

**CALIFORNIA STATE
LANDS COMMISSION**

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PROPOSED - APRIL 13, 2006

**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION REGARDING
ONCE-THROUGH COOLING IN CALIFORNIA POWER PLANTS**

WHEREAS, The California State Lands Commission (Commission) and legislative grantees of public trust lands are responsible for administering and protecting the public trust lands underlying the navigable waters of the state, which are held in trust for the people of California; and

WHEREAS, the public trust lands are vital to the recreational, economic and environmental values of California's coast and ocean; and

WHEREAS, the Commission has aggressively sought correction of adverse impacts on the biological productivity of its lands including, litigation over contamination off the Palos Verdes Peninsula and at Iron Mountain, the adoption of best management practices for marinas and litigation to restore flows to the Owens River; and

WHEREAS, California has twenty-one coastal power plants that use once-through cooling, the majority of which are located on bays and estuaries where sensitive fish nurseries and populations exist for many important species, including species important to the commercial and recreational fishing industries; and

WHEREAS, these power plants are authorized to withdraw and discharge approximately 16.7 billion gallons of ocean, bay and Delta water daily; and

WHEREAS, once-through cooling significantly harms the environment by killing large numbers of fish and other wildlife, larvae and eggs as they are drawn through the screens and other parts of the power plant cooling system; and

WHEREAS, once through cooling also significantly adversely affects marine, bay and estuarine environments by raising the temperature of the receiving waters, and by killing and displacing wildlife and plant life; and

WHEREAS, various studies have documented the harm caused by once-through cooling including one study that estimated that 2.2 million fish were annually ingested into eight southern California power plants during the late 1970s and another that estimated that 57 tons of fish were killed annually when all of the units of the San Onofre Nuclear Generating Station were operating; and

WHEREAS, the public trust doctrine must be acknowledged and respected by the Commission in all of the Commission's work, thus, the least environmentally harmful technologies must be encouraged and supported by the Commission; and,

WHEREAS, once-through cooling systems adversely affect fish populations used for subsistence by low-income communities and communities of color thereby imposing an undue burden on these communities and

WHEREAS, regulations adopted under Section 316 (b) of the federal Clean Water Act recognize the adverse impacts of once-through cooling by effectively prohibiting new power plants from using such systems, and by requiring existing facilities to reduce impacts by up to 90-95%; and

WHEREAS, state law under the Porter-Cologne Water Quality Control Act requires the state to implement discharge controls that protect the beneficial uses of the waters and habitats affected by once-through cooling; and

WHEREAS, alternative cooling technologies and sources of cooling water, such as the use of recycled water, are readily available, as witnessed by their widespread use at inland power plants and many coastal plants nationwide; and

WHEREAS, the Governor's Ocean Action Plan calls for an increase in the abundance and diversity of aquatic life in California's oceans, bays, estuaries and coastal wetlands, a goal which can best be met by prohibiting, phasing out, or mitigating to insignificance the impacts of once-through cooling; and

WHEREAS, members of the California Ocean Protection Council have called for consideration of a policy at its next meeting to discourage once-through cooling; and

WHEREAS, the California Energy Commission and the State Water Resources Control Board have the authority and jurisdiction over the design and operation of power plants and are conducting studies into alternatives to once-through cooling, such as air cooling, cooling with treated wastewater or recycled water and cooling towers; and

WHEREAS, in its 2005 Integrated Energy and Policy Report, the California Energy Commission adopted a recommendation to work with other agencies to improve assessment of the ecological impacts of once-through cooling and to develop a better approach to the use of best-available retrofit technologies; and

WHEREAS, it is premature to approve new leases or extensions, amendments or modifications of existing leases to include co-located desalination facilities or other uses of once-through cooling water systems until first considering whether the desalination facility would adversely affect compliance by the power plant with requirements imposed to implement both the federal Clean Water Act Section 316(b) requirements and any additional requirements imposed by the State Water Resources Control Board and appropriate Regional Water Quality Control Board under state law and their delegated Clean Water Act authority; and

WHEREAS, at many locations, there are alternative, feasible and available subsurface seawater intake technologies and practices for coastal desalination facilities that do not rely on surface seawater intakes used for once-through cooling; and

WHEREAS, the elimination, or reduction to insignificance of the adverse environmental impacts, of once through cooling technologies can be accomplished without threatening the reliability of the electrical grid; therefore, be it

RESOLVED, by the California State Lands Commission that it urges the California Energy Commission and the State Water Resources Control Board to expeditiously develop and implement policies that eliminate the impacts of once-through cooling on the environment, from all new and existing power plants in California; and be it further

RESOLVED, that as of the date of this Resolution, the Commission shall not approve leases for new power facilities that include once-through cooling technologies; and be it further

RESOLVED, that the Commission shall not approve new leases for power facilities, or leases for re-powering existing facilities, or extensions or amendments of existing leases for existing power facilities, whose operations include once-through cooling, unless the power plant is in full compliance, or engaged in an agency-directed plan to achieve full compliance, with requirements imposed to implement both Clean Water Act Section 316(b) and California water quality law as determined by the State Water Resources Control Board, and with any additional requirements imposed by state and federal agencies for the purpose of minimizing the impacts of cooling systems on the environment, and be it further

RESOLVED, that the Commission shall include in any extended lease that includes once through cooling systems, a provision for noticing the intent of the Commission to consider re-opening the lease, if the State Water Resources Control Board or the California Energy Commission has decided, in a permitting proceeding for the leased facility, that an alternative, environmentally superior technology exists that can be feasibly installed, and that allows for continued stability of the electricity grid system, or if state or federal law or regulations otherwise require modification of the existing once-through cooling system; and, be it further

RESOLVED, that the Commission calls on public grantees of public trust lands to implement the same policy for facilities within their jurisdiction; and be it further

RESOLVED, that the Commission's Executive Officer transmit copies of this resolution to the Chairs of the State Water Resources Control Board, the California Energy Commission, and the California Ocean Protection Council, all grantees, and all current lessees of public trust lands that utilize once-through cooling.