



# P O S E I D O N R E S O U R C E S

April 30, 2009

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

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. CA0109223)

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

Poseidon Resources Corporation ("Poseidon") appreciates the opportunity to submit the attached documents for your review in advance of Agenda Item No. 11- Poseidon Resources Corporation, Proposed Carlsbad Desalination Project for the May 13, 2009 San Diego Regional Water Quality Control Board ("Regional Board") hearing.

Since the April 8, 2009 Regional Board hearing, despite diligent effort on everyone's part, Regional Board staff have not been able to provide a Proposed Order which accurately and completely embodies the Board's direction on April 8th regarding the Carlsbad Desalination Project. We had understood the Board to direct that the record be closed, and that the staff was to return with a proposed Order that reflected the Board's direction, and not continued advocacy of the staff's disagreements with the mitigation proposed by Poseidon.

Poseidon has therefore prepared for your consideration an alternative Order which we ask that you adopt in place of the Order prepared by your staff.

Poseidon respectfully submits the following packet of documents for your consideration and possible adoption on May 13, 2009. For your convenience, the documents have been organized by separate tabs and colored paper.

- Tab 1: Key Points of Poseidon's Proposed Order and Supplemental Findings. (Pink Paper)

**Poseidon Resources**

501 West Broadway, Suite 2020, San Diego, CA 92101, USA  
619-595-7802 Fax: 619-595-7892

- Tab 2: Proposed Tentative Order No. R9-2009-0038 and Attachment A, Supplemental Findings Regarding Proposed Tentative Order No. R9-2009-0038. (Green Paper)
- Tab 3: Redline of Poseidon's Proposed Tentative Order No. R9-2009-0038 Reflecting Changes from Staff's Proposed Tentative Order No. R9-2009-0038, released March 9, 2009. (Blue Paper)
- Tab 4: Preliminary Transcript of Relevant Excerpts of Regional Board's Deliberations at April 8, 2009 Regional Board Hearing, Prepared by Latham & Watkins LLP from Audio Files. (White Paper)
- Tab 5: California Coastal Commission Final Adopted Findings (Item W4a). Application File No. E-06-013. Permittee: Poseidon Resources (Channelside) LLC I and Cabrillo Power II LLC, Adopted August 6, 2008. (White Paper)

Please feel free to contact me should you have any questions regarding this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. MacLaggan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter M. MacLaggan