



California Regional Water Quality Control Board

San Diego Region



Dan Skopec
Acting Secretary

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

July 6, 2006

CERTIFIED – REGISTERED MAIL
7003 2260 0003 0649 5968

Mr. Peter M. MacLaggan
Senior Vice President
Poseidon Resources Corporation
501 W. Broadway, Suite 840
San Diego, CA 92101

In reply refer to:
NCR: 02-1429.02:cqc

REVISED TENTATIVE ORDER NO. R9-2006-0065; NPDES PERMIT NO. CA0109223;
WASTE DISCHARGE REQUIREMENTS FOR THE POSEIDON RESOURCE
CORPORATION, CARLSBAD DESALINATION PROJECT, DISCHARGE TO THE
PACIFIC OCEAN VIA THE ENCINA POWER STATION DISCHARGE CHANNEL
RESPONSE TO COMMENTS

Dear Mr. MacLaggan:

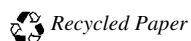
Enclosed are copies of the Revised Tentative Order No. R9-2006-0065, NPDES Permit No. CA0109223 including Monitoring and Reporting Program and Fact Sheet, and Response to Comments about Tentative Order No. R9-2006-0065. The Fact Sheet as part of the Revised Tentative Order No. R9-2006-0065 incorporates written and oral comments received by the Regional Board on or prior to the public hearing of the June 14, 2006 Regional Board meeting. The public will be allowed to comment on changes made in the Revised Tentative Order No. R9-2006-0065 subsequent to the June 14, 2006 Board meeting. These changes are marked as "redline strikeout" in the Revised Tentative Order. The Revised Tentative Order R9-2006-0065 will be presented to the Regional Board for consideration of adoption at the August 16, 2006 Board meeting.

The Response to Comments provides Regional Board's responses to written and oral comments received on or prior to the public hearing of the June 14, 2006 Regional Board meeting.

Copies of the enclosed documents can also be obtained from our website as follows:

<http://www.waterboards.ca.gov/sandiego/>.

California Environmental Protection Agency



If adopted, tentative Order No. R9-2006-0065, NPDES Permit No. CA0109223, would establish requirements for the Carlsbad Desalination Project (CDP) discharge of up to 54 million gallon per day (MGD) average daily flow using granular media filtration pretreatment technology, or 57 MGD average daily flow using membrane filtration pretreatment technology, of combined concentrated saline waste seawater and filter backwash wastewater into the Pacific Ocean via the Encina Power Station's cooling water discharge channel, in accordance with the discharge prohibitions, specifications, provisions and requirements of this Order. If adopted, Order No. R9-2006-0065 shall become effective after US EPA's review and approval.

The August 16, 2006 meeting will begin promptly at 9:00 am and will be held at the following location:

Regional Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Please review and comment on the changes to the Tentative Order at your earliest convenience. It is recommended that written comments be submitted as soon as possible to amend the tentative Order, if necessary, and allow changes to the tentative Order to be fully reviewed by the Regional Board and interested parties. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 2, 2006. The final deadline for submittal of written comments, however, is August 9, 2006. Per Regional Board direction, written material submitted to the Regional Board office after the submittal deadline date will not be provided to the Regional Board. Also, it is not likely that written material will be accepted by the Regional Board on the day of the meeting.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Mr. Peter M. MacLaggan
Poseidon Resources Corporation
Revised Tentative Order No. R9-2006-0065

3

July 6, 2006

If you have any questions regarding the above, please contact Mr. Charles Cheng at (858) 627-3930 or ccheng@waterboards.ca.gov.

Respectfully,

MICHAEL P. McCANN
Supervising Engineer

Enclosure: 1. Revised Tentative Order No. R9-2006-0065; NPDES Permit No. CA0109223 with Attachments of Revised Monitoring and Reporting Program and Fact Sheet
2. Interested Parties List
3. Response to Comments

cc w/ enclosures 1 & 2:

State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130
Attn: James Maughan

Mr. Tom Luster
California Coastal Commission
Energy and Ocean Resources Unit
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
Attn: Douglas Eberhardt

cc w/ enclosure 2 & 3:

Mr. Ed Kimura
Sierra Club, San Diego Chapter
6995 Camino Amero
San Diego, CA 92111-7667

Deborah Sivas
Stanford Legal Clinics
559 Nathan Abbott Way
Stanford, CA 94305-8610

cc w/o encl: (See Enclosed Interested Parties List)

California Environmental Protection Agency



Recycled Paper

Interested Parties
Order No. R9-2006-0065
NPDES Permit No. CA0109223

July 7, 2006

Interested parties can obtain copies of Order Nos. R9-2006-0065, NPDES Permit No. CA0109223, and Response to Comments from our web-site at <http://www.waterboards.ca.gov/sandiego/>

COVER LETTER ONLY

Terry Roberts
Director
State Clearinghouse
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Mr. Steve Shaffer
Director, Office of Agriculture and
Environmental Stewardship
Department of Food and Agriculture
1220 N. Street, Room A-464
Sacramento, CA 95814

Mr. Stephen L. Jenkins
Assistant Chief
Division of Environmental Planning and
Management
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Assemblyman George A. Plescia
Seventy-Fifth District
Assembly California Legislature
9909 Mira Mesa Blvd, Suite 130
San Diego, CA 92131

Assemblymember Mark Wyland
Seventy-Fourth District
Assembly California Legislature
1800 Thibodo Road, Suite 300
Vista, CA 92081

Ms. Valerie L. Chambers
Assistant Regional Administrator
for Habitat Conservation
United State Department of
Commerce
National Marine Fisheries
Service
Southwest Region
501 West Ocean Boulevard,
Suite 4200
Long Beach, CA 90802-4213

Mr. Mario H. Orso
Chief, Development Review Branch
Department of Transportation,
District 11
2829 Juan Street
P.O. Box 85406, M.S. 50
San Diego, CA 92110-2799

Ms. Carol Gaubatz
Program Analyst
Native American Heritage
Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Senator Bill Morrow
Thirty-Eighth District
California State Senate
2755 Jefferson Street, Suite 101
Carlsbad, CA 92008

Assemblymember Lynn Daucher
Seventy-Second District
Assembly California Legislature
210 W. Birch Street, #202
Brea, CA 92821

Mr. Benjamin Frater
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

Mr. Tom Luster
California Coastal Commission
Energy and Ocean Resources
Unit
45 Fremont, Suite 2000
San Francisco, CA 94105-
2219

Mr. Brian Bernados, P.E.
District Engineer
Department of Health Services
Southern California Drinking
Water Field Operations Branch
1350 Front Street, Room 2050
San Diego, CA 92101

Senator Christine Kehoe
Thirty-Ninth District
California State Senate
2445 5th Avenue, Suite 200
San Diego, CA 92101

Assemblyman Jay La Suer
Vice Chair, Public Safety
Committee
Seventy-Seventh District
Assembly California Legislature
5360 Jackson Drive, Suite 120
La Mesa, CA 91942

Interested Parties
Order No. R9-2006-0065
NPDES Permit No. CA0109223

July 6, 2006

Interested parties can obtain copies of Order Nos. R9-2006-0065, NPDES Permit No. CA0109223 and Response to Comments from our web-site at [http://www.waterboards.ca.gov/san diego/](http://www.waterboards.ca.gov/san_diego/)

COVER LETTER ONLY

Ms. Kate Stonelake
Rail Project & Environmental
Coordinator
North County Transit District
810 Mission Avenue
Oceanside, CA 92054-2825

Mr. Kurt Luhrsen
Principal Planner
North County Transit District
810 Mission Avenue
Oceanside, CA 92054-2825

Mr. Gary A Broomell
President
Valley Center Municipal Water
District
29300 Valley Center Road
P.O. Box 67
Valley Center, CA 92082

Mr. Mark McCabe
Environmental Health Specialist III
Department of Environmental
Health
Hazardous Material Division
P.O. Box 129261
San Diego, CA 92112-9261

Mr. James W. Royle, Jr.
Chairperson
Environmental Review
Committee
San Diego County
Archaeological Society, Inc.
P.O. Box 81106
San Diego, CA 92138-1106

Mr. Warren Finley
Wader LLC
1076 Skyline Drive
Laguna Beach, CA 92651

Mr. Eugene Mitchell
Vice President
Public Policy & Communications
San Diego Regional Chamber of
Commerce
402 West Broadway, Suite 1000
San Diego, CA 92101-3585

Mr. David Lloyd
Secretary
Cabrillo Power I LLC
4600 Carlsbad Blvd.
Carlsbad, CA 92008

Mr. Steven Aceti, J.D.
Executive Director
California Coastal Coalition
1133 Second Street, Suite G
Encinitas, CA 92024

Mr. Joseph D. Panetta
President and CEO
BIOCOM
4510 Executive Drive, Plaza One
San Diego, CA 92121

Mr. Gary Knight
President and CEO
San Diego North Economic
Development Council
100 N. Rancho Santa Fe Road,
Suite 124
San Marcos, CA 92069

Ms. Lisa Briggs
President and CEO
San Diego County Taxpayers
Association
625 Broadway, Suite 614
San Diego, CA 92101-5413

Mr. Kennon W. Baldwin
Facilities Co-Chair
BIOCOM
4510 Executive Drive, Plaza One
San Diego, CA 92121

Mr. Ted Owen
President and CEO
Carlsbad Chamber of Commerce
5934 Priestly Drive
Carlsbad, CA 92008

Mr. Jim Colclaser
Southwest Carlsbad Homeowners
Association Coalition
1049 Goldeneye View
Carlsbad, CA 92009-1225

Interested Parties
Order No. R9-2006-0065
NPDES Permit No. CA0109223

July 6, 2006

Interested parties can obtain copies of Order Nos. R9-2006-0065, NPDES Permit No. CA0109223 and Response to Comments from our web-site at [http://www.waterboards.ca.gov/san diego/](http://www.waterboards.ca.gov/san_diego/)

COVER LETTER ONLY

Mr. Bill Arnold
President
Rancho Carlsbad Owners'
Association, Inc.
5200 El Camino Real
Carlsbad, CA 92008

Ms. Diane Nygaard
Preserve Calavera
5020 Nighthawk Way
Oceanside, CA 92056

Mr. Charles Lingenfelter
President
Ocean Hills Property Protection
Fund Trust
Ocean Hills Country Club
4610 Cyrus Way
Oceanside, CA 92056

Mr. William Bruinsma, PE
2882 Dartmouth Drive
Oceanside, CA 92056

Ms. Patti Krebs
Executive Director
Industrial Environmental
Association
701 B Street, Suite 1040
San Diego, CA 92101

Sarah Abramson
Heal the Bay
1444 9th Street
Santa Monica, CA 90401

Mr. Gary S. Hill
Director, Community Development
Gemological Institute of America
The Robert Mouawad Campus
5345 Armada Drive
Carlsbad, CA 92008

Mr. Donald B. Kent
President
Hubbs-Sea World Research
Institute
2595 Ingraham Street
San Diego, CA 92109

Ms. Ofelia E. Escobedo
Partner/Owner
Lola's Market and Deli
3292 Roosevelt St.
Carlsbad, CA 92008

Ms. Joni Miringoff
The Flower Fields at Carlsbad
Ranch
5600 Avenida Encinas, Suite 100
Carlsbad, CA 92008

Mr. Robert Hawkins
Law Offices of Robert C.
Hawkins
110 Newport Center Drive, Suite
200
Newport Beach, CA 92660

Mr. Mark Bird
Community College of
Southern Nevada
6375 West Charleston, W1D
Las Vegas, NV 89146

Ms. Norma J. Wolk
2457 Levante St.
Carlsbad, CA 92009

Ms. Julianne Nygaard
3405 Spanish Way
Carlsbad, CA 92008

Kerry Siekmann
5239 El Arbol
Carlsbad, CA 92008

Ms. Helen Bourne
7040 Avenida Encinas, Suite 104,
PMB 207
Carlsbad, CA 92009

Kasey Cinciarelli
2727 Lyons Ct.
Carlsbad, CA 92010

Ms. Jackie Stone
President
The League of Women Voters
of North Coast San Diego
County
P.O. Box 131272
Carlsbad, CA 92013

Interested Parties
Order No. R9-2006-0065
NPDES Permit No. CA0109223

July 6, 2006

Interested parties can obtain copies of Order Nos. R9-2006-0065, NPDES Permit No. CA0109223 and Response to Comments from our web-site at [http://www.waterboards.ca.gov/san diego/](http://www.waterboards.ca.gov/san_diego/)

COVER LETTER ONLY

Mr. Matt Vander Sluis
Planning and Conservation League
921 11th Street, Third Floor
Sacramento, CA 95814

Leslie Mintz
Legislative Director
Heal the Bay
3220 Nebraska Avenue
Santa Monica, CA 90404

Ms Norma J Wolk
2457 Levante St.
Carlsbad, CA 92009

Mr. Larry Purcell
Water Resources Manager
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

Mr. Mark Chomyn, AICP
Land Planning Supervisor
San Diego Gas and Electric
8315 Century Park Court
San Diego, CA 92123-1548

Mr. Mike Chrisman
Secretary for Resources
State of California Resources
Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Mr. Donald Estes
President
Ocean Hills Country Club
Homeowners Association
4600 Leisure Village Way
Oceanside, CA 92056-5101

Carey L. Cooper, Esq.
Klinedinst Attorneys at Law
501 W. Broadway, Suite 600
San Diego, CA 92101

Mr. Greg Holmes
Unit Chief
Department of Toxic
Substances Control
5796 Corporate Avenue
Cypress, CA 90630

Mr. Joe Geever
Surfrider Foundation
P.O. Box 1511
Solana Beach, CA 92075

Elkhorn Slough Coalition
8145 Messick Road
Prunedale, CA 93903

Ms. Jane DeLay
Executive Director
Save Our Shores
345 Lake Ave Suite A
Santa Cruz, CA 95062

Southern California Watershed
Alliance
C/O Mr. Conner Everts
Environment Now
2515 Wilshire Blvd
Santa Monica, CA 90403

Mr. David Hogan
Desert Rivers Coordinator
Center for Biological Diversity
P.O. Box 7745
San Diego, CA 92167

Mr. Ed Kimura
Sierra Club, San Diego
Chapter
6995 Camino Amero
San Diego, CA 92111-7667

Mr. James Peugh
Conservation Chair
San Diego Audubon Society
4891 Pacific Highway, Suite #112
San Diego, CA 92110

Mr. Bruce Reznik
Executive Director
San Diego Baykeeper
2924 Emerson Street, Suite 220
San Diego, CA 92106

Mr. Greg Helms
Program Manager
The Ocean Conservancy
Santa Barbara Field Office
714 Bond Ave.
Santa Barbara, CA 93103

Interested Parties
Order No. R9-2006-0065
NPDES Permit No. CA0109223

July 6, 2006

Interested parties can obtain copies of Order Nos. R9-2006-0065, NPDES Permit No. CA0109223 and Response to Comments from our web-site at [http://www.waterboards.ca.gov/san diego/](http://www.waterboards.ca.gov/san_diego/)

COVER LETTER ONLY

Ms. Heather Allen
Policy Director
Friends of the Sea Otter
125 Ocean View Blvd. #204
Pacific Grove, CA 93950

Mr. Klaus Koeppel
Friends Artists and Neighbors of
Elkhorn Slough
P.O. Box 180
Moss Landing, CA 95039

Mr. Don May
Executive Director
California Earthcorps
4927 Minturn Ave.
Lakewood, CA 90712

California Coastal Protection
Network
906 Garden Street
Santa Barbara, CA 93101

Save Our Waterfront Committee:
Barbara Bass Evans
781 Terry Street
Monterey, CA 93940

Mr. Robert Greaney
General Manager
Carlsbad Municipal Water
District
5950 El Camino Real
Carlsbad, CA 92008

Mr. James Elliott
Administrative Services Director
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008-7314

Mr. Michael Hogan
Encina Water Pollution Control
Facility
6200 Avenida Encinas
Carlsbad, CA 92009-0171

Mr. Christopher Garrett
Latham & Watkins
600 W. Broadway
San Diego, CA 92101

National Marine Fisheries Service
501 W. Ocean Blvd.
Long Beach, CA 90802-4213

US Environmental Protection
Agency
Water Quality Division
74 Hawthorn Street
San Francisco, CA 94105-3901

Judy Brown
Public Land Management
Specialist
California State Lands
Commission
100 Howe Avenue, Suite 100
South
Sacramento, CA 95825
BrownJ@slc.ca.gov

Joe Geever
Surfrider Foundation
8117 W. Manchester Ave #297
Playa del Rey, CA 90293

Ruby Evans
Environment Now
2515 Wilshire Blvd.
Santa Monica, CA 90403

Mayor Bud Lewis
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Interested Parties
Order No. R9-2006-0065
NPDES Permit No. CA0109223

July 6, 2006

Interested parties can obtain copies of Order Nos. R9-2006-0065, NPDES Permit No. CA0109223 and Response to Comments from our web-site at [http://www.waterboards.ca.gov/san diego/](http://www.waterboards.ca.gov/san_diego/)

COVER LETTER ONLY

Councilmember Matt Hall
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Don Christiansen
PO Box 2563
Carlsbad, CA 92018

Mike Madigan
877 Island Avenue, Suite 508
San Diego, CA 92101

Gabriel Solmer
SD Coast Keeper
2924 Emerson Street, Suite 220
San Diego, CA 92106

Conner Everts
Desal Response Group
www.desalresponsegroup.org/index.html

Deborah Sivas
Stanford Legal Clinics
559 Nathan Abbott Way
Stanford, CA 94305-8610