

**Statewide Advisory Committee on Cooling Water Intake Structures
(SACCWIS) Meeting Minutes 07/27/2015
Acting Chair: Caren Trgovcich**

SACCWIS Members present: Ms. Caren Trgovcich, Mr. Cy Oggins, Mr. Rob Oglesby, Mr. Mike Tollstrup, Mr. Tom Luster (alternate), Mr. Brian Turner (alternate), and Mr. Neil Millar

Approval of March 27, 2014 SACCWIS meeting minutes:

- Minute approval: 3/27/2014 minutes **APPROVED**

Presentation of the Draft SACCWIS Report:

- Presenter – Neal Reardon of CPUC
 - SACCWIS Report Presentation
 - Conclusion: No recommendation on changes to compliance dates and will continue to do further analysis. May be necessary to modify compliance dates in the future once we get closer to the compliance deadlines.

SACCWIS Member comments on agenda items:

- Cy Oggins: In regards to the potential need to modify the final compliance date, as stated in the final slide of the presentation of the Draft SACCWIS Report, what is the process and how much time in advance of the compliance date would the application to extend the date happen?
 - Neal Reardon: I do not foresee any specific application for an OTC compliance deferral. I am still assuming that no OTC compliance deferrals are necessary. However, if a deferral were to be recommended, I envision that would be done through the annual SACCWIS review process.
 - Cy Oggins: How close to the compliance date may the compliance date deferral decision be made?
 - Caren Trgovcich: Counsel, what is the process in the event that the SACCWIS were to receive information that would inform us as to making a recommendation to the SWRCB to extend a compliance deadline?
 - Marleigh Wood: Assuming it came through all of the different agencies, or even just one agency, the obvious thing to do is to move through the SACCWIS process. There is no need to wait until the annual SACCWIS meeting if there is a specific recommendation. It would be good to hold a SACCWIS meeting in the short term. We have a summary process for how the various agencies would look at their data to put a deferral request together. But, it would take about a year from start to finish in terms of getting through to a SWRCB adoption of a change to the Policy. This would be to the final change and the effective date.

- Rob Oglesby: If need be, could the SWRCB adopt a revision to the schedule on an emergency basis?
- Marleigh Wood: The SWRCB can move faster, but I was talking in round numbers for how long it generally takes to adopt a change. If we expedite the processes it does not take a year to make a change to the SWRCB OTC Policy. I was moving in very round numbers, but also considering the process of getting all of the information from the SACCWIS agencies, getting something before the SACCWIS, all of those things together.
- Caren Trgovcich: Counsel, could the SWRCB act to extend a compliance deadline without the recommendation from the SACCWIS?
- Marleigh Wood: Absolutely.
- Tom Luster: I have an observation based on the Compliance Achievement slide of the presentation: since the 2010 adoption of the OTC Policy more than 500,000 Megawatts have been retired, including the unplanned outage for San Onofre Nuclear Generating Station (SONGs), and the grid seems to be doing alright despite this huge retooling of the coastal power systems.

Public comments on agenda items:

- Julie Gill – AES: (1) Request coordination between the Regional Water Quality Control Boards (Regional Water Boards) who will be issuing the NPDES Permits and State Water Board for the preparation of new NPDES Permits. AES's NPDES Permits have been on administrative extension for ten years and the Regional Water Boards are preparing to adopt new five year Permits. However, since water quality standards have changed during this time – the water quality objectives, discharge limits and the receiving water limits have become more restrictive – AES is concerned that the intake water will be out of compliance before entering the plant. OTC operators are forced to seek time schedule orders for the OTC discharge limits. There are no feasible controls OTC operators to put in place to meet our discharge limits. (2) Request more direction from the State Water Board to the Regional Water Boards in the preparation and implementation of new NPDES Permits. The Regional Water Boards are not certain how to prepare NPDES Permits when an OTC Policy compliance deadline occurs after the Permit's five year term. In addition, the State Water Board and SACCWIS should consider the liability and risk that potential OTC compliance deferrals would have for permit holders.
 - Caren Trgovcich: To Staff and Inter-agency Working Group, has the IWAG or the State Water Board been discussing the issues relative to coordination and direction relative to the update of the permits? Has this issue come up?
 - Paul Hann: No, but we will follow-up on this issue.
 - Jill Gill: We give our Implementation Plan updates to the SACCWIS, but there is not an opportunity for permit holders to interact with the SACCWIS. These issues could be fleshed out with greater coordination and cooperation between the permit holders and the SACCWIS.

- Caren Trgovcich: To Staff, is there a Round Table where these permit updates would be discussed?
- Mariela Carpio-Obeso: Yes, a NPDES Round Table.
- Caren Trgovcich: To Staff, this should be scheduled for the next NPDES Round Table. To Julie, the Executive Directors Report that was recently posted included an update on the status of the permits to incorporate the OTC requirements for each of the facilities.
- George Piantka – NRG: When the OTC Policy was adopted, it included a provision of critical maintenance during the first year following adoption. After consideration, this provision should have been for any facility that has ceased operations to have one year to cease flows, not for cooling purposes, but for critical maintenance.
 - Caren Trgovcich: We appreciate that comment.

Action Items:

- Motion to adopt draft 2015 SACCWIS Report:
 - Neal Millar: motion to adopt the report, Brian Turner second. No objections.
 - Marleigh Wood raised the question of whether to adopt a resolution reflecting the approval of the annual report, although it was unnecessary given the prior vote. Caren Trgovcich decided to close the meeting without approval of the resolution, because the resolution was not circulated to the SACCWIS Members.
 - July 27, 2015 SACCWIS Report: **APPROVED**
- Designate a SACCWIS representative to present the Report to the State Water Board
 - Robert Oglesby will present the SACCWIS Report to the State Water Board
- Direction to Staff: Agendize with the NPDES Roundtable, which includes both State Water Board and Regional Water Boards representatives, to discuss the issue related to coordination of the incorporation of the OTC Policy provisions into the NPDES Permits as well as the topic of whether or not Statewide direction is needed from the State Water Board to the Regional Water Boards for consistency on those permits.
- The Inter-agency Working Group will ensure that the questions to the facilities will be provided by October 2015 and responses will be received by December 2015 so that the SACCWIS can hold the annual meeting by the end of March 2016.

Public comments on non-agenda issue:

- Katherine Rubin – LADWP: The OTC Mitigation Fee documentation, including the resolution for delegation, has been released for public comment. A meeting to consider adoption will be held on Tuesday, August 4, 2015.

- George Piantka: Request clarification on the SACCWIS's direction provided to State Water Board staff regarding changes to Water Quality Objectives as these OTC facilities shut down and how the NPDES Permits will change.
 - Caren Trgovcich: The ask is for the NPDES Roundtable to begin a dialogue with these issues. To Staff, communicate with Julie Gill, George Piantka, and Katherine Rubin to summarize the specific issues to take to the NPDES Roundtable and send follow-up email to the SACCWIS Members indicating the issues and the plan of action to address the issues, which can be made a public document.

Adjourn