



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

FEB 26 2015

Mr. George Piantka
Senior Director, Regulatory Environmental Services
NRG Energy, West Region
El Segundo Power, LLC
301 Vista Del Mar Boulevard
El Segundo, CA 90245

Dear Mr. Piantka:

RE: EL SEGUNDO POWER, LLC'S REQUEST FOR CONCURRENCE WITH INTERIM MITIGATION PROPOSAL FOR EL SEGUNDO GENERATING STATION UNDER THE ONCE-THROUGH COOLING POLICY

The State Water Resources Control Board (State Water Board) received your letter, dated July 6, 2015, requesting concurrence with the interim mitigation proposal for El Segundo Generating Station (ESGS) under the statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling [OTC] Policy). One of the OTC Policy's options for demonstrating compliance with interim mitigation requirements is to demonstrate to the State Water Board's satisfaction that the owner or operator is compensating for the interim impingement and entrainment impacts through existing mitigation efforts, including any projects that were required by state or federal permits as of October 1, 2010. (OTC Policy section 2.C(3)(a).).

The letter reiterates the mitigation proposal from El Segundo Power, LLC (ESP) 2011 Implementation Plan to use a prior mitigation payment of \$1 million to satisfy the OTC Policy's interim mitigation requirements. ESP provided \$1 million to the Santa Monica Bay Restoration Commission (SMBRC) to improve the understanding of the biological dynamics of Santa Monica Bay and to improve the health of this habitat.

Staff has reviewed ESP's request and has received documentation from ESP communicating that ESGS achieved its final compliance deadline of December 31, 2015. Based on the site-specific facts for ESGS, including the short period of time the plant operated under the Policy requirements, the State Water Board approves the \$1 million payment by ESP to the SMBRC as satisfying the OTC Policy's interim mitigation requirements for ESGS. The State Water Board determines that ESP's payment for Santa Monica Bay-wide studies and habitat improvement aligns with the OTC Policy's requirement to compensate for interim impingement and entrainment impacts resulting from cooling water intake structures of power plants. ESP's previous \$1 million payment to the SMBRC fulfills the interim mitigation obligation for ESGS for the operating period of October 1 to December 31, 2015, and no additional interim mitigation measures will be required. This determination is not to be construed as setting a precedent for other power plants that request to use existing mitigation efforts to fulfill their interim mitigation

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

requirements for the OTC Policy. Such requests will be reviewed on a case-by-case basis. Site-specific facts will inform future individual determinations.

For further questions related to this subject matter, please contact Mr. Jonathan Bishop, Chief Deputy Director, at (916) 341-5820 (Jonathan.Bishop@waterboards.ca.gov) or Dr. Maria de la Paz Carpio-Obeso, Ocean Unit Chief, at (916) 341-5858 (MarielaPaz.Carpio-Obeso@waterboards.ca.gov).

Sincerely,



Thomas Howard
Executive Director

cc:

Samuel Unger, Executive Officer II
Los Angeles Regional Water Quality Control Board
320 W. Fourth Street, Suite 200
Los Angeles, CA 90013