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# California State Senate

SENATOR  
**FRAN PAVLEY**

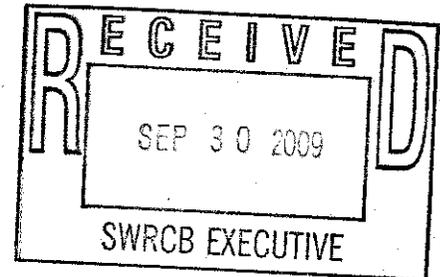
TWENTY-THIRD SENATE DISTRICT



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ENVIRONMENTAL QUALITY  
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September 30, 2009

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



Re: Comments on the Draft Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling

Ms. Townsend,

Thank you for the opportunity to comment on the State Water Resources Control Board (SWRCB) Draft Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling. Staff has done a remarkable job of working with the various stakeholder groups in the development of this draft policy and incorporating many of the concerns of the Ocean Protection Council (OPC), on which I serve.

As you know, in 2006 the OPC passed a resolution calling on the SWRCB to implement more stringent requirements on existing coastal power plants to achieve a 90-95 percent reduction in environmental impacts. Given the dire state of our natural resources and our immediate need for new, clean sources of energy, it is imperative that we undertake this effort immediately and begin the process of converting from once-through cooling technology.

The policy proposed by the SWRCB to achieve this reduction in impacts and transition the state to new forms of clean energy falls somewhat short of its intended goals. There are several exemptions, such as the wholly disproportionate option, that fail to achieve the 90-95 percent reduction in impacts requested by the OPC. In addition, the policy addresses only impacts from water uptake and not those resulting from plant discharge. In accordance with the SWRCB mission, "to preserve, enhance and restore the quality of California's water resources," I

encourage SWRCB to refine the policy so that it reduces environmental impacts by the intended 90-95 percent without exception.

Also of concern is the timeline provided in the policy, which allows for plants to comply with the policy as late as 2020. It is important to remember that many of these plants impact more than the marine resources destroyed by once-through cooling technology. They also impact the communities in which they are located by contributing to environmental degradation, visual blight, and depressed land values. Several are located in or adjacent to wetlands where they inhibit the ability of the community to properly restore wetlands necessary to achieve water quality and urban runoff abatement goals.

A study commissioned by OPC and SWRCB in April 2008 found that plants could be converted in a much shorter timeframe than 2020. I urge SWRCB to consider the findings of this study and be as aggressive as possible in the implementation of this policy.

Thank you again for the opportunity to comment and for your work on this important matter. I look forward to continuing this dialogue with SWRCB and all the stakeholders.

Sincerely,

A handwritten signature in cursive script that reads "Fran Pavley".

Senator Fran Pavley, SD 23