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State Water Resources Control Board

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT  
AND  
NOTICE OF PUBLIC WORKSHOP, PUBLIC HEARING, AND FILING<sup>1</sup>**

**PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR OCEAN  
WATERS OF CALIFORNIA ADDRESSING DESALINATION FACILITY INTAKE, BRINE  
DISCHARGES, AND THE INCORPORATION OF OTHER NONSUBSTANTIVE CHANGES**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) will receive public comments on the proposed amendments to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) addressing Desalination Facility Intakes, Brine Discharges, and other Nonsubstantive Changes (Desalination Amendments), and the Draft Staff Report, including the Draft Substitute Environmental Documentation (SED).

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will hold a public workshop to provide information and answer questions from the public on the proposed Desalination Amendments and the Draft Staff Report, including the Draft SED. A quorum of the State Water Board may be present; however, no Board action will be taken.

**Wednesday, August 6, 2014 – 9:00 a.m.**  
Joe Serna Jr.-Cal/EPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will hold a public hearing to receive public input and comments on the proposed Desalination Amendments and the Draft Staff Report, including the Draft SED. A quorum of the State Water Board may be present; however, no Board action will be taken.

**Tuesday, August 19, 2014 – 9:00 a.m.**  
Joe Serna Jr.-Cal/EPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

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<sup>1</sup> Notice of Filing submitted under California Code of Regulations, title 23, section 3779.

## **BACKGROUND**

During the process of seawater desalination, salt and minerals are removed from salt water to produce fresh water. The salt, minerals, and other compounds may be discharged as hyper-saline brine or may be diluted by commingling with other discharges or through other techniques. Hyper-saline brine is denser than the receiving ocean water and, depending on discharge methods, may settle on the sea floor, adversely affecting marine organisms.

Currently, the State Water Board and Regional Water Quality Control Boards regulate brine discharges from these types of facilities through the issuance of National Pollutant Discharge Elimination System (NPDES) permits that contain conditions to ensure protection of beneficial uses. However, the Ocean Plan does not have an objective for elevated salinity levels in the ocean, nor does it describe how brine discharges are to be regulated and controlled, leading to permitting inconsistencies and uncertainty. The Ocean Plan also does not address possible impacts to marine life from seawater intake into desalination facilities.

The proposed Desalination Amendments would: (1) clarify the State Water Board's authority over desalination facility intakes and discharges, (2) provide direction to the regional water boards regarding the determination required by California Water Code section 13142.5, subdivision (b) (hereafter 13142.5(b)), (3) include implementation provisions for a statewide narrative receiving water limitation for salinity, and an option for dischargers to apply for a facility-specific receiving water limitation, and (4) include monitoring and reporting requirements. The proposed Desalination Amendments also include provisions that promote interagency collaboration for siting, design, and permitting of desalination facilities, and that help define the roles of the State Water Board and Regional Water Boards in regulating desalination facilities. The proposed Desalination Amendments provide a consistent statewide approach for minimizing intake and mortality of marine life, and protecting water quality and related beneficial uses of ocean waters at and near desalination facilities.

## **DOCUMENT AVAILABILITY**

The proposed Desalination Amendments and all related documents are available to view or download on the State Water Board's Web site at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ocean/desalination/](http://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/)

You may request a paper copy by contacting Ms. Rachael Tadlock at (916) 341-5568 or [Rachael.Tadlock@waterboards.ca.gov](mailto:Rachael.Tadlock@waterboards.ca.gov).

Additional information on the hearing in Sacramento can be found on the State Water Board's Web site at [http://www.waterboards.ca.gov/board\\_info/calendar/](http://www.waterboards.ca.gov/board_info/calendar/)

## **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board will accept both written and oral comments on the proposed Desalination Amendments. Written comments must be received by **12:00 noon on August 19, 2014** and addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate the subject line: **“Comment Letter – Desalination Amendments.”**

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

### **PROCEDURAL MATTERS**

At the August 19, 2014 public hearing, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

[http://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml)

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

This is to advise that the State Water Board is proposing to adopt or amend the Ocean Plan in accordance with a regulatory program exempt under Section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

### **PARKING AND ACCESSIBILITY**

For directions to the Joe Serna Jr. (Cal/EPA) Building and public parking information, please refer to the map on the State Water Board Web site:

<http://www.calepa.ca.gov/EPAbldg/location.htm>.

The Cal/EPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the hearing. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. An audio broadcast of the hearing will be available via the internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

### **FUTURE NOTICES**

The State Water Board will hold the public workshop and public hearing at the time and place noted above. Any change in the date, time, and place of the public hearing and consideration of adoption will be noticed via e-mail subscription. Any person desiring to receive future notices concerning the Proposed Desalination Amendments, including any changes to the notice of public hearing and consideration of adoption, must subscribe to the e-mail list using the E-mail List Subscription form at:


[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml).

Select the “California Ocean Plan” e-mail list, located within the “Water Quality Topics” group.

**CONTACT INFORMATION**

Please direct questions about this notice to Ms. Claire Waggoner at (916) 341-5582 ([Claire.Waggoner@waterboards.ca.gov](mailto:Claire.Waggoner@waterboards.ca.gov)) or Ms. Maria de la Paz Carpio-Obeso at (916) 341-5858 ([MarielaPaz.Carpio-Obeso@waterboards.ca.gov](mailto:MarielaPaz.Carpio-Obeso@waterboards.ca.gov)).

July 3, 2014  
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Date

  
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Jeanine Townsend  
Clerk to the Board