

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

TRANSCRIPT OF ITEM 10

SAN DIEGO GAS & ELECTRIC COMPANY,  
SOUTH BAY POWER PLANT,  
DISCHARGE OF ONCE-THROUGH COOLING WATER AND OTHER WASTES  
TO SAN DIEGO BAY:  
PERMIT REISSUANCE

ENCINITAS, CALIFORNIA

JUNE 13, 1996

REPORTED BY: KAREN L. BRODIE  
CSR NO. 5694

**EXHIBIT D**

REGIONAL WATER QUALITY CONTROL BOARD MEMBERS PRESENT

GARY ARANT, CHAIRMAN

JOHN LORMAN (ABSTAINED FROM VOTING)

JAMES MOCALIS

JOHN FOLEY

FRANK PIERSALL

DONNA DAMSON

JUDY JOHNSON

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ALSO PRESENT:

JOHN ROBERTUS, EXECUTIVE OFFICER

FOR THE WATER QUALITY CONTROL BOARD:  
JOHN RICHARDS, ESQ.

I N D E X

WITNESS	PAGE
BRUCE POSTHUMUS	5
ED GILES	15
DAVE SINO	23
BILL PAZNOKIS	63
WILLIAM E. CLAYCOMB	72
BERNARD LEVY	75
MICHAEL D. EIRE	77
EVERETT DELANO	79
LAURA HUNTER	85

1 THURSDAY, JUNE 13, 1996; ENCINITAS, CALIFORNIA

2 ITEM 10

3 \* \* \*

4 MR. ARANT: THAT BRINGS US TO ITEM 10 ON THE  
5 AGENDA. THIS IS A PUBLIC HEARING. ITEM 10 CONCERNS THE  
6 SAN DIEGO GAS AND ELECTRIC COMPANY SOUTH BAY POWER PLANT  
7 DISCHARGE OF ONCE-THROUGH COOLING WATER AND OTHER WASTES TO  
8 THE SAN DIEGO BAY. THIS IS A PERMIT REISSUANCE, TENTATIVE  
9 ORDER NUMBER 96-05, NPDES NUMBER CALIFORNIA 0001368.

10 MR. ROBERTUS, WOULD YOU FRAME THE ISSUE FOR  
11 US.

12 MR. ROBERTUS: YES, MR. CHAIR. THE PURPOSE OF THIS  
13 HEARING IS TO RECEIVE TESTIMONY ON TENTATIVE ORDER NUMBER  
14 96-05 FOR THE SAN DIEGO GAS AND ELECTRIC COMPANY SOUTH BAY  
15 POWER PLANT. THIS PERMIT WILL REPLACE ORDER NUMBER 85-09,  
16 WHICH IS LONG OVERDUE FOR REISSUANCE.

17 AT THIS TIME IT'S THE STAFF RECOMMENDATION  
18 THAT THE HEARING BE OPENED AND CLOSED TODAY, THAT THE BOARD  
19 ALLOW COMMENTS ON THIS TENTATIVE ORDER TO BE RECEIVED BY  
20 REGIONAL BOARD STAFF ONLY UNTIL 30 JUNE, 1996, AND THAT THE  
21 BOARD THEN CONSIDER ADOPTION OF THE DISCHARGE PERMIT AT THE  
22 8 AUGUST BOARD MEETING. STAFF MAY REVISE THIS  
23 RECOMMENDATION BEFORE CLOSURE OF THIS HEARING.

24 MR. CHAIR.

25 MR. ARANT: AS CHAIRMAN OF THE CALIFORNIA REGIONAL  
26 WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, I WILL  
27 CONDUCT THIS HEARING. THIS HEARING WILL BE CONDUCTED IN  
28 THE FOLLOWING ORDER: REGIONAL BOARD STAFF WILL FRAME THE

1 ISSUES BEFORE US. I WILL ALLOW 20 MINUTES FOR THIS  
2 PRESENTATION.

3 WE WILL THEN BEGIN THE DIRECT TESTIMONY BY  
4 THE DISCHARGER. DUE TO THE COMPLEX NATURE OF THE ISSUES  
5 INVOLVED AND THE CHANGES THAT THE TENTATIVE ORDER WOULD  
6 REQUIRE OF THE DISCHARGER, I WILL ALLOW 60 MINUTES FOR THIS  
7 PRESENTATION.

8 AT THE CONCLUSION OF THE DISCHARGER'S DIRECT  
9 TESTIMONY, I WILL ALLOW REASONABLE TIME FOR THE DISCHARGER  
10 TO ASK QUESTIONS OF STAFF OR FOR ANY OTHER PARTICIPANT IN  
11 THIS HEARING TO ASK QUESTIONS OF EITHER STAFF OR THE  
12 DISCHARGER. THEREAFTER I WILL ALLOW TIME FOR QUESTIONING  
13 OF ANY PERSON TESTIFYING IMMEDIATELY FOLLOWING HIS OR HER  
14 TESTIMONY.

15 I WOULD ADVISE THE DISCHARGER THAT THIS IS A  
16 VERY COMPLEX ISSUE, AS THEY KNOW. MANY OF THE ISSUES HAVE  
17 BEEN RESOLVED. I DON'T THINK WE NEED TO DISCUSS THE ONES  
18 THAT HAVE BEEN RESOLVED AND I THINK WE NEED TO FOCUS ON  
19 WHERE WE ARE AT VARIANCE AND USE OUR TIME EFFICIENTLY.

20 WE WILL THEN PROVIDE TESTIMONY BY INTERESTED  
21 PERSONS. I WOULD LIKE TO WRAP THAT UP IN ABOUT AN HOUR,  
22 AND IT LOOKS LIKE WITH THE NUMBER OF PEOPLE SPEAKING WE CAN  
23 PROBABLY DO THAT IN ABOUT AN HOUR, SO I WOULD ASK YOU  
24 AGAIN, OTHER INTERESTED PARTIES, PLEASE FOCUS ON THE ISSUES  
25 WHERE YOU ARE AT VARIANCE EITHER WITH THE DISCHARGER OR THE  
26 STAFF'S RECOMMENDATION, AND I WOULD ALSO LIKE TO SAY THAT  
27 THIS IS NOT A HEARING ABOUT WHETHER OR NOT THERE SHOULD BE  
28 A POWER PLANT ON THE BAY. THIS IS A HEARING ABOUT HOW THE

1 POWER PLANT WILL CONTINUE TO OPERATE ON THE BAY AND UNDER  
2 WHAT CONDITIONS. SO PLEASE FOCUS ON THE ISSUES THAT ARE  
3 SPOKEN TO IN THE PERMIT.

4 WE WILL THEN ALLOW FOR THE DISCHARGER'S  
5 CLOSING STATEMENT, REGIONAL BOARD STAFF SUMMARY AND  
6 RECOMMENDATION, AND THEN AT THAT TIME WE WILL CLOSE THE  
7 HEARING. AT THE CLOSURE OF THE HEARING WE WILL ALLOW FOR  
8 BOARD DISCUSSION OF WHAT THEY'VE HEARD TODAY, AND THEN AS  
9 WAS PREVIOUSLY STATED THE HEARING WILL BE -- WE WILL HAVE A  
10 DECISION ON THIS AT THE AUGUST 8 BOARD MEETING.

11 WOULD EACH PERSON TESTIFYING IN THIS MATTER  
12 BEGIN BY STATING THEIR NAME, ADDRESS AND THEIR  
13 ORGANIZATION. ALL PERSONS WISHING TO TESTIFY IN THIS  
14 HEARING, PLEASE STAND FOR THE OATH.

15 (OATH GIVEN.)

16 MR. ARANT: MR. POSTHUMUS OF OUR STAFF, WOULD YOU  
17 PLEASE FRAME THE ISSUES FOR US IN THIS MATTER.

18 MR. POSTHUMUS: MR. CHAIRMAN, MEMBERS OF THE BOARD,  
19 MY NAME IS BRUCE POSTHUMUS, I'M A MEMBER OF THE SURFACE  
20 WATER UNIT OF REGIONAL BOARD STAFF, MAILING ADDRESS 9771  
21 CLAIREMONT MESA BOULEVARD, SUITE A, SAN DIEGO, 92124. I'VE  
22 TAKEN THE OATH.

23 I WOULD LIKE TO ENTER THE REGIONAL BOARD  
24 FILES ON THE SDG&E SOUTH BAY POWER PLANT NPDES PERMIT INTO  
25 THE HEARING RECORD. YOU MIGHT BE INTERESTED TO KNOW THAT I  
26 SPOKE TO BRIAN KELLY EARLIER THIS WEEK AND ASKED HIM IF HE  
27 WANTED TO MAKE THIS PRESENTATION TODAY. HE DECLINED.

28 I DO WANT TO ACKNOWLEDGE AND EXPRESS MY

1 APPRECIATION FOR BRIAN'S WORK ON THIS PERMIT RENEWAL BEFORE  
2 HE LEFT REGIONAL BOARD STAFF TO JOIN STATE WATER RESOURCES  
3 CONTROL BOARD STAFF IN APRIL. I ALSO WANT TO ACKNOWLEDGE  
4 AND EXPRESS MY APPRECIATION FOR THE TIME, EFFORT AND  
5 CONTRIBUTIONS OF US EPA AND ALL THE INTERESTED PARTIES IN  
6 THIS MATTER.

7                   ALTHOUGH WE HAVE HAD AND STILL HAVE SOME  
8 DIFFERENT PERSPECTIVES ON SOME ISSUES, WE HAVE MET, TALKED,  
9 READ, WRITTEN AND WORKED LONG AND HARD. GOOD QUESTIONS  
10 HAVE BEEN RAISED, LEGITIMATE CONCERNS HAVE BEEN EXPRESSED,  
11 VALUABLE INFORMATION HAS BEEN PROVIDED AND USEFUL  
12 SUGGESTIONS HAVE BEEN MADE.

13                   BEFORE ADDRESSING THE ISSUES PERTINENT TO THE  
14 PERMIT RENEWAL, I'D LIKE TO MAKE SURE WE'RE ALL STARTING ON  
15 THE SAME PAGE. WE HAVE PROVIDED YOU, THE BOARD MEMBERS, OR  
16 AT LEAST WE THINK WE HAVE PROVIDED YOU, THE FOLLOWING  
17 DOCUMENTS FOR THIS ITEM IN YOUR AGENDA PACKAGE: FIRST, THE  
18 EXECUTIVE OFFICER SUMMARY REPORT FOR THIS ITEM. SECOND,  
19 THE MARCH 29, 1996, LETTER WHICH TRANSMITTED THE  
20 MARCH 29, '96, VERSION OF TENTATIVE ORDER 96-05 AND  
21 RESPONDED TO COMMENTS -- AND WHICH ALSO RESPONDED TO  
22 WRITTEN COMMENTS RECEIVED BY STAFF BEFORE THAT DATE.

23                   THIRD, THE MARCH 29, 1996, VERSION OF THE  
24 TENTATIVE ORDER, INCLUDING THE TENTATIVE MONITORING AND  
25 REPORTING PROGRAM. FOURTH, THE MARCH 29, 1996, VERSION OF  
26 THE FACT SHEET FOR THE TENTATIVE ORDER. AND THEN TWO --  
27 FIFTH, TWO DIFFERENT VERSIONS OF THE PERMIT ISSUES MATRIX,  
28 THE MOST RECENT OF WHICH IS DATED JUNE 6, 1996.

1                   SIXTH, WE'VE PROVIDED YOU WITH FOUR DIFFERENT  
2   LISTS OF WRITTEN COMMENTS RECEIVED BY STAFF.  THE DIFFERENT  
3   LISTS ARE DIFFERENT PRIMARILY IN THAT THEY SIMPLY UPDATE  
4   EACH OTHER, SO THE MOST RECENT ONE WAS DATED JUNE 12, 1996,  
5   AND WAS DISTRIBUTED THIS MORNING.

6                   FINALLY, WE'VE PROVIDED YOU WITH COPIES OF  
7   ALL WRITTEN COMMENTS RECEIVED BY STAFF SINCE  
8   MARCH 29, 1996, AND BEFORE THE THIRD PACKAGE OF AGENDA  
9   MATERIALS WAS MAILED TO YOU YESTERDAY.  PLEASE NOTE THAT  
10  THE MAY 3, 1996, LETTER FROM SDG&E WAS ALSO AN ENCLOSURE  
11  WITH THE JUNE 3, 1996, LETTER FROM SDG&E, AND WAS PROVIDED  
12  TO YOU WITH THAT JUNE 3 LETTER ONLY.

13                   YOU MAY HAVE NOTICED THAT THREE ITEMS  
14  INCLUDED ON THE MAY 31, 1996, LIST OF WRITTEN COMMENTS DOES  
15  NOT APPEAR ON THE SUBSEQUENT LIST.  THOSE THREE ITEMS ARE  
16  RESPONSES TO THE APRIL 2 LETTER FROM THE EXECUTIVE OFFICER  
17  TO SEVERAL AGENCIES WHICH INQUIRED ABOUT ABNORMAL FISH FROM  
18  SOUTH SAN DIEGO BAY.  SINCE THOSE RESPONSES WERE NOT  
19  ACTUALLY COMMENTS ON THE TENTATIVE ORDER PER SE, WE MADE A  
20  SEPARATE LIST OF THOSE RESPONSES.  I UNDERSTAND THAT COPIES  
21  OF THOSE RESPONSES WILL BE PROVIDED TO THE BOARD AT THE  
22  AUGUST 8 MEETING AS A PART OF AN EXECUTIVE OFFICER REPORT.

23                   AS A PART OF HIS STATUS REPORT ON THIS PERMIT  
24  RENEWAL AT THE MARCH 14 MEETING BRIAN KELLY INTRODUCED YOU  
25  TO THE PERMIT ISSUES MATRIX.  WE HOPE YOU HAVE FOUND IT TO  
26  BE USEFUL.  STAFF HAS CONTINUED TO USE AND UPDATE THE  
27  MATRIX AND I THINK STAFF AND INTERESTED PARTIES HAVE FOUND  
28  IT TO BE USEFUL.  HOWEVER, I WANT TO MENTION TWO CAUTIONS

1 WITH RESPECT TO THE ISSUES MATRIX.

2 THE PURPOSE OF THE MATRIX, OF COURSE, IS TO  
3 BRIEFLY SUMMARIZE IN A RELATIVELY FEW WORDS AND ON  
4 RELATIVELY FEW PAGES, ISSUES AND PERSPECTIVES THAT COULD BE  
5 AND IN SOME CASES HAVE BEEN ADDRESSED AT CONSIDERABLE  
6 LENGTH. THE ADVANTAGES OF DOING SO, I THINK, ARE OBVIOUS.  
7 BUT THE FIRST CAUTION IS SIMPLY TO RECOGNIZE THAT IN OUR  
8 EFFORTS TO BRIEFLY SUMMARIZE ISSUES AND PERSPECTIVES, WE  
9 RUN THE RISK OF LEAVING OUT OR OVERSIMPLIFYING ISSUES AND  
10 OF NOT QUITE CAPTURING THE ESSENCE OF OR THE REASONS FOR A  
11 PARTICULAR PERSPECTIVE.

12 WE CERTAINLY DO NOT WANT TO OMIT SIGNIFICANT  
13 ISSUES OR MISREPRESENT THE PERSPECTIVE OF ANY PARTY. IN  
14 THAT SPIRIT WE WOULD WELCOME HEARING FROM ANY PARTY THAT  
15 BELIEVES THAT WE'VE DONE SO. WE'LL DO THE BEST WE CAN TO  
16 RECTIFY OUR SHORTCOMINGS TO THE EXTENT WE CAN DO SO WITHOUT  
17 DEFEATING THE PURPOSE OF THE MATRIX.

18 THE SECOND CAUTION IS TO RECOGNIZE, AS  
19 INDICATED ON ALL VERSIONS OF THE MATRIX THAT YOU HAVE  
20 RECEIVED, THAT THESE ARE WORKING DRAFTS. IN OTHER WORDS,  
21 THE ISSUES MATRIXES ARE WORKS IN PROGRESS. THE MOST RECENT  
22 VERSION OF THE ISSUES MATRIX IS DATED JUNE 12. I HAD HOPED  
23 TO MAKE COPIES OF IT AND PROVIDE IT TO YOU THIS MORNING,  
24 BUT THE COPY MACHINE GREMLINS GOT THE BEST OF ME LAST NIGHT  
25 AT THE OFFICE.

26 BUT THE JUNE 12 VERSION SIMPLY MEANS THAT  
27 THAT'S THE LAST DATE WE WORKED ON IT. THAT DOESN'T MEAN  
28 THAT IT REFLECTS ALL THE COMMENTS WE'VE RECEIVED UP THROUGH



1 THAT DATE, SO WE'RE STILL DIGESTING THE WRITTEN COMMENTS WE  
2 RECEIVED SINCE MARCH 29, MOST OF WHICH ARRIVED IN THE LAST  
3 TWO AND A HALF WEEKS. ADDITIONS AND REVISIONS TO THE  
4 ISSUES MATRIX WILL PROBABLY NEED TO BE MADE AS WE CONTINUE  
5 OUR REVIEW OF THOSE COMMENTS.

6 SINCE THE MATRIX IS INTENDED TO REFLECT  
7 CURRENT PERSPECTIVES, NOT TO LOCK PARTIES INTO A PARTICULAR  
8 PERSPECTIVE, THE MATRIX MAY ALSO NEED TO BE UPDATED TO  
9 REFLECT CHANGES AND PERSPECTIVES OF VARIOUS PARTIES. THE  
10 PERMIT RECOMMENDATIONS COLUMN WILL BE FILLED IN AND THAT  
11 MAY CHANGE AS STAFF CONSIDERS THE COMMENTS RECEIVED.

12 WITH THAT, WHICH I HOPE GETS US ALL ON THE  
13 SAME PAGE, WHAT KINDS OF DISCHARGES COME FROM POWER PLANTS?  
14 THIS TRANSPARENCY SHOWS AN EXTREMELY SIMPLIFIED SCHEMATIC  
15 OF DISCHARGES FROM A STEAM ELECTRIC POWER PLANT WITH A  
16 ONCE-THROUGH COOLING WATER SYSTEM. WATER IS WITHDRAWN FROM  
17 THE OCEAN, A BAY OR OTHER BODY OF WATER, PASS THROUGH THE  
18 POWER PLANT CONDENSERS FOR COOLING AND TYPICALLY DISCHARGED  
19 BACK TO THE SAME BODY OF WATER.

20 THE TEMPERATURE OF THE COOLING WATER  
21 DISCHARGED IS TYPICALLY 15 TO 25 DEGREES FAHRENHEIT WARMER  
22 THAN THE WATER WITHDRAWN FOR COOLING. A VARIETY OF  
23 SO-CALLED IN-PLANT WASTES GENERATED AT THE POWER PLANT ARE  
24 OFTEN DISCHARGED TO THE BODY OF WATER WITH THE COOLING  
25 WATER. CHLORINE IS ADDED TO THE COOLING WATER FLOW ON THE  
26 INTAKE SIDE OF THE PLANT TO CONTROL BIOFOULING. COOLING  
27 WATER IS DISCHARGED CONTINUOUSLY WHEN THE PLANT IS  
28 OPERATING. IN-PLANT WASTES ARE DISCHARGED INTERMITTANTLY.

1 THE COOLING WATER FLOW RATE IS LARGE. THE IN-PLANT WASTE  
2 FLOW RATE IS SMALL BY COMPARISON TO THE COOLING WATER FLOW  
3 RATE.

4 WHAT ARE THE ISSUES FOR THIS PERMIT? WELL,  
5 THEY'RE SUMMARIZED ON THE ISSUES MATRIX AND THAT IS WHY WE  
6 PUT THAT TOGETHER. I'D LIKE TO BRIEFLY HIGHLIGHT JUST A  
7 FEW OF THE ISSUES THAT, BASED ON THE COMMENTS WE'VE  
8 RECEIVED AND THE MEETINGS WE'VE HAD, APPEAR TO STAND OUT  
9 ABOVE THE REST.

10 FIRST CATEGORY IS ISSUES RELATED TO  
11 INDUSTRIAL PROCESS WATERS. THE STATE WATER RESOURCES  
12 CONTROL BOARD ENCLOSED BAYS AND ESTUARIES POLICY REQUIRES  
13 PHASING OUT THE DISCHARGE OF INDUSTRIAL PROCESS WATERS  
14 OTHER THAN COOLING WATER TO ENCLOSED BAYS AND ESTUARIES AT  
15 THE EARLIEST PRACTICABLE DATE UNLESS SUCH DISCHARGES RESULT  
16 IN ENHANCEMENT OF THE RECEIVING WATER QUALITY.

17 ALTHOUGH THIS POLICY HAS BEEN IN EFFECT SINCE  
18 1974, THE EXISTING AND PREVIOUS PERMITS FOR THE SOUTH BAY  
19 POWER PLANT DO NOT ADDRESS OR IMPLEMENT THIS PROVISION OF  
20 THE POLICY. CONSEQUENTLY, IN THE EARLY STAGES OF  
21 DISCUSSING THIS ISSUE, QUESTIONS WERE RAISED ABOUT WHETHER  
22 THE BAYS AND ESTUARIES POLICY APPLIES TO DISCHARGES FROM  
23 POWER PLANTS, ABOUT THE MEANING OF THE TERM "INDUSTRIAL  
24 PROCESS WATERS," WHICH IS NOT DEFINED IN THE POLICY, AND  
25 ABOUT WHICH SOUTH BAY POWER PLANT IN-PLANT WASTE STREAMS  
26 WOULD BE CONSIDERED INDUSTRIAL PROCESS WATERS.

27 AT THIS TIME, I'M HAPPY TO REPORT IT APPEARS  
28 THAT THOSE QUESTIONS HAVE BEEN ANSWERED AND THAT THE

1 PRIMARY REMAINING QUESTION HAS TO DO WITH THE EARLIEST  
2 PRACTICABLE DATE. IN OTHER WORDS, HOW SOON SHOULD  
3 TERMINATION OF THE DISCHARGE OF INDUSTRIAL PROCESS WATERS  
4 BE REQUIRED? AS WRITTEN, THE TENTATIVE ORDER WOULD REQUIRE  
5 SUCH TERMINATION BY DECEMBER, 1999. THIS DATE APPEARS TO  
6 BE ACCEPTABLE TO SDG&E, BUT SEVERAL OTHER INTERESTED  
7 PARTIES HAVE COMMENTED THAT AN EARLIER TERMINATION DATE MAY  
8 OR SHOULD BE ACHIEVABLE.

9 THE SECOND CATEGORY OF ISSUES ARE THOSE  
10 ISSUES RELATED TO THE DISCHARGE CHANNEL. A DISCHARGE  
11 CHANNEL IS THE AREA, THE SOUTHEASTERNMOST PORTION OF THE  
12 SAN DIEGO BAY, SOUTH AND EAST OF THE JETTY THAT SEPARATES  
13 THE INTAKE CHANNEL FROM THE DISCHARGE CHANNEL.

14 THE EXISTING AND PREVIOUS PERMITS FOR THE  
15 SOUTH BAY POWER PLANT DEFINE THE POINT OF DISCHARGE TO BE  
16 NEAR THE END OF THE JETTY WHICH EXTENDS INTO SAN DIEGO BAY  
17 FROM SOUTH BAY POWER PLANT AND WHICH SEPARATES THE PLANT'S  
18 INTAKE AND DISCHARGE CHANNELS. IN OTHER WORDS, THOSE  
19 PERMITS CONSIDER THE DISCHARGE CHANNEL TO BE PART OF THE  
20 PLANT RATHER THAN PART OF SAN DIEGO BAY.

21 IN SO DOING, THOSE PERMITS DID NOT RECOGNIZE  
22 WATERS IN THE DISCHARGE CHANNELS -- PARDON ME, WATERS IN  
23 THE DISCHARGE CHANNEL AS WATERS OF THE STATE OR WATERS OF  
24 THE UNITED STATES, WHERE BENEFICIAL USES AND WATER QUALITY  
25 WERE TO BE PROTECTED. IN THE EARLY STAGES OF DISCUSSING  
26 THIS ISSUE, QUESTIONS WERE RAISED ABOUT HOW WATERS OF THE  
27 STATE AND THE UNITED STATES ARE DEFINED, HOW OR IF SDG&E  
28 LEASES AND PERMITS WERE PERTINENT TO THE QUESTION OF

1 WHETHER OR NOT WATERS OF THE DISCHARGE CHANNELS ARE WATERS  
2 OF THE STATE.

3 AT THIS TIME, IT APPEARS THAT THOSE QUESTIONS  
4 HAVE BEEN ANSWERED AND THAT ALL PARTIES AGREE THAT WATERS  
5 IN THE DISCHARGE CHANNEL ARE WATERS OF THE STATE AND THE  
6 UNITED STATES WHERE BENEFICIAL USES AND WATER QUALITY ARE  
7 TO BE PROTECTED.

8 ONE OF THE REMAINING QUESTIONS HAS TO DO WITH  
9 THE BENEFICIAL USES TO BE PROTECTED IN THE DISCHARGE  
10 CHANNEL. AS WRITTEN, THE TENTATIVE ORDER WOULD REQUIRE  
11 PROTECTION OF EXISTING BENEFICIAL USES AS DEFINED IN THE  
12 BASIN PLAN. SDG&E AGREES WITH THIS APPROACH. OTHER  
13 PARTIES HAVE EXPRESSED CONCERN THAT EXISTING BENEFICIAL  
14 USES MAY BE DEGRADED AND THAT THE PERMIT SHOULD INCLUDE  
15 REQUIREMENTS TO RESTORE AND ENHANCE DEGRADED BENEFICIAL  
16 USES.

17 A SECOND REMAINING QUESTION WITH RESPECT TO THE  
18 DISCHARGE CHANNEL HAS TO DO WITH THE BASIN PLAN OBJECTIVE  
19 FOR DISSOLVED OXYGEN THAT APPLIES TO SAN DIEGO BAY AND MANY  
20 OTHER SURFACE WATERS IN THE SAN DIEGO REGION. AS WRITTEN,  
21 THE TENTATIVE ORDER WOULD ESTABLISH INTERIM AND FINAL  
22 LIMITS FOR DISSOLVED OXYGEN.

23 THE FINAL LIMIT, WHICH WOULD BE THE SAME AS  
24 THE BASIN PLAN OBJECTIVE, WOULD TAKE EFFECT IN DECEMBER,  
25 1999, UNLESS THE BASIN PLAN IS MODIFIED TO ESTABLISH A SITE  
26 SPECIFIC OBJECTIVE BEFORE THAT TIME. THE TENTATIVE ORDER  
27 WOULD ALSO REQUIRE EVALUATION OF MEASURES THAT MIGHT REDUCE  
28 ADVERSE EFFECTS ON BENEFICIAL USES RESULTING FROM THE

1 REDUCED RECEIVING WATER DISSOLVED OXYGEN CONCENTRATIONS  
2 CAUSED BY THE HEATED WATER DISCHARGES.

3 SDG&E HAS EXPRESSED CONCERN THAT IT WILL NOT  
4 BE ABLE TO COMPLY WITH THE PROPOSED INTERIM LIMIT, THAT THE  
5 BASIN PLAN OBJECTIVE IS NOT ACHIEVABLE, AND THAT FOR  
6 REASONS BEYOND IT'S CONTROL A SITE SPECIFIC OBJECTIVE MAY  
7 NOT TAKE EFFECT UNTIL AFTER DECEMBER, 1999. OTHER  
8 INTERESTED PARTIES HAVE EXPRESSED CONCERN THAT DISSOLVED  
9 OXYGEN CONCENTRATIONS MAY NOT BE ADEQUATE TO SUPPORT FISH  
10 AND OTHER MARINE LIFE IN THE DISCHARGE CHANNEL AND THAT  
11 REQUIREMENTS SHOULD BE INCLUDED IN THE PERMIT TO INSURE THE  
12 DISSOLVED OXYGEN CONCENTRATIONS ARE ADEQUATE.

13 THE THIRD AND FINAL CATEGORY OF ISSUES I'M  
14 GOING TO MENTION THIS MORNING ARE THOSE ISSUES RELATED TO  
15 COMBINED DISCHARGE LIMITS. AS WRITTEN, THE TENTATIVE ORDER  
16 WOULD ESTABLISH NUMERICAL LIMITS ON THE GROSS COMBINED  
17 DISCHARGE OF COOLING WATER AND IN-PLANT WASTES USING WATER  
18 QUALITY OBJECTIVES AND PROCEDURES FROM THE OCEAN PLAN.

19 THE TENTATIVE ORDER WOULD ALSO REQUIRE  
20 EVALUATION OF ALTERNATIVES TO REDUCE ADVERSE EFFECTS OF  
21 COOLING WATER SYSTEM DISCHARGES OF CHLORINE AND OTHER  
22 POLLUTANTS. SDG&E OBJECTS TO THE USE OF THE OCEAN PLAN,  
23 CONSIDERS GROSS LIMITS TO BE INAPPROPRIATE, CONSIDERS  
24 NUMERICAL LIMITS FOR PARAMETERS OTHER THAN PH, CHLORINE  
25 TOXICITY AND TEMPERATURE TO BE INFEASIBLE, AND PROPOSES  
26 THAT THE DISCHARGE OF OTHER POLLUTANTS BE CONTROLLED BY  
27 REQUIRING IMPLEMENTATION OF BEST MANAGEMENT PRACTICES  
28 RATHER THAN ESTABLISHING NUMERICAL LIMITS.

1 OTHER PARTIES HAVE EXPRESSED CONCERN ABOUT  
2 CHLORINE DISCHARGES IN PARTICULAR AND HAVE SUPPORTED THE  
3 APPROACH IN THE TENTATIVE ORDER OR ADVOCATED MORE STRINGENT  
4 REQUIREMENTS. THOSE ARE JUST SOME OF THE MORE COMMON  
5 ISSUES. THERE ARE CERTAINLY OTHER ISSUES AND I EXPECT THAT  
6 OTHER SPEAKERS WILL CALL YOUR ATTENTION TO SOME OF THEM.  
7 THAT CONCLUDES MY PRESENTATION.

8 ARE THERE ANY QUESTIONS?

9 MR. ARANT: ANY QUESTIONS FOR MR. POSTHUMUS?

10 MS. JOHNSON: YES, MR. CHAIR.

11 MR. ARANT: GO AHEAD.

12 MS. JOHNSON: BRUCE, IS THE ENCLOSED BAYS AND  
13 ESTUARIES THE STATE POLICY WHICH WAS OVERTURNED BY THE  
14 COURT?

15 MR. POSTHUMUS: NO. IN 1974 THE STATE BOARD  
16 ADOPTED AN ENCLOSED BAYS AND ESTUARIES POLICY. IN THE  
17 EARLY '90'S, THE STATE BOARD ADOPTED AN ENCLOSED BAYS AND  
18 ESTUARIES PLAN. THE PLAN DID NOT SUPERCEDE OR REPLACE THE  
19 POLICY, IT CAME ALONGSIDE THE POLICY. THE PLAN WAS THROWN  
20 OUT BY A COURT A COUPLE YEARS AFTER IT WAS ADOPTED, SO WE  
21 NO LONGER HAVE AN ENCLOSED BAYS AND ESTUARIES PLAN THAT IS  
22 IN EFFECT. WE DO HAVE AND HAVE HAD, SINCE 1974, AN ENCLOSED  
23 BAYS AND ESTUARIES POLICY THAT IS IN EFFECT.

24 MS. JOHNSON: THANK YOU VERY MUCH.

25 MR. ARANT: ARE THERE ANY OTHER QUESTIONS FOR  
26 BRUCE?

27 THANK YOU, BRUCE.

28 WE WILL NOW HEAR FROM THE DISCHARGER.