

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

### NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is releasing for public review and comment *Tentative Order No. R9-2023-0137, Addendum No. 1 to Order No. R9-2019-0003 as amended by Order No. R9-2020-0004, NPDES No. CA0109223, Amending Waste Discharge Requirements and National Discharge Elimination System Permit for the Poseidon Resources (Channelside) LP Claude “Bud” Lewis Carlsbad Desalination Plant Discharge to the Pacific Ocean* (Tentative Order). The San Diego Water Board will consider adoption of the Tentative Order at its regularly scheduled meeting on September 6, 2023. The Tentative Order, if adopted, would amend Order No. R9-2019-0003 to implement a temporary conditional waiver of the application of certain provisions of the *Water Quality Control Plan Ocean Waters of California* (Ocean Plan) (Conditional Waiver).

### Background

Poseidon owns and operates the Claude “Bud” Lewis Carlsbad Desalination Plant (Facility). The Facility is located on the shores of Agua Hedionda Lagoon at 4600 Carlsbad Blvd., Carlsbad, CA 92008. The Facility treats seawater to produce up to 54 million gallons per day of potable water for the San Diego County Water Authority. The Facility is currently regulated under Order No. R9-2019-0003, as amended, an NPDES permit which establishes requirements for the discharge of reverse osmosis concentrate (brine), filter backwash, and bypassed seawater to the Pacific Ocean. Order No. R9-2019-0003 was adopted by the San Diego Water Board on May 8, 2019, and amended on February 12, 2020.

On March 27, 2023, the State Water Board Executive Director issued the Conditional Waiver. The Conditional Waiver temporarily waives the application of Ocean Plan chapter III.M.2.a.(5)(b) for the requirements of chapter III.M.2.d.(1)(c)ii. and iv. until construction of the Facility’s new intake infrastructure is completed and no later than December 11, 2024. The Conditional Waiver also establishes additional mitigation requirements and requires Poseidon to submit revised mitigation-related reports and progress reports. The Tentative Order proposes to amend the 2019 Order to implement the Conditional Waiver.

### Document Availability

The Tentative Order and related documents are available online at:

[https://www.waterboards.ca.gov/sandiego/board\\_decisions/tentative\\_orders/](https://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/)

Interested persons may receive copies of the Tentative Order by contacting Fisayo Osibodu at (619) 521-8036, or by email at [Fisayo.Osibodu@waterboards.ca.gov](mailto:Fisayo.Osibodu@waterboards.ca.gov); or by



visiting the San Diego Water Board office at 2375 Northside Drive, Suite 100, San Diego, California 92108-2700, weekdays between 8:00 a.m. and 5:00 p.m.

### **Submission of Written Comments**

Notice is hereby given that the San Diego Water Board will accept written comments regarding the Tentative Order. Written comments will only be accepted on the Tentative Order and revised portions of Order No. R9-2019-0003.

The written comment period provides an opportunity for interested persons to comment on the Tentative Order. All written comments regarding the Tentative Order must be received no later than **5:00 p.m. on Wednesday, August 9, 2023**, to be considered by the San Diego Water Board.

Comments submitted by email should be sent to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). The subject line of all written comments via email must include "Comment – Tentative Order No. R9-2023-0137."

Written comments sent by mail must be addressed to the following:

ATTN: Fisayo Osibodu  
California Regional Water Quality Control Board – San Diego Region  
2375 Northside Drive, Suite 100  
San Diego, California 92108-2700

The early submission of written comments on the Tentative Order is encouraged. Written comments received by **5:00 p.m. on Wednesday, August 9, 2023**, will be provided to the San Diego Water Board members for their review in advance of the public hearing to consider adoption of the Tentative Order. The San Diego Water Board will prepare written responses to significant comments that are timely received. Consistent with State Water Resources Control Board regulations that apply to this proceeding, written comments received after **5:00 p.m. on Wednesday, August 9, 2023**, will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

### **Public Hearing for Consideration of the Tentative Order**

The San Diego Water Board will conduct the public hearing on the proposed adoption of the Tentative Order during the San Diego Water Board meeting scheduled at the following time and location:

**Wednesday, September 13, 2023, 9:00 a.m.**  
**San Diego Water Board Meeting Room**  
**2375 Northside Drive, Suite 100**  
**San Diego, California 92108**

Interested persons may speak at the Board meeting regarding the Tentative Order. Oral statements may be limited in time by the Board Chair.



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The Meeting Notice and Agenda, which will indicate any changes in the meeting location and may provide other specific information concerning this hearing, will be posted at least two weeks prior to the meeting date at the following webpage:

[https://www.waterboards.ca.gov/sandiego/board\\_info/agendas/](https://www.waterboards.ca.gov/sandiego/board_info/agendas/)

The procedures governing San Diego Water Board meetings are found in California Code of Regulations, title 23, section 647, et seq., and are available upon request.

The Meeting Notice and Agenda for this meeting will provide contact information for persons requesting special accommodations.

Date of Notice: **July 10, 2023**