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May 20, 2008

Ms. Tam Doduc, Chair and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Via Email: commentletters@waterboards.ca.gov

Re: Comments on “Scoping Document: Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.”

Dear Chair Doduc and Board Members:

The Alliance for Nuclear Responsibility respectfully (A4NR) submits the following comments on the State Water Resources Control Board (“State Board”) staff’s preliminary draft scoping document on the Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (“draft policy).

The focus of A4NR comments will be limited to the issue of alternatives to once-through-cooling at California’s aging nuclear reactors. Both Diablo Canyon and San Onofre have been out of compliance for years with their NPDES permits. Southern California Edison (SCE) recently stated they are in compliance; however, the State Water Board should be able to verify this statement. Diablo Canyon has been out of compliance for over a decade.

According to a data response from SCE in its current General Rate Case, “On January 23, 2007, the 2nd Circuit Court of Appeals issued a decision addressing challenges to the EPA regulations. EPA regulations dealing with performance standards, restoration as mitigation, cost-benefit analysis, and operating plans, among others were struck down.” A4NR does not doubt the veracity of SCE’s statement, yet it is a well-established fact that California has gone beyond federal EPA standards to protect its citizens, and the issue of coastal and marine-life degradation resulting from once-through-cooling should be no exception.

While Grid Reliability is a major concern for all parties in this proceeding, the state, like the rest of the world, is slowly recognizing that a paradigm shift towards efficiency and renewable generation is looming on the horizon. For examples see: <http://a4nr.org/news-and-events/05.15.2008-aceee> We must carefully expend scarce resources on technologies that will lead us to new, independent, cleaner and more secure energy polices in the future.

While large generation facilities provide reliable electricity, they also make customers extremely vulnerable to serious energy shortfalls. For example, in July 2007, an immediate loss of 8000 MW of generation resulted from a large earthquake in the Sea of Japan. The reactor complex is not expected to be back online before 2010 – if ever. Mother Nature has a way of humbling us all.

Allowing nuclear reactors on our seismically active coast to continue to damage coastal and marine life merely for “Grid Reliability” may prove to both an environmental and an economic disaster. To place 13% our energy “eggs” in aging reactor baskets without planning for the possibility of a major prolonged or permanent outage due to either acts of nature or acts of man is extremely



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shortsighted. The possibility of losing 6-13% of the state's electric capacity for a prolonged period is as great in California as it was in Japan.

A4NR supports the deadlines in the Task Force Report with a very important caveat. Nuclear Reactors designed in the 1960s and operating out of compliance more often than in compliance with state laws *must* cease to operate when the licenses granted by the NRC expire (2022 for SONGS and 2023 & 2025 for Diablo Canyon). We encourage all oversight agencies to work closely with the California Energy Commission (CEC) to achieve determine the economic impacts of the state's dependence on aging nuclear plants beyond current license terms. Without understanding the full costs, benefits and risks of existing nuclear generation the state will leave itself vulnerable to a host of consequences foreseen and not.

The challenges for future generation for California are filled with exciting possibilities. New technological breakthroughs are within sight. With focused determination, California can create new technologies, new infrastructure, new jobs, new revenue sources, cleaner air and water. We can do this by decreasing our impacts on coastal waters and our dependence on outside generation sources.

"Business as usual" cannot be the mantra for future generation sources. California cannot afford to get it wrong. By allowing SCE and PG&E to operate their reactors until the end of current licenses and by investing in smart, clean and reliable energy diversity, this Water Board can demonstrate a successful model for the nation.

A4NR would like to address several comments by SCE and PG&E at the May 13, 2008 workshop in Sacramento. Both utilities seem to prefer the 1989 Marine Review Report; however while it is good to learn from the past, it is not wise to stay in the past. Newer reports should guide the Water Board in its decision-making on issues of water protection.

While A4NR has made our recommendation to waive OTC alternatives for California's nuclear reactors only until current licenses expire--and then prohibit license renewals--we also want to address a statement by PG&E's Mr. Cross. Mr. Cross stated more than once that salt water has not been used "anywhere in the world" for cooling towers at nuclear reactors. This is not the case. In the United Kingdom, Sellafield has several nuclear facilities (reprocessing plant, fuel fabrication, etc.). It used to have active nuclear power plants (<http://a4nr.org/library/waste/reprocessing/05.2208-sellafield2/view> and <http://a4nr.org/library/waste/reprocessing/05.2008-sellafieldone/view>) One would not point to Sellafield as a successful example of nuclear operations as they have had serious leaks into the Irish Sea, several operational and safety violations and are in virtual bankruptcy – yet they do use salt water in their cooling towers.

Like all other utilities, and the ISO, grid reliability is the paramount concern. Yet there can be many ways to meet the state's energy needs without continuing to impact the resources that make our state the seventh largest economy in the world. Alternative generation is entering its infancy around the world and it will replace the power sources we have come to depend upon for the last century – it's only a matter of time. Utilities have yet to discover how they can equal the profits from nuclear, coal and oil by following softer energy paths, but when forced to phase those out we have no doubt a profit incentive will be provided to guarantee SCE and PG&E buy in to the program



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If this board determines that OTC will only be allowed until end of current license terms, you will have given PG&E & SCE strong guidance on their energy planning for the future. Change is difficult for us all, but again the opportunities for California, SCE and PG&E to lead the nation in new and exciting energy technology are abundant, and there is no doubt they will be profitable.

A4NR thanks the Board for the time and resources you have committed and join other organizations in expressing our appreciation for the commendable job of improving upon the draft policy from its original draft in 2006 and has prepared a draft policy that moves us one step closer towards implementing state law and represents a much-needed, and legally required, improvement over the federal Clean Water Act section 316(b) regulations. We also appreciate the State Board's ongoing coordination with the California Energy Commission ("CEC"), Ocean Protection Council ("OPC") and its member agencies, and other agencies in the continued development of this policy.

Sincerely,

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