

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

April 12, 2010

Charlie Hoppin, Chair and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
commentletters@waterboards.ca.gov

Re: State Policy Governing Use of Coastal and Estuarine Waters for Once-Through Cooling

Dear Chair Hoppin and Board Members:

We are writing to express our concern with the State Water Board's Draft "Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling", released on March 22, 2010. Once-through cooling (OTC) systems are in use at 19 coastal and bay-side power plants in California with profound impacts to California's marine and estuarine ecosystems. We respectfully submit that the current version of the OTC Policy fails to meaningfully address the significant impacts associated with the use of OTC, as is required by Section 316(b) of the federal Clean Water Act.

The State Water Resources Control Board estimates that OTC kills 79 billion fish and other aquatic life annually, including threatened and endangered species such as Chinook salmon. The Water Board has also found that OTC in use at 12 Southern California plants kill up to 30% of the number of fish recreationally caught in the Southern California Bight each year. This ongoing take of species from our ocean, bays and the Delta cannot continue.

Continued use of OTC also undermines California's progress toward reducing greenhouse gas emissions by propping up inefficient energy generation. As the Board has noted, newer generators "operate more efficiently and cost effectively compared to the older steam OTC units." A policy that phases out the impacts of once-through cooling consistent with the Clean Water Act would promote greener, more efficient energy production by encouraging the modernization of coastal plants, a stated goal of California's Energy Action Plan and AB 1576 (Nuñez). Phasing out once-through cooling also supports California's progress toward reducing greenhouse gases as per AB 32 (Nuñez), the California Global Warming Solutions Act.

California is long overdue for a statewide policy on OTC that protects our marine, the Delta and coastal ecosystems, and that is aligned with our energy and climate change policies. Numerous

state and federal agencies, including the U.S. EPA and California Energy Commission, have long recognized the environmental harm caused by OTC. The Ocean Protection Council and State Lands Commission passed unanimous resolutions calling for the expeditious phase-out of once-through cooling impacts four years ago. Indeed, the CEC, CPUC and California Independent Systems Operator sent a joint letter to the Water Board last fall finding that the prior draft Policy, which was far more consistent with the Clean Water Act than the current version, "incorporates a workable schedule and process to implement the WRCB's objectives while considering the need to maintain reliable operation of the electric grid."

California's policy for the use of our marine, coastal and the Delta waters and ecosystems must comply with the Clean Water Act and advance efficient energy generation for the future. It should include specific deadlines for implementation and enforcement, so that regulated industry and the public have clear direction on what is expected. Furthermore, it should recognize the leadership position California has taken nationwide on protecting its coastal and ocean habitats through the Ocean Protection Council, Marine Life Protection Act, and other initiatives. The current draft policy will not achieve these goals, and we accordingly urge you to amend the current draft policy to reflect these mandates and standards.

Sincerely,



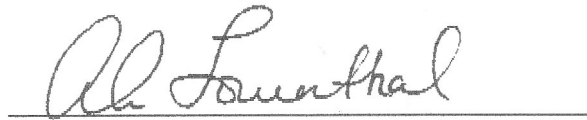
Senator Ellen M. Corbett



Senator Loni Hancock



Senator Mark Leno



Senator Alan Lowenthal




Senator Jenny Oropeza



Senator Fran Pavley



Senator Pat Wiggins



Assembly Member Pedro Nava



Assembly Member Ira Ruskin