

November 29, 2018

Central Coast Regional Water Quality Board:

Dr. Jean-Pierre Wolff, Chair; Dr. Monica Hunter, Karina Cervantez, Bruce Delgado, Jane Gray, Michael Johnston, Jeffrey Young, and John Robertson, Executive Officer
895 Aerovista Place, Suite 101
San Luis Obispo, CA

Dear Honorable State of California Central Coast Regional Water Quality Control Board:

I am writing to you on behalf of the city of Marina. At some time in the near future, the Central Coast Regional State Water Board will receive a permit request for the Monterey Peninsula Water Supply Project (MPWSP), a desalination plant intended to be built in Marina, CA by California American Water (Cal Am). I ask that before considering this application for brine discharge, that the legality of the overall project, for which the brine discharge is only one aspect, be demonstrated by the applicant. No one part of the project should be considered separately for permitting, if the whole cannot be deemed a legal project in the first place.

First, Cal Am has no groundwater rights in the Salinas Valley Groundwater Basin (SVGWB). The project would be drawing this groundwater along with sea water from the proposed slant wells.

Cal Am asserts in its Monterey Water Works website: **“Does Cal Am have the legal right to pump water from slant wells in Marina? Yes, The State Water Resources Control Board (SWRCB) agrees: Cal Am is fully compliant with water rights law.”**

Not true. Here is a direct quote from a letter dated September 4, 2018 from the California State Water Board to John Edward Forsythe, Senior Environmental Planner CPUC, Infrastructure Permitting and CEQA Section specifically speaking to this issue:
We ask that you not consider any permitting for a project that has no existing, valid water rights and likely will never receive any water rights in the future.

Second, it is based upon inaccurate science. I urge you to review the AEM (airborne electromagnetics) expansive imaging data produced by Dr. Rosemary Knight and her team at Stanford University. From this completed study that uses state-of-the-art scientific methodology, it is clear that the Cal Am Desalination project will induce further seawater intrusion into the Salinas Valley Groundwater Basin, causing harm to a sub-basin of the 180/400 foot aquifers not part of Cal Am’s jurisdiction, that has been identified by the State Water Resources Control Board (SWRCB) as one of CA’s critically over drafted basins.

Third, this project is in violation of environmental justice principles, community values and economic welfare.

On February 16, 2016, the State Water Board adopted Resolution No. 2016-0010, which adopted the Human Right to Water as a core value and directed its implementation in Water

Board programs and activities. The Water Board's Environmental Justice Program goals include "integrating EJ considerations into the development, adoption, implementation and enforcement of Board decisions, regulations and policies". The extraction of groundwater by Cal Am from Marina's sole source of water is a classic example of environmental injustice.

The Cal Am Desalination Project is proposed to be built in Marina, a disadvantaged community which does not have the financial resources to protect itself against Cal Am, a private multi-billion-dollar corporation.

Marina has a population of approximately 22,000, including close to 2,000 veterans, many of whom were stationed on the former Fort Ord Military Base, which closed in 1994, adjacent to Marina. As of 2016, median income per capita was \$24,773 and median household income was \$57,000. Further, 36% of Marina's population are speakers of non-English languages; this reflects the incredible diversity of the community. As of 2015, Marina's population was:

36.4% White, 29.5% Hispanic, 17.2% Asian, 7.0% Black, 5.7% Multiracial, 3.6% Pacific Islander
.05% Native American, .097% Other

Additionally, the ratepayers of the Peninsula, whose water purveyor is Cal Am, have overwhelmingly passed Measure J on November 6, 2018, which mandates completion of a feasibility study to buy-out Cal Am and to become a wholly public water system, with local control and transparency, and to ultimately curb the already highest rates of water in the country under Cal Am. This desalination project that will cost millions of dollars to already beleaguered ratepayers, does not even have the support of the Cal Am ratepayers upon whose behalf Cal Am is supposedly acting. Whom does this project benefit? Cal Am and its allies benefit, and citizens of both the Peninsula and Marina do not.

Please carefully consider any permitting decisions. Thank you for your time and willingness to protect Marina's water source, its people, and its water, and to support viable, affordable and sustainable alternative water projects for the Monterey Peninsula residents.

Sincerely,



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