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Thomas J. Siebels  
Water Resource Control Engineer  
Regional Water Quality Control Board – Los Angeles Region  
320 W. Fourth Street, Suite 200  
Los Angeles, California 90013

RE: AES Alamitos, LLC, Comments to Draft NPDES Renewal Permit and Time Schedule Order

Dear Mr. Siebels:

On behalf of AES Alamitos, LLC (hereafter "AES Alamitos"), thank you for the opportunity to provide comments to the draft NPDES renewal permit ("Draft Permit") and draft time schedule order ("Draft TSO") provided to us on July 22, 2015.

AES Alamitos has been producing electricity at this site for more than 50 years and the facility remains necessary for the efficient and reliable energy production for the entire state. During that entire period of operation, both the cooling water intake structures as well as the discharge facilities have remained in exactly the same place they are today. The existing permit for AES Alamitos was adopted in 2000, and has been on administrative extension since its original expiration date of 2005. Since that time, two critical items have arisen with respect to the operations at the facility: adoption of the Once Through Cooling Policy ("OTC Policy") and a redetermination of the designation of the AES Alamitos outfall. The OTC Policy, adopted by the SWRCB, addresses the need to minimize impact to coastal and estuarine waters (primarily due to impingement and entrainment from once through cooling facilities) while also ensuring that the electrical power needs essential for the welfare of the citizens of the State are met. Without addressing the OTC policy in detail, the SWRCB adopted the OTC Policy that gives AES Alamitos until December 31, 2020<sup>1</sup> to meet the requirements of the OTC Policy without requiring interim wholesale changes. This future deadline was necessary due to time and costs associated with the planning and implementation of the changes necessary to comply with the OTC Policy.

With regard to the redetermination of the designation of the AES Alamitos outfall, also made since the issuance of the existing NPDES permit, this occurred despite the fact that the location of the outfall has not changed since the facility was constructed and the regulations have not changed. The effect of this redetermination is a completely different set of rules for discharges even though operations at the facility remain the same.

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<sup>1</sup> December 31, 2020 is the date for AES Alamitos to comply with the OTC Policy, but the OTC Policy also recognizes the possibility of suspension of this deadline under certain circumstances.



AES Alamitos intends to achieve compliance with the OTC Policy by eliminating OTC when it retires the existing generating units and replaces the generating capacity with combined cycle gas turbine power blocks that utilize dry-cooling and battery energy storage systems. In addition to the elimination of cooling water discharge from the site, the replacement of the generating units will also result in a new sewer interconnection being constructed that will eliminate the low-volume waste discharges to the San Gabriel River estuary. Upon compliance with the OTC policy, the only effluent discharge resulting from the AES Alamitos site will be storm water runoff. These same changes that ensure compliance with the OTC Policy will also allow AES Alamitos to meet all of the new discharge limitations that are associated with the redetermination of the designation of the AES Alamitos outfall. Since AES Alamitos intends to fully comply with the effluent limitations of the proposed NPDES permit renewal through compliance with the OTC Policy by elimination of the discharges, AES Alamitos requests a compliance schedule within the Draft Permit or within the draft TSO that reflect the compliance dates of the OTC Policy as to any new or revised effluent limit, receiving water limit or water quality objective.

AES Alamitos has prepared detailed comments to the entirety of both the Draft Permit and Draft TSO (included as Attachment A), but also expressly addresses the following issues due to their particular importance.

#### Deadline for Compliance

In both the Draft Permit and the Draft TSO, the deadline for ultimate compliance has been established as October 31, 2020. This deadline is contrary to the existing deadline of December 31, 2020 established in the Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling ("OTC Policy") adopted by the State Water Resources Control Board as recognized on page 15 of the draft permit. The revised deadline is a deadline that AES Alamitos cannot likely achieve and AES Alamitos respectfully requests that the deadline remain as established by the OTC Policy.

#### Low Volume Wastes

AES Alamitos has both low volume and high volume discharges associated with operation of the facility, with the flows of the high volume discharges being roughly 50,000 times greater than the flows of the low volume discharges. The two streams are commingled before final discharge. The existing NPDES permit for AES Alamitos does not have pH limits for low volume discharges, whereas the Draft Permit contains pH limits of 6-9. AES Alamitos cannot achieve the low volume pH limits being proposed in the draft permit. AES requests that the pH limits of the Draft Permit be applied after AES Alamitos commingles its discharge or, in the alternative, that the pH limits for the low volume wastes be included in the time schedule order, allowing AES Alamitos until December 31, 2020 to comply with the limits.



## Temperature

The current discharge limitation for temperature, regardless of the time of year, is 105°F. In its comment letter dated June 10, 2015, AES Alamitos indicated that a temperature limit of 103°F would be an acceptable discharge limitation for the entire year but only if that limitation is based on a 15-minute rolling average. AES Alamitos continues to request this as its preferred discharge limitation. In the alternative, AES Alamitos requests that the existing discharge limitation of 105°F, regardless of the time of year, remain in place until AES Alamitos is able to make the changes necessary to comply with the OTC Policy.

## Regional Monitoring Program – Southern California Bight

The Draft Permit requires AES Alamitos participation in “each Bight Regional Monitoring Program”, requiring AES Alamitos to complete collection and analysis of samples in accordance with the schedule established by a steering committee. The Draft Permit further requires a level of participation” similar to that provided by the Discharge in previous regional surveys conducted in 1998, 2003, 2008, and 2013.” AES Alamitos has no objections to similar participation in this program but since the goal of AES Alamitos is the elimination of its discharge, AES Alamitos does not want to be committed to an alteration of its monitoring program when the resulting sampling would have no future value to either the regulators or AES Alamitos.

## TSO for Ni, pH, NH<sub>3</sub> and bis(2-ethylhexyl phthalate)

AES Alamitos request to be relieved of certain limits being proposed in its draft Permit. For four of those constituents, Ni, pH, NH<sub>3</sub> and bis(2-ethylhexyl phthalate), the Draft TSO included a finding (No. 19) addressing the frequency to which AES Alamitos remains in compliance, which was used to justify denial of the request. AES Alamitos renews its request for a time schedule order for the reasons that this is once through cooling; AES Alamitos adds nothing to this stream that would cause a violation and has no feasible controls to address the concentration levels of these constituents. For another of the constituents that is not discharged by AES Alamitos and AES Alamitos has no ability to control, 2,3,7,8-TCDD, AES Alamitos requests that either the discharge limitation for 2,3,7,8-TCDD be removed from the permit or alternatively the Draft TSO include a provision for 2,3,7,8-TCDD.

Similarly, the Draft Permit contains limits for other parameters, including dissolved oxygen, and bacteria, which are parameters that are not affected by the operations of AES Alamitos. There are times, however, when the bacteria or dissolved oxygen concentration of the source water for the OTC may not be in compliance with the discharge limits, thereby subjecting AES Alamitos to violations of discharge or receiving water limits but which AES Alamitos has no ability to control.

We appreciate the efforts of you and the entire Regional Board staff in processing this permit renewal and look forward to working with all of you to achieve this goal.



Sincerely,

A handwritten signature in blue ink, appearing to read 'S. O'Kane', written in a cursive style.

Stephen O'Kane  
Manager, Sustainability and Regulatory Compliance  
AES Alamos, LLC

CC: Weikko Wirta; AES Alamos, LLC  
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