

LATHAM & WATKINS LLP

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

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January 26, 2009

BY PERSONAL DELIVERY

Dr. Richard Wright
Chairman
San Diego Regional Water Quality Control Board
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File No. 036182-0005

Re: February 11, 2009 San Diego Regional Board Meeting, Item 6 - Poseidon Resources Corporation, Proposed Carlsbad Desalination Project (Order No. R9-2006-0065, NPDES No. CA0109223)

Dear Chairman Wright:

On behalf of Poseidon Resources Corporation ("Poseidon"), we will be submitting a public comment letter ("Comment Letter") to the California Regional Water Quality Control Board, San Diego Region ("RWQCB"), in response to the RWQCB's Corrected Notice of Public Hearing re: Review of Marine Life Mitigation Plan: Waste Discharge Requirements for Poseidon Resources Corporation, Proposed Carlsbad Desalination Project, Order No. R9-2006-0065, NPDES No. CA0109223, and request for public comment on these proposed agency actions. The Comment Letter and additional technical reports will arrive under separate cover on January 26, 2009.

Enclosed please find twenty (20) copies each of the following documents:

1. Declaration of Peter M. MacLaggan, Senior Vice President of Poseidon, and accompanying Exhibits A - F.
2. Declaration of Jessica H. Jones, Assistant Project Manager of Poseidon, and accompanying Exhibit A.
3. January 26, 2009 Letter from Peter MacLaggan to Members of the Regional Board.

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We respectfully request that the foregoing documents be given appropriate consideration, placed in the administrative record for the review of the Marine Life Mitigation Plan, and related February 11, 2009 Agenda Item 6, and thereafter maintained in RWQCB's records.

Respectfully submitted,



Christopher W. Garrett
of LATHAM & WATKINS LLP

Enclosures