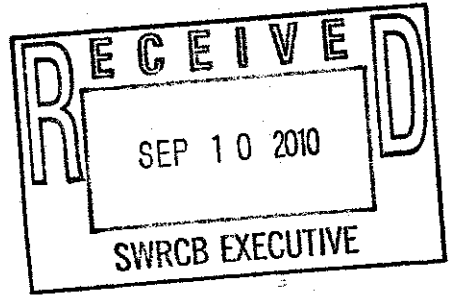




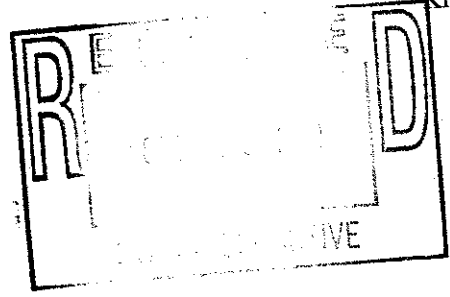
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September 8, 2010

Jeanine Townsend, Board Clerk  
State Water Resources Control Board  
1001 I Street  
PO Box 100,  
Sacramento, CA 95814



Dear Ms. Townsend

**Comment Letter - California Ocean Plan Scoping Document**

Thank you for the opportunity to comment on the proposed scoping document to the California Ocean Plan. I have the following comments on Item 10: Desalination Facilities and Brine.

You may not be aware that reverse osmosis was founded here in the state of California back in the 1960's. Yet California trails even far less industrialized nations in the use of this proven technology with politics that continually place undue burdens and barriers to the construction and use of desalination in our state.

Desalination projects would generate desperately needed jobs in our state with their design, construction and operation.

It's well known that recent droughts, court mandates that interfere with water distribution, over-appropriated rivers and coastal streams, and growth in areas of origins, have all led to the dire need for seawater desalination as part of a secure water supply.

This technology is well recognized as part of California's water future as presented in the California Water Plan and the plans of many local water agencies. We are asking you to consider **Alternative #1 No Action**. This will prevent any artificial standard, such as percent of natural background salinity, from impeding the need for desalination where feasible and appropriate to meet the needs of our current and future generations.

We are suggesting Alternative #1 No Action for the following reasons:



**Brine water quality objectives are not necessary** as all brine discharges require NPDES permits which already ensure that the ocean environment is not impacted by these discharges. In addition, The Ocean Plan currently has adequate protection through existing standards:

- Water Quality objectives are set for bacteriological, physical, chemical and biological characteristics of receiving water for discharge.
- Objectives include concentrations of metals, and or the chemical constituents for a discharge for the protection of all beneficial uses including habitat for marine species and well as human health.
- Standards applying to the naturally occurring chemical constituents found in seawater that are concentrated as part of the desalination process and discharged back into the ocean as brine.

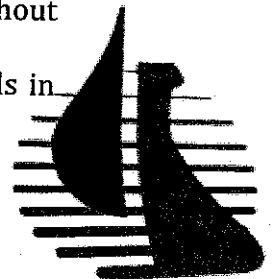
The requirements for NPDES and existing water quality objectives already ensure that the ocean environment is not impacted by these discharges.

**A narrative for brine discharges will impact many types of discharges, including water recycling concentrate and brine lines as well as desalination concentrate from ocean desalination and groundwater plants.** Please be mindful that all of these discharges are being successfully regulated today and that any additional regulation will impact/ impede these facilities. As more and more water is recycled out of waste water treatment plants, the remaining discharges become more concentrated and saline. Existing brine lines and additional brine lines are built to combat the issues of salt loading in our basins. Brine lines are and will continue to be viable solutions to basin salinity problems. If you chose to move forward, consideration for these uses must be included.

**Regional Boards are successfully permitting brine discharges** today and an additional layer of regulation is unnecessary to protect the marine environment. As noted, there is already adequate existing regulations for Regional Boards to protect the oceans from saline discharges. The Regional Boards have successfully permitted numerous seawater desalination, groundwater desalination, recycled water concentrate and brine line projects. No additional regulation is needed.

**Proven science does not yet exist to set a percent of background salinity narrative.** It is not appropriate to have a statewide percent of natural background as suggested in Alternative#2. The attempt to find a simple state-wide formula to fit all coastal environments suffers from three major problems:

- 1) the practical difficulties of defining a "natural background"
- 2) the significant disparity in natural background levels found throughout the state;
- 3) the enormous range of natural variability of those background levels in all regions of our state.



The acute and chronic toxicity standards in the ocean plan have been successfully applied to permits for brine discharge by the Regional Boards. They are very site and species specific.

Conditions such as blending and time of dispersal of brine plume all play a part in regional decisions applicable to the unique conditions of a regions ocean environments. Due to the variability of coastal currents, brine plumes vary in size and trajectory over time and may influence multiple types of habitat, each of which may have different tolerances to salinity variation. The variability of currents also influence the amount of time that free floating organisms are exposed to brine plumes.

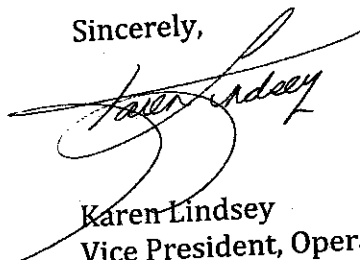
**There is no need for an artificial percent of background salinity narrative.** In some cases this would be overprotective while in others it would not offer enough protection.

A blanket condition of a certain percent of natural conditions is simply not good science. Regional Boards are doing a very good job applying the ocean plan. Staff has accurately described why alternative #3 is not workable. The cited study on sea urchins confirms that more studies are needed. In addition, test protocols have changed since that study was conducted and desalination technology has advanced, so the study results are no longer representative of current technology. The water industry has already stepped forward to initiate additional site-specific research on hypersalinity effects and will continue to do so as new sites are proposed. Good public policy would suggest that we obtain more data and experience before adding new amendments to the ocean plan for brine.

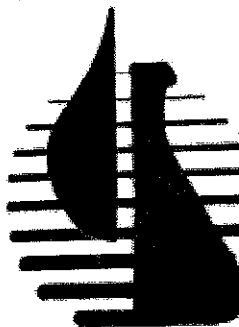
In summary, the existing ocean plan already offers sound methods of protection and already considers criteria for site specific permits. The NPDES's and acute and chronic toxicity protects the marine species and no further action is required at this time. **We urge you to adopt Alternative #1 No Action.**

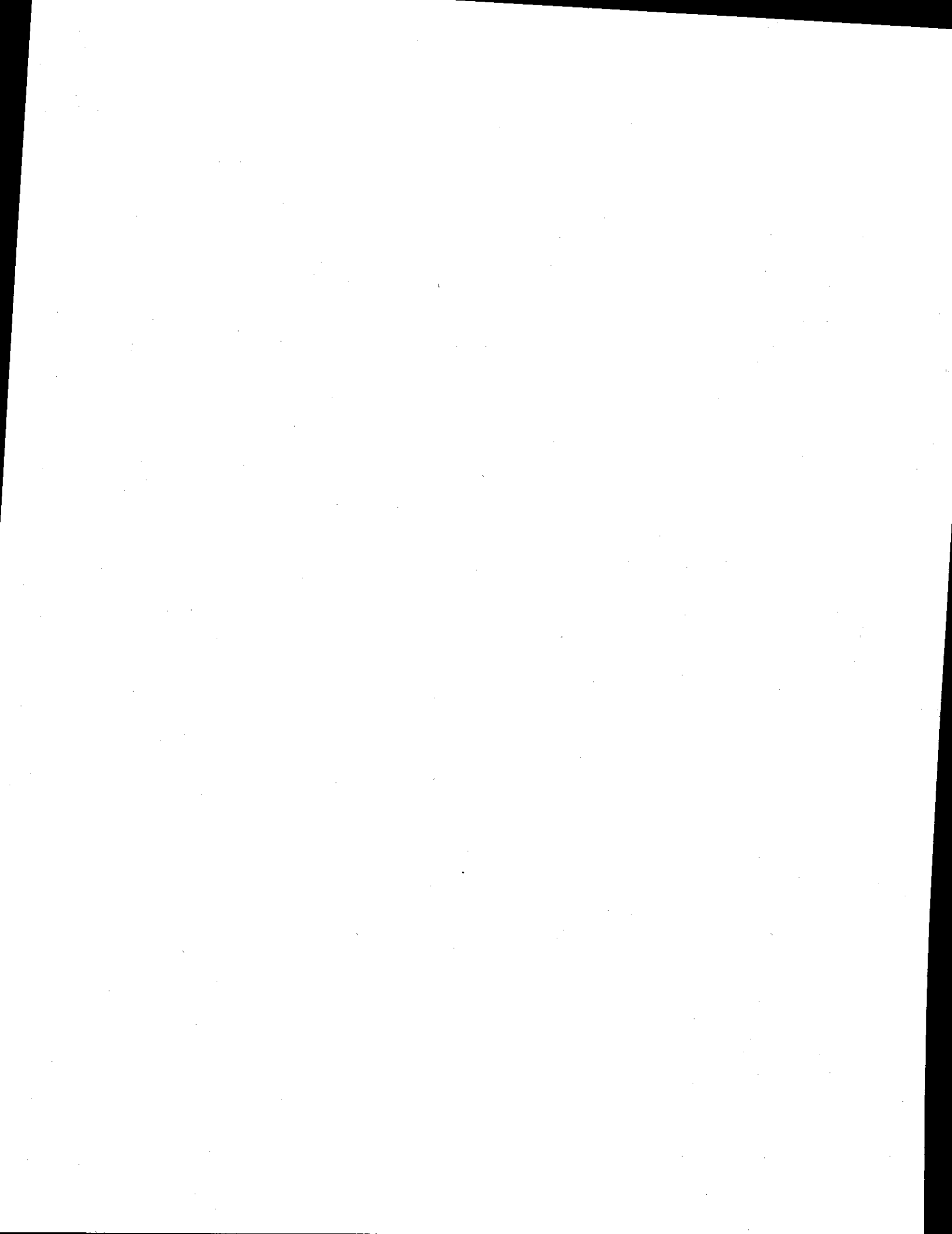
Reverse osmosis was born in California. It's time to eliminate unnecessary barriers and allow this technology to thrive in the state that proudly developed it.

Sincerely,



Karen Lindsey  
Vice President, Operations  
Avista Technologies, Inc.





**From:** Michael Lauffer  
**To:** Hoppin, Charles  
**CC:** Bishop, Jonathan; Howard, Tom; Townsend, Jeanine  
**Date:** Friday, September 10, 2010 9:28 AM  
**Subject:** Fwd: request for time on the malibu hearing  
**Attachments:** request for time on the malibu hearing

Charlie,

Mark Gold submitted a request for additional time on the Malibu item. It is a request for 30 minutes to do a coordinated presentation by Heal the Bay, Surfrider, and Baykeeper. Jon and I spoke and we would recommend granting the request because it will allow a coordinated presentation. Whether you want to grant the full 30 minutes or some less time like 20 or 25 minutes is your call. Let us know either way.

I expect we'll get a similar request from Malibu.

Regards,  
-maml

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