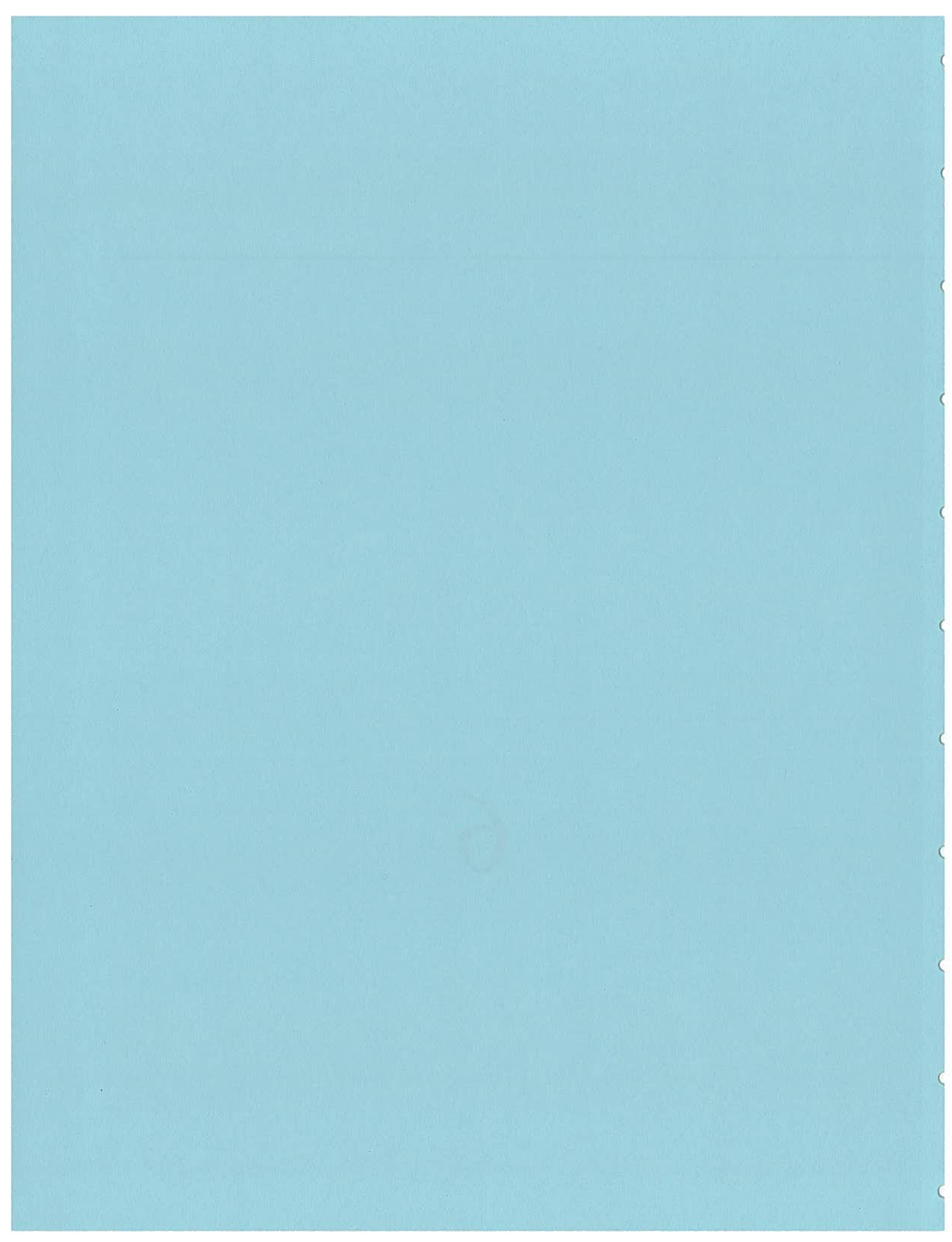


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OC Print-Mail Center

From: Catherine Hagan (George) [CHagan@waterboards.ca.gov]
Sent: Friday, February 27, 2009 4:50 PM
To: Halter, Amanda (OC); Deborah Woodward; Philip Wyels
Cc: Garrett, Christopher (SD); PMacLaggan@poseidon1.com; dmayer@tenera.com
Subject: Re: Poseidon: Revised Charts w/Prorated Calculations

Attachments: Halter.ltr.022709.pdf



Halter.ltr.022709.p
df (123 KB)...

Amanda,

Thank you for the submittal from the wee hours this morning. Please see the attached response with minor additional comments. I do not believe any of these need to be addressed separately prior to submittal of the revised Minimization Plan. Please let me know if you have questions.

Catherine George Hagan
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
chagan@waterboards.ca.gov

9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
Telephone: 858.467.2958
Facsimile: 858.571.6972

>>> <Amanda.Halter@lw.com> 2/27/2009 12:04 AM >>>
All,

In response to the items discussed during yesterday's noon teleconference, attached please find a revised table (and corresponding narrative) reflecting Poseidon's prorated impingement calculations. We believe the table as revised provides the relevant information in the format requested by staff.

If, after reflecting on yesterday's submittal, staff has additional comments, we look forward to hearing from staff today on those items. As discussed, we appreciate staff's assistance in helping us to promptly address and finalize any outstanding issues before submittal of the revised Minimization Plan.

Best regards,
Amanda

Amanda Halter

> LATHAM & WATKINS LLP
> 650 Town Center Drive, 20th Floor
> Costa Mesa, CA 92626
> Direct Tel: 714-755-2238
> Fax: 714-755-8290
> Email: amanda.halter@lw.com
>
<<2-27-09 Halter to Woodward.pdf>>

<<Prorated Impingement Numbers_Woodward Request_02-27-09.pdf>>

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Latham & Watkins LLP

ATTACHMENT



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

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(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

February 27, 2009

Amanda Halter, Esq.
Latham & Watkins, LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626

Dear Ms. Halter:

CDP IMPINGEMENT DATA

Dear Ms. Halter:

Thank you for providing revised information this morning relative to impingement data for the Carlsbad Desalination Project (CDP). We have the following comments.

I note that your cover letter to Dr. Woodward indicates she had requested Encina Power Station (EPS) daily flow data for 2008. Dr. Woodward was requesting flow data for the 2004-2005 sample period, so that she would know the actual flow during the weekly period associated with each of the 52 samples. In lieu of the EPS daily flow data during the 2004-2005 sample period, as indicated during our call yesterday, Dr. Woodward would appreciate receiving the total actual flow for the entire sample period (all days within the sample period combined), if this number is available or could readily be obtained. Table 4-3 in the 2008 Tenera Report (p. 4-14) presents calculated overall annual impingement of fishes, sharks and rays from all sources based on EPS maximum flows and actual flows during the June 2004-June 2005 sample period, but does not present the total maximum or actual flow.

While you are correct that the requested flow data does not provide additional biological data, the flow data is desirable because flow volume is an integral part of the translation of the 52 one-day samples to weekly and yearly estimates, and because flow volume is integral to the prorating method used by Poseidon to determine the CDP projection. You state that Dr. Mayer has confirmed that the appropriate average daily flow volume for the sample days is 657 MGD rather than the 632.6 MGD set forth in the March 2008 Flow, Entrainment and Impingement Minimization Plan (Plan) (p. 5-3). The requested flow data might also help to explain the reference to 632.6 MGD in the 2008 Plan. Perhaps 632.6 MGD is the average daily flow over the entire sample period. It is not clear from the text in the March 2008 Plan. In summary, if the total flow over the sample period is available or readily obtainable, we would appreciate receiving it. If not, we can certainly proceed without it.

California Environmental Protection Agency

February 27, 2009

We have one other comment regarding Revised Table 1. Consistent with earlier versions, it lists the total grams of impinged invertebrates as 17,554 and the total grams of impinged fishes, sharks and rays as 372,520. These numbers vary slightly from what appear to be corresponding numbers for the same data in Table 4-2 (p. 4-10) and Table 4-5 (p. 4-88) of the 2008 Tenera Report. The numbers in those tables are 17,742 and 373,824, respectively. While the differences are minor, Dr. Woodward is concerned that the data should be identical if it in fact it represents the same information as the tables in the 2008 Tenera Report. She mentioned these discrepancies in a phone conversation with Dr. Mayer earlier this week. Again, while the discrepancies are minor, we hope they will be verified, and corrected if appropriate, in the revised Plan.


Your letter of February 27, 2009, states that Dr. Woodward requested Poseidon's prorated estimates of the CDP impingement impacts associated with stand-alone operations. (February 27, 2009 letter to Dr. Woodward, p. 2.) We note that the request was made in the context of asking Poseidon to correct a prorating error in its proposed approach and that the Regional Board did not require use of a prorating approach in the first instance.

We expect that the revisions to the Plan will still include Table 5-1 (on p. 5-3 of the 2008 Plan) to depict the 2004-2005 sample data along with a companion invertebrate table (likely Table 4-5 from the 2008 Tenera Report) as they list the species impinged and we would expect that Poseidon will include a description of how the EPS summary data has been used to determine the CDP projections set forth in the tables you provided so that the method is transparent to the public.

Finally, separate from the impingement data, we also expect that Poseidon will update and revise the Plan as necessary throughout because there are other revisions that are warranted. For example, there are footnotes in Chapter 2 that refer to "proposed Coastal Commission findings." These need to be updated to reflect actual final findings.

Please contact me if you have questions.

Sincerely,



Catherine George Hagan
Senior Staff Counsel