



State Water Resources Control Board



Gray Davis
Governor

Office of Chief Counsel

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Don H. Hickox
Secretary for
Environmental
Protection

June 16, 2000

Marc D. Joseph, Esq.
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DOCKET 97-AFC-1	
DATE	JUN 16 2000
RECD.	JUN 21 2000

Dear Mr. Joseph and Ms. Poole:

SWRCB RESOLUTION 75-58 (WATER QUALITY POLICY ON THE USE AND DISPOSAL OF INLAND WATER USED FOR POWERPLANT COOLING) AND WATER CODE SECTION 13550 ET SEQ.

Your letter of April 26, 2000 on the above-entitled matter has been referred to me for reply.

As you indicate in your letter, Resolution 75-58 was adopted as state policy for water quality control pursuant to Water Code section 13140. It is still in effect and applicable to all state agencies under Water Code section 13146. Also applicable are Water Code sections 13550 et seq. which deal with the reuse of recycled water.

You have asked that the State Water Resources Control Board (State Water Board) provide guidance to the California Energy Commission regarding how these provisions relate to pending power plant siting cases. In this regard, the State Water Board's administrative regulations state that the Administrative Procedure Act's provisions regarding Declaratory Decisions are not applicable to the State Board. (Title 23, Calif. Code Regs., § 648(c).) In other words, the State Water Board has determined not to engage in the practice of rendering advisory opinions. While it would therefore be inappropriate to provide the requested guidance, there are some State Water Board documents available regarding Resolution 75-58 and Water Code section 13350. These documents are enclosed for your review.

If you have any questions, please contact Sheila Vassey, Senior Staff Counsel in the Office of Chief Counsel, at (916) 657-2408.

Sincerely,

Craig M. Wilson
Craig M. Wilson
Acting Chief Counsel

Enclosures

cc: Sheila Vassey, Esq.
Office of Chief Counsel
State Water Resources Control Board

California Environmental Protection Agency

