

California Regional Water Quality Control Board - Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

**NOTICE OF OPPORTUNITY TO COMMENT**

on the  
TENTATIVE WASTE DISCHARGE REQUIREMENTS  
(National Pollutant Discharge Elimination System Permit)  
Tentative Order R8-2021-0011, NPDES No. CA8000403  
for  
Poseidon Resources (Surfside), L.L.C.  
Huntington Beach Desalination Facility  
Orange County

**NOTICE IS HEREBY GIVEN THAT** the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) is accepting comments on new revisions to tentative waste discharge requirements (including the tentative California Water Code section 13142.5, subdivision (b) determination) for the discharge of wastewater effluent from Poseidon Resources (Surfside), L.L.C.'s (Discharger) proposed Huntington Beach Desalination Facility (Facility), Tentative Order R8-2021-0011 (formerly Tentative Order R8-2020-0005).

The proposed Facility will be located at 21730 Newland Street in Huntington Beach. When it begins operation, the proposed Facility will produce an annual average of approximately 50 million gallons per day (MGD) of potable drinking water. The average monthly discharge from the proposed Facility will be 56.69 MGD, with a maximum daily flow of 62.5 MGD. The proposed Facility will discharge to the Pacific Ocean, and the discharge will be composed primarily of reverse osmosis concentrate and filter backwash.

**WRITTEN COMMENTS**

The Discharger and interested persons are invited to submit written comments on the new revisions to Tentative Order R8-2021-0011 that have been made since the order was last released for public review on June 30, 2020. Comments shall be limited to the new revisions, which are indicated in underline/strikeout format. The Santa Ana Water Board will not accept into the record nor respond to comments that are beyond the scope of the proposed revisions.

As part of their revised mitigation proposal, the Discharger submitted a proposed alternative to the intake and discharge prohibitions currently specified in the Tentative Order (sections III.I and IV.B.12). Interested persons are also invited to comment on the Discharger's proposed alternative language, which is included with the revised Tentative Order documents.

Written comments are due by 5:00 p.m. on **March 15, 2021** and should be submitted with the subject line: Comments on Poseidon Resources Tentative Order Revisions. Comments should be submitted as follows:

via email to [RB8-PoseidonHB.comments@waterboards.ca.gov](mailto:RB8-PoseidonHB.comments@waterboards.ca.gov)

or via mail to

Santa Ana Regional Water Quality Control Board  
ATTN: Julio Lara, Chief of the Wastewater Section  
3737 Main Street, Suite 500  
Riverside, CA 92501

### **CONTINUED HEARING**

The Santa Ana Water Board currently intends to continue the public hearing to consider adoption of Tentative Order R8-2021-0011 in April 2021 and hear oral public comments on the new revisions. Oral statements will be time limited to allow for a productive and efficient meeting and to ensure all those requesting to speak have an opportunity to participate. The Board will issue a separate public notice with the date(s) of the public hearing and additional information about the hearing at a later date.

### **SUMMARY OF REVISIONS TO THE TENTATIVE ORDER**

*Mitigation:* At the August 7, 2020 public hearing, the Santa Ana Water Board directed staff to revise the mitigation acres for the inlet dredging in Bolsa Chica so that the dredging accounted for no more than 25% of the mitigation acreage needed to minimize the intake and mortality of all forms of marine life. This adjustment required the Discharger to propose additional mitigation to meet the requirements of the Ocean Plan. The Discharger has proposed additional restoration at the Bolsa Chica Wetlands and the creation of an artificial reef along the Palos Verdes Peninsula to satisfy the remaining mitigation requirements. Revisions have been made to the Tentative Order and Attachments F, G, G.3, G.4, G.5, and K to address these changes.

*Human Right to Water:* Section II.I of the Tentative Order was revised and a finding regarding the human right to water was added to section III.E.3 of Attachment F in response to oral public comments.

*Public Trust:* In response to public comments, section II.E of the Tentative Order was revised to clarify that the Santa Ana Water Board considered the impacts to public trust resources and minimized those impacts through its analysis for Water Code section 13142.5(b).

*Climate Change Action Plan:* The deadline for the Discharger to submit the Climate Change Action Plan in section VI.C.4 was revised from within 3 years of the effective date of the Order to within 18 months in response to oral public comments. Corresponding changes were also made to section VI.B.4 of the Fact Sheet.

*Section VI.A.2:* In response to public comments, section VI.A.2 was revised for consistency with the City of Huntington Beach's Local Coastal Program.

*Huntington Beach Generating Station:* The State Water Resources Control Board amended the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling to address system-wide grid reliability issues. The amendment, effective November 30, 2020, extended the final compliance date for the Huntington Beach Generating Station to cease once-through cooling operations for Unit 2 to no later than December 31, 2023. The Santa Ana Water Board renewed the NPDES permit for the Huntington Beach Generating Station on December 4, 2020 and incorporated the amended final compliance date. Revisions were made to the Tentative Order and Attachments F and G to reflect the change in the final compliance date.

*Other Minor Changes:* Minor changes were made throughout the Tentative Order and its attachments to correct grammatical and typographical errors and to address accessibility

issues. These changes do not have a substantive effect on the Tentative Order and are not within the scope of the revisions subject to public comment.

### **DISCHARGER'S PROPOSED ALTERNATIVE TO THE DISCHARGE AND INTAKE PROHIBITIONS**

At the August 7, 2020 public hearing, the Santa Ana Water Board gave general direction to staff to retain the discharge and intake prohibitions in sections III.I and IV.B.12 of the Tentative Order for all proposed mitigation projects. In accordance with the Board's direction, the prohibitions remain in the Tentative Order. However, the Discharger is proposing an alternative to the prohibitions that they would like the Board to consider at the continued hearing. The Discharger's proposed alternative was drafted by the Discharger and submitted as part of their revised mitigation proposal; Water Boards staff did not edit any part of the Discharger's proposed alternative.

### **TENTATIVE ORDER DOCUMENTS**

The tentative waste discharge requirements and related documents that were published on November 22, 2019 and revised on June 30, 2020 and February 12, 2021 are available on the Water Boards' FTP site. Two versions of the February 12, 2021 documents are available on the FTP site: a clean version and a version with underline and ~~strikeout~~ text showing the additions and deletions made since the June 30, 2020 publication. The Discharger's proposed alternative to the discharge and intake prohibitions and supporting documents are also available on the FTP site.

Go to FTP site <https://ftp.waterboards.ca.gov/>

and log in with the credentials:    Username: **Public Comments**  
    Password: **HpTB32**

(Open the RB8-Santa Ana folder, and open the Poseidon folder.)

These documents may also be inspected and copied at the Santa Ana Water Board office, 3737 Main Street, Suite 500, Riverside, CA 92501-3348 (phone 951-782-4130) by appointment scheduled between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Please note that COVID-19 restrictions will limit availability for in-person appointments and state and local public health mandates/guidelines will be followed. Copies of the proposed Order will be mailed to interested persons upon request to Julio Lara at (951) 782-4901 or [Julio.Lara@waterboards.ca.gov](mailto:Julio.Lara@waterboards.ca.gov).

### **PROHIBITION ON EX PARTE COMMUNICATIONS**

The Tentative Order is subject to the prohibition on ex parte communications. (Gov. Code, § 11430.10 et seq.) The Discharger and interested persons, therefore, may not communicate with Santa Ana Water Board members regarding the Tentative Order except through submission of written comments as specified in this notice or by providing oral comments at the continued public hearing.