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## Santa Ana Regional Water Quality Control Board

Date: February 11, 2021

### **BOARD MEMBERS' DISCLOSURES OF EX PARTE COMMUNICATIONS REGARDING THE PROPOSED HUNTINGTON BEACH DESALINATION FACILITY AND NOTICE OF OPPORTUNITY TO COMMENT**

This notice and attached memoranda from Santa Ana Water Board Members Letitia Clark, Joe Kerr, Kris Murray, and Lana Ong Peterson serve as disclosures of ex parte communications regarding the Proposed Huntington Beach Desalination Facility pursuant to Government Code sections 11430.40 and/or 11430.50. The memoranda have been made a part of the administrative record for the proceeding on the Poseidon Huntington Beach Desalination Facility.

Poseidon Resources (Surfside) LLC and interested persons may comment on the ex parte communications. Written comments must be submitted by **5:00 pm on Friday, February 26, 2021** and emailed to [RB8-PoseidonHB.comments@Waterboards.ca.gov](mailto:RB8-PoseidonHB.comments@Waterboards.ca.gov) with "Ex Parte Communication Comment" in the subject line or mailed to:

Santa Ana Regional Water Quality Control Board  
Attn: Julio Lara  
Re: Ex Parte Communication Comment  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339

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## Santa Ana Regional Water Quality Control Board

**TO:** Administrative Record for Poseidon Huntington Beach Desalination Facility

**FROM:** Letitia Clark, Board Member

**SUBJECT:** DISCLOSURE OF EX PARTE COMMUNICATION

In or about April 2020, I had an in-person conversation with Ernesto Medrano of the Los Angeles/Orange Counties Building and Construction Trades Council (Council). During our conversation, Mr. Medrano discussed Poseidon Water's proposed Huntington Beach Desalination Facility (Facility). This communication occurred prior to my appointment on October 20, 2020 to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board). As required by Government Code sections 11430.40 and 11430.50, I am disclosing this conversation as an ex parte communication and including this memorandum in the administrative record for this proceeding.

In our April 2020 communication, Mr. Medrano discussed the Council's goal of providing jobs to its members and touched on project labor agreements in general. Specific to the proposed Facility, Mr. Medrano mentioned that the proposed Facility was one of several projects that would create a lot of jobs for the Council's members. Mr. Medrano noted that big projects like the proposed Facility are important to the Council and that he hoped the project would be successful. Mr. Medrano did not discuss the permit requirements for the proposed Facility or any of the water quality issues pending before the Santa Ana Water Board. I was not familiar with Poseidon's proposed Facility at the time of our conversation and did not provide any opinion on the project in response to Mr. Medrano.

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## Santa Ana Regional Water Quality Control Board

**TO:** Administrative Record for Poseidon Huntington Beach Desalination Facility

**FROM:** Joseph Kerr, Board Member

**SUBJECT:** DISCLOSURE OF EX PARTE COMMUNICATION

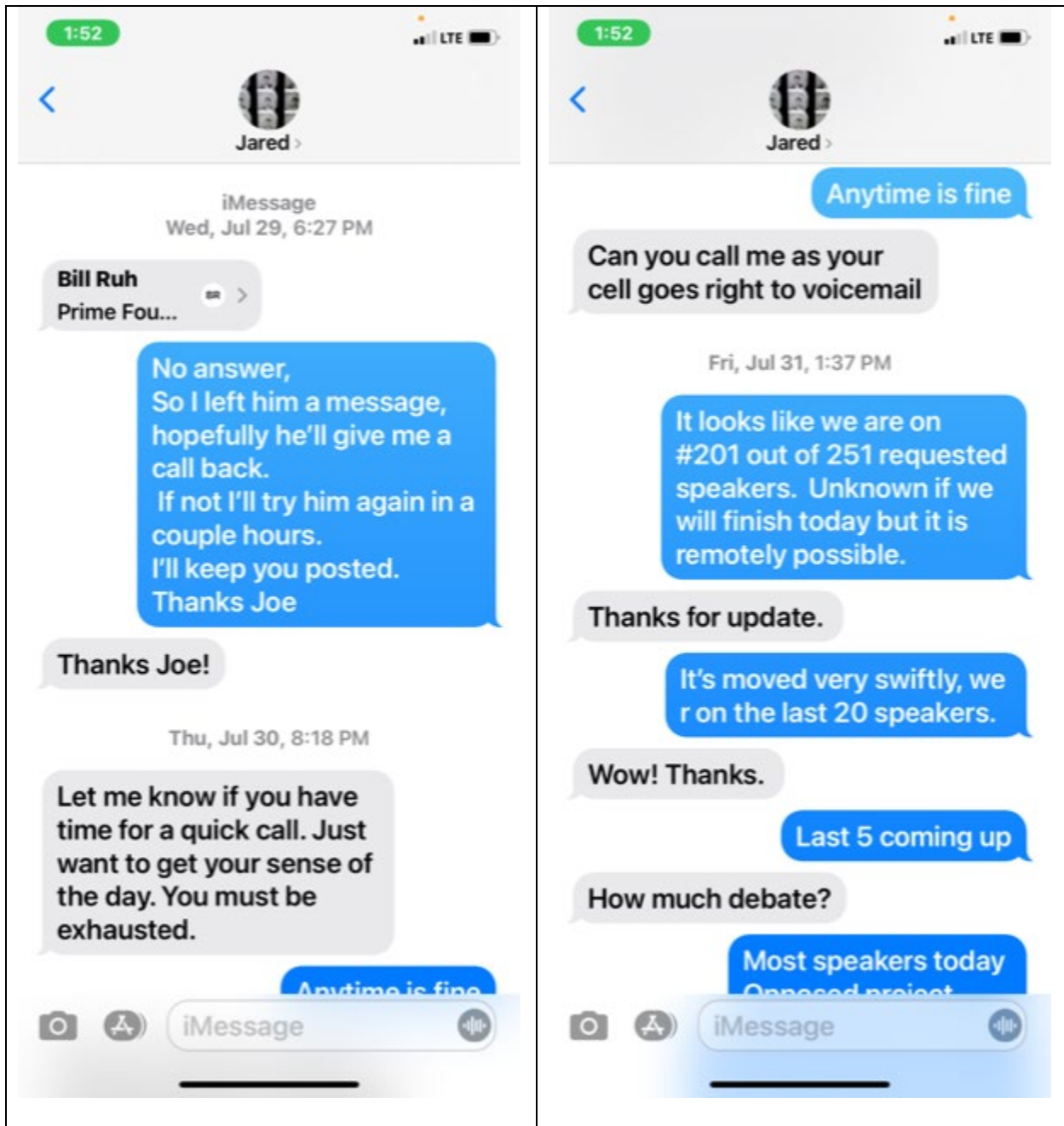
Between July 29, 2020 and July 31, 2020, I exchanged text messages and had two telephone conversations with Secretary of Environmental Protection Jared Blumenfeld. During the phone conversation on July 29, 2020, Secretary Blumenfeld welcomed me as the newest member of the Santa Ana Water Board. He acknowledged that the Board had a very important decision before it concerning the proposed Poseidon Huntington Beach Desalination Facility and asked when I thought the Board would make a decision, whatever that decision may be. I told Secretary Blumenfeld that I agreed that the Board had a very important decision before it, but that I did not know when the Board would make a decision. Secretary Blumenfeld encouraged me to reach out to Santa Ana Water Board Chair Bill Ruh on the anticipated timeframe. I stated that I did not have Chair Ruh's phone number and Secretary Blumenfeld said he would text it to me.

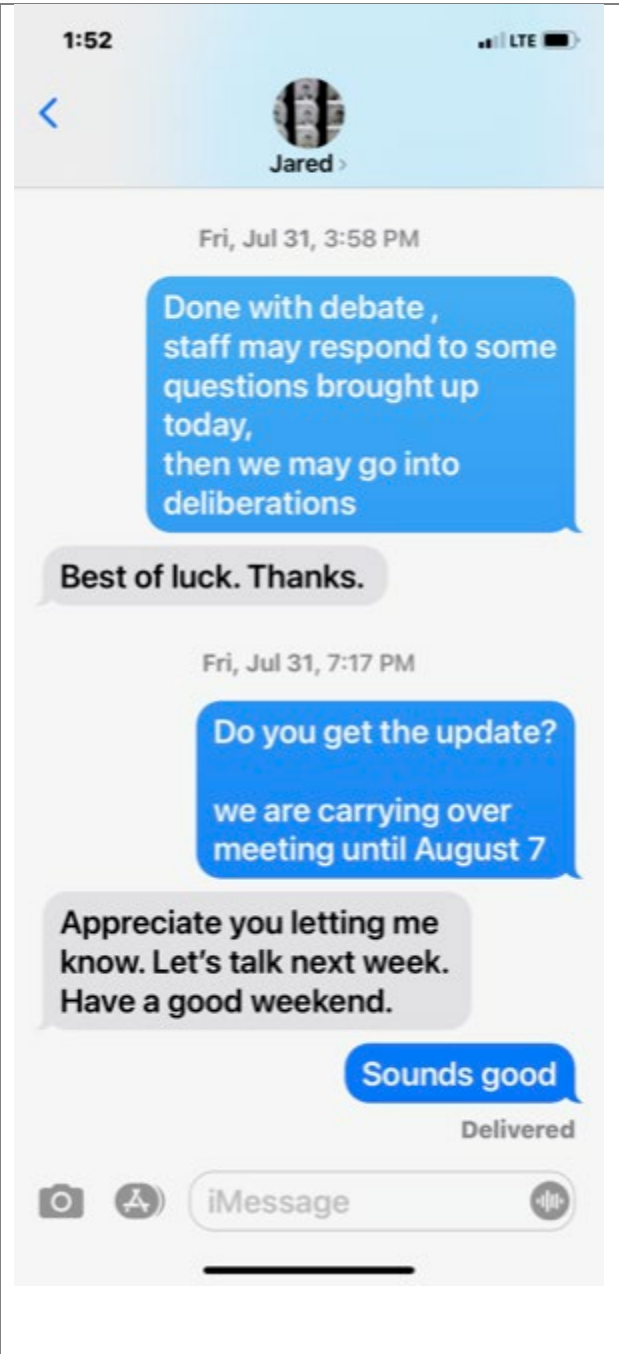
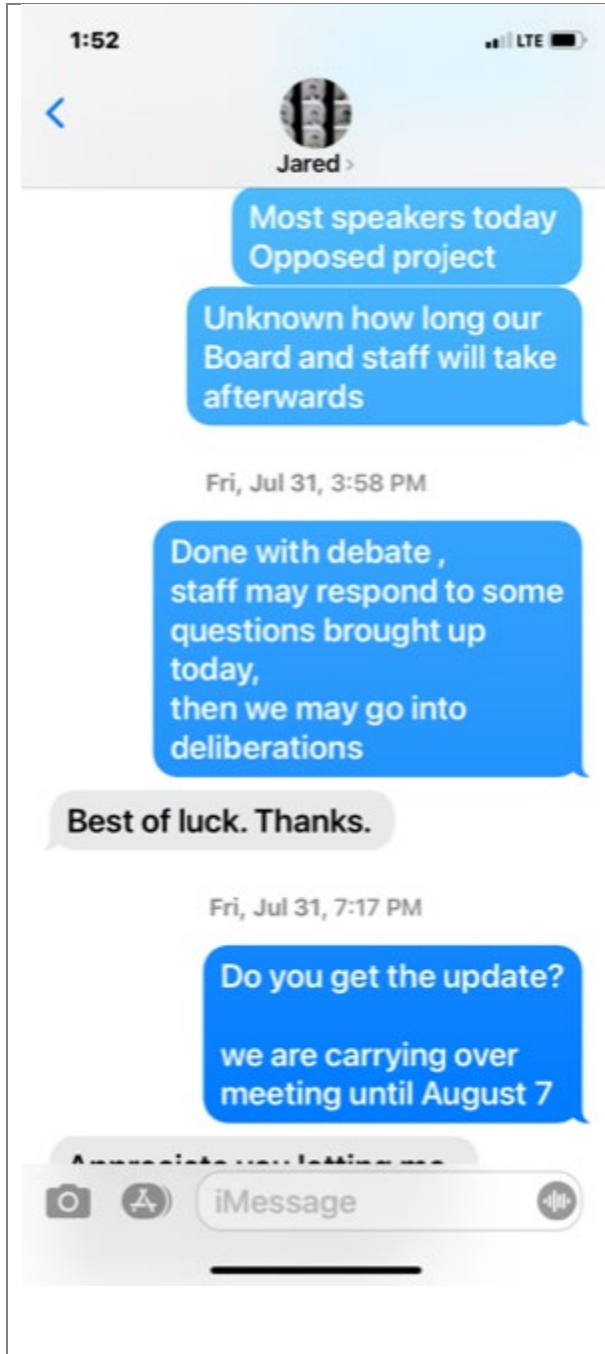
During the phone conversation on July 30, 2020, Secretary Blumenfeld asked how I was holding up after a long Board meeting and again inquired when I thought the Board may reach a decision. I indicated I did not know as there were still a lot of scheduled public commenters the next day and many of the board members had questions. I also mentioned that I was not sure if some of the public comments were related to water quality or otherwise within the Board's purview and that I would be following up with staff and counsel to clarify.

We did not discuss any substantive details of the proposed Poseidon Huntington Beach Desalination Facility during either phone conversation. I also have not communicated further with Secretary Blumenfeld after July 31, 2020.

I did not initially consider these conversations as ex parte communications and was not aware that they could be considered as such. In an abundance of caution, I am disclosing these conversations as ex parte communications pursuant to Government Code section 11430.50 and including this memorandum and screenshots of the relevant text messages in the administrative record for this proceeding.

Text messages:





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## Santa Ana Regional Water Quality Control Board

**TO:** Administrative Record for Poseidon Huntington Beach Desalination Facility

**FROM:** Kris Murray, Board Member

**SUBJECT:** DISCLOSURE OF EX PARTE COMMUNICATION

On or about August 5, 2020, I received a telephone call from Secretary for Environmental Protection Jared Blumenfeld. During the conversation, Secretary Blumenfeld mentioned the administration's commitment to water quality and statewide water resilience consistent with the release of the Water Resilience Portfolio the prior week. He mentioned the proposed Poseidon Huntington Beach Desalination Facility in this context. My response to Secretary Blumenfeld at the time was that I was aware of the administration's commitment to water resilience and acknowledged that desalination is one of the water supply diversification options discussed in the Water Resilience Portfolio, as long as desalination is done correctly and is protective of water quality. Secretary Blumenfeld was polite and professional. The conversation was brief and we did not discuss any details of the proposed Poseidon Huntington Beach Desalination Facility.

I did not initially consider this conversation as an ex parte communication and was not aware that it could be considered as such. In an abundance of caution, I am disclosing this conversation as an ex parte communication pursuant to Government Code section 11430.50 and including this memorandum in the administrative record for this proceeding.

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## Santa Ana Regional Water Quality Control Board

**TO:** Administrative Record for Poseidon Huntington Beach Desalination Facility

**FROM:** Lana Ong Peterson, Board Member

**SUBJECT:** DISCLOSURE OF EX PARTE COMMUNICATION

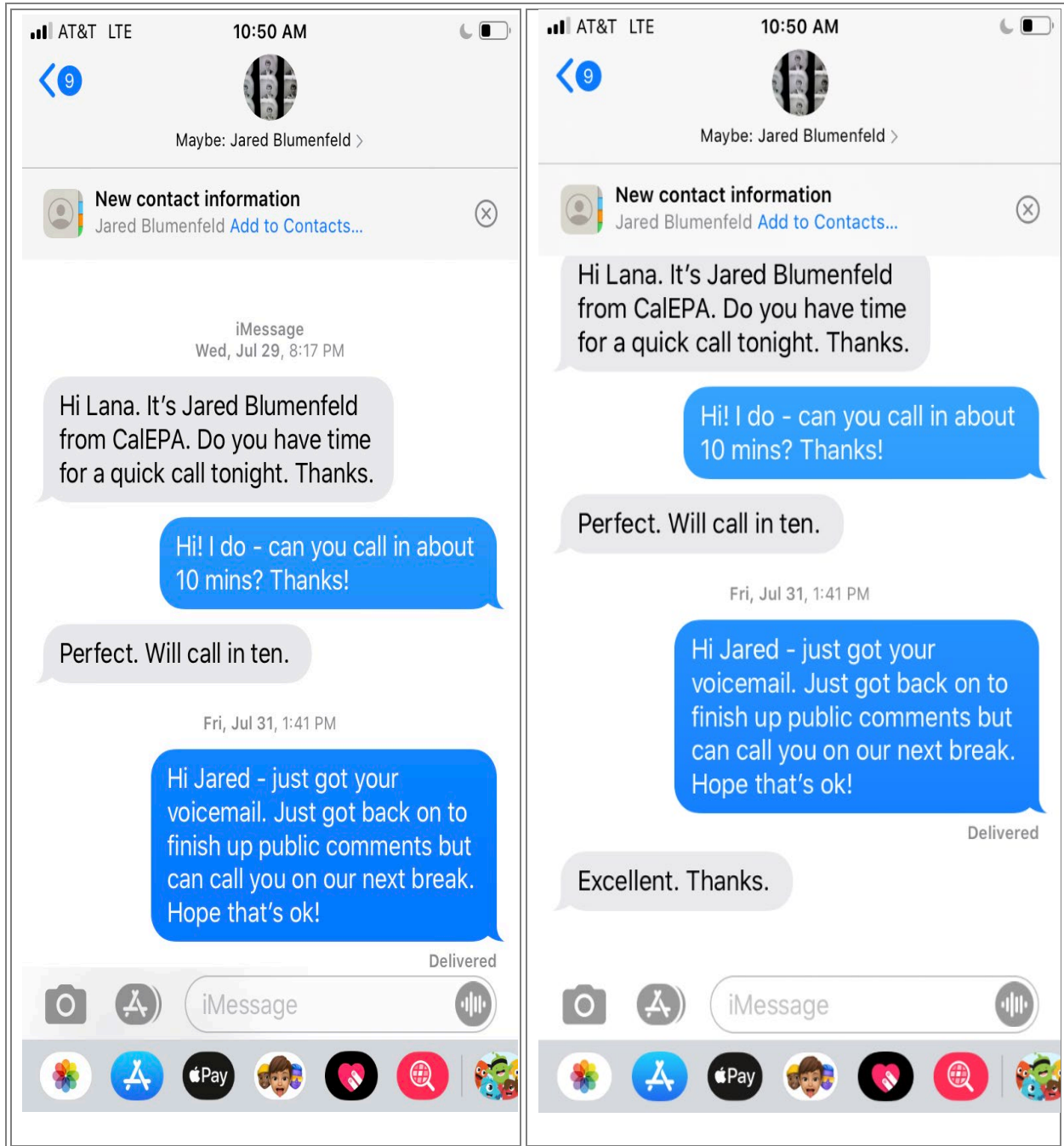
On July 29, 2020, I exchanged a few text messages and had a telephone conversation with Secretary for Environmental Protection Jared Blumenfeld. During the telephone conversation, Secretary Blumenfeld mentioned the administration's commitment to water quality and statewide water resilience consistent with the release of the Water Resilience Portfolio earlier that week and its importance to the Governor. He mentioned the proposed Poseidon Huntington Beach Desalination Facility, and noted that the Board had a big meeting coming up on the project. I said that the project has taken a lot of time and it was important for the Santa Ana Water Board to carefully consider the various issues to make a decision based on the facts and applicable laws and regulations. Secretary Blumenfeld said he was grateful for the time and effort that the Board was spending on the public hearing and for my service on the Board. I told him that I enjoyed serving on the Board and the call ended.

On July 31, 2020, I received a voicemail from Secretary Blumenfeld, exchanged some text messages, and later had a phone conversation with him during a break in our board meeting. During the telephone conversation, Secretary Blumenfeld asked me how the meeting was going. I explained that we were in the middle of the oral public comment period, and Secretary Blumenfeld asked me what I thought of the comments. I told him that I was listening carefully to the comments and the different perspectives, and then had to return to the meeting.

I did not initially consider these conversations as ex parte communications and was not aware that they could be considered as such. In an abundance of caution, I am disclosing these conversations as ex parte communications pursuant to Government Code section 11430.50 and including this memorandum, screenshots of the relevant text messages, and a transcript of the voicemail in the administrative record for this proceeding.



Text messages:



Voicemail transcript (July 31, 2020):

Jared Blumenfeld: "Hey Lana, it's Jared. Maybe give me a call if you get a chance. Thanks, bye."