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## State Water Resources Control Board

### REVISED PUBLIC NOTICE

**With revisions to the viewing option for public listening sessions, dates for document availability and public comment period, and name of document for release**

### NOTICE OF PUBLIC LISTENING SESSIONS, DOCUMENT AVAILABILITY, AND OPPORTUNITY FOR PUBLIC COMMENT

This notice is to notify the public of opportunities to provide input regarding potential revisions to the current calculation to determine interim mitigation payments by coastal power plants required by the Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling or OTC Policy).

#### I. PUBLIC LISTENING SESSIONS

Staff of the State Water Resources Control Board (State Water Board) will hold two public listening sessions on the proposed revisions to the interim mitigation payment calculation for the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.

The public listening sessions are an opportunity to speak with staff on how interim mitigation payments are calculated and may be revised, and how payments are used to fund mitigation projects in communities affected by power plant operations.

The State Water Board will not take any action at the public listening sessions. The listening sessions will be held jointly with staff of the Ocean Protection Council and the State Coastal Conservancy.

The two public listening sessions will be held **online only**:

**Monday, October 2, 2023**, at 5 P.M. to 7 P.M. Pacific Time (PT)  
Zoom registration: ([https://bit.ly/Zoom\\_Oct2](https://bit.ly/Zoom_Oct2))

**Thursday, October 5, 2023**, at 2 P.M. to 4 P.M. (PT)  
Zoom Registration: ([https://bit.ly/Zoom\\_Oct5](https://bit.ly/Zoom_Oct5))

For those who only wish to watch the listening session, a webcast will be available on ~~YouTube~~ and the [California Environmental Protection Agency's website](#) (closed captioning available). ~~This option~~ ~~These options~~ should be used if you do not intend to comment.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

## LANGUAGE SERVICES

To request oral interpretation, written translation, or sign language services, please call (916) 341-5254 or e-mail: [opp-languageservices@Waterboards.ca.gov](mailto:opp-languageservices@Waterboards.ca.gov) at least 10 business days before the listening session.

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

## II. DOCUMENT AVAILABILITY

A draft Resolution revising the current calculation to determine interim mitigation payments by Once-Through Cooling power plants and an accompanying **staff report information sheet** will be available on the [OTC Policy website](#) on or before **September 29, 2023** ~~September 15, 2023~~. You may request a paper copy of the draft Resolution by contacting Jonathan Dolan at (916) 323-0880 or via email at [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov).

## III. OPPORTUNITY FOR PUBLIC COMMENT

In addition to the two listening sessions, State Water Board staff will receive written comments on the draft Resolution to update the calculation for determining the annual interim mitigation payments for compliance with Section 2.C(3)(b) of the OTC Policy. The State Water Board will release the draft resolution, **staff report information sheet**, and expert report for public comment on or before **September 29, 2023** ~~September 15, 2023~~. Written comments must be received no later than **12:00 noon on October 30, 2023** ~~October 16, 2023~~. Please refer to the additional information provided below.

### SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept written comments on the draft Resolution. Written comments that are unrelated to the draft Resolution will not be accepted.

Written comments must be received no later than **12:00 noon on October 30, 2023** ~~October 16, 2023~~, and addressed to:

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
Box 100, Sacramento, CA 95812-2000 (Mail)  
1001 I Street, 24<sup>th</sup> Floor, Sacramento, CA 95814 (hand delivery)

Please indicate in the subject line: "**Comment Letter – Interim Mitigation Update.**"

Comment letters may be submitted electronically, in PDF text format if less than 15 megabytes in total size, to the Clerk to the Board via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, the comment letter may be submitted by mail or hand delivery. U.S. mail must be received (not postmarked) at the State Water Board office by the close of the comment period.

Please note that all hand-delivered submittals must arrive and be dated and time-stamped prior to 12:00 p.m. (noon) on **October 30, 2023** ~~October 16, 2023~~. Couriers delivering hard copies of comment letters must check-in with lobby security personnel.

If you would like a copy of the written comments submitted on this subject, please send a request to [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov), identifying the subject listed above. Written comments will not be available until after the comment deadline.

## **BACKGROUND**

The State Water Board adopted the [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 11 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, as 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 a resolution at a future State Water Board meeting that revises these calculations to ensure annual payments continue to appropriately compensate for interim impacts to marine life based on current mitigation costs.

## **POTENTIAL FUTURE CHANGES TO THE NOTICED ITEMS AND BOARD MEETING DATE**

Any changes regarding the noticed items will be informed through the e-mail subscription list. Any person desiring to receive future notices on the OTC Policy, including notice of the date of the State Water Board public meeting where the State Water Board will consider adopting a resolution revising the interim mitigation payment calculation, must sign up for the e-mail subscription 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, interim mitigation measures, or the OTC Policy to Jonathan Dolan at (916) 323-0880 or [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov) or Stephen Randall at (916) 327-8602 or [Stephen.Randall@waterboards.ca.gov](mailto:Stephen.Randall@waterboards.ca.gov).

September 14, 2023  
Date

  
Courtney Tyler  
Clerk to the Board