



February 17, 2016

Via e-mail: Kurt.Berchtold@waterboards.ca.gov

Mr. Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

RE: HUNTINGTON BEACH DESALINATION FACILITY REQUEST FOR WATER CODE 13142.5 (b) DETERMINATION

Dear Kurt:

I am writing in response to your letter dated February 9, 2016 pertaining to Poseidon Water's proposed Huntington Beach Desalination Facility ("Facility").

In February 2012, the Santa Ana Regional Water Quality Control Board ("Regional Board") approved Order No. R8-2012-0007, NPDES No. CA8000403, which permits the proposed Facility's intake and discharge of seawater consistent with the requirements of California Water Code Section 13142.5(b). As noted in the Regional Board's October 30, 2015 letter to Tom Luster of the Coastal Commission, Order No. R8-2012-0007, NPDES No. CA8000403 remains valid and in full force and effect today and is due for renewal in February 2017.

Poseidon appreciates the Regional Board's continued interest in the proposed Facility since it first approved the desalination project's NPDES permit in 2006 and again in 2012, and we are grateful for staff's willingness to engage Poseidon at this early date in the Water Code Section 13142.5(b) determination required by the *Amendment to the Water Quality Control Plan for Ocean Waters of California Addressing Desalination Facility Intakes, Brine Discharges, and Incorporating Other Non-substantive Changes* (the "Desalination Amendment") adopted by the State Water Resources Control Board ("SWB") in May 2015 and approved by the Office of Administrative Law on January 28, 2016. Per your suggestion, within the next few weeks, Poseidon plans to submit to the Regional Board a schedule of when Poseidon will submit its request for a Water Code section 13142.5(b) determination to the Regional Board. Also per your request, we have prepared initial responses to the specific requests made in the SWB staff's February 8, 2016 letter to Alison Dettmer (**Attachment 1**), and have attached site-specific studies and analyses (**Attachments 2-9**) that the Regional Board staff should find helpful as it conducts its Water Code Section 13142.5(b) consistency determination pursuant to the requirements of the Desalination Amendment. All of these site-specific studies and analyses have previously been provided to the Coastal Commission staff.

Poseidon Water LLC

17011 Beach Boulevard, Suite 900 Huntington Beach, California 92647 Phone: (714) 596-7946 Fax: (714) 596-7947
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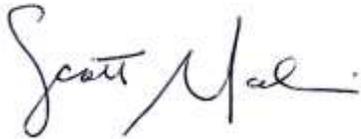
On April 28, 2015, Governor Brown directed the Office of Planning and Research, among other state agencies, to “*help local water agencies reduce the time required to comply with state-required environmental reviews.*” This directive from the Governor follows his actions under Executive Order B-29-15 (Provision 19), which states “*State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including ... desalination plants. Agencies shall report to the Governor’s Office on applications that have been pending for longer than 90 days.*”

As you know from our in-person meetings and phone calls over the past year, on September 1, 2015, Poseidon submitted a Coastal Development Permit (“CDP”) application to the Coastal Commission for the construction, co-located operation, and temporary and long term stand-alone operation of the proposed Facility. Poseidon and the Coastal Commission staff have been working on the proposed Facility’s CDP for the past six months and are planning on a May 2016 Commission hearing.

Poseidon’s CDP application was developed after the SWB adopted the Desalination Amendment and therefore describes our proposed plan to comply with the various provisions of the Desalination Amendment. According to the SWB staff’s February 8, 2016 letter to Alison Dettmer, the SWB staff has only performed a cursory review of Poseidon’s application materials. The enclosed detailed response to SWB staff’s February 8, 2016 letter to Alison Dettmer (**Attachment 1**) and attached site-specific studies and analyses (**Attachments 2-9**) should be useful as the Regional Board conducts its Water Code section 13142.5(b) determination. In addition to the attached documents, we will be transmitting the materials in the Coastal Commission’s administrative record and supplemental materials to the Regional Board for your consideration.

Please don’t hesitate to contact me with any questions.

Sincerely,



Scott Maloni,
Vice President, Poseidon Water

cc: Milasol Gaslan, Santa Ana Regional Water Quality Control Board
Kathleen Fong, Santa Ana Regional Water Quality Control Board
David Rice, State Water Resources Control Board-Office of the Chief Counsel
Phil Wyels, State Water Resources Control Board -Office of the Chief Counsel
Jonathan Bishop, State Water Resources Control Board
Mariela Paz Carpio-Obese, State Water Resources Control Board
Kimberly Tenggardjaja, State Water Resources Control Board
Tom Luster, California Coastal Commission
Cy Oggins, State Lands Commission

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ATTACHMENT INDEX

Attachment 1	Poseidon's Detailed Response to SWB's February 8, 2016 letter to Alison Dettmer
Attachment 2	Dudek: <i>Huntington Beach Desalination Plant Alternative Sites Analysis</i> <ul style="list-style-type: none">• Attachment 2 was provided to the Coastal Commission staff on September 1, 2015
Attachment 3	Independent Scientific Technical Advisory Panel Phase 1 Final Report <ul style="list-style-type: none">• Attachment 3 was provided to the Coastal Commission staff on September 1, 2015
Attachment 4	Independent Scientific Technical Advisory Panel Phase 2 Final Report <ul style="list-style-type: none">• Attachment 4 was provided to the Coastal Commission staff on November 9, 2015
Attachment 5	Orange County Water District Long Term Facilities Plan <ul style="list-style-type: none">• Attachment 5 was provided to the Coastal Commission staff on September 1, 2015
Attachment 6	Orange County Water District Water Reliability Agreement Term Sheet <ul style="list-style-type: none">• Attachment 6 was provided to the Coastal Commission staff on September 1, 2015
Attachment 7	Arcadis: <i>Evaluation of Alternate Intake Technologies for the Reduction of Impingement Mortality & Entrainment</i> <ul style="list-style-type: none">• Attachment 7 was provided to the Coastal Commission staff in April 2011 and is part of the RWQCB's administrative record for Order No. R8-2012-0007, NPDES No. CA8000403
Attachment 8	Marine Life Mitigation Plan

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	<ul style="list-style-type: none">• Attachment 8 was provided to Coastal Commission staff on March 21, 2013
Attachment 9	<p>Michael Baker International: <i>Conventional Diffuser Retrofit at Huntington Beach Desalination Facility</i></p> <ul style="list-style-type: none">• Attachment 9 was provided to the Coastal Commission staff on September 1, 2015

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