SACCWIS Meeting Minutes 9/29/11
Caren Trgovcich, Acting Chair

Committee Members Present:
Caren Trgovcich, Bob Strauss, Alison Dettmer, Cy Oggins, Neil Millar, Robert Oglesby, Richard Corey

Meeting Starts at 1:00 pm

Introduction

-Approval of the July 5, 2011 Minutes

-Comments/Questions: No comments

-State Water Board Staff –Dominic Gregorio- Presents Agenda Item #2
Amendment to the State Water Board OTC Policy
-Implementation Schedule change for LA DWP
-Paragraph 2C Fossil fuel plants
-held a hearing with public comment
Board Adopted Amend: Changes: Harbor generation unit 5, Scattergood 1&2, Haynes units 1&2, and 8 all received extensions to 2029.
SWRCB may consider further modification to LADWP, when LADWP submits info responsive to the SACCWIS July 5, 2011 resolution. State Board will consider amendments no later than 12/2013

Amend slight change to paragraph 2 C
Extended to 12/1/2022- Board adopted it and staff is moving fwd to Office of Administrative Law

Mr. Gregorio also reported on Nuclear Review Committee, which met last week– Draft for special studies prepared and will be posted by tomorrow (9/30/11).

Presentation: Dennis Peters – ISO – Adoption 3B2
Interagency working group
SACCWIS shall review and Report no later than 10/1/11- Report posted on website since 9/19
Overview of Report:
-Does NOT include: consideration of LADWP plant/discussion of nuclear unit
-Report are divided into 6 sections- SACCWIS review of implementation plans
Section 3 and 4 – policies
Section 5- Studies that ISO, CTO,
Section 6: Next steps – reporting results by 5/31/12
Sec 3: recommendation- If WB considered modifying implementation schedules- many generators approach is consistent
Sec 4: Submit supplemental implementation plans: preliminary, plans include caveats: need for ptas, uncertainty for track compliance, regular update suggested 4/15/12 be the due date

Open for Questions

Question/Comment from Member: The report is clear, unit to unit is good for flexibility, section 3 – why is IAWG allowing both and why choose the word require?

Public Participant Response: Joe Geever, Water Program Manager for Surfrider. It is a complicated process and some info is not available, they hoped for more progress by today. Think some recommendations are making a long process even longer- for example (unit by unit vs. facility wide), he does not think the policy needs to be amended just for minor changes like these. Biggest concern: Is looking at how track 2 is paying out- feels things are becoming too complicated and thinks that we should all go back to track 2 to see if it can be granted. There were two separate docs submitted: one to CalEpa and one to SWRCB. Thinks it is time to take a step back, because there seems to be a lack of confidence of success in meeting compliance by the due date. He thinks it is going back to square 1, so that we should rethink track 2 before granting the avenue because what will happen if track 2 fails?

Answer to response by Member-
Flexibility is there but we look at each compliance plan and we determine if each unit is even worth updating the entire policy. There is flexibility to do it, looking at each individually, but agrees bringing another amendment back to SB is a bit excessive.
Standard is 90% reduction with 10% of error. The policy assumes if you take the path, it is a risk of being subjected to being out of compliance in the process of developing NPDES for each permit. They will become enforceable permits. Understands the concerns of risks and permits.

Question from Member: Will there be any ongoing research for track 2? Looking at diff technologies for multiple plants, there are using a schedule, which is already in effect, and moving forward they will incorporate the schedule.

Public Participant Comment: Jack McCurdy, Co-president: coastal alliance (12 years on policy)
Policy rules: idea was to eliminate OTC, extensions are so far, and two plants are shut down and cannot get the energy now, a national estuary. Studies are not being measured/studied appropriately, and there seems be wasted time on their studies. Agencies cannot afford to do their science studies, and the current studies conducted are creating shutdowns. Alternative Energy is being handled –decrease demand and skews use the system –major concern.

Member Comment: Thinks there are 2 diff concerns: unit-by-unit clarification, and is more interested in what is in unit by unit for reliability as opposed to extended permits.

Member Comment: unit by unit is in compliance. Does not see a need to write another amendment just to change unit by unit

Member Comment: how do you perceive this amendment as opposed to shortening and lengthening the time? Some are asking for unit by unit and some are asking for extensions.

Public Participant: possible problems with compliance allowing unit by unit since it allows extra time.

Member Response: policy recommends unit by unit: Many plants asking for extensions and for unit by unit even though the policy is written. Unit by unit compliance makes sense, more likely to tear down one unit than work on new unit, recommendations: does not think we should amend the policy just for the change. Will be implementation plans- using those to determine grid and reliability, based on the

plans, 13383 –threatens to discharge –we have the ability to take requests even though policy states different. Turned into request for information so policy could be amending if needed.

Member Comment: Some unit by unit have plans and some have deadlines. Trying to understand what is bad about unit by unit since there would be benefit and info with unit-by-unit specification. Does not understand concern.

Member Response: Concern revolves around process, modifications and date- hesitant b/c he does not think we need to open policy and modify it today, doesn't think we need to change the language because of the cost of time (6 months of staff work).

Public Participant Comment: unit-by-unit& extending dates:
Last page of report /recommendation by 3/12/12 -He was not suggesting to change the policy now but maybe for the future (sec 3).

Member Comment: Concerned there may be uncertainty ---suggesting to keep both, change the language from: Rather than" to "AND"

Public Participant Comment: Attorney NRDC
Intervened to support ligation of Board, he fears the SWBRC will not be able to support what is in their record in the courts --- (i.e. LADWP case), he thinks a SACCWIS member need to be present at hearings in the future to clarify and respond to concerns in the SACCWIS Reports.

Member Comment: The minimum for having annual updates on the reports enables us to act on issues.

Chair:
Recommends to direct staff to make annual updates and not to recommend amending the policy at this time, it can wait until it is time to update it.

*Move to Adopt Changes: Recommendation language from **rather than** to **and on page 2 & 10** on the report.*

Informational item to take to the Board regarding the amendment to policy
Chair– Page 15- there is no change needed
Legal counsel: change verbiage ok

Public Comments on Non-Agenda Issues:
- No other comments

Meeting Adjourned 2:20pm