



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

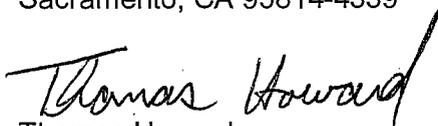
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Arnold Schwarzenegger  
Governor

TO: Susan Lapsley  
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FROM: Thomas Howard  
Executive Director  
**EXECUTIVE OFFICE**

DATE: September 27, 2010

SUBJECT: MINOR, NON-SUBSTANTIVE REVISION TO STATE WATER RESOURCES CONTROL BOARD'S STATEWIDE WATER QUALITY CONTROL POLICY ON THE USE OF COASTAL AND ESTUARINE WATERS FOR POWER PLANT COOLING  
**OAL FILE# 2010-0813-05 S**

During the Office of Administrative Law's (OAL) review of the above-referenced state policy for water quality control, OAL staff requested more precision in the policy's reference to a technical report containing costs. Pursuant to State Water Resources Control Board Resolution 2010-0020, the board "[d]irect[ed] the Executive Director or designee to make minor, non-substantive modifications to the language of the Policy, if during the OAL approval process, OAL determines that such changes are needed for clarity or consistency, and inform the Board of any such changes." (Res. No. 2010-0020, Resolved ¶ 4.)

Consistent with the authority provided to me in the board's approval resolution, I make the following minor, non-substantive modification to the language of the policy. The changes are reflected in **bold-underline** below. In Section 3.D.8 (pages 11-12) of the May 4, 2010 adopted policy, please make the following revision to provide greater clarity on the specific costs referenced in the policy:

(8) If the State Water Board finds that for a specific *nuclear-fueled power plant\** to implement Track 1, either (1) the costs are wholly out of proportion to the costs identified in Tetra Tech, Inc., California's Coastal Power Plants: Alternative Cooling System Analysis, February 2008 (**see pages ES-10 [summary], C-1 – C-2 and C-23 – C-40 [Diablo Canyon Power Plant] and N-1 – N-2 and N-25 – N-42 [San Onofre Nuclear Generating Station]**) and considered by the State Water Board in establishing Track 1, or (2) that compliance is wholly unreasonable based on the factors in paragraphs 7(b) and (c), then the State

Water Board shall establish alternate requirements for that *nuclear-fueled power plant*\*. The State Water Board shall establish alternative requirements no less stringent than justified by the wholly out of proportion (i) cost and (ii) factor(s) of paragraph (7). The burden is on the person requesting the alternative requirement to demonstrate that alternative requirements should be authorized.

Thank you for your assistance in this matter.

cc: **(via e-mail only)**  
Board Members  
Michael Lauffer, OCC  
Dominic Gregorio, DWQ  
Joanna Jensen, DWQ  
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