From: Livia Borak Beaudin
To: Outwin-Beals, Brandi@Waterboards; Neill, Ben@Waterboards
Cc: Barker, David@Waterboards; Matt O"Malley
Subject: RE: Carlsbad Desal NPDES Permit comments
Date: Monday, January 28, 2019 9:15:05 PM
Attachments: image002.png
image003.png
image004.png

Thanks, Brandi. My general comments on behalf of Coastal Environmental Rights Foundation are summarized below:

1. The impingement and entrainment data, as well as the SAP's comments, are all based on outdated data and studies. Encina's 316b study was conducted in 2008 – over a decade ago. Because Encina has operated at a reduced capacity for a much longer period than anticipated during the original NPDES permit process, this data is of questionable value. In fact, the entrainment data was subjected to a scaling factor based on assumed changes in flow between Encina and Poseidon. Now that Encina has ceased operations, there is no reason to use this outdated information or rely on scaling assumptions. Poseidon should provide actual, current data on the species present and impingement and entrainment rates. Poseidon's outdated analysis also fails to comply with the Ocean Plan study requirements. In light of the fact that the proposed tentative order requires empirical observation data for the discharge technology and diffuser comparison (Brine Discharge Technology Empirical Study), similar analysis should be required for the intake.
2. Poseidon continues to focus on impacts to taxa that support a fishery (commercial or recreational) in all of its impact studies/analysis. However, Section 13142.5 contains no such qualification. In fact, section 13142.5(b) requires the "best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of **all forms of marine life**." (emphasis added).
3. In light of the fact that 2/3 of the intake volume is necessary solely to dilute the saline byproduct, additional consideration should be given to the energy-intensity and greenhouse gas impacts of the volume augmentation alternative to brine diffusers. The tentative order touches on the facility's greenhouse gas impacts and requires a Climate Change Action Plan. However, this study is disjointed from the Brine Discharge Technology Empirical Study. The greenhouse gas impacts of all options should be included in the latter study.
4. Both Poseidon and the County Water Authority have an incentive to maximize output (and therefore intake and discharge) at the facility in order to maximize profit and reduce reliance on MWD water. However, as additional technologies are implemented – such as indirect and direct potable reuse throughout the County – the justification for operation of the facility at full capacity will only decrease. Therefore, a reopener or qualification regarding the 13142.5 analysis should be included in the tentative order which clarifies that the 13142.5 analysis conducted to date was constrained by Poseidon's self-imposed output requirements of 50 MGD of potable water. In the event 50 MGD is no longer necessary or some portion of Poseidon's water ends up in storage (as already seems to be the case), the permit should require an updated feasibility analysis for subsurface or other intakes at a reduced capacity. In the event 200 MGD of seawater intake is no longer required simply for dilution, the viability of a reduced intake alternative would increase even more.

Thank you in advance for your consideration of our comments.
~Livia

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"Like music and art, love of nature is a common language that can transcend political or social boundaries." — Jimmy Carter