



San Diego County Water Authority

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April 6, 2012

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

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- City of Escondido
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- City of Oceanside
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- City of San Diego
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- South Bay Irrigation District
- Vallecitos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yuima Municipal Water District

RE: Comment Letter – Desalination Facilities and Brine Disposal

Dear Ms. Jensen:

The San Diego County Water Authority is the regional wholesale water supplier in San Diego County, providing water for approximately 3.1 million residents. We work in partnership with 24 retail member agencies to provide a safe and reliable water supply for our region. Together with our member agencies, the Water Authority is executing a long-term plan to diversify our water supply, including securing reliable imported supplies, implementing aggressive conservation measures, and developing new local supplies including water recycling and, in the near future, seawater desalination. We are currently negotiating a water purchase agreement whereby the Water Authority would purchase desalinated water from the permitted Carlsbad Desalination Project. This project would be a high-quality, locally-controlled drought-proof municipal water supply for the San Diego region.

Thank you for accepting our comments on the substitute environmental documentation related to desalination facilities and brine disposal, in support of proposed amendments to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) and the Water Quality Control Plan for Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Plan).

Additional Public Input Requested due to Limited Information Provided

We appreciate the opportunity to provide input on the proposed amendments for desalination facilities and brine disposal. However, the scoping document provided only general background information. Specific proposed elements of the amendments and project alternatives were not included in the document, nor were they described in any detail by State Water Board staff at the scoping meeting on March 30, 2012. Our comments are, therefore, also limited in their scope. We would appreciate additional opportunities to comment on the proposed regulations early in the development process,

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well in advance of the required public comment period for the draft Staff Report. We envision that the opportunity for meaningful engagement on these complex and important issues would be in the form of stakeholder meetings and scientific and public workshops to discuss the specifics of the proposed amendments.

All Available Scientific Information and Data Should be Considered

The scoping document did not identify which studies would be included in development of the proposed regulations. The Water Authority is concerned that the State Water Board's Staff Report to support the proposed amendments will not include the myriad of recent desalination and brine disposal studies and projects conducted in California and worldwide. For example, exhaustive scientific studies completed for the Carlsbad Desalination Project Environmental Impact Report, provided to State Water Board staff, are not referenced in the scoping document, nor are recent studies conducted by West Basin Municipal Water District and the City of Santa Cruz. There are also numerous case studies worldwide – such as Australia, where desalination discharges have been in place for several years – that should be included in the body of evidence used to substantiate proposed regulations. These studies must be included in the environmental analysis.

Desalination Regulations Should Account for Site-Specificity

The Water Authority appreciates the need for statewide regulatory consistency noted in the scoping document. However, we caution against discounting the wisdom of existing regulations that take into account project and site-specific considerations for intake and discharge, based on a goal of statewide consistency. Local desalination projects are designed and configured based on site-specific factors that account for the particular characteristics of the area. The range of potential alternative technologies available for use with seawater desalination facilities will naturally depend on the local environmental characteristics. Not all technologies are suited for all locations. Similarly, a water quality objective for salinity should take into account local environmental characteristics. Factors to be considered in a proposed objective include natural salinity variability, resident species and salinity tolerances. Any numeric or narrative objective, including imposition of a safety factor, should be based on sound data that is scientifically defensible. Proposed regulations should be evaluated based on actual data collected in the field as it becomes available to determine both protectiveness and reasonableness.

Proposed Amendments Should be Consistent Across State Agencies, Laws and Policies

The proposed amendments should be consistent with other State laws, plans, and policies. California law provides that the water resources of the State be put to beneficial use to fullest extent, and that water quality be regulated to the highest quality that is reasonable, considering total values including beneficial, social, and economic. Brackish water and seawater are both high-quality, drought-proof sources of municipal water supply. Their beneficial use should be considered in the environmental documentation.

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The California Department of Water Resources provides a number of recommendations to facilitate desalination in its latest update to the California Water Plan, updated in 2009. These include considering desalination as a part of a balanced water supply portfolio. This recommendation was consistent with the primary finding of the California Water Desalination Task Force. The Task Force was convened under Assembly Bill 2717 (Hertzberg, Chapter 957), approved by the State Legislature in 2002. The Water Plan goes on to recommend that desalination must be included in integrated regional water management planning and that public agencies be provided opportunities for technical assistance and State funding for implementing desalination projects. Finally, the Water Plan recommends providing permitting guidance to help agencies overcome the complex regulatory processes.

The State Water Board must actively engage with other California agencies, involved with desalination, in developing the proposed regulations, in order to ensure consistency.

Alternatives to Consider

The environmental analysis must take into account the impact of the proposed amendments on desalination facilities that have been permitted or are in the development phases. As noted above, the Water Authority is currently negotiating to receive up to 56,000 acre-feet per year of water from the fully permitted Carlsbad Desalination Project by 2016. We are also conducting planning and technical studies for a second large-scale desalination facility on Camp Pendleton.

The Carlsbad Desalination Project was permitted after a lengthy decade-long process that involved close to thirty public hearings and over one hundred hours of public testimony. After demonstrating compliance with all applicable federal and state laws and regulations, the proposed new policies and amendments advocated by staff could put in place regulations that prevent or delay the construction of the Carlsbad Project. Consequently, the State Water Board's action to approve the amendments must consider the environmental effects of those regulations in the environmental analysis, including the impact that delay or termination of the construction of the Carlsbad Project would have on the Water Authority's water supply planning and projections.

The environmental analysis should also consider the impact adoption of the proposed regulations would have on the Sacramento San Joaquin Bay Delta. Specifically, it must analyze the impacts of such regulatory requirements to the Delta due to the Carlsbad Project and other seawater desalination projects not proceeding due to the burden of the new regulations and thereby placing an additional demand on the Delta.

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Desalination is an important part of the Water Authority's plan to ensure a reliable water supply for our region. We look forward to continuing to work with State Water Board staff on desalination policies that will provide our region with a reliable new water supply in an environmentally responsible manner.

Thank you for the opportunity to comment on the substitute environmental documentation for the proposed amendments. If you have any questions regarding this letter, or would like further information, please contact Bob Yamada, Water Resources Manager, at (858) 522-6744.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Weinberg', with a long horizontal stroke extending to the right.

Ken Weinberg
Director of Water Resources