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OFFICE OF  
ADMINISTRATIVE LAW

State Water Resources Control Board

**TO:** Debra Cornez, Acting Director  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

**FROM:**   
Victoria A. Whitney  
Assistant Deputy Director  
DIVISION OF WATER QUALITY

**DATE:** JAN 26 2012

**SUBJECT:** SUBMITTAL OF REGULATORY PROVISIONS OF AN AMENDMENT TO THE 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 the *Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling* (Policy) under State Water Board Resolution No. 2010-0020, which was published in the California Code of Regulations, title 23, division 3, chapter 22, section 2922. 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.

Based on review of the Policy, the State Water Board adopted an amendment to this Policy under State Water Board Resolution No. 2011-0033 on July 19, 2011 that added a new Section 2.C (4) and amended existing Section 3.E of the Policy. New Section 2.C (4) of the Policy imposes special requirements for any fossil-fueled power plant that requests a compliance plan that extends beyond December 31, 2022. The State Water Board amended Section 3.E of the Policy (Table 1. Implementation Schedule) by extending compliance deadlines for the Los Angeles Department of Water and Power's three power plants.

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;

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- 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.

If you have any questions regarding this submittal, you may contact me at (916) 341-5423 ([vwhitney@waterboards.ca.gov](mailto:vwhitney@waterboards.ca.gov)). You may also contact Dominic Gregorio, Chief of the Ocean, Wetlands, and Watersheds Section, at (916) 341-5488 ([dgregorio@waterboards.ca.gov](mailto:dgregorio@waterboards.ca.gov)) or Joanna Jensen at (916) 341-5582 ([jjensen@waterboards.ca.gov](mailto:jjensen@waterboards.ca.gov)), who is the lead staff on this matter.

Attachments (4)

bc: (without attachments)

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