



O R A N G E C O U N T Y

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Date: September 2, 2014

From: Garry Brown, CEP Member

To: Chairman David Victor & Members of the CEP

RE: Potentially Flawed EIE Circumventing Existing Requirement to Remove Water Conduit Structures.

The purpose of this letter is to convey my concern with the proposed EIE that states there are no major environmental impacts to the overall decommissioning of SONGS. Currently the lease agreement with the California State Lands Commission requires the owners of the power station to remove the water conduit structures (four pipes- 2 inflow and 2 outfall pipes for Generators 2 & 3) and to return the seabed back to a natural state as much as practicable. Therefore, the EIE should address the environmental impacts of the current requirement to remove the conduit structures. SCE has opted to not base the EIE on current regulatory requirements, but rather, hope they can lobby for a future change in the lease requirement that would not require the conduit structure removal.

I think it is very problematic to develop an EIE that concludes there are no significant environmental impacts to the decommissioning of SONGS when there clearly are significant environmental impacts necessary to comply with current regulations governing the project. It is problematic that SCE chooses to arbitrarily exclude the potentially largest environmental impact so the proposed EIE can convey to the NRC and to the public a negative declaration of significant environmental impacts.

Coastkeeper has reviewed and commented on over a hundred Environmental Impact Reports, Evaluations, and Statements over the years. I have never experienced an applicant arbitrarily circumventing a legal requirement of a project because it would result in stipulating significant environmental impacts to the environmental assessment. If this is allowed to stand, how is the EIE an honest assessment? Simply saying we will do a future assessment of the structure removal if we must, is after the fact that SCE has declared "no significant environmental impacts" or a "negative declaration" to the decommissioning of SONGS.

Since the State Lands Commission allowed the water conduit structures for Plant No.1 to remain, many related issues have passed through the legislative and administrative halls in Sacramento. Briefly, a marine structure cannot be declared a viable and productive reef without the science to prove such. In assessing the off shore oil platforms as viable productive reefs, considerable science concluded the deep-water platform structures were productive reefs and the near-shore shallower platform structures were not. In the case where a structure is



determined to be allowed to remain, actuaries determine the amount of money the owner of the structure is saving by not removing it, and a high percentage of that cost savings is paid to the State of California for coastal restoration projects.

Of course there will be short-term significant environmental impacts to the removal of the structures. On the other hand, science may prove they have become viable productive reefs. Regardless of the final disposition, the issue should not be arbitrarily omitted from the EIE and the determination of a "negative declaration" or "no significant environmental impacts" should not be advertised to the public. In my opinion, this falls short of the honesty and transparency that SCE is advertising through this process.

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in black ink that reads "Garry Brown". The signature is written in a cursive style with a large, looping "G" and "B".

Garry Brown, CEP Member

Orange County Coastkeeper

Founder & President