FOR IMMEDIATE RELEASE
March 26, 2026

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CALIFORNIA COASTKEEPER ALLIANCE CHALLENGES PG&E'S DIABLO CANYON NUCLEAR FACILITY PERMIT FOR VIOLATING THE CLEAN WATER ACT

March 26, 2026 (Sacramento, Calif.) — Today, California Coastkeeper Alliance filed a petition challenging a newly adopted Clean Water Act permit for the Diablo Canyon Nuclear Power Plant, asserting that State regulators unlawfully allowed the facility to continue operating without installing technology required under the federal Clean Water Act to protect marine life.

Diablo Canyon, operational since 1985, stands as the single most destructive industrial operation along California's coastline, drawing in approximately 2.5 billion gallons of seawater each day and killing an estimated 1.5 billion marine organisms annually while degrading roughly 93 square miles of ocean habitat. Its pollution footprint is unmatched in the state: the plant discharges a massive stream of heated effluent—on average comparable in scale to the Sacramento River—and roughly six times greater than the output of California's largest wastewater treatment facility, making it the largest continuous source of pollution in California waters.

At issue is Section 316(b) of the Clean Water Act, a longstanding provision that requires power plants to use the "Best Technology Available" to minimize harm caused by intaking large amounts of seawater through cooling water intake structures. For more than 50 years, courts have interpreted this mandate as technology-forcing—requiring facilities to reduce environmental harm at the source, rather than relying on after-the-fact mitigation or restoration.

On February 28, 2026, the Central Coast Regional Water Board reissued PG&E's National Pollutant Discharge Elimination System (NPDES) permit, allowing Diablo Canyon to continue operating its cooling system without installing any technology. Instead, the permit relies on restoration payments and the possibility of future decommissioning—an approach California Coastkeeper Alliance's petition argues is unlawful under the Clean Water Act and contrary to controlling federal precedent.

"Does anyone really believe that Congress intended for a power plant to operate its entire lifespan without complying with the Clean Water Act, only to promise decommissioning at some speculative future date?" said Sean Bothwell, executive director of the California Coastkeeper Alliance. "The law requires leveraging real technology to reduce harm now—not decades of delay with no specific timeline for enforcement."

From 2016 through 2022, PG&E consistently represented that Diablo Canyon would shut down by 2025 and undertook substantial decommissioning planning. But in 2022, the California Legislature passed Senate Bill 846, extending the plant's operations to at least 2030 while allowing continued reliance on mitigation payments instead of installing required technology. SB 846 strips the State Water Board of its ability to do what federal law requires. The state law directly conflicts with the Clean Water Act's technology-forcing mandate.

"SB 846 removed the State Water Board's ability to require what federal law mandates," continued Bothwell. "There is no enforceable shutdown date, no completed analysis of potential technologies to install, and no justification for allowing this level of ongoing marine life destruction. SB 846 unlawfully

tells regulators to ignore federal law—replacing required technology with mitigation fees and deferring compliance."

The petition further asserts that regulators acted arbitrarily by extending compliance deadlines without reevaluating key assumptions underlying prior decisions, particularly given the plant's extended operating life. It also challenges Senate Bill 846 as preempted by federal law, arguing that the statute improperly substitutes mitigation payments for required technology-based standards.

California Coastkeeper Alliance contends that, despite decades of operation, no formal determination has ever been made that a technological solution is infeasible at Diablo Canyon, and studies indicate that existing technologies to drastically reduce marine life impacts remain viable.

The petition seeks to overturn the permit and require regulators to enforce the Clean Water Act as written—by mandating technology that minimizes environmental harm during the plant's ongoing operations, rather than deferring compliance to an uncertain future. The State Water Board has 90 days to accept or deny the petition or to take up the issue on its own motion to further consider the issues raised through the appeal.

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ABOUT CALIFORNIA COASTKEEPER ALLIANCE - California Coastkeeper Alliance represents Waterkeepers programs statewide as they fight for drinkable, swimmable, fishable waters for all Californians. CCKA defends and expands California's protective legislation and strengthens the function of our State Water Board. For more information, visit www.cacoastkeeper.org or @CA_Waterkeepers on social media.