

Amendments to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling

**December 14, 2010
Sacramento, CA**



California Environmental Protection Agency

STATE WATER RESOURCES CONTROL BOARD

The Law

- **Clean Water Act Section 316(b):**

requires “that the location, design, construction, and capacity of cooling water intake structures reflect the Best Technology Available for minimizing adverse environmental impact.”

Power Plant Cooling Policy

- Compliance with CWA Section 316(b)
 - ▶ Established BTA
 - ▶ Protects marine life from once-through cooling water intake structures
 - ▶ Ensures continuity of the electrical grid
- Adopted May 4, 2010
- Approved by OAL September 27, 2010
- Effective date October 1, 2010
- Staff actively implementing the Policy

Amendments under Consideration

- ▶ Combined Cycle Units – allowance for delayed BTA until the unit reaches the end of its useful life, with interim measures:
 - Pilot scale feasibility studies of fine mesh screens or equivalent methods, or
 - Interim mitigation funds of \$3.00/MG payable annually.
- ▶ For all Fossil Fuel Units with compliance plans extending beyond December 31, 2020, with interim measures:
 - Pilot scale feasibility studies of fine mesh screens or equivalent methods, or
 - Interim mitigation funds of \$3.00/MG payable annually.

Public Process

- Notice of amendment posted/sent October 1, 2010
- The deadline for submitting comments was November 19, 2010.
- 4193 comment letters (many form letters from individuals):
 - ▶ 4165 opposed
 - ▶ 28 in favor
- Staff prepared and posted Responses to Comments prior to this meeting

Sampling of Significant Comments

- DWP (support): Amendment would lower compliance costs for ratepayers, and assist with compliance regarding GHG and renewable energy development
- National Marine Fisheries Service (oppose): Endangered Species and Essential Fish Habitat Concerns, and concern that \$3/MG would not be sufficient to offset impacts
- US EPA (oppose): insufficient evidence that “fine mesh screens” reduce Im/E, and \$3/MG mitigation fee appears inconsistent with *RiverKeeper II*