

CONCISE SUMMARY OF REGULATORY PROVISIONS

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

Section 2921. “Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling”

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.