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## State Water Resources Control Board

# NOTICE OF CONSIDERATION OF ADOPTION FOR THE AMENDMENT TO THE WATER QUALITY CONTROL POLICY ON THE USE OF COASTAL AND ESTUARINE WATERS FOR POWER PLANT COOLING

## TO EXTEND THE COMPLIANCE SCHEDULE FOR ALAMITOS, HUNTINGTON BEACH, ORMOND BEACH, AND SCATTERGOOD GENERATING STATIONS

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) will consider adoption of the Proposed Final Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling to Extend the Compliance Schedule for Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations (OTC Policy Amendment) and Proposed Final Staff Report. The OTC Policy Amendment also includes a change without regulatory effect to revise the compliance date for Diablo Canyon Nuclear Power Plant. The consideration of adoption meeting will be held as follows:

**Consideration of Adoption Meeting**  
**Tuesday, August 15, 2023, at 9:30am**  
COASTAL HEARING ROOM  
Joe Serna Jr. – CalEPA Headquarters Building  
1001 I Street, Second Floor  
Sacramento, CA 95814  
And via Video and Teleconference

The proposed amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling or OTC Policy) would extend the compliance date for the following power plants:

- Alamitos Generating Station (Alamitos) Units 3, 4, and 5; Huntington Beach Generating Station (Huntington Beach) Unit 2; and Ormond Beach Generating Station (Ormond Beach) Units 1 and 2 for three years, from December 31, 2023, to December 31, 2026, to support system-wide grid reliability; and
- Scattergood Generating Station (Scattergood) Units 1 and 2 for five years, from December 31, 2024, to December 31, 2029, to support local system reliability.

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

The proposed amendment would also include a change without regulatory effect to revise the compliance date for Diablo Canyon Nuclear Power Plant (Diablo Canyon) Units 1 and 2 to October 31, 2030, to comport with the extension established through Senate Bill No. 846 (Stats. 2022, ch. 239, § 10 (SB 846)) which add section 13193.5 to the Water Code, effective September 2, 2022.

## **VIDEO AND TELECONFERENCE PARTICIPATION**

The consideration of adoption meeting will occur with both a physical meeting location and an option for the public to participate from a remote location.

- 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 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 consideration of adoption meeting 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."

## **BACKGROUND**

The State Water Board adopted the [OTC Policy](#) on May 4, 2010 (effective date October 1, 2010), and amended it several times, with the last amendment on October 19, 2021 (effective date December 23, 2021). 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 includes compliance dates for power plants using once-through cooling technology with orderly retirements and replacement of capacity aimed at maintaining local and system-wide electrical grid reliability in the State of California. Of the nineteen power plants originally covered by the OTC Policy, eleven have either retired, repowered, or have come into final compliance.

The joint-agency Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) was created to advise the State Water Board on the implementation of the OTC Policy, ensuring compliance schedules take into account the reliability of California's electricity supply, including local area reliability, statewide grid reliability, and permitting constraints.

Recent events have resulted in the need to consider extending OTC power plant compliance dates to address both system and local reliability. On September 30, 2022, the SACCWIS recommended the State Water Board extend the compliance dates for

Alamitos, Huntington Beach, and Ormond Beach to address system-wide grid reliability concerns associated with the following circumstances. The California Public Utilities Commission, California Energy Commission, and California Independent System Operator conducted a reliability analysis in May 2022 that considered impacts from extreme weather events, wildfires, supply chain constraints, interconnection and permitting concerns, and improved climate change updates in the electricity demand forecast. The analysis also considered the potential for coincidental events that could further adversely affect system-wide reliability, such as a simultaneously occurring heat wave, drought, and wildfire affecting transmission capacity. The resulting conclusions of this analysis identified a need for resource capacity beyond existing required planning criteria. Specifically, this new analysis identified a projected shortfall of up to 10,000 megawatts in summer 2025. In recognizing these issues, the State Legislature subsequently adopted, and the Governor signed, Assembly Bill No. 205 (Stats. 2022, ch. 61; effective June 30, 2022) (AB 205), which created a statewide Electricity Supply Strategic Reliability Reserve Program to bolster system reliability while California procures clean energy resources, including extending the operations of power plants currently scheduled for retirement.

Also on September 30, 2022, the SACCWIS reviewed a request from the Los Angeles Department of Water and Power (LADWP) to extend the OTC Policy compliance date of Scattergood for five years from December 31, 2024, to December 31, 2029. The extension would provide time for planning, permitting, procurement, and construction of a new, non-OTC power plant at the Scattergood site and transmission infrastructure projects to ensure local grid reliability while LADWP transitions to zero-carbon energy. SACCWIS reviewed the LADWP's extension request and supporting documentation and found no cause for objecting. The SACCWIS therefore approved the [2022 Special Report of the SACCWIS](#), which includes alternatives and support for the LADWP's request to extend the OTC Policy compliance date for Scattergood for five years to support local grid reliability.

The proposed amendment to the OTC Policy would extend the compliance dates for Alamitos, Huntington Beach, Ormond Beach, and Scattergood generating stations per the recommendations and statements of support of the SACCWIS to support grid reliability. The California Public Utilities Commission, California Energy Commission, and the California Independent System Operator provided a letter to the State Water Board on November 30, 2022, clarifying that their recommendation is contingent upon Alamitos, Huntington Beach, and Ormond Beach participating in the Electricity Supply Strategic Reliability Reserve Program and not serving as Resource Adequacy resources.

The proposed amendment would also include a change without regulatory effect to revise the compliance date for Diablo Canyon. This change will ensure the OTC Policy is consistent with the compliance date that was already extended by SB 846, which was approved by Governor Gavin Newsom and became effective on September 2, 2022, to support statewide grid reliability.

The State Water Board released the Draft OTC Policy Amendment and Draft Staff Report for public comment on January 31, 2023. The public comment period closed at noon on March 17, 2023. The State Water Board held a public hearing to receive oral comments on the Draft Amendment and Draft Staff Report on March 7, 2023.

## **DOCUMENT AVAILABILITY**

The Draft Amendment and Draft Staff Report are available on the [OTC Policy documents website](#). The Proposed Final OTC Policy Amendment, Proposed Final Staff Report, and responses to comments will be made available on the [OTC Policy documents website](#) on or before July 26, 2023. You may request paper copies of the documents by contacting Jonathan Dolan at (916) 323-0880 or via email at [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov).

Information pertaining to the SACCWIS is posted on the [SACCWIS website](#). The OTC Policy and supported documents are available on the [OTC Policy documents website](#).

## **PROCEDURAL MATTERS**

If you require language interpretation or sign language services, please email a request to [jonathan.dolan@waterboards.ca.gov](mailto:jonathan.dolan@waterboards.ca.gov) as far in advance of the meeting as possible. Telecommunications devices for hearing impaired (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

## **PARKING AND ACCESSIBILITY**

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board website: <http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5254 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

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](#).

**CONTACT INFORMATION**

Please direct questions about this notice, the amendment, or the OTC Policy to Jonathan Dolan at (916) 323-0880 or [Jonathan.Dolan@waterboards.ca.gov](mailto:Jonathan.Dolan@waterboards.ca.gov) or Katherine Walsh at (916) 445-2317 or [Katherine.Walsh@waterboards.ca.gov](mailto:Katherine.Walsh@waterboards.ca.gov).

Date June 30, 2023



Courtney Tyler  
Clerk to the Board