



June 3, 2013

Chair Felicia Marcus and Board Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov

Re: Once-Through Cooling Policy Amendment - Support

Dear Chair Marcus and Board Members:

On behalf of our organizations: California Coastkeeper Alliance, Heal the Bay, Natural Resources Defense Council, Friends of the Earth, and Surfrider Foundation; we submit these comments on the Proposed Amendment to the Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling ("Once-Through Cooling Policy" or "Policy"). Collectively, our organizations represent hundreds of thousands of Californians who care deeply about protecting our coastal waters. Our groups were actively involved in the development of the Once-Through Cooling Policy. We support the proposed amendment as currently drafted, as it will make implementation of this policy and the related permitting process more efficient.

We agree with the staff report that it is appropriate for the Regional Water Boards to issue the NPDES Permits. Returning authority back to the Regional Water Boards will prevent delays in the adoption of permits, as multiple Regional Water Boards can work on local permits simultaneously. The Once-Through Cooling Policy provides a clear framework and timeline for compliance, which will help guide Regional Water Boards' permitting process. Statewide consistent implementation of the Once-Through Cooling Policy is critical to the protection of our marine ecosystems; therefore, we support the State Water Board staff acting in an advisory role to the Regional Water Boards during the permitting process.

Returning permitting authority back to the Regional Boards will still allow the State Board to review NPDES permits. Given the significance of the Once-Through Cooling Policy's intent, substance, and compliance schedule, we want to underscore the importance of the State Water Board's consideration of petitions for review of Regional Board decisions. It is critical that an appropriate review process is in place to allow for enforcement through administrative appeals, should the need arise.

The State Water Board and multiple federal and state agencies have recognized that once-through cooling causes significant, ongoing devastation to our valuable marine and coastal ecosystems and their inhabitants. Cooling water intake structures operated by the electric utility industry are "[t]he single

largest predators of our Nation's waters."¹ The impacts of using an arcane energy technology on our nation's fisheries have been devastating.

We appreciate State Water Board's efforts to minimize marine life mortality associated with coastal power plants through its Once-Through Cooling Policy, and hope that this amendment will help ensure statewide compliance with the Policy in a timely manner.

Thank you for your consideration of our comments.


Sincerely,



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Joe Geever
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¹ May, J.R., and van Rossum, M. K. "The Quick and the Dead: Fish Entrapment, Entrapment, and the Application of Section 316(b) of the Clean Water Act." 20 Vermont Law Review 376 (1995).