

EXECUTIVE OFFICER SUMMARY REPORT  
December 16, 2015

- ITEM: 9
- SUBJECT: National Pollutant Discharge Elimination System (NPDES) Permit Reissuance: Southern California Edison Company, San Onofre Nuclear Generating Station Discharge to the Pacific Ocean (Tentative Order No. R9-2015-0073, NPDES No. CA0109282). *(Ben Neill)*
- PURPOSE: To receive public testimony and consider adoption of Tentative Order No. R9-2015-0073 (Tentative Order).
- RECOMMENDATION: Adoption of the Tentative Order (**Supporting Document No. 1**) is recommended.
- KEY ISSUES:
1. In June 2013, Southern California Edison (Discharger) announced that it had permanently retired San Onofre Nuclear Generating Station Units 2 and 3 (Facility), thus enabling the Discharger to begin decommissioning the Facility. The Tentative Order establishes waste discharge requirements regulating the intake and discharge of seawater for cooling purposes as well as multiple waste stream discharges that will continue at the Facility during the decommissioning process.
  2. Due to the cessation of power generation operations at the Facility, the intake and effluent cooling water flow rates at the Facility have been drastically reduced and will eventually be eliminated.
  3. If adopted, the Tentative Order will replace two prior NPDES permits for the Facility<sup>1</sup>. This consolidation reduces the San Diego Water Board NPDES permit reissuance burden and offers maximum efficiency and economy of resources in protecting and improving water quality.

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<sup>1</sup> Order No. R9-2005-0005, *Waste Discharge Requirements for Southern California Edison Discharge to the Pacific Ocean Through Outfall 002 from San Onofre Nuclear Generating Station, Unit 2*; and Order No. R9-2005-0006, *Waste Discharge Requirements for Southern California Edison Discharge to the Pacific Ocean Through Outfall 003 from San Onofre Nuclear Generating Station, Unit 3*.

4. The State Water Resources Control Board (State Water Board) *Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling Policy)* is applicable to the withdrawal of ocean waters for cooling purposes at the Facility. The Tentative Order includes a compliance schedule to install a large organism exclusion device (LOED), consistent with the provisions in the Once-Through Cooling Policy.
5. In 1976, the U.S. Supreme Court found that the Atomic Energy Act (AEA) gives exclusive jurisdiction to the U.S. Nuclear Regulatory Commission (NRC) to regulate radioactive materials at nuclear facilities. As in previous orders, the Tentative Order does not regulate the use, discharge or storage of radioactive materials, including the storage of spent radioactive waste at the Facility or elsewhere, to the extent that such materials are the responsibility of the NRC pursuant to the AEA.

**PRACTICAL VISION:**

Consistent with the mission of the *Strategy for Healthy Waters* chapter of the Practical Vision, the Tentative Order integrates all applicable technology-based requirements, water quality-based effluent limitations, and receiving water quality standards in order to optimize protection of water quality and beneficial uses in the Pacific Ocean. Additionally, the Tentative Order has provisions allowing for participation in regional monitoring and assessment programs to meet individual monitoring requirements in keeping with San Diego Water Board Resolution No. R9-2012-0069, *Resolution in Support of a Regional Monitoring Framework*.

**DISCUSSION:**

The Facility is located immediately adjacent to the Pacific Ocean within the boundaries of the U.S. Marine Corps Base, Camp Pendleton, approximately two and one-half miles southeast of San Mateo Point and the City of San Clemente, and approximately 12 miles northwest of the City of Oceanside (see **Supporting Document No. 2**). The Facility is principally owned and solely operated by the Discharger.

The Facility is comprised of three separate areas, known as the North Industrial Area (formerly Unit 1), Unit 2, and Unit 3. The Discharger terminated power generation operations at Unit 1 in 1992. Decommissioning of Unit 1 began in 1999 and most of the Unit 1 structures and equipment have since been

removed and disposed. In June 2013, the Discharger provided notice that Units 2 and 3 had permanently ceased power generation operations and subsequently began preparations for decommissioning these areas of the Facility. The term decommissioning refers to a defined process under NRC regulatory authority that involves transferring the used nuclear fuel at the Facility into safe on-site storage, followed by the removal and disposal of radioactive components and materials. Longer term, this process calls for reducing residual radioactivity at the Facility to a level that supports termination of the NRC license. The NRC regulations currently require that nuclear power plant decommissioning be completed within 60 years; the exact duration of the Facility decommissioning process is not known at this time.

Since ceasing power generation operations at the Facility, the Discharger has reduced cooling water intake flows by approximately 96 percent. The Facility's intake pumps currently supply an average of 49 million gallons per day of seawater to meet cooling water needs and to provide dilution of various wastewater stream flows. The combined seawater and wastewater stream flows are ultimately discharged back to the Pacific Ocean through two existing ocean outfalls (Outfalls Nos. 002 and 003.)

The Tentative Order includes a compliance schedule to install a LOED to prevent the entrapment of large organisms such as marine mammals and sea turtles in the offshore intake structures, consistent with the provisions in the Once-Through Cooling Policy.

The Tentative Order also modifies the effluent limitations and monitoring requirements consistent with the *Water Quality Control Plan for Ocean Waters of California* (California Ocean Plan) and requires the Test of Significant Toxicity (TST) approach to determine whether or not the discharge is toxic.

As discussed in the Key Issues section above, the NRC has exclusive jurisdiction under the AEA to regulate the use, discharge, or storage of radioactive materials at the Facility, in accordance with a 1976 ruling by the U.S. Supreme Court. Radioactive materials covered by the AEA are those encompassed in its definition of source, byproduct, or special nuclear materials. Pollutants subject to regulation under an NPDES permit as defined in applicable USEPA regulations at 40 CFR 122.2 do not include these radioactive materials.

Therefore, as in previous orders for the Facility, the Tentative Order does not regulate radioactive waste to the extent that such materials are the responsibility of the NRC.

The Tentative Order was noticed and released for formal public comment on September 25, 2015. Written comments were received from the Discharger (**Supporting Document No. 3**). A Response to Comments Report containing the San Diego Water Board responses to these comments is provided as **Supporting Document No. 4**.

In general, the Discharger requested non-substantive clarifications and corrections to the Tentative Order's requirements. Modifications to the Tentative Order have been made to address some of these comments and to correct a few other minor errors. The Tentative Order modifications are shown in Supporting Document No. 1 in underline/strikeout format.

**LEGAL CONCERNS:**

None

**SUPPORTING DOCUMENTS:**

1. Revised Tentative Order No. R9-2015-0073
2. Location Map
3. Comments from the Discharger, dated October 23, 2015
4. San Diego Water Board Response to Comments Report

**COMPLIANCE RECORD:**

During the term of Orders Nos. R9-2005-0005 and R9-2005-0006, there were 14 reporting violations pertaining to incomplete reports and late submittals of reports. Staff enforcement letters were sent to the Discharger requesting that steps be taken to eliminate and prevent the reoccurrence of the reporting violations. The Discharger reported that personnel changes at the Facility following cessation of normal operations caused confusion regarding report submittals. The Discharger has moved knowledgeable staff back into place to ensure that future reports are complete and submitted on time.

**PUBLIC NOTICE:**

The Tentative Order was noticed and released for formal public review and comment on September 25, 2015. On September 25, 2015, a public notice was published in the Orange County Register newspaper and in the San Diego Union Tribune newspaper's North County edition. Notice was also provided in the meeting notice and agenda for the December 16, 2015 Board meeting, which is posted on the San Diego Water Board's website. The release for public

review and comment also included an email sent to all known interested parties and posting on the San Diego Water Board's website.