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**State Water Resources Control Board**

**TO:** John Laird  
California Secretary for Natural Resources  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

**FROM:**   
Ken Harris  
Assistant Deputy Director  
Division of Water Quality

**DATE:** MAY 17 2012

**SUBJECT:** TRANSMITTAL OF NOTICE OF DECISION FOR AN AMENDMENT TO THE  
WATER QUALITY CONTROL POLICY ON THE USE OF COASTAL AND  
ESTUARINE WATERS FOR POWER PLANT COOLING

On July 19, 2011, the State Water Resources Control Board (State Water Board) adopted the amendment to the "Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling" (Policy) under Resolution No. 2011-0033. The amendment changed deadlines for the Los Angeles Department of Water and Power to comply with the implementation schedule in the Policy. The amendment to the Policy also requires specified fossil-fueled power plants that are not able to comply with the Policy by December 31, 2022, to install devices by December 31, 2020, that will minimize environmental impacts caused by once through cooling. The amendment to the Policy was approved by the Office of Administrative Law (OAL) on March 12, 2012.

The State Water Board's planning process has been certified as "functionally equivalent" under section 21080.5 of the California Environmental Quality Act (CEQA). Completion of the CEQA process involves the submittal of CEQA document filing fees with the Department of Fish and Game and subsequently filing of a "Notice of Decision" (rather than a "Notice of Determination") with the California Natural Resources Agency. Filing fees in the amount of \$992.50 have been submitted separately to the Accounting Services Branch of the Department of Fish and Game (please see the attached signed disbursement voucher and receipt).

The attached Notice of Decision for State Water Board Resolution No. 2011-0033 is hereby filed with the California Resources Agency. Also attached are Resolution No. 2011-0033 and the Environmental Checklist for the project.

MAY 17 2012

Please send back one copy of the Notice of Decision as notification that this item has been posted and filed.

If you have any questions regarding this submittal, please contact Shuka Rastegarpour, Environmental Scientist with the Division of Water Quality, at (916) 341-5576 ([srastegarpour@waterboards.ca.gov](mailto:srastegarpour@waterboards.ca.gov)).

- Attachments: Notice of Decision
- Disbursement Voucher for CEQA Document Filing Fee
- Environmental Filing Fee Cash Receipt
- OAL Approval
- Resolution No. 2011-0033
- Environmental Checklist
- Concise Summary of Regulatory Provisions

## Notice of Decision

**TO:** Mr. John Laird  
California Secretary for Natural Resources  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

**FROM:** State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**SUBJECT:** Filing of Notice of Decision in compliance with section 21080.5  
of the Public Resources Code

**PROJECT TITLE:** Amendment to the Water Quality Control Policy on the Use of Coastal  
and Estuarine Waters for Power Plant Cooling

**LOCATION:** California Coastal and Estuarine Areas

**DESCRIPTION:** State Water Board Resolution No. 2011-0033 amended deadlines for the  
Los Angeles Department of Water and Power to comply with the  
implementation schedule in the Statewide Water Quality Control Policy on  
the Use of Coastal and Estuarine Waters for Power Plant Cooling (policy).  
The amendment to the Policy also requires specified fossil-fueled power  
plants that are not able to comply by December 31, 2022 to install  
devices by December 31, 2020 that will minimize environmental impacts  
caused by once through cooling.

**CONTACT PERSON:** Shuka Rastegarpour (916) 341-5576  
([srastegarpour@waterboards.ca.gov](mailto:srastegarpour@waterboards.ca.gov))

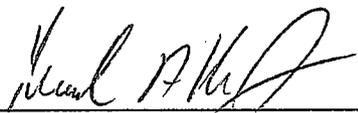
This Notice of Decision is to advise that the State Water Board has determined that Resolution No. 2011-0033, adopted on July 19, 2011, has been fully approved. The amendment was approved by the California Office of Administrative Law on March 12, 2012 (see Attachment B for the approval letter).

The State Water Board has made the following determinations regarding the above-referenced project:

1. The State Water Board found that the project would have a less than significant effect on the environment, if mitigated, after evaluating impacts, alternatives and mitigation measures.

2. A substitute equivalent document was prepared for this project pursuant to the provisions of CEQA (see the State Water Board's web page at [http://www.waterboards.ca.gov/water\\_issues/programs/npdes/cwa316.shtml](http://www.waterboards.ca.gov/water_issues/programs/npdes/cwa316.shtml)).
3. The Policy Amendment incorporates mitigation measures that will reduce any adverse effects on the environment to an insignificant level.
4. A statement of overriding considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

The final environmental document, with comments and responses and record of project approval, is available to the general public at the State Water Board's office at 1001 I Street, Sacramento, CA 95814.

  
\_\_\_\_\_  
Ken Harris  
Assistant Deputy Director  
Division of Water Quality  
State Water Resources Control Board

5-17-2012  
Date

Date received for filing: \_\_\_\_\_

**FILED**

MAY 17 2012

Resources Agency of California

DISBURSEMENT VOUCHER

STD. 439 (REV. 3/2002)

ERII FISH-09

257-093

PREPARE IN DUPLICATE

DEPARTMENT <b>SWRCB</b>	DIVISION <b>DWQ</b>	LOCATION <b>15th Floor</b>	DATE <b>5-3-12</b>
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QUANTITY	ITEM	UNIT PRICE	AMOUNT
1	CEQA: DOCUMENT FILING FEE	\$992.50	\$992.50
Payable to: Dept. of Fish & Game			

PAID BY REVOLVING FUND CHECK NUMBER:	DATE	I hereby certify that the above goods and/or services were received by and necessary for use of the State of California and that quantity and quality are as indicated.	SUBTOTAL <b>\$992.50</b>
PROGRAM / CATEGORY (CODE AND TITLE) <b>99</b>	EMPLOYEE <input checked="" type="checkbox"/> <b>[Signature]</b>		SALES TAX -
FUND TITLE <b>USTCF</b>	APPROVED <input checked="" type="checkbox"/> <b>[Signature]</b>		TOTAL <b>\$992.50</b>

(OPTIONAL USE)

Receipt of the total amount herein shown is hereby acknowledged.

ITEM <b>3940-001-0439</b>	NAME OF FIRM
OBJECT OF EXPENDITURE (CODE AND TITLE) <b>250-239-80000</b>	SIGNATURE OF AUTHORIZED REPRESENTATIVE <input checked="" type="checkbox"/> <b>[Signature]</b>

MAY 10 2012 0009 19



STATE OF CALIFORNIA  
 DEPARTMENT OF FISH AND GAME  
 ENVIRONMENTAL FILING FEE CASH RECEIPT  
 DFG 753.5a (01/2002)

Receipt No: **4747**

Date: **5/10/2012**

Lead Agency: **SWRCB**  
 State Agency of Filing: **Dept. of Fish and Game**  
 Project Title: **Once through cooling amendment**

Invoice Date:  
 Document No: **no invoice**  
 Deposit No: **0919**

**SWRCB**  
 1001 I Street  
 Sacramento, CA 95814

Project Applicant Name  
 Project Applicant Address:  
 City, State, Zip

Project Applicant (check appropriate box) Local Public Agency  School District  Other Special District   
 State Agency  Private Entity

**APPLICABLE FEES:**

Environmental Impact Report:	\$0.00
Negative Declaration:	\$0.00
Application Fee Water Diversion (State Water Resources Control Board Only):	\$0.00
Projects Subject to Certified Regulatory Programs	\$992.50

Lien fee: \$0.00  
 Penalty: \$0.00

County Administrative Fee: \$0.00

Project exempt from fees \$0.00

Other Fee: \$0.00

Total Received **\$992.50**

Person receiving payment:

  
 Bill Terry, Accountant I

2 copies - Project Applicant, DFG/ASB

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Regulatory Action:**

**Government Code Section 11353**

**Title 23, California Code of Regulations**

**OAL File No. 2012-0127-04 S**

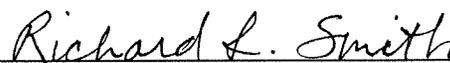
**Adopt sections:**  
**Amend sections: 2922**  
**Repeal sections:**

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The State Water Resources Control Board (SWRCB) submitted this action pursuant to Government Code section 11353 to amend deadlines for the Los Angeles Department of Water and Power to comply with the implementation schedule in the Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy). The amendment to the Policy also requires specified fossil-fueled power plants that are not able to comply with the Policy by December 31, 2022 to install devices by December 31, 2020 that will minimize environmental impacts caused by once through cooling. The amendment to the policy was adopted by SWRCB in Resolution No. 2011-0033 on July 19, 2011 and is represented by an amendment to the concise summary in section 2922 of title 23 of the California Code of Regulations.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: 3/12/2012



Richard L. Smith  
Staff Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel/  
Acting Director

Original: Thomas Howard  
Copy: Joanna Jensen

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2011-0033**

**ADOPTION OF AN AMENDMENT TO THE WATER QUALITY CONTROL POLICY ON THE  
USE OF COASTAL AND ESTUARINE WATERS FOR POWER PLANT COOLING**

WHEREAS:

1. The State Water Resources Control Board (State Water Board) is designated as the state water pollution control agency for all purposes stated in the Clean Water Act, including water quality control planning and waste discharge regulation.
2. The State Water Board is responsible for adopting state policy for water quality control, which may consist of water quality principles, guidelines, and objectives deemed essential for water quality control.
3. On May 4, 2010, the State Water Board adopted the statewide "*Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*" (Policy) under [Resolution No. 2010-0020](#). The Policy was approved by the Office of Administrative Law on September 27, 2010 and became fully effective on October 1, 2010.
4. The Policy establishes uniform, 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 impact.
5. The Policy applies to 19 existing power plants located along the California coast, and is implemented through National Pollutant Discharge Elimination System (NPDES) permits, issued pursuant to Clean Water Act Section 402, which authorize the point source discharge of pollutants to navigable waters.
6. The State Water Board and Regional Water Quality Control Boards are authorized to issue NPDES permits to point source dischargers in California, including power plants subject to the Policy.
7. Section 3.A of the Policy required the owner or operator of an affected fossil-fueled power plant to submit an implementation plan to the State Water Board by April 1, 2011. The implementation plan must identify the selected compliance alternative, describe the general design, construction, or operational measures that will be undertaken to implement the alternative, and propose a realistic schedule (including any requested changes to the default final compliance dates identified in the Policy) for implementing these measures that is as short as possible.
8. The State Water Board has received implementation plans from all power plant owners and/or operators as requested by April 1, 2011, including implementation plans for the three power plants using once-through cooling (OTC) that are owned and operated by the Los Angeles Department of Water and Power (LADWP). These facilities are the Harbor Generating Station, Haynes Generating Station, and the Scattergood Generating Station. In its submissions, LADWP commits to repowering all their OTC plants with

more efficient facilities that use closed-cycle cooling, which requires no seawater intake or discharge. LADWP also requests changes to existing Policy compliance dates for its facilities on a unit-by-unit basis rather than facility-wide basis. LADWP commits to meeting the deadlines earlier than required for some of its power-generating units, in return for meeting the deadlines later than required for others of its OTC units.

9. The Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) was created by the State Water Resources Control Board (State Water Board) to advise the State Water Board on the implementation of the Policy to ensure that the implementation schedule takes into account local area and grid reliability, including permitting restraints. The SACCWIS is charged with reviewing the implementation schedules that were submitted by each power plant owner or operator on April 1, 2011. The Policy further requires SACCWIS to report to the State Water Board with its recommendations before October 1, 2011.
10. On December 14, 2010, the State Water Board considered, but did not approve, an amendment to the Policy affecting the LADWP facilities. Instead, the State Water Board requested that SACCWIS prioritize review of LADWP's implementation plan and report to the State Water Board with its recommendations by July 2011, if possible.
11. An interagency working group for SACCWIS has reviewed LADWP's implementation plan and its suggested schedule revisions to determine whether extended deadlines for LADWP pose an electric grid reliability concern. SACCWIS considered the matter at a public meeting on July 5, 2011.
12. The Resources Agency has approved the State Water Board's water quality control planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) requirements for preparing environmental documents. State Water Board staff has prepared an [Environmental Document](#) for the [amendment](#) (Appendix A) that contains the required environmental documentation under the State Water Board's CEQA regulations. (California Code of Regulations, title 23, section 3777.)
13. In preparing the Staff Report, the State Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a Tier 1 environmental review. The State Water Board has considered the reasonably foreseeable consequences of adoption of the draft Policy Amendment; however, potential site-specific project impacts may need to be considered in any subsequent environmental analysis performed by lead agencies, pursuant to Public Resources Code section 21159.1.
14. Consistent with CEQA, the Staff Report does not engage in speculation or conjecture but, rather, analyzes the reasonably foreseeable environmental impacts related to methods of compliance with the draft Policy Amendment, reasonably foreseeable mitigation measures to reduce those impacts, and reasonably feasible alternative means of compliance that would avoid or reduce the identified impacts.
15. The amendment incorporates mitigation that reduces to a level that is insignificant any adverse effects on the environment. From a program-level perspective, incorporation of the mitigation measures described in the Staff Report will foreseeably reduce impacts to less than significant levels.

16. State Water Board staff has responded to significant oral and written comments received from the public and made revisions to the proposed amendment and Staff Report as appropriate.
17. An amendment to a policy for water quality control does not become effective until adopted by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Certifies the final Substitute Environmental Document ("Staff Report"), which includes the responses to comments, and direct the Executive Director or designee to transmit the Notice of Decision to the Secretary of Resources.
2. Adopts the attached [amendment](#) to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.
3. Authorizes the Executive Director or designee to submit the amendment to OAL for review and approval.
4. Direct the Executive Director or designee to make minor, non-substantive modifications to the language of the amendment, if OAL determines during its approval process that such changes are needed, and inform the State Water Board of any such changes.

#### CERTIFICATION

The undersigned Clerk to the 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 July 19, 2011.

AYE: Chairman Charles R. Hoppin  
Vice Chair Frances Spivy-Weber  
NAY: Board Member Tam M. Doduc  
ABSENT: None  
ABSTAIN: None

  
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Jeanine Townsend  
Clerk to the Board

**Appendix C: Draft Environmental Check List**

# Administrative Record for SWRCB Resolution No. 2011-0033

*Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*

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## Appendix C – Draft Environmental Checklist

### I. Background

Project Title: Amendment to the Water Quality Control Plan on the Use of Coastal and Estuarine Waters for Power Plant Cooling

Lead Agency: State Water Resources Control Board

Address: 1001 I Street  
Sacramento, CA 95814

Contact Person: Dominic Gregorio  
(916) 341-5488

Project Description: See the Draft Staff Report and Appendix A for details

### II. Environmental Impacts

The environmental factors checked below could be potentially affected by this project. See the checklist on the following pages for more details.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Mandatory Findings of Significance |

**Administrative Record for SWRCB Resolution No. 2011-0033**

*Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*

**ISSUES**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. AESTHETICS -- Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 <b>2. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Administrative Record for SWRCB Resolution No. 2011-0033**

*Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Administrative Record for SWRCB Resolution No. 2011-0033**

*Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 5. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Administrative Record for SWRCB Resolution No. 2011-0033**

*Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. GEOLOGY AND SOILS -- Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 19-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. GREENHOUSE GAS EMISSIONS -- Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Administrative Record for SWRCB Resolution No. 2011-0033**

*Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. HAZARDS AND HAZARDOUS MATERIALS --</b>				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Administrative Record for SWRCB Resolution No. 2011-0033**

*Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>9. HYDROLOGY AND WATER QUALITY -- Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>10. LAND USE AND PLANNING - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>11. MINERAL RESOURCES -- Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. NOISE -- Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan				

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or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. POPULATION AND HOUSING -- Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>15. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16. TRANSPORTATION/TRAFFIC -- Would the project:</b>				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 17. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Result in electrical transmission grid impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**18. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**PRELIMINARY STAFF DETERMINATION**

- The proposed project **COULD NOT** have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.
- The proposed project **MAY** have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

## CONCISE SUMMARY OF REGULATORY PROVISIONS

California Code of Regulations, Title 23, Division 3, Chapter 22:

### **Section 2922. Amendment to the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling**

23 CCR § 2922

Cal. Admin. Code tit. 23, § 2922

Barclays Official California Code of Regulations

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 22. State Policy for Water Quality Control

#### **§ 2922. Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.**

(a) On May 4, 2010, the State Water Resources Control Board (State Water Board) adopted a statewide policy (Policy) on the use of Coastal and estuarine waters for power plant cooling under Resolution No. 2010-0020. The Policy establishes uniform, 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 impact.

The Policy applies to 19 existing power plants, including two nuclear plants. An owner or operator of an existing power plant must reduce the intake flow rate at each unit, at a minimum, to a level commensurate with that which can be attained by a closed-cycle wet cooling system (a minimum 93% reduction compared to the design intake flow rate). Additionally, the through-screen intake velocity must not exceed 0.5 foot per second.

If the owner or operator can demonstrate that this is not feasible, the owner or operator may comply by reducing environmental impacts for the facility comparably through other means, using operational or structural controls, or both. Previous technology-based improvements, specifically designed to reduce impacts or resulting from the replacement of steam turbine power-generating units with combined-cycle power-generating units, may be counted towards meeting the alternate requirements. Monitoring requirements are dependent upon the type of control technology chosen for compliance.

No later than one year after the effective date of this Policy, all facilities must install large organism exclusion devices and cease intake flows if not engaging in power-generating activities or critical system maintenance. The owner or operator must further mitigate any interim impacts from five years after the effective date until final compliance is achieved.

The Policy employs an adaptive management strategy that will be implemented through National Pollutant Discharge Elimination System permits. The State Water Board will convene a Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) with representatives from relevant state agencies and the California Independent System Operator to review plans and schedules submitted by dischargers and to ensure that the implementation schedule is realistic and will not jeopardize the reliability of the electric system. SACCWIS will present its recommendations to the State Water Board at least annually, and the State Water Board will amend the Policy as appropriate based on these recommendations. The schedule may also be temporarily suspended, if necessary for grid reliability purposes.

The Policy requires special studies for the nuclear-fueled power plants to address their unique issues and to evaluate appropriate requirements for those plants. The special studies shall be conducted by an independent third party overseen by a Review Committee. Within three years after the Policy's effective date, the Review Committee shall report to the State Water Board on the ability of these

plants to achieve compliance, the cost of compliance, and potential environmental impacts of compliance.

(b) Based on review of the Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy), the State Water Board adopted an amendment to this Policy under State Water Board Resolution No. 2011-0033 on July 19, 2011 that revised the Policy by adding a new Section 2.C.(4) and amending existing Section 3.E. (Table 1. Implementation Schedule).

New Section 2.C.(4) of the Policy imposes special requirements for specified fossil-fueled power plants that request a compliance plan that extends beyond December 31, 2022 that are approved by the State Water Board. The owners or operators of these facilities must:

- Commit to eliminate seawater use for cooling water purposes for all units at the facility;
- Conduct a study or studies, singularly or jointly with other facilities, to evaluate new technologies or improve existing technologies to reduce impingement and entrainment;
- Submit the results of the study and a proposal to minimize entrainment and impingement to the Chief Deputy Director of the State Water Board no later than December 31, 2015;
- Upon approval of the proposal by the Chief Deputy Director, complete implementation of the proposal no later than December 31, 2020.

Section 3.E. of the Policy was amended by changing compliance deadlines for the Los Angeles Department of Water and Power's three affected power plants: the Harbor, Haynes and Scattergood Generating Stations. The compliance date for Harbor Generating Station Unit 5 was extended from December 31, 2015 to December 31, 2029. Compliance dates for Scattergood Generating Station was changed from December 31, 2020 for all units to December 31, 2024 for Units 1 and 2, and to December 31, 2015 for Unit 3. Compliance dates for Haynes Generating Station was changed from December 31, 2019 for all units to December 31, 2013 for Units 5 and 6 and to December 31, 2029 for Units 1, 2, and 8.