

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**SUPPLEMENTAL EXECUTIVE OFFICER SUMMARY REPORT
Supporting Document No. 6
May 8, 2019**

ITEM 10

SUBJECT

Public Hearing to Consider NPDES Permit Reissuance and Water Code Section 13142.5(b) Determination: *Waste Discharge Requirements for the Poseidon Resources (Channelside) LP, Claude "Bud" Lewis Carlsbad Desalination Plant Discharge to the Pacific Ocean* (Tentative Order No. R9-2019-0003, NPDES No. CA0109223). (*Ben Neill*)

STAFF RECOMMENDATION (MODIFIED)

Adoption of Revised Tentative Order No. R9-2019-0003 (Tentative Order, **Supporting Document No. 1**) with errata is recommended.

DISCUSSION

This Executive Officer Summary Report (EOSR) is **Supporting Document No. 6** and includes a modified staff recommendation for consideration of additional revisions to the Revised Tentative Order. The modified staff recommendation proposes to incorporate revisions of the Tentative Order and Response to Comments Report described in Errata Sheet No.1 (**Supporting Document No. 7**) that were requested by Poseidon Resources (Channelside) LP (Poseidon) in a meeting with San Diego Water Board on May 2, 2019.

The first requested revision is an extension of the April 30, 2020 compliance date in the compliance schedule in Tentative Order section VI.C.7 for completing construction and beginning operation of the new dilution water intake pumps. Poseidon has requested that the date be extended two months until June 30, 2020 to allow for scheduling contingencies in securing approvals from other governmental agencies. The extension request does not impact other interim compliance dates in the schedule and will not result in a change to the final compliance date of December 11, 2023 for completing design, construction, and commencing operation of the new source water intake structure and achieving full Ocean Plan compliance.

The second requested revision proposes to clarify Tentative Order permit language that the approach in the scientific report *Brine Diffusers and Shear Mortality*, Philip J.W. Roberts, April 18, 2018 will be the specific methodology used in conducting the Multiport Diffuser Analysis and the Brine Discharge Technology Empirical Study described in Tentative Order section VI.C.2. This approach is referenced as the "Roberts Report" in Finding 31 of Attachment H.1 of the Tentative Order and as the "Roberts Method" in the Response to Comments Report at page 11. Although the science of estimating marine life impacts due to shear forces from a multiport diffuser is an emerging field, the Roberts Method (or Roberts Report) represents the best available method known at this time for estimating marine life impacts from shear forces. Reliance on the Roberts Method will contribute to scientifically defensible determinations from the required Multiport Diffuser Analysis and the Brine Discharge Technology Empirical Study. The revision would also help to better address Poseidon and San Diego County Water Authority's desire for certainty in establishing the benchmark level of intake and marine life mortality from the Multiport Diffuser Analysis for later comparison to the results from the Brine Discharge Technology Empirical Study.

San Diego Water Board staff has no objection to the requested revisions. The specific revisions to the Tentative Order and Response to Comments Report, including additional minor revisions to add a reference footnote and address typographical and grammatical errors, are provided as an Errata Sheet in **Supporting Document No. 7**.

SUPPORTING DOCUMENTS

7. Errata Sheet No.1 for Revised Tentative Order No. R9-2019-0003 and Response to Comments Report