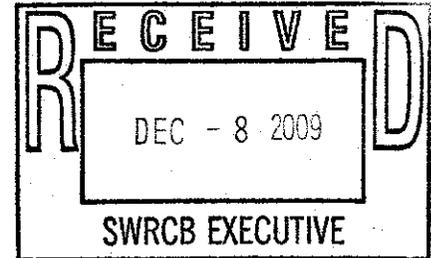


NATURAL RESOURCES DEFENSE COUNCIL

December 8, 2009

Charlie Hoppin, Chair and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Via Email: commentletters@waterboards.ca.gov
Fax: (916) 341-5620



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

Dear Chair Hoppin and Board Members:

On behalf of NRDC (Natural Resources Defense Council), which has 1.3 million members and activists, 250,000 of whom are Californians, we respectfully submit the following comments on the revised draft Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (revised draft). We welcome the opportunity to comment on this important issue.

We thank the State Water Resources Control Board (State Water Board) and staff for their dedication to this important issue. Staff has done a commendable job of coordinating with the California Energy Commission (CEC), the California Independent Systems Operator (Cal ISO), the Ocean Protection Council (OPC) and its member agencies, and other agencies in the continued development of this policy. As we stated in our September 30th 2009 comments, once through cooling has devastating impacts on California's vital ocean ecology and undermines California's multi-billion dollar ocean base economic benefits.

Other stakeholders have made many highly useful comments on this policy and we agree with many of them. We highlight focus on only two areas in these comments, but in no way intend to minimize the importance of other comments.

We support the continued effort to formalize coordination with the state energy agencies.

The revised draft makes additions to clarify the need for continued analysis of the potential impacts on grid reliability and implementation of the growing state renewable energy and strengthen the role of the energy agency advisory committee (e.g., I.G, I.I. Additionally, at the hearing on December 1st there were several comments regarding amendments to Section 2(B)(2) of the policy to ensure the State Water Board promptly responds to, and appropriately acts upon, advice from one or all of the energy agencies and/or the Independent System Operator. Continuous advice from the energy agencies

is necessary to ensure the policy doesn't undermine the responsibilities of the energy agencies to ensure grid reliability, but only the State Water Board has responsibility and mandate to implement this policy.

We offer no specific language on how to further amend these sections, but are supportive of clarification to ensure full and timely cooperation and use of expert energy information; so long such amendments do not undermine the final authority of the State Water Board to implement the OTC phase-out policy.

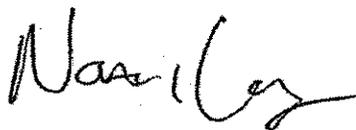
We support the removal of the "Wholly Disproportionate Demonstration" from the policy.

We agree with staff that the "Wholly Disproportionate Demonstration" section was redundant and presented opportunity for confusion and delay at the regional boards. In particular, the studies required in the policy (Section 3(D)) will provide the State Water Board a full review of the feasibility of implementing the policy or alternatives to the policy on the state's two nuclear plants. Inclusion of the "Wholly Disproportionate Demonstration" is not required by law and merely provided a confusing redundancy that would hinder coordinated and consistent implementation of the policy.

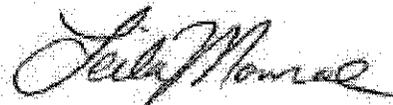
Conclusion

We appreciate the time the State Water Board and staff have dedicated to development of this policy, and the careful review of stakeholder comments. We look forward to the finalization of the policy and its rapid and thorough implementation.

Sincerely,



Noah Long
Sustainable Energy Fellow



Leila Monroe
Oceans Policy Analyst