

## State Water Resources Control Board

### **NOTICE OF INFORMATION ITEM, DOCUMENT AVAILABILITY, AND OPPORTUNITY FOR PUBLIC COMMENT**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) will receive public feedback regarding revisions to an Interagency Memorandum of Understanding (MOU) on the Acceptance and Use of Interim Mitigations Funds for the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling or OTC Policy).

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will hold a public information item on revisions to the MOU. The information item will be held as follows:

**State Water Board Information Item**  
**June 3, 2025, 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 information item will occur with both a physical meeting location and an option for the public to participate from a remote location. To participate remotely, please see the options below:

- 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 information item 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."

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

## BACKGROUND

The State Water Board adopted the OTC Policy on May 4, 2010, and has since amended it several times, most recently on August 15, 2023. The OTC Policy promulgates 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, and 12 have since attained final compliance.

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 intake structures. This requirement commenced on October 1, 2015, and continues until power plants attain 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.

The State Water Board established procedures for calculating the annual interim mitigation payments in 2015 and revised the procedures and calculations on April 17, 2024, via [Resolution No. 2024-0014](#). Since 2016, the State Water Board, Ocean Protection Council, and State Coastal Conservancy have worked together to allocate mitigation funds in accordance with a MOU. The MOU identifies the allocation of interim mitigation funds to the Ocean Protection Council and State Coastal Conservancy, specifies how the Ocean Protection Council and State Coastal Conservancy should accept and use interim mitigation funds for appropriate mitigation projects, sets forth criteria for project selection, and outlines how the three agencies should coordinate internally and with the public.

The MOU is being revised to account for the expected additional mitigation payments and to address comments received from the public and tribes during and after the process to revise the mitigation calculations. The MOU revisions ensure the continued effective allocation of interim mitigation funds while also identifying opportunities to engage and receive input from tribes, environmental justice groups, and other interested persons.

## DOCUMENT AVAILABILITY

A fact sheet on the draft revisions to the MOU is available on the [State Water Board's Interim Mitigation Webpage](#), as well as a response to comments document that addresses previous comments received on the MOU during the project to revise the OTC Policy's interim mitigation calculations. The current MOU is available on the [Ocean Protection Council's website](#). You may request paper copies of the documents by contacting Jonathan Dolan at (916) 323-0880 or via email at [DWQ-OceanStandards@waterboards.ca.gov](mailto:DWQ-OceanStandards@waterboards.ca.gov).

## **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board will accept written feedback on the draft revisions to the MOU outlined in the fact sheet. Written comments that are unrelated to the proposed changes to the MOU will not be accepted. The State Water Board will review public feedback, but written responses will not be provided.

Written comments must be received no later than **12:00 p.m. (noon) on June 21, 2025**, and addressed to:

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
Box 100, Sacramento, CA 95812-0100 (Mail)  
1001 I Street, 24<sup>th</sup> Floor, Sacramento, CA 95814 (Hand Delivery)

Please indicate in the subject line: **“Comment Letter – OTC Policy Interim Mitigation MOU.”**

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 email 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, hand delivery, or fax to (916) 341-5620. U.S. mail must be received (not postmarked) at the State Water Board offices by the close of the comment period.

Note: All hand-delivered submittals must arrive and be dated and time-stamped prior to 12:00 p.m. (noon) on June 21, 2025. Couriers delivering hard copies of comment letters must check-in with lobby security personnel, who can contact the Clerk’s Office at (916) 341-5611.

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

## **LANGUAGE SERVICES AND ACCESSIBILITY**

To request oral interpretation or sign language services, please submit your request at least 10 calendar days before the meeting by contacting Jonathan Dolan at (916) 323-0880 or [DWQ-OceanStandards@waterboards.ca.gov](mailto:DWQ-OceanStandards@waterboards.ca.gov). Translated copies of the documents may also be requested by contacting Jonathan Dolan at the same phone number or email address.

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 MOU, or the OTC Policy to Jonathan Dolan at (916) 323-0880 or [DWQ-OceanStandards@waterboards.ca.gov](mailto:DWQ-OceanStandards@waterboards.ca.gov).

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May 19, 2025  
Date

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*Courtney Tyler*  
Courtney Tyler  
Clerk to the Board