

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75-89

ADOPTING AMENDMENTS TO THE "WATER QUALITY CONTROL PLAN FOR
CONTROL OF TEMPERATURE IN THE COASTAL AND INTERSTATE
WATERS AND ENCLOSED BAYS AND ESTUARIES OF CALIFORNIA"
(THERMAL PLAN)

WHEREAS:

1. On February 25, 1975, the State Water Resources Control Board conducted a public hearing to consider proposed amendments to the "Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California", hereinafter called the Thermal Plan.
2. As a result of that hearing, evidence was obtained from various parties regarding the desirability of the proposed amendments.
3. The State Water Resources Control Board has been advised by the Environmental Protection Agency that the proposed amendments are necessary in order to bring the Plan into full conformance with the provisions of P.L. 92-500.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board adopt the proposed amendments as attached.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on
SEP 18 1975

Bill B. Dendy

Bill B. Dendy
Executive Officer

STATE WATER RESOURCES CONTROL BOARD

ROOM 1140, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814

JUN - 5 1972

NOTICE

ADOPTION OF NEW "WATER QUALITY CONTROL
PLAN FOR CONTROL OF TEMPERATURE IN THE
COASTAL AND INTERSTATE WATERS AND
ENCLOSED BAYS AND ESTUARIES OF CALIFORNIA"

On May 18, 1972, the State Water Resources Control Board adopted a revised version of the above plan (formerly called Policy).

The following changes were made:

1. Due to changes in the California Water Code effective March 4, 1972, the title was changed to:
"Water Quality Control Plan For..."
2. A provision was added that the Environmental Protection Agency must approve all exemptions from water quality objectives of the plan.
3. The time schedules for conducting studies of the effects of existing discharges was shortened.

We will advise you of Environmental Protection Agency's approval which we anticipate receiving shortly.

A handwritten signature in cursive script that reads "Bill B. Dendy".

Bill B. Dendy
Executive Officer

State Water Resources Control Board

WATER QUALITY CONTROL PLAN
FOR CONTROL OF
TEMPERATURE IN THE
COASTAL AND INTERSTATE WATERS
AND ENCLOSED BAYS AND ESTUARIES
OF CALIFORNIA^{1/}

DEFINITION OF TERMS

1. Thermal Waste - Cooling water and industrial process water used for the purpose of transporting waste heat.
2. Elevated Temperature Waste - Liquid, solid, or gaseous material including thermal waste discharged at a temperature higher than the natural temperature of receiving water. Irrigation return water is not considered elevated temperature waste for the purpose of this plan.
3. Natural Receiving Water Temperature - The temperature of the receiving water at locations, depths, and times which represent conditions unaffected by any elevated temperature waste discharge or irrigation return waters.
4. Interstate Waters - All rivers, lakes, artificial impoundments, and other waters that flow across or form a part of the boundary with other states of Mexico.
5. Coastal Waters - Waters of the Pacific Ocean outside of enclosed bays and estuaries which are within the territorial limits of California.
6. Enclosed Bays - Indentations along the coast which enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays will include all bays where the narrowest distance between headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. This definition includes but is not limited to the following: Humboldt Bay, Bodega Harbor, Tomales Bay, Drakes Estero, San Francisco Bay, Carmel Bay, Morro Bay, Los Angeles Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay.
7. Estuaries and Coastal Lagoons - Waters at the mouths of streams which serve as mixing zones for fresh and ocean water during a major portion of the year. Mouths of streams which are temporarily separated from the ocean by sandbars shall be considered as estuaries. Estuarine waters will generally be considered to extend from a bay or the open

^{1/} This plan revises and supersedes the policy adopted by the State Board on January 7, 1971 and revised October 13, 1971

ocean to the upstream limit of tidal action but may be considered to extend seaward if significant mixing of fresh and saltwater occurs in the open coastal waters. The waters described by this definition include but are not limited to the Sacramento-San Joaquin Delta as defined by Section 12220 of the California Water Code, Suisun Bay, Carquinez Strait downstream to Carquinez Bridge and appropriate areas of Smith River, Klamath River, Mad River, Eel River, Noyo River, and Russian River.

8. Cold Interstate Waters - Streams and lakes having a range of temperatures generally suitable for trout and salmon including but not limited to the following: Lake Tahoe, Truckee River, West Fork Carson River, East Fork Carson River, West Walker River and Lake Topaz, East Walker River, Minor California-Nevada Interstate Waters, Klamath River, Smith River, Goose Lake, and Colorado River from the California-Nevada stateline to the Needles-Topoc Highway Bridge.
9. Warm Interstate Waters - Interstate streams and lakes having a range of temperatures generally suitable for warm water fishes such as bass and catfish. This definition includes but is not limited to the following: Colorado River from the Needles-Topock Highway Bridge to the northerly international boundary of Mexico, Tijuana River, New River, and Alamo River.
10. Existing Discharge - Any discharge (a) which is presently taking place, or (b) for which waste discharge requirements have been established and construction commenced prior to the adoption of this plan, or (c) any material change in an existing discharge for which construction has commenced prior to the adoption of this plan. Commencement of construction shall include execution of a contract for onsite construction or for major equipment which is related to the condenser cooling system.

Major thermal discharges under construction which are included within this definition are:

- A. Diablo Canyon Units 1 and 2, Pacific Gas and Electric Company.
- B. Ormond Beach Generating Station Units 1 and 2, Southern California Edison Company.
- C. Pittsburg No. 7 Generating Plant, Pacific Gas and Electric Company.
- D. South Bay Generating Plant Unit 4 and Encina Unit 4, San Diego Gas and Electric Company.

11. New Discharge - Any discharge (a) which is not presently taking place unless waste discharge requirements have been established and construction as defined in Paragraph 10 has commenced prior to adoption of this plan or (b) which is presently taking place and for which a material change is proposed but no construction as defined in Paragraph 10 has commenced prior to adoption of this plan.
12. Planktonic Organism - Phytoplankton, zooplankton and the larvae and eggs of worms, molluscs, and anthropods, and the eggs and larval forms of fishes.
13. Limitations or Additional Limitations - Restrictions on the temperature, location, or volume of a discharge, or restrictions on the temperature of receiving water in addition to those specifically required by this plan.

SPECIFIC WATER QUALITY OBJECTIVES

1. Cold Interstate Waters

- A. Elevated temperature waste discharges into cold interstate waters are prohibited.

2. Warm Interstate Waters

- A. Thermal waste discharges having a maximum temperature greater than 5°F above natural receiving water temperature are prohibited.
- B. Elevated temperature wastes shall not cause the temperature of warm interstate waters to increase by more than 5°F above natural temperature at any time or place.
- C. Colorado River - Elevated temperature wastes shall not cause the temperature of the Colorado River to increase above the natural temperature by more than 5°F or the temperature of Lake Havasu to increase by more than 3°F provided that such increases shall not cause the maximum monthly temperature of the Colorado River to exceed the following:

January	--	60°F	July	--	90°F
February	--	65°F	August	--	90°F
March	--	70°F	September	--	90°F
April	--	75°F	October	--	82°F
May	--	82°F	November	--	72°F
June	--	86°F	December	--	65°F

D. Lost River - Elevated temperature wastes discharged to the Lost River shall not cause the temperature of the receiving water to increase by more than 2°F when the receiving water temperature is less than 62°F, and 0°F when the receiving water temperature exceeds 62°F.

E. Additional limitations shall be imposed when necessary to assure protection of beneficial uses.

3. Coastal Waters

A. Existing discharges

(1) Elevated temperature wastes shall comply with limitations necessary to assure protection of the beneficial uses and areas of special biological significance.

B. New Discharges

(1) Elevated temperature wastes shall be discharged to the open ocean away from the shoreline to achieve dispersion through the vertical water column.

(2) Elevated temperature wastes shall be discharged a sufficient distance from areas of special biological significance to assure the maintenance of natural temperature in these areas.

(3) The maximum temperature of thermal waste discharges shall not exceed the natural temperature of receiving waters by more than 20°F.

(4) The discharge of elevated temperature wastes shall not result in increases in the natural water temperature exceeding 40°F at (a) the shoreline, (b) the surface of any ocean substrate, or (c) the ocean surface beyond 1,000 feet from the discharge system. The surface temperature limitation shall be maintained at least 50 percent of the duration of any complete tidal cycle.

Alternate water quality objectives may be specified in waste discharge requirements if such objectives would assure full protection of the aquatic environment. Such objectives may be specified in waste discharge requirements only after receipt by the regional board of written concurrence from the State Board and the Environmental Protection Agency.

(5) Additional limitations shall be imposed when necessary to assure protection of beneficial uses.

4. Enclosed Bays

A. Existing discharges

- (1) Elevated temperature waste discharges shall comply with limitations necessary to assure protection of beneficial uses.

B. New discharges

- (1) Elevated temperature waste discharges shall comply with limitations necessary to assure protection of beneficial uses. The maximum temperature of waste discharges shall not exceed the natural temperature of the receiving waters by more than 20°F.
- (2) Thermal waste discharges having a maximum temperature greater than 4°F above the natural temperature of the receiving water are prohibited.

5. Estuaries

A. Existing discharges

- (1) Elevated temperature waste discharges shall comply with the following:

- a. The maximum temperature shall not exceed the natural receiving water temperature by more than 20°F.
- b. Elevated temperature waste discharges either individually or combined with other discharges shall not create a zone, defined by water temperatures of more than 1°F above natural receiving water temperature, which exceeds 25 percent of the cross-sectional area of a main river channel at any point.
- c. No discharge shall cause a surface water temperature rise greater than 4°F above the natural temperature of the receiving waters at any time or place.
- d. Additional limitations shall be imposed when necessary to assure protection of beneficial uses.

- (2) Thermal waste discharges shall comply with the provisions of 5A(1) above and, in addition, the maximum temperature of thermal waste discharges shall not exceed 86°F.

B. New discharges

- (1) Elevated temperature waste discharges shall comply with item 5A(1) above.
- (2) Thermal waste discharges having a maximum temperature greater than 4°F above the natural temperature of the receiving water are prohibited.
- (3) Additional limitations shall be imposed when necessary to assure protection of beneficial uses.

GENERAL WATER QUALITY PROVISIONS

1. Additional limitations shall be imposed in individual cases if necessary for the protection of specific beneficial uses and areas of special biological significance. When additional limitations are established, the extent of surface heat dispersion will be delineated by a calculated 1-1/2°F isotherm which encloses an appropriate dispersion area. The extent of the dispersion area shall be:
 - A. Minimized to achieve dispersion through the vertical water column rather than at the surface or in shallow water.
 - B. Defined by the regional board for each existing and proposed discharge after receipt of a report prepared in accordance with the implementation section of this plan.
2. The cumulative effects of elevated temperature waste discharges shall not cause temperatures to be increased except as provided in specific water quality objectives contained herein.
3. Areas of special biological significance shall be designated by the State Board after public hearing by the regional board and review of its recommendations.
4. ~~No exception to the specific water quality objectives of this plan may be authorized by a regional board for a specific discharge upon a finding following public hearing that~~
~~all elevated temperature waste discharge in compliance with modified objectives will result in the enhancement of beneficial uses as compared to pre-discharge conditions or~~

B/ The use of heat on an intermittent basis to control fouling organisms in intake and discharge structures will result in less potential for deleterious effects upon beneficial uses than other alternative methods of heat, in addition to that required for cleaning of intake and discharge structures, shall not be used for cleaning of condenser coils, or

C/ Changes in existing discharge structures or their operation to obtain compliance with water quality objectives would result in an environmental impact greater than would occur with modified water quality objectives, or

D/ Compliance by existing dischargers with specific water quality objectives would require modification of operations or facilities not commensurate with benefit to the aquatic environment.

Such authorization shall be effective only upon concurrence by the State Board and the Environmental Protection Agency.

4. Regional Boards may, in accordance with Section 316(a) of the Federal Water Pollution Control Act of 1972, and subsequent federal regulations including 40 CFR 122, grant an exception to Specific Water Quality Objectives in this Plan. Prior to becoming effective, such exceptions and alternative less stringent requirements must receive the concurrence of the State Board

5. Natural water temperature will be compared with waste discharge temperature by near-simultaneous measurements accurate to within 1°F. In lieu of near-simultaneous measurements, measurements may be made under calculated conditions of constant waste discharge and receiving water characteristics.

IMPLEMENTATION

1. The State Water Resources Control Board and the California Regional Water Quality Control Boards will administer this plan by establishing waste discharge requirements for discharges of elevated temperature wastes.
2. This plan is effective as of the date of adoption by the State Water Resources Control Board and the sections pertaining to temperature control in each of the policies and plans for the individual interstate and coastal waters shall be void and superseded by all applicable provisions of this plan.

3. Existing and future dischargers of thermal waste shall conduct a study to define the effect of the discharge on beneficial uses and, for existing discharges, determine design and operating changes which would be necessary to achieve compliance with the provisions of this plan.

4. Waste discharge requirements for existing elevated temperature wastes shall be reviewed to determine the need for studies of the effect of the discharge on beneficial uses, changes in monitoring programs and revision of waste discharge requirements.

5/ Completed studies for existing discharges shall be submitted to the appropriate regional board prior to July 1977. The regional board shall review all studies and make necessary revisions to waste discharge requirements prior to January 1978 to assure compliance with all applicable provisions of this plan.

Revised waste discharge requirements shall include a time schedule which assures compliance at the earliest possible date but not later than January 1978.

5. All waste discharge requirements shall include a time schedule which assures compliance with water quality objectives by July 1, 1977, unless the discharger can demonstrate that a longer time schedule is required to complete construction of necessary facilities; or, in accordance with any time schedule contained in guidelines promulgated pursuant to Section 304(b) of the Federal Water Pollution Control Act.

6/ Completed studies for existing discharges of thermal wastes existing waste discharge requirements, and proposed revised waste discharge requirements will be submitted by the State Board to EPA for review and comment prior to September 1977 and prior to adoption of revised waste discharge requirements.

6/7/ Proposed dischargers of elevated temperature wastes may be required by the regional board to submit such studies prior to the establishment of waste discharge requirements. The regional board shall include in its requirements appropriate postdischarge studies by the discharger.

7/8/ The scope of any necessary studies shall be as outlined by the regional board and shall be designed to include the following as applicable to an individual discharge:

- A. Existing conditions in the aquatic environment.
- B. Effects of the existing discharge on beneficial uses.
- C. Predicted conditions in the aquatic environment with waste discharge facilities designed and operated in compliance with the provisions of this plan.

- D. Predicted effects of the proposed discharge on beneficial uses.
- E. An analysis of costs and benefits of various design alternatives.
- F. The extent to which intake and outfall structures are located and designed so that the intake of planktonic organisms is at a minimum, waste plumes are prevented from touching the ocean substrate or shorelines, and the waste is dispersed into an area of pronounced along-shore or offshore currents.

8. All waste discharge requirements adopted for discharges of elevated temperature wastes shall be monitored in order to determine compliance with effluent or receiving water temperature (or heat) requirements.

Furthermore, for significant thermal discharges as determined by the Regional Board or State, regional boards shall require expanded monitoring programs, to be carried out either on a continuous or periodic basis, designed to assess whether the source continues to provide adequate protection to beneficial uses (including the protection and propagation of a balanced indigenous community of fish, shellfish, and wildlife, in and on the body of water into which the discharge is made). When periodic expanded monitoring programs are specified, the frequency of the program shall reflect the probable impact of the discharge.

9. The State Board or regional board may require a discharger(s) to pay a public agency or other appropriate person an amount sufficient to carry out the expanded monitoring program required pursuant to paragraph 8 above if:

a. The discharger has previously failed to carry out monitoring programs in a manner satisfactory to the State Board or regional board, or:

b. More than a single facility, under separate ownerships, may significantly affect the thermal characteristics of the body of water, and the owners of such facilities are unable to reach agreement on a cooperative program within a reasonable time period specified by the State Board or regional board.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
100 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94111

*Orig. to Regal
Copies Board
- PAA
- BBD
- PRB.
- Arles
7/21/75
KH*

W. W. Adams, Chairman
State Water Resources Control Board
1416 Ninth Street
Sacramento CA 95814

Dear Mr. Adams:

On June 18, 1975, my representative met with your staff to discuss the positions of our respective agencies regarding the four existing exception provisions contained in California's Thermal Plan and the revised exception procedure proposed by your staff for the April 2, 1975 workshop. Your staff explained that the State Board was concerned that the language contained in Section 316(a) of PL 92-500 may not be sufficient to prevent the commitment of large sums of capital for relatively little environmental benefit. My representative conveyed our opinion that Section 316(a) constituted the only exception procedure which, under PL 92-500, could be applied to water quality standards pertaining to the thermal component of any discharge.

I appreciate the Board's concern. Section 316(a) was included in the Federal Act to preclude the expenditure of large sums of capital for no benefit. Thus, the basic intent of Section 316(a) is identical to that interest expressed by the State Board. Section 316(a) and the implementing regulations will serve as an exception to any water quality standard for heat when the discharger can satisfactorily demonstrate to the permitting agency that the discharge will not result in any appreciable harm to the biological community associated with the receiving water.

Appreciable harm is damage to the balanced, indigenous community, or to community components which results in such phenomena as the following:

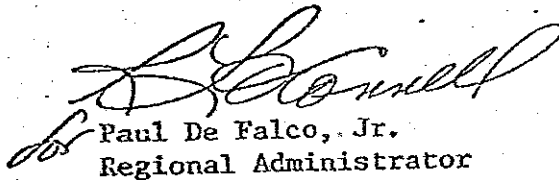
- Substantial increase in abundance or distribution of any nuisance species or heat tolerant community not representative of the highest community development achievable in receiving waters of comparable quality.
- Substantial decrease of formerly indigenous species, other than nuisance species.
- Changes in community structure to resemble a simpler successional stage than is natural for the locality and season in question.

- Unaesthetic appearance, odor or taste of the waters.
- Elimination of an established or potential economic or recreational use of the waters.
- Reduction of the successful completion of life cycles of indigenous species, including those of migratory species.
- Substantial reduction of community heterogeneity or trophic structure.

This definition describes harm which should be considered appreciable. It is not intended that every change in flora and fauna should be considered appreciable harm. Biological changes resulting from discharges of heat will be spatially distributed from any discharge point. The magnitude and spatial distribution of such changes are the basis upon which a judgment must be made.

While I appreciate your concern, I do feel Section 316(a) provides the flexibility to insure that funds will only be expended when true environmental gains are to be made. I feel that it would be in the best interest of all the dischargers regulated under the Thermal Plan to retain the single exception procedure with a single set of rules.

Sincerely,


Paul De Falco, Jr.
Regional Administrator