



Association of California Water Agencies

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Sent via email to: jjensen@waterboards.ca.gov

April 9, 2012

Joanna Jensen
State Water Resources Control Board
1001 I Street, 15th Floor
P. O. Box 100
Sacramento, CA 95814.

Subject: Comment Letter – Desalination Facilities and Brine Disposal

Dear Ms. Jensen,

The Association of California Water Agencies (ACWA) appreciates this opportunity to provide comments to be used for scoping preparation of a substitute environmental document on “Amendments to the Water Quality Control Plans for Ocean Waters and Enclosed Bays and Estuaries to Address Desalination Facilities and Brine Disposal” to be proposed by the State Water Resources Control Board (SWRCB).

As you know, ACWA represents nearly 440 water systems throughout the state that are collectively responsible for supplying over 90 percent of the water necessary to meet California’s overall water needs. Our public agency members are at the forefront of developing innovative water supply projects using the full range of sources and technologies in local communities statewide. We are strongly committed to protecting and promoting the development of desalination facilities to augment water supplies and treat salinity impaired surface and groundwater, including desalination of ocean waters. Salinity management is emerging as one of the most significant water supply and treatment challenges California faces in coming years. Water quality management policies must be based on sound science, careful risk assessment, and should NOT place unnecessary new regulatory barriers in the way of comprehensive and sustainable water resource management.

We understand that the purpose of these comments is limited to identifying the range of actions, alternatives, mitigation measures, and potential significant environmental effects that should be analyzed in-depth in the substitute environmental documentation. We recognize that at present there are no proposed amendments from the SWRCB staff to inform these scoping comments, but that additional opportunities will be available for comment at such time as the staff proposal is released for public review.

As you know, ACWA provided oral comments at the public workshop on March 30, 2012. These written comments are intended as supplementary to those oral comments. We submit

these comments with the understanding that the SWRCB was asked to extend to comment deadline during the public hearing on March 30, 2012, and although no such official extension from the April 6, 2012 deadline was granted, SWRCB staff has the discretion and duty to consider comments on the recommended scope of the environmental document throughout the period during which it is being drafted.

Range of Actions and Alternatives

ACWA requests that the SWRCB ensure that the environmental document describe and analyze a regulatory policy alternative designed to facilitate and streamline regulatory approvals for desalination and brine disposal facilities statewide. This policy alternative should disclose all of the current regulatory requirements, permits and approvals necessary to develop coastal and inland desalination facilities and propose a method to combine these to improve administrative efficiency and reduce project approval timelines, while adequately protecting local decision-making discretion and environmental resources.

We recommend that the “No Project” Alternative thoroughly describe the existing permitted desalination and brine disposal facilities statewide, including the permitting timeframe they experienced, their capacity, cost, and their relative role in the local water supply context. The “No Project” Alternative should also accurately and thoroughly disclose the significant adverse impacts associated with the existing regulatory setting of duplicative, redundant, or uncoordinated regulatory authorities and requirements by state, federal, regional and local agencies.

Both of these alternatives should be described with reference to the wealth of existing desalination project studies and support documentation that has been prepared and is readily available in the public record. We anticipate that these studies are already available to SWRCB staff, or will be submitted by the affected water agencies and/or CalDesal. These studies should also be used to ensure that the environmental impact assessment of each alternative is based on the actual project information representing the most current scientific information, rather than outdated conceptual generalizations about possible significant environmental effects.

Significant Environmental Effects

The substitute environmental documentation should fully disclose likely significant environmental effects associated with the SWRCB staff proposed alternative, as well as each of the proposed alternatives in *equal level of detail* so that the relative impacts may be compared.

The document needs to adequately disclose impacts of each of the alternatives on the human environment associated with possible future water shortages, greater reliance on imported water, increased energy and brine treatment and disposal costs, which may be imposed by the various regulatory scenarios.

The effects of anticipated future climate change and its impacts on water reliability should also be explicitly disclosed and used to assess the future impacts of each action alternative. We anticipate that climate change will increase the significance and severity of impacts associated with more restrictive and “less streamlined” regulatory policy alternatives.

Profound Policy Implications for Future Salt Management Statewide

Our oral comments focused on the likelihood that SWRCB desalination and brine policies could have significant adverse policy implications for future desalination needs statewide, not just for ocean water desalination along the coast. We encourage SWRCB to carefully consider the precedent-setting nature of the proposed regulations and the unintended (and intended) consequences that could seriously cripple California's ability to respond to our water supply and treatment needs. Once the SWRCB has released its proposed draft policy, we anticipate a robust engagement by the water industry wherever salt management is or will be a challenge.

We appreciate your consideration of ACWA's oral and written comments and we look forward to working with you on this important disclosure document.

Sincerely,

A handwritten signature in cursive script that reads "David E. Bolland".

David Bolland
Senior Regulatory Advocate