
San Diego Regional Water Quality Control Board

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Sent Via Email Only

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In reply refer to / attn:
640063:bneill

Subject: Initial Review of Response to Comments on the Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report (EIR 03-05), City of Carlsbad, California, SCH Nos. 2004041081 and 2015091060

Mr. Tegio:

By email on August 15, 2016, the San Diego County Water Authority (SDCWA) notified the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) and the State Water Resources Control Board (State Water Board) (collectively referred to as Water Boards), of the availability of the "*Final Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report*" (Final SEIR) for the Carlsbad Desalination Plant (Facility) which includes a response to the Water Boards' joint comment letter dated May 27, 2016. The SDCWA's response to comments references and relies in significant part on the "*Addendum to the September 4, 2015 Amended Report of Waste Discharge Renewal of NPDES CA0109223 Carlsbad Desalination Project (CDP)*" (Report of Waste Discharge Addendum).

Poseidon Water, LLC (Discharger) submitted the Report of Waste Discharge Addendum to the San Diego Water Board for the first time on August 18, 2016, only one week prior to the SDCWA's scheduled consideration of certification of the Final SEIR at its August 25 Board of Directors meeting.¹ The Report of Waste Discharge Addendum includes 15 new or revised appendices, totaling more than 1,000 pages.

Based on an initial review of the Final SEIR, the response to comments, and the Discharger's Report of Waste Discharge Addendum, the Water Boards have identified a number of remaining concerns that warrant further consideration and are not accurately or sufficiently addressed by the response to comments, including but not limited to the following:

¹ Until receipt of the Report of Waste Discharge Addendum on August 18, the Water Boards were unaware that portions of the Addendum were already located on the SDCWA's SEIR website (<http://www.sdcwa.org/supplement-precise-development-plan-eir-carlsbad-desal-plant-intake-facility>) under the header "RWQCB 2015 Submittal Materials."

- The Final SEIR and response to comment L-3 state that a 200 meter brine mixing zone is consistent with the Ocean Plan Amendment² as a “facility-specific alternative receiving water salinity limitation.” The Final SEIR, response to comments, and Findings of Fact appear to confuse an alternative brine mixing zone and an alternative receiving water limitation for salinity. Furthermore, the presumption that a 200 meter brine mixing zone is consistent with the Ocean Plan Amendment is incorrect as stated. The Ocean Plan Amendment provides the opportunity for the Discharger to comply with the standard receiving water limitation³ and a standard mixing zone of 100 meters or to submit a proposal to the San Diego Water Board for an alternative (other than 2 ppt) salinity receiving water limitation⁴ or an alternative brine mixing zone of up to 200 meters⁵. The San Diego Water Board has not yet determined a receiving water limitation for salinity for the Facility and must conduct a thorough analysis to determine whether or not an alternative receiving water limitation or an alternative brine mixing zone would be adequately protective of all forms of marine life. Unless otherwise approved by the San Diego Water Board, the Facility must meet the standard receiving water limitation for salinity and the standard brine mixing zone as specified in Chapter III.M.3.b of the Ocean Plan.
- The Final SEIR and response to comments appear to conclude that the option to divert a portion of the brine to the Encina Ocean Outfall is not a feasible alternative. However, that conclusion is not consistent with the cover letter to the Report of Waste Discharge Addendum which states that the Discharger’s investigation into sending a portion of the effluent from the Facility to the Encina Ocean Outfall “is still underway.” If the Encina Ocean Outfall has a limited capacity to accept brine during certain times of the year, the outfall may have capacity to accept a portion of the Facility’s brine for the majority of the year. Commingling brine with wastewater is the preferred brine discharge technology in the Ocean Plan Amendment⁶ because it results in the least intake and mortality of all forms of marine life. Commingling brine with the Encina Wastewater Authority’s discharge, for even a portion of the year, would reduce the volume of seawater needed for brine dilution using the proposed flow augmentation system, which would reduce environmental impacts including marine life mortality.
- The Final SEIR eliminates wedgewire screens as an alternative intake technology because the SDCWA concluded that wedgewire screens are economically and technically infeasible and that it would take too long to implement the screens. This finding appears to be based on outdated information, and the Water Boards would like sufficient time to review the supporting documentation.

While the Water Boards have performed an initial review of the Final SEIR and the response to comments in conjunction with the Report of Waste Discharge Addendum, meaningful review to determine whether the response to comments and the Addendum adequately satisfy the Water Boards’ concerns is not practical to complete before the SDCWA’s scheduled action. Please note that regardless of the conclusions set forth in the Final SEIR, the San Diego Water Board

² “Amendment to the Water Quality Control Plan for Ocean Waters of California Addressing Seawater Desalination Intakes, Brine Discharges, and the Incorporation of Other Non-substantive Changes”

³ Ocean Plan Chapter III.M.3.b

⁴ Ocean Plan Chapter III.M.3.c

⁵ Ocean Plan Chapter III.M.3.d

⁶ Ocean Plan Chapter III.M.2.d.(2)(a)

may reach different conclusions as part of its analysis of feasible measures to minimize intake of and mortality to marine life in its permitting process, in compliance with Water Code section 13142.5(b).

For questions or concerns, please contact Ben Neill with the San Diego Water Board at (619) 521-3376, Ben.Neill@waterboards.ca.gov. In the subject line of any response, please include the reference "640063:bneill".

Respectfully,



David Gibson
Executive Officer

DWG:jgs:dtb:bno:bin

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