



California Regional Water Resources Control Board

Central Coast Region



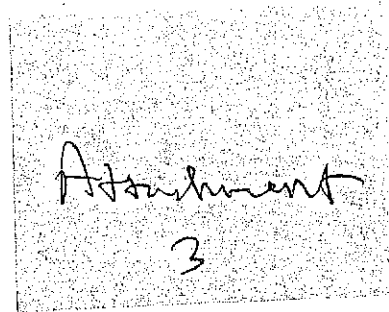
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Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place - Suite 101, San Luis Obispo, CA 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

June 20, 2006

Ms. Madeleine Clark
Elkhorn Slough Coalition
8145 Messick Road
Prunedale, CA 93907



Dear Ms. Clark:

RE: MOSS LANDING POWER PLANT (MLPP) PROPOSAL FOR INFORMATION COLLECTION AND COMPREHENSIVE DEMONSTRATION STUDY

We are responding to your June 8, 2006 email request. The following outlines our understanding of your June 8 email:

1. You requested information regarding the Moss Landing Power Plant Proposal for Information Collection, as required under the USEPA's Phase II 316(b) regulations. Specifically, you request the schedule by which Duke (or LS Power Group) must undertake and complete the Comprehensive Demonstration Study required by Phase II rules.
2. You requested copies of Poseidon and Cal American's desalination pilot plant permit applications, and asked about the status of these applications and staff's recommendations regarding these applications.

Regarding your first question, a discharger must submit a Proposal for Information Collection and a Comprehensive Demonstration Study (hereafter collectively referred to as CDS) as part of their permit renewal package unless they request an extended date for the submittal (40 CFR § 125.98(a)(1)). Duke Energy requested an extended schedule for submittal of their CDS when we met with them to discuss their permit renewal options last year. The regulations allow the Water Board to set a due date of not later than January 8, 2008, for submittal of the CDS. As we said to Duke Energy staff, our intention is to include a schedule for submittal of the CDS in the draft permit. A CDS contains many elements, most of which have already been submitted to the Water Board as part of the previous permit renewal and Energy Commission Certification process. You are welcome to visit our office and review the previously submitted information, which includes a description of the power plant and its operations, the physical setting, the environmental assessments that were done, and the alternatives analyses. We will provide copies at your request pursuant to the Public Records Act. You may already have copies of this information.

**EO REPORT ATTACHMENT D
SEPTEMBER 7-8, 2006 MEETING
6/20/06 LTR FROM CCWB TO MS.
CLARK**

The main thing that has not been submitted is the information associated with LS Power's chosen compliance alternative per the new 316(b) Regulations. LS Power has not chosen one of the five available compliance alternatives because of the federal lawsuit regarding the 316(b) regulations. The 2nd Circuit Court heard oral arguments earlier this month, and a decision is expected this fall. As we have explained to you previously, we do not plan to bring a draft permit to the Water Board until we know the Court's decision. LS Power and other utilities cannot realistically choose a compliance alternative without knowing the Court's decision.

Regarding your second question, we have attached the permit applications for the pilot desalination plant from Poseidon Resources Corporation. Staff requested additional information from Poseidon regarding their permit application. Copies of the information requests are also attached. Regional Board staff does not have a complete application from Cal American Water. When we receive the requested information, we will recommend that the Water Board enroll the pilot desalination plants under the Central Coast Water Board General Permit for Discharges with Low Threat to Water Quality. At this point staff does not know the dischargers response to the information requests, so we do not know when the pilot plants will be on the Regional Board agenda. As we previously mentioned to you, status reports regarding the Moss Landing Power Plant and the desalination pilot projects will be on the Water Board's September 2006 agenda, and the meeting will be in Monterey. We would prefer to have the Board consider the desalination plants at this meeting. If so, there will be an opportunity for public comment on these items.

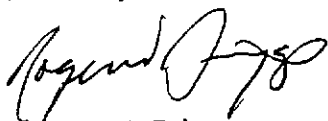
If you would like to review specific documents, please schedule an appointment with us to review our records, and/or contact the California Energy Commission to review their files. It will take Regional Board staff approximately one week to tag the responsive records in our files, pursuant to above items 1 and 2, and have them available for your review and reproduction. We will notify you if the tagged files are available sooner. Please note that you can review Regional Board public records at any time during our regular business hours, 8 a.m. to 5 p.m., Monday through Friday, except for holidays, without waiting for staff to tag the files.

If you want us to make copies, the copying will take an additional week. Any request for copies of 21 pages or more will be made in-house at your expense. We charge the actual cost of copying (cost of making the copies and staff time to make them), which is approximately 10 cents per page. If staff is not available, we will use a copy service; in that case, the cost will be the actual charges by the copy service. If we make the copies in-house, we require payment of copy charges before providing the copies, and will require a deposit of 25% of the estimated cost before making the copies. Alternatively, you can arrange to bring in a bonded copy service to make the copies for you, or we can send the copies to a bonded copy service of your choice as long as you make arrangements for direct payment with the copy service.

Our Public Records Act guidelines are available at:
http://www.waterboards.ca.gov/public_records/public_recordsact_guidelines.pdf.

If you have questions, please contact Peter von Langen at 805-549-3688 or pvonlangen@waterboards.ca.gov or Michael Thomas at 805-542-4623 or mthomas@waterboards.ca.gov.

Sincerely,



Roger W. Briggs
Executive Officer

Attachments:
Pilot Desalination Plant Application from Poseidon Resources Corporation

cc:

Lee Genz
LSP Moss Landing, LLC
P.O. Box 690
Moss Landing, CA 95039-0690

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