

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Gorell

February 6, 2013

An act relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as introduced, Gorell. Energy: powerplants: Ventura County.

Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act (act) and the federal Clean Water Act. Under the act, the state board is required to adopt specified state policies with respect to water quality as it relates to the coastal marine environment, including a policy requiring new or expanded coastal powerplants and other industrial installations using seawater for cooling, heating, or industrial processing to use the best available site, design, technology, and mitigation measures feasible to minimize the intake and mortality of all forms of marine life.

This bill would state the intent of the Legislature to enact subsequent legislation that would require the Public Utilities Commission and the Independent System Operator, in consultation with specified entities, to submit to the Legislature, before January 1, 2015, a report on policies, recommended legislative actions, and incentives necessary to accomplish specified objectives related to once-through cooling powerplants in Ventura County while preserving and enhancing electric system reliability in the Counties of Santa Barbara and Ventura.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Ventura County possesses unique environmental resources
4 including miles of coast lines, working agricultural lands, valleys,
5 coastal mountains and the distant Channel Islands. These resources
6 create six distinct microclimates and provide unique habitat, flora,
7 fauna, and marine resources for the various species that share the
8 county. Additionally, they provide a wide variety of recreational
9 opportunities and the base for a superior quality of life in the
10 communities beyond Ventura County.

11 (2) California should promote public policies that create jobs
12 and foster economic growth while maintaining quality of life.
13 Ventura County needs policies that preserve its global
14 competitiveness and allows business to grow, invest, and create
15 jobs. These policies should encourage innovation while promoting
16 economic prosperity. Ventura County has a unique blend of
17 industries to protect and promote. The employment base is secured
18 by agriculture, tourism, international trade, and manufacturing
19 industries, with growth occurring in the high-tech, medical, science,
20 and service sectors. All of these industries need affordable, reliable
21 electricity to prosper.

22 (3) In 2010, the State Water Resources Control Board (SWRCB)
23 adopted its Statewide Water Quality Control Policy on the Use of
24 Coastal and Estuaries Waters for Power Plant Cooling, commonly
25 referred to as the “Once-Through Cooling Policy.” Two generation
26 facilities in Ventura County are subject to the Once-Through
27 Cooling Policy.

28 (4) To comply with the Once-Through Cooling Policy, an owner
29 or operator of an existing powerplant must reduce intake flowrate
30 at each unit, at a minimum, to a level commensurate with that
31 which can be attained by a closed-cycle wet cooling system, by
32 facility-specific deadlines prescribed in the policy. Alternatively,
33 if an owner or operator demonstrates that compliance with this
34 standard is not feasible, that owner or operator must reduce
35 impingement mortality and entrainment of marine life for the
36 facility to a comparable level to that which would be achieved
37 under the first standard, using operational or structural controls,
38 or both.

1 (5) Pursuant to the Once-Through Cooling Policy, the SWRCB
2 impaneled a Statewide Advisory Committee on Cooling Water
3 Intake Structures (SACCWIS), including representatives from the
4 Public Utilities Commission, the State Energy Resources
5 Conservation and Development Commission, the Independent
6 System Operator, the California Coastal Commission, the State
7 Lands Commission, the State Air Resources Board, and SWRCB
8 staff, to advise the SWRCB on the implementation of the policy
9 to ensure that the implementation schedule takes into account local
10 area and grid reliability.

11 (6) Electricity reliability is critical to California's economy,
12 security, and stability of modern life. It is the top priority for
13 California's electrical energy policy to preserve electric reliability
14 and maintain regional system integrity. Ventura County and Santa
15 Barbara County rely on transmission imports across a narrow
16 corridor that is at risk of outages caused by natural disasters,
17 including earthquakes and fires. During these events, electric
18 reliability in this area depends on service from existing flexible
19 generation units that are subject to the Once-Through Cooling
20 Policy. Generation and transmission operation in California must
21 be monitored and controlled in real time to ensure a consistent and
22 ample flow of electricity. It is designed with system redundancies
23 to prevent outages during emergencies, such as fires, grid failure,
24 or maintenance.

25 (b) It is intent of the Legislature to enact subsequent legislation
26 that would require the Public Utilities Commission and the
27 Independent System Operator, in consultation with the SWRCB,
28 the State Energy Resources Conservation and Development
29 Commission, the California Coastal Commission, the State Lands
30 Commission, the State Air Resources Board, and other relevant
31 local and federal authorities, to submit a report, before January 1,
32 2014, to the Legislature on a study and evaluation of what policies,
33 legislative actions, and other federal, state, and local incentives
34 are necessary to accomplish, while preserving and enhancing
35 electric system reliability in the Counties of Santa Barbara and
36 Ventura, all of the following objectives:

37 (1) To ensure the preservation of Ventura County's
38 environmental resources, tourism, and economic development by
39 decommissioning the existing once-through cooling powerplants
40 or by facilitating the replacement of existing once-through cooling

1 powerplants in Ventura County with more modern powerplant
2 while reducing visual impacts and ensuring that sufficient reserve
3 capacity is available in the local capacity reliability area.

4 (2) To review the potential of acquisition of the properties on
5 which the once-through cooling powerplants are located by the
6 City of Oxnard, the County of Ventura, the state, or other
7 responsible entities for the preservation as a natural resources in
8 the California coastal zone.

9 (3) To uphold contractual obligations and economic interests
10 of the current owners and operators of the once-through cooling
11 powerplants in the Big Creek/Ventura local capacity reliability
12 area.

13 (4) To modify the cooling technologies at the once-through
14 cooling powerplants in Ventura County to mitigate impacts on
15 marine environment, consistent with the Once-Through Cooling
16 Policy and other existing policies.

17 (5) To identify potential sites in Ventura County appropriate
18 for once-through cooling powerplants that would not impose
19 greater environmental, agricultural, or economic impacts, or greater
20 costs to the electricity ratepayer, as compared to the redevelopment
21 or replacement of the existing powerplants.