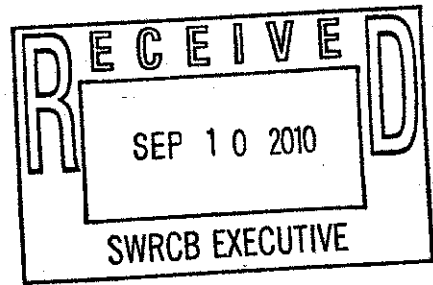




September 10, 2010



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State Water Resources Control Board
PO Box 100,
Sacramento, CA 95812-0100

Dear Board Members,

Comment Letter - California Ocean Plan Scoping Document

Thank you for the opportunity to comment on the proposed scoping document to the California Ocean Plan. On behalf of Municipal Water District of Orange County (MWDOC), we have the following comments on Item 10 Desalination Facilities and Brine.

We are in dire need for new water supplies. Drought, climate change, courts shutting down pumps, over appropriated rivers and coastal streams, growth in area of origins, maximizing recycling and water use efficiency all lead to the need for seawater desalination as part of a secure future water supply. Desalination is a recognized part of the California's water future as presented in the California Water Plan, regional plans and the plans of many local water agencies. We are asking for you to consider **Alternative #1 No Action**. This will prevent any artificial standard, such as percent of natural background salinity, from impeding 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, and these permits (and the conditions they contain) ensure that the ocean environment is not impacted by these discharges. Ocean desalination "brine" discharges are innocuous ocean salts concentrated two-fold and are readily dispersed in the ocean through well designed diffuser systems or via co-disposal with municipal wastewater.

The identified concern in the scoping document is that there are no Ocean Plan water quality objectives that apply specifically to concentrated ocean water and brackish discharges from desalination plants. Additional water quality objectives for these return flows are not necessary as all discharges require NPDES permits which provide adequate protection of the marine environment. The current Ocean Plan provides adequate protection.

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

The alternative for 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 may adversely impact and potentially preclude 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 watersheds and groundwater basins. Brine lines are and will continue to be the primary solution 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 regulations is unnecessary to protect the marine environment. As noted, there are 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. Reasonable mixing zones allow salinity dispersion and minimize impacts to the marine environment.

Good science does not exist today to set a percent of background salinity narrative.

It is not appropriate to impose a statewide percent of natural background as suggested in Alternative#2. This attempt to find a simple state-wide formula to fit all coastal environments suffers from three major problems: 1) the practical difficulties of defining what natural background is; 2) the significant disparity in natural background levels found throughout the state; and 3) the enormous range from place to place in the natural variability of those background levels. 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 specific and species specific. Conditions such as blending and time of mixing and dispersal of brine plumes all play a part in regional decisions applicable to the unique conditions of a region's ocean environments and the design of diffuser systems.

There is no need for an artificial percent of background salinity narrative.

In some cases this would be overprotective, in some under protective. A blanket condition of a certain percent of natural conditions is not good science. Regional Boards are doing a good job in applying the ocean plan. Staff has accurately described why

alternative #3 is not workable. The cited study on sea urchins itself suggested more study is needed. In addition, test protocols have changed since that study was conducted and desalination technology has advanced, so the study results most likely are not representative of current conditions. The water industry has already stepped forward to initiate additional site-specific research on mixing and hypersalinity effects and will continue to do so, as our new sites are proposed. Good public policy would suggest we get more data and experience before we add new amendments to the ocean plan for concentrated ocean salts and brackish water brines.

In summary, the ocean plan currently offers good methods of protection. It allows for site specific permits. The NPDES' permits, including acute and chronic toxicity adequately protect the marine environment. No additional regulation is necessary. We urge you to adopt Alternative #1 No Action.

Sincerely,



Richard B. Bell, P.E.
Manager, Water Resources and Facility Planning

cc: South Orange Coastal Ocean Desalination Project Participants