



June 4, 2013

Greetings members of the State Water Resources Control Board,

We have reviewed the PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL POLICY ON THE USE OF COASTAL AND ESTUARINE WATERS FOR POWER PLANT COOLING that is under consideration by the State Water Quality Control Board. We have closely followed the development of the existing policy enacted by the State Water Board to reduce the harmful effects associated with cooling water intake structures on marine and estuarine life and its adoption in 2010 and amendments in 2011.

As the staff report on the Proposed Amendment states, all of the once-through-cooling (OTC) power plant National Pollution Discharge Elimination System Permits (NPDES) have expired and new permits must be issued as "promptly as possible." Staff believes it will be "more effective" to have the Regional Water Boards review and possibly renew their corresponding NPDES Permits rather than to have one single Board, the State Water Board, adopt numerous NPDES Permits. In addition, staff believes the Regional Water Boards are better informed to deal with all the local water quality issues and concerns, other than OTC. In summary, it is more efficient to have the Regional Water Boards issue the NPDES Permits. To ensure consistency on the OTC issues and implementation, consultation will be provided to regional boards by the State Water Board staff.

However, the amendment specifies neither the type of involvement or support nor the degree. We understand from conversations with State Board staff that it will be their responsibility, and not the responsibility of Regional Board staff, to prepare, in its entirety, that portion of the NPDES permit pertaining to once-through cooling.

We have been told Regional Board staff will only address water quality issues, such as thermal discharges, metal discharges, etc. This would go a long way to alleviate our concerns. But if that is indeed the case, then this delegation of responsibility between the two Boards and their staffs should be expressly defined in the amendment to the OTC policy.

We also emphasize the importance, regardless of whether it is the State or Regional Board issuing the NPDES permit, that all meetings and hearings be held where the corresponding power plant is located. Such local accessibility is vital for meaningful public comment and input.

We concur that subject power plants should not be allowed to operate without NPDES permits any longer than necessary. Our experience with the Central Coast Regional Water Quality Control Board has been that its members and staff are capable of dealing with the local water quality issues in its area of jurisdiction. But concerns may develop with regard to the way that all the regional boards interpret the amendment. Therefore, the plan for the State Water Board staff to provide consultation to the regional boards should ensure the desired consistency for the regional boards related to implementation of the policy.

The amendment, in describing the implementation of the new policy giving regional boards the authority to administer NPDES permits, uses terms like consistency in interpreting the amendment by the regional boards and consultation to be carried out with regional boards by the State Water Board. We are very pleased that the State Water Board staff recognizes that consultation is needed to bring about consistency.

But it does not remove other concern we have regarding possible appeals of regional board decisions to the State Water Board. Existing state regulations may provide that such appeals would be carried out under the amendment. But we believe that NPDES permits are so important to the operations of coastal power plant and critical to the protection of coastal sea life that appeal procedures should be stated clearly within the amendment, thereby removing any doubts that appeals would be guaranteed.

Thank you for this opportunity to express our views about the proposed amendment,

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