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13
14 STATE OF CALIFORNIA

15 STATE WATER RESOURCES CONTROL BOARD

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|----|--|-----------------------------------|
| 16 | | |
| 17 | In the Matter of the Petition of Committee |) |
| 18 | to Bridge the Gap, Santa Lucia Chapter of |) |
| 19 | the Sierra Club, and San Luis Obispo |) |
| 20 | Mothers for Peace for Review of Action by |) |
| 21 | the California Regional Water Quality |) |
| 22 | Control Board, Central Coast Region, in |) |
| | Adopting Clean Water Act Section 401 |) |
| | Water Quality Certification for Federal |) |
| | License for Operating License Renewal for |) |
| | Diablo Canyon Power Plant Units 1 and 2; |) |
| | Order No. 34024WQ31 |) |
| | | PETITION FOR REVIEW OF |
| | | CENTRAL COAST REGIONAL |
| | | WATER QUALITY CONTROL |
| | | BOARD'S ACTION OF ADOPTING |
| | | ORDER NO. 34024WQ31 |

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25 Pursuant to California Water Code section 13320, Committee to Bridge the Gap (“CBG”), the
26 Santa Lucia Chapter of the Sierra Club (“Sierra Club”), and San Luis Obispo Mothers for Peace
27 (“Mothers for Peace”) hereby petition the California State Water Resources Control Board (“State
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1 Board”) to review the Central Coast Regional Water Quality Control Board’s (“Regional Board”) order
2 adopting a Clean Water Act Section 401 Water Quality Certification for Federal License for Operating
3 License Renewal for Diablo Canyon Power Plant Units 1 and 2, Order No. 34024WQ31.

4 Diablo Canyon Nuclear Power Plant (“Diablo Canyon”) is a nuclear power plant with two
5 operating reactors, owned and operated by Pacific Gas & Electric Company (“PG&E”) and located in
6 San Luis Obispo County. The plant’s cooling system pulls in and discharges over two billion gallons
7 of ocean water every day, resulting in severe degradation of the surrounding marine ecosystem.¹
8 Among other water quality impacts from Diablo Canyon, the State Board has stated that, due to the
9 type of once through cooling system used at Diablo Canyon, “millions of fish, larvae, eggs, seals, sea
10 lions, turtles, and other creatures are killed each year because they are either trapped against screens or
11 drawn into the cooling system and exposed to pressure and high heat.”²

12 CBG, the Sierra Club, and Mothers for Peace are non-governmental organizations that have
13 long served as a watchdogs for Diablo Canyon. On December 3, 2014, CBG’s then-President, Daniel
14 Hirsch, along with then-California Senator Sam Blakeslee, testified before the U.S. Senate Committee
15 on Environment and Public Works about the potential for seismic ground motion at the plant to exceed
16 what the plant was designed or licensed to withstand. CBG has been involved in advocacy with the
17 State Board on the once-through cooling issue and with the State Lands Commission regarding the
18 state leases for PG&E’s use of the submerged lands off the coast. The Sierra Club has a decades-long
19 history of public comments, litigation, and administrative actions in response to various violations at
20 Diablo Canyon. At the September 9, 2005 Regional Board meeting, the Sierra Club and the California
21 Department of Fish and Game testified against a proposed once through cooling resolution, pointing
22 out that no mitigation, especially not the proposed conservation easement, could provide the EPA-
23 required 60 to 90% reduction in impacts. Among many other actions relating to Diablo Canyon over
24 decades, Mothers for Peace has submitted legal filings regarding Diablo Canyon to the United States

25 ¹ “Diablo Canyon License Renewal Feasibility Study Environmental Report, Technical Data Report, IMPINGEMENT OF FISH
26 AND SHELLFISH,” Rev. 0, 2009, <https://www.nrc.gov/docs/ML1116/ML11166A153.pdf>, p. 8

27 ² California State Water Resources Control Board, “Fact Sheet: Once-Through Cooling Policy Amendment Protects Marine Life
28 and Ensures Electric Grid Reliability,” September 4, 2020,
https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/oncethroughcooling_20200818.pdf, p. 2

1 Nuclear Regulatory Commission, California Public Utilities Commission, California Coastal
2 Commission, Diablo Canyon Independent Safety Committee, and 9th Circuit Court of Appeals.

3 On December 8, 2025, CBG, the Sierra Club, and Mothers for Peace each submitted to the
4 Regional Board written comments on the proposed Diablo Canyon NPDES permit and Section 401
5 water quality certificate. On February 26, 2026, CBG staff, Sierra Club staff, and members of Mothers
6 for Peace gave verbal comments at the Central Coast Water Quality Control Board public hearing on
7 the topic.

8
9 1. NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE
10 PETITIONERS:

11
12 Committee to Bridge the Gap

13 PO Box 4

14 Ben Lomond, CA 95005

15 Attention: Haakon Williams (h.williams@committeetobridgethegap.org)

16 (831) 336-8003

17
18 Santa Lucia Chapter of the Sierra Club

19 P.O. Box 15755

20 San Luis Obispo, CA 93406

21 Attention: Ranel Porter, Chapter Chair (sierraclub8@gmail.com)

22 (805) 543-8717

23
24 San Luis Obispo Mothers for Peace

25 P.O. Box 3608

26 San Luis Obispo, CA 93403

27 Attention: Linda Seeley (lindaseeley@gmail.com)

1 (805) 234-1769

2
3 2. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD THAT THE STATE
4 BOARD IS REQUESTED TO REVIEW AND A COPY OF ANY ORDER OR RESOLUTION OF
5 THE REGIONAL BOARD THAT IS REFERRED TO IN THE PETITION:
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7 Petitioner seeks review of the Regional Board’s February 26, 2026 adoption of the Clean
8 Water Act Section 401 Water Quality Certification for Federal License for Operating License Renewal
9 for Diablo Canyon Power Plant Units 1 and 2, Order No. 34024WQ31. A copy of the Order is
10 attached.
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12 3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO ACT OR ON
13 WHICH THE REGIONAL BOARD WAS REQUESTED TO ACT:
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15 February 26, 2026
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17 4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE ACTION OR FAILURE TO
18 ACT WAS INAPPROPRIATE OR IMPROPER:
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20 On November 7, 2025, the Regional Board began accepting public comment on a tentative
21 National Pollutant Discharge Elimination System (NPDES) permit and a tentative Clean Water Act
22 Section 401 water quality certification for Diablo Canyon. Written comments were accepted until
23 December 8, 2025. Petitioners each submitted written comment letters, copies of which are attached to
24 this petition. The Sierra Club submitted comments stating, “To conform with state law, the NPDES
25 and Certification must have an expiration date that aligns with the 2030 closure date outlined in SB846
26 and must explicitly mandate that any potential future extension would have to return for new NPDES
27 and Certification.” The Alliance for Nuclear Responsibility Legal Fund submitted a written comment
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1 asking, “How will the Central Coast Water Board be harmonizing the 5-year time period of the
2 extension of the NPDES permit with the as-of-yet ‘undated’ dates for the granting of the CWA 401
3 permit?”

4 The Regional Board, in its Response to Comments on the NPDES Permit and CWA Section
5 401 Certification for PG&E Diablo Canyon Power Plant Discharge to the Pacific Ocean (February 13,
6 2026), indicated that it structured its Proposed Section 401 Certification with an expiration date far
7 beyond the terms authorized by State law, in part to accommodate a change in California energy
8 policy that has not occurred or even been proposed in the Legislature, writing that “SB 846 (2022)
9 makes a Proposed 401 Certification expiration date of 2030 unnecessary, since SB 846 (2022)
10 stipulates that DCPD cease operations in 2030. By linking the Proposed 401 Certification expiration
11 with the NRC license expiration, the Proposed 401 Certification avoids conflicts with potential future
12 legislation, should future legislation extend the date when DCPD operations are to cease beyond
13 2030.”³

14 On February 26, 2026, the Regional Board held a public hearing on the tentative National
15 Pollutant Discharge Elimination System (NPDES) permit and tentative Clean Water Act Section 401
16 water quality certification. During the public comment portion of the hearing, petitioners and other
17 commenters reiterated the importance of setting a 2030 expiration date on the Section 401
18 Certification. Staff commenters from CBG and Sierra Club also urged the Regional Board to condition
19 its approval of the Section 401 Certification on a requirement for PG&E to specify, in its Diablo
20 Canyon operating license renewal application to the Nuclear Regulatory Commission (“NRC”), a 2030
21 expiration date.

22 During Regional Board Member deliberation at the February 26 hearing, two Regional Board
23 Members indicated serious interest in the need to limit the Section 401 Certification to the 2030

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25
26 ³ Central Coast Regional Water Quality Control Board, “RESPONSE TO COMMENTS NATIONAL POLLUTANT
27 DISCHARGE ELIMINATION SYSTEM PERMIT and CLEAN WATER ACT SECTION 401 WATER QUALITY
28 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,” https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2026/feb/item07_att05.pdf, p. 13

1 expiration date set by State law.⁴ Regional Board Member Anne Hoskins stated, “a concern I have, I
2 think has been brought up by a few commenters, which is one the date for the 401. Given that ... the
3 law says right now that it is supposed to end in 2030 and that’s our authority. ... And so it seems to me
4 that there could be a reasonable basis, you know, if it is legally allowed to connect the 2030, I mean, to
5 connect the 401 permit to the 2030 permit date for the NPDES.” Regional Board Member Dominic
6 Roques stated, “I would like to hear more about and explore the possibility of controlling or limiting
7 the 401 certification to five years. It doesn’t seem like it eliminates any potential action on our part. ...
8 The law currently says that the plant won’t operate after five years, the state law. So I’d like us to be
9 consistent with that state law at least, and imply that we are consistent with ending operation at five
10 years.”

11 Regional Board Counsel Sophie Froelich strongly directed the Regional Board away from
12 these considerations. Froelich stated, regarding the comparison to the Indian Point nuclear power plant
13 in New York, that “I don’t believe it’s relevant at all to this case” and that “I see absolutely no
14 parallels between that agreement and what we’re doing here today,” failing to acknowledge that the
15 settlement agreement for Indian Point arose specifically in part out of the New York Department of
16 Environmental Conservation’s proposed denial of a CWA Section 401 Certification. Regional Board
17 Counsel Froelich additionally stated, “I think our opinion is that we cannot limit this to a five year
18 term. ... Clean Water Act Section 401 requires any party applying for a federal license to conduct an
19 activity that may discharge into navigable waters to obtain certification that the discharge will comply
20 with water quality standards. The triggering event is the reapplication or the application for a federal
21 license and that is what is happening right now. If we were to set a five year expiration date, there
22 would be no triggering event for us to have another 401 certification. Because if they got a twenty year
23 license and there’s no requirement that the federal authorities only give them a five year permit, for
24 example, ours cannot really intrude on what they do. Right? They’re two separate things. There would
25 be no triggering event for them to reapply. I think given all the complexities, I think it is the Office of

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27 ⁴ A transcript of the February 26 hearing may be found on Cal-Span: https://cal-span.org/meeting/rwqcb-cc_20260226/

1 Chief Counsel’s opinion at this time that five years would not be advisable.” Froelich failed to
2 acknowledge that petitioners and other public commenters had provided to the Regional Board a
3 viable means for the Regional Board to remain within the limits set by State law while leaving a
4 pathway open for PG&E to apply for a new Section 401 Certification if the Legislature authorizes
5 extended operation of Diablo Canyon past 2030: PG&E could specify a 2030 expiration date in its
6 application to NRC, similar to what Entergy did with Indian Point. More importantly, the
7 considerations raised by Froelich are fundamentally not the Regional Board’s problem to solve; they
8 would be PG&E’s problem. The Regional Board should not take actions that exceed its statutory
9 jurisdictional authority in order to accommodate a permittee based on speculation about hypothetical
10 future State law.

11 The Regional Board has exceeded its jurisdiction by issuing an order that runs concurrent with
12 federal licenses in direct contradiction of state law. California law prohibits the operation of Units 1
13 and 2 at the Diablo Canyon Nuclear Power Plant beyond December 31, 2029 for Unit 1, and
14 December 31, 2030 for Unit 2. The maximum allowable operating dates for Units 1 and 2 are
15 unambiguously stated in California Public Resources Code section 25548.2 subdivision (f), which
16 dictates the maximum allowable operational period under California law.

17 Here, the Regional Board issued a certification pursuant to section 401 of the Clean Water Act.
18 (33 U.S.C.S. §1341.). However, both federal and state law recognize that state waste discharge
19 requirements/permits can include more stringent limitations than what federal law requires. California
20 courts have repeatedly found that the Clean Water Act authorizes the state “to impose water quality
21 controls that are more stringent than are required under federal law.” (*Building Industry Assn. of San*
22 *Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4th 866, 881.) Furthermore,
23 “California law specifically allows the imposition of controls more stringent than federal law.” (*Id.*)
24 Federal courts also recognize the state’s authority to issue more restrictive limitations, “33 U.S.C.S. §
25 1370 states that nothing in the chapter shall preclude or deny the right of any state or political subdivision
26 thereof to adopt or enforce any standard or limitation respecting discharges of pollutants unless the
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1 standard is less stringent than an existing standard.” (*City of Arcadia v. United States EPA* (9th Cir.
2 2005) 411 F.3d 1103, 1106-1108.)

3 In this case, California exercised its authority to enact more stringent limitations by statutorily
4 prohibiting the operation of Unit 1 and 2 beyond 2029 and 2030, respectively. Thus, regardless of
5 federal permitting, no state body, including the Regional Board or State Board, may authorize permitting
6 beyond the 2029 and 2030 deadlines.

7 In California, an administrative body like the Regional Board must act within its jurisdiction and
8 within the powers conferred on it by the Legislature. (*Aylward v. State Board of Chiropractic Examiners*
9 (1948) 31 Cal.2d 833, 839; see also *1041 20th Street, LLC v. Santa Monica Rent Control Bd.* (2019) 38
10 Cal.App.5th 27, 42.) By statutorily prohibiting the operation of Unit 1 beyond 2029 and Unit 2 beyond
11 2030, the state has limited the jurisdiction of the Regional and State Board to these deadlines. A state
12 administrative body is not authorized to exceed the bounds of state law as set by the Legislature.

13 When an administrative body acts without jurisdictional authority, its order is void. (*Id.*)
14 Administrative bodies may not, under the guise of rule or regulation, vary or enlarge the terms of a
15 legislative enactment. (*Bearden v. U.S. Borax, Inc.* (2006) 138 Cal.App.4th 429, 436.). By failing to
16 limit its permitting to the 2029 and 2030 dates, and tying its permitting to federal licenses which are
17 expected to be issued with 2044 and 2045 expiration dates, the Regional Board erroneously attempted
18 to vary the terms of law.

19 The Regional Board had no legal authority to issue a certification untethered from the shutdown
20 dates for Diablo Canyon Units 1 and 2. The shutdown dates are not aspirational, and are not subject to
21 administrative revision through creative permitting language tied to federal licenses that are of a duration
22 that exceeds the statutory shutdown dates imposed by California. By issuing a certification that fails to
23 incorporate state law limits, the Regional Board acted in excess of its jurisdiction, enlarged its authority
24 beyond the bounds of statute, and issued an order that is unlawful and void to the extent it purports to
25 authorize post-2029 or post-2030 operations.

26 Should the State Board fail to take action that clarifies that permits cannot and will not exceed
27 the bounds of the 2029 and 2030 statutory restriction, petitioners may seek judicial review. Moreover,
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1 petitioners will seek a court order that the Regional Board's order is void in its entirety given the
2 Regional Board's flagrant exceedance of its jurisdiction. Petitioners reserve the right to supplement the
3 legal arguments and authorities raised herein with additional memoranda of points and authorities if and
4 when the petition is activated.

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6 5. THE MANNER IN WHICH THE PETITIONERS ARE AGGRIEVED:
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8 CBG is an environmental non-profit focused on protecting the public and environment from
9 the dangers of radiation. Our interest, as established by our long history of advocacy on behalf of the
10 communities near Diablo Canyon, is in ensuring that the waters around the Diablo Canyon plant are
11 free of contamination from Diablo Canyon discharges, and free from the risk of contamination from an
12 accident at the plant.

13 The Sierra Club is the nation's oldest and largest grass-roots environmental organization. Its
14 members are concerned with the protection of the environment and government compliance with
15 environmental laws. The Sierra Club has tens of thousands of members in California and over 4,000
16 members and supporters in San Luis Obispo County, within the vicinity of the Diablo Canyon Nuclear
17 Power Plant. The Sierra Club has been actively engaged as a watchdog of Diablo Canyon since its
18 creation and was instrumental in initiating the federal designation process for the Chumash Heritage
19 National Marine Sanctuary to protect California's Central Coastal waters.

20 Mothers for Peace is a local, nonprofit membership organization concerned with the dangers
21 posed by Diablo Canyon. MFP has intervened in state and federal administrative cases involving
22 Diablo Canyon since 1973. These cases include proceedings of the Regional Board. MFP is deeply
23 concerned about the undisputed damage which is being done to the local marine environment by
24 Diablo Canyon's once-through cooling system (OTC): entrainment, impingement, thermal pollution -
25 as well as toxic materials regularly discharged into the ocean.

26 The members and/or communities that it is petitioners' mission and interest to protect from
27 harms associated with Diablo Canyon would be harmed if the Regional Board's approval of a water
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1 quality certificate with a timeframe far exceeding the bounds of state law were allowed to stand. This
2 would be harmful in that it would contribute to the potential further extension of the marine and other
3 impacts from Diablo Canyon, and would erode the integrity of California governance by improperly
4 allowing State agencies to vary the terms of state law.

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6 6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD WHICH PETITIONER
7 REQUESTS:

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9 Petitioners seek an Order from the State Board that:

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11 Amends General Compliance Condition 11 of the Clean Water Act Section 401 Water
12 Quality Certification for Federal License for Operating License Renewal for Diablo
13 Canyon Power Plant Units 1 and 2, Order No. 34024WQ31, to specify that the
14 Certification expires no later than the December 31, 2029 date for Unit 1, and
15 December 31, 2030 date for Unit 2, established in California law as the legal extent of
16 operations at Diablo Canyon.

17
18 Or, alternatively, remands the matter to the Regional Board with specific direction to
19 the Board to remedy the violation of law as described herein.

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21 7. A STATEMENT IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION:

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23 See, Section 4, above.

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25 8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE
26 REGIONAL BOARD AND TO THE DISCHARGERS, IF NOT THE PETITIONER:

1 A true and correct copy of this petition was delivered by electronic mail to the Regional Board
2 on March 27, 2026. A true and correct copy of this petition was also mailed via First Class mail on
3 March 27, 2026 to the Regional Board and the Permittee.

4
5 Central Coast Regional Water Quality Control Board

6 895 Aerovista Place, Suite 101

7 San Luis Obispo, CA 93401-7906

8 centralcoast@waterboards.ca.gov

9 (805) 549-3147

10
11 Ryan E. Lodge

12 Executive Officer

13 ryan.lodge@waterboards.ca.gov

14 (805) 549-3140

15
16 Pacific Gas & Electric Company (PG&E)

17 Thomas P. Jones, Senior Director, Regulatory, Environmental & Repurposing

18 1250 Kendall Road

19 San Luis Obispo, CA 93401

20 (805) 459-4530

21 Tom.Jones@pge.com

22
23 9. A STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN
24 THE PETITION WERE RAISED BEFORE THE REGIONAL BOARD, OR AN EXPLANATION
25 OR WHY THE PETITIONER WAS NOT REQUIRED OR WAS UNABLE TO RAISE THESE
26 SUBSTANTIVE ISSUES OR OBJECTIONS BEFORE THE REGIONAL BOARD

1 All of the substantive issues and objections raised herein were presented to the Regional Board
2 during the period for public comment on the tentative National Pollutant Discharge Elimination
3 System (NPDES) permit and tentative Clean Water Act Section 401 water quality certification for
4 Diablo Canyon. Petitioners submitted written comments on December 8, 2025. Petitioners presented
5 testimony before the Regional Board during the public hearing on Thursday, February 26, 2026.
6

7 **CONCLUSION**

8 For the reasons set forth in this petition and in the documents filed herewith, petitioners
9 request the State Board order the Regional Board to amend Order No. 34024WQ31 to reflect the
10 statutory restriction prohibiting the operation of Unit 1 beyond 2029 and Unit 2 beyond 2030.
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1 Respectfully submitted via electronic mail and Federal Express,
2

3 Dated: March 27, 2026

COMMITTEE TO BRIDGE THE GAP

4 
5

6 Haakon Williams

7 Executive Director, COMMITTEE TO BRIDGE THE GAP
8

9 Dated: March 27, 2026

SANTA LUCIA CHAPTER OF THE SIERRA CLUB

10 
11

12 Ranel Porter

13 Executive Committee Chair, SANTA LUCIA CHAPTER OF
14 THE SIERRA CLUB

15
16 Dated: March 27, 2026

SAN LUIS OBISPO MOTHERS FOR PEACE

17 
18

19 Linda Seeley

20 Vice President, SAN LUIS OBISPO MOTHERS FOR PEACE
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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

Order:
Clean Water Act Section 401 Water Quality Certification
for Federal License

ORDER

NUMBER: 34024WQ31

PROJECT: Operating License Renewal for Diablo Canyon Power Plant Units 1 and 2

FACILITY: Diablo Canyon Power Plant

PERMITTEE: Pacific Gas & Electric Company
1250 Kendall Road
San Luis Obispo, CA 93424

EFFECTIVE

DATE: February 26, 2026

- ACTION:**
1. Order for Standard Certification
 2. Order for Technically Conditioned Certification (Order)
 3. Order for Denial of Certification

I. PROJECT DESCRIPTION AND BACKGROUND

- A. Pacific Gas & Electric Company (Permittee) is the owner and operator of the Diablo Canyon Power Plant (Facility), a nuclear power plant. The Facility is a nuclear steam electrical power generation facility consisting of two pressurized reactors (Units 1 and 2), each serving as an independent generating unit. Additional Facility infrastructure includes a turbine building, a seawater reverse osmosis system, storage tanks, a cooling water intake structure, and discharge structure. The Facility has a total generating capacity of 2,269 megawatts and provides energy services to California.
- B. Consistent with the direction of the California State Legislature as described in Senate Bill 846 (2022) and California Water Code section 13193.5, the Permittee seeks to continue Facility operations, which requires renewal of the operating licenses for the Facility issued by the United States Nuclear Regulatory Commission (NRC). Since continued operations of the Facility will result in discharges into navigable waters of the United States as part of the plant's cooling water system and other operations, the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) must issue a

Clean Water Act section 401 Water Quality Certification before the NRC can issue renewed licenses. 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. The Permittee previously obtained a Certificate of Conformance with water quality standards from the Central Coast Water Board for the Facility in 1971.

- C. The Facility's point source discharges to navigable waters of the United States are subject to permitting under the National Pollutant Discharge Elimination System (NPDES) permitting program. The primary NPDES permit applicable to the Facility addresses wastewater discharges from the once-through cooling system and other waste streams. This NPDES permit was previously issued by the Central Coast Water Board in 1990 (*Waste Discharge Requirements for Pacific Gas and Electric Company Diablo Canyon Nuclear Power Plant Units 1 and 2, Order 90-09, NPDES Permit CA0003751*).¹ Since that time, various water quality standards, plans, and policies have been enacted and/or updated. The new NPDES permit (*Waste Discharge Requirements for the Pacific Gas and Electric Company's Diablo Canyon Power Plant, Order R3-2026-0001, NPDES Permit CA0003751*) for the Facility's wastewater discharges incorporates all applicable new and/or updated water quality standards, plans, and policies, including requirements set forth in the *Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling Policy)*. The Facility's industrial stormwater discharges are also subject to *Order WQ 2014-0057-DWQ, as amended by Order WQ 2015-0122-DWQ and Order WQ 2018-0028-DWQ, General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES Permit CAS000001*. This Order requires compliance with the NPDES permits issued for the Facility to certify compliance with water quality standards.

II. REGULATORY AUTHORITY

- A. The federal Clean Water Act (33 U.S.C. sections 1251-1388) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. section 1251(a).) The Clean Water Act relies significantly on state participation and support in light of "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution" and "plan the development and use" of water resources. (33 U.S.C. section 1251(b).) Section 101 of the Clean Water Act (33 U.S.C. section 1251(g)) requires federal agencies to "co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." (33 U.S.C. section 1251(g).)

¹ The permit has been administratively extended since 1994. See California Code of Regulations, title 23, section 2235.4; title 40 Code of Federal Regulations section 122.6 subd. (d).

Section 401 of the Clean Water Act (33 U.S.C. section 1341) requires any applicant for a federal license or permit that may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will comply with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act. (33 U.S.C. section 1313.) Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations and other conditions necessary to ensure compliance with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. section 1341(d).) Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the project. (Ibid.)

- B. The Central Coast Water Board is authorized to issue Clean Water Act section 401 Water Quality Certification for this Facility pursuant to California Water Code section 13263 and California Code of Regulations, title 23 (23 CCR), section 3855.
- C. This Order is granted pursuant to Clean Water Act section 401 and its implementing regulations (title 40 Code of Federal Regulations (40 CFR) part 121) and California Water Code sections 13263 and 13377 and implementing regulations 23 CCR division 3, chapter 28.

III. FINDINGS:

The Central Coast Water Board hereby finds that:

A. WATER QUALITY FINDINGS:

1. *Waste Discharge Requirements for the Pacific Gas and Electric Company's Diablo Canyon Power Plant, Order R3-2026-0001, NPDES Permit CA0003751*, last issued in 1990, has been updated to include all current water quality objectives identified in the *Water Quality Control Plan for the Central Coastal Basin (Basin Plan)*, the *Water Quality Control Plan for Ocean Waters of California (Ocean Plan)*, the Clean Water Act and its implementing regulations, and all applicable State Water Resources Control Board plans and policies, including but not limited to the Once-Through Cooling Policy.
2. The Once-Through Cooling Policy establishes uniform technology-based standards to implement the requirements of Clean Water Act section 316(b) and reduce the harmful effects associated with cooling water intake structures on marine and estuarine life. The terms and conditions of the Once-Through Cooling Policy apply to the Facility, and relevant requirements are incorporated into *Waste Discharge Requirements for the Pacific Gas and Electric Company's Diablo Canyon Power Plant, Order R3-2026-0001*,

NPDES Permit CA0003751 at section 6.3.6.1.

3. *Waste Discharge Requirements for the Pacific Gas and Electric Company's Diablo Canyon Power Plant, Order R3-2026-0001, NPDES Permit CA0003751* was adopted on February 26, 2026, prior to the time this Order was considered and adopted by the Central Coast Water Board.
4. Compliance with the terms and conditions in set forth in this Order, as well as compliance with *Waste Discharge Requirements for the Pacific Gas and Electric Company's Diablo Canyon Power Plant, Order R3-2026-0001, NPDES Permit CA0003751* and *Order WQ 2014-0057-DWQ, as amended by Order WQ 2015-0122-DWQ and Order WQ 2018-0028-DWQ, General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES Permit CAS000001*, ensures that the Project will comply with specified provisions of the Clean Water Act, including Clean Water Act sections 301, 302, 303, 306, and 307.
5. All public noticing requirements were satisfied prior to the adoption of this Order. Specifically, the Central Coast Water Board complied with California Water Code section 13167.5, 40 CFR section 124.10, 40 CFR part 25, and 23 CCR section 3858.
6. The Central Coast Water Board acted within a reasonable period of time in adopting this Order, as required pursuant to 40 CFR section 121.6 (see also 40 CFR 121.8) and within 180 days of receiving a completed application for certification, pursuant to California Public Resource Code section 25233.2 subdivision (c).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:

1. The Central Coast Water Board has determined that the Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301 subd. (b), and California Code of Regulations, title 15, section 25548.2 subd. (b). Additionally, the Central Coast Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this Order.

IV. CONDITIONS

A. STANDARD CONDITIONS:

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment per California Water Code section 13330 and 23 CCR section 3867.
2. This Order is not intended to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent application was filed per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought. In this case, no such application has been sought.
3. The validity of this Order is conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

B. GENERAL COMPLIANCE CONDITIONS:

1. This Order is subject to the Permittee's acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Order and civil or criminal liability.
2. In the event of a violation or threatened violation of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this Order.
3. In response to a suspected violation of any condition of this Order, the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) may require the holder of any permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Central Coast Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.

4. In response to any violation of the conditions of this Order, the Central Coast Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
5. The Central Coast Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Coast Water Board determines that the Project fails to comply with any of the terms or conditions of this Order.
6. A copy of this Order, the application, and supporting documentation must be available at the Facility for review by site personnel and agencies.
7. The Permittee shall grant the Central Coast Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Facility at reasonable times, to ensure compliance with the terms and conditions of this Order and/or to determine the impacts the Project may have on the quality of waters of the state.
8. The Permittee must, at all times, fully comply with the application, engineering plans, specifications, and technical reports submitted to support this Order; all subsequent submittals required as part of this Order; and the conditions of this Order. The conditions within this Order supersede conflicting provisions within Permittee submittals.
9. The Permittee shall notify the Central Coast Water Board within 24 hours of any unauthorized discharge to waters of the United States or waters of the state, including measures that were implemented to stop and contain the discharge; measures implemented to clean up the discharge; the volume and type of materials discharged and recovered; and additional best management practices or other measures that will be implemented to prevent future discharges.
10. This Order is not transferable to any person except after notice to the Executive Officer of the Central Coast Water Board. The Permittee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new responsible party containing a specific date for the transfer of this Order's responsibility and coverage between the current responsible party and the new responsible party. This agreement shall include an acknowledgement that the existing responsible party is liable for compliance and violations up to the transfer date and that the new responsible party is liable from the transfer date on.

11. This Order expires when the Nuclear Regulatory Commission licenses for Units 1 and 2 of the Facility, expected to be issued in 2026, expire.
12. The total application fee for the Project is \$4,212. The remaining project fee payable to the Central Coast Water Board is \$0. Annual fees apply while this Order remains in effect.

C. TECHNICAL CONDITIONS:

1. Project activities and discharges must not cause a violation of any water quality standard, including impairment of designated beneficial uses, as adopted in the Basin Plan, the Ocean Plan, or any other applicable water quality control plans or policies.
2. The Permittee shall comply with the requirements of *Waste Discharge Requirements for the Pacific Gas and Electric Company's Diablo Canyon Power Plant, Order R3-2026-0001, NPDES Permit CA0003751* and any accompanying requirements, including future modifications and future reissuances.
3. The Permittee shall comply with the Once-Through Cooling Policy and all related requirements, including any future modifications to the Policy.
4. The Permittee shall comply with State Water Resources Control Board *Order WQ 2014-0057-DWQ, as amended by Order WQ 2015-0122-DWQ and Order WQ 2018-0028-DWQ, General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES Permit CAS000001*, including future modifications and future reissuances.
5. The Permittee shall employ the reasonable and prudent measures identified in the National Marine Fisheries Service Biological Opinion, dated April 22, 2025, to minimize the impact of the incidental take on sea turtles and black abalone.
6. This Order authorizes normal ongoing operation of the Diablo Canyon Power Plant. It does not authorize new discharges into waters of the United States or waters of the state, including new discharges of dredge or fill material that have not previously been authorized.

CENTRAL COAST WATER BOARD CONTACT PERSON:

April Woods
(805) 549-3332
April.Woods@waterboards.ca.gov

Please refer to the above order number when corresponding with the Central Coast Water Board concerning this Project.

WATER QUALITY CERTIFICATION:

The Central Coast Water Board hereby issues an order certifying that, as long as all the conditions listed in this Order are met, Project activities and discharges shall comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act. Project activities and discharges are also regulated pursuant to *Waste Discharge Requirements for the Pacific Gas and Electric Company's Diablo Canyon Power Plant, Order R3-2026-0001, NPDES Permit CA0003751 and Order WQ 2014-0057-DWQ, as amended by Order WQ 2015-0122-DWQ and Order WQ 2018-0028-DWQ, General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES Permit CAS000001.*

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on (a) the activities and discharges being limited and all proposed mitigation being completed in strict compliance with the Permittee's Project description and Order conditions and (b) compliance with all applicable requirements of the Central Coast Water Board's Basin Plan, the Ocean Plan, and any other applicable water quality control plans or policies.

This Order is effective on February 26, 2026.

I, Ryan E. Lodge, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Central Coast Region on the date indicated above.

Ryan E. Lodge
Executive Officer
Central Coast Water Board

Attachment A: Project Information

ATTACHMENT A - PROJECT INFORMATION

| | |
|----------------------------|---|
| Application Date | Received: December 13, 2024 Completed: September 4, 2025 |
| Permittee | Pacific Gas & Electric Company 1250 Kendall Road San Luis Obispo, CA 93401 |
| Permittee Representatives | Thomas P. Jones Pacific Gas and Electric Company 1250 Kendall Road San Luis Obispo, CA 93401 Tom.Jones@pge.com (805) 459-4530 Kris Vardas Pacific Gas and Electric Company 1250 Kendall Road San Luis Obispo, CA 93401 Kris.Vardas@pge.com (805) 975-5229 |
| Project | Operating License Renewal for Diablo Canyon Power Plant Units 1 and 2 |
| Order Number | 34024WQ31 |
| Type of Project | Utilities – Alternative energy (Other) |
| Project Location | Avila Beach 35°12'44"N, 120°51'14"W |
| County | San Luis Obispo |
| Receiving Water(s) | Pacific Ocean Diablo Creek HU 310 Estero Bay |
| Water Body Type | Ocean Streambed |
| Designated Beneficial Uses | <u>Pacific Ocean</u> Industrial Service Supply (IND) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Navigation (NAV) Commercial and Sport Fishing (COMM) Shellfish Harvesting (SHELL) Marine Habitat (MAR) |

| | |
|---|---|
| <p>Designated Beneficial Uses</p> | <p><u>Diablo Canyon Creek</u> Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC1) Non-Contact Water Recreation (REC2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Spawning, Reproduction, and/or Early Development (SPAWN) Rare, Threatened, or Endangered Species (RARE) Estuarine Habitat (EST) Fresh Water Replenishment (FRESH) Commercial and Sport Fishing (COMM)</p> |
| <p>Project Description (purpose/goal)</p> | <p>The purpose of the Project is to continue operation and maintenance of Units 1 and 2 of the Diablo Canyon Power Plant. The Project includes the following operations involving seawater intake and discharges:</p> <ol style="list-style-type: none"> 1. Intake of seawater through an intake structure. 2. Circulation of the seawater in a once-through cooling circulating water system to remove heat from condensers. 3. Discharge of up to 2,760 million gallons per day of once-through cooling water and the following other commingled waste streams. <ol style="list-style-type: none"> a. auxiliary seawater cooling system b. liquid radioactive waste treatment system c. service cooling water system d. turbine building sump e. makeup water system waste effluent f. condensate demineralizer regenerant g. condensate pumps discharge header overboard h. steam generator blowdown i. wastewater holding and treatment system j. sanitary wastewater treatment system k. seawater reverse osmosis system blowdown l. intake structure building sumps overboard 4. Discharge of the following additional waste streams. <ol style="list-style-type: none"> a. screen wash pumps overboard b. intake screen wash water c. seawater reverse osmosis system supply tank overflow d. biolab seawater supply pump valve drain e. seawater reverse osmosis system blowdown drain f. seawater reverse osmosis system supply lines drain g. main circulating water pumps backflow h. screen wash system collection sump overflow 5. Treatment of seawater by reverse osmosis to provide freshwater for various uses. |

| | |
|--|--|
| United States Nuclear Regulatory Commission | Nuclear Regulatory License Renewal Application for Facility Operating Licenses DPR-80 and DPR-82 for Diablo Canyon Power Plant Units 1 and 2 |
| California Environmental Quality Act Information | Categorical Exemption Lead Agency: California Regional Water Quality Control Board, Central Coast Region |
| Total Fee | \$4,212 |

December 8, 2025

NPDES Unit
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Sent via email to: rb3-npdes@waterboards.ca.gov

Public comment from Committee to Bridge the Gap re: Central Coast Regional Water Quality Control Board's Tentative Clean Water Act Section 401 Water Quality Certification for Federal License ("Section 401 Certification") and Tentative Order R3-2026-0001 National Pollutant Discharge Elimination System Permit CA0003751 ("NPDES Permit") at PG&E's Diablo Canyon Nuclear Power Plant ("Diablo Canyon")

The Committee to Bridge the Gap writes to urge the Central Coast Regional Water Quality Control Board (hereafter "Water Board") to reject the NPDES Permit and Section 401 Certification now before you. Approving either action would allow PG&E to continue, and potentially intensify and expand, its pollution of Central Coast waters via Diablo Canyon 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 water quality standards, 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 San Luis Obispo, Shell Beach, Pismo Beach, and 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 Water Board to deny both the certification and the permit.

Section 401 Certification Would Have Water Board Ignore PG&E's History of Violating Water Quality Standards

The Water Board's Tentative 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.”¹ Thus, PG&E is before you with a request to certify that PG&E’s discharges will comply with water quality standards.

The Water Board should not agree to provide such a certification for the simple reason that the Water Board cannot ensure that PG&E’s discharges will in fact comply with water quality standards. PG&E’s history of evasion and noncompliance in its operation of Diablo Canyon gives ample reason to question PG&E’s credibility or transparency in whether its Diablo Canyon discharges will comply with water quality standards. The historical record, in fact, shows that PG&E cannot be trusted.

For decades, Diablo Canyon’s thermal discharges have caused significant and well-documented harm to the marine ecosystem surrounding Diablo Cove. The 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 near-shore habitat directly affected by the discharge.² The damage was serious enough that Water Board staff prepared a proposed Cease-and-Desist Order, 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.³

Independent biological analyses reinforce the magnitude of this degradation. During Diablo Canyon’s early years of operation, local populations of red and black abalone collapsed by nearly 90%, with researchers and environmental reviewers attributing much of this decline to the plant’s thermal plume, entrainment, and impingement effects—stressors directly linked to Diablo Canyon’s cooling system operations.⁴ 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.⁵

¹ California Regional Water Quality Control Board, Central Coast Region, *Tentative Order 34024WQ31: Clean Water Act Section 401 Water Quality Certification for Federal License*, p. 2

² California Regional Water Quality Control Board, Central Coast Region, Staff Report on Diablo Canyon Power Plant (July 13, 2000), documenting thermal plume impacts and “significant and consistent biological effects.” Available at: https://www.waterboards.ca.gov/rwqcb3/water_issues/programs/diablo_canyon/docs/2000_07_13_diablo_staff_report.pdf

³ California Regional Water Quality Control Board, Staff Report re: Proposed Cease and Desist Order for Diablo Canyon Power Plant (October 27, 2000), noting serious habitat impairment and consideration of enforcement action. Available at: https://www.waterboards.ca.gov/rwqcb3/water_issues/programs/diablo_canyon/docs/2000_10_27_diablo_staff_report.pdf

⁴ Nuclear Information and Resource Service (NIRS), Comments on Diablo Canyon NPDES Permit (June 9, 2003), summarizing nearly 90% decline in red and black abalone populations associated with thermal discharge and cooling-system impacts. Available at: <https://www.nirs.org/wp-content/uploads/reactorwatch/natureandnukes/nirscmts06092003diablonpdes.pdf>

⁵ National Marine Fisheries Service, Biological Opinion for Diablo Canyon Power Plant Operations (2023), documenting continued thermal and hydrodynamic impacts near the discharge structure and unsuitable

The advocacy group Beyond Nuclear, which has long been tracking PG&E's saga at Diablo Canyon, explains the situation this way:

“In the spring of 2000, Diablo Canyon’s operators were discovered to have withheld information 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.”⁶

The record, which spans decades of regulatory review and scientific assessment, demonstrates a continuous pattern of ecological degradation associated with Diablo Canyon’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 Diablo Canyon 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, Water Board staff found that PG&E had failed to disclose key thermal plume and habitat-impact data, forcing regulators to discover on their own the extent of ecological degradation occurring offshore from Diablo Canyon.⁷

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 (CEC) and the California Geological Survey (CGS), explicitly state that PG&E withheld crucial details needed for independent scientific review.⁸ A second Independent Peer Review Panel also found that PG&E had not yet provided the complete,

habitat for black abalone. Available at:

https://repository.library.noaa.gov/view/noaa/70085/noaa_70085_DS1.pdf

⁶ *Licensed to Kill*, <https://beyondnuclear.org/licensed-to-kill>, PDF p. 11; see also PDF pp. 50-51

⁷ California Regional Water Quality Control Board, Central Coast Region, Staff Report on Diablo Canyon Power Plant (July 13, 2000), documenting failure to disclose full thermal plume and habitat-impact data. https://www.waterboards.ca.gov/rwqcb3/water_issues/programs/diablo_canyon/docs/2000_07_13_diablo_staff_report.pdf

⁸ CEC Independent Peer Review Panel (IPRP) reports repeatedly criticized PG&E for incomplete seismic disclosure. IPRP Report No. 1 (2011):

<https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/electric-costs/diablo-canyon-independent-peer-review-panel-reports/iprp-report-no1.pdf>

reliable seismic data needed to fully assess Diablo Canyon’s earthquake risk, leaving key fault parameters and hazard analyses unresolved and regulators without the information required to make a sound safety determination.⁹

The Tentative Section 401 Certification states that PG&E’s Diablo Canyon discharges will comply with the Clean Water Act “as long as all the conditions listed in this Order are met.”¹⁰ PG&E’s failure to maintain compliance with water quality standards, however, continues to this day. As is explained in more detail below, PG&E’s Diablo Canyon effluent starkly violates the NPDES Permit’s prohibition against degradation of the marine environment. The Water Board should not grant PG&E a certification that is conditioned on PG&E’s compliance with water quality standards that PG&E continues to violate.

The Water Board’s Tentative 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.”¹¹ 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 a century since the initial certification, it would be prudent for the 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.

NPDES Permit Allows Large Amounts of Radioactivity to Degrade Marine Environment

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 environment in PG&E’s Diablo Canyon effluent is tritium, a radioactive isotope of hydrogen. In 2024 alone, PG&E discharged 1,582 curies of tritium in its Diablo Canyon effluent.¹² To put this in perspective, that is enough tritium to contaminate 79,100,000,000 (79 billion) liters of water at EPA’s drinking water limit.¹³ This is a

⁹ Independent Peer Review Panel (IPRP) Reports to the California Energy Commission, documenting insufficient seismic data transparency from PG&E, Report No. 5 (2012): <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/electric-costs/diablo-canyon-independent-peer-review-panel-reports/iprp-report-no5.pdf>

¹⁰ Central Coast Water Board, *Tentative Section 401 Certification*, p. 8

¹¹ *Ibid.*, p. 2

¹² Pacific Gas & Electric Company, *2024 Annual Radioactive Effluent Release Report*, p. 22, Table 4A, <https://www.nrc.gov/docs/ML2510/ML25107A210.pdf>

¹³ EPA’s drinking water limit for tritium is 20,000 picocuries per liter of water (Environmental Protection Agency, National Primary Drinking Water Regulations; Radionuclides; Final Rule,

staggering volume. Based on an average residential water use of roughly 300 liters per person per day,¹⁴ 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 Diablo Canyon are arguably larger than the tritium discharges each year from the Fukushima nuclear meltdown site.¹⁵ 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, Diablo Canyon'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 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, triggered intense public and international backlash.¹⁶ 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.¹⁷ At Diablo Canyon, 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.¹⁸ 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

<https://www.federalregister.gov/d/00-30421/p-581>, Table A). A picocurie is one trillionth of a curie; thus, EPA's limit converted to curies is 0.0000002 curies of tritium allowed per liter of drinking water.

¹⁴ SGS, *Estimated Use of Water in the United States*, reporting ~82 gallons/day residential per capita use: <https://pubs.usgs.gov/circ/1405/pdf/circ1405.pdf>

¹⁵ TEPCO's figure for the maximum annual amount of tritium it plans to release from Fukushima each year for the next 20-30 decades is 22 trillion becquerels, equivalent to 595 curies.

<https://www.tepco.co.jp/en/decommission/progress/treated-water-ian/index-e.html>

¹⁶ PBS NewsHour, reporting on protests in Seoul opposing Japan's release of treated radioactive water (2023):

<https://www.pbs.org/newshour/world/japans-neighbors-share-fear-and-frustration-over-radioactive-water-release>

¹⁷ Marine Policy (ScienceDirect), analysis of regional and fishing-industry opposition to Fukushima wastewater discharge (2024): <https://www.sciencedirect.com/science/article/pii/S0308597X24001180>

¹⁸U.S. Environmental Protection Agency (EPA), "Radionuclide Basics: Tritium."

<https://www.epa.gov/radiation/radionuclide-basics-tritium>

radiation.¹⁹ 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.²⁰

Any dose of radiation produces some risk of cancer and other health harms; even without considering the other radionuclides or hazardous 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 Nuclear Regulatory Commission's Regulatory Guide 1.109 – from 1977.²¹ 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.

Given the extensive record of environmental harm, noncompliance, and withheld information, the Water Board cannot reasonably certify that PG&E's discharges will meet water quality standards. 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 Water Board's responsibility is to protect 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.

¹⁹ U.S. Nuclear Regulatory Commission (NRC), "Backgrounder on Tritium, Radiation Protection Limits, and Drinking Water Standards."

<https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/tritium-radiation.html>

²⁰ United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), 2016 Report, Annex C: *Biological effects of selected internal emitters – Tritium*.

Official UN publication page: <https://www.unscear.org/publications/2016.html>, also see Adam-Guillermin, C. et al., "Genotoxic and reprotoxic effects of tritium and external gamma irradiation in aquatic organisms," *Mutation Research* (2012).

<https://doi.org/10.1016/j.mrgentox.2012.05.007>, also see Jha, A. N. et al., "Impact of low doses of tritium on the marine mussel *Mytilus edulis*: genotoxic effects and tissue-specific bioconcentration," *Mutation Research* (2005).

<https://doi.org/10.1016/j.mrgentox.2005.03.001>

²¹ PG&E, 2024 *Radioactive Effluent Report*, PDF p. 204



December 8, 2025

NPDES Unit
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Submitted to: rb3-npdes@waterboards.ca.gov

Re: Sierra Club Comment Letter, Diablo Canyon Power Plant NPDES & Certification – OPPOSE

Dear Chair Gray and Members of the Central Coast Regional Water Quality Control Board,

The Santa Lucia Chapter of the Sierra Club, representing over 4,000 Sierra Club members and supporters in San Luis Obispo County (SLO), offers the following comments regarding Diablo Canyon Nuclear Power Plant's (Diablo) Tentative National Pollutant Discharge Elimination System (NPDES) Permit and Tentative Clean Water Act Section 401 Certification (Certification).

The Sierra Club urges the Central Coast Regional Water Quality Control Board (RWQCB) to deny PG&E's NPDES and Certification due to the lack of a uniform end date and sufficient mitigations.

Should you move forward with granting these at this time, we request the following:

- To conform with state law, **the NPDES and Certification must have an expiration date that aligns with the 2030 closure date** outlined in SB846 and must explicitly mandate that any potential future extension would have to return for new NPDES and Certification.
- **The currently outlined mitigations do not adequately address Diablo's impacts.** We request that RWQCB outline a mitigation package that includes direct mitigation measures in addition to mitigation fees. And more serious consideration for requiring Diablo to implement the Best Technology Available – particularly considering the plant's extended operations (including the Once-Through-Cooling system).
- **No more postponing accountability for Diablo.** For decades, Diablo Canyon has been able to skirt adequate mitigations for the impacts of their discharges.

To revisit some of that history:

In 2000, the Regional Water Quality Control 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 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 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 EPA regulations requiring power plants to phase out once-through cooling (OTC) systems due to the damage they do to the marine environment. The Water Board finalized California’s version of the EPA phase out in 2010.

Since then, Diablo Canyon 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 Diablo’s extended operations and to ensure RWQCB reviews any further extension beyond 2030.

Thank you for your time and consideration of these comments.

Sincerely,

Mila Vujovich-LaBarre
Chapter Chair
Santa Lucia Chapter of the Sierra Club
P.O. Box 15755, San Luis Obispo, CA 93406
(805) 543-8717
Sierraclub8@gmail.com

San Luis Obispo



December 8, 2025

Chair Jane Gray and Board Members
% Ryan E. Lodge, Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Sent via electronic submission to: centralcoast@waterboards.ca.gov

RE: Diablo Canyon Nuclear Plant Tentative Permits - OPPOSE

Dear Chair Gray and Members of the Board,

San Luis Obispo Mothers for Peace (MFP) is a local, nonprofit organization which has been legal intervenors in cases involving Diablo Canyon Nuclear Plant (DCNP) since 1973. These cases include those before the Regional Water Quality Control Board.

MFP is deeply concerned about the undisputed damage which is being done to the local marine environment by DCNP's once-through cooling system (OTC): entrainment, impingement, thermal pollution - as well as toxic materials regularly discharged into the ocean.

MFP urges the Central Coast Regional Water Board (Water Board) to deny the National Pollutant Discharge Elimination System (NPDES) Permit as well as the Clean Water Act Section 401 Certification.

SENATE BILL 846 CANNOT MANDATE COMPLIANCE

Senate Bill 846 allows the continued operation of DCNP 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 states that the "final" compliance date of the OTC policy for DCNP is October 31, 2030. But we've been hearing that "final" argument since the Clean Water Act section 316(b) was first enacted in 2010. Repeated waivers have been granted to Pacific Gas and Electric Company (PG&E) for various reasons - water towers are unfeasible (i.e. expensive), the plant will soon be decommissioned, and now SB 846 claiming grid reliability. It must be noted and recognized by the 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 Clean Water Act and OTC policy. The 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 unilaterally directed state agencies to extend the operation of DCNP's OTC facility as well as the compliance schedule to 2030. But SB 846 overstepped its authority because it defies federal law (the Clean Water Act). SB 846 cannot usurp the Water Board's authority and mandate it to grant these permits.

DCNP 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.

Sincerely,

Jill ZamEk
Board Member, San Luis Obispo Mothers for Peace

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