

**LATHAM & WATKINS** LLP

May 6, 2009

**BY EMAIL**

Chairman Richard Wright  
Vice Chair David King  
Eric Anderson  
Wayne Rayfield  
Kris Weber  
Grant Destache  
George Loveland  
Gary Thompson  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

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Re: May 13, 2009 San Diego Regional Board Meeting, Item 11 – Poseidon Resources Corporation, Proposed Carlsbad Desalination Project (Order No. R9-2006-0065, NPDES No. CA 0109223)

Dear Chairman Wright, Vice Chair King and Members of the Regional Board:

We have reviewed the latest staff revisions to the staff's Proposed Order which are revisions to Tentative Order R9-2009-0038 posted March 9, 2009, which were intended to reflect the Board's direction in April. They were posted on the Board's website earlier today as:

Regional Board revised Tentative Order No. R9-2009-0038 with errata (changes from the revised Tentative Order are shown in red underline/strikeout)"

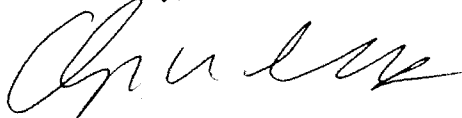
Poseidon is pleased to inform the Board that Poseidon fully supports the staff's Proposed Order as posted on the Board's website today, May 6, 2009. We no longer request that the Board adopt our previously submitted alternative order.

We understand that the Board must have read and reviewed, and adopt, a Response to Comments/Responsiveness Summary in order to adopt the proposed Order on May 13, 2009. Poseidon has submitted a Poseidon proposed Response to Comments/Responsiveness Summary to make sure that the Board has such a document before it on May 13<sup>th</sup> so that it can take final action. However, we expect that the Regional Board staff will be submitting their own response

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to comments/responsiveness summary in the near future to the Board, and while we have not reviewed it, we hope and expect that we can also support adoption of the staff's document.

Sincerely,

A handwritten signature in black ink, appearing to read "C. W. Garrett", written in a cursive style.

Christopher W. Garrett  
of LATHAM & WATKINS LLP