

**STATE WATER RESOURCES CONTROL BOARD  
BOARD HEARING SESSION – DIVISION OF WATER QUALITY  
AUGUST 19, 2014**

**ITEM 9**

**SUBJECT**

PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR CALIFORNIA OCEAN WATERS TO ADDRESS DESALINATION INTAKES AND BRINE DISCHARGES, AND TO INCORPORATE NON-SUBSTANTIVE CHANGES

**DISCUSSION**

The State Water Resources Control Board (State Water Board) staff propose to amend the Water Quality Control Plan for California Ocean Waters (Ocean Plan) to address desalination facility intakes and brine discharges, and to incorporate several small non-substantive changes to the existing Ocean Plan (collectively referred to as the Desalination Amendment). At present, the Ocean Plan does not address water quality objectives for elevated salinity in receiving waters. In addition, the Ocean Plan currently lacks implementation provisions that would address the degradation of marine communities that may occur as the result of the construction or operation of a desalination facility.

If adopted by the State Water Board, the proposed amendment will help achieve statewide consistency related to regulatory actions pertaining to desalination facilities and provide direction to Regional Water Quality Control Boards (Regional Water Boards) to ensure appropriate environmental protection, while balancing the benefits of desalination on water supply reliability. California Water Code section 13142.5, subdivision (b) (hereafter 13142.5(b)) requires that facilities using seawater for industrial processing use the best site, design, technology, and mitigation measures feasible to minimize the intake and mortality of marine life. Currently, coastal Regional Water Boards make 13142.5(b) determinations and permit desalination facilities on a case-by-case basis, which requires technical expertise in a variety of subjects in addition to significant resources. Sufficient resources or subject expertise may not be available at each regional water board, which can lead to varying decision criteria and different conclusions regarding the most appropriate requirements for desalination facilities.

The [proposed Desalination Amendment](#) includes: (1) a section on applicability and general provisions that includes definitions of new, expanded, and existing facilities; (2) direction to Regional Water Boards in making determinations about the best site, design, technology and mitigation for conditionally permitted, new, or expanded desalination facilities; (3) a narrative receiving water limitation for salinity; and (4) monitoring and reporting requirements. Furthermore, this amendment includes non-substantive changes to the Ocean Plan to make grammatical and editorial changes. The Desalination Amendment also includes provisions that define the roles of the State Water Board and Regional Water Boards in regulating desalination facilities.

State Water Board staff prepared a [Draft Staff Report including Substitute Environmental Documentation](#) to accompany the proposed Desalination Amendments. These documents were released to the public to receive input and comments on July 3, 2014.

**POLICY ISSUE**

None at this time; no final action will be taken. Final action of the State Water Board will be scheduled for a subsequent date.

**FISCAL IMPACT**

None at this time; no final action will be taken. Final action of the State Water Board will be scheduled for a subsequent date.

**REGIONAL BOARD IMPACT**

None at this time; no final action will be taken. Final action of the State Water Board will be scheduled for a subsequent date.

**STAFF RECOMMENDATION**

None. The Board will not be asked to make a decision at this public hearing.

State Water Board action on this item will assist the Water Boards in reaching Goals 1, 3, 4, 5, 6, and 7 of the Strategic Plan Update: 2008-2012 to: support beneficial uses; increase sustainable local water supplies; address water quality protection, and the relationship between water supply and water quality; enhance consistency across the Water Boards to ensure our processes are effective, efficient and predictable; and to ensure that the Water Boards have access to information and expertise to reduce processing time and costs associated with implementing and enforcing regulations.