RESPONSE TO COMMENTS
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
and
CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION
FOR PACIFIC GAS AND ELECTRIC COMPANY DIABLO CANYON POWER PLANT
DISCHARGE TO THE PACIFIC OCEAN, SAN LUIS OBISPO COUNTY

ORDER R3-2026-0001, NPDES PERMIT CA0003751
and
ORDER 34024WQ31

During the 30-day public comment period, which began on November 7, 2025, the Central Coast Water Board received written comments from 30 commenters on Proposed Order R3-2026-0001 and the associated Clean Water Act section 401 Water Quality Certification for Pacific Gas and Electric Company's Diablo Canyon Power Plant. Central Coast Water Board staff responses to these comments are provided below. See the proposed orders for the text of any changes proposed by staff in response to the comments. Staff also made minor, non-substantive changes to the proposed orders to correct errors that may not be discussed in this document.

Comments are listed in chronological order based on date the comment was received by the Central Coast Water Board. While all comments are direct transcriptions from the comment letters, some comments have been revised for formatting, grammar, or removal of citations, links, or footnotes. Citations, links, and footnotes have been replaced, where necessary, by referrals to the documents.

Letter Number	Commenter (Click to go to location)
--	Acronyms List for Response to Comments
1	Lucy Hunt-Pierson
2	Ruthellen Dickinson
3	Julia Stein
4	Marcy Israel
5	Robert Raven
6	Marilyn E. Brown
7	Katherine Roddy
8	Larry Dorshkind
9	Nina Young
10	Alliance for Nuclear Responsibility Legal Fund
11	Ace Hoffman
12	Sydney Torres
13	Casey Dogood
14	Bruce Campbell
15	Jane Swanson
16	Adam Cunningham
17	Jordon Reyes
18	Mothers for Peace
19	Surfrider Foundation
20	James E. Hopf
21	Sierra Club
22	Mothers for Nuclear
23	Multiple NGOs
24	Committee to Bridge the Gap
25	California Coastkeeper Alliance
26	Pacific Gas and Electric Company
27[1]	Francene McClintock

[1] The 70-page letter submitted by the commenter includes comments that are repetitive. Comments 27.1 through 27.12 are considered to be representative of all comments in the submitted letter that are applicable to the Proposed NPDES

28	Californians for Green Nuclear Power, Inc.
29	Kathleen Flynn
30	Maureen Roddy

Permit and Proposed 401 Certification.

Acronym	Definition
40 CFR	Title 40 of the Code of Federal Regulations
APU 90-0004	State Water Board Administrative Procedures Update (APU) 90-004, *Antidegradation Policy Implementation for NPDES Permitting*
Basin Plan	*Water Quality Control Plan for the Central Coastal Basin*
BPTC	Best Practicable Treatment or Control
Bq	Becquerels
BTA	Best Technology Available
CCC	California Coastal Commission
CCKA	California Coastkeeper Alliance
CCSF	City and County of San Francisco
CDO	Cease and Desist Order
Central Coast Water Board	Central Coast Regional Water Quality Control Board
CGNP	Californians for Green Nuclear Power, Inc.
Ci	Curies
CO_2	Carbon Dioxide
CPUC	California Public Utilities Commission
CWA	Clean Water Act, i.e., Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.)
DCISC	Diablo Canyon Independent Safety Committee
DCPP	Diablo Canyon Nuclear Power Plant
Degrees C	Degrees Fahrenheit
Degrees F	Degrees Celsius
DMR	Discharge Monitoring Report
ELG	Effluent Limitation Guidelines
Fact Sheet	Attachment F of the Proposed Order
HTK	Help the Kelp
LLRW	Low-Level Radioactive Waste
MFP	Mothers for Peace
MGD	Million Gallons per Day
µg/L	Micrograms per Liter
MMPA	Marine Mammal Protection Act

Acronym	Definition
MPA	Marine Protected Area
NGO	Non-governmental Organization
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
Ocean Plan	*Water Quality Control Plan for Ocean Waters of California* (2019)
Order	Proposed Order R3-2026-0001
OTC	Once-Through Cooling
OTC Policy	*Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*
PG&E	Pacific Gas and Electric Company
RBE	Relative Biological Effectiveness
Resolution 68-16	State Water Board Resolution 68-16*, Statement of Policy with Respect to Maintaining High Quality of Waters in California*
ROWD	Report of Waste Discharge
RPA	Reasonable Potential Analysis
RWMP	Receiving Water Monitoring Plan
SB	State Bill
SLO	San Luis Obispo
State Water Board	California State Water Resources Control Board
TBEL	Technology-Based Effluent Limitation
Thermal Plan	*Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California*
TSO	Time Schedule Order
USEPA	United States Environmental Protection Agency
Water Code	California Water Code
WDR	Waste Discharge Requirement
WQBEL	Water Quality-Based Effluent Limitation
WQO	Water Quality Objective
WQS	Water Quality Standard

Comment Number	Comment	Response
1.1	Please deny the National Pollutant Discharge Elimination System (NPDES) permit and Proposed Order for the Clean Water Act (CWA) section 401 Water Quality Certification. There are enormous detrimental impacts to the marine environment from Diablo Canyon Power Plant's (DCPP's) once-through cooling (OTC) system and the wastewater discharges are undisputed. Some of the toxins routinely discharged into the ocean include arsenic, cadmium, chromium, copper, lead, mercury, ammonia, benzene, radioactivity, DDT, and more. Please do not allow these destructive forces to continue.	The Central Coast Water Board is authorized to issue NPDES permits within the Central Coast Region pursuant to CWA section 402 and part 122 of title 40 of the Code of Federal Regulations (40 CFR 122). CWA section 402(a)(2) specifies that NPDES permits shall prescribe conditions to ensure compliance with applicable statutory requirements, including applicable technology-based effluent limitations (TBELs) and water quality-based effluent limitations (WQBELs). In addition, the Porter-Cologne Water Quality Control Act [California Water Code (Water Code) section 13377] requires the Central Coast Water Board to issue waste discharge requirements (WDRs) that regulate authorized discharges. The WDRs must ensure compliance with all applicable provisions of the CWA and State water quality control plans, including applicable water quality standards (WQSs), and must be protective of beneficial uses. The Proposed NPDES Permit implements all applicable requirements of the *Water Quality Control Plan Ocean Waters of California* (Ocean Plan), *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan), and *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan). The Central Coast Water Board performed a reasonable potential analysis (RPA) to determine

Comment Number	Comment	Response
		if the discharge has the reasonable potential to cause or contribute to exceedances of applicable water quality objectives (WQOs) in Table 3 of the 2019 Ocean Plan. For pollutants that are present in the discharge at concentrations that exhibit reasonable potential, the Central Coast Water Board has established WQBELs. Compliance with the WQBELs will ensure protection of the beneficial uses of the receiving water. The Central Coast Water Board has also established TBELs that consider all applicable effluent limitation guidelines (ELGs), prohibitions, monitoring, and additional special study requirements in the Proposed NPDES Permit to ensure protection of beneficial uses. Requirements in the Proposed NPDES Permit were also developed in compliance with the state's Antidegradation Policy (Resolution 68-16), titled *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, to ensure protection of the applicable beneficial uses, and therefore implement applicable water quality standards. Discharges from OTC systems are also regulated under federal regulations at CWA sections 316(a) and 316(b) and state regulations in the *Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling* (OTC Policy). Special provisions established in section 6.3.6.1 of the WDRs in the Proposed NPDES Permit implement federal and

Comment Number	Comment	Response
		state OTC regulations and requirements. As detailed above, the Proposed NPDES Permit and Proposed 401 Certification were developed in compliance with applicable federal and state regulations and guidance. Therefore, Central Coast Water Board staff find no legal or technical basis to deny them. Finally, the Central Coast Water Board has also examined section 403 of the CWA and its implementing regulations, specifically 40 CFR Part 125, subpart M (Ocean Discharge Criteria). The Central Coast Water Board is treating the discharge as subject to the Ocean Discharge Criteria and has added findings pursuant to 40 C.F.R section 125.122 to the Proposed NPDES Permit.
2.1	I understand that you are preparing permits to regulate the wastewater discharges by Pacific Gas and Electric's (PG&E's) DCPP in order to satisfy the requirements for the plant's extended operation. As a longtime resident of California, with plans to eventually relocate to the Central Coast, this greatly concerns me. I hope that you will not approve the requested permits. The marine environment has already been seriously impacted by toxic discharges from this plant over the years, and it's time to permanently shut it down. Please do the right	As detailed in the response to comment number 1.1, the Central Coast Water Board is authorized by federal and state statutes and regulations to issue WDRs that regulate point source discharges and ensure compliance with the applicable WQSs. The Proposed NPDES Permit and Proposed CWA section 401 Water Quality Certification (Proposed 401 Certification) were developed in accordance with federal and state statutes and regulations and contain effluent limitations, monitoring requirements, and other conditions to protect the beneficial uses of the receiving water from the discharge of toxic pollutants.

Comment Number	Comment	Response
	thing for the coastal environment and for the citizens of our beautiful state. Deny these permits.	Senate Bill 846 (SB 846 (2022)) was passed into law in 2022, extending the operation of DCPP's two reactor units until October 31, 2029, and October 31, 2030. In SB 846 (2022), the legislature determined that the extended operation was necessary to "improve statewide energy system reliability and to reduce the emissions of greenhouse gases while additional renewable energy and zero carbon resources come online, until those new renewable energy and zero carbon resources are adequate to meet demand." Thereafter, the State Water Board again amended the OTC Policy, effective December 5, 2023. The 2023 OTC Policy amendment revised the compliance dates for Diablo Canyon Units 1 and 2 to October 31, 2030, in accordance with SB 846 (2022) and Water Code section 13193.5. Decisions regarding the closure of DCPP are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQSs.
3.1	Please do not permit DCPP to continue destroying our ocean. Thank you for protecting life. For the good of all beings.	See the responses to comments 1.1 and 2.1.
4.1	Please deny permits for DCPP to continue polluting our ocean. DCPP is toxic and should be closed. I would appreciate a response.	See the responses to comments 1.1 and 2.1.
5.1	DCPP releases millions of gallons of super-hot	The Proposed NPDES Permit contains

Comment Number	Comment	Response
	water into the Pacific, warming it. Ocean life is also affected by toxic wastewater, as are nearby beaches. Close DCPP, as planned!	requirements for temperature and toxic pollutants necessary to protect the beneficial uses of the receiving water. Central Coast Water Board staff established numeric effluent limits and monitoring requirements for temperature in the Proposed NDPES Permit in accordance with federal and state regulations, including the Thermal Plan, and the 2021 Consent Judgment *(People of the State of California, ex rel. California Regional Water Quality Control Board, Central Coast Region v. Pacific Gas and Electric Company*, 2021, Case No. 21CV-0111). The bases of the temperature limitations and the 2021 Consent Judgment are described in detail in section 4.3.6 of the Fact Sheet. See, also, the responses to comments 1.1 and 2.1.
6.1	The California Coastal Commission (CCC) has promised to "protect and enhance" California's coast and ocean for present and future generations. At a recent Central Coast Water Board meeting, it was revealed that PG&E has been dumping chemicals into the Pacific Ocean. PG&E needs permits to continue polluting the Pacific and killing ocean life with chemicals such as lead, mercury, arsenic, copper, cadmium, and many other harmful and destructive chemicals. This lethal chemical dumping is in addition to	See the responses to comments 1.1 and 2.1.

Comment Number	Comment	Response
	the OTC that has killed billions of sea life species over the 40 plus years that DCPP has been licensed. This cannot be allowed to continue. Please, for future generations and the ocean life they will inherit, deny permits to PG&E to continue doing irreparable harm.	
7.1	I am writing to ask that you issue no permits to PG&E that would extend the life of DCPP. It was controversial when it was built, especially since it was built near fault lines. Now it is so old, and we have safer alternatives. Please protect California by retiring this reactor.	Decisions regarding DCPP plant closure, site location (including seismic considerations), and alternative energies are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQOs. See also the response to comment 1.1. To ensure the continued maintenance of DCPP aging infrastructure, the Proposed NPDES Permit includes a standard provision at Attachment D section 1.4 requiring the Discharger to "properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order." This provision is in accordance with federal regulations at 40 CFR 122.41(e). In addition, at section 6.3.6.4 et seq., the Proposed NDPES Permit also requires the Discharger to submit a climate change response hazards and vulnerabilities plan describing the Discharger's long-term approach to identify and address climate change hazards and vulnerabilities at the

Comment Number	Comment	Response
		Facility, including all associated infrastructure (e.g., treatment facilities, conveyances to discharge points, discharge facilities).
8.1	The State of California and the U.S. cannot stand an unfortunate explosion or terrorist attack at DCPP. The wisest approach is to shut it down as soon as possible.	Decisions regarding DCPP plant closure and national security are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQSs. See, also, response to comment 7.1.
9.1	I ask that you deny the permits. It's time to shut down DCPP and stop the devastating impacts to our marine environment. DCPP's OTC system and the wastewater discharges are undisputed negative impacts on our precious coast and ALL the creatures who live there, let alone the ticking time bomb that is the very location the plant was built upon... Deny The Permits.... Do the Right Thing!	Decisions regarding DCPP plant closure and site location (including seismic considerations) are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQSs. See the responses to comments 1.1, 7.1, and 12.3 for additional information regarding DCPP discharge concerns and site location.
10.1	How will the Central Coast Water Board be harmonizing the 5-year time period of the extension of the NPDES permit with the as-of-yet "undated" dates for the granting of the CWA 401 permit? As supplemental information, I am attaching the following highlighted versions of the Indian Point nuclear documents I referenced, where it	CWA section 401 requires any party applying for a federal license to conduct an activity that may discharge into navigable waters to obtain certification that the discharge will comply with water quality standards. Since PG&E is applying for a license to conduct an activity that may result in a discharge to navigable waters for a period of 20 years, and the NRC license for DCPP will authorize an activity that may discharge for 20

Comment Number	Comment	Response
	indicates that the Entergy utility had applied for (and received) 20-year Nuclear Regulatory Commission (NRC) license extensions (until 2033 and 2035) but in the agreement with New York State agrees to file with NRC an amendment to its pending license renewal application for Indian Point Unit 2 and Unit 3 to update the proposed term of the renewed licenses from 20 years for each unit to the periods ending April 30, 2024 for Unit 2 and April 30, 2025 for Unit 3. PG&E has a "pending license renewal application" for DCPP and can certainly agree, along with the State of California (as Entergy Indian Point agreed with the various agencies of the State of New York, including their New York equivalent of the Regional Board) to voluntarily amend the final dates of their pending NRC license renewal and CWA section 401 applications to 2029/2030. That would certainly preclude any operations beyond 2030 and harmonize the two permits with SB 846 (2022). As well, PG&E is now currently operating in the period of extended operations beyond the expiration of the original NRC licenses, and as you are aware, by special exemption from the NRC's application deadlines, can continue to operate until 2045 as long as their application process remains "open." In short, they could operate DCPP under NRC regulations until 2045	years, it is appropriate for the Proposed 401 Certification to extend beyond five years. In addition, the Proposed 401 Certification should not be set to expire in five years in an effort to align it with the Proposed NPDES permit, since NPDES permits are often administratively extended. The Proposed 401 Certification is certifying the license renewal, rather than the Proposed NPDES permit. To clarify when the Proposed 401 Certification expires, it has been edited to state that it expires when the NRC license expires. In addition, SB 846 (2022) makes a Proposed 401 Certification expiration date of 2030 unnecessary, since SB 846 (2022) stipulates that DCPP cease operations in 2030. By linking the Proposed 401 Certification expiration with the NRC license expiration, the Proposed 401 Certification avoids conflicts with potential future legislation, should future legislation extend the date when DCPP operations are to cease beyond 2030. It is also worth noting that the Central Coast Water Board is not required to include an expiration date in the 401. It is not unusual for expiration dates to not be included in 401 water quality certifications, since that approach allows for those 401 water quality certifications to expire when federal permits expire, thereby avoiding conflicts regarding the timing of federal permits and 401 water quality certifications. Moreover, the Proposed 401

Comment Number	Comment	Response
	without any action on the CWA 401 being taken. Likewise, I note from the transcript of my questions that your moderator gave you and fellow panelists the chance to answer my question “now” at the time it was asked, or to wait. Therefore, what prevents your organization from providing an answer to my question “now” as opposed to having to wait until the close of the entire written comment period on December 8th as I was subsequently informed? Clearly, a “now” option was available. The information could be informative to concurrent proceedings with earlier deadlines. You may note I have included a copy of this correspondence to our congressional representative, as the CWA invokes federal authority.	Certification allows the Central Coast Water Board to suspend, cancel, or modify and reissue the certification if the Central Coast Water Board determines that the project fails to comply with any of the terms or conditions of the certification, including the condition prohibiting the violation of any water quality standard. This approach allows for the Proposed 401 Certification to be modified as necessary to protect water quality and beneficial uses, should the need arise during the life of the NRC license. Finally, the Indian Point Agreement is not applicable here. The numerous entities that were party to the Indian Point Agreement, which shortened the operating period of the Indian Point facility, consented to the agreement for a variety of reasons. Those reasons reached well beyond water quality concerns and are therefore not directly transferable to the Proposed 401 Certification for DCPP. While the agreement indicates that shortening the active span of the water quality certification is an option, it is not the preferred option for the reasons discussed above.
11.1	I am writing to oppose any further extension or relicensing of Diablo Canyon Nuclear Waste Generating Station (inappropriately known as DCPP). Every day, every operating nuclear reactor creates about 250 pounds of new high-level	Decisions regarding disposal of nuclear fuel, site location (including seismic considerations), costs, and alternative energies are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQSs. See

Comment Number	Comment	Response
	nuclear waste. This newly created, extremely toxic waste is most radioactive when it is first removed from the reactor. Because it is so radioactive, it must be left in a cooling pool for five years or more before being moved to dry storage. And then what? Even 100,000 years from now the waste will still be highly toxic, as well as containing components for nuclear bombs, which can be extracted and used by some future (unfortunate) civilization. We are providing humanity with the methods of our own destruction. Meanwhile, we are providing California with a ready-made potential disaster. Push a wrong button, have a major part fail, suffer unthinkable sabotage... or just wait for an earthquake and/or tsunami. There is no place on earth, and CERTAINLY not in California, to store the waste. And after 80+ years of making nuclear waste nationally and nearly as long in California, there is still no safe storage, no safe transport method, and no long-term storage plan to handle the growing piles of nuclear waste. When first removed from a nuclear reactor, spent nuclear fuel is millions of times more toxic than it was before it was placed in the reactor just a few years earlier. Nuclear reactors manufacture toxic waste. As a way to produce electricity, there is nothing more expensive or more dangerous than	also the response to comments 1.1 and 7.1. To the extent the commenter is suggesting that the Central Coast Water Board should regulate radioactive discharges, such discharges are almost entirely beyond the scope of the Board's regulatory authority and are instead regulated by the Nuclear Regulatory Commission (NRC). To explain, the term "pollutant" is defined by the CWA to include "radioactive materials." (40 CFR § 122.1.) "But when the Administrator of the EPA adopted regulations governing the permit program, 40 CFR, pt. 125 (1975), he specifically excluded source, byproduct, and special nuclear materials those covered by the AEA from the program upon his understanding of the relevant legislative history of the FWPCA: "The legislative history of the Act reflects that the term 'radioactive materials' as included within the definition of 'pollutant' in section 502 of the Act covers only radioactive materials which are not encompassed in the definition of source, byproduct, or special nuclear materials as defined by the Atomic Energy Act of 1954, as amended, and regulated pursuant to the latter Act. Examples of radioactive materials not covered by the Atomic Energy Act and, therefore, included within the term 'pollutant' are radium and accelerator produced isotopes." 40 CFR s 125.1(y) (1975) (citations omitted)." *Train v. Colorado Public Interest Research Group, Inc*. (1976) 426 U.S. 1, 7–8. The few exceptions to

Comment Number	Comment	Response
	nuclear power. Conversely, there is none cheaper or safer than solar and wind power, and the rest of the world knows it, and is going gung-ho on truly clean energy. Jobs, energy security, and safety all come together. Offshore wind and rooftop solar, aqueduct solar, parking lot solar, and a variety of energy storage methods can easily replace DCPP's unreliable and expensive electricity. For off-peak times, there is a wide variety of options: pumped water storage, lifted weight storage, underground vapor pressure storage, battery storage, spinning weight energy storage... an endless variety of options and more becoming available every year. But back to the problem: DCPP and the waste it produces. Fortunately, most of the radioactive waste that is produced does not get out -- if everything goes as planned. However, accidents, sabotage, carelessness, abandonment, war... could all cause a massive unplanned radioactive release. As long as it operates, about 2,000 curies (Ci) of tritium is released every year at DCPP (1,000 Ci per reactor per year). Tritium is extremely toxic -- its Relative Biological Effectiveness (RBE) is generally considered to be about 2, but there is a lot of evidence suggesting its RBE should be 3 or 4 (or even 5). It would be very costly for DCPP if they had to cut their tritium releases to half or a third, to meet a tighter	regulation here, including radium and accelerator produced isotopes, are not relevant to this Discharger. All relevant radioactive waste is subject to NRC regulations, with which the Facility must comply. That said, the Proposed NPDES Permit does include a prohibition against the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the Ocean (Proposed NPDES Order, section 3.3). This prohibition is not in conflict with the NRC regulations because the Facility does not discharge such wastes, according to monitoring reports received by the Central Coast Water Board from the Discharger for NRC-regulated constituents.[2] See, also, response to comment 16.4.

[2] Water Code section 13375 also prohibits such discharges into the waters of the state.

Comment Number	Comment	Response
	standard. But it would be appropriate. Tritium is often called a "low energy beta emitter" as if that makes it safe. However, the statement is both true and misleading at the same time. This fact was explained to me by nuclear physicist Marion Fulk, who was Lawrence Livermore National Labs tritium expert for many decades. What is misleading is that the emitted beta particle is a fast-moving charged particle with the same charge as an electron. (It becomes an electron as it slows to "terrestrial" speeds.) When ANY beta particle is near the speed of light, because it is a charged particle (or "ray" as some experts refer to it), it is moving too fast to have any effect on the other charged particles it passes. Hence, ALL beta emissions, whether "low energy" or "high energy" do about the same amount of damage, except a higher-energy beta particle does its damage a microscopic distance further away from the source than a low-energy beta particle. All beta particles are thousands of times more powerful than ANY chemical bond in our bodies, hence, tritium -- and all beta emitters -- are extremely hazardous when inside the body, especially if absorbed into (as part of) the body. Since tritium is usually part of a water molecule (as either HTO or T2O) it might be found just about anywhere in the body. Tritium has a half-	

Comment Number	Comment	Response
	life of about 12.3 years. There is virtually NO natural tritium in the environment, especially below the top few feet of water. The tritium U.S. nuclear reactors release adversely affects fish, plant life, whales, seals, dolphins and people swimming nearby. However, a greater concern even than the daily releases of tritium and other radionuclides (such as radioactive noble gasses, as well as smaller quantities of radioactive cesium, strontium, etc.) is the possibility of an accident. I know the Water Board is going to claim they are "forbidden to rule on safety issues" but that's NOT the actual situation. You don't have to "rule on safety" to decide that ANY risk of an accident at DCPP is too great. And besides: Many of the NRC's "safety assessments" are BASED ENTIRELY on very rough estimates of everything from the work ethics of steam generator assemblers in Japan to the usefulness of "coupons" to indicate the embrittlement of the reactor. In fact, some data for the NRC's safety estimates, such as their earthquake estimates for DCPP, are provided by California's own experts who admit the estimates could be far off. So you don't have to accept that those guesses "prove" that the reactor WON'T melt down if you extend the license of this decrepit, decaying rust-bucket for half-again its planned lifespan just because the utility wants you to and the craziest federal government in	

Comment Number	Comment	Response
	history wants you to! You can do the right thing for California instead. Nuclear power has always had a triad of unsolvable problems: It is ridiculously expensive, frequently unreliable, and always incredibly risky. All three problems have been a constant of the nuclear industry since its inception. Regarding cost, the start of nuclear power included the bizarre claim that its electricity would soon be "too cheap to meter." It never was and never will be. How is it going? California has by far the most expensive electric rates in the country, in large part because of DCPP, especially considering that its owner (PG&E) made sure that solar rooftops cannot provide electricity for their local area when they have excess power, a vital framework for a statewide successful clean energy solution. Nuclear energy is far from "too cheap to meter" but nevertheless a lot of its costs are hidden by government subsidies, a government-mandated insurance cap (California citizens will pay all uninsured costs of a catastrophe, plus suffer the health effects) and perhaps most of all, by the federal government's promise to take the waste (a broken promise thus far, after more than 60 years). That broken promise makes the risk stay in California -- possibly forever. Certainly, for	

Comment Number	Comment	Response
	many decades to come, and probably more than a century. Can we really afford to make more? Can we afford the risk? The good news is that if we do stop making more nuclear waste in California, the potential size of any possible accident reduces significantly over time, especially in the first few decades after we stop. The bad news is that even though the potential release size goes down by several orders of magnitude during the first century or so, there will still be enormous risk even after thousands and thousands of years. The more waste we make, and the more recently we've made it, the greater the risk. That's why the sooner we close DCPP, the better. Any accident at DCPP is bound to poison the ocean: The ocean we love. The ocean we swim in. The ocean that makes California so nice and so valuable.	
12.1	The draft permit includes a discharge temperature limit at EFF-001, which states that the daily average discharge temperature shall not exceed the daily average natural intake water temperature by more than 22 degrees Fahrenheit (degrees F). A temperature increase of this magnitude is extremely large for nearshore marine ecosystems. Many species experience	As discussed in section 5.1.1 of the Fact Sheet, the U.S. Supreme Court's decision in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704 (*CCSF* Decision) held that NPDES permits may not include end-result requirements, which are provisions that do not spell out what a permittee must do or refrain from doing; rather,

Comment Number	Comment	Response
	biological stress, reproductive impairment, or mortality with only two to six degrees of warming above ambient conditions. The Central Coast Water Board has already documented long-term thermal impacts near DCPP, including loss of habitat forming algae, altered species composition, and reduced intertidal habitat area. These are direct impairments to beneficial uses. The draft order removes the longstanding narrative receiving water temperature limitation from the permit. Table F-21 justifies this removal by stating that it is probable that the WQO will be achieved because an effluent limit exists. Probability is not protection, and this assumption is contradicted by decades of biological monitoring showing ongoing effects associated with elevated temperatures in Diablo Cove and adjacent areas. A permitted increase of 22 degrees above natural background is many times greater than marine life can withstand without harm. Attachment F section 4.3.6 discusses changes to the temperature limits but contains no discussion of environmental consequences. There is no evaluation of local species thermal thresholds, no reference to the documented history of ecological impairment, no analysis of cumulative effects from four decades of operation, and no demonstration that beneficial uses will in fact be	they make a permittee responsible for the quality of the water in the body of water into which the permittee discharges pollutants. Certain receiving water limits established in the previous DCPP NPDES permit were removed in accordance with the *CCSF* Decision, including the narrative water quality objective at issue here. As explained in section 5.1.1 of the Fact Sheet and in Table F-21, however, removal of the narrative receiving water limitations will not adversely affect existing water quality or beneficial uses. This is not only because the Proposed NPDES Permit contains effluent limitations for temperature at EFF-001, but also because the Proposed NPDES Permit continues the requirements that the Discharger will monitor effluent and receiving water limits for temperature and conduct an ecological monitoring program to analyze impacts to marine life. Should an adjustment be necessary to the effluent limitation, the NPDES permit can be reopened to accommodate that adjustment (see, Proposed NPDES Permit, section 6.3.1 et. seq.) With respect to the commenter's concerns about the impairments to beneficial uses, these concerns have been considered already by the State Water Board in its Order 83-1, where it determined that the Thermal Plan narrative objective requiring protection of beneficial uses

Comment Number	Comment	Response
	protected without receiving water limits. Without addressing the impacts of elevated temperatures, the Central Coast Water Board cannot credibly conclude that removal of receiving water limits is protective of water quality.	meant “reasonable” protection, and so accommodated some degradation of the marine habitat beneficial use by the thermal discharge. Order 83-1 held that the Facility thermal discharge, subject to an effluent limitation of 20ºF over the intake water temperature (except during heat treatments), provided reasonable protection of the marine habitat beneficial use, considering predicted adverse impacts. These impacts were also considered in Order 85-101, which raised the discharge temperature increase limit to a daily average of 22°F. CWA section 402 and 40 CFR 122.44(d) allow for the implementation of narrative WQOs through numeric effluent limits where those limits are reasonably calculated to achieve the WQO, and the 2021 Consent Judgment, also discussed in section 4.3.6 of the Fact Sheet, found that the numeric effluent temperature limit (Δ T limit) complies with the WQO set forth in the Thermal Plan, as well as federal and state regulations. Furthermore, although the Proposed NPDES Permit does not specifically include an evaluation of local species’ thermal thresholds, reference to the documented history of ecological impairment, or analysis of cumulative effects since operation commenced, this information has been extensively detailed in annual reports and summary analyses of DCPP biological monitoring since 1976. As stated in the 2021 Consent Judgment, these

Comment Number	Comment	Response
		reports confirm that: 1) changes within the discharge area are well documented and well understood; 2) the geographical extent of the biological changes due to the thermal discharge has stabilized, with ecologically significant changes limited to Diablo Cove; and 3) the discharge temperature has remained steady during operation and will remain steady until the Facility closes, because the Facility is designed to run as a “base load” facility at close to full capacity. The 2021 Consent Judgment requires PG&E to continue all biological monitoring, and the Central Coast Water Board included these monitoring requirements in section 8.2 of the Attachment E (Monitoring and Reporting Program) of the Proposed NPDES Permit. See, also, the revised antidegradation discussion in Fact Sheet section 4.4.2 for discussion of, and citations to, impacts to species. Accordingly, the Proposed NPDES Permit implements the narrative temperature WQO in the Thermal Plan through a numeric effluent temperature limit and monitoring and biological assessment requirements. Considering DCPP’s history of compliance with the previous numeric effluent limits for temperature, it is likely that the Facility will maintain compliance with the narrative WQO. If monitoring demonstrates that discharge may cause or contribute to an exceedance of the WQO, the Central Coast Water Board retains

Comment Number	Comment	Response
		authority to reopen or modify the Proposed NDPES Permit to impose additional or more stringent controls. Finally, with respect to impacts on the marine environment, the Central Coast Water Board is treating the discharge as subject to EPA's Ocean Discharge Criteria in 40 CFR section 125, subpart M, and, as explained in the revised Fact Sheet, section 4.4.3, finds that the discharge complies with 40 CFR section 125.122 subd. (b). See the response to comment 1.1 for additional information regarding the Central Coast Water Board's determination that beneficial uses will be protected. See, also, response to comment 12.3 concerning antidegradation policies and the corresponding revised analysis in the Proposed NPDES Permit at Fact Sheet section 4.4.2.
12.2	The OTC Policy requires use of the best technology available (BTA) and minimization of marine life impacts. Feasible retrofit alternatives have been studied, including conversion to wet cooling towers. The draft permit assumes continued operation of OTC indefinitely, without any requirement for mitigation, without a compliance schedule, and without a transition plan that aligns with the goals of the Statewide policy.	Central Coast Water Board staff disagrees with several statements made by the commenter. The Proposed NDPES Permit does not assume continued or indefinite operation and does not lack a compliance schedule. To the contrary, section 6.3.6.1 and Table 11 of the Proposed NPDES Permit establish a compliance schedule that culminates in the Facility's ceasing operations in 2030 to comply with the OTC Policy. The Proposed NPDES Permit includes

Comment Number	Comment	Response
		mitigation requirements in section 6.3.6.1.1.4 that require the Facility to continue to provide funding for mitigation projects. The Proposed NPDES Permit is fully compliant with the OTC Policy and includes a compliance schedule that ensures the goals of the OTC Policy are met. See the responses to comments 18.1 and 25.1 for detailed discussion.
12.3	The draft permit also does not include the antidegradation demonstration required by the State Water Resources Control Board (State Water Board) Resolution 68-16. Antidegradation requirements mandate a clear showing that any lowering of water quality is necessary and that it clearly serves important social or economic development. No such demonstration is provided in the draft order or fact sheet. A proper analysis must acknowledge existing and ongoing environmental harm, quantify the effect on beneficial uses, evaluate feasible alternatives such as closed cycle cooling, and document why continued degradation is necessary to meet a recognized public need. Energy reliability claims must be supported with evidence and must be weighed transparently against the well documented loss of marine ecosystem function. Until this analysis is completed, the Central Coast Water Board cannot lawfully remove receiving water protections or conclude that the draft permit complies with Resolution 68-16.	Central Coast Water Board staff disagrees with the commenter's statement. As an initial matter, the Proposed NPDES Permit contained an appropriate antidegradation discussion at section 4.4.1. Indeed, as made clear in the State Water Board's Administrative Procedures Update (APU) 90-004, a key policy and guidance document for implementation of the federal and state antidegradation policies, if a "Regional Board has no reason to believe that existing water quality will be reduced due to the proposed action, no antidegradation analysis is required." (APU 90-004, p. 2.) Here, the Central Coast Water Board has no reason to believe that existing water quality will be reduced due to permit renewal, and no further antidegradation discussion beyond which what was originally included in the Proposed NPDES Order is required. The Fact Sheet, at section 4.4.2, has been clarified in this regard. However, assuming *arguendo* that some further antidegradation analysis is required, the Central Coast Water Board has revised its antidegradation analysis in the Fact Sheet at section 4.4.2 to

Comment Number	Comment	Response
		include a simple antidegradation analysis consistent with APU 90-004, 40 CFR 131.12, and State Water Board Resolution 68-16. Finally, as the revised antidegradation analysis makes clear, the energy reliability arguments are fully supported. With respect to a detailed discussion of the alternatives considered, potential environmental consequences, and the mitigating actions, see NRC document NUREG-1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants Supplement 62 Regarding License Renewal of Diablo Canyon Nuclear Power Plant, Units 1 and 2 Final Report* (June 2025). https://www.nrc.gov/docs/ML2515/ML25156A357.pdf. The Central Coast Water Board finds the analysis in this document persuasive and consistent with its antidegradation analysis.
12.4	The draft order states that the discharger will continue to monitor effluent and receiving water temperatures and continue ecological monitoring. Monitoring alone does not protect beneficial uses. Without receiving water limits or corrective action triggers, monitoring can only continue to document degradation rather than prevent it.	See the response to comment 12.1.
12.5	For these reasons, I respectfully request that the Central Coast Water Board revise the draft permit to [require a] complete antidegradation analysis is prepared. This could require more stringent mitigation or demonstrate the continued use of	See the response to comment 12.3 and revised section 4.4.2 in the Fact Sheet.

Comment Number	Comment	Response
	OTC at DCPP is truly necessary to serve an important public benefit. This work has not been completed. I also request that Attachment F Section 4.3.6 be expanded to include a full evaluation of environmental impacts, that an alternatives analysis be provided consistent with the OTC Policy, and that monitoring be tied to enforceable actions to prevent further degradation.	
12.6	Thermal impacts at DCPP are not hypothetical. They are documented and ongoing. Removing receiving water protections without fully addressing antidegradation requirements, without evaluating alternatives, and without demonstrating public necessity is not consistent with State law or the Basin Plan obligation to protect beneficial uses.	See responses to comments 12.1 through 12.5.
13.1	I support DCPP continuing to operate. Reliable electricity matters. Ev ry power source has impacts. The issue here is fair and transparent regulation. The current draft 401 certification does not provide either. The draft 401 certification is only 11 pages long. It authorizes continued discharge of up to 2,760 million gallons per day (MGD) of OTC water. Your own record shows these discharges entrain billions of marine organisms each year and would require hundreds of acres of mitigation to offset. Yet the certification document does not mention	The activity the Proposed 401 Certification regulates is different from the examples that the commenter cites – and therefore the Proposed 401 Certification has different requirements. Various types of certifications are necessarily different in length and content. For example, the pipeline maintenance project cited here required the project proponent to obtain numerous permits from the Central Coast Water Board to conduct construction maintenance in waters of the state. In that case, the discharger failed to obtain permits prior to discharging, in violation of various statutes, including Water Code sections 13260,

Comment Number	Comment	Response
	these impacts or explain how they will be addressed. It simply states that compliance with other permits is sufficient. That is not reasonable assurance. It is “trust us.” Meanwhile, smaller projects receive far more detailed conditions. For example, a Monterey County trail project disturbing less than one acre of waters received over 20 pages of site-specific conditions and mitigation. Small footprint = high scrutiny Huge footprint = minimal scrutiny The public sees that difference. It undermines confidence that environmental laws are applied fairly. There is also a structural enforcement issue. The NRC does not enforce NPDES permits. The only water quality conditions that apply to the federal license are those in the 401 certification. If the 401 certification contains no DCPP-specific conditions, then the NRC license contains no enforceable water quality protections. A weak 401 gives a blank approval for a very large discharge. This situation damages public trust. It suggests that regulation depends on the industry, not the impact. Recent enforcement decisions show the contrast clearly. When a pipeline maintenance project disturbed sediment in intermittent waters, the Central Coast Water Board referred the operator to the Attorney General. Small sediment issue → strong enforcement	13267, and 13264, among others. As a result, there was no legal basis for discharging waste, and legal action was initiated. Regarding the Monterey County trail project, that project involved the discharge of fill material, so the 401 water quality certification for that project contains appropriate requirements for that type of discharge. Here, however, the Discharger is conducting a different type of activity. The reason that the Discharger here is required to obtain a 401 water quality certification is because it is an applicant for a license from the NRC. In such a case, the 401 water quality certification is required to ensure that the discharge will comply with the applicable provisions of sections 1311-1313, 1316, and 1317 of the CWA. (33 USC § 1341 subd. (a).) What this means is that the Proposed 401 Certification requires compliance with the NPDES permits issued for the Facility and the OTC Policy. Since the Proposed 401 Certification requires compliance with the NPDES permits and OTC Policy, it requires compliance with all conditions within those permits and the policy. The conditions within the NPDES permits and OTC Policy require compliance with water quality standards. As such, the Proposed 401 Certification ensures compliance with water quality standards, as explained in Findings A.1-4 of the Proposed 401

Comment Number	Comment	Response
	Massive ocean discharge → 11-page certification The Central Coast Water Board had the opportunity to be transparent with the public: to acknowledge the known impacts, describe the need for the plant, and clearly explain the policy choice to accept impacts through 2030. That would build trust even with disagreement. Instead, this certification avoids the facts and asks the public to trust a document that does not show its work	Certification. In addition, the findings and conditions of the NPDES permits and OTC Policy explain how those permits achieve compliance with water quality standards. The Proposed 401 Certification also requires implementation of measures identified in the National Marine Fisheries Service's April 22, 2025 *Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson–Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Diablo Canyon Power Plant, Units 1 and 2, Proposed License Renewal in San Luis Obispo County, California*. Violations of the NPDES permits and OTC Policy would be violations of the Proposed 401 Certification. The Central Coast Water Board has the authority to enforce the requirements of the NPDES permits, OTC Policy, and the Proposed 401 Certification. Finally, regarding the level of regulation applied to the discharges from DCPP, the Proposed 401 Certification must be considered in conjunction with the NPDES permits and OTC Policy, since the Proposed 401 Certification references and requires compliance with those requirements. The specific requirements of the NPDES permits and OTC Policy are not directly included in the Proposed 401 Certification in case those requirements change during the life of the

Comment Number	Comment	Response
		Proposed 401 Certification. Instead, the requirements are incorporated by reference. As such, the Proposed 401 Certification contains the number of requirements and level of regulation appropriate to the discharge.
13.2	Please reject Proposed Order 34024WQ31 and require a revised 401 certification that: • Explains how WQSs will be met. • Includes clear, enforceable conditions (so NRC can actually enforce them). • Applies proportional scrutiny to large discharges as to small projects.	See response to comment 13.1.
14.1	I call for rejection of both proposed orders. I find it somewhat bizarre that various toxic material such as cadmium – which has been part of the waste discharge permit since the 1980s – have been excluded from the proposed permits!	See the response to comment 1.1.
14.2	I note on page 76 of Attachment F that there has not been an IMPINGEMENT study at DCPP since 1986. Impingement and entrainment were major topics at the DCPP waste discharge hearings before the Central Coast Water Board, and not too surprisingly, PG&E majorly dropped the ball regarding their zero impingement studies since 1986, which indicates the corporate attitude that operation is the priority and little things like marine species and genetic impacts are essentially superfluous to the bottom line of an investor-owned utility. Though climate and ocean conditions have	Central Coast Water Board staff agrees that the biological data is outdated; hence, the Proposed NPDES Permit requires the development of an updated impingement and entrainment study. However, any biological studies will require time to implement, including developing a study plan, procuring a contractor (for both collection and organism identification), collecting field data for at least one year, and preparing and developing a report. The Proposed NPDES Permit includes a schedule of requirements for some of these intermediate steps (e.g., study plan) and includes an appropriate date for submittal of a final report.

Comment Number	Comment	Response
	certainly changed since the mid-1980s, yet PG&E apparently never got curious about possible differences in the composition of species now found impinged on the intake screen – as compared with the study that concluded in 1986. I note on page 76 of Attachment F that the Central Coast Water Board said that “Given the age of the biological data at Diablo Canyon, the Central Coast Water Board has adopted this as the rationale to require an updated impingement and entrainment study.” Not only is the “biological data” old, but remember that though DCPP first went critical in 1984, the facility was aging during the era when construction crews were trying to figure out how to get DCPP’s reactors into operating condition. This was largely prompted by the major delay during the Diablo Canyon Blockade/Encampment of September 1981 due to an engineer reporting switched blueprints in seismic reinforcements for the auxiliary cooling system. I find it ironic that it is mentioned that there was an “independent study” done by the Bechtel Corporation. The document refuses to acknowledge that Bechtel is the corporation that swooped in to take over DCPP construction when there were many related problems in the early 1980s. They have installed many nuclear reactors at sites across the country. Do not accept any	The Central Coast Water Board notes that the OTC Policy requires that special study in question here be conducted by “an independent third party with engineering experience with nuclear power plants.” The company that performed these studies, Bechtel Power Corporation, is in independent entity that has extensive experience in the construction and operation of nuclear power plants.

Comment Number	Comment	Response
	conclusion by Bechtel as “independent” in regards to alternative cooling methods! We should know what is being discharged and impinged/entrained before another five years of abuse of the marine food chain.	
14.3	The document seems to assume that SB 846 (2022) mandates continued operation. It sadly does call for that but it mentions what requirements must be met before such. Make sure all such requirements are met before considering permits.	SB 846 (2022) does not mandate that DCPP continue to operate; it instead extends the prior retirement dates for generating units 1 and 2, established by the California Public Utilities Commission (CPUC) in 2018, from 2025 to 2029 and 2030 for units 1 and 2, respectively. The CPUC extended the retirement dates accordingly, and the State Water Board updated the OTC Policy to align with the new retirement dates. Similarly, Water Code section 13193.5 updated the “final compliance dates” for DCPP to comply with the OTC Policy by shutting down operations to October 31, 2030, for both units. DCPP is continuing operations, including the requirement to renew its operating licenses from the NRC. The Discharger submitted a complete application for renewal of the NPDES permit (deemed complete on October 20, 2025), and the Central Coast Water Board has determined that it is appropriate to proceed with permit renewal. The Proposed NPDES Permit includes the appropriate requirements for wastewater discharge and operation of the cooling water intake structure. All requirements of SB 846 (2022), the OTC Policy, and other applicable statutory requirements have

Comment Number	Comment	Response
		been met.
15.1	One of the responsibilities of the Central Coast Water Board is to protect the marine environment of the Central Coast from the damage caused by DCPP's OTC system. Because DCPP sucks in 2.5 billion gallons of ocean water daily and then dumps it back out into the Pacific heated up 20 degrees, the CCC identified DCPP as "California's largest marine predator." I strongly urge the Central Coast Water Board to deny the NPDES Permit as well as the CWA section 401 Certification. Replacing OTC technology by cooling towers is the only way to protect marine life along our coastline.	See the response to comment 12.1 regarding the thermal requirements established in the Proposed NPDES Permit and the response to comment 1.1 regarding OTC Policy compliance. There are two tracks for OTC Policy compliance, and the Discharger has selected Track 1, which is acceptable. With respect to protection of marine life along the coastline, see Fact Sheet section 6.2.6.1.5 and response to comments 12.1 and 12.3.
16.1	<u>Legal and Policy Context</u> • Under State Water Board Resolution 68-16 (the State's Antidegradation Policy), waters of higher quality than required standards must be maintained "to the maximum extent possible," unless any change is shown to provide a "maximum benefit to the people of the State," will not unreasonably affect beneficial uses, and will not result in water quality below applicable WQOs. • Where discharges to high quality waters are proposed, the permitting agency must ensure "best practicable treatment or control" (BPTC) and document how the discharge will not degrade water quality below standards. Given these obligations, the draft permit for	See the responses to comments 16.2 through 16.6 below; see, also response to comment 11.1.

Comment Number	Comment	Response
	DCPP should, but as currently drafted does not, include a formal, transparent antidegradation analysis. <u>What the Draft Permit Does Provide</u> • The Proposed Order regulates non-radiological discharges (cooling water, treated process water, desalination brine, domestic wastewater, etc.) via effluent limits, monitoring, and reporting requirements. • It prohibits “any radiological, chemical, or biological warfare agent or high-level radioactive waste” from being discharged. • It requires compliance with applicable standards from the region’s Basin Plan and the State’s Ocean Plan (including relevant WQOs). • The permit mandates additional monitoring: toxicity testing, an initial-dilution study, an intertidal/subtidal survey program, bacteria and dissolved oxygen studies, and a “sea-foam” study to assess potential impacts of effluent on marine life. • The permit also incorporates conditions from the State’s OTC Policy and other applicable water quality plans. <u>Critical Deficiencies and Risks</u> Despite these provisions, the draft permit fails to meet the core requirements of the antidegradation policy, and therefore may allow	

Comment Number	Comment	Response
	unacceptable long-term harm to marine water quality and ecological health.	
16.2	Stated Deficiency 1. Absence of Formal Antidegradation Analysis • The Proposed Order and its Fact Sheet do not include any section titled "Antidegradation Analysis," and do not contain a documented assessment of baseline (current) receiving water quality; chemical, thermal, or radiological; against which future discharges are evaluated. • Without such a baseline, there is no way to determine whether discharges will "lower" water quality, let alone whether any lowering is justified under the criteria of maximum benefit, protection of beneficial uses, and adherence to WQOs. Requested Revision 1. Incorporate a Formal Antidegradation Analysis • Include in the permitting record (Fact Sheet or supporting document) a full antidegradation analysis, including baseline water quality characterization (chemical, thermal, radiological) of receiving waters; identification of all potential pollutants (including radionuclides); evaluation of whether discharges will lower water quality; and justification under the antidegradation criteria (maximum benefit, no unreasonable effect on beneficial uses, adherence to WQOs).	The Proposed Order included an antidegradation discussion at Fact Sheet section 4.4.2. See, also, the response to comment 12.3 regarding compliance with federal and state antidegradation requirements, and the updated antidegradation discussion at Fact Sheet section 4.4.2.

Comment Number	Comment	Response
16.3	Stated Deficiency 2. Reliance on Effluent-Based Limits and Monitoring, Without Receiving Water Radiological/Ambient Water Quality Protections • The permit relies entirely on limits and controls at the effluent source, not on receiving water (ambient) water quality limits or monitoring for radionuclides or radiation dose in the marine environment. • The prohibition of "high-level radioactive waste" does not address chronic or low-to moderate-level radionuclide discharges (e.g., tritium, activation products) which, over time, may bioaccumulate, impact marine life, or degrade water quality even if not "high-level." • The broad language "discharge … shall not degrade marine life" is insufficiently precise, without defined dose or concentration thresholds, no requirement for ambient radiological monitoring, and no link to enforceable ecological or radiological standards. • Requested Revision 2. Establish Numeric Effluent and/or Receiving Water Limits for Radionuclides • Define specific numerical concentration limits (or activity-based limits) for radionuclides in effluent. • Alternatively or additionally, establish receiving water limits or ecological dose thresholds for radiation, tied to known toxicity	See, response to comments 11.1, 12.1, and 12.3. As for the commenter's concerns about the broad language of prohibitions, the prohibitions are contained in the Ocean Plan and are not subject to change. These prohibitions are included in the Proposed NPDES Permit as explained in response to comment 11.1.

Comment Number	Comment	Response
	or ecological risk levels for marine organisms.	
16.4	Stated Deficiency 3. No Numeric Radiological Effluent Limits or Ecological Dose-Based Thresholds • There is no table in the permit showing allowable concentrations of radionuclides in effluent, nor any numeric radiation-dose-based limit for either effluent or receiving water. • Without numeric limits or ecological benchmarks, the permit provides no concrete mechanism to prevent or detect radiological harm under a water quality framework, independent of the plant's nuclear licensing. Requested Revision 3. Require Ambient Radiological Monitoring in Receiving Waters + Baseline Survey • Require baseline sampling of seawater, sediment, and marine biota (e.g., fish, invertebrates) for radionuclides and radiation dose. • Mandate regular (e.g., quarterly or annual) ambient monitoring for radionuclides and radiation exposure in water, sediment, and biota. • Include bioaccumulation assessments and evaluation of long-term, sublethal, and generational ecological effects.	See response to comment 11.1. In addition, the Discharger is required under 10 CFR section 50.36(a)(2) to "submit a report to the [Nuclear Regulatory] Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. If the quantities of radioactive materials released during the reporting period are significantly above design objectives, the report must cover this specifically. On the basis of these reports and any additional information the Commission may obtain from the Licensee or others, the commission may require the licensee to take action as the Commission deems appropriate." These annual radioactivity effluent reports are publicly accessible at the NRC's website: Radioactive Effluent and Environmental Reports for Diablo Canyon 1 & 2 | Nuclear Regulatory Commission
16.5	Stated Deficiency 4. Insufficient Receiving Water Monitoring, Bioaccumulation or Ecological Risk Assessment	See response to comments 11.1, 16.3 and 16.4.

Comment Number	Comment	Response
	for Radionuclides • The monitoring program appears focused on non-radiological water quality (toxicity, bacteria, dissolved oxygen, foam, dilution modeling), with no requirement for ambient radiological sampling, ecological surveys for radiation effects, or assessments of bioaccumulation in marine organisms. • The “sea-foam study,” toxicity tests, and other special studies may never trigger additional limits absent obvious acute ecological impacts — but chronic, cumulative, sublethal or bioaccumulative radiological effects can persist undetected for years. • Requested Revision 4. Adopt an Adaptive Management Framework Triggered by Radiological or Ecological Findings • Require that, if monitoring reveals radionuclide concentrations, radiation exposure, or ecological impacts beyond predefined thresholds, the permit be modified to impose stricter discharge limits, additional treatment, or other mitigation measures (e.g., effluent dilution, further controls). • Include a public reporting requirement for all radiological data (effluent and ambient) in a format accessible to stakeholders and the public.	
16.6	Stated Deficiency 5. Lack of Adaptive Management or Public	See response to comments 11.1, 12.1, 12.3, 16.3, and 16.4.

Comment Number	Comment	Response
	Disclosure Regarding Radiological Data • The permit provides no clear commitment that, if radiological or ecological data reveal degradation, stricter effluent controls, receiving water limits, or mitigation will be imposed. • There is no requirement for regular public disclosure of radiological monitoring data (effluent or ambient), making independent review and community oversight difficult. Requested Revision 5. Document That BPTC Is Implemented for All Discharges, Including Radiological • Provide evidence that discharge controls represent BPTC (or better) for all waste streams, including radionuclide-bearing streams, consistent with the Antidegradation Policy. • Demonstrate that, given the volume and nature of discharges from a nuclear power plant, the combined treatment, control, monitoring, and oversight is sufficient to prevent water quality degradation.	
16.7	The draft Proposed Order R3-2026-0001 represents a significant step toward modernizing wastewater discharge regulation for the DCPP. However, as currently drafted, it fails to satisfy the requirements of the State's Antidegradation Policy (Resolution 68-16) and lacks the safeguards necessary to protect marine water quality — particularly with regard to radiological	See the responses to comments 12.1, 12.3, 16.3, and 16.4 and the revised antidegradation discussion in Fact Sheet section 4.4.2.

Comment Number	Comment	Response
	discharges. Issuing the permit without a formal antidegradation analysis, numeric radiological limits, and ambient radiological/ecological monitoring would leave open the risk of chronic, cumulative degradation of ocean water quality, marine life harm, and impacts on public health (e.g., seafood contamination). I urge the Central Coast Water Board to require the additional conditions and analyses described above before adopting the final permit.	
17.1	I submit these comments concerning the draft 401 Water Quality Certification for DCPP. The draft certification does not demonstrate compliance with minimum federal requirements for protecting water quality under the CWA. It lacks a lawful antidegradation analysis, contains no enforceable conditions related to the plant's discharges, and omits radiation-related water quality protections entirely. Although SB 846 (2022) provides an adjusted State permitting framework for DCPP, it does not alter or remove the federal requirements that must be met before a 401 certification can be issued. Given that DCPP's cooling water system and associated waste streams represent one of the largest continuous industrial discharges in California waters, the omission of these federal	The Proposed 401 Certification requires compliance with the NPDES permits and the OTC Policy. Such compliance ensures the discharge will not cause or contribute to significant degradation of the ocean and fulfils the requirements of the federal and state antidegradation policies. See responses to comments 1.1, 11.1, 12.3, and 13.1 and Fact Sheet section 4.4.2 for more detail. The 401 Certification incorporates the antidegradation discussion in the Proposed NPDES Permit.

Comment Number	Comment	Response
	safeguards is a significant and unacceptable regulatory failure.	
17.2	<u>Antidegradation requirements are not met</u> CWA section 401 requires the State to certify that a discharge will comply with all applicable water quality requirements. Federal regulation at 40 CFR 131.12 requires that existing water quality and beneficial uses be maintained and protected. The draft certification does not include: • Any baseline characterization of existing water quality in the receiving waters; • Any determination whether these waters are high-quality waters; • Any demonstration that any degradation is necessary or minimized; and • Any analysis of cumulative effects from ongoing thermal, chemical, and radiological discharges. Without this fundamental information, the Central Coast Water Board cannot make a defensible finding that this discharge will maintain or protect water quality as required by federal law.	See response to comments 12.1 and 12.3 and revised Fact Sheet section 4.4.2.
17.3	<u>SB 846 (2022) does not alter minimum federal requirements</u> While SB 846 (2022) allows an expedited and streamlined state process for continued operation of DCPP, it does not modify the minimum federal antidegradation protections that apply to this 401 certification. Federal water quality protections	See response to comments 18.1 and 25.1 for details on how the Proposed NPDES Permit and Proposed 401 Certification comply with laws, regulations, and policies regarding once-through cooling, including federal Clean Water Action section 316(b) and the state OTC Policy. See, also, response to comment 17.2.

Comment Number	Comment	Response
	remain the legal floor, and the Central Coast Water Board may not approve the certification unless those requirements are fully met and documented.	
17.4	Required antidegradation implementation methods are missing 40 CFR 131.12(b) requires the State to have publicly available antidegradation implementation methods that demonstrate how water quality will be protected when federal certifications are issued. The draft does not reference any method, nor does it provide the public with any documentation showing how antidegradation was applied to this project. The Central Coast Water Board cannot meet federal antidegradation obligations by relying solely on other permits, policies, or State-law exemptions.	See the response to comment number 12.3 regarding implementation of the state antidegradation policy and revised Fact Sheet section 4.4.2.
17.5	OTC Policy does not replace federal antidegradation analysis. The draft certification relies on the OTC Policy for management of thermal impacts. However: OTC Policy • Implements CWA 316(b) intake technology requirements • Focuses on impingement and entrainment • Engineering and operational controls Antidegradation	See the responses to comments 12.1 and 12.3. Moreover, Central Coast Water Board staff agrees that the OTC Policy is not a water quality standard variance, nor has it been applied as such in the Proposed NPDES Permit to this discharge. Instead, the Proposed NPDES Permit includes requirements to ensure that the discharge complies with the OTC Policy, the Thermal Plan, and CWA section 316. See response to comment 17.9.

Comment Number	Comment	Response
	• Protects water quality and beneficial uses under CWA 303/401 • Requires analysis of degradation, necessity, and minimization • Water quality and designated uses protections The OTC Policy is **not** a WQSs variance under 40 CFR 131.14, has **not** been approved by USEPA as a variance, and does **not** evaluate whether water quality will be maintained and protected. Use of OTC Policy compliance as a substitute for federal antidegradation analysis is therefore insufficient and unlawful.	
17.6	<u>Radiation protections are missing</u> DCPP discharges commingled wastewater that includes effluent from a liquid radioactive waste treatment system. Yet the draft 401 certification includes: • No radiation monitoring requirements; • No radionuclide discharge limits; • No baseline radiological survey; and • No contingency or corrective-action requirements. Federal regulation requires narrative or scientifically defensible water quality protections when numeric standards are not available. The complete absence of radiation provisions in a certification for a nuclear facility is a major omission that fails to protect beneficial uses and does not satisfy federal antidegradation	Please see responses to comments 12.1 and 12.3 regarding antidegradation and comments 11.1 and 16.4 regarding radioactivity.

Comment Number	Comment	Response
	obligations.	
17.7	Comparison with standard 401 protections When reviewing non-nuclear projects such as dredging or dam upgrades, Central Coast Water Boards routinely require sediment testing, chemical limits, aquatic habitat protections, and enforceable monitoring. For DCPP, a facility with potentially radiologically impacted discharges, the draft 401 certification includes fewer water quality protections than a typical dredging project. This disparity highlights a significant gap in environmental and public health protection.	See response to comment 13.1
17.8	1. What is the existing baseline water quality in the receiving waters, including background radiological levels? 2. Has the Board determined whether these are high-quality waters under 40 CFR 131.12, and where is that conclusion documented? 3. What antidegradation implementation method was used, and where is it made publicly available as required under 40 CFR 131.12(b)? 4. How did the Central Coast Water Board determine whether any degradation of water quality is necessary and minimized?	See the response to comment12.1 and 12.3 regarding compliance with federal and state antidegradation requirements, and revised Fact Sheet section 4.4.2. See responses to comments 11.1 and 16.4 concerning radiological controls.
17.9	5. Why is OTC Policy compliance considered sufficient to address thermal impacts when it is not an USEPA-approved WQSs variance?	See response to comment number 17.5. Variances, if necessary, are made pursuant to CWA section 316(a). As explained below and in Section 4.3.6 of the Fact Sheet, no variance is necessary here because the discharge complies with the narrative water quality objective for

Comment Number	Comment	Response
		temperature in the Thermal Plan. Moreover, compliance with the OTC Policy is necessary to address CWA section 316(b), not 316(a). Compliance with the OTC Policy is necessary to address compliance with CWA section 316(b). Section 316(b) of the CWA provides in part that any standard established pursuant to section 1311 or section 1316 for point sources "shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact." So, although the OTC Policy addresses temperature and thermal impacts indirectly, it is not the primary compliance mechanism to address thermal impacts of discharges. Indeed, the requirements in the OTC Policy for existing power plants such as the Facility are focused on intake flow and impingement and entrainment and resulting mortality of marine life, which can, but need not necessarily, include the effect of thermal impacts or temperatures on water quality. Instead, as recognized in the Ocean Plan, provisions "regulating the thermal aspects of waste discharged to the ocean are set forth in" the State Water Board's *Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan. (2019 Ocean Plan, at

Comment Number	Comment	Response
		p. 2, ¶ 3.) The Ocean Plan was approved by U.S. EPA on February 4, 2019. While the Proposed NPDES Permit requires compliance with the OTC Policy, the thermal impacts i are addressed primarily by an effluent limitation on the temperature of the discharge that implements the Thermal Plan's narrative water quality standard. The Thermal Plan defines the thermal discharge at DCPP as an "existing discharge." For existing discharges, "[e]levated temperature wastes shall comply with limitations necessary to assure protection of the beneficial uses…" Implementation of the thermal impacts via the effluent limitation in the permit and the effluent limitation for temperature itself is based on over 20 years of investigation and analysis of temperature related data, and is documented in, among other things, the Consent Judgment in *People of the State of California v. Pacific Gas & Electric Co.*, Superior Court of California, County of San Luis Obispo, Case 21CV-0111. In addition to extensive ecological analysis, the temperature effluent limitation was the result of protracted litigation that stretched over 21 years, which resulted in the Consent Judgment. As the Consent Judgment makes clear, the temperature limitations in the Proposed NPDES Permit, which provide that the daily average discharge temperature shall not exceed the daily average natural temperature of the intake water by more than 22 degrees

Comment Number	Comment	Response
		Fahrenheit (ºF), are consistent with the Thermal Plan. Temperature and ecological monitoring are required to verify compliance with all aspects of the Proposed NPDES Permit, including the temperature effluent limitations, the OTC Policy, and applicable water quality standards. As the foregoing makes clear, the Proposed NPDES Permit implements the agreed upon water quality objective for temperature in this case. Therefore, no formal variance is necessary. Finally, to the extent that this is a challenge to the OTC Policy itself, or to Water Code section 13193.5 or SB 846 (2022), this challenge is not appropriate for the forum here, and it is barred by the statute of limitations. See also, response to comment 18.1.
17.10	6. What numeric or narrative effluent limitations ensure compliance with CWA 301–303, 306, and 307?	The Proposed NPDES Permit includes technology-based effluent limitations and water quality-based effluent limitations in compliance with the referenced sections of the Clean Water Act. See, Proposed NPDES Permit, sections 3 and 4; Fact Sheet, at sections 4 and 5.1.
17.11	7. Why does the certification include no radiation monitoring, discharge limits, or corrective action provisions despite inclusion of radioactive waste treatment effluent?	Please see responses to comments 11.1, 16.3 and 16.4.
17.12	8. How will cumulative impacts including thermal, chemical, and radiological effects be	Effects of thermal and pollutant loading are evaluated by the ecological monitoring program

Comment Number	Comment	Response
	evaluated over extended operation?	described in detail in Fact Sheet section 7.4.2 and Attachment E – Monitoring and Reporting section 8.2. Evaluation of radiological effects is under the purview of the NRC, as described in responses to comments 11.1, 16.3, and 16.4.
17.13	9. What transparency and public reporting requirements will ensure that any degradation is detected and addressed?	The Discharger is subject to extensive monitoring and reporting requirements. See section 10 of Attachment E – Monitoring and Reporting. All monitoring results and reports are submitted to the Central Coast Water Board by the Discharger and available to the public.

17.14	<u>Requested action</u>
	I respectfully request that the Central Coast Water Board:
	• Deny the certification, or
	• Reopen and revise the draft to include:
	  • A complete federal antidegradation analysis and public documentation of implementation methods;
	  • Baseline water quality and radiological characterization of the receiving waters,
	  • Enforceable monitoring and discharge limits;
	  • Radiation-specific monitoring and required corrective actions; and
	  • Independent evaluation of all discharge impacts beyond OTC Policy compliance.
	Absent these changes, the Central Coast Water Board cannot certify that the discharge will comply with the CWA, and issuance of the certification would be premature.
		Thank you for your comments. See responses to comments 1.1, 11.1, and 12.1 for details responses.

Comment Number	Comment	Response
18.1	Mothers for Peace (MFP) is deeply concerned about the undisputed damage which is being done to the local marine environment by DCPP's OTC system; entrainment, impingement, thermal pollution; as well as toxic materials regularly discharged into the ocean. MFP urges the Central Coast Water Board to deny the NPDES Permit as well as the CWA section 401 Certification. SB 846 (2022) allows the continued operation of DCPP through October 31, 2030, but only if certain conditions are met. One of the many conditions is the acquisition of these two permits. SB 846 (2022) states that the "final" compliance date of the OTC Policy for DCPP is October 31, 2030. But we've been hearing that "final" argument since the CWA section 316(b) was first enacted in 2010. Repeated waivers have been granted to PG&E for various reasons: water towers are unfeasible (i.e., expensive), the plant will soon be decommissioned, and now SB 846 (2022) claiming grid reliability. It must be noted	See response to comment 1.1. To the extent the commenter is challenging the legitimacy of SB 846 (2022) and the legislatively imposed final compliance date of October 31, 2030, for the Facility, the comment is not within the Central Coast Water Board's authority to address and is beyond the scope of the Proposed NPDES Permit.[3] In this regard, it should be noted that the Central Coast Water Board does not determine whether DCPP is essential for grid reliability. Rather, the California Energy Commission, the California Public Utilities Commission, and the California Independent System Operator (CAISO), all members of the Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS), made these recommendations to the State Legislature, and the State Legislature adopted SB 846 (2022) as a result.[4] The final compliance dates for DCPP Units 1 and 2 were extended until October 31, 2030 (Water Code section 13193.5), and the final compliance deadlines have been incorporated into the Proposed NPDES Permit in accordance with the law. Central Coast Water Board staff also disagrees that SB 846 (2022) is inconsistent

[3] To the extent that the commenter's comment can be construed as a collateral attack on the OTC Policy, such an attack would be barred by the statute of limitations.

[4] See, Final Staff Report for the Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling to Revise the Compliance Schedules for the Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations and Diablo Canyon Nuclear Power Plant, pp. 9-10.

Comment Number	Comment	Response
	and recognized by the Central Coast Water Board that PG&E has applied for license renewal until the year 2045. Mitigation fees do not compensate for the extreme detrimental impacts to the marine environment. PG&E is using ineffective mitigation measures to evade the CWA and OTC Policy. The Central Coast Water Board must abide by the law and force PG&E to take action NOW and either implement the Best Technology Available (BTA) or cease operation. SB 846 (2022) unilaterally directed state agencies to extend the operation of DCPP's OTC facility as well as the compliance schedule to 2030. But SB 846 (2022) overstepped its authority because it defies federal law (the CWA). SB 846 (2022) cannot usurp the Water Board's authority and mandate it to grant these permits. DCPP is the most destructive and largest discharger in the State. Repeated issuance of permits without implementing BTA runs counter to State and federal law. Again, MFP urges you to deny these permits and enforce the law.	with federal law; as noted above and at section 3.3.8 in the Fact Sheet of the Proposed NPDES Permit, the OTC Policy is compliant with CWA section 316(b) regulations under 40 CFR 125.90(c) as an equivalent state program. See also response to comment 25.1.c. Moreover, the OTC Policy and the requirements in the Proposed NPDES Permit are consistent with federal law and implement the best technology available (BTA) to minimize adverse environmental impacts. As an initial matter, and as described in the Fact Sheet of the Proposed NPDES Permit, CWA section 316(b) creates national requirements to address the adverse environmental impacts of cooling water withdrawals and requires "that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available [BTA] for minimizing adverse environmental impact." In 2001, the U.S. Environmental Protection Agency (U.S. EPA) adopted regulations for new power plants (Phase I) that established a performance standard for cooling water intakes based on closed-cycle wet cooling. In 2004, U.S. EPA published the Phase II rule, applicable to existing power plants with a design intake flow greater than or equal to 50 million gallons per day (MGD), which was remanded following legal challenge. In May 2014, U.S. EPA finalized regulations covering existing

Comment Number	Comment	Response
		facilities that withdraw at least 2 million gallons per day of cooling water. Under these regulations, facilities select from options designed to reduce impingement to meet best technology available requirements. Facilities that withdraw at least 125 MGD are required to conduct studies to investigate site-specific controls to reduce entrainment impacts. New units added to existing facilities are subject to similar requirements established for new facilities. The new regulation was published in the Federal Register on August 15, 2014, and became effective on October 14, 2014 (U.S. EPA, 2014).[5] Per 40 CFR 125.90(c), states may implement their own program to address cooling water withdrawals, so long as it is at least as stringent as the federal requirements. In 2010, the State Water Board adopted the OTC Policy, which defines closed-cycle wet cooling (or its equivalent) as the BTA and sets compliance deadlines for all coastal facilities to comply with the standard. The OTC policy requirements are equivalent to, if not more stringent, than those contained in applicable federal regulations, set forth at 40 CFR Part 125, Subpart J, section 125.90-125.98. The OTC Policy is therefore more stringent than federal requirements and is the

[5] Final Staff Report for the Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling to Revise the Compliance Schedules for the Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations and Diablo Canyon Nuclear Power Plant, pp. 12-13.

Comment Number	Comment	Response
		applicable regulatory framework for DCPP's OTC discharges. The commenter also suggests that DCPP fails to implement BTA in accordance with federal law and the OTC Policy. But, as discussed in the OTC Policy, and in the Fact Sheet, section 3.3.8, nuclear power plants face unique challenges in complying with the OTC Policy. As a result, the State Water Board is allowed to and has established site-specific requirements for these facilities. The OTC Policy requires nuclear power plants to conduct special studies to investigate alternatives to meet the requirements of the OTC Policy, including the costs for these alternatives. (OTC Policy, Section 2.D.) This is generally consistent with federal law.[6] With respect to whether DCPP is in compliance with the OTC Policy, the Central Coast Water Board finds that it is, and that the NPDES Permit implements all relevant requirements of the OTC Policy. This is explained in the Proposed NPDES Permit, at section 6.3.6.1 et seq., and in the Fact Sheet, at section 3.3.8. Indeed, DCPP remains on track to comply with the OTC Policy by ceasing operations by October 31, 2030. To

[6] See, discussion in Final Substitute Environmental Document, Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling, at Section 3.6, and p. 89; see, also, *Entergy Corp. v. Riverkeeper, Inc.*, 566 U.S. 208, 218-219 (2009) (holding it is permissible to rely on cost-benefit analysis in setting national performance standards under section 316(b) of the CWA and in providing for cost benefit variances from those standards).

Comment Number	Comment	Response
		ensure further compliance with the OTC Policy, and to ensure that the Central Coast Water Board is properly informed of the Facility's status as the 2030 compliance date approaches, numerous provisions have been included in the Proposed NPDES Permit, including the following: • Annual reporting requirements to update the Facility's operational status and anticipated closure; • A new impingement and entrainment data collection and analysis to update the available information on adverse environmental impacts, to ensure that there are no impacts to threatened and endangered species, and to inform appropriate mitigation; and • Numerous operational requirements for the Proposed NPDES Permit period [e.g., not withdrawing water while not generating electricity, protection of marine protected areas (MPAs), requirement to properly maintain intake technologies, weekly visual inspections]. Additionally, it should be noted that, while DCPP uses large volumes of water compared to the other OTC power plants, Diablo Canyon's impacts are expected to be at or below baseline impacts established in the 2010 Final SED.[7] This

[7] Final Staff Report for the Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling to Revise the Compliance Schedules for the Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations and Diablo Canyon

Comment Number	Comment	Response
		expectation is confirmed by results of PG&E's ecological monitoring, requirements of which are spelled out in Attachment E – Monitoring and Reporting at section 8.2. The requirement to update the impingement and entrainment studies required by the Proposed NPDES Permit is also designed to allow verification of this expectation. Furthermore, DCPP is paying into a mitigation fund to offset the adverse impacts resulting from operation of its intake structure, and, consistent with section 2.C(3)(b) of the OTC Policy, the Facility will continue to provide funding to support appropriate mitigation projects. The mitigation fee is determined according to established State Water Board policy, is recalculated annually, and will continue to be required until the Facility ceases operations by October 31, 2030. Calculation and imposition of mitigation fees in the context of once-through-cooling facilities is entirely within the jurisdiction of the State Water Board and other state agencies. (See, *Memorandum of Understanding Between the California Ocean Protection Council, the State Water Resources Control Board, and the California State Coastal Conservancy Regarding Acceptance and Use of Interim Mitigation Funds for the Once-Through Cooling Policy* (Jan. 15, 2026). (2026 OTC MOU.)

Nuclear Power Plant, p. 59., section 6.1.

Comment Number	Comment	Response
		In addition, Central Coast Water Board staff notes that the development and approval of the NRC licenses (including potential license expiration dates of 2045) are outside the scope of this Proposed NPDES Permit. While each process may be informed by the other (e.g., use the same study or information), they are independent processes. The Central Coast Water Board is not the final authority for the operating licenses and defers to the NRC.
19.1	Surfrider's San Luis Obispo (SLO) chapter has worked closely with the Central Coast Water Board to more fully understand water quality issues and to help address those issues. Proposed Order R3-2026-0001, however, seems to repeat problems from the past while new solutions are required. The Order continues to facilitate a tendency toward "Paralysis by Analysis", does not measure and manage the applicant's compliance with the Central Coast Water Board's updated Order (as PG&E has no intention to move away from OTC in the next 5 or 15 years), and the Proposed Order does not offer an aggressive mitigation fee to help offset the impacts of the largest OTC system in California.	Central Coast Water Board staff disagrees that the Proposed NPDES Permit fosters noncompliance or lacks performance measures and mitigation requirements. Generally, the Proposed NPDES Permit includes multiple measures to track the Facility's progress towards compliance, including but not limited to monitoring and reporting requirements, ongoing studies pertaining to compliance, and a requirement for the Facility to continue to contribute to mitigation projects, using an established process under state law and policy. The amount of the mitigation fee is calculated annually, the formula was reviewed and updated in 2024 to ensure it was appropriate, and setting the general formula for mitigation fees and selecting mitigation projects is beyond the jurisdiction of the Central Coast Water Board. Put another way, the Central Coast Water Board

Comment Number	Comment	Response
		does not play an active role in selecting the mitigation projects or the fees. The State Water Board sets the fees; fees are paid by PG&E to the California Coastal Conservancy; and use of the mitigation funds is directed by the California Ocean Protection Council and the California Coastal Conservancy, as set forth in the 2026 OTC MOU (see response to comment 18.1). The State Water Board's website provides updates on the mitigation payments and general information on the mitigation projects under CWA 316(b) Thermal Discharges-Cooling Water Intake Structures. As noted in the response to comment number 18.1, DCPP remains in compliance with the cooling water intake-related terms of the previous permit, the Proposed Order, and the OTC Policy. DCPP also remains on track to comply with the OTC Policy by ceasing operations by October 31, 2030.
19.2	Decrease "Paralysis By Analysis" Table 11 and Section 6.3.6.1.1 create an illusion, as if the applicant can, or will, move toward compliance with OTC Policy. But, for however long PG&E is allowed to continue (or decides to continue) operating DCPP, they will utilize the existing OTC system – an open system – and not move toward an exorbitantly expensive, but environmentally less destructive, cooling system. Why require the applicant to analyze an	As noted in the responses to comment numbers 18.1 and 19.1, DCPP remains in compliance with the cooling water intake-related terms of the previous permit, the Proposed NPDES Permit, and the OTC Policy. DCPP also remains on track to comply with the OTC Policy by ceasing operations by October 31, 2030, at which point it will be fully compliant with the OTC Policy. To the extent that the commenter is implying that the DCPP should take a different compliance pathway, or choose different mitigation, or make changes to the OTC Policy, those are outside the

Comment Number	Comment	Response
	OTC system that will so obviously be noncompliant with the Proposed Order in 5 years? After all, DCPP will remain operational with the current, open system, as long as: 1. DCPP costs are not prohibitive and there are no recognized safety concerns. 2. California (Sacramento) finally acknowledges that the energy produced by DCPP has been replaced by less costly solar, wind, storage, and other less expensive and environmentally superior technologies. So, we ask the Central Coast Water Board to be less focused on requiring OTC studies, instead focusing on measurement and management of PG&E's OTC system and mitigation measures that compensate the State of California for the known damage OTC will do for the remaining operational life of DCPP.	scope of the Proposed NPDES Permit. If any of the studies required by the Proposed NPDES Permit (e.g., impingement and entrainment study) show that changes to the Proposed NPDES Permit are necessary, the Central Coast Water Board will reopen the Proposed NPDES Permit accordingly. The updated impingement and entrainment study may also direct future calculations of PG&E's mitigation payments. The Proposed NPDES Permit also includes requirements for ongoing monitoring, visual inspections, annual reporting, and other measures. The new impingement and entrainment study will provide current biological data to evaluate impacts and whether existing technologies are performing at expected levels. Additionally, the Proposed NPDES Permit continues to require mitigation projects and payment of mitigation fees, as directed by the OTC Policy. See, OTC Policy and letter dated May 14, 2025, from State Water Board to PG&E, including Attachment A: Final Determination for Diablo Canyon Nuclear Power Plant. Finally, Table 11 in the Proposed Order has been modified in accordance with this comment; it now requires a final status report of OCT Policy compliance by November 30, 2030, one month after the compliance deadline.
19.3	Water Board should actively measure and	The measures described by the commenter are

Comment Number	Comment	Response
	manage DCPP's compliance with other requirements of the Proposed Order PG&E's role in destructive wildfires (Camp Fire in 2018, Kincade Fire in 2019, and the Dixie Fire in 2021) and their role in reducing incentives for rooftop solar (enforcing a need to keep DCPP operational) has instilled a feeling of distrust among California's residents and ratepayers. So, as an additional mitigation measure, the Central Coast Water Board should consider a unique hands-on auditing process to assure PG&E's compliance with the Order, and PG&E should pay for it. Such audits (quarterly perhaps?) would help re-instill a sense of trust within the Central Coast community. PG&E should acknowledge they are engaged in a role of recognized noncompliance with the CWA. If they truly want to be perceived as "Stewards of the Environment", this is the type of mitigation measure that could be effective.	beyond the scope of an NPDES permit and the role of the Central Coast Water Board. The Central Coast Water Board does not impose OTC mitigation measures; rather, the State Water Board does. Similarly, it is beyond the scope of this Proposed NPDES Permit to include audits of the mitigation fees or other payments the Discharger makes to mitigate damage from once through cooling activities. Pursuant to the 2026 OTC MOU, the Central Coast Water Board does not collect the mitigation fees (see, response to comment 19.2). The Central Coast Water Board does, however, play an important role in ongoing oversight of NPDES permits. For example, the Central Coast Water Board conducts routine and unannounced inspections, reviews discharge monitoring reports (DMRs) and special study submittals, and enforces the standard and special conditions of the discharge permit. Moreover, the Central Coast Water Board actively manages compliance with all other NPDES permits and waste discharge requirements (WDRs) in which DCPP is enrolled and that are within its jurisdiction.
19.4	The CCC has proven that PG&E is willing to offer a higher level of mitigation than in the past, and many viable mitigation projects (examples below) are needed in SLO County Per the CCC's latest staff report (December) for PG&E's DCPP Coastal Development Permit,	See the responses to comments 18.1, 19.1, 19.2, and 19.3. Mitigation fees are calculated per State Water Board Resolution 2015-0057, which describes the procedures for calculating the interim mitigation payment. Mitigation projects are selected and implemented by the Ocean Protection Council and the State Coastal

Comment Number	Comment	Response
	PG&E's newly revised and expanded mitigation proposal would cover the entirety of the Diablo Canyon Lands (North Ranch, South Ranch and Wild Cherry Canyon) outside of the power plant site, and would include public access trails. This is a significant increase from PG&E's offer in the CCC's November meeting. The Central Coast Water Board should note this trend and acknowledge their obligation to the citizens of SLO County whose marine environment has suffered for decades due to the effects of OTC. The effects of OTC are added on top of the local effects of climate change, which both warm the water and pose risks to SLO County's environmental resources. For instance, some have witnessed an increase of urchin barrens at Point Buchon MPA and at other locations in SLO County. Active, hands-on surveys of SLO County's kelp beds are vital for protecting habitat for local (and endangered) species. Numerous researchers rely on KelpWatch.org as their primary source of data for kelp coverage in coastal California waters. But, KelpWatch exclusively measures canopy-forming kelps, such as Bull Kelp and Giant Kelp, through spatial imaging. The data are collected aerially on a quarterly basis, and it does not consistently provide sufficient data to elucidate potential reasons or capture changes in species beneath the water surface other than canopy kelp. While	Conservancy. Much of the comment is out of scope of the Central Coast Water Board's jurisdiction and an NPDES permit generally. With respect to climate change, the Central Coast Water Board acknowledges the importance of the issue. Indeed, the Proposed NPDES Permit includes a requirement for the Discharger to submit a climate change response hazards and vulnerability report with the submission of the next ROWD for this Facility (see, section 6.3.6.4, Proposed NPDES Permit). The Proposed NPDES Permit was revised to update the timeline to submit the a climate change response hazards and vulnerability report to 3 years after the effective date of the Proposed NPDES Permit. With respect to kelp, the Discharger shall continue to conduct an annual census of habitat forming kelp within Diablo Cove and well as control sites. These monitoring results will be submitted in an annual report as described in section 8.2.4 of the Monitoring and Reporting Program (Attachment E.) attached to the Proposed NPDES Permit.

Comment Number	Comment	Response
	canopy coverage may serve as a convenient means of obtaining a quick reference point, it does not provide an adequate representation of the entire ecosystem. Employing ecological survey methods, such as those employed by the Reef Check Foundation, offers a more comprehensive approach to capturing a complete ecological picture that can accurately illustrate potential concerns in diverse sites, including urchin barrens and fish migration patterns, in addition to overstory and understory kelp densities. When utilizing Reef Check data (which is also publicly accessible online), the concerns become more apparent, such as the rapid escalation of urchin density in SLO County, as has occurred in our neighboring counties. Surfrider Foundation's Help the Kelp SLO! (HTK) is a Climate Action Program that seeks to utilize a natural and near shore solution to the climate crisis. What's HTK all about? We're still getting started, but we're eager to team up with agencies to bring community scientists and volunteers to our SLO coast MacroAlgae! HTK connects with others (such as Reef Check), getting the necessary permits, and exploring our waters to find the ideal location to demonstrate our commitment to helping nature through supportive urchin management, observing the functionality of the ecosystem, and pushing for policies that	

Comment Number	Comment	Response
	protect this important near-shore resource. We advise the Central Coast Water Board to be more aggressive in its mitigation fee requirements to protect many other resources, as well. Mitigation fees from OTC have the potential to support many other viable projects, such as water quality studies, constructed wetlands, and funding kelp surveys and replenishment projects of the type that Reef Check and HTK aim to perform. Further, California's Basin Plan is failing to keep up with SLO County's need to build new WQSs, improve the Basin Plan's effectiveness, and to protect and restore water quality and aquatic habitats. In summary, Surfrider does not see the value in requiring more studies of DCPP's OTC system. The CWA already recognizes the need to move away from OTC, so Order R3-2026-0001 should require PG&E to fund the Central Coast Water Board to actively audit DCPP's OTC intake and discharge in an effort to better measure and manage the impacts, as long as they exist. Additionally, The Order should require a hefty mitigation fee to finally offset the already known, detrimental effects of DCPP's OTC.	
20.1	I'm writing to express my support for approval of the NPDES permit that will allow extended operation of the DCPP.	Central Coast Water Board staff acknowledges the commenter's support for the Proposed NPDES Permit.

Comment Number	Comment	Response
	I would also like to express my appreciation for the text in Section 2.7 of the NPDES permit that acknowledges that DCPP is a significant source of clean power that will help California meet its climate goals, and the text in Section 6.2.1.2 of the Reopener Provision that acknowledges how the plant may be needed to maintain grid reliability. The overall net environmental impact of closing DCPP would be overwhelmingly negative. It would also have a negative impact on grid reliability, power costs, and the local economy. Any environmental benefits of closing the plant, such as improvements to the local coastal environment, are speculative and very small in the grand scheme of things. For the foreseeable future, the net effect of DCPP's closure would be its replacement by fossil sources, which would result in increased air pollution and carbon dioxide (CO_2) emissions. This will have significant public health and climate impacts, given that fossil generation has much greater public health and climate impacts. Even construction of wind and solar capacity has environmental impacts, such as significant land use, mining impacts, and impacts on local wildlife. Any alternative, replacement sources for DCPP are likely to have a larger environmental impact than just keeping the existing, already built DCPP running. DCPP is	

Comment Number	Comment	Response
	California's largest carbon-free source of electricity. It provides approximately 15 percent of the State's carbon-free power. It also provides reliable, non-intermittent power that will be needed to maintain grid reliability. Voluntarily closing the plant would set California way back, and make it much harder for California to meet its climate goals.	
21.1	The Sierra Club urges the Central Coast Water Board to deny PG&E's NPDES and 401 Certification due to the lack of a uniform end date and sufficient mitigations.	See the responses to comments 18.1, 19.1, 19.3, 19.4, and 21.2 through 21.4.
21.2	To conform with State law, the NPDES and Certification must have an expiration date that aligns with the 2030 closure date outlined in SB 846 (2022) and must explicitly mandate that any potential future extension would have to return for new NPDES and Certification.	The Proposed NPDES Permit aligns with the closure dates in SB 846 (2022), and it includes a compliance schedule that requires compliance with the OTC Policy by October 31, 2030. Under NPDES regulations, NPDES permits are issued for five-year periods, and for the Facility to continue operations beyond this date, federal regulations require that PG&E would need to submit an application for permit renewal 180 days prior to the expiration date of the Proposed NPDES Permit. Assuming the Proposed NPDES Permit is adopted, 180 days prior to the expiration date would be close to the time when the Facility is scheduled to shut down, in October 2030. This timing aligns with the federal regulations and with the closure date generally. Regarding the expiration of the water quality certification, see the response to comment 10.1.

Comment Number	Comment	Response
21.3	The currently outlined mitigations do not adequately address DCPP's impacts. We request that Central Coast Water Board outline a mitigation package that includes direct mitigation measures in addition to mitigation fees. And more serious consideration for requiring DCPP to implement the BTA – particularly considering the plant's extended operations (including the OTC system).	See the responses to comments 18.1, 19.1, 19.3, 19.4.
21.4	No more postponing accountability for DCPP. For decades, DCPP has been able to skirt adequate mitigations for the impacts of their discharges. To revisit some of that history: In 2000, the Central Coast Water Board and the Department of Fish and Game prepared a Cease and Desist Order (CDO) for the plant's discharges into Diablo Cove. The staff attorney for the Department of Fish and Game wrote that "the effects of the discharge include loss and degradation of habitat, decrease in several species' diversity and density, and loss of entire species. It has been shown that the effects continue to expand beyond Diablo Cove and are greater than predicted. The discharge does not provide for the protection of propagation of species and does not provide habitat suitable for indigenous species." The 2000 CDO morphed into a consent judgment	See the responses to comments 18.1, 19.1, 19.2, 19.3, and 19.4. To the extent the commenter is challenging the amount agreed upon by the Central Coast Water Board and PG&E in the 2021 Consent Judgment, the statute of limitations for any such challenges has long since passed. Any extension of Facility operations beyond October 31, 2030, is beyond the scope of the Central Coast Water Board's authority. SACCWIS, the CPUC, the State Water Board and the Legislature make determinations about the continued operation of the Facility.

Comment Number	Comment	Response
	and draft settlement agreement that included a $26 million package of mitigations. The settlement and mitigations were ultimately rejected as inadequate, replaced by a set of alternative mitigations in 2005. But that was put on hold by new USEPA regulations requiring power plants to phase out OTC systems due to the damage they do to the marine environment. The Central Coast Water Board finalized California's version of the USEPA phase out in 2010. Since then, DCPP has been a primary beneficiary of the distant deadlines that were set for coastal power plants to come into compliance and the many waivers that have been extending those deadlines ever since. In 2021, the postponed 2000 consent judgment got finalized, now with a price tag of $5.9 million, which, as the San Luis Obispo Tribune observed, was "a far cry from the $16 million to $26 million agreed upon in 2000, which included thousands of acres of land conservation that were never realized." Right now is a pivotal opportunity to ensure tangible mitigations are required for DCPPs extended operations and to ensure Central Coast Water Board reviews any further extension beyond 2030.	
22.1	**Mothers for Nuclear supports the approval of DCPP's NPDES Permit.**	Central Coast Water Board staff acknowledges the commenter's support for the Proposed NPDES

Comment Number	Comment	Response
	As an environmental non-profit supporting clean energy for the protection of our children's futures, we appreciate the Central Coast Water Board's recognition that California needs DCPP's clean energy to fight climate change and maintain grid reliability. It's imperative that our State agencies respect and utilize science in meeting California's desire to preserve our quality of life and our environment for generations to come. Mothers everywhere are undoubtedly grateful to the Central Coast Water Board for rising to such an occasion. Mothers for Nuclear supports Finding 2.7 **"**Response to Climate Change", acknowledging DCPP as "a low-carbon alternative energy supply to meet the State of California's energy needs during its transition to clean energy." DCPP is California's single largest source of clean energy, supplying 16.8 percent of the State's carbon-free electricity in 2024. Its current extension as well as continuation beyond 2030 is vital for progress and further decarbonization. We all deserve the clean air and environmental protection that DCPP provides. We also support (Reopener Provision 6.2.1.2). It is imperative to preserve the ability to reissue this order in response to the California Independent System Operator or CPUC's recognition of the necessity to continue operations of DCPP. DCPP	Permit. The Central Coast Water Board cannot grant a permanent exemption, and revisions to the OTC Policy are outside the scope of the permitting action.

Comment Number	Comment	Response
	is vital for grid reliability and is critical to our clean energy future. Mothers for Nuclear also appreciates Reopener Provision 6.3.1.3. In similar form to Provision 6.2.1.2, Provision 6.3.1.3 is also critical in allowing the Central Coast Water Board to reissue and modify this NPDES permit in response to State Water Board OTC Policy changes. Because DCPPs positive environmental benefits greatly outweigh its OTC impacts, the State Water Board OTC Policy should grant DCPP a permanent exemption to current OTC requirements, and we will continue to advocate for that change. DCPP's incredible environmental scientists are monitoring OTC impacts and are consistently finding them to be minimal. It's disappointing to see others use data out of context to catastrophize these impacts and demonize this huge carbon-free and environmentally friendly energy source. We appreciate that the Central Coast Water Board's determinations reflect current environmental science and propose flexible responses for extended State support of DCPP. The proposed NPDES order's dedication to ongoing environmental studies and science-based regulation sets an incredible precedent for	

Comment Number	Comment	Response
	other State agencies and Californians alike.	
22.2	**Mothers for Nuclear supports the approval of DCPP's CWA Section 401 Water Quality Certification for Federal License.** Mothers for Nuclear is grateful for your proposed decision to approve the Certification. This Certification is required for the approval of the NRC license for DCPP to continue operations. Humans need electricity for a happy and healthy quality of life. With our diverse ecosystems and climates in the State of California some people experience freezing temperatures and many excruciating heat. Californians will likely experience more extreme weather to come due to climate change. Electricity powers the machines providing lifesaving care to infants, the elderly, and the sick. Electricity keeps our medications and food safe through refrigeration. More and more of our lives rely on electricity as we continue the effort to electrify in order to further reduce carbon emissions. Much of our electricity in California still comes from natural gas and other CO_2-emitting imports. Mothers, families, voters across California care greatly about reducing emissions to care for our beautiful environment, slow climate change, and care for the health of our children, each other, and our future. DCPP is integral in upholding all of these values.	Central Coast Water Board staff acknowledges the commenter's support for the proposed 401 Certification.

Comment Number	Comment	Response
	Mothers for Nuclear supports the continued operation of DCPP and all of the work the Central Coast Water Board is doing to support this.	
23.1	DCPP is the most destructive OTC power plant in California and is sited less than one mile from a marine protected area (MPA). The intake of 2,670 MGD has undeniable impacts and consequences for the ecologically connected network of MPAs that was carefully designed off California's coastline.	The Central Coast Water Board acknowledges that there are ecological impacts from the discharge, and they are mitigated appropriately. The OTC Policy establishes technology-based standards for minimizing adverse environmental impacts, and it contains compliance schedules applicable statewide. The OTC Policy was adopted after consideration of ecological impacts, including those to sensitive marine habitats. The Proposed NPDES Permit incorporates OTC Policy requirements. Moreover, to minimize impacts to aquatic resources to the extent possible while the Discharger remains in operation using once-through cooling, the Discharger must implement the requirements set forth in section 6.3.6.1.1 of the Proposed Order, and Fact Sheet, sections 6.2.6.1 et seq.
23.2	We therefore write to express our deep concern for the ongoing OTC operations being authorized by the Central Coast Water Board's DCPP NPDES Permit without any requirement to install the BTA to minimize marine life mortality.	See the response to comments 12.1, 17.9, 18.1, 19.1, and 25.1.
23.3	We also write to strongly urge the Water Boards, and the State of California, to ensure that all OTC Policy interim mitigation funds	See the response to comments 19.1 and 19.4. Mitigation funds are used by the Ocean Protection Council and the State Coastal Conservancy to

Comment Number	Comment	Response
	collected from DCPP are used for MPA management and marine life restoration as described in the State Water Board's May 2025 Fact Sheet.	implement projects and comply with the revised 2026 OTC MOU. Indeed, section 2.A(2) of the 2026 OTC MOU specifies that the "Executive Director of the OPC or the Executive Officer of the Conservancy will provide written confirmation to the State Water Board of the receipt and transfer to the Conservancy, as appropriate, of the Interim Mitigation Funds for use in accordance with this MOU." Accordingly, Central Coast Water Board staff is confident that the mitigation funds will be used appropriately and as described in the State Water Board's May 2025 Fact Sheet.[8]
23.4	DCPP is the largest discharger of pollution in California, while also responsible for intaking seawater that kills 1.5 billion marine organisms annually. DCPP's intake disrupts marine life the area of roughly 93 square miles off the California coastline. The discharge is 20 degrees warmer than the natural temperature in the ocean, impacting local kelp forests, accelerating the decline of sensitive species such as the black and red abalone, and creating so-called "marine desert" zones near the discharge area.	See the response to comment 1.1 regarding OTC Policy compliance and the response to comment number 12.3 regarding antidegradation and numbers 12.1, 17.9 and 18.1 regarding thermal requirements in the Proposed NPDES Permit. See, also, response to comment 19.4.
23.5	Importantly for our groups, DCPP's intake and discharge are located less than one mile from the Point Buchon State Marine Reserve and the adjacent Point Buchon State Marine Conservation Area, which together protect an	See the response to comment 23.1 and 23.4.

[8] https://www.waterboards.ca.gov/water_issues/programs/ocean/cwa316/docs/2025/fact-sheet.pdf

Comment Number	Comment	Response
	ecologically diverse seascape and provide a home to more than 700 species of invertebrates, as well as 120 fish species, marine plants, seabirds, and marine mammals. This area of the ocean is highly productive due to local upwelling of nutrients that support plankton and the marine food web. 5.122 forests are filled with rockfish, sea stars, gumboot chitons, and abalone, as well as larger visitors like southern sea otters and migrating whales. The Point Buchon MPAs are important in their own right, as well as being an important part of an ecologically connected network that runs along the coast of California – a network that DCPP's ongoing OTC operations interrupt.	
23.6	Given DCPP's location to such sensitive marine habitat, combined with the unfettered intake of seawater to cool nuclear generators, it is unacceptable that the Central Coast Water Board is authorizing DCPP to continue OTC operations into the indefinite future without requirements to achieve the OTC Policy's BTA standard. PG&E's recent requested to the federal NRC for a 20-year extension will result in the loss of over 30 billion marine life organisms unless the Central Coast Water Board requires technology to be implemented to minimize marine life mortality. Decommissioning in the unforeseen future is not adequate compliance with CWA section	See the response to comment 18.1.

Comment Number	Comment	Response
	316(b). Congress intended 316(b) to be a technology-forcing provision to minimize marine life mortality. If decommissioning at some future unknown date was an adequate compliance pathway then every power plant in the nation would use that as their excuse to comply with CWA leading to an absurd interpretation of the statute. If PG&E wants a 20-year extension to continue operating DCPP then this Central Coast Water Board needs to require technology be implemented to prevent the mortality of 30 billion marine life organisms.	
23.7	Until DCPP installs the proper BTA, PG&E must be required to pay the interim mitigation to fully mitigate for the harm they are causing the ocean. Section 2.C(3) of the OTC Policy requires owners and operators of OTC power plants to implement mitigation measures that offset adverse interim impacts to marine life caused by power plants operations between October 1, 2015, and when final compliance with the OTC Policy is achieved. The OTC Policy provides options for complying with the interim mitigation requirement. Most owners and operators comply by providing funding directly to the Ocean Protection Council and the Coastal Conservancy for mitigation projects. That funding is crucial to help support MPA management and fund restoration projects that can restore marine life lost due to DCPP's OTC operations.	See the response to comments 19.1 and 19.4. Mitigation funds are directed by the Ocean Protection Council and the State Coastal Conservancy to implement projects and comply with the revised 2026 OTC MOU; comments regarding potential actions by the Legislature are out of scope of the Proposed NPDES Permit.

Comment Number	Comment	Response
	We were also deeply troubled to hear that the Legislature has considered, and might likely reconsider, reappropriating DCPP's OTC interim mitigation funds for needs other than MPA management and marine life restoration. We would like to remind the Legislature that OTC interim mitigation funds are federally derived from the CWA and the OTC Policy, which was adopted pursuant to the State Water Board's federally delegated authority. Therefore, such OTC interim mitigation funding is not available for the State to use as it pleases but must be used to mitigate for the impacts of OTC operations pursuant to CWA section 316(b). The adoption of the MPA network and the OTC Policy are some of the State's greatest achievements to protect our iconic coast and ocean. But those policies are only as strong as the actions we take to implement them. California must continue to ensure that we minimize threats to our MPA network, particularly in the face of climate change, while the State also ensures OTC facilities properly minimize and mitigate their marine life mortality.	
24.1	The Committee to Bridge the Gap writes to urge the Central Coast Water Board to reject the NPDES Permit and Section 401 Certification now before you. Approving either action would	See the responses to comment numbers 24.2 through 24.4.

Comment Number	Comment	Response
	allow PG&E to continue, and potentially intensify and expand, its pollution of Central Coast waters via DCPP water discharge. Approving either action would also advance the extension of an aging nuclear power plant with severe embrittlement and profound seismic vulnerabilities. PG&E's long record of violating WQSs, withholding critical environmental data, and failing to ensure compliant discharges makes a Section 401 Certification untenable. Similarly, the NPDES Permit contains no meaningful numerical limits on radioactive releases and relies on outdated scientific assumptions. Issuing a NPDES Permit under these circumstances would enable substantial degradation of the marine environment. Together, these actions would expose local California's Central Coast communities, such as SLO, Shell Beach, Pismo Beach, Oceano, and others, to unacceptable environmental and public health risks. Given the factors discussed in this letter, approving these actions would pose serious and lasting risks. We therefore urge the Central Coast Water Board to deny both the certification and the permit.	
24.2	<u>Section 401 Certification Would Have Central Coast Water Board Ignore PG&E's History of Violating WQSs</u>	By requiring compliance with the Proposed NPDES Permit and the OTC Policy and by including the additional requirements that it does,

Comment Number	Comment	Response
	The Central Coast Water Board's Proposed Section 401 Certification states: "Clean Water Act section 401 requires applicants for federal licenses who will discharge to navigable waters of the United States to obtain certification from the State that the discharges will comply with water quality standards." Thus, PG&E is before you with a request to certify that PG&E's discharges will comply with WQSs. The Central Coast Water Board should not agree to provide such a certification for the simple reason that the Central Coast Water Board cannot ensure that PG&E's discharges will in fact comply with WQSs. PG&E's history of evasion and noncompliance in its operation of DCPP gives ample reason to question PG&E's credibility or transparency in whether its DCPP discharges will comply with WQSs. The historical record, in fact, shows that PG&E cannot be trusted. For decades, DCPP's thermal discharges have caused significant and well-documented harm to the marine ecosystem surrounding Diablo Cove. The Central Coast Water Board's own staff concluded in 2000 that the plant's hot-water effluent produced thermal plumes extending far beyond the outfall and resulted in "significant and consistent biological effects," including the degradation of intertidal and nearshore habitat	the Proposed 401 Certification ensures that water quality standards will be met. Specifically, the Proposed NPDES Permit includes effluent limitations, prohibitions, monitoring and reporting, and other controls to ensure that water quality standards are not violated by the discharge. The Proposed NPDES Permit also implements the OTC Policy, the Ocean Plan, and the Basin Plan to ensure water quality standards are met in the Pacific Ocean. Here, the Proposed 401 Certification requires that any applicant for a federal license, such as PG&E, obtain a certification from the appropriate agency (here, the Central Coast Water Board) to ensure such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. See, also, response to comments 12.1, 12.3, 17.9, 18.1, and 19.1, In addition, many of the environmental harms noted here were addressed in the 2021 Consent Judgment, see Fact Sheet section 4.3.6. See also Fact Sheet section 4.4.2.1.2.3.1.1 for a detailed discussion of thermal effects. Comments concerning the seismic safety are not within the scope of the Proposed NPDES Permit or the Proposed 401 Certification.

Comment Number	Comment	Response
	directly affected by the discharge. The damage was serious enough that Central Coast Water Board staff prepared a proposed CDO, citing losses of marine life and impairment of designated beneficial uses—an extraordinary step that reflected the severity of the ecological harm observed at the time. Independent biological analyses reinforce the magnitude of this degradation. During DCPP's early years of operation, local populations of red and black abalone collapsed by nearly 90 percent, with researchers and environmental reviewers attributing much of this decline to the plant's thermal plume, entrainment, and impingement effects—stressors directly linked to DCPP's cooling system operations. These impacts are not confined to the past. Recent federal environmental evaluations continue to find that the plant's thermal discharges alter water temperature, flow, and habitat conditions in the shoreline environment, rendering habitat near the discharge structure unsuitable for sensitive species such as black abalone. The advocacy group Beyond Nuclear, which has long been tracking PG&E's saga at DCPP, explains the situation this way: "In the spring of 2000, Diablo Canyon's operators were discovered to have withheld information	

Comment Number	Comment	Response
	from environmental regulators for two decades revealing the true effect of the reactor's hot water discharges into the coastal waters off Diablo Cove and miles beyond. The concealed data included infrared images indicating more extensive thermal plume impact zones than previously admitted and time-series photographs showing the progressive deterioration of biologically important marine habitat in coastal waters around the reactor. The damage was catastrophic to the indigenous marine life community, including the near obliteration of the already threatened black and red abalone populations." The record, which spans decades of regulatory review and scientific assessment, demonstrates a continuous pattern of ecological degradation associated with DCPP's operation. Any proposal to continue or expand these discharges must contend with this long, clear record of harm to the marine environment. PG&E's long history at DCPP includes multiple documented instances of withholding or obscuring critical environmental information, raising serious doubts about its transparency and its willingness to comply with monitoring and reporting requirements. As early as 2000, Central Coast Water Board staff found that PG&E had failed to disclose key thermal plume and habitat	

Comment Number	Comment	Response
	impact data, forcing regulators to discover on their own the extent of ecological degradation occurring offshore from DCPP. State energy officials also criticized PG&E's seismic hazard submissions for lacking full transparency and failing to provide the data needed for independent verification—a troubling pattern given the plant's location amid active fault lines. Multiple State agencies, including the California Energy Commission and the California Geological Survey, explicitly state that PG&E withheld crucial details needed for independent scientific review. A second Independent Peer Review Panel also found that PG&E had not yet provided the complete, reliable seismic data needed to fully assess DCPP's earthquake risk, leaving key fault parameters and hazard analyses unresolved and regulators without the information required to make a sound safety determination. The Proposed Section 401 Certification states that PG&E's DCPP discharges will comply with the CWA "as long as all the conditions listed in this Order are met." PG&E's failure to maintain compliance with WQSs, however, continues to this day. As is explained in more detail below, PG&E's DCPP effluent starkly violates the NPDES Permit's prohibition against degradation of the marine environment. The Central Coast Water Board should not grant PG&E a	

Comment Number	Comment	Response
	certification that is conditioned on PG&E's compliance with WQSs that PG&E continues to violate. a The Central Coast Water Board's Proposed Section 401 Certification states: "The Permittee previously obtained a Certificate of Conformance with water quality standards from the Central Coast Water Board for the Facility in 1971." That certification, however, occurred nearly 55 years ago, long before PG&E's track record of obfuscation and demonstrated environmental harm occurred. Given the history that has unfolded in the half century since the initial certification, it would be prudent for the Central Coast Water Board to thoroughly and cautiously reconsider whether such broad certification is appropriate. The local community and environment should not be forced to withstand another half century of environmental impacts and data obfuscation by PG&E.	
24.3	<u>NPDES Permit Allows Large Amounts of Radioactivity to Degrade Marine Environment</u> PG&E's NPDES Permit contains, as best we have been able to find, no numerical limit to the amount of radioactivity allowed to be discharged to the ocean. Instead, the permit contains Discharge Prohibition 3.4: "The discharge of radioactive waste that causes degradation to marine life is prohibited." One of the radionuclides released to the marine	Please see responses to comments 11.1, 16.3 and 16.4

Comment Number	Comment	Response
	environment in PG&E's DCPP effluent is tritium, a radioactive isotope of hydrogen. In 2024 alone, PG&E discharged 1,582 curies of tritium in its DCPP effluent. To put this in perspective, that is enough tritium to contaminate 79,100,000,000 (79 billion) liters of water at USEPA's drinking water limit. This is a staggering volume. Based on an average residential water use of roughly 300 liters per person per day, PG&E's annual tritium discharge represents enough water to supply all 39 million residents of California with two full days of household water. . PG&E is actively engaged in a breathtaking scale of radiological contamination. For example, PG&E's tritium discharges at DCPP are arguably larger than the tritium discharges each year from the Fukushima nuclear meltdown site. Direct comparisons are somewhat challenging given that PG&E's discharge figure is given in curies (Ci), while Fukushima's public data often use becquerels (Bq). However, if the 1,582 Ci (≈58.5 trillion Bq) number for PG&E is correct, DCPP's discharge could be roughly 2–3 times greater than Fukushima's maximum planned annual tritium release — a potentially massive release of radioactivity into marine waters. The Central Coast Water Board must bear in mind that tritium is a very dangerous radiological poison. The release of tritium-containing water at the Fukushima meltdown site, for example,	

Comment Number	Comment	Response
	triggered intense public and international backlash. In 2023, large protests erupted in South Korea over fears of radioactive contamination, while fishing associations in Fukushima and governments across the region condemned the discharge as a threat to marine ecosystems, public health, and trust in nuclear waste management. At DCPP, the tritium discharge problem appears to be far worse. Tritium is in fact a dangerous radioactive poison. A radioactive form of hydrogen, when people drink tritiated water, inhale tritium, or absorb it through their skin, tritium distributes throughout the body's tissues and, like all ionizing radiation, increases the risk of cancer and other health effects. Authoritative scientific reviews conclude that internal exposure to tritium can damage DNA and other cellular structures, and that there is no completely risk-free dose of ionizing radiation. In aquatic and marine environments, tritium released to water is readily taken up by organisms, can be incorporated into organic molecules, and has been shown to cause genotoxic and reproductive effects in species such as marine mussels and fish at low to moderate dose rates Any dose of radiation produces some risk of cancer and other health harms; even without considering the other radionuclides or hazardous	

Comment Number	Comment	Response
	chemicals in PG&E's effluent, PG&E's releases of tritium alone are enough to cause significant degradation to the marine environment. We note that PG&E's dose calculations, purporting to show compliance with radiation dose limits, are based on outdated science: the bioaccumulation factors and dose conversion factors used in PG&E's dose calculations are largely sourced from the NRC's Regulatory Guide 1.109 – from 1977. In the nearly half century since, radiation science has advanced greatly, particularly the scientific understanding of the risks of relatively low doses of radiation. A cursory search turns up more up-to-date dose conversion factors, such as those produced by the International Commission on Radiological Protection in 1990 and 2008.	
24.4	Given the extensive record of environmental harm, noncompliance, and withheld information, the Central Coast Water Board cannot reasonably certify that PG&E's discharges will meet WQSs. The evidence shows persistent degradation of marine habitat, ongoing violations of key prohibitions, and radiological releases large enough to pose significant risks to coastal communities and ecosystems. PG&E has not demonstrated the transparency, technical reliability, or environmental stewardship required for a certification of compliance. The Central Coast Water Board's responsibility is to protect	Central Coast Water Board staff disagrees that the Proposed 401 Certification and Proposed NPDES Permit should not be issued due to the Discharger's compliance history. Under CWA section 401, the permitting authority's determination is limited to whether the waste discharge, as conditioned by the 401 certification and the NPDES permit issued under CWA section 402, will comply with applicable WQSs and other appropriate requirements of state law. The Proposed NDPES Permit includes enforceable TBELs and WQBELs, prohibitions, and monitoring and reporting requirements consistent with the

Comment Number	Comment	Response
	the public interest, not to legitimize continued pollution under the guise of regulatory approval. For these reasons, the Section 401 Certification and NPDES Permit should be denied.	Basin Plan, Thermal Plan, Ocean Plan, OTC Policy, and Antidegradation Policy (Resolution 68-16). See responses to comments 12.1, 12.3, 18.1, and 19.1 and revised Fact Sheet section 4.4.2 for more details Historical noncompliance issues are addressed through enforcement and do not preclude permit renewal where permit conditions are reasonably calculated to ensure future compliance. Furthermore, the Facility's history of compliance, as reflected in the Proposed NPDES Permit, indicates that the Facility is largely in compliance with its permit limitations, with one exception in the past five years. Radiological materials are regulated by the NRC and are outside the scope of the Central Coast Water Board's permitting authority (see response to comments 11.1, 16.3, and 16.4). The administrative record supports issuance of the Proposed 401 Certification and the Proposed NDPES Permit to ensure continued protection of water quality for the duration of authorized Facility operation. In addition, the Proposed NPDES reflects changes to ELGs, water quality standards, and other revisions to the applicable water quality control plans that have been made since adoption of the previous permit in 1990 and provide a greater protection of water quality and beneficial uses than the previous permit.

Comment Number	Comment	Response
25.1	The California Coastkeeper Alliance (CCKA) has been the primary non-governmental organization (NGO) stakeholder working on the OTC Policy for the last 24 years. From 2001 - 2010, we worked with the State Water Board and other state agencies to address CWA section 316(b) in California ultimately resulting in the OTC Policy. From 2010 – 2014, CCKA participated as the only NGO to regularly attend the State Water Board's NRC meetings to ensure DCPP achieved compliance with the OTC Policy and section 316(b). From 2015 to present day, we watchdogged the OTC interim mitigation payments, including commenting in 2015 that the OTC interim mitigation was insufficient to fully mitigate for the impacts of OTC. In 2023, CCKA commented to the State Water Board that the compliance schedule extensions without requiring BTA until the powerplants elect to decommission is an illegal loophole of 316(b) and the Riverkeeper cases [*the Commenter included their 2023 comment letter as an attachment*]. Finally, CCKA submitted a letter this year to the Governor and the Legislature arguing that SB 846's (Dodd – 2022) direction to the Water Boards to continue permitting DCPP to operate OTC until 2030 without implementing BTA is federally preempted and noncompliant with federal law [*the Commenter included their 2025 comment letter as an attachment*]. We further commented that the 2025 unbacked trailer bill, which would have	The Central Coast Water Board recognizes CCKA's longstanding interest and advocacy in this matter. As CCKA points out, their positions on SB 846 (2022) and OTC Policy compliance at the Facility are well documented. Revising the compliance dates for the Facility is not an impermissible exemption to the BTA requirements of the CWA because a compliance date extension does not change the technology requirements. CWA section 316(b) requires that "[a]ny standard established pursuant to section 1311 of this title or section 1316 of this title and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the BTA for minimizing adverse environmental impact." Section 316(b) does not establish a statutory deadline by which facilities must achieve compliance. Instead, U.S. EPA regulations implementing CWA 316(b) as applicable to cooling water intake structures for existing facilities recognize that compliance schedules may be appropriate and must provide for compliance as soon as practicable. (40 CFR § 125.98(c).) "When establishing a schedule for electric power generating facilities, the director should consider measures to maintain adequate energy reliability and necessary grid reserve capacity during any facility outage…. The Director may confer with independent system operators and state public

Comment Number	Comment	Response
	reappropriated DCPP's OTC interim marine life mortality mitigation to be used for land acquisition only perpetuated the illegality of the original SB 846 (2022) legislation. We provide the following comments regarding the DCPP Proposed Permits asserting that the combination of actions taken by Governor Newsom, the California Legislature, the State Water Board and now the Central Coast Water Board is a violation of CWA section 316(b), the Riverkeeper federal court decisions, and the State's own OTC Policy. The federal CWA section 316(b) was enacted in 1972 mandating that power plants use the BTA to minimize environmental impacts. The USEPA's first regulations came out in 1976, later overturned, and eventually re-established in 2004 for existing power plants, but only after the USEPA was sued in 1993 for failure to implement 316(b). Between 1976 and 2004, states were encouraged to set their own regulations to require the BTA. California did so, starting in 2001 with formal public workshops starting in 2005. On May 4, 2010, the State Water Board adopted the OTC Policy, establishing technology-based requirements to implement federal CWA section 316(b) provisions to reduce harmful effects on marine and estuarine life associated with 25.1cooling water intake structures.	utility regulatory agencies when establishing a schedule for electric power generating facilities." (*Ibid*.) The comment that the Central Coast Water Board must maintain the existing OTC Policy compliance dates for PG&E's replacement of Diablo Canyon's OTC system with cooling towers unless the State Water Board completes a BTA analysis and determines that cooling towers are not feasible at the Diablo Canyon site as alleged by PG&E is incorrect. The Legislature's determination that it is not practicable to design and construct alternatives for Diablo Canyon to achieve final compliance with the OTC Policy prior to October 31, 2030 (Pub. Resources Code § 25548(e)), is supported by evidence in the State Water Board record. CWA section 316(b) requires that the location, design, construction, and capacity of cooling water intake structures reflect the BTA for minimizing adverse environmental impacts. The OTC Policy establishes requirements for the implementation of CWA section 316(b) and provides two tracks for compliance. Facility retirement, which PG&E has chosen as its compliance path, reduces the capacity of OTC usage to a level commensurate with or greater than that required by Track 1 compliance. Track 1 compliance requires a minimum 93 percent reduction in intake flow rate for each OTC unit compared to the unit's design intake flow rate,

Comment Number	Comment	Response
	The OTC Policy has several key provisions pertinent to this Permit. First, an owner or operator of all existing coastal power plants in California, including DCPP, must reduce intake flow rate at each unit, at a minimum, to a level commensurate with that which can be attained by a closed-cycle wet cooling system, which was determined to be BTA by the State Water Board. A minimum 93 percent reduction in intake flow rate for each unit is required for Track 1 compliance, comp red to the unit's design intake flow rate. This BTA standard applies to ALL California's coastal power plants, unless for safety reasons or technical infeasibility as discussed below. Additionally, existing power plants shall comply with the BTA standard as soon as possible, but no later than, the dates shown in the compliance schedule found in Table 1, contained in Section 3.E of the OTC Policy. The State Water Board also created an interim mitigation requirement for power plants that were not in compliance by 2015. Section 2.C(3) of the OTC Policy requires owners or operators of existing power plants to implement measures to mitigate the interim impingement and entrainment impacts resulting from their cooling water intake structures. The interim mitigation period commenced on October 1, 2015, and continues up to and until owners or operators achieve final compliance with the OTC Policy, which they must do by dates established	along with reducing the through-screen intake velocity below 0.5 foot per second. Unit retirement comports with Track 1 compliance. CCKA asserts that the Central Coast Water Board is aware that PG&E has no intention of shutting down the Facility by 2030 and that additional compliance extensions will be necessary. The Central Coast Water Board must make its decisions based on facts in the record. The record is clear that the OTC Policy and Water Code section 13193.5 require PG&E's full compliance by October 31, 2030.

Comment Number	Comment	Response
	in the Compliance Schedule (Section 3.E of the OTC Policy). Finally, the OTC Policy has special provisions for nuclear facilities. If the owner or operator of an existing nuclear-fueled power plant demonstrates that compliance with the requirements for existing power plants in Section 2.A would result in a conflict with any safety requirement established by the Commission, with appropriate documentation or other substantiation from the Commission, the State Water Board will make a site- specific determination of BTA for minimizing adverse environmental impact that would not result in a conflict with the Commission's safety requirements. The State Water Board may also establish alternative site- specific requirements in accordance with Section 3.D(8). DCPP participated in the Nuclear Review Committee to evaluate any conflicts with the safety requirements of the Commission, but those studies concluded in 2014 without any formal decision by the State Water Board. The OTC Policy requires DCPP to implement the OTC Policy's BTA standard unless the facility can demonstrate a conflict with nuclear safety requirements or technical infeasibility criteria. DCPP has not demonstrated a safety conflict. And the State Water Board has never made a formal decision that BTA is infeasible due to (i)	

Comment Number	Comment	Response
	safety concerns, (ii) because the costs are wholly out of proportion, (iii) engineering constraints, space constraints, permitting constraints, and public safety considerations; or (iv) because of potential environmental impacts. If the State Water Board had determined that BTA at DCPP was infeasible due to one of these four factors, the State Water Board would be required to establish alternative requirements no less stringent than justified by the wholly out of proportion (i) cost and (ii) factor(s) above. Keep in mind that PG&E made $ 2.48 billion in profit in 2024. Additionally, the State Water Board would need to require full mitigation for the difference in impacts to marine life resulting from any alternative, less stringent requirements. Our understanding is that the State and Central Coast Water Boards believe that the decommissioning of DCPP is sufficient to comply with the OTC Policy because the shutdown – at some undetermined date - would achieve a 93 percent reduction in intake flow rate. However, the Water Boards are aware that DCPP has no intention of shutting down by 2030 and that additional compliance extensions will be necessary. Ultimately, the use of compliance schedule extensions until PG&E decides it wants to shut down, coupled with mitigation in-lieu of BTA, runs counter to Congressional intent of CWA section 316(b) and the Riverkeeper cases. To allow DCPP to evade implementing cooling towers, the	

Comment Number	Comment	Response
	Water Boards must first determine that true BTA (not just shutting down sometime in the unknown future) is infeasible for the factors outlined in Section 3.D(8); second, must establish alternative requirements no less stringent than justified by the wholly out of proportion analysis; and finally, must fully mitigate for the different between impacts resulting from the alternative less stringent requirements. Alternatively, the State Water Board could start issuing enforcement actions with civil liability fines, above and beyond the interim mitigation fees, if DCPP continues to operate without implementing BTA. Anything else does not comport to the CWA's statutory plain meaning.	
25.1.a	**I. THE ENDLESS EXTENSIONS TO DCPP's OTC COMPLIANCE SCHEDULE - WITHOUT IMPLEMENTING BTA - RUN COUNTER TO CONGRESSIONAL INTENT AND THE PLAIN MEANING OF CWA SECTION 316(B).** *a. The DCPP is the most destructive impact to marine life along the California coast.* DCPP is the most destructive OTC power plant in California. California OTC power plants discharge volumes range from 78 to 2670 MGD, with DCPP being the largest discharger in the State with a discharge of 2,670 MGD. To put that into perspective, San Francisco's wastewater facility discharges only 43 MGD. DCPP's continuous	Regarding the Facility's effects to marine life, these effects have been exhaustively studied and are well known. See responses to comments 5.1 and 17.9 and section 4.3.6 of the Fact Sheet.

Comment Number	Comment	Response
	seawater withdrawal is estimated to kill roughly 1.5 billion fish in early life stages each year, with approximately 45 billion fish eggs and marine larvae have died over the lifetime of DCPP's operations. DCPP's marine life destruction can range from 46 miles of coastline and out to two miles offshore, an area of roughly 93 square miles, for nine taxa of rocky reef fish. DCPP's cooling water discharges at a warmer temperature can also cause additional harm to fish and other marine life in the area. DCPP's discharge has reported been up to 20 degrees F over natural background levels. This thermal pollution — plus the physical suction/impingement — has been linked to serious harm: loss of native habitat along the cove, declines or near-elimination of sensitive species (e.g., black and red abalone locally), disruption to kelp and other marine flora, and so-called "marine desert" zones near the discharge area. Moreover, DCPP's intake and discharge are located less than one mile from the Point Buchon State Marine Reserve and the adjacent Point Buchon State Marine Conservation Area, which together protect an ecologically diverse seascape and provide a home to more than 700 species of invertebrates, as well as 120 fish species, marine plants, seabirds, and marine mammals. This "MPA cluster" is important in its own right, as well as being an important part of an ecologically-	

Comment Number	Comment	Response
	connected network that runs along the coast of California. While DCPP's intake is not directly within the MPA cluster, the area of source water being drawn into the plant likely overlaps with the MPA boundaries and has the potential to withdraw marine life out of the protected area. *b. PG&E must be required to do more than just pay mitigation in perpetuity until they decide to decommission DCPP.* Despite being the most destructive facility along California's coastline, DCPP has not been required to comply with CWA section 316(b) for over 40 years; and has not been required to implement the State's BTA standard for the last 15 years and counting. If DCPP is permitted to continue intaking seawater without implementing BTA, an estimated 30 billion additional marine life deaths will occur. The OTC Policy requires DCPP to implement the BTA standard unless the facility can demonstrate a conflict with nuclear safety requirements or that BTA is infeasible for the factors outlined in the OTC Policy. According to the 2010 OTC Policy, "State Water Board staff has concluded that impacts associated with OTC operation, including those from Diablo Canyon, have not been	Regarding mitigation and OTC Policy compliance: As an initial matter, the Facility has been in compliance with the OTC Policy since its adoption in 2010. Moreover, although the Second Circuit Court of Appeals in *Riverkeeper Inc., et al. v. U.S. Environmental Protection Agency* (2nd Cir. 2007) (475 F.3d. 83) (Riverkeeper II) concluded that allowing compliance with CWA section 316(b) through implementation of restoration measures conflicts with the statute, the OTC Policy does not authorize compliance with CWA section 316(b) through restoration. (*Riverkeeper, II, supra*, 475 F.3d 83, 110, and refer to discussion in 2010 Final SED for adoption of the OTC Policy, pp. 6- 7.) Rather, the OTC Policy requires compliance with statewide BTA controls for coastal and estuarine power plants through selection of either Track 1 or Track 2. Compliance can be achieved via Track 1 by reducing intake flow to a level commensurate dedicated to marine protected area maintenance, especially where OTC intakes are located in wetlands. Compliance can be achieved via Track 2 by reducing impingement and entrainment

Comment Number	Comment	Response
	sufficiently addressed such that they can be considered compliant with §316(b)'s technology-based mandate." Since that conclusion in 2010, DCPP has done nothing to implement 316(b)'s technology-based mandate except pay for restoration in-lieu of implementing the BTA standard. In 2004, the U.S. Court of Appeals for the Second Circuit issued its opinion in Riverkeeper, Inc. v. USEPA, 358 F.3d 174 (2d. Cir. 2004) (Riverkeeper I), which addressed challenges to the USEPA's rule governing cooling water intake structures at new — as opposed to existing — facilities. In 2007, the Second Circuit again decided Riverkeeper, Inc. v. USEPA, 475 F.3d 83 (2d Cir. 2007) (Riverkeeper II). That case reviewed the USEPA's 316(b) Phase II Rule, which allowed existing facilities to meet BTA through the use of restoration measures such as restocking fish killed by a cooling water system and improving the habitat surrounding the intake structure. The USEPA explained that the rule was created, "to provide additional flexibility to facilities in complying with the rule by eliminating or significantly offsetting the adverse environmental impact caused by the operation of a cooling water intake structure." The petitioners in Riverkeeper II, which included our organization, argued that the USEPA exceeded its authority by allowing compliance with section 316(b) through restoration measures.	equivalent to that which can be attained through Track 1. Owners or operators can achieve compliance through retiring, repowering, or retrofitting OTC units. The Facility continues to plan to achieve final compliance with the OTC Policy by ceasing operations, which falls under Track 1 compliance. The OTC Policy includes a provision that existing power plants must implement measures to mitigate the interim impingement and entrainment impacts to marine life resulting from cooling water intakes during operation. Section 2.C(3) of the OTC Policy provides options for owners and operators to demonstrate compliance with the interim mitigation requirements. This requirement commenced on October 1, 2015, and continues up to and until the owner or operator achieves final compliance with the OTC Policy. In the 2010 Final SED, the State Water Board also recognized that, while restoration cannot be used to comply with the BTA standard, restoration can be used to offset impingement and entrainment impacts during the interim period between the adoption of the OTC Policy in 2010 and when owners and operators of OTC facilities achieve final compliance (2010 Final SED, p.83). The State Water Board determined that such interim measures are appropriate when the compliance period is lengthy and impingement and entrainment impacts are expected to continue unabated. As a result, the State Water Board

Comment Number	Comment	Response
	The court reasoned that Riverkeeper I held that the statute's meaning is plain and that restoration measures cannot substitute for the "best technology available for minimizing adverse environmental impact" in cooling water intake structures. Riverkeeper I conclusively decided that the USEPA erred in allowing permit restoration measures, which were not "based on a permissible construction of the statute,", and the case was remanded because the USEPA's restoration rule "contradicts Congress's clearly expressed intent." The court stated that "however beneficial to the environment, [restoration measures] have nothing to do with the location, the design, the construction, or the capacity of cooling water intake structures, because they are unrelated to the structures themselves. "Restoration measures correct for the adverse environmental impacts of impingement and entrainment," the court noted, but "they do not minimize those impacts in the first place." The court ultimately agreed with us and the other petitioners again, in Riverkeeper II, that restoration measures are not part of the location, design, construction, or capacity of cooling water intake structures, and a rule permitting compliance with the statute through restoration measures allows facilities to avoid adopting any	established the interim mitigation requirements in Section 2.C(3) of the OTC Policy. The OTC Policy defines mitigation projects as projects to restore marine life lost through impingement mortality and entrainment. The OTC Policy states that restoration of marine life may include projects to restore or enhance coastal marine or estuarine habitat, as well as those that protect marine life in existing marine habitat, for example through the funding implementation and management of marine protected areas. See Fact Sheet section 6.2.6.1.5.2 for details on interim mitigation.

Comment Number	Comment	Response
	cooling water intake structure technology at all, in contravention of the CWA's clear language as well as its technology-forcing principle. Citing back to Riverkeeper I, the court stated that "restoration measures substitute after-the-fact compensation for adverse environmental impacts that have already occurred for the minimization of those impacts in the first instance." *c. The Water Boards' endless compliance extensions for DCPP without requiring true BTA is a farce.* PG&E intends to operate for the next 20 years – and the State of California knows it. SB 846 (2022) (Dodd) was enacted in 2022 to extend DCPP's OTC operations to 2030. However, initial negotiations of SB 846 (2022) considered extending DCPP's OTC operations until 2045. Additionally, the legislative intent of the bill was to ensure 100 percent renewable and zero-carbon electricity by 2045 without increasing carbon emissions elsewhere. DCPP is considered necessary to remain online until 2045 to not increase carbon emissions elsewhere. Following the enactment of SB 846 (2022), on November 7, 2023, PG&E submitted a license renewal application to the NRC to extend the current operating licenses for DCPP. PG&E's license renewal application to the NRC seeks an	Regarding compliance extensions: CCKA claims that the "Water Boards' endless compliance extensions for DCPP without requiring true BTA is a farce." The Central Coast Water Board disagrees with this statement. The OTC Policy now requires full compliance for DCPP with 316(b) rules by October 31, 2030. The State Water Board determined that Track 1 compliance, which includes shutting the Facility down, is compliant with BTA. In this regard, it should be noted too that revising the compliance dates for Diablo Canyon is not an impermissible exemption to the BTA requirements of the CWA because a compliance date extension does not change the technology requirements. CWA section 316(b) requires that "[a]ny standard established pursuant to section 1311 of this title or section 1316 of this title and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the BTA for minimizing adverse environmental impact." Section 316(b) does not establish a

Comment Number	Comment	Response
	extension period of 20 years. For Unit 1, this proposed relicensing would extend the operating life from November 2, 2024, to November 2, 2044. For Unit 2, the proposed action would extend the operating life from August 26, 2025, to August 26, 2045. The CCC is operating under the presumption that PG&E will be operating until for the next 20 years. PG&E's CCC's consistency certification reflects its proposal and application to the NRC for renewed operating licenses to allow an additional 20 years of operations. And throughout the CCC's staff report, the mitigation being proposed and analyzed is for 20 years of additional DCPP OTC operations. The Water Boards are also aware that DCPP's 5-year OTC compliance extension is a farce. The Central Coast Water Board's draft NPDES Permit for DCPP requires a new entrainment study to be completed six months prior to the expiration of the NPDES Permit. Coincidently, this is also six months prior to when DCPP is theoretically supposed to shut down in order to achieve BTA compliance with the OTC Policy. Why would the Central Coast Water Board require a new entrainment study six months before the plant presumably decommissions and stops OTC operations?	statutory deadline by which facilities must achieve compliance. Instead, U.S. EPA regulations implementing CWA 316(b) as applicable to cooling water intake structures for existing facilities recognize that compliance schedules may be appropriate and must provide for compliance as soon as practicable. (40 CFR § 125.98(c).) "When establishing a schedule for electric power generating facilities, the director should consider measures to maintain adequate energy reliability and necessary grid reserve capacity during any facility outage…. The Director may confer with independent system operators and state public utility regulatory agencies when establishing a schedule for electric power generating facilities." (Ibid.) The State Water Board's OTC Policy also requires compliance with the Policy "as soon as possible, but no later than, the dates" established in the policy. (OTC Policy, Section 2.B). Like the federal regulations, however, the OTC Policy also anticipated that compliance date extensions would be necessary to address reliability of the electric system. The OTC Policy established a process for consulting with and receiving recommendations from energy agencies regarding implementation of the Policy to ensure the schedule takes into local area and grid reliability considerations. (Id.). Arguments regarding the date on which DCPP will cease operation are beyond the scope of the Central Coast Water Board's authority.

Comment Number	Comment	Response
	The Central Coast Water Board held a public workshop on November 12, 2025. During that workshop, CCKA asked the Central Coast Water Board why the draft NPDES Permit was requiring PG&E to conduct a new entrainment study six months prior to before the facility decommissioning. The staff responded as follows: “[W]hat we've required in the permit is that PG&E update the data and submit it with its application for renewal of the permit. So that's six months before expiration date.” In other words, the Central Coast Water Board is requiring PG&E to conduct a new entrainment study to help inform DCPP’s next permit extension in 2030. Nobody believes that DCPP will cease OTC operations by 2030. The legislative intent of SB 846 (2022) demonstrates that the State needs DCPP’s zero-carbon electricity to continue until 2045. PG&E applied for a 20-year relicense to the NRC to operate until 2045. The CCC is calculating PG&E’s necessary mitigation under the assumption that DCPP will be operating for the next 20 years. And the Central Coast Water Board acknowledged that they anticipate PG&E will be	See, also, response to comment 25.1. Finally, to the extent that the commenter complains about language in the Proposed NPDES Permit concerning submission of an application for renewal of the NPDES permit in the future, the Central Coast Water Board notes that all NPDES permit holders are required to submit a report of waste discharge no later than 180 days before the existing permit expires if the permit is to be renewed. (40 CFR 122.21; Water Code, § 13260). This is a statement of the law and the Facility will be required to do this if the Legislature and the State Water Board and other agencies determine the Facility should operate beyond 2030.

Comment Number	Comment	Response
	submitting an "application for renewal" of this draft NPDES Permit "six months before [its] expiration date"…or stated alternatively, the Water Boards' anticipate PG&E will apply for a renewed NPDES permit six months before the theoretical requirement for DCPP to decommission by 2030 to achieve BTA. The draft NPDES Permit's requirement for DCPP to achieve BTA through decommissioning by the 2030 compliance date is an illegal fiction.	
25.1.b	**II. THE WATER BOARDS' POSITION THAT DECOMMISSIONING AT SOME UNKNOWN FUTURE DATE IS COMPLIANCE WITH THE BTA STANDARD IS AN ILLEGAL FICTION.** The State Water Board has extended compliance deadlines for several OTC facilities repeatedly. Initially, the OTC Policy's Compliance Schedule was a practical tool to phase out the use of OTC and bring power plants into compliance with the CWA, all while ensuring grid reliability. However, the State's repeated compliance schedule extensions have resulted in power plants being allowed to evade section 316(b) of the CWA and instead pay a restoration fee in-lieu of ever implementing the required BTA. The OTC Policy's interim mitigation measures were intended to encourage power plant operators to phase out OTC operations in a timely manner. Today, however, the interim mitigation measures have lost their temporary, incentivizing character and have instead effectively become a standing	The comment that the Central Coast Water Board must determine the infeasibility of PG&E's replacement of Diablo Canyon's OTC system with cooling towers unless it completes a BTA analysis and determines that cooling towers are not feasible at the Diablo Canyon site as alleged by PG&E is misplaced and incorrect. First, the OTC Policy clearly places this responsibility on the State Water Board (see section 3.D.(7)). Secondly, as spelled out below, the record in the State Water Board's 2023 OTC Policy revision is clear regarding the State Water Board's history regarding this responsibility. The Legislature's determination that it is not practicable to design and construct alternatives for Diablo Canyon to achieve final compliance with the OTC Policy prior to October 31, 2030 (Pub. Resources Code § 25548(e)) is supported by evidence in the State Water Board 2023 OTC Policy revision record. CWA section 316(b)

Comment Number	Comment	Response
	method for power plants to avoid implementing technology as envisioned by the CWA, and instead, choose to pay restoration fees as a permanent solution in lieu of actual compliance with the CWA and the OTC Policy. While interim mitigation may be acceptable, permanent mitigation as a form of compliance is not. This violates the CWA mandate to employ the BTA for minimizing adverse environmental impacts. It further runs counter to the precedent set by the U.S. Court of Appeals for the Second Circuit in Riverkeeper v. USEPA (Riverkeeper I and II), which held that restoration measures were not an acceptable method of compliance given Congress's clear intent that cooling intake structures be regulated directly. The Second Circuit reiterated, in Riverkeeper II, that it is also unacceptable for existing OTC facilities to comply with section 316(b) through restoration measures in-lieu of implementing BTA. DCPP never demonstrated – and the State Water Board never decided – that it was technically infeasible for PG&E to install BTA for DCPP. As the draft Permit's Fact Sheet explains, the OTC Policy allowed operators of nuclear power plants to fund special studies, conducted by independent third parties, to investigate alternatives to meet the requirements of the OTC Policy, including the costs of these alternatives. To satisfy this requirement, in 2014 Bechtel	requires that the location, design, construction, and capacity of cooling water intake structures reflect the BTA for minimizing adverse environmental impacts. The OTC Policy establishes requirements for the implementation of CWA Section 316(b) and provides two tracks for compliance. Facility retirement, which PG&E has chosen as its compliance path, reduces the capacity of OTC usage to a level commensurate with or greater than that required by Track 1 compliance. Track 1 compliance requires a minimum 93 percent reduction in intake flow rate for each OTC unit compared to the unit's design intake flow rate, along with reducing the through-screen intake velocity below 0.5 foot per second. Unit retirement comports with Track 1 compliance. In establishing the OTC Policy, the State Water Board established special provisions for nuclear-fueled power plants. Section 3.D of the OTC Policy requests that nuclear power plant owners and operators such as PG&E conduct special studies for submission to the State Water Board, in part to investigate alternatives for the nuclear-fueled power plants to meet the requirements of the OTC Policy and the costs of identified alternatives. Section 3.D(7) of the OTC Policy requires that the State Water Board consider the results of the special studies and evaluate the need to modify the OTC Policy with respect to nuclear-fueled power plants. In evaluating the

Comment Number	Comment	Response
	Power Corporation (acting as an independent third party) submitted a study entitled *Alternative Cooling Technologies or Modifications to the Existing Once-Through Cooling System for Diablo Canyon Power Plant*. However, prior to the State Water Board taking an action on Diablo's alternatives study, PG&E submitted a plan to decommission Diablo Canyon. In the proposal, PG&E planned to operate Diablo Canyon until the expiration of the NRC licenses for Units 1 and 2 on November 2, 2024, and August 26, 2025, respectively. According to the Regional Board's Staff Report, this "proposal implements Track 1 of the OTC Policy." In 2020, the State Water Board adopted OTC Policy revisions that accepted PG&E's decommissioning dates. In 2022, SB 846 (2022) was passed into law, extending the operation of DCPP's two reactor units until October 31, 2029, and October 31, 2030. As discussed below, the enactment of SB 846 (2022) is federally preempted and violates the State's federally delegated authority under the CWA. However, in SB 846 (2022), the Legislature determined that the extended operation was necessary to "improve statewide energy system reliability and to reduce the emissions of greenhouse gases while additional renewable energy and zero carbon resources come online, until those new renewable energy and zero carbon resources are adequate to meet demand."	need to modify the OTC Policy, Section 3.D(7) requires that the State Water Board base its decision on: A. Costs of compliance in terms of total dollars and dollars per megawatt (MW) hour of electrical energy produced over an amortization period of 20 years, B. Ability to achieve compliance with Track 1 considering factors including, but not limited to, engineering constraints, space constraints, permitting constraints, and public safety considerations, and C. Potential environmental impacts of compliance with Track 1, including, but not limited to, air emissions. Per Section 3.D of the OTC Policy, PG&E contracted with Bechtel Power Corporation to conduct a study evaluating Diablo Canyon's alternatives for compliance. This report was released and presented to the State Water Board by the Nuclear Review Committee on November 18, 2014. Before the State Water Board evaluated the need to modify the OTC Policy based on the special study, PG&E opted to comply by retiring Diablo Canyon; nonetheless, the Bechtel report contains valuable information that examines the implications of converting Diablo Canyon to a closed-cycle cooling system.

Comment Number	Comment	Response
	In response to SB 846 (2022), the State Water Board again amended the OTC Policy, effective December 5, 2023. The 2023 OTC Policy amendment revised the compliance dates for DCPP Units 1 and 2 to October 31, 2030, in accordance with SB 846 (2022). However, as discussed above, the State of California does not believe DCPP will be decommissioned by 2030. The OTC Policy requires all power plants – including the nuclear facilities – to implement the OTC Policy's BTA standard unless the facility can demonstrate a conflict with nuclear safety requirements or that BTA is infeasible under the criteria set forth in the OTC Policy. DCPP has not demonstrated a safety conflict or that BTA is infeasible for the factors outlined in Section 3.D(8) of the OTC Policy. And as the draft Fact Sheet admits, the State Water Board never made a formal decision that BTA is infeasible. Therefore, DCPP is still legally required to achieve BTA, which the OTC Policy sets as a 93 percent reduction in seawater intake. Our understanding is that the State and Central Coast Water Boards believe that the retirement of DCPP is sufficient to comply with the OTC Policy because the shutdown would achieve a 93 percent reduction in intake flow rate. However, the Water Boards are aware that DCPP has no	The Bechtel report was divided into several phases, and Phase 2 identified five closed-cycle cooling technologies as technically feasible for Diablo Canyon, including passive draft dry/air cooling, mechanical (forced) draft dry/air cooling, wet natural draft cooling, wet mechanical (forced) draft cooling, and hybrid wet/dry cooling. All these solutions require the construction of cooling towers, the number of which is technology dependent. At minimum, 62 acres would have to be leveled to accommodate the installation of two cooling towers, which would require the excavation and removal of 190 million cubic yards of earth. The installation of one of the closed-cycle cooling technologies would cost, at minimum, $8.567 billion dollars (in 2014 dollars). The time required to convert Diablo Canyon to a closed-cycle cooling system would take, at minimum, 13 years. Therefore, if PG&E opted to change its method of compliance with the OTC Policy, it would not be technically feasible, let alone practicable, for PG&E to complete BTA installation prior to its current compliance date of October 31, 2030. The Bechtel report presented to the State Water Board in 2014 supports the Legislature's finding in Public Resources Code section 25448, subdivision (b), that it is not practicable for Diablo Canyon to achieve final compliance with the OTC

Comment Number	Comment	Response
	intention of shutting down by 2030 and that additional compliance extensions will be necessary. Allowing PG&E to continue DCPP OTC operations indefinitely (and expectedly until 2045) without implementing BTA runs afoul of Congress' expressed intent and plain meaning of CWA section 316(b). As stated above, the Riverkeeper cases clearly expressed that only requiring restoration measures in-lieu of BTA violates the plain meaning of the CWA. Specifically, in the Riverkeeper II case, the Court stated that a "rule permitting compliance with the statute through restoration measures allows facilities to avoid adopting any cooling water intake structure technology at all, in contravention of the Act's clear language as well as its technology-forcing principle." Congress clearly expressed its intent and the plain meaning of the CWA to intend that OTC power plants implement technology to minimize entrainment. Allowing an OTC facility to avoid BTA until deciding to shut down undercuts the entire purpose of CWA section 316(b). If Congress intended BTA to include decommissioning OTC operations at some distant, undetermined future date, then every power plant in the nation would simply state they are complying with BTA under section 316(b) by eventually decommissioning in the future – ultimately undermining the entire purpose of	Policy before October 31, 2030. Compliance was not practicable when the report was presented in 2014 and there is no evidence to support a conclusion that it has become practicable in the intervening time. Finally, the Central Coast Water Board declines to take any enforcement actions at this time against the Discharger. As section 2.4 of the Fact Sheet makes clear, the Facility is, and has been, largely in compliance with its existing NPDES Permit. Any future enforcement actions would be taken by a future Board and must be based on the violation of terms of the existing NPDES permit, the Proposed NPDES Permit or the 401 Certification.

Comment Number	Comment	Response
	316(b). A court would not agree with the Water Boards that decommissioning at a future, undetermined date is compliance with section 316(b) because that interpretation would lead to an absurd result. Courts avoid statutory interpretations that lead to absurd, impossible, or nonsensical outcomes because they would defeat the statute's purpose. This occurs when the interpretation of a statute produces results the legislature clearly could not have intended. Here, Congress clearly did not intend for power plants to simply say they will be decommissioned at some unknown future date and that is sufficient to achieve the technology-forcing statute of section 316(b). The USEPA also intends for the Water Boards to require technologies to be implemented during the NPDES permit term and for subsequent permit applications to require additional technologies if needed to minimize marine life mortality. The USEPA's Rule compels the permitting authority, during subsequent permit applications under Track I, to "review the performance of the [additional design and construction] technologies implemented [pursuant to § 125.84(b) (4)-(5), (c) (3)-(4)] and require additional or different design and construction technologies, if needed to minimize impingement mortality and entrainment of all life stages of fish and shellfish." Ultimately, the use of compliance schedule extensions until	

Comment Number	Comment	Response
	PG&E decides it wants to be decommissioned at an unknown later date is an absurd interpretation of Congress' section 316(b) intent and the already decided Riverkeeper cases. The only way for DCPP to avoid constructing cooling towers, is the Central Coast Water Board must first determine that constructing cooling towers is infeasible using the factors outlined in Section 3.D(8). As stated above and in the draft Fact Sheet, that process had started but was never completed due to PG&E's commitment to decommission by 2025, which is no longer plausible. After determining that BTA is infeasible, the Central Coast Water Board would then need to establish alternative requirements no less stringent than justified by the wholly out of proportion analysis – again, keeping in mind that PG&E just reported profits of $2.47 billion. There has been no Central Coast Water Board analysis to date on alternative requirements no less stringent than justified by the wholly out of proportion analysis. Last, the Central Coast Water Board must require PG&E to fully mitigate for the difference between impacts resulting from the alternative less stringent requirements. Until this analysis and subsequent requirements are completed, the Central Coast Water Board is allowing DCPP to continue OTC operations using only restoration measures in-lieu of achieving BTA.	

Comment Number	Comment	Response
	Alternatively, the Central Coast Water Board can decide that PG&E is out of compliance with CWA and the OTC Policy and put DCPP on a Time Schedule Order (TSO) to install cooling towers by a date certain during the term of the renewed NPDES Permit. The TSO should be explicit that if BTA is not achieved by a date certain (within the 5-year NPDES permit) then the Central Coast Water Board shall start issuing civil liability fines, above and beyond the interim mitigation fees, until DCPP installs BTA or decommissions.	
25.1.c	**III. SB 846 (2022) is federally preempted because the bill usurps the Central Coast Water Boards' federally delegated authority and instructs the Water Boards to issue this NPDES Permit that is noncompliant with federal law.** In 2022, the California Legislature enacted SB 846 (2022), which unilaterally directed State agencies to extend the operating life of the DCPP OTC Facility, including extending the OTC Policy's compliance schedule for DCPP from 2024 to 2030 (New Water Code section 131.93.5). The Governor and the California State Legislature overstepped their authority with SB 846 (2022) by requiring the State Water Board to extend the compliance schedule for the DCPP, counter to the CWA, effectively allowing the power plant to operate in noncompliance until its retirement. More distressing, Governor Newsom	The Central Coast Water Board disagrees that SB 846 (2022) usurped its authority for permit issuance. SB 846 (2022) has no impact whatsoever on the Clean Water Act or the regulations thereunder; rather, it sets timelines for permit issuance that are not in conflict with any federal regulations, and it extends operational deadlines for DCPP. The Central Coast Water Board uses the same process to develop all NPDES permits under its program authority, and SB 846 (2022) does not affect this authority at all. Additionally, the OTC Policy is compliant with CWA section 316(b) regulations under 40 CFR 125.90(c) as an equivalent state program. This is explained in section 3.3.8 of the Fact Sheet. To the extent that this comment is a collateral attack on SB 846 (2022), any such attack is barred by the statute of limitations, is beyond the scope of the Central Coast Water Board's

Comment Number	Comment	Response
	made findings that usurp the State Water Board's authority to determine whether it is feasible for DCPP to implement the BTA in accordance with the federal CWA. Under section 402(b) of the CWA, the USEPA's authority to issue NPDES permits may be delegated to a state permitting program approved by the USEPA. As part of this delegation, the USEPA must approve the specific policies that the state regulatory body wishes to implement. In California's case, the USEPA has delegated permitting authority to the State Water Board and has approved the State Water Board's OTC Policy. Thus, the OTC Policy has the effective legal status of a federal regulation, and the State Water Board is the sole State entity with the delegated federal authority to execute that policy. A state legislature can direct a state agency with CWA delegated authority—but only within the boundaries of federal CWA requirements. As discussed above, the federal courts have ruled repeatedly that a permitting authority cannot allow an OTC facility to comply with CWA section 316(b) simply by only requiring restoration measures in-lieu of BTA. SB 846 (2022) states: "it is the intent of the Legislature that the State Water Resources Control Board, through its authority pursuant to Resolution Number 2010-0020, continue to impose an interim mitigation	jurisdiction, and is outside the scope of this Proposed NPDES Permit and Proposed 401 Certification. Finally, neither SB 846 (2022) nor the OTC Policy allow compliance with CWA section 316(b) simply by only requiring restoration measures in lieu of BTA. The cited portion addresses mitigation fees from entrainment impacts. See response to 25.1.b above for more detail.

Comment Number	Comment	Response
	fee, such as an interim mitigation fee of ten dollars ($10) per million gallons for water, subject to an annual increase, that it deems appropriate in its discretion and that does not exceed all reasonable costs to, or incurred by, the state to address the entrainment impacts resulting from the continued ocean water intakes at the Diablo Canyon powerplant after the current expiration dates set forth in Section 25548.1." The Riverkeeper cases held that the statute's meaning is plain and that restoration measures cannot substitute for the "best technology available for minimizing adverse environmental impact" in cooling water intake structures. And yet that is exactly what the California Legislature and Governor Newsom forced the State Water Board to do when it enacted SB 846 (2022). If the legislature's instructions make the agency noncompliant with federal law, USEPA can step in or revoke delegation. A state legislature also cannot usurp the Water Boards' federally delegated authority to issue NPDES permits without independent review. A state legislature may direct a permitting agency to run the NPDES program, but it cannot adopt federal NPDES permits wholesale or compel the agency to do so without following state and federal procedures. Such a system would violate the CWA and jeopardize the state's delegated	

Comment Number	Comment	Response
	authority. SB 846 (2022) compels the Water Boards to adopt a NPDES permit without following state and federal procedures. As discussed above, SB 846 (2022) usurped the Water Boards' federal delegation by deciding on its own that BTA is infeasible for DCPP. SB 846 (2022) states that DCPP's 2014 Bechtel Study, which the State Water Board did not take an action upon, "conclusively establish that it is not practicable for the Diablo Canyon Power Plant to achieve final compliance with the 'Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling' before October 31, 2030." The decision of whether BTA is feasible under the CWA rests solely under the authority of the Water Boards' federal delegated authority – not the California Legislature. The OTC Policy contains specific procedures and requirements that the Central Coast Water Board must follow when appropriately determining BTA feasibility and compliance deadline extensions. As previously stated, the Policy has federal authority, and thus these procedures are akin to federal regulations with the force of federal law. Regardless, the Governor and State Legislature felt they could circumvent the OTC Policy's procedures and independently determine compliance date extensions and BTA feasibility	

Comment Number	Comment	Response
	for DCPP. The considerations and analyses that the Central Coast Water Board would have been required to make (and could have more readily made considering its particular expertise), were completely disregarded by the Governor and Legislature in violation of the CWA. If a state tries to legislate “automatic adoption” of federal permits, USEPA should deem the state noncompliant and can revoke delegation under 40 CFR 123.63. According to the regulation, the Administrator may withdraw program approval when a State program no longer complies with the requirements of this part, and the State fails to take corrective action. Such circumstances include the following: (1) Where the State's legal authority no longer meets the requirements of this part, including: (i) Failure of the State to promulgate or enact new authorities when necessary; or (ii) Action by a State legislature or court striking down or limiting State authorities.(2) Where the operation of the State program fails to comply with the requirements of this part, including: (i) Failure to exercise control over activities required to be regulated under this part, including failure to issue permits; (ii) Repeated issuance of permits which do not conform to the requirements of this part. The California Legislature and Governor	

Comment Number	Comment	Response
	Newsom, in enacting SB 846 (2022), has both limited the State Water Board's authority to follow its own OTC Policy; and has forced the Water Boards to issue permits which do not conform to the plain meaning of the CWA as ruled by the Riverkeeper cases in prohibiting the use of restoration in-lieu of BTA. Governor Newsom has codified restoration measures as the permanent and exclusive method of compliance for DCPP. Thus, the Governor and Legislature have overtly contravened federal law by passing a bill ordering the Water Board to disregard the CWA as interpreted by the Riverkeeper decisions, and instead, follow a contradictory State law that lacks the authority to evaluate or change the federal regulation of the State's OTC Policy. By overstepping their authority in this way, the Governor and State Legislature have set a dangerous precedent of disregard for federal law. In making independent determinations of BTA feasibility and compliance schedule extensions for DCPP, the Governor and Legislature have unlawfully appropriated the Water Board's federal authority and directly contravened the CWA. Not only do the Governor and Legislature lack the authority to have taken these actions in the first place, but it is even more egregious to have usurped this authority without regard for the OTC	

Comment Number	Comment	Response
	Policy's procedures set in place specifically to guide these determinations.	
25.2	The DCPP is the largest discharger in the state and the most destructive power plant along California's coast. The endless extensions to DCPP 's OTC compliance schedule - without implementing BTA - run counter to Congressional intent when enacting CWA section 316(b). The legal fallacy that DCPP will achieve BTA by decommissioning in 2030 is an illegal fictinn. PG&E must be required to do more than just pay mitigation in perpetuity until they decide to decommission DCPP. Furthermore, the State of California overstepped its authority when enacting SB 846 (2022) (Dodd, 2022), by usurping the State Water Board's federally delegated authority and unilaterally deciding that DCPP's OTC compliance schedule should be extended and that BTA is infeasible. Additionally, the State of California illegally erred by allowing DCPP to pay for after-the-fact restoration as compliance with CWA section 316(b) in-lieu of implementing the BTA. That decision runs counter to U.S. Congressional intent, the statutory text of CWA section 316(b), and the Riverkeeper federal appellate court decisions. The Water Boards need to require PG&E to install BTA during the NPDES 5-year coverage,	Comment noted. See response to comment 25.1 for details. See response to comment 25.1.b regarding enforcement actions.

Comment Number	Comment	Response
	determine that BTA is infeasible for DCPP and find alternative requirements including fully mitigating the gap in protection, or begin enforcement proceedings with a TSO and associated civil penalties against PG&E for being out of compliance with CWA section 316(b) and the OTC Policy.	
26.1	Section 4.1.2 Internal Effluent Limitations The proposed Table 3 limitations on internal plant process waters are not warranted because monitoring at the final discharge point is practicable, and the addition of OTC water will not change or otherwise affect the mass emission rates of the metals specified in Table 3. Additionally, in calculating the WQBELs for metals in Table 3, the Proposed Order deviates from Ocean Plan section III(C)(8)(d) in two key aspects that result in artificially stringent limitations that are unrelated to compliance with WQOs. The internal mass effluent limitations for metals in Table 3 should be removed and replaced with mass effluent limitations applicable at EFF-001 (Table 2) and calculated in compliance with the Ocean Plan.	See the responses to comment numbers 26.1.a through 26.1.c.
26.1.a	Effluent limitations for internal waste streams are justified only if monitoring at the outfall is impractical, for example “when the final discharge point is inaccessible” or “the wastes at the point of discharge are so diluted as to make monitoring impracticable.” (40 CFR § 122.45(h)(2)). Here, the final discharge point is accessible and	Central Coast Water Board staff disagrees that the internal effluent limitations and monitoring requirements are unnecessary. The proposed concentration-based TBELs on internal plant process waters (and corresponding monitoring) are warranted in accordance with 40 CFR § 122.45(h)(2) and 124.56, while the proposed

Comment Number	Comment	Response
	monitoring at a point just upstream from the final discharge is practicable even with the addition of OTC water. The Fact Sheet states that "the dilution of internal waste streams with once-through-cooling water would make monitoring of internal discharges impractical because the laboratory analysis for these pollutants would likely result in non-detects in a combined waste stream sample." (Fact Sheet section 4.2.2). However, the proposed permit requires monthly sampling for all Table 3 constituents at EFF-001, which demonstrates that monitoring is practicable at this location. (See Table E-4). Table 2 specifies effluent limitations (both concentration and mass-based) for all of the Table 3 constituents, with compliance measured at Monitoring Location EFF-001. Therefore, monitoring for Table 3 constituents at EFF-001 is practicable. In fact, such monitoring is required by the current permit (Order 90-09) as well as the Proposed Order. Additional monitoring of these same constituents, as proposed in Table 3, is unnecessary and contrary to NPDES regulations.	mass-based WQBELs on internal plant process waters (and corresponding monitoring) are warranted by the Ocean Plan. 40 CFR 423.12(b)(13) and 40 CFR 423.13(n) state, "in the event that wastestreams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled…attributable to each controlled waste source shall not exceed the specified limitation for that waste source." The Order must thus be written such that compliance may be determined with each effluent limit for each of the combined streams. 40 CFR 122.45(h) then allows for internal TBELs and monitoring where internal waste streams mixing with "cooling water streams" and where "the wastes at the point of discharge are so diluted as to make monitoring impracticable." This is indeed the case at DCPP, where monitoring internal waste streams for compliance at the final discharge point is impracticable due to the point of discharge's being so diluted by high volumes of once-through cooling water that the mass contribution from low volume internal sources cannot be reliably quantified. Tables 4, 5, and 6 of the Proposed NPDES Permit thus include internal TBELs based on the discussed 40 CFR ELGs. Ocean Plan section III.C.8.d then requires that mass-based limits be applied for Ocean Plan Table 3 WQOs at internal waste streams for heat

Comment Number	Comment	Response
		exchangers and power plants that utilize OTC water. The internal mass-based limits established in Table 3 of the Proposed NPDES Permit are based on Ocean Plan section III.C.8.d and implemented in NPDES permits for other OTC facilities in the state. See Section 4.3.4 of the Fact Sheet for further discussion of the need for mass limits for WQBELs based on the Ocean Plan WQOs. The effluent limitations for Discharge Point 001 in Proposed Order Table 2 do not indicate that monitoring for compliance with all Ocean Plan Table 3 WQOs is practicable, as the TBELs and the mass-based 6-Month Median and Maximum Daily WQBELs that are applied to internal waste streams are not present in Table 2. Furthermore, the monitoring requirements for Monitoring Location EFF-001 do not indicate that monitoring for compliance with all Ocean Plan Table 3 WQOs is practicable, as the Central Coast Water Board has discretion to include monitoring requirements that are not used for compliance determination.
26.1.b	Mass emission rates for metals are not changed or otherwise affected by dilution. The Fact Sheet states that the dilution of “internal waste streams with once-through cooling water would make the monitoring of internal discharges impractical because the laboratory analysis for these pollutants would likely result in non-detects in a combined waste stream sample and thus would	See the response to comment number 26.1.a.

Comment Number	Comment	Response
	not provide a method of determining compliance with each applicable technology based effluent limits applied to internal waste streams." (Fact Sheet section 4.2.2). Although dilution may impact compliance monitoring for concentration-based TBELs, dilution will not impact monitoring for compliance with mass-based WQBELs for the metals specified in Tables 2 and 3. [See 40 CFR § 122.45(f)(1)(iii), which requires that all pollutants limited in permits have limitations expressed in terms of mass except where such limitations are infeasible and where permit conditions ensure that dilution will not be used as a substitute for treatment]. Therefore, PG&E believes that compliance with mass-based effluent limitations measured at EFF-001 will satisfy all applicable WQSs for the metals listed in Tables 2 and 3.	
26.1.c	The internal mass emission limits and monitoring requirements proposed in the proposed order are inconsistent with the Ocean Plan. The proposed limits are significantly more stringent than necessary and are unrelated to compliance with WQOs. The Fact Sheet for the Proposed Order cites Ocean Plan section III(C)(8)(d) as the basis for the internal mass emission limits found in Table 3. This section of the Ocean Plan, applicable to power plants, provides the following guidance for determining compliance with WQOs: "…Effluent concentration values (Ce) shall be	Central Coast Water Board staff agrees with the commenter's first statement that the calculation of the concentration-based effluent limit for purposes of calculating the internal waste stream mass-based limits is incorrect and has revised Table 3 in the Proposed NPDES Permit to reflect the correct calculations. Central Coast Water Board staff disagrees with the commenter's second statement that the calculation of the internal waste stream mass-based limits should be based on the total flow volume of the internal waste streams combined

Comment Number	Comment	Response
	determined through the use of equation 1 considering the minimum probable initial dilution of the combined effluent (in-plant waste streams plus cooling water flow). These concentration values shall then be converted to mass emission limits as indicated in equation 3. The mass emission limits will then serve as requirements applied to all in-plant waste streams taken together which discharge into the cooling water flow." Section III(C)(8)(d) requires three distinct steps for developing effluent limits that demonstrate compliance with WQOs: 1) Ce shall be determined for the "combined effluent" (i.e., in plant waste streams plus cooling water); 2) the Ce are then "converted to mass emission limits" following Equation 3; and 3) these mass emission limits will serve as requirements "applied to all in-plant waste streams. The Proposed Order follows Step 1 by proposing effluent concentration limits at EFF-001 (See Table 2). However, at Step 2, the Proposed Order twice deviates from Equation 3 of the Ocean Plan, resulting in artificially low mass emission or effluent limits. Equation 3 of the Ocean Plan requires calculation of mass effluent limits as follows: lbs/day = 0.00834 x Ce x Q, where Ce = the effluent concentration limit in µ/L and Q = the flow rate in millions of gallons per day (MGD).	with the OTC waste stream. Ocean Plan section III.C.8.d states that the mass-based limits should be calculated using the total flow of the in-plant waste streams only (not including the volume of once-through cooling water). This is in accordance with other power plant NPDES permits issued in the state. In summary, effluent limitations here were properly calculated.

Comment Number	Comment	Response
	First, the Proposed Order states that the mass-based effluent limitations in Table 3 were calculated using Equation 3 where "Ce = concentration based effluent limit (µ/L) in Table 2 for Discharge Point 001." (section 4.1.2.1). However, the 6-Month Median and Maximum Daily mass-based effluent limitations in Table 3 were calculated utilizing the WQOs (Co) from Table 3 of the Ocean Plan in place of Ce from Table 2 of the Proposed Order, which results in mass effluent limits that are more stringent than specified in the Ocean Plan. Second, instead of using the Q value for the volume of total effluent at EFF-001 (2,540 MGD) (Step 2), then applying these limits to all internal waste streams (Step 3), the Proposed Order uses an artificially low Q value equal to the total effluent of only the in-plant waste streams (4.57 MGD). The resulting mass limits, as specified in Table 3, are orders of magnitude more stringent than necessary to demonstrate compliance with WQOs.	
26.2	<u>Section 4.1.5 Interim Effluent Limitations – Discharge Points 003 and 004</u> Finding that the effluent limit for tributyltin would be imposed on DCPP for the first time, the Proposed Order provides a compliance schedule for this parameter with the following interim effluent limitation at Discharge Points 003 and	Central Coast Water Board staff concurs and the interim effluent limits for tributyltin must be established at current treatment facility performance in accordance with the *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Resolution 2008-0025), (Compliance Schedule Policy) since this is the

Comment Number	Comment	Response
	004 (Table 9): Parameter Units 30-Day Average Tributyltin µg/L 0.0052 However, the observed tributyltin value at Discharge Point 003 was 0.011 µg/L. The interim tributyltin limitation should be established by the current facility performance at DCPP. As a fundamental principle of the Policy for Compliance Schedules, the NPDES permit should not establish interim limitations for which DCPP may be immediately out of compliance. The Ocean Plan states that "Compliance schedules in NPDES permits are authorized in accordance with the provisions of the State Water Board's Policy for Compliance Schedules in [NPDES] Permits (2008)." (section III(G)(1)). The Policy for Compliance Schedules states: "Numeric interim limitations for the pollutant must, at a minimum, be based on current treatment facility performance or on existing permit limitations, whichever is more stringent." (section 7(b)). Here, there are no existing permit limitations for tributyltin, and there has not been treatment in place for tributyltin. Treatment cannot be established until DCPP executes the actions in the Compliance Schedule outlined in Table 12. Because DCPP's current effluent data for	highest discharge quality that can reasonably be achieved until final compliance is attained (*Id.*, pp. 5-6). The permit has been revised to set interim tributyltin effluent limits for Discharge Points 003 and 004 at 0.011 µg/L.

Comment Number	Comment	Response
	tributyltin at Discharge Point 003 is 0.011 µg/L, 0.011 µg/L represents current facility performance. Therefore, 0.011 µg/L should be the basis for the interim limitation.	
26.3	Section 4.1.6 Final Effluent Limitations – External Discharge Points 002, 016, 017, 022, 026, and 027 Sections 4.1.6.1 and 4.1.6.2 appear to be duplicative paragraphs, although section 4.1.6.2 is missing references to Monitoring Locations EFF-002, EFF-016, and EFF-017.	Central Coast Water Board staff agrees with the commenter's statement and has corrected the errors in the Proposed NPDES Permit.
26.4	Section 5 Receiving Water Limitations Section 5.1.1 specifies that the "natural taste, odor, and color of fish, shellfish, and other marine resources used for human consumption shall not be altered as a result of the discharge." The U.S. Supreme Court held that section 1311(b)(1)(C) of the CWA does not authorize the USEPA to include "end-result" provisions in NPDES permits (*City and County of San Francisco v. Environmental Protection Agency*, (2025) 604 U.S. 334, 355 ("CCSF")). The Fact Sheet specifies that the Proposed Order maintains the section 5.1.1 requirement as a State law requirement to implement Water Code section 13263 and that the U.S. Supreme Court's decision in CCSF did not interpret the Water Code. (Fact Sheet section 5.1.1). PG&E notes that one of the two "end-result" requirements held to be invalid in CCSF was a requirement that neither the treatment nor the discharge of	Central Coast Water Board staff does not agree that the requirement in section 5.1.1. is subject to the holding of CCSF. Finding 2.3 of the Proposed NDPES Permit states that some provisions, including those in section 5.1, are included to implement state law, and are not authorized under the federal CWA. The Water Code authorizes the Central Coast Water Board to issue NPDES permits with state waste discharge requirements in them, and this Proposed NPDES Permit is a proposed permit issued under both the CWA and the Water Code. (Water Code, §13260 et seq. and Water Code § 13370 et seq; CWA section 402; Fact Sheet, section 3.1.) Furthermore, as explained in section 5.1 of the Fact Sheet, the Central Coast Water Board has maintained this requirement as a state law requirement to implement Water Code section 13263, which in turn requires the implementation

Comment Number	Comment	Response
	pollutants shall "create pollution, contamination, or nuisance as defined by California Water Code section 13050." (Id. at 335). PG&E also notes that the Court held "end-result" limitations to be invalid based, in part, on the rationale that such limitations are "backward looking" approaches that do not address the "vexing multiple-discharger problem." (Id. at 351-352). PG&E believes that the requirement imposed by section 5.1.1 is subject to the holding in CCSF.	of any relevant water quality plan, in this case the Ocean Plan, when issuing waste discharge requirements. The U.S. Supreme Court's decision in *CCSF* did not interpret the Water Code. Further, there is no provision of the Water Code analogous to the NPDES permit shield that was the basis for the U.S. Supreme Court's decision, and the Porter-Cologne Water Quality Control Act does not share the legislative history of the federal Clean Water Act. Therefore, this Proposed NPDES Permit maintains the restriction in subsection 5.1 to continue the protections for taste and odor as a matter of state law. See, also section 8, Fact Sheet.
26.5	<u>Section 8.3.2 Central Coast Standard Provisions – General Monitoring Requirements</u> PG&E requests clarification in the final NPDES permit that the water quality analyses shall be performed by a laboratory certified by the Environmental Laboratory Accreditation Program for wastewater testing.	Central Coast Water Board staff finds that this is a reasonable request for clarification and has made the requested revisions in the Proposed NPDES Permit.
26.6	<u>Attachment E – Monitoring and Reporting Program Tables E-2 & E-4</u> Section 1.3 of Attachment E includes an acknowledgement that "once-through cooling flow for both the Circulating Water System and Auxiliary Salt Water Systems are not possible to meter. Design pump flow curves are used for these systems and are a conservative measure of seawater flow." However, Tables E-2 and E-4 both indicate that flow is "metered." Other	Central Coast Water Board staff finds that this is a reasonable request for clarification and has made the requested revisions in the Proposed NPDES Permit.

Comment Number	Comment	Response
	monitoring location tables state that the flow sample type is “meter or estimate.” PG&E requests that Tables E-2 and E-4 are made consistent to reflect the quoted text cited above from section 1.3. PG&E suggests that the flow sample type on both tables be edited to state “calculated” and a reference to section 1.3 is made in the footnote.	
26.7	Attachment E – Section 8.2 Ecological Monitoring Program Section 8.2 states that “PG&E shall continue implementation of the Facility Ecological Monitoring Program” but the subsections contain several inconsistencies with the current Receiving Water Monitoring Program (RWMP) which was developed and refined in collaboration between PG&E, Central Coast Water Board staff, and involved experts over the years, culminating with development and implementation of the 1999 RWMP. Enclosure 1 contains specifications for the current RWMP. PG&E refers Central Coast Water Board staff to the following that provide additional details on the current RWMP:rPG&E Letter DCL-2025-514 - 2024 RWMP Annual Report submitted April 30, 2025, to the Central Coast Water BoardrPG&E Letter DCL-99-503 – Final Receiving Water Monitoring Program submitted January 8, 1999, to the Central Coast Water BoardrrThe following one-time new studies were completed by PG&E:	Central Coast Water Board staff finds that this is a reasonable request for clarification and has made the requested revisions in the Proposed NPDES Permit, Attachment E – Monitoring and Reporting that reflect the most updated RWMP requirements..

Comment Number	Comment	Response
	• Subtidal Gradient Study • Kelp Canopy – Annual aerial photos were reduced to focus on Diablo Cove with Cliff Top surveys • Seagrass Study of five locations The following monitoring efforts were discontinued per the 1999 RWMP: • Dissolved Oxygen • Red Abalone • Black Abalone (separate sample effort discontinued; data will be used from horizontal band transects)	
26.8	<u>Attachment E – Section 9.1.1 Biosolids Reporting</u> PG&E requests that the annual biosolids report can be submitted as part of the Annual Self-Monitoring Report, due April 1 each year.	Central Coast Water Board staff finds that this is a reasonable request and has made the requested revisions to the Proposed NPDES Permit.
26.9	<u>Fact Sheet – Section 2.2.1.4 Turbine Building Sump 001F</u> The last sentence of the paragraph should be edited to state the following: “Separated oil is sent to an in-ground sludge sump or above-ground tank.”	Central Coast Water Board staff finds this to be a reasonable request because it clarifies where the separated oil is sent and has made the requested revisions to the Proposed NPDES Permit.
26.10	<u>Fact Sheet – Table F-5 Compliance Summary</u> PG&E would like to address three of the four items listed in Table F-5: • The Discharge Point 001 mercury 6-Month Median value for 2020 was reported as “DNQ” because the value (0.37 µg/L) was below the minimal risk level of 0.6 µg/L. Additionally, the reported value is less than the permit limitation	Central Coast Water Board staff agrees that, based on the laboratory analysis sheets for December 2020, the reported mercury six-month median value for 2020 at Discharge Point 001 constitutes a detected but not quantified (DNQ) value. Therefore, the exceedance has been removed from the Table F-5 in the Fact Sheet.

Comment Number	Comment	Response
	listed on the table. The Discharge Point 001F oil and grease value for November 16, 2021 was attributed to new Oily Water Separator equipment installed to process turbine building sump wastewater effluent. The new equipment was in the testing phase, and the Oil and Grease result was likely attributable to system start-up and change-over. Equipment modifications were made to improve system performance, and no additional daily maximum exceedances occurred. The Discharge Point 001N oil and grease value for October 21, 2024 is attributable to sewage plant sludge sampling rather than effluent. The 001N effluent value was "non-detect" for this period, so there was no effluent limitation exceedance on this date.	Central Coast Water Board staff acknowledges the events that led to the exceedance of oil and grease at Discharge Point 001F on November 16, 2021. Central Coast Water Board staff agrees that, based on laboratory analysis results for wastewater effluent at Internal Discharge Point 001N, there was no effluent exceedance on October 21, 2024. The result of 21 mg/L reported under the sample location of 001N contained a sample description of "Sludge Holding Tank" and is not representative of the actual effluent discharge of 001N.
27.1[9]	I am forwarding the info I received from the State of California regarding low-level radioactive waste (LLRW) curie amounts produced in the State, not sure of the year. You need to explore the DCPP info and hopefully ask them for the info over all the years of operation. It is important to know the extent of the curie contamination human beings are subjecting this planet to. I used the Maine Yankee Atomic Power Plant info in my	The NRC defines LLRW as follows: "low-level radioactive waste (LLRW) includes items that have become contaminated with radioactive material or have become radioactive through exposure to neutron radiation. This waste typically consists of contaminated protective shoe covers and clothing, wiping rags, mops, filters, reactor water treatment residues, equipments and tools, medical tubes, swabs, injection needles, syringes, and laboratory animal carcasses and tissues. The

[9] Excerpts included in comments entered for commenter 27 (Francene McClintock) are from the following document: *Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Supplement 62 Regarding License Renewal of Diablo Canyon Nuclear Power Plant, Units 1 and 2* (USNRC, 2025). Available online at: https://www.nrc.gov/docs/ML2515/ML25156A357.pdf

Comment Number	Comment	Response
	examples as I did not have access to the DCPP info at that time.	radioactivity can range from just above background levels found in nature to very highly radioactive in certain cases such as parts from inside the reactor vessel in a nuclear power plant."[10] LLRW generation, monitoring, disposal, and reporting for nuclear power plants are regulated by the NRC and outside the scope of the NPDES permitting and CWA section 401 Water Quality Certification processes. The issue of LLRW at DCPP is distinct from the issue of radioactivity in OTC effluent discharged to the ocean, which is discussed in responses to comments 11.1, 16.3, and 16.4.
27.2	The following are only some of my comments to the NRC. I tried to just pull out some of them related to "WATER". Please apply these comments by refusing to renew the NPDES permit and do not issue a CWA section 401 water quality certification.	The Proposed NPDES Permit and Proposed 401 Certification were developed in compliance with applicable federal and state regulations and guidance. Therefore, Central Coast Water Board staff finds no legal or technical basis to not adopt them. See the response to comment number 1.1 for additional information.
27.3	All nuke plants (and some other plants as well) take in water and dump it back out hotter into our oceans, rivers and lakes. In the case of nuke plants, radionuclides are present in that water. Our earth is a closed loop system. The hot, radioactive water migrates to the ice and melts it. Plus, radionuclides give off heat (some forever) as they decay. The CO_2 traps the heat but THE NUCLEAR INDUSTRY IS THE HEAT	The Proposed NPDES Permit contains requirements for temperature and toxic pollutants necessary to protect the beneficial uses of the receiving water. Requirements in the Proposed NPDES Permit and Proposed 401 Certification have been established in accordance with federal and state regulations. See the response to comment 5.1 for additional information regarding thermal requirements established in the Proposed

[10] https://www.nrc.gov/materials/toolboxes/llrw-waste. Accessed January 15, 2026.

Comment Number	Comment	Response
	GENERATOR. How many plants use water to cool off their systems, using our precious water as a heat sink and a dumping ground for their chemical/radioactive waste? DCPP is allowed to release water and effluent up to 25 degrees F warmer than the intake temperature during normal operations and up to 50 degrees F warmer one hour/day during demussleing. Over the years, the intake temperature rises and so does the outflow temperature. THERE IS NO CAP on how hot the intake temperature can be. The policy just allows the 25 degrees F to 50 degrees F increase “over the intake temperature”. That sets up a vicious cycle to continuously increase the temperature of our oceans which increases the “intake temperature”. And that is what is happening as the ice is melting at the polar caps of our planet. To get the entire world-wide oceanic, lake, river, stream picture: Boiling water reactors operate at 285 degrees Celsius (degrees C) = 545 degrees F Pressure water reactors operate at 315 degrees C= 599 degrees F Nuclear fission power plants: 440 plants world-wide (not counting the military) operating 24 hours per day, 7 days per week, 365 days per year with planned outages every 18-21 months to re-fuel and then start the radioactive	NPDES Permit; note, too, that the Proposed NPDES Permit makes it clear that the daily average discharge temperature shall not exceed the daily average natural temperature of the intake water by more than 22 degrees Fahrenheit (Proposed NPDES Permit, section 4.1.1.2.). See also responses to comments 16.3 and 16.4 regarding radioactivity, and Fact Sheet section 4.3.6.

Comment Number	Comment	Response
	heat process back up. All to boil water at 212 degrees F to produce steam that turns a turbine. 'It's like cutting butter with a chainsaw.' Nuclear fusion: 150,000,000 degrees C is 270,000,032 degrees F. They have put a sun on planet earth and they call it a "clean energy source"! It's time to stop heating this planet. Do not re-license DCPP Unit 1 and 2.	
27.4	You are heating the water. This rule allows you to heat the water forever no matter how hot the water gets. There is no temperature cap! You have made the "daily natural temperature of the ocean" into an unnatural temperature that is far higher than it used to be before nuclear power plants went online. Maine Yankee dumped 1,823.338 Ci into Montsweag Bay over a five-year sample period. This was mostly tritium. That tritium's still out there releasing heat as it decays.	See the response to comments 5.1 and 27.3, and Fact Sheet section 4.3.6. Regarding radioactivity, see response to comment 11.1.
27.5	<u>Section 3.2.1.3 Offsite Land Use</u> There have been studies conducted in England that found radionuclides on farmland and in crops, up to one mile inland from the coast. This is due to radioactive fog. The grazing animals would also be exposed. Since Fukushima, we now have radioactive fog along the West coast affecting our crops in an ongoing, forever nature. DCPP Units 1 and 2 only add to our radioactive fog problem.	Decisions regarding radioactivity on land (including radioactive fog) are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source waste discharges to ensure compliance with applicable WQSs.

Comment Number	Comment	Response
27.6	<u>Section 3.3.1. Meteorology and Climatology</u> *San Louis County experiences severe weather events, including tornadoes, hail, and floods. For the January 1950 through January 2024 period of record, the following events were recorded (NOAA 2024-TN10155):* • *flood: 16 events* • *hail: 6 events* • *tornado: 2 events* <u>Comment:</u> What happened before then? Theodosia The Flower Wizard of California Page 140 Stated in 1870 regarding Ventura: “Just beyond is the Santa Gertrude’s Chapel where the padres and Indians retreated after the tidal wave of…” Theo looked terrified. Will Shephard: “Probably there will not be another one in our lifetime, so don’t worry.” The Ventura County topographical map places this area where “the padres and Indians retreated” as 137 to 159 feet above sea level.	Decisions regarding DCPP site location (including sea level concerns) are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQSs.
27.7	<u>Section 3.5 Water Resources (Page 3-31)</u> *The intake withdraws raw seawater that is routed to heat exchanging steam condensers in the turbine building. Seawater is also sent to a SWRO desalinization treatment system that provides the majority of freshwater for plant primary and secondary systems’ makeup, fire protection system, and plant domestic water*	See the response to comments 12.3 and 27.3.

Comment Number	Comment	Response
	system. The Pacific Ocean is the heat sink for Diablo Canyon. On average, approximately 2.5 billion gallons per day of heated water consisting of circulating water and service water discharges, auxiliary water system discharge, and various plant freshwater waste streams, is discharged into the Diablo Cove (PG&E 2023-TN9822). <u>Comment:</u> So, 2.5 billion gallons per day of seawater is being contaminated with radionuclides that will heat the water forever. This is in addition to the temperature rise to cool a 599 degree F core. This is DAMAGE to our water resources.	
27.8	<u>"New and significant information" (Page 3-36)</u> *The NPDES permit for Diablo Canyon Units 1 and 2 allows PG&E to discharge via external Outfalls 001 through 017 (Figure 3-3). Cooling water and industrial process wastewater from Diablo Canyon are discharged to the Pacific Ocean in accordance with Diablo Canyon NPDES Permit No. CA0003751, Order No. 90-09 (PG&E 2023-TN9822). The receiving water bodies are the Pacific Ocean and Diablo Creek. The NPDES permit also authorizes 13 additional outfalls that are internal. External Outfalls 004 through 015 are related to stormwater runoff. Outfall 001 discharges to Diablo Cove, Outfalls 002 and 004 discharge to Intake Cove, Outfall 003 discharges to the Pacific Ocean, Outfalls 005, 006, 016, and 017 discharge to the South Cove, Outfall 007*	Decisions regarding the acts of dredging and disposal of materials from Intake Cove are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQSs. See also responses to comments 12.1, 16.3, 16.4, and 19.4 and section 4.3.6 of the Fact Sheet.

Comment Number	Comment	Response
	discharges to the Pacific Ocean, and Outfalls 008, 009, 010, 011, 012, 013, 014, and 015 discharge to Diablo Creek. *However, as stated in Section 3.7.5.2 of this SEIS, in 2021, there was a settlement between PG&E and the CCRWQCB associated with historical and ongoing thermal discharge impacts from Diablo Canyon cooling water discharge. The settlement, associated with Case No. 21CV-0111, was reached in May 2021 in the California Superior Court, County of San Luis Obispo. PG&E made a one-time payment to the Bay Foundation of Morro Bay to benefit water quality and the environment on California's Central Coast. The Consent Judgement did not specifically conclude if PG&E violated its NPDES permit.* Does the Bay Foundation of Morro Bay understand they just dredged Intake Cove and placed that sediment and kelp, with its assorted radionuclides and other chemical effluents from Outfall 002, Outfall 003, Outfall 004, Outfall 016, and Outfall 017 south of Morro Bay and west of Morro Bay State Park?	
27.9	Page 3-36 *Outfalls 002 through 005, 008, 009, and 013 through 017: The NPDES permit requires that the discharged effluent must not violate the water quality objectives in Chapter II, General*	Federal regulations require that NPDES permits prescribe conditions to ensure compliance with applicable statutory requirements, including applicable TBELs and WQBELs. In addition, state regulations require the Central Coast Water Board

Comment Number	Comment	Response
	Requirements in Chapter III, and Table B Toxic Materials Limitations in Chapter IV of the Water Quality Control Plan for Ocean Waters of California, California Ocean Plan. *Outfalls 003, 004, 005, 008, 009, 013, 015, 016, and 017: The NPDES permit specifies 4 concentration limits on oil and grease.* *Chemical additives: chlorination, Liquid sodium hypochlorite and a supplemental chemical, sodium bromide.* <u>Comment:</u> Intake Cove is inclusive of Outfall 002, Outfall 003 (close), Outfall 004, Outfall 016, and Outfall 017. Not sure what ALL is dumped through Outfall 002, Outfall 003, and Outfall 004 but it looks like oil and grease. Chemical additives: chlorination, liquid sodium hypochlorite and a supplemental chemical, sodium bromide are also dumped through Outfall 003 (close enough that it may have been included in the dredging) and Outfall 004 as well as through Outfall 016 and Outfall 017.	to issue WDRs to regulate authorized discharges that ensure compliance with all applicable provisions of the CWA and state water quality control plans, including applicable WQSs, and are protective of beneficial uses. The Proposed NPDES Permit and Proposed 401 Certification implement all applicable federal and state regulations and guidance. This includes implementing federal ELGs and secondary treatment requirements through the establishment of TBELs for oil and grease in the Proposed NPDES Permit. TBELs for oil and grease have been established at all applicable outfalls authorized in the Proposed NPDES Permit, including at Discharge Points 002, 003, and 004. See the response to comment 1.1 for additional information on the establishment of effluent limitations and monitoring requirements in the Proposed NPDES Permit.
27.10	<u>Section 3.7.5.1. Impingement Mortality and Entrainment of Aquatic Organisms (Plants with Once-Through Cooling Systems or Cooling Ponds) (Page 3-72)</u> *Because entrainable organisms generally consist of fragile life stages (e.g., eggs, which exhibit*	As noted in the responses to comments 1.1, 18.1, 19.1, and 25.1, DCPP remains in compliance with the cooling water intake-related terms of the previous permit and the OTC Policy. In addition, the Proposed NPDES Permit includes requirements for ongoing monitoring, visual

Comment Number	Comment	Response
	poor survival after interacting with a cooling water intake structure, and early larvae, which lack a skeletal structure and swimming ability), the EPA has concluded that, for purposes of assessing the impacts of a cooling water intake system on the aquatic environment, all entrained organisms die (79 FR 48300-TN4488). Comment: Absolutely horrible and unnecessary.	inspections, annual reporting, and a new impingement and entrainment study that will provide current biological data to evaluate impacts and whether existing technologies are performing at expected levels. See also section 6.2.6.1 et seq. of the Fact Sheet.
27.11	"New and significant information" (Page 3-76) *The interim mitigation payment for Diablo Canyon for the operating period of October 1, 2020, through September 30, 2021, was $4,356,867. With the passage of Senate Bill 846, PG&E would continue to pay the mitigation fee through October 31, 2030.* Comment: This money DCPP pays is passed on to the rate payers. That is why rates are so high. Governor Gavin Newsom has recently said he will investigate why rates are so high. Close down DCPP and the rates will decrease. The money should come out of stockholder pockets, not the rate payers.	Decisions regarding rates are outside the scope of the NPDES permit renewal and CWA section 401 water quality certification processes, which are limited to regulating point source discharges to ensure compliance with applicable WQSs. See the response to comment 19.1 for additional information on mitigation funds, and section 6.2.6.1 et seq of the Fact Sheet.
27.12	Page 3-195 *Classes B and C wastes constitute a low percentage by volume of the total LLRW generated.*	See the response to comment 27.1.

Comment Number	Comment	Response
	Comment: A low percentage by volume but a high percentage by curies. Curies instead of volume should be used as the 'curie' is the measurement of radioactivity and provides us with a more accurate description of the nuclear waste. It is curies that we must attempt to isolate from the biosphere. If the volume were an accurate description of this waste, we would be sending the waste to a municipal landfill instead of constructing a nuclear dump. Using volume depictions is a cover-up tactic used by the nuclear industry to make people think there is no harm.	
28.1	DCPP Allows Indicator Species Such as *Zalophus californianus* – the California Sea Lion - to Flourish DCPP's Design Protects the Marine Habitat: • Californians for Green Nuclear Power, Inc. (CGNP) has addressed concerns from plant opponents re: Seismic Safety with copies of our recent Diablo Canyon Independent Safety Committee (DCISC) and NRC filings and correspondence. • CGNP addressed the cost-effectiveness of DCPP extended operations via copies of three of our recent CPUC filings. How to show the continued high biological productivity of the waters near DCPP?	Central Coast Water Board staff acknowledges the commenter's support for the Proposed NPDES Permit and Proposed 401 Certification.

Comment Number	Comment	Response
	Anglers have been excluded from the outfall cove since late 2001. Answer: Abundant California Sea Lions (*Image of California sea lions on sand*): • Based on records of animals at SeaWorld, adult California sea lions eat about 5 percent to 8 percent of their body weight per day (6.8-18.2 kilograms or 15-40 pounds). California Sea Lion: • California sea lions are carnivores that obtain all their food from the sea. They feed on more than 50 species of fishes and cephalopods, feeding primarily on squids, octopuses, hake, northern anchovy, opaleye, and herring. Lion Rock in DCPP Outfall Cove: • The highest point is about 100 feet above sea level. There's also the aptly named Lion Rock that is home to California sea lions (*Image of California sea lions on Lion Rock*). Lion Rock from Overhead (*Google Maps Satellite Image of Lion Rock*): • 500 feet N-S 375 feet E-W • Area of approximately 180,000 square feet (*Image of thousands of California sea lions on Lion Rock*) About four decades ago, there were only 1,378	

Comment Number	Comment	Response
	sea lions at DCPP: • Source: Jack Chambers, Jr.'s 1979 Cal Poly SLO biological sciences Masters thesis regarding sea lions at DCPP. 7,595 Sea Lions now at DCPP – a 5.5+ fold increase. "All marine mammals are protected under the Marine Mammal Protection Act (MMPA). Monthly to biweekly clifftop surveys of marine mammals conducted since 2017 through May 2020 have recorded the following marine mammal species: California sea lion (7,595)" Page 4-38 (Page 2094 of 2915) of DCPP November, 2023 NRC License Renewal Application ML23311A154	
29.1	PLEASE deny the permits to PG&E; it's time to shut down the DCPP and stop the devastating impacts to the marine environment. Enormous detrimental impacts to the marine environment from DCPP's OTC system and the wastewater discharges are undisputed. Some of the toxins routinely discharged into the ocean include: arsenic, cadmium, chromium, copper, lead, mercury, ammonia, benzene, radioactivity, DDT, and more. Please consider the impacts this has on our planet and our children's future.	See the responses to comments 1.1, 2.1, and 12.3.
30.1	I urge you to deny PG&E's request for approval to dump its nuclear power plant's	See the responses to comments 1.1 and 5.1 regarding pollutant control requirements and

Comment Number	Comment	Response
	pollutants into our California coastal waters. The lead, mercury, other chemicals, and enormous amounts of heated wastewater from this old, unsafe nuclear power plant will hurt our local wildlife, our beaches, and our ocean. Please vote no on PG&E's DCPP Proposed Order R3-2026-0001. We do not need this outdated, dangerous and polluting nuclear plant.	thermal requirements in the Proposed NPDES Permit. See the response to comment 7.1 regarding the scope of the Central Coast Water Board's NPDES permitting authority.