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## State Water Resources Control Board

### **NOTICE OF CONSIDERATION OF ADOPTION**

#### **FOR THE RESOLUTION TO REVISE THE INTERIM MITIGATION PAYMENT CALCULATION FOR THE WATER QUALITY CONTROL POLICY ON THE USE OF COASTAL AND ESTUARINE WATERS FOR POWER PLANT COOLING**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) will consider adoption of a resolution to revise the Interim Mitigation Payment Calculation for the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Interim Mitigation Resolution) and Proposed Final Staff Report. The State Water Board meeting will be held as follows:

**Wednesday, April 17, 2024, at 9:00 a.m.**

Coastal Hearing Room  
Joe Serna Jr. – CalEPA Headquarters Building  
1001 I Street, Second Floor  
Sacramento, CA 95814

And via Video and Teleconference

#### **VIDEO AND TELECONFERENCE PARTICIPATION**

The consideration of adoption meeting will occur with both a physical meeting location and an option for the public to participate from a remote location.

- Webcast: Live video and audio broadcasts of the public hearing, for attendees that are solely interested in watching and not participating, will be available via the internet and can be accessed at the [CalEPA Public Meeting Live Webcasts page](#). Closed captioning is available.
- Video and teleconference participation: For members of the public who wish to comment telephonically or via the remote meeting solution, additional information about participating will be available at least 10 days before the hearing on the [Remote Meeting page](#).

Additional information on the consideration of adoption meeting can be found at the [State Water Board's website](#). Any person desiring to receive future notices about changes to the date, time, location, or format of the public meeting should sign up for the e-mail subscription list, as described below under "Potential Future Changes to the Noticed Items."

## **BACKGROUND**

The State Water Board adopted the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (OTC Policy) on May 4, 2010, and amended it several times, with the last amendment adopted on August 15, 2023. The OTC Policy includes technology-based standards to implement federal Clean Water Act section 316(b), which requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts. The OTC Policy originally applied to 19 power plants, of which 12 have achieved final compliance with the OTC Policy.

Section 2.C(3) of the OTC Policy requires power plant owners and operators to implement measures to mitigate the interim impingement and entrainment impacts to marine life resulting from the operation of cooling water intakes. This requirement commenced on October 1, 2015, and continues until power plants achieve final compliance. The OTC Policy provides options for complying with the interim mitigation requirements, including making annual payments to the Ocean Protection Council and the State Coastal Conservancy for mitigation projects. Mitigation projects are defined in the OTC Policy as projects that restore or enhance coastal marine and estuarine habitats, such as coastal wetland restoration, or that protect marine life in existing marine habitat, such as management of Marine Protected Areas.

In 2015, the State Water Board adopted [Resolution No. 2015-0057](#), which describes the procedures for calculating the annual interim mitigation payments. The State Water Board will consider adopting the proposed final resolution that revises these calculations to ensure annual payments continue to appropriately compensate for interim impacts to marine life based on current mitigation costs. The proposed Interim Mitigation Resolution would change the cost for the following components of the annual interim mitigation payment:

- Default cost for entrainment would increase from \$5.65 per million gallons to \$12.51 per million gallons.
- Default cost for impingement would increase from \$0.80 per pounds of fish impinged to \$100.73 per pounds of fish impinged.
- The annual inflation escalator from 3% to at least 3% or the annual inflation rate reported by the California Department of Finance, whichever is greater.

The proposed resolution would also apply the default entrainment cost multiplier to Diablo Canyon Nuclear Power Plant instead of a site-specific entrainment cost multiplier, and a site-specific impingement cost multiplier of \$33.46 per pounds of fish impinged.

### **DOCUMENT AVAILABILITY**

The Draft Interim Mitigation Resolution and Draft Staff Report are available on the [OTC Policy Interim Mitigation Measures website](#). The Proposed Final Resolution, Proposed Final Staff Report, and responses to comments will be made available on the [OTC Policy Interim Mitigation Measures website](#) on or before April 4, 2024. You may request paper copies of the documents by contacting Jonathan Dolan at (916) 323-0880 or via email at [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov).

### **LANGUAGE SERVICES AND ACCESSIBILITY**

To request oral interpretation or sign language services, please submit your request at least 7 calendar days before the meeting by contacting Jonathan Dolan at (916) 323-0880 or [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov).

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: TTY (800) 735-2929 or voice line at (800) 735-2922.

### **PARKING**

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the [CalEPA website](#).

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes to receive security clearance.

### **POTENTIAL FUTURE CHANGES TO THE NOTICED ITEMS**

Any changes regarding the noticed items will be noticed through the e-mail distribution list. Any person desiring to receive future notices must sign up for the e-mail distribution list by accessing the [Email List Subscription Form website](#). To subscribe, select "Ocean Issues-Once Through Cooling" under "Water Quality."

### **CONTACT INFORMATION**

Please direct questions about this notice, the Interim Mitigation Resolution, or the OTC Policy to Jonathan Dolan at (916) 323-0880 or [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov).

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Date                      March 12, 2024

  
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Courtney Tyler  
Clerk to the Board