
San Diego Regional Water Quality Control Board

Sent via Email Only

January 25, 2017

Mr. Peter MacLaggan
Vice President
Poseidon Resources (Channelside) LP
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In reply refer to / attn:
640063:bneill

Subject: Reissuance of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the Poseidon Resources (Channelside) LLC, Carlsbad Desalination Project, Discharge to the Pacific Ocean via the Encina Power Station Discharge Channel, Order No. R9-2006-0065, NPDES No. CA0109223

Mr. MacLaggan:

Poseidon Resources (Channelside) LP (Poseidon) is currently permitted to discharge reverse osmosis concentrate and pretreatment backwash from the Carlsbad Desalination Project to the Pacific Ocean, pursuant to Order No. R9-2006-0065. Order No. R9-2006-0065 expired on October 1, 2011, but has been administratively extended. Order No. R9-2006-0065 will continue in effect until it is superseded by a reissued National Pollutant Discharge Elimination System (NPDES) permit. The reissuance of the NPDES permit for the Carlsbad Desalination Project is a high priority for the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board).

The San Diego Water Board staff and State Water Resources Control Board (State Water Board) staff knowledgeable on Ocean Plan Desalination Amendment issues met with Poseidon most recently on November 2 and December 15, 2016 to review various information submittals by Poseidon and to discuss the outstanding issues related to the development of the draft NPDES Permit. The following listing summarizes the currently outstanding information items discussed at the meetings that Poseidon must provide in order for the San Diego Water Board to move forward with the development of the draft NPDES permit:

1. A corrected flow schematic for permanent stand-alone operations with respect to Figure 7 in the report of waste discharge (ROWD).
2. A revised proposal (including supporting information and rationale) for the zone of initial dilution.
3. A revised proposal (including supporting information and rationale) for the dilution ratio.

4. A revised intake feasibility analysis that examines locating the intake screens at the edge of Agua Hedionda Lagoon with the pumps at the current proposed on-shore location such that Poseidon would not need to suspend operation of the Carlsbad Desalination Project while installing the intake screens.
5. If Poseidon is pursuing the proposal to locate the intake screens at an on-shore location, a comparison of the intake and mortality of marine life associated with both intake screening location alternatives.
6. A revised ROWD with all applicable U.S. Environmental Protection Agency (USEPA) application forms identifying the proposed fish return system's discharge location to Agua Hedionda Lagoon, and an antidegradation analysis for the fish return system's discharge to the Lagoon.
7. A more comprehensive explanation of the calculation of marine life impacts associated with an off-shore outfall with diffuser, including a comparison to marine life impacts associated with the current near-shore outfall.
8. A revised mitigation analysis for marine life impacts that includes 1) identification of the extent of rocky bottom habitat provided by the current outfall's discharge jetties; 2) a revised calculation (including the supporting rationale and justification) for the area of the brine mixing zone; 3) a revised proposal (including the supporting rationale and justification) for the mitigation ratio; and 4) proposed measures to mitigate for impacts associated with the operation of the Carlsbad Desalination Project prior to the completion of the approved mitigation project.
9. A detailed discussion of the impacts of climate change on the Carlsbad Desalination Project itself and any additional impacts that sea level rise is expected to have on marine life in relation to the operation of the Carlsbad Desalination Project.

The San Diego Water Board understands that Poseidon is planning to submit information regarding items 2, 3, 4, 5, 7, 8, and 9 prior to the next meeting with the Water Boards on January 31.

As you know, preparation of the draft NPDES permit is underway and portions of the draft permit have been completed where possible using available information. Following submittal of a complete application, as determined by the San Diego Water Board, the timeframe for the development of the draft NPDES permit, the public review and comment process, and the San Diego Water Board proceedings to consider permit adoption could take up to nine months. Without the timely submittal of a complete application or if the information submitted is inadequate, the development of the draft NPDES permit will continue to be delayed.

Please feel free to contact Ben Neill with any questions or comments regarding this letter. Mr. Neill can be reached by phone at (619) 521-3376, or by email at Ben.Neill@waterboards.ca.gov. In the subject line of any response, please include the reference number "640063:bneill".

Respectfully,



David Gibson
Executive Officer

cc by email:

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Tech Staff Info & Use	
Order No.	R9-2006-0065
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