



State Water Resources Control Board



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Protection

Division of Water Quality
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Arnold Schwarzenegger
Governor

TO: Susan Lapsley, Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

FROM: Elizabeth L. Haven
Assistant Deputy Director
DIVISION OF WATER QUALITY

DATE: AUG 10 2010

SUBJECT: SUBMITTAL OF REGULATORY PROVISIONS OF A WATER QUALITY
CONTROL POLICY ON THE USE OF COASTAL AND ESTUARINE WATERS
FOR POWER PLANT COOLING

On May 4, 2010, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2010-0020 adopting a statewide water quality control policy that 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.

Pursuant to Government Code section 11353, the regulatory provisions of the policy are being submitted to the Office of Administrative Law (OAL) for approval. As required by that section, this submittal includes:

- Seven copies of OAL Form 400 with the Clear and Concise Summary of Regulatory Provisions;
- The necessity for the regulatory provisions, which will be found in the State Water Board's Substitute Environmental Document;
- A certification by the Chief Counsel of the State Water Board that the action was taken in compliance with all applicable procedural requirements of the Porter-Cologne Water Quality Control Act, Water Code section 13000 et seq.; and
- The Administrative Record for the State Water Board proceedings on this matter.

The State Water Board's authority to adopt a water quality control policy is contained in Water Code section 13140. We recommend that the regulatory summary be added to Title 23,

California Environmental Protection Agency

Susan Lapsley

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Division 3, Chapter 22, as new section 2921: "Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling".

If you have any questions regarding this submittal, you may contact me at (916) 341-5457 (lhaven@waterboards.ca.gov). You may also contact Dominic Gregorio, Chief of the Ocean Unit, at (916) 341-5488 (dgregorio@waterboards.ca.gov) or Joanna Jensen at (916) 341-5557 (jjensen@waterboards.ca.gov), who is the lead staff person on this matter.

Attachments (4)

bc: (without attachments)

Jonathan Bishop, Exec
Marleigh Wood, OCC
Bruce Fujimoto, DWQ
Dominic Gregorio, DWQ
Joanna Jensen, DWQ