

**State of California
California Regional Water Quality Control
Board Santa Ana Region**

October 16, 2020

ITEM: 12

SUBJECT: Status Update on the Continued Hearing for Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit Tentative Order R8-2020-0005 for Poseidon Resources (Surfside) L.L.C., Huntington Beach Desalination Facility

DISCUSSION

The purpose of this information item is narrowly focused to provide the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) with an update of staff's efforts to identify potential mitigation projects within Bolsa Chica and the larger source water body, and to discuss the schedule for bringing the revised Tentative Order R8-2020-0005 (Tentative Order) (including the revised mitigation requirements) to the Board for its consideration.

By way of background, on July 30, 2020, the Santa Ana Water Board began the public hearing for the Tentative Order and continued it on July 31 and August 7, 2020. The Santa Ana Water Board's discussion on August 7 focused primarily on the marine life mitigation requirements for the proposed Huntington Beach Desalination Facility (Facility). A consensus of the board members directed staff to revise the mitigation requirements in the Tentative Order to reflect the following:

- The dredging of the inlet at Bolsa Chica could comprise no more than 25% of the 112.1 mitigation credits required for the Facility's marine life impacts;
- The existing proposed mitigation projects at Bolsa Chica currently specified in Attachment K to the Tentative Order must remain part of the mitigation requirements;
- The additional mitigation project(s) needed to satisfy the remaining mitigation credits must be within the Facility's source water body¹, and preferably within Bolsa Chica if feasible;
- The prohibitions on intake and discharge related to mitigation must remain in the Tentative Order and must apply to all components of the mitigation project; and
- The Tentative Order will remain conditioned on subsequent approval of specific mitigation projects with additional requirements added to Attachment K.

¹ SOURCE WATER BODY is the spatial area that contains the organisms that are at risk of entrainment at a desalination facility as determined by factors that may include, but are not limited to, biological, hydrodynamic, and oceanographic data (Ocean Plan).

The Santa Ana Water Board also directed staff to consult with the State Lands Commission and report to the Board on the expected feasibility of mitigation projects within Bolsa Chica and the larger source water body. At the close of the hearing on August 7, the Board continued the hearing to September 17, 2020. To allow staff additional time to revise the Tentative Order to address the Board's concerns, the Board postponed the September 17 hearing date.

Staff will provide the Board with a status update during this information item and discuss the proposed schedule for returning to the Board with revisions to the Tentative Order. As a reminder, the written and oral comment period on the Tentative Order closed on January 21, 2020 and July 31, 2020, respectively. No additional comments will be taken on this item at this time. However, the Board may provide direction to staff on proposed timing.