

First brief filed in Diablo power plant lease lawsuit

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The World Business Academy has filed its opening brief with the Los Angeles Superior Court in its lawsuit against the California State Lands Commission. The Academy seeks to force the panel to review what the organization claims are well-known and significant environmental and human health dangers that would result from the continued operation of Diablo Canyon Power Plant.

In late June 2016, the three-member commission unanimously voted to renew a lease allowing Pacific Gas and Electric Co. to continue operating the nuclear power plant through 2025, when the electric company plans to shutter the twin-reactor facility. PG&E owns and operates the twin-reactor facility that sits on the bluffs between Avila Beach and Los Osos.

PG&E announced days prior to the June 28 commission meeting it had reached an agreement not to pursue license renewal for the plant's reactors, which expire in 2024 and 2025, respectively, and that it would close Diablo under the joint agreement by 2025.

The Academy contends the commission did not have the legal authority to exempt Diablo Canyon from environmental review under the California Environmental Quality Act (CEQA), and that its action in doing so was arbitrary and capricious, a spokesman said.

The brief argues substantial harm to adjacent communities and the marine ecosystem will occur during the nine-year interval leading up to the plant's proposed closure, and that the court should therefore order the commission to void the new lease and to proceed immediately to prepare an environmental impact report, as required under CEQA, according to the spokesman.

Commission staff have said an EIR wasn't necessary to extend the lease for the plant's ocean intake and outflow structures, which are used to feed Diablo's cooling system, because the license covers existing structures. PG&E officials agree.