenhouse gas emissions resulting from implementation of the proposed policy. Likewise, the Draft Environmental Checklist, Appendix B of the Draft SED addresses greenhouse gas emissions. Section 7b (p. B-6) poses the question: "Would the project conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?" As stated in the Draft SED, the policy would conflict with AB 32, but the checklist is marked "No Impact".

Conclusion

Thank you again for the opportunity to comment. If you have any questions regarding this letter please feel free to contact me at (714) 850-4830 or sbeck@mbcnet.net.

Respectfully,

MBC Applied Environmental Sciences



Shane Beck
President

MBC Applied Environmental Sciences, 3000 Red Hill Ave., Costa Mesa, CA 92626