

Rulemaking 12-03-014 (LTPP Local Reliability Track I)

Exhibit No. _____

Witness James H. Caldwell, Jr.

Commissioner Michel P. Florio

ALJ David R. Gamson

**CENTER FOR ENERGY EFFICIENCY AND
RENEWABLE TECHNOLOGIES**

**LOCAL RELIABILITY TRACK I
SUPPLEMENTAL TESTIMONY**

Rulemaking 12-03-014
Long Term Procurement Plans (LTPP)
Track 1 (Local Reliability)

July 25, 2012

CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES
SUPPLEMENTAL TESTIMONY
RULEMAKING (R) 12-03-014:
LONG TERM PROCUREMENT PLANS (LTPP): LOCAL RELIABILITY TRACK I

By oral ruling at the Prehearing Conference (PHC) held in the Long Term Procurement Plans (LTPP) Local Reliability Track 1 on July 9, 2012, Administrative Law Judge (ALJ) Gamson directed that citations in Opening Testimony to weblinks (URL) or on-line documents would not be accepted. To the extent that a party wished to rely on such cited material, ALJ Gamson directed that a hard copy version of relevant pages must be provided by Supplemental Testimony served by July 25, 2012.

By this Supplemental Testimony, the Center for Energy Efficiency and Renewable Technologies (CEERT) provides the relevant pages from on-line or weblink citations used in the Opening Testimony of James Caldwell on behalf of CEERT. The footnotes where such citations occurred are noted, followed by the relevant pages from the cited document.

**CEERT OPENING TESTIMONY
JUNE 25, 2012**

**Footnote 2, at Page I-1; Footnote 3, at Page II-3;
Footnote 6, at Page II-4; Footnote 7, at Page II-5;**

***Relevant pages from the
Presentation by the
California Independent System Operator
CPUC's Workshop Held on June 4, 2012
Slides 12, 16, 18, 20-21, 33-37, 62, 76, 83***



California ISO

Shaping a Renewed Future

Operating Flexibility Analysis for R.12-03-014

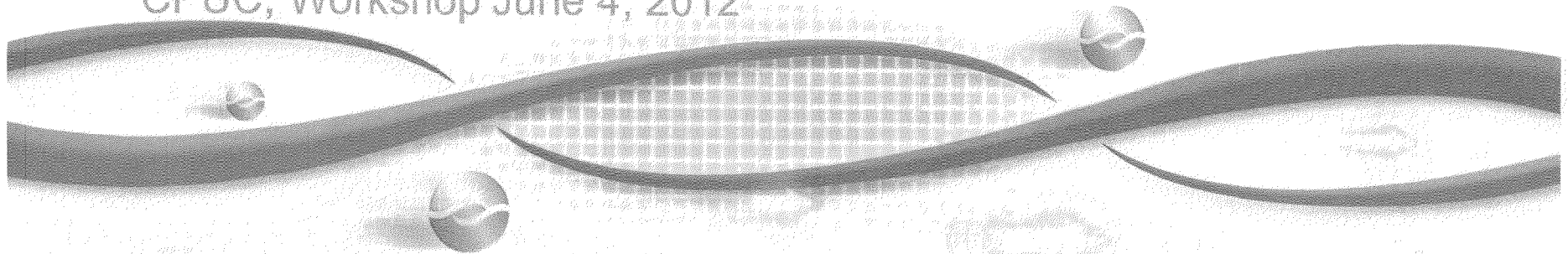
Mark Rothleder, Executive Director, Market Analysis and Development

Shucheng Liu, Principal Market Developer

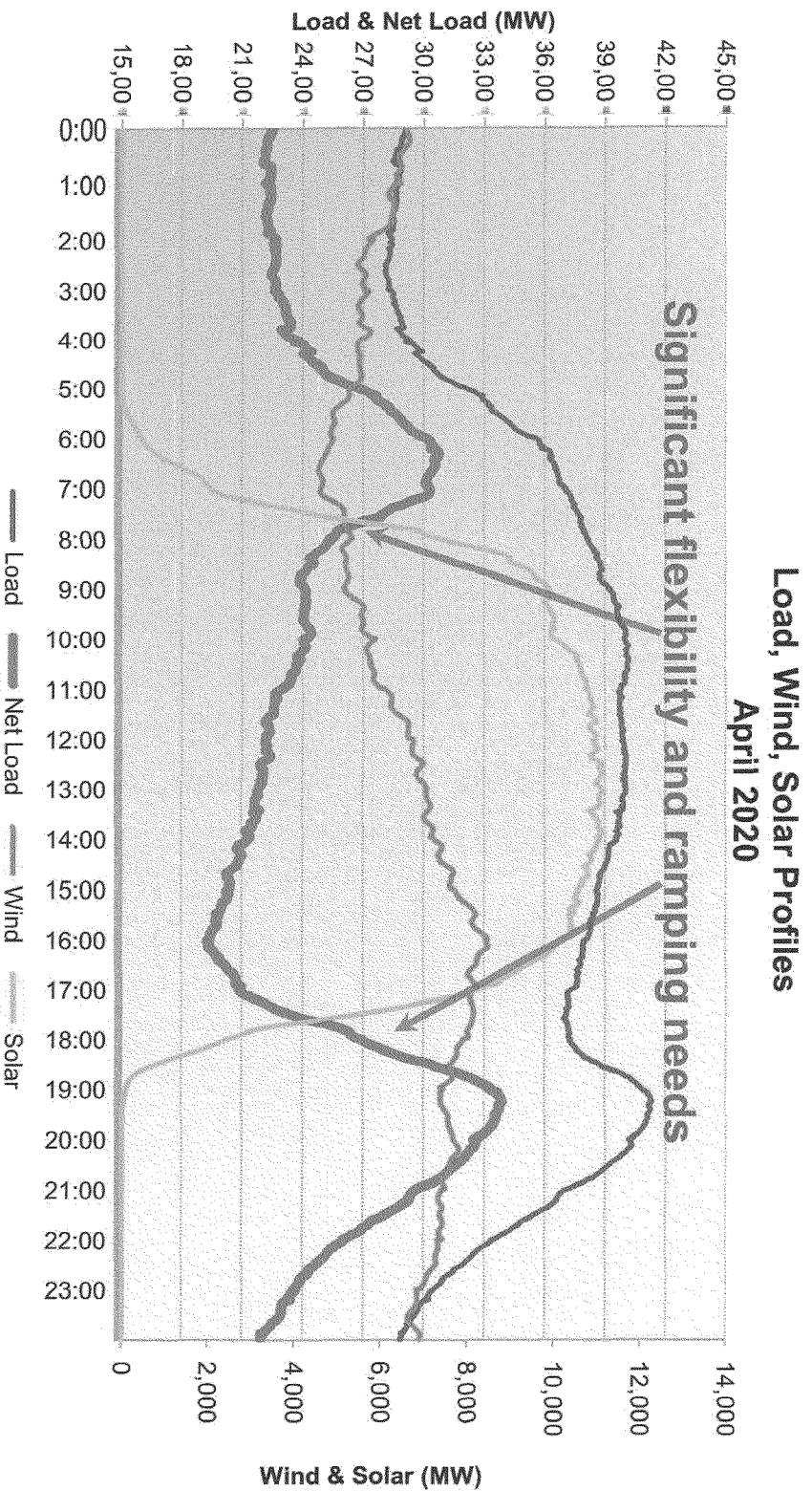
Clyde Loutan, Senior Advisor

Arne Olson , E3

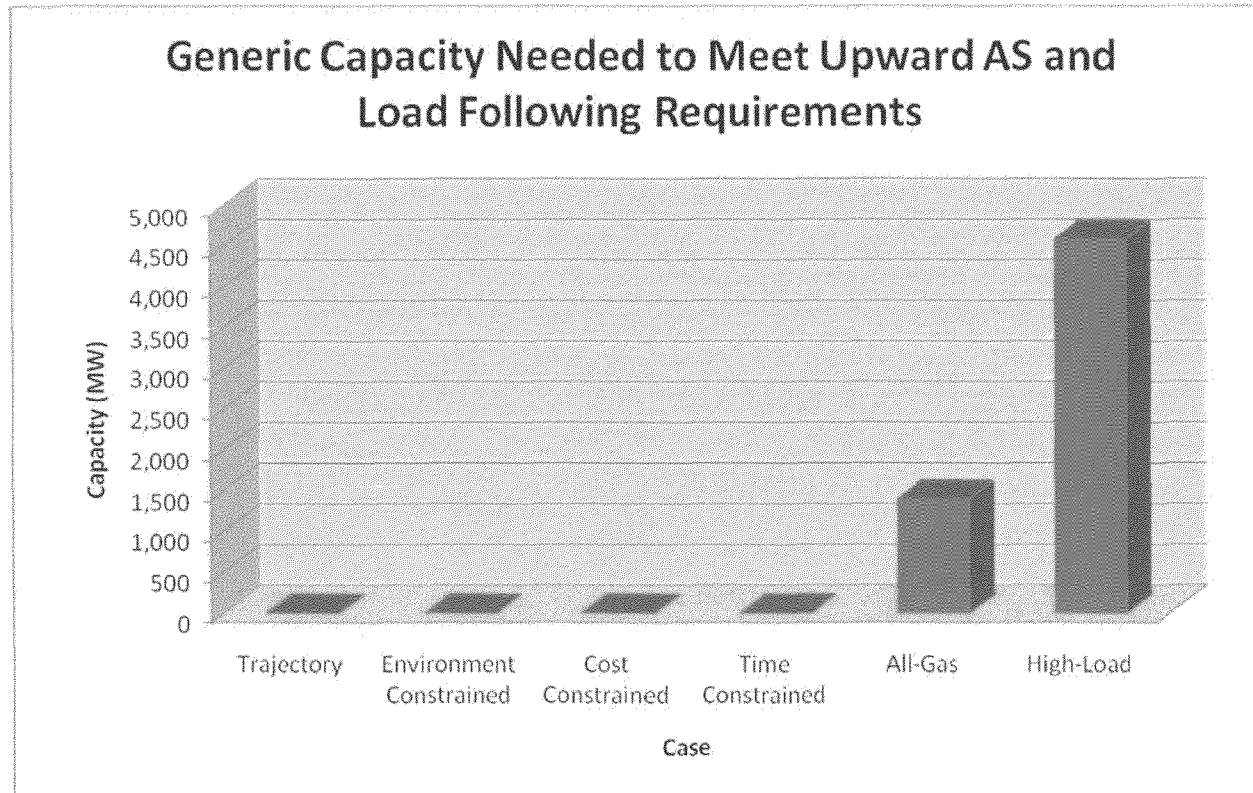
CPUC, Workshop June 4, 2012



Conventional resources will be dispatched to the net load demand curve

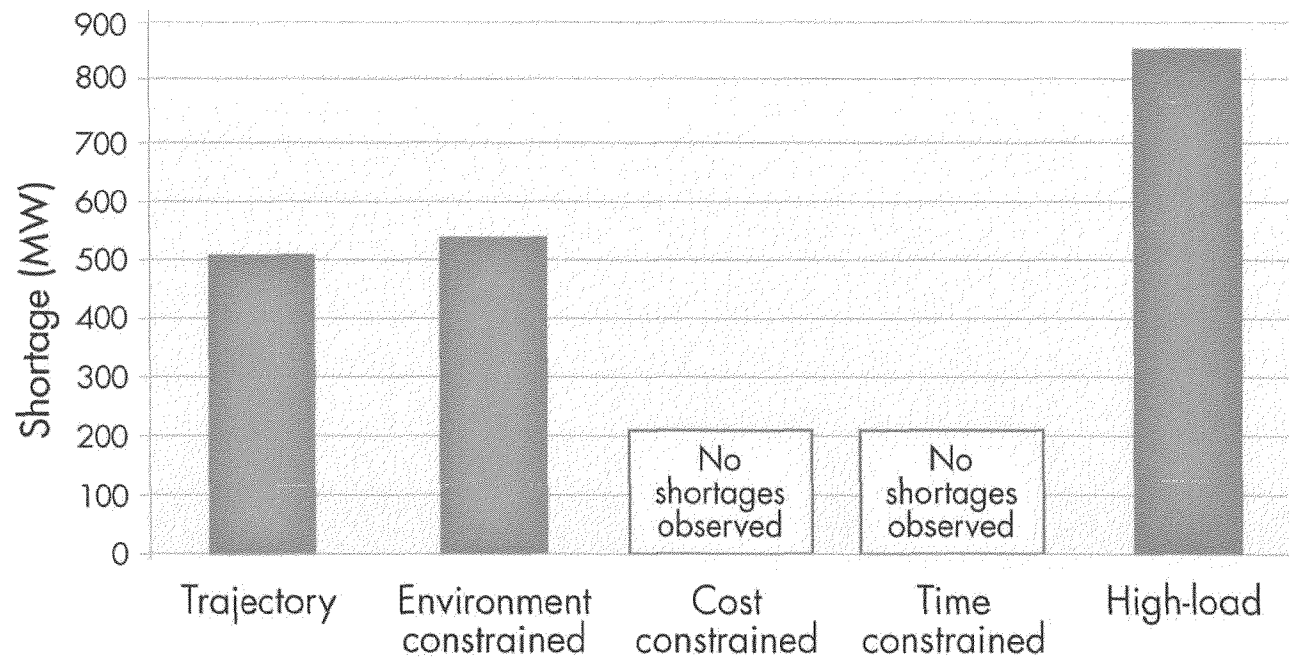


Generic resources are added to meet upward ancillary services and load following requirements in the two cases.



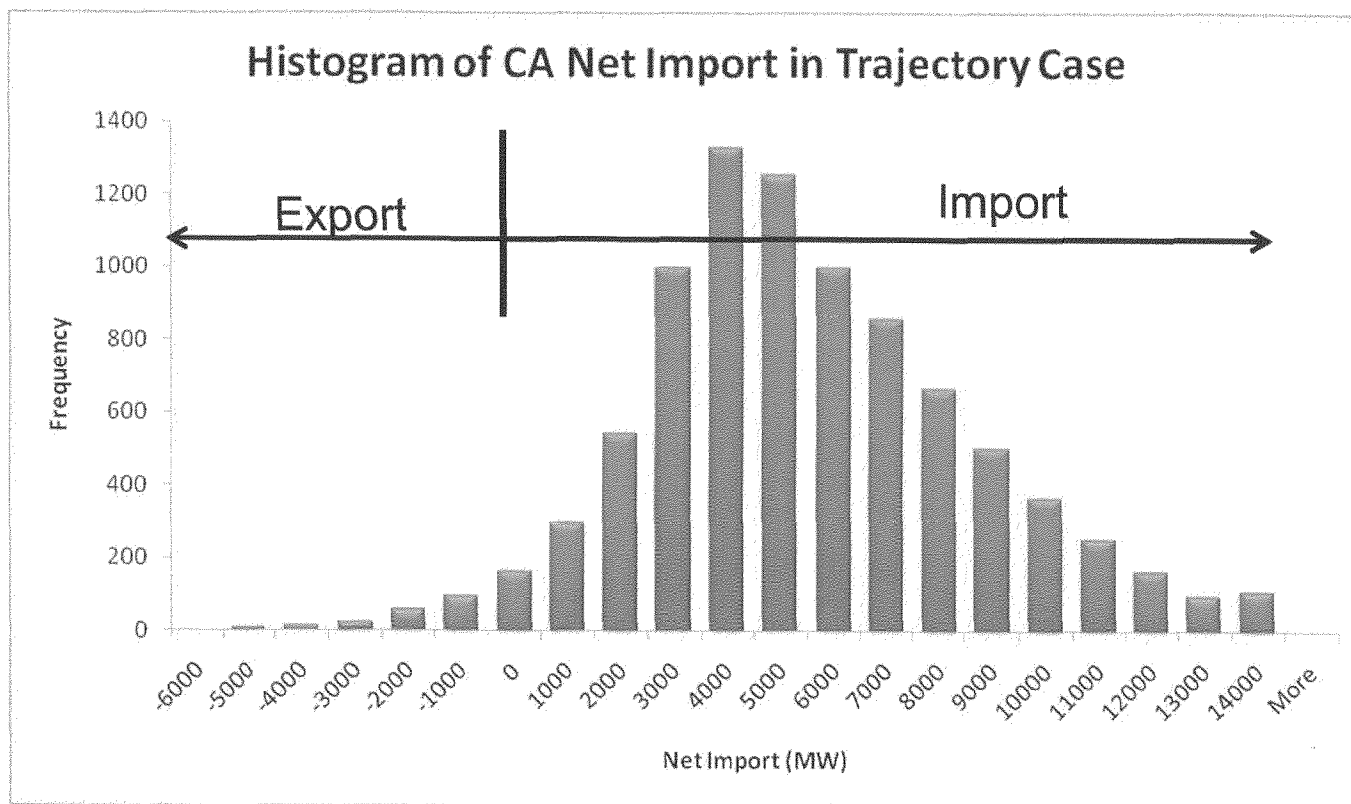
Out of approximately 3,500 MW downward balancing requirements, some hours of potential shortages were observed.

Downward balancing shortage



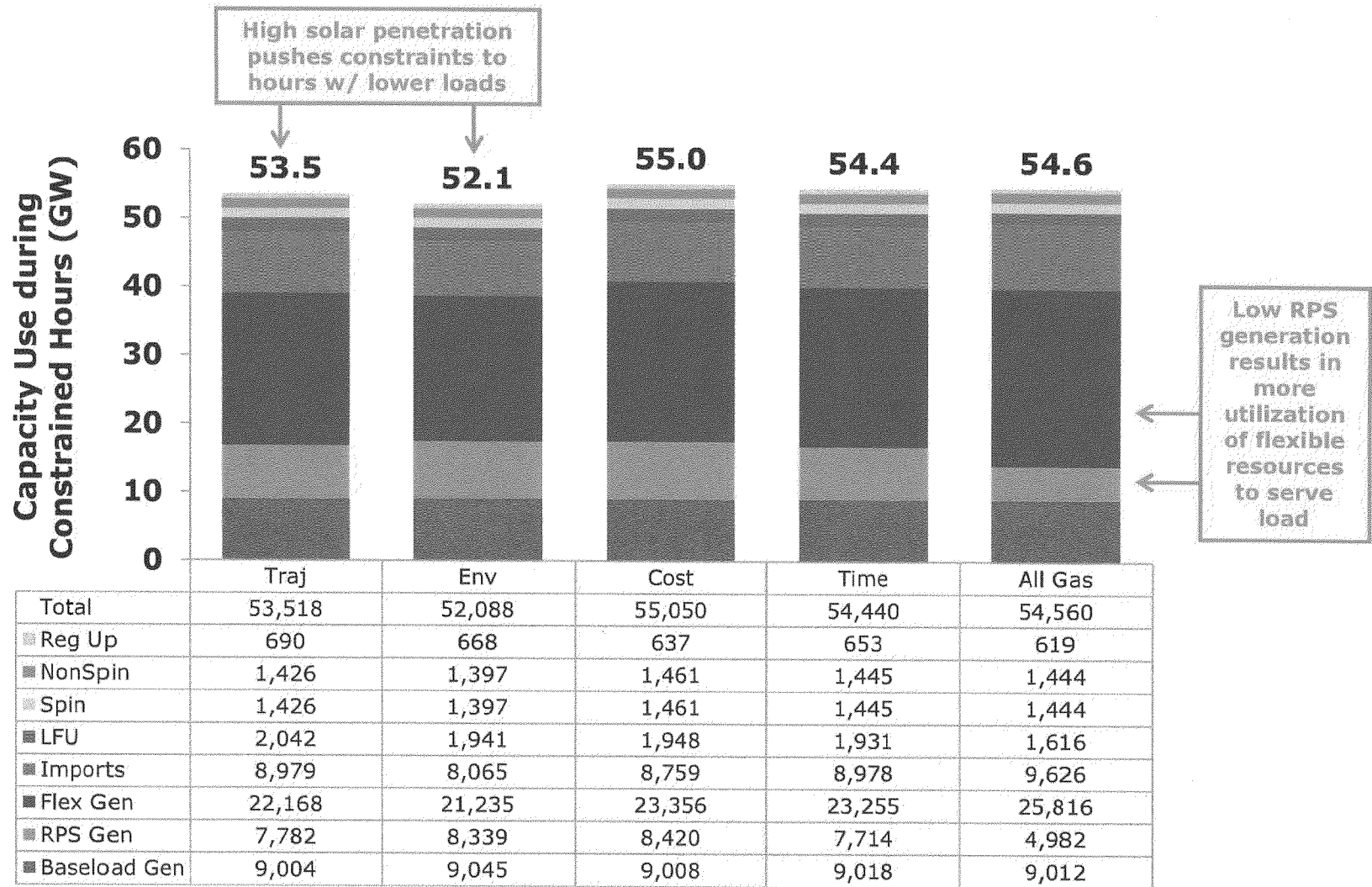
Note: Downward balancing may be more effectively and efficiently managed using curtailment or storage rather than less economic dispatch of flexible resources to higher level to maintain downward flexibility

Large quantity of net export observed in the cases need to be reviewed.



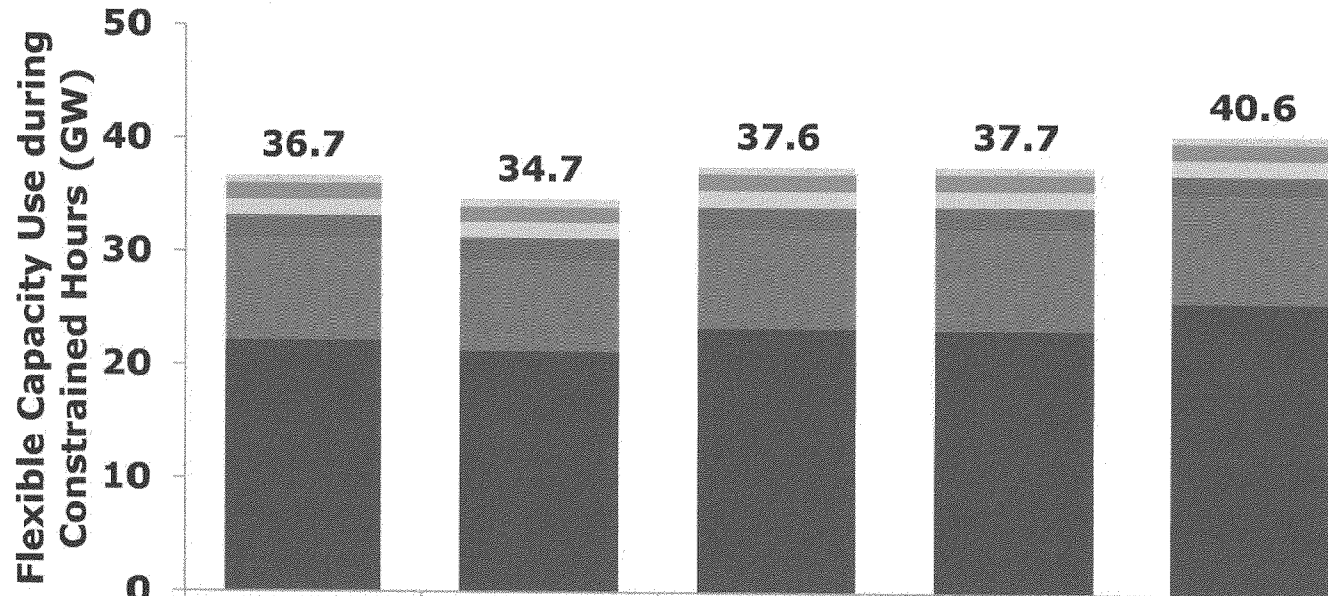


CAISO Resource Utilization in Constrained Hours





CAISO Flexible Resource Utilization in Constrained Hours



Largest difference between cases is the amount of flexible capacity use to serve load—not the change in A/S requirements

	Traj	Env	Cost	Time	All Gas
Total	36,731	34,704	37,622	37,708	40,565
Reg Up	690	668	637	653	619
NonSpin	1,426	1,397	1,461	1,445	1,444
Spin	1,426	1,397	1,461	1,445	1,444
LFU	2,042	1,941	1,948	1,931	1,616
Imports	8,979	8,065	8,759	8,978	9,626
Flex Gen	22,168	21,235	23,356	23,255	25,816



Breakdown of Differences – Environmental vs. All-Gas

Component	Environmental Case	All-Gas Case	Difference
Load	46,685	49,437	2,752
- Baseload Generation	9,045	9,012	(33)
- RPS Generation	8,339	4,982	(3,356)
+ Contingency Reserves	2,794	2,888	94
+ Regulation Up	668	619	(49)
+ Load Following Up	1,941	1,616	(325)
= Flexibility Requirement	34,704	40,565	5,861

High solar penetration pushes constrained hours off the peak period in the environmental case

Low RPS penetration in the All-Gas case results in much less RPS generation during constraints

Regulation and load following requirements are slightly higher in the Environmental case, driven by the higher penetration of intermittent resources

Table shows average requirements and resource performance over the top 50 constrained hours



System Need for New Resources

+ **The resulting need in the All-Gas case is better described as “system need”**

- The primary distinction between the All-Gas case and the other four is its net load—**not** its ancillary services requirements

+ **The variations in net load are substantially larger than the variations in ancillary services requirements—which suggests that two questions are key to forward-looking capacity planning:**

1. How high are loads expected to be?
2. How much renewable generation can be counted on to offset peak loads?

+ **Both of these questions lend themselves to more robust analysis through a probabilistic, LOLP-type analysis**

Summary of Flexible Resource Use during Constrained Hours

Scenario	Net Load ¹ [MW]	Total A/S Requirement ² [MW]
Trajectory	31,146	5,585
Environmental	29,301	5,403
Cost	32,115	5,506
Time	32,233	5,475
All Gas	35,442	5,123

¹ Sum of CAISO flexible generation and imports

² Sum of load following up, regulation up, and spinning & non-spinning reserves



Lessons Learned

+ Need in PLEXOS-based methodology is sensitive to many factors besides variable energy resource (VER) integration requirements

- Load
- Imports
- Hydro production levels
- Renewable resource production during critical hours

All of these factors are bigger drivers of need than flexibility requirements

+ These factors are traditionally addressed through a different type of analysis

- Reliability analysis focused on the potential for loss of load

+ Need to calibrate California's fleet based on these other factors before evaluating whether it has enough flexibility to accommodate VER

High-Load Trajectory case LCR resources monthly average capacity factors in production cost-run.

	1	2	3	4	5	6	7	8	9	10	11	12
CCGT - CA Average	42.2%	37.9%	34.6%	29.1%	30.3%	37.4%	61.9%	62.8%	52.9%	46.1%	40.4%	43.4%
GT – CA Average	6.5%	7.1%	5.3%	5.4%	5.4%	5.4%	9.8%	7.9%	4.3%	4.4%	5.4%	5.9%
SCE LCR CCGT	78.8%	79.2%	79.4%	78.4%	78.1%	77.6%	83.0%	83.7%	81.2%	80.6%	79.7%	79.6%
SCE LCR LMS100	10.2%	13.5%	12.0%	10.4%	10.6%	16.2%	21.3%	19.8%	8.2%	10.3%	8.4%	10.5%
SDGE LCR CCGT	79.1%	79.6%	78.5%	79.8%	78.4%	78.8%	83.2%	84.3%	80.8%	80.4%	79.6%	79.9%

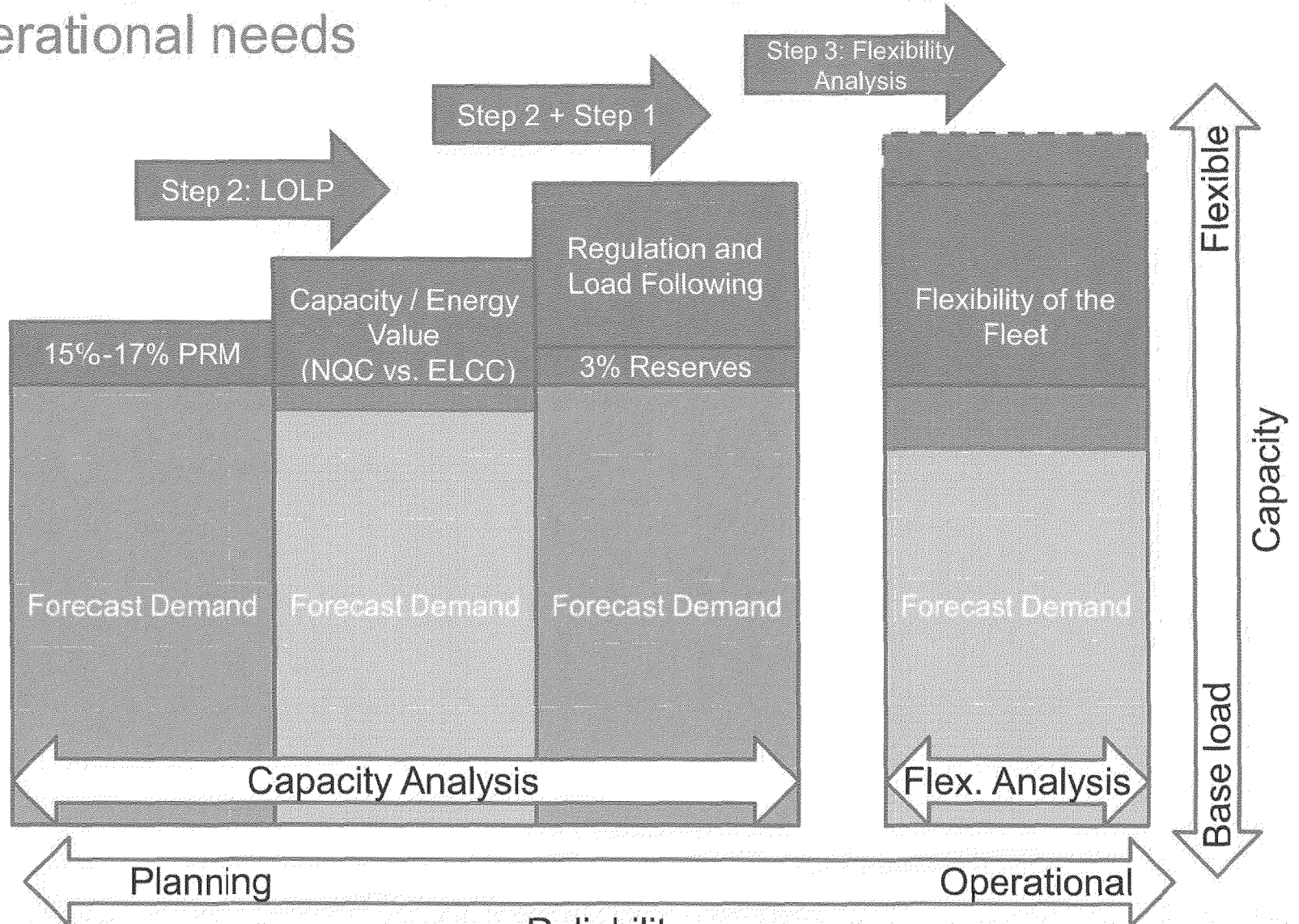
Note: Emissions limitations not modeled.

- SCE LCR CCGT – 2 x 500 MW CCGT units, each unit has Pmin = 200 MW, ramp rate = 7.5 MW per minute
- SCE LCR LMS100 – 18 x 100 MW GT units, each unit has Pmin = 50 MW, ramp rate = 12 MW per minute
- SDGE LCR CCGT – 1 x 373 MW CCGT unit with Pmin = 200 MW, ramp rate = 7.5 MW per minute

Where We Are Now

- CAISO is now proposing to supplement our modeling with a different type of analysis to address those factors unrelated to integration need, as a new step in the process
 - Reliability modeling that calculates Loss of Load Probability (LOLP) and Loss of Load Expectation (LOLE)
 - PG&E and E3 have been developing models to conduct this analysis
 - CAISO has also developed a stochastic analysis approach that to test simultaneous ramping capability
 - CAISO has not yet decided which model to use in this case

Flexibility needs analysis bridges planning and operational needs



**CEERT OPENING TESTIMONY
JUNE 25, 2012**

Footnote 8, at Page III-2

***State Water Resources Control Board
Resolution No. 2011-0033***

***Adoption of an Amendment to the Water Quality Control Policy on
The Use of Coastal and Estuarine Waters for Power Plant Cooling***

July 19, 2011

Administrative Record for SWRCB Resolution No. 2011-0033

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0033**

**ADOPTION OF AN AMENDMENT TO THE WATER QUALITY CONTROL POLICY ON THE
USE OF COASTAL AND ESTUARINE WATERS FOR POWER PLANT COOLING**

WHEREAS:

1. The State Water Resources Control Board (State Water Board) is designated as the state water pollution control agency for all purposes stated in the Clean Water Act, including water quality control planning and waste discharge regulation.
2. The State Water Board is responsible for adopting state policy for water quality control, which may consist of water quality principles, guidelines, and objectives deemed essential for water quality control.
3. On May 4, 2010, the State Water Board adopted the statewide "*Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*" (Policy) under Resolution No. 2010-0020. The Policy was approved by the Office of Administrative Law on September 27, 2010 and became fully effective on October 1, 2010.
4. 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.
5. The Policy applies to 19 existing power plants located along the California coast, and is implemented through National Pollutant Discharge Elimination System (NPDES) permits, issued pursuant to Clean Water Act Section 402, which authorize the point source discharge of pollutants to navigable waters.
6. The State Water Board and Regional Water Quality Control Boards are authorized to issue NPDES permits to point source dischargers in California, including power plants subject to the Policy.
7. Section 3.A of the Policy required the owner or operator of an affected fossil-fueled power plant to submit an implementation plan to the State Water Board by April 1, 2011. The implementation plan must identify the selected compliance alternative, describe the general design, construction, or operational measures that will be undertaken to implement the alternative, and propose a realistic schedule (including any requested changes to the default final compliance dates identified in the Policy) for implementing these measures that is as short as possible.
8. The State Water Board has received implementation plans from all power plant owners and/or operators as requested by April 1, 2011, including implementation plans for the three power plants using once-through cooling (OTC) that are owned and operated by the Los Angeles Department of Water and Power (LADWP). These facilities are the Harbor Generating Station, Haynes Generating Station, and the Scattergood Generating Station. In its submissions, LADWP commits to repowering all their OTC plants with

Administrative Record for SWRCB Resolution No. 2011-0033

more efficient facilities that use closed-cycle cooling, which requires no seawater intake or discharge. LADWP also requests changes to existing Policy compliance dates for its facilities on a unit-by-unit basis rather than facility-wide basis. LADWP commits to meeting the deadlines earlier than required for some of its power-generating units, in return for meeting the deadlines later than required for others of its OTC units.

9. The Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) was created by the State Water Resources Control Board (State Water Board) to advise the State Water Board on the implementation of the Policy to ensure that the implementation schedule takes into account local area and grid reliability, including permitting restraints. The SACCWIS is charged with reviewing the implementation schedules that were submitted by each power plant owner or operator on April 1, 2011. The Policy further requires SACCWIS to report to the State Water Board with its recommendations before October 1, 2011.
10. On December 14, 2010, the State Water Board considered, but did not approve, an amendment to the Policy affecting the LADWP facilities. Instead, the State Water Board requested that SACCWIS prioritize review of LADWP's implementation plan and report to the State Water Board with its recommendations by July 2011, if possible.
11. An interagency working group for SACCWIS has reviewed LADWP's implementation plan and its suggested schedule revisions to determine whether if extended deadlines for LADWP pose an electric grid reliability concern. SACCWIS considered the matter at a public meeting on July 5, 2011.
12. The Resources Agency has approved the State Water Board's water quality control planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) requirements for preparing environmental documents. State Water Board staff has prepared an Environmental Document for the amendment (Appendix A) that contains the required environmental documentation under the State Water Board's CEQA regulations. (California Code of Regulations, title 23, section 3777.)
13. In preparing the Staff Report, the State Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a Tier 1 environmental review. The State Water Board has considered the reasonably foreseeable consequences of adoption of the draft Policy Amendment; however, potential site-specific project impacts may need to be considered in any subsequent environmental analysis performed by lead agencies, pursuant to Public Resources Code section 21159.1.
14. Consistent with CEQA, the Staff Report does not engage in speculation or conjecture but, rather, analyzes the reasonably foreseeable environmental impacts related to methods of compliance with the draft Policy Amendment, reasonably foreseeable mitigation measures to reduce those impacts, and reasonably feasible alternative means of compliance that would avoid or reduce the identified impacts.
15. The amendment incorporates mitigation that reduces to a level that is insignificant any adverse effects on the environment. From a program-level perspective, incorporation of the mitigation measures described in the Staff Report will foreseeably reduce impacts to less than significant levels.

Administrative Record for SWRCB Resolution No. 2011-0033

16. State Water Board staff has responded to significant oral and written comments received from the public and made revisions to the proposed amendment and Staff Report as appropriate.
17. An amendment to a policy for water quality control does not become effective until adopted by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

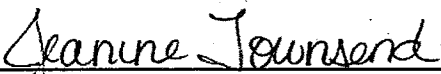
The State Water Board:

1. Certifies the final Substitute Environmental Document ("Staff Report"), which includes the responses to comments, and direct the Executive Director or designee to transmit the Notice of Decision to the Secretary of Resources.
2. Adopts the attached amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.
3. Authorizes the Executive Director or designee to submit the amendment to OAL for review and approval.
4. Direct the Executive Director or designee to make minor, non-substantive modifications to the language of the amendment, if OAL determines during its approval process that such changes are needed, and inform the State Water Board of any such changes.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 19, 2011.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
NAY: Board Member Tam M. Doduc
ABSENT: None
ABSTAIN: None



Jeanine Townsend
Clerk to the Board

**STATEWIDE WATER QUALITY CONTROL POLICY ON THE USE OF COASTAL
AND ESTUARINE WATERS FOR POWER PLANT COOLING**

1. Introduction

- A. Clean Water Act Section 316(b) requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available (BTA) for minimizing adverse environmental impact. Section 316(b) is implemented through National Pollutant Discharge Elimination System (NPDES) permits, issued pursuant to Clean Water Act Section 402, which authorize the point source discharge of pollutants to navigable waters.
- B. The State Water Resources Control Board (State Water Board) is designated as the state water pollution control agency for all purposes stated in the Clean Water Act.
- C. The State Water Board and Regional Water Quality Control Boards (Regional Water Boards) (collectively Water Boards) are authorized to issue NPDES permits to point source dischargers in California.
- D. Currently, there are no applicable nationwide standards implementing Section 316(b) for *existing power plants*¹. Consequently, the Water Boards must implement Section 316(b) on a case-by-case basis, using best professional judgment.
- E. The State Water Board is responsible for adopting state policy for water quality control, which may consist of water quality principles, guidelines, and objectives deemed essential for water quality control.
- F. This Policy establishes requirements for the implementation of Section 316(b), using best professional judgment in determining BTA for cooling water intake structures at existing coastal and estuarine power plants that must be implemented in NPDES permits.
- G. The intent of this Policy is to ensure that the beneficial uses of the State's coastal and estuarine waters are protected while also ensuring that the electrical power needs essential for the welfare of the citizens of the State are met. The State Water Board recognizes it is necessary to develop replacement infrastructure to maintain electric reliability in order to implement this Policy and in developing this policy considered costs, including costs of compliance, consistent with state and federal law.

¹ An asterisk indicates that the term is defined in Section 5 of the Policy.

- H. During the development of this Policy, State Water Board staff has met regularly with representatives from the California Energy Commission (CEC), California Public Utilities Commission (CPUC), California Coastal Commission (CCC), California State Lands Commission (SLC), California Air Resources Board (ARB), and California Independent System Operator (CAISO) to develop realistic implementation plans and schedules for this Policy that will not cause disruption in the State's electrical power supply. The compliance dates for this Policy were developed considering a report produced by the energy agencies (CEC, CPUC, and CAISO), titled "Implementation of OTC Mitigation Through Energy Infrastructure Planning and Procurement Changes", and the accompanying table, titled "Draft Infrastructure Replacement Milestones and Compliance Dates for Existing Power Plants in California Using Once Through Cooling (OTC)", included in the Substitute Environmental Document for this Policy. The energy agencies' approach seeks to address the replacement, repowering, or retirement of power plants currently using OTC that (1) maintains reliability of the electric system; (2) meets California's environmental policy goals; and (3) achieves these goals through effective long-term planning for transmission, generation and demand resources. The energy agencies have stated that the dates specified in their report may require periodic updates.
- I. To prevent disruption in the State's electrical power supply when the Policy is implemented, the State Water Board will convene a Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS), which will include representatives from the CEC, CPUC, CAISO, CCC, SLC, ARB, and State Water Board. SACCWIS will review implementation plans and schedules submitted by dischargers pursuant to this Policy, and advise the State Water Board on the implementation of this Policy to ensure that the implementation schedule takes into account local area and grid reliability, including permitting constraints. The State Water Board recognizes the compliance dates in this Policy may require amendment based on, among other factors, the need to maintain reliability of the electric system as determined by the energy agencies included in the SACCWIS, acting according to their individual or shared responsibilities. The State Water Board retains the final authority over changes to the adopted policy.
- J. While the CEC, CPUC and CAISO each have various planning or permitting responsibilities important to this effort, the approach relies upon use of competitive procurement and forward contracting mechanisms implemented by the CPUC in order to identify low cost solutions for most OTC power plants. The CPUC has authority to order the investor-owned utilities (IOUs) to procure new or repowered fossil-fueled generation for system and/or local reliability in the Long-Term Procurement Plan (LTPP) proceeding. In response to the Policy, the CPUC anticipates modifying its LTPP proceeding and procurement processes to require the IOUs to assess replacement infrastructure needs and conduct targeted requests for offers (RFOs) to acquire replacement, repowered or otherwise compliant generation capacity. LTPP proceedings are conducted on a biennial cycle and plans are normally approved in odd-numbered years. The

next cycle, the 2010 LTPP, is estimated to result in a decision by 2011. The subsequent cycle, the 2012 LTPP, would in turn result in a decision by 2013. Once authorized to procure by a CPUC LTPP decision, the IOUs need approximately 18 months to issue an RFO, sign contracts, and submit applications to the CPUC for approval. Approval by the CPUC takes approximately nine months. If the contract involves a facility already licensed through the CEC generation permitting process, then financing and construction can begin. A typical generation permitting timeline is 12 months, but specific issues such as ability to obtain air permits can delay the process. IOUs often give preference to RFO bids with permits already (or nearly) in place. From contract approval, construction usually takes three years, if generation permits are approved, or approximately five years, if generation permits are pending or other barriers present delays. In total, starting from the initiation of an LTPP proceeding (2010 LTPP or 2012 LTPP), seven years are expected to elapse, before replacement infrastructure is operational. Due to the number of plants affected, efforts to replace or repower OTC power plants would need to be phased.

- K. Because the Los Angeles region presents a more complex and challenging set of issues, it is anticipated that more time would be needed to study and implement replacement infrastructure solutions. Therefore, total elapsed time is expected to begin in 2010 and end in 2017 for the Greater Bay Area and San Diego regions, which would be addressed beginning in the 2010 LTPP. For the Los Angeles region, which would be addressed beginning in the 2012 LTPP, total elapsed time is expected to begin in 2012 and end in 2020. A transmission solution is expected to have approximately the same timeframe, but could be delayed by greater potential for significant local opposition. In order to assure that repowering or *new power plant** development in the Los Angeles basin addresses unique permitting challenges, the SACCWIS will assist the State Water Board in evaluating schedules for power plants not under the jurisdiction of the CPUC or operating within the CAISO Balancing Authority Area.
- L. The Global Warming Solutions Act of 2006 requires California to reduce greenhouse gas emissions to 1990 levels by 2020 and then to maintain those reductions. California presently has two *nuclear-fueled power plants** that provide approximately 4,600 megawatts of baseload electricity and do not emit greenhouse gases during energy generation. Energy generation by facilities that do not emit greenhouse gases will be critical to meeting the mandates of the Global Warming Solutions Act and emerging national and international greenhouse gas reduction requirements. The *nuclear-fueled power plants** are entering into United States Nuclear Regulatory Commission (Commission) license renewal proceedings unique to the nuclear power industry and relicensing may extend the plants operating lives to approximately 2045. Unlike older era fossil-fueled plants, if the *nuclear-fueled power plants** undergo modernization as part of relicensing or cooling structure upgrades, that modernization will not reduce greenhouse gas emissions, and in fact, extended

downtime during modernization may result in short-term increases in greenhouse gases as other greenhouse gas emitting facilities provide makeup power. In recognition of these considerations and others, this Policy requires special studies for the *nuclear-fueled power plants** to address their unique issues, and to evaluate appropriate requirements for those plants.

- M. To conserve the State's scarce water resources, the State Water Board encourages the use of recycled water for cooling water in lieu of marine, estuarine or fresh water.
 - N. In order to ensure a high level of statewide consistency in implementing Section 316(b), the State Water Board will assume responsibility for all NPDES permit actions for *existing power plants** subject to this Policy, including without limitation actions to issue, modify, reissue, revoke, and terminate NPDES permits after October 1, 2010.
 - O. Nothing in this Policy precludes the authority of the State Water Board to regulate discharges from *existing power plants** through NPDES permits, consistent with water quality standards.
2. Requirements for *Existing Power Plants**

A. Compliance Alternatives. An owner or operator of an *existing power plant** must comply with either Track 1 or Track 2, below.

- (1) Track 1. An owner or operator of an *existing power plant** must reduce *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 percent reduction in *intake flow rate** for each unit is required for Track 1 compliance, compared to the unit's design *intake flow rate**. The through-screen intake velocity must not exceed 0.5 foot per second. The installation of closed cycle dry cooling systems meets the intent and minimum reduction requirements of this compliance alternative.
- (2) Track 2. If an owner or operator of an *existing power plant** demonstrates to the State Water Board's satisfaction that compliance with Track 1 is *not feasible**, the owner or operator of an *existing power plant** must reduce impingement mortality and entrainment of marine life for the facility, on a unit-by-unit basis, to a comparable level to that which would be achieved under Track 1, using operational or structural controls, or both.

- (a) Compliance for impingement mortality shall be determined either:
- (i) For plants relying solely on reductions in velocity, by monthly verification of through-screen intake velocity not to exceed 0.5 foot per second, or
 - (ii) By monitoring required in Section 4.A, below. For measured reductions determined by monitoring, the owner or operator must reduce impingement mortality to a comparable level to that which would be achieved under Track 1. A “comparable level” is a level that achieves at least 90 percent of the reduction in impingement mortality required under Track 1.
- (b) Compliance for entrainment shall be determined either:
- (i) For plants relying solely on reductions in flow, by recording and reporting reductions in terms of monthly flow, in which case a minimum of 93% reduction in flow, as compared to the average actual flow for the corresponding months from 2000 – 2005, must be met, or
 - (ii) For plants relying in whole or in part on other control technologies (e.g., including but not limited to screens or re-location of intake structures), by measured reductions in entrainment determined by monitoring required in Section 4.B, below. The owner or operator must reduce entrainment to a comparable level to that which would be achieved under Track 1. A “comparable level” is a level that achieves at least 90 percent of the reduction in entrainment required under Track 1. If screens are employed to reduce entrainment, compliance shall be determined based on *ichthyoplankton**, and on the crustacean phyllosoma and megalops larvae, and squid paralarvae fractions of *meroplankton**.
- (c) Technology-based improvements that are specifically designed to reduce impingement mortality and/or entrainment and were implemented prior to October 1, 2010 may be counted towards meeting Track 2 requirements.
- (d) The owner or operator of an *existing power plant** with *combined-cycle power-generating units** installed prior to October 1, 2010 may achieve compliance in accordance with this paragraph.

The owner or operator may count prior reductions in impingement mortality and entrainment resulting from the replacement of steam turbine power-generating units with *combined-cycle power-generating units**

towards meeting Track 2 requirements. Reductions shall be based on reductions in intake flows, calculated as the difference between:

- (i) the maximum permitted discharge (expressed as million gallons per day (MGD)) for the entire power plant as identified in the plant's prior NPDES permit that authorized the steam turbine power-generating units which were subsequently replaced with the *combined-cycle power-generating units** and
- (ii) the maximum permitted discharge (expressed as MGD) for the entire power plant, including the combined cycle units, as identified in the plant's NPDES permit authorizing the *combined-cycle power-generating units**.

B. Final Compliance Dates

- (1) *Existing power plants** shall comply with Section 2.A, above, as soon as possible, but no later than, the dates shown in Table 1, contained in Section 3.E, below.
- (2) Based on the need for continued operation of an *existing power plant** to maintain the reliability of the electric system, a final compliance date may be suspended under the following circumstances:
 - (a) **Suspension of Final Compliance Date for Less Than 90 Days for *Existing Power Plants** Within CAISO Jurisdiction.** If CAISO determines that continued operation of an *existing power plant** is necessary to maintain the reliability of the electric system in the short-term, CAISO shall provide written notification to the State Water Board, the Regional Water Board with jurisdiction over the *existing power plant**, and the SACCWIS. If the Executive Directors of the CEC and CPUC do not object in writing within 10 days to CAISO's written notification, the notification provided pursuant to this paragraph will suspend the final compliance date for the shorter of 90 days or the time CAISO determines necessary to maintain reliability. In the event either CEC or CPUC objects as provided in this paragraph, then the State Water Board shall hold a hearing as expeditiously as possible to determine whether to suspend the compliance date in accordance with paragraph (d).
 - (b) **Suspension of Final Compliance Date for Longer Than 90 Days, or consecutive less than 90 day suspensions, for *Existing Power Plants** Within CAISO Jurisdiction.** If CAISO determines that continued operation of an *existing power plant** is necessary to maintain the reliability of the electric system, CAISO shall provide written notification to the State Water Board, the Regional Water Board with jurisdiction over the *existing power plant**, and the SACCWIS. If the Executive Directors of the CEC and CPUC do not object in writing within 10 days to CAISO's

determination, the notification provided pursuant to this paragraph will suspend the final compliance date for 90 days. During the 90-day time suspension or within 90 days of receiving a written notification from CAISO, the State Water Board shall conduct a hearing in accordance with paragraph (d) to determine whether to suspend the final compliance date for more than the original 90 days pending, if necessary, full evaluation of amendments to final compliance dates contained in the policy.

- (c) **Suspension of Final Compliance Date for *Existing Power Plants** Within Los Angeles Department of Water and Power (LADWP) Service Area.** If the LADWP Commission determines, through a public process, that continued operation of an *existing power plant** operated by LADWP is necessary to maintain the reliability of the electric system in the short-term, LADWP shall provide written notification to the State Water Board, the Regional Water Board with jurisdiction over the *existing power plant**, and the SACCWIS. Within 45 days of receiving a written notice from LADWP, the State Water Board shall conduct a hearing in accordance with paragraph (d) to determine whether to suspend the final compliance date. In considering whether to suspend or amend the final compliance dates the State Board shall consult with the CAISO.
- (d) **State Water Board Hearings on Suspension of Final Compliance Dates.** In considering whether to suspend or amend the final compliance dates, the State Water Board shall afford significant weight to the recommendations of the CAISO.

C. Immediate and Interim Requirements

- (1) No later than October 1, 2011, the owner or operator of an *existing power plant** with an *offshore intake** shall install large organism exclusion devices having a distance between exclusion bars of no greater than nine inches, or install other exclusion devices, deemed equivalent by the State Water Board.
- (2) No later than October 1, 2011, the owner or operator of an *existing power plant** unit that is not directly engaging in *power-generating activities**, or *critical system maintenance**, shall cease intake flows, unless the owner or operator demonstrates to the State Water Board that a reduced minimum flow is necessary for operations.
- (3) The owner or operator of an *existing power plant** must implement measures to mitigate the interim impingement and entrainment impacts resulting from the cooling water intake structure(s), commencing October 1, 2015 and continuing up to and until the owner or operator achieves final compliance. The owner or operator must include in the implementation plan, described in Section 3.A below, the specific measures that will be undertaken to comply

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with this requirement. An owner or operator may comply with this requirement by:

- (a) Demonstrating to the State Water Board's satisfaction that the owner or operator is compensating for the interim impingement and entrainment impacts through existing mitigation efforts, including any projects that are required by state or federal permits as of October 1, 2010; or
 - (b) Demonstrating to the State Water Board's satisfaction that the interim impacts are compensated for by the owner or operator providing funding to the California Coastal Conservancy which will work with the California Ocean Protection Council to fund an appropriate *mitigation project**; or
 - (c) Developing and implementing a *mitigation project** for the facility, approved by the State Water Board, which will compensate for the interim impingement and entrainment impacts. Such a project must be overseen by an advisory panel of experts convened by the State Water Board.
 - (d) The *habitat production foregone** method, or a comparable alternate method approved by the State Water Board, shall be used to determine the habitat and area, based on replacement of the annual entrainment, for funding a *mitigation project**.
 - (e) It is the preference of the State Water Board that funding is provided to the California Coastal Conservancy, working with the California Ocean Protection Council, for mitigation projects directed toward increases in marine life associated with the State's Marine Protected Areas in the geographic region of the facility.
- (4) Owners or operators of fossil fueled units that have submitted implementation plans to comply with this Policy under Section 2.A(1) and have requested compliance dates after December 31, 2022 that are approved by the State Water Board as provided in Section 3.E shall:
- (a) Commit to eliminate OTC and seawater use for cooling water purposes for all units at the facility.
 - (b) Conduct a study or studies, singularly or jointly with other facilities, to evaluate new technologies or improve existing technologies to reduce impingement and entrainment.
 - (c) Submit the results of the study and a proposal to minimize entrainment and impingement to the Chief Deputy Director no later than December 31, 2015.
 - (d) Upon approval of the proposal by the Chief Deputy Director, complete implementation of the proposal no later than December 31, 2020.

D. *Nuclear-Fueled Power Plants**

If the owner or operator of an existing *nuclear-fueled power plant** demonstrates that compliance with the requirements for *existing power plants** in Section 2.A, above, of this Policy would result in a conflict with any safety requirement established by the Commission, with appropriate documentation or other substantiation from the Commission, the State Water Board will make a site-specific determination of best technology available for minimizing adverse environmental impact that would not result in a conflict with the Commission's safety requirements. The State Water Board may also establish alternative, site-specific requirements in accordance with Section 3.D (8).

3. Implementation Provisions

A. With the exception of *nuclear-fueled power plants**, which are covered under 3.D, below, no later than April 1, 2011, the owner or operator of an *existing power plant** shall submit an implementation plan to the State Water Board.

(1) The implementation plan shall identify the compliance alternative selected by the owner or operator, describe the general design, construction, or operational measures that will be undertaken to implement the alternative, and propose a realistic schedule for implementing these measures that is as short as possible. If the owner or operator chooses to repower the facility to reduce or eliminate reliance upon OTC, or to retrofit the facility to implement either Track 1 or Track 2 alternatives, the implementation plan shall identify the time period when generating power is infeasible and describe measures taken to coordinate this activity through the appropriate electrical system balancing authority's maintenance scheduling process.

(2) If the owner or operator selects *closed-cycle wet cooling** as a compliance alternative, the owner or operator shall address in the implementation plan whether recycled water of suitable quality is available for use as makeup water.

B. The SACCWIS shall be impaneled no later than January 1, 2011, by the Executive Director of the State Water Board, to advise the State Water Board on the implementation of this Policy to ensure that the implementation schedule takes into account local area and grid reliability, including permitting constraints. SACCWIS shall include representatives from the CEC, CPUC, CAISO, CCC, SLC, ARB, and State Water Board.

(1) SACCWIS meetings shall be scheduled regularly and as needed. Meetings shall be open to the public and shall be noticed at least 10 days in advance of the meeting. All SACCWIS products shall be made available to the public.

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- (2) The SACCWIS shall review the owner or operator's proposed implementation schedule and report to the State Water Board with recommendations no later than October 1, 2011. The SACCWIS may consult with other appropriate agencies, including but not limited to the Regional Water Boards, air quality districts, and the LADWP, in the process of reviewing implementation schedules and providing recommendations to the State Water Board.
 - (3) The CAISO and the LADWP shall each submit to the SACCWIS by December 31, each year a grid reliability study, for their respective jurisdictions, that has been developed pursuant to a public process and approved by their governing bodies. In order to assure that SACCWIS can provide annual reports to the State Water Board by March 31, the SACCWIS shall promptly meet to consider the reliability studies submitted by CAISO and the LADWP.
 - (4) The SACCWIS will report to the State Water Board with recommendations on modifications to the implementation schedule every year starting in 2012. If members of SACCWIS do not believe the full committee recommendations reflect their concerns they may issue minority recommendations that the State Water Board shall consider as part of the SACCWIS recommendations.
 - (5) The State Water Board shall consider the SACCWIS' recommendations and direct staff to make modifications, if appropriate, for the State Water Board's consideration. In the event that the SACCWIS energy agencies (CAISO, CPUC, and CEC) make a unanimous recommendation for implementation schedule modification based on grid reliability, the State Water Board shall afford significant weight to the recommendation.
- C. The State Water Board shall reissue or, as appropriate, modify NPDES permits issued to owners or operators of *existing power plants**, after a hearing in the affected region, to ensure that the permits conform to the provisions of this Policy.
- (1) The permits shall incorporate a final compliance schedule that requires compliance no later than the due dates contained in Table 1, contained in Section 3.E, below. If the State Water Board determines that a longer compliance schedule is necessary to maintain reliability of the electric system per SACCWIS recommendations while other OTC power plants are retrofitted, repowered, or retired or transmission upgrades take place, this delay shall be incorporated into the compliance schedule and stated in the permit findings.
 - (2) The State Water Board shall reopen, if necessary, the relevant permits and modify the final compliance schedules, if appropriate, based on modifications to the policy approved by the State Water Board or the suspension of final compliance dates pursuant to this policy.

- (3) If an owner or operator selects Track 2 as the compliance alternative, the NPDES permit shall include a monitoring program that complies with Section 4 of this Policy.
 - (4) NPDES permits issued by the State Water Board shall include appropriate permit provisions to implement suspensions of final compliance dates authorized in Section 2.B (2) and modifications to final compliance dates specified in this policy, without reopening the permits.
- D. No later than January 1, 2011 the Executive Director of the State Water Board, using the authority under section 13267(f) of the Water Code, shall request that Southern California Edison (SCE) and Pacific Gas & Electric Company (PG&E) conduct special studies for submission to the State Water Board.
- (1) The special studies shall investigate alternatives for the *nuclear-fueled power plants** to meet the requirements of this Policy, including the costs for these alternatives.
 - (2) The special studies shall be conducted by an independent third party with engineering experience with nuclear power plants, selected by the Executive Director of the State Water Board.
 - (3) The special studies shall be overseen by a Review Committee, established by the Executive Director of the State Water Board no later than January 1, 2011, which shall include, at a minimum, representatives of SCE, PG&E, SACCWIS, the environmental community, and staffs of the State Water Board, Central Coast Regional Water Board, and the San Diego Regional Water Board.
 - (4) No later than October 1, 2011, the Review Committee, described above, shall provide a report for public comment detailing the scope of the special studies, including the degree to which existing, completed studies can be relied upon.
 - (5) No later than October 1, 2013 the Review Committee shall provide the final report and the Review Committee's comments for public comment detailing the results of the special studies and shall present the report to the State Water Board.
 - (6) Meetings of the Review Committee shall be open to the public and shall be noticed at least 10 days in advance of the meeting. All products of the Review Committee shall be made available to the public.
 - (7) The State Water Board shall consider the results of the special studies, and shall evaluate the need to modify this Policy with respect to the *nuclear-fueled power plants**. In evaluating the need to modify this Policy, the State Water

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Board shall base its decision to modify this Policy with respect to the *nuclear-fueled power plants** on the following factors:

- (a) Costs of compliance in terms of total dollars and dollars per megawatt hour of electrical energy produced over an amortization period of 20 years;
 - (b) Ability to achieve compliance with Track 1 considering factors including, but not limited to, engineering constraints, space constraints, permitting constraints, and public safety considerations;
 - (c) Potential environmental impacts of compliance with Track 1, including, but not limited to, air emissions.
- (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.
- (9) In the event the State Water Board establishes alternate requirements for *nuclear-fueled power plants**, the difference in impacts to marine life resulting from any alternative, less stringent requirements shall be fully mitigated. Mitigation required pursuant to this paragraph shall be a *mitigation project** directed toward the increase in marine life associated with the State's Marine Protected Areas in the geographic region of the facility. Funding for the *mitigation project** shall be provided to the California Coastal Conservancy, working with the Ocean Protection Council to fund an appropriate *mitigation project**.

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E. Table 1. Implementation Schedule

Milestone		Responsible Entity/Party	Due Date ²
1	Request SCE and PG&E to conduct special studies to investigate compliance options for <i>nuclear-fueled power plants*</i> [Section 3.D]	State Water Board Executive Director	01/01/2011
2	Establish Review Committee [Section 3.D(3)]	State Water Board Executive Director	01/01/2011
3	Establish SACCWIS [Section 3.B]	State Water Board Executive Director	01/01/2011
4	Submit a proposed implementation plan to the State and Regional Water Boards [Section 3.A]	Owner/operators of existing fossil-fueled power plants	04/01/2011
5	Provide a report for public comment, detailing the scope of the special studies on compliance options for <i>nuclear-fueled power plants*</i> [Section 3.D(4)]	Review Committee	10/01/2011
6	Review the owners or operators' proposed implementation schedules and report to the State Water Board with recommendations [Section 3.B(2)]	SACCWIS	10/01/2011
7	Humboldt Bay Power Plant in compliance	Owner/operator	12/31/2010
8	Potrero Power Plant in compliance	Owner/operator	10/01/2011
9	Install large organism exclusion devices with a distance between exclusion bars of no greater than nine inches, or equivalent device [Section 2.C(1)]	Owner/operators of <i>existing power plants*</i> with <i>offshore intakes*</i>	10/01/2011

² These compliance dates were developed considering information provided by the CEC, CPUC, CAISO, and LADWP.

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	Milestone	Responsible Entity/Party	Due Date²
10	Cease intake flows for units not directly engaging in <i>power-generating activities*</i> or <i>critical system maintenance*</i> , or demonstrate to the State Water Board that a reduced minimum flow is necessary for operations [Section 2.C(2)]	Owner/operators of <i>existing power plants*</i>	10/01/2011
11	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2012
12	South Bay Power Plant in compliance	Owner/operator	12/31/2011
13	Report to State Water Board on results of special studies on compliance options for <i>nuclear-fueled power plants*</i> [Section 3.D(5)]	Review Committee	10/01/2013
14	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2013
15	Haynes units 5 & 6 in compliance, repowered without OTC	LADWP	12/31/2013
16	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2014
17	Commence to implement measures to mitigate the interim impingement and entrainment impacts due to the cooling water intake structure(s) [Section 2.C(3)]	Owners/operators of <i>existing power plants*</i>	10/01/2015
18	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2015
19	El Segundo and Morro Bay power plants in compliance	Owner/operator	12/31/2015
20	Scattergood unit 3 in compliance, repowered without OTC	LADWP	12/31/2015
21	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2016
22	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2017

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	Milestone	Responsible Entity/Party	Due Date²
23	Power plants in CPUC 2010 LTPP Cycle in compliance: Encina, Contra Costa, Pittsburg, Moss Landing [Section 1.J]	Owner/Operator	12/31/2017
24	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2018
25	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2019
26	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2020
27	Power plants in CPUC 2012 LTPP Procurement Cycle in compliance: Huntington Beach, Redondo, Alamitos, Mandalay, Ormond Beach [Section 1.J] generating stations in compliance	Owner/operator	12/31/2020
28	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2021
29	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2022
30	San Onofre Nuclear Generating Station in compliance with implementation provisions resulting from State Water Board action on special studies from Section 3.D	Owner/operator	12/31/2022
31	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2023
32	Report to State Water Board on status of implementation of Policy [Section 3.B(3)]	SACCWIS	03/31/2024
33	Diablo Canyon Power Plant in compliance with implementation provisions resulting from State Water Board action on special studies from Section 3.D	Owner/operator	12/31/2024

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	Milestone	Responsible Entity/Party	Due Date²
34	Scattergood units 1 & 2 in compliance, repowered without OTC	LADWP	12/31/2024
35	Haynes units 1 & 2 in compliance, repowered without OTC	LADWP	12/31/2029 ³
36	Harbor unit 5 in compliance, repowered without OTC	LADWP	12/31/2029 ³
37	Haynes unit 8 in compliance, repowered without OTC	LADWP	12/31/2029 ³

4. Track 2 Monitoring Provisions

A. Impingement Impacts: The following impingement studies are required to comply with Section 2.A.(2)(a)(ii):

- (1) A baseline impingement study shall be performed, unless the discharger demonstrates, to the State Water Board's satisfaction, that prior studies accurately reflect current impacts. Baseline impingement shall be measured on-site and shall include sampling for all species impinged. The impingement study shall be designed to accurately characterize the species currently impinged and their seasonal abundance to the satisfaction of the State Water Board.
 - (a) The study period shall be at least 36 consecutive months.
 - (b) Impingement shall be measured during different seasons when the cooling system is in operation and over 24-hour sampling periods.
 - (c) When applicable, impingement shall be sampled under differing representative operational conditions (e.g., differing levels of power production, heat treatments, etc.).
 - (d) The study shall not result in any additional mortality above typical operating conditions.

³ The State Water Board will consider further modifications to the compliance date for these units when LADWP submits information responsive to the SACCWIS resolved clauses in its July 5, 2011 resolution and any subsequent information requests SACCWIS makes to LADWP by January 1, 2012. The State Water Board will consider amendments for these units no later than December 31, 2013.

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- (2) After the Track 2 controls are implemented, to confirm the level of impingement controls, another impingement study, consistent with Section 4.A(1)(a) to (d), above, shall be performed and reported to the State Water Board.
- (3) The need for additional impingement studies shall be evaluated at the end of each permit period. Impingement studies shall be required when changing operational or environmental conditions indicate that new studies are needed, at the discretion of the State Water Board.

B. Entrainment Impacts: The following entrainment studies are required to comply with Section 2.A.(2)(b)(ii):

- (1) A baseline entrainment study shall be performed, unless the discharger demonstrates, to the State Water Board's satisfaction, that prior studies accurately reflect current impacts. Prior studies that may have used a mesh size of 333 or 335 microns for sampling are acceptable for compliance with the review and approval of the State Water Board. If the State Water Board determines that a new baseline entrainment study shall be performed to determine larval composition and abundance in the source water, representative of water that is being entrained, then samples must be collected using a mesh size no larger than 335 microns. Additional samples shall also be collected using a 200 micron mesh to provide a broader characterization of other *meroplankton** entrained. The source water shall be determined based on oceanographic conditions reasonably expected after Track 2 controls are implemented. Baseline entrainment sampling shall provide an unbiased estimate of larvae entrained at the intake prior to the implementation of Track 2 controls.
 - (a) Entrainment impacts shall be based on sampling for all *ichthyoplankton** and invertebrate *meroplankton** species. Individuals collected shall be identified to the lowest taxonomical level practicable. When practicable, genetic identification through molecular biological techniques may be used to assist in compliance with this requirement. Samples shall be preserved and archived such that genetic identification is possible at a later date.
 - (b) The study period shall be at least 36 consecutive months, and shall occur during different seasons, including periods of peak use when the cooling system is in operation (such as the summer months when energy is in high demand). Sampling shall be designed to account for variation in oceanographic conditions and larval abundance and behavior such that abundance estimates are reasonably accurate.
- (2) After the Track 2 controls are implemented, to confirm the level of entrainment controls, another entrainment study (with a study design to the State Water Board's satisfaction, with samples collected using a mesh size no

larger than 335 microns, and with additional samples also collected using a 200 micron mesh) shall be performed and reported to the State Water Board.

- (3) The need for additional entrainment studies shall be evaluated at the end of each permit period. Entrainment studies shall be required when changing operational or environmental conditions indicate that new studies are needed, at the discretion of the State Water Board.

5. Definition of Terms

Closed-cycle wet cooling system – Refers to a cooling system, which functions by transferring waste heat to the surrounding air through the evaporation of water, thus enabling the reuse of a smaller amount of water several times to achieve the desired cooling effect. The only discharge of wastewater is from periodic blowdown for the purpose of limiting the buildup of concentrations of materials in excess of desirable limits established by best engineering practice.

Combined-cycle power-generating units - Refers to units within a power plant which combined generate electricity through a two-stage process involving combustion and steam. Hot exhaust gas from combustion turbines is passed through a heat recovery steam generator to produce steam for a steam turbine. The turbine exhaust steam is condensed in the cooling system and may or may not be returned to the power cycle. Combined cycle power-generating units are generally more fuel-efficient and use less cooling water than steam boiler units with the same generating capacity.

Critical system maintenance – are activities that are critical for maintenance of a plant's physical machinery and absolutely cannot be postponed until the unit is operating to generate electricity.

Existing power plant(s) – Refers to any power plant that is not a *new power plant**.

Habitat production foregone – Refers to the product of the average annual *proportional mortality** and the estimated area of the water body that is habitat for the species' source population. Habitat production foregone is an estimate of habitat area production that is lost to all entrained species on an annual basis.

Ichthyoplankton – Refers to the planktonic early life stages of fish (i.e., the pelagic eggs and larval forms of fishes).

Intake flow rate – Refers to the instantaneous rate at which water is withdrawn through the intake structure, expressed as gallons per minute.

Meroplankton – For purposes of this Policy, refers to that component of the *zooplankton** community composed of squid paralarvae and the pelagic larvae of benthic invertebrates.

Mitigation project – Projects to restore marine life lost through impingement mortality and entrainment. Restoration of marine life may include projects to restore and/or enhance coastal marine or estuarine habitat, and may also include protection of marine life in existing marine habitat, for example through the funding of implementation and/or management of Marine Protected Areas.

New power plant – Refers to any plant that is a “new facility”, as defined in 40 C.F.R. § 125.83 (revised as of July 1, 2007), and that is subject to Subpart I, Part 125 of the Code of Federal Regulations (revised as of July 1, 2007) (referred to as “Phase I regulations”).

Not Feasible – Cannot be accomplished because of space constraints or the inability to obtain necessary permits due to public safety considerations, unacceptable environmental impacts, local ordinances, regulations, etc. Cost is not a factor to be considered when determining feasibility under Track 1.

Nuclear-fueled power plant(s) – Refers to Diablo Canyon Power Plant and/or San Onofre Nuclear Generating Station.

Offshore intake –refers to any submerged intake structure that is not located at the shoreline, and includes such intakes that are located in ocean, bay and estuary environments.

Power-generating activities – Refers to activities directly related the generation of electrical power, including start-up and shut-down procedures, contractual obligations (hot stand-by), hot bypasses, and *critical system maintenance** regulated by the Nuclear Regulatory Commission. Activities that are not considered directly related to the generation of electricity include (but are not limited to) dilution for in-plant wastes, maintenance of source-and receiving water quality strictly for monitoring purposes, and running pumps strictly to prevent fouling of condensers and other power plant equipment.

Proportional mortality – the proportion of larvae killed from entrainment to the larvae in the source population, as determined by an Empirical Transport Model.

Zooplankton – For purposes of this Policy, refers to those planktonic invertebrates larger than 200 microns.