



CALIFORNIA OCEAN PROTECTION COUNCIL

Mike Chrisman, *Secretary for Resources, Council Chair*
Steve Westly, *State Controller*
Alan Lloyd, *Secretary for Environmental Protection*
Sheila Kuehl, *State Senator, Ex officio Member*
Pedro Nava, *State Assemblymember, Ex officio Member*

Resolution of the California Ocean Protection Council Regarding the Use of Once-Through Cooling Technologies in Coastal Waters

WHEREAS, the California Ocean Protection Act mandates that the Ocean Protection Council (OPC) coordinate and improve the protection of California's ocean and coastal resources; and the Governor's Ocean Action Plan calls for the OPC to play a leadership role in managing and protecting California's oceans, bays, estuaries and coastal wetlands, including integration of coastal water quality programs to increase their effectiveness; and

WHEREAS, California currently has 21 coastal power plants that use once-through cooling technology to operate their plants, many of which are located on bays and estuaries, and these plants are collectively permitted to withdraw nearly 17 billion gallons of water per day; and

WHEREAS, the OPC recognizes that these power plants currently make an essential contribution to California's energy infrastructure and is committed to maintaining energy reliability in California, but also recognizes the need to improve coastal and estuarine water quality and protect species diversity and abundance; and

WHEREAS, the U.S. Environmental Protection Agency (U.S. EPA) has determined, after a thorough review of the rulemaking record for implementation of section 316(b) of the Clean Water Act, that there are multiple types of undesirable and unacceptable environmental impacts associated with once-through cooling technology; and

WHEREAS, The U.S. EPA has found these types of impacts to include entrainment and impingement; reductions of threatened and endangered species; damage to critical aquatic organisms, including important elements of the food chain; diminishment of a population's compensatory reserve; losses to populations including reductions of indigenous species populations, commercial fisheries stocks, and recreational fisheries; and stresses to overall communities and ecosystems as evidenced by reductions in diversity or other changes in system structure and function; and

WHEREAS, a recent report by the California Energy Commission found that, of the 21 Californian coastal power plants that use once-through cooling, only seven have recent studies of entrainment impacts that meet current scientific standards; and all these studies have found that adverse impacts occur due to entrainment of aquatic organisms; impingement and entrainment result in changes to community structure; thermal impacts from the discharge of cooling water may be significant, particularly in enclosed water bodies; and the possible cumulative impacts of entrainment and impingement are currently unknown; and

WHEREAS, the 2005 Integrated Energy and Policy Report to the California Legislature recommended the OPC work with other agencies to improve assessment of the ecological impacts of once-through cooling and to develop a better approach to implementing best technology available; and

WHEREAS, on April 17, 2006, the California State Lands Commission passed a resolution urging the California Energy Commission and the State Water Resources Control Board to develop and implement policies that eliminate the impacts of once-through cooling on the environment; and

WHEREAS, staff members of State Water Resources Control Board, California Energy Commission (CEC), California Coastal Commission, and Ocean Protection Council have met and found it extremely helpful to coordinate roles due to the complex nature of coastal power plant permitting.

NOW, THEREFORE, the California Ocean Protection Council hereby:

RESOLVES that, in agreement with U.S. EPA findings, the environmental impacts from once-through cooling technologies for coastal power plants can be significant, and resolves to support the section 316(b) rule requiring reductions in entrainment and impingement at existing coastal power plants and encourages the State to implement the most protective controls to achieve a 90-95 percent reduction in impacts; and

FURTHER RESOLVES to assist the State Water Resources Control Board with the formation of a technical review group to ensure the required technical expertise is available to review each power plant's data collection proposals and fairly implement statewide data collection standards needed to comply with section 316(b); and

FURTHER RESOLVES to establish an interagency coordinating committee composed of staffs from the Water Boards, California Energy Commission, the Public Utilities Commission, California Coastal Commission, and others to integrate agency actions and coordinate regulatory authorities; and

FURTHER RESOLVES to fund a 6-month study, in conjunction with the California Energy Commission and other interested parties, that will analyze each of the existing coastal plants and determine each plant's technical feasibility of conversion to alternative cooling technologies or instillation of best technology available, the associated costs, and environmental impacts that might result from these new technologies; and

FURTHER RESOLVES to work with the Water Boards, California Energy Commission, the Public Utilities Commission, California Coastal Commission, and others to investigate possible non-regulatory incentives that can accelerate desirable conversions of once-through cooling technologies, in addition to regulatory programs that can reduce the impact of once-through cooling technologies.