

1 [Require Potrero Power Plant Unit 3 to comply with water quality standards.]

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3 **Resolution urging the San Francisco Bay Regional Water Quality Control Board to**
4 **require Mirant's Potrero Power Plant Unit 3 to come into compliance with all water**
5 **quality standards and to terminate the wastewater discharge permit when the power**
6 **plant is no longer needed for electric reliability.**

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8 WHEREAS, Southeast San Francisco has a disproportionate number of industrial and
9 polluting facilities; and

10 WHEREAS, Old power plants such as Potrero Power Plant Unit 3 (Unit 3) emit an
11 unreasonable amount of pollution that damages public health and the environment of San
12 Francisco Bay and has been doing so for many years; and

13 WHEREAS, the current wastewater discharge permit, issued in 1994 and due to expire
14 in 1999, was administratively extended by the Regional Board until 2005, without public
15 review, as required by state and federal law; and

16 WHEREAS, The San Francisco Bay Regional Water Quality Control Board (Regional
17 Board) is considering renewing the wastewater discharge permit for Unit 3 for another five (5)
18 year period, terminating in 2009, without any significant modification; and

19 WHEREAS, Unit 3 uses over 206 million gallons per day of bay water for cooling,
20 making it the largest power plant that still uses water drawn from San Francisco Bay in a
21 once-through cooling system; and

22 WHEREAS, Since the 1994 wastewater discharge permit was issued, the Regional
23 Board has re-classified Unit 3 as a major discharger because of impacts from (1) the intake of
24 bay water, (2) the discharge of heated wastewater, and (3) the high volume discharge of
25 pollutants that threaten water quality; and

1 WHEREAS, The Unit 3 bay water intake and discharge structures do not meet current
2 minimum federal and state design standards for protection of the bay; and

3 WHEREAS, Because the intake and discharge structures do not meet minimum
4 standards, millions of fish and invertebrate animals are killed each year; and

5 WHEREAS, The wastewater discharge also contains numerous pollutants of concern
6 such as copper, mercury, PCBs and DDE that accumulate in the environment and cause
7 ecological damage; and

8 WHEREAS, The National Oceanic and Atmospheric Administration has determined
9 that a once-through cooling system discharging to San Francisco Bay, such as the one for
10 Unit 3, destroys habitat and aquatic life in San Francisco Bay; and

11 WHEREAS, The Regional Board's draft discharge permit, if adopted without revisions,
12 will allow Mirant to continue operating Unit 3 without coming into compliance with current state
13 and federal laws; and

14 WHEREAS, The California Independent System Operator has determined that Unit 3
15 will not be needed for electric reliability once certain additional energy resources are in place,
16 and has committed to remove the Reliability Must Run (RMR) designation from Unit 3 at that
17 time; and

18 WHEREAS, The City is making progress to ensure that the additional energy resources
19 are in place within the next 2 years so that Unit 3 will no longer be needed for electric
20 reliability; and,

21 WHEREAS, Without the wastewater discharge permit Unit 3 cannot operate; and

22 WHEREAS, It is within the authority of the Regional Board to require Mirant to comply
23 with water quality standards and to terminate the wastewater discharge permit when the
24 CAISO terminates the RMR contract for Unit 3; and

1 WHEREAS, Unit 3 should not be allowed to operate out of compliance with water
2 quality standards; and,

3 WHEREAS, Unit 3 will be out of service during early 2005 for retrofit work to bring Unit
4 3 into compliance with the Clean Air Act; and,

5 WHEREAS, While Unit 3 is out of service for this work, Mirant should be required to
6 take steps to mitigate the failure of the plant to comply with water quality standards; now,
7 therefore, be it

8 RESOLVED, That the Board of Supervisors urges the Regional Board to require Mirant
9 to come into compliance with all current water quality standards before issuing a new
10 wastewater discharge permit; and, be it

11 FURTHER RESOLVED, That if Mirant is allowed to operate Unit 3 out of compliance
12 with current water quality standards, the Regional Board should: (a) require from Mirant a
13 detailed proposal for how the power plant will be modified to comply with state and federal
14 laws, and (b) adopt an expedited schedule for the proposal and implementation of the
15 modifications needed to comply with water quality standards, and (c) require that Mirant take
16 immediate interim steps to reduce harm to the bay while it is operating out of compliance with
17 water quality standards; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors urges the Regional Board to
19 require the wastewater discharge permit for Unit 3 to terminate when CAISO determines that
20 it is no longer needed for electric reliability.



City and County of San Francisco

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Tails

Resolution

File Number: 050147

Date Passed:

Resolution urging the San Francisco Bay Regional Water Quality Control Board to require Mirant's Potrero Power Plant Unit 3 to come into compliance with all water quality standards and to terminate the wastewater discharge permit when the power plant is no longer needed for electric reliability.

February 1, 2005 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Dufty

File No. 050147

I hereby certify that the foregoing Resolution was ADOPTED on February 1, 2005 by the Board of Supervisors of the City and County of San Francisco.

February 4, 2005

Date Approved

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom