

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF OCTOBER 22, 2004

Prepared September 30, 2004

ITEM: 13

SUBJECT: DUKE ENERGY MORRO BAY LLC, MORRO BAY FOSSIL FUELED POWER PLANT, SAN LUIS OBISPO COUNTY; RENEWAL OF WASTE DISCHARGE REQUIREMENTS FOR CLASS I WASTEWATER SURFACE IMPOUNDMENTS AND FOR EXEMPTIONS TO THE TOXIC PITS CLEANUP ACT, - ORDER NO. R3-2004-105

KEY INFORMATION:

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|-------------------------|---|
| Location: | 1290 Embarcadero Road, Morro Bay, San Luis Obispo County. |
| Type of Waste: | Boiler Cleaning Wastewater. |
| Waste Management Units: | Three Hazardous Waste Surface Impoundments. |
| Design Capacity: | 890,000 gallons. |
| Present Volume: | Unknown; discontinuous batch discharge during boiler cleaning. |
| Treatment: | Chemical precipitation and settling. |
| Disposal: | Treated liquid to permitted surface water discharge, treated solids to offsite disposal and/or recycling. |
| Existing Order: | WDR Order No. 99-133 |

SUMMARY:

Draft WDR Order No. R3-2004-105 is an updated version of the current WDR Order No. 99-133. WDR Order No. R3-2004-105 continues Toxic Pits Cleanup Act of 1984 (TPCA) exemptions for the impoundments and reflects minor site and monitoring changes.

DISCUSSION:

The Duke Energy Morro Bay Power Plant (MBPP) utilizes three hazardous waste surface impoundments to treat and store batch discharges of acidic or basic boiler cleaning wastewater with elevated metal content. WDR Order No. 99-133, adopted November 19, 1999 and expiring November 19, 2004, authorizes exemptions from the CA Toxic Pits Cleanup Act of 1984 (TPCA), allowing impoundment use, and contains operational and monitoring requirements for the impoundments. The impoundments are also regulated by a Resource Conservation and

Recovery Act (RCRA) hazardous waste permit administered by the California Department of Toxic Substances Control (DTSC).

WDR Order No. R3-2004-105 renews the terms of WDR Order No. 99-133 for another five years and makes several findings related to water quality protection, as required by the TPCA (i.e., required by Health & Safety Code Sections 25208.4 (b) (2) (A) and (B)). There has been no substantial change in impoundment operation or in WDR terms. WDR Order No. R3-2004-105 essentially continues existing TPCA exemptions (i.e., exemptions from Health & Safety Code Sections 25208.4 (a) and (c) granted pursuant to Health & Safety Code Sections 25208.4 (b) and 25208.16), allowing continued impoundment use, and reflects relatively minor site and hazardous waste permit changes.

The Board granted TPCA exemptions were granted pursuant to Health and Safety Code sections 25208.4 and 25208.16. Before these

exemptions can be renewed the Board must make certain findings. Based on monitoring report reviews, site visits, and the record, the following findings are made:

a. H&S SECTION 25208.4 b 2 A:

No hazardous waste constituents have migrated from the surface impoundments into the vadose zone or the waters of the state in concentrations that pollute the vadose zone, or pollute, or threaten to pollute, the waters of the state.

b. H&S SECTION 25208.4 b 2 B:

Continuing the operation of the surface impoundments does not pose a significant potential of hazardous waste constituents migrating from the surface impoundments into the vadose zone or the waters of the state, thus polluting the vadose zone, or polluting, or threatening to pollute, these waters.

c. H&S SECTION 25208.16 a 1:

No extremely hazardous wastes are currently being discharged into the surface impoundments, and

1. The records of the person applying for an exemption indicate that no extremely hazardous wastes have been discharged into the surface impoundment and
2. Extremely hazardous wastes are not present in the surface impoundment, in the vadose zone, or in the waters of the state.

d. H&S SECTION 25208.16 a 2:

The surface impoundment is used for the purpose of temporary storage and noncontinuous batch treatment, all hazardous wastes [resulting from

discharge of restricted hazardous waste] are removed after each batch treatment within 30 days of discharge [of restricted hazardous waste] into the impoundment, and the surface impoundment is visually inspected prior to each use and tested for integrity at least annually and complies with subdivision (a) of Section 25208.7. Reports of these tests are filed with the Regional Board.

e. H&S SECTION 25208.16 a 3:

The surface impoundment is in compliance with construction criteria and ground water monitoring requirements of Section 25208.5 and a hydrogeological assessment report has been filed pursuant to Section 25208.8.

ENVIRONMENTAL SUMMARY:

These waste discharge requirements are for an existing facility and are exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Sections 15301 and 15302, Chapter 3, Title 14, of the California Code of Regulations.

COMMENTS:

Duke Energy staff recommendations were incorporated into the Draft Order. The Staff Report and Draft Order were distributed or made available to all parties on the extensive power plant Interested Parties List. No comments have been received to date.

RECOMMENDATION

Adopt WDR Order No. R3-2004-105.

ATTACHMENTS:

1. Draft proposed WDR Order No. R3-2004-105.
2. Draft Monitoring and Reporting Program No. R3-2004-105.

S/SLIC/Regulated Sites/San Luis Obispo Co./Morro Bay Power
Plant/Duke/Hazardous Waste Ponds, WDR/Staff Rpt. WDR R3-
2004-105 draft2