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9/22/10 Public Hearing
CA Ocean Plan - Tri Review
Deadline: 9/10/10 by 12 noon

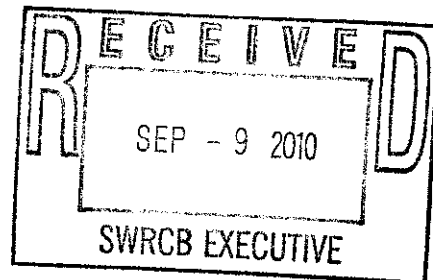
September 9, 2010

Jeanine Townsend, Board Clerk
State Water Resources Control Board
1001 I Street
PO Box 100,
Sacramento, CA 95814

Sent via E-Mail

Comment Letter – California Ocean Plan Scoping Document

Dear Ms. Townsend:



Thank you for the opportunity to comment on the proposed scoping document to the California Ocean Plan. The Association of California Water Agencies (ACWA) submits the following comments regarding Item 10 Desalination Facilities and Brine. ACWA represents approximately 450 public water agencies and districts that provide 90 percent of the water consumed for residential, agricultural and commercial uses throughout California.

We are in dire need for new water supplies. The droughts, climate change, courts shutting down pumps, over appropriated rivers and coastal streams, growth in area of origins, all lead to the need for seawater desalination as part of a secure future water supply. Desalination is a recognized part of the California's water future as presented in the California Water Plan and the plans of many local water agencies. We are asking for you to consider **Alternative #1 No Action**. This will prevent any artificial standard, such as percent of natural background salinity, from impeding the need for desalination where feasible and appropriate to meet the needs of our current and future generations. We are suggesting Alternative #1 No Action for the following reasons:

Brine water quality objectives are not necessary as all brine discharges require NPDES permits, and these permits (and the conditions they contain) ensure that the ocean environment is not impacted by these discharges.

The identified concern in the scoping document is that there are no Ocean Plan water quality objectives that apply specifically to brine waste discharges from desalination plants. Brine water quality objectives are not necessary as all brine discharges require NPDES permits. In addition, The Ocean Plan currently has adequate protection through existing standards:

- Water Quality objectives are set for bacteriological, physical, chemical and biological characteristics of receiving water for discharge
- Objectives include concentrations of metals, and or the chemical constituents for a discharge for the protection of all beneficial uses including habitat for marine species and well as human health
- Standards applying to the naturally occurring chemical constituents found in seawater that are concentrated as part of the desalination process and discharged back into the ocean as brine

The requirements for NPDES and existing water quality objectives ensure that the ocean environment is not impacted by these discharges.

A narrative for brine discharges will impact many types of discharges, including water recycling concentrate and brine lines as well as desalination concentrate from ocean desalination and groundwater plants. Please be mindful that all of these discharges are being successfully regulated today and that any additional regulation will impact/ impede these facilities also. As more and more water is recycled out of waste water treatment plants the remaining discharges become more concentrated and saline. Existing brine lines and additional brine lines are built to combat the issues of salt loading in our basins. Brine lines are and will continue to be viable solutions to basin salinity problems. If you chose to move forward, consideration for these uses must be included.

Regional Boards are successfully permitting brine discharges today and an additional layer of regulations is unnecessary to protect the marine environment. As noted there is adequate existing regulations for Regional Boards to protect the oceans from saline discharges. The Regional Boards have successfully permitted numerous seawater desalination, groundwater desalination, recycled water concentrate and brine line projects. No additional regulation is needed.

Good science does not exist today to set a percent of background salinity narrative. It is not appropriate to have a statewide percent of natural background as suggested in Alternative#2. This attempt to find a simple state-wide formula to fit all coastal environments suffers from three major problems: 1) the practical difficulties of defining what natural background is, 2) the significant disparity in natural background levels found throughout the state; and 3) the enormous range from place to place in the natural variability of those background levels. The acute and chronic toxicity standards in the ocean plan have been successfully applied to permits for brine discharge by the Regional Boards. They are very site specific and species specific. Conditions such as blending and time of dispersal of brine plume all play a part in regional decisions applicable to the unique conditions of a regions ocean environments. Due to the variability of coastal currents, brine plumes vary in size and trajectory over time and may influence multiple types of habitat, each of which may have different tolerances to salinity variation. The variability of currents also influence the amount of time that free floating organisms are exposed to brine plumes.

There is no need for an artificial percent of background salinity narrative.

In some cases this would be overprotective, in some under protective. A blanket condition of a certain percent of natural conditions is not good science. Regional Boards are doing a good job in applying the ocean plan. Staff has accurately described why alternative #3 is not workable. The cited study on sea urchins itself suggested more study is needed. In addition, test protocols have changed since that study was conducted and desalination technology has advanced, so the study results most likely are not representative of current conditions. The water industry has already stepped forward to initiate additional site-specific research on hypersalinity effects and will continue to do so, as are new sites are proposed. Good public policy would suggest we get more data and experience before we add new amendments to the ocean plan for brine.

In summary, the ocean plan currently offers good methods of protection. It allows for site specific permits. The NPDES's and acute and chronic toxicity protects the marine species and no more needs to be done at this time. We urge you to adopt Alternative #1 No Action.

If you have any questions regarding this letter please feel free to contact me by e-mail at markr@acwa.com, or by phone at (916) 441-4545.

Sincerely,



Mark S. Rentz
Director of Regulatory Affairs