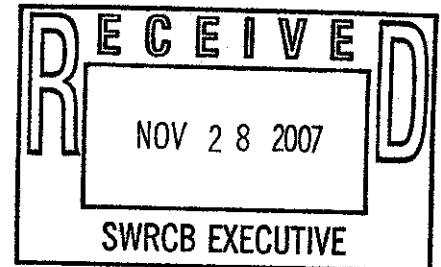


November 28, 2007

Ms. Tam Doduc  
Chair, State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814



*Sent via electronic mail to [jtownsend@waterboards.ca.gov](mailto:jtownsend@waterboards.ca.gov)*

**RE: Draft Resolution on Water Boards' Actions to Protect Beneficial Uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary**

Dear Chair Doduc and Members of the State Water Resources Control Board:

I am writing on behalf of Baykeeper to support the adoption of the Bay-Delta Resolution by the Board at its December 4 meeting. We appreciate the Board's recognition of the numerous threats to beneficial uses of water in the Bay-Delta and urge the swift preparation of a strategy and workplan to assure coordinated and timely implementation of resolution actions.

We urge the Board to include in its final order Item 17 of the draft resolution, which addresses the impacts of once-through cooling intake structures on marine and estuarine life. The environmental damage from this antiquated technology has been demonstrated by its use in Mirant's Pittsburg and Contra Costa Power Plants. In 2002, the U.S. Environmental Protection Agency ("EPA") undertook an analysis of the impingement and entrainment monitoring data available for the plants.<sup>1</sup> Based on this data, EPA estimated that the average impingement and entrainment of special status fish species expressed as year one equivalents was over 400,000 organisms annually.

Unfortunately, the data on which this estimate is based is dated because the plants have failed to generate any information on their impingement or entrainment in more than twenty years. Though the plants have reduced their intake flows in the intervening years, there is no doubt that they are still impinging and entraining countless organisms at a time when the take of even one delta smelt is significant. Further, the use of once-through cooling impacts other key protected species, including the Sacramento River

<sup>1</sup> EPA 821-R-02-2002, Case Study Analysis for the Proposed Section 316(b) Phase II Existing Facilities Rule, Part E: San Francisco Bay/Delta Estuary, pg. E3-15 (February 28, 2002).



Winter Run Chinook salmon, Central Valley Spring Run Chinook salmon, and Central Valley steelhead.

In addition to impingement and entrainment, the impacts of the plants' thermal discharges should also be considered in light of the potential impact to species. The San Francisco Regional Water Quality Control Board has granted the Pittsburg Power Plant an exemption to the Thermal Plan for thirty years.<sup>2</sup> Accordingly, that plant has been allowed to discharge water that is up to 28 °F warmer than receiving water, leading to receiving water temperatures as high as 103.5 °F.<sup>3</sup>

There is no question that these plants' continued use of once-through cooling and discharges of heated wastewater impair beneficial uses of the Bay-Delta. The permits for these plants have already been administratively extended for too long. We request that the State Board require the Regional Boards to open the permits for these plants and insert provisions requiring concrete and prompt actions to eliminate the use of once-through cooling at these facilities. Additionally, the Board should re-examine any Thermal Plan exemptions granted to these plants discharging to highly sensitive Bay-Delta waters.

Thank you for considering these comments.

Sincerely,



Sejal Choksi

<sup>2</sup> Para. 21, P. 6, Order No.R2-2002-0072, Mirant Pittsburg Power Plant - NPDES Permit No. CA0004880

<sup>3</sup> NPDES Permit No. CA0004880, NPDES Annual Self-Monitoring Report, *Summary of Flow and Temperature Data*, Reporting Period: 2006. See July Outfall E-001 Maximum Temperature.