

State Water Resources Control Board

June 1, 2016

Mr. Scott Maloni
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Transmitted via U.S. mail and electronic mail

Dear Mr. Maloni:

PROPOSED POSEIDON HUNTINGTON BEACH DESALINATION PROJECT – POTENTIAL NEED TO REQUEST FOR EXCEPTION TO STATE'S WATER QUALITY CONTROL PLAN FOR THE OCEAN WATERS OF CALIFORNIA

This letter is in response to a discussion regarding the proposed Huntington Beach Desalination Project (Project) during a meeting on May 3, 2015 between Poseidon Water LLC (Poseidon) and staff from the Santa Ana Regional Water Quality Control Board (Santa Ana Regional Water Board) and the State Water Resources Control Board (State Water Board). During the meeting, Poseidon proposed to commingle its brine discharge from the Project with once-through cooling (OTC) wastewater from AES Huntington Beach Generating Station (HBGS) during co-located operations with HBGS. Poseidon proposed to install multiport diffusers on the outfall to discharge brine from the Project after HBGS decommissions its OTC system. Poseidon stated that before HBGS's OTC system is fully decommissioned, the Project would use flow augmentation as the brine discharge technology or would have a brine mixing zone that would exceed 100 meters when HBGS's intake flows are not sufficient for the Project and that Poseidon would request a waiver from the requirements for brine discharge technology and receiving water limitation for salinity in the Amendment to the Water Quality Control Plan for the Ocean Waters of California (Ocean Plan) Addressing Desalination Facility Intakes, Brine Discharges, and the Incorporation of Other Non-substantive Changes (Desalination Amendment).

The Desalination Amendment prohibits flow augmentation as a brine discharge technology and prohibits a brine mixing zone that exceeds 100 meters laterally from each discharge point, unless the desalination facility meets specific conditions. (Ocean Plan, Chapter III.M.2.d.(2)(d), III.M.3.b.(1), and III.M.3.d) However, the proposed Project does not meet these specified conditions.

Furthermore, the Ocean Plan requires the appropriate regional water board to condition its Water Code section 13142.5(b) determination for a desalination facility that will be co-located

with a power plant so that the power plant will remain in compliance with the Water Quality Control Policy on the Use of Coastal and Estuarine Water for Power Plant Cooling (OTC Policy). (Ocean Plan, Chapter III.M.2.a.(5)(c)) The OTC Policy requires power plants that are not directly engaging in power-generating activities or critical system maintenance to cease intake flows unless the owner or operator demonstrates to the State Water Board that reduced minimum flow is necessary for operations. (OTC Policy, Section 2.C.(2)) Therefore, HBGS would not comply with the OTC Policy and the Project would not comply with the Ocean Plan if HBGS withdraws seawater solely to provide the Project with source water or dilution water.

If the Project operates using flow augmentation or has a brine mixing zone greater than 100 meters, the Santa Ana Regional Water Board would be unable to approve Poseidon's request for a Water Code section 13142.5(b) determination consistent with the Ocean Plan. In order for such a project to be approved, it would first require that the State Water Board adopt an exception to the Ocean Plan and an amendment to the OTC Policy to allow Poseidon to operate the Project with flow augmentation or a brine mixing zone greater than 100 meters and for HBGS to withdraw seawater for non power-generating activities or critical system maintenance. (See Ocean Plan, Chapter III.J.) To pursue this option of applying for an exception, Poseidon must submit a formal request for an exception pursuant to Chapter III.J. of the Ocean Plan with requisite justification to Jonathan Bishop, Chief Deputy Director.

Sincerely,



Claire Waggoner
Statewide Policies and Planning Unit Chief

cc: [via email only]

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