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**BEFORE THE STATE WATER
RESOURCES CONTROL BOARD**

In the Matter of the State Water Resources)
Control Board (State Water Board))
Hearing to Determine whether to Adopt a)
Draft Cease & Desist Order against)
California American Water Regarding its)
Diversion of Water from the Carmel River)
in Monterey County under Order WR 95-10)
_____)

Hearing Date: July 23 - 25, 2008

Carmel River in Monterey County

EXHIBIT MPWMD-HS10

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



To: Chair/Board members
KTI

TO: JIM B
5/25/05
cc: H. Stern
J. Oliver
D. Forest

May 12, 2005

Mr. James Brezack
RBF Consulting
500 Ygnacio Valley Road, Suite 270
Walnut Creek, CA 94596

RE: Application for Waiver of Coastal Development Permit for Proposed Pilot Desalination Facility at Moss Landing Power Plant

VIA FACSIMILE (925) 906-1465

Dear Mr. Brezack:

I have reviewed your application for the above-referenced proposed project, received here in our office on April 20, 2005. The proposal consists of a pilot desalination facility to be built and operated by the California-American Water Company (Cal-Am) at the Moss Landing Power Plant. The application states that the facility would draw in about 200,000 gallons of seawater per day from the power plant's cooling system to test various desalination methods and types of equipment.

The proposed project is under the jurisdiction of the Coastal Commission and will require a coastal development permit or a waiver of permit requirements. However, pursuant to the Coastal Commission's regulations at 14 CCR Section 13053.5(a), the application is incomplete and cannot be filed until we receive the additional information described below.

- 1) **Proof of Interest:** The project is being proposed by Cal-Am and would be located on property owned by Duke Energy. The coastal development permit application requires that the applicant submit proof of interest in the property to be used by the proposed development. Please provide a copy of any lease or easement that provides Cal-Am legal interest in the property. Alternatively, the property owner may become a co-applicant and you may then provide a revised application and a copy of the recorded deed or other suitable proof of interest.
- 2) **Local Agency Review Form:** Please also provide a copy of the Local Agency Review Form (Appendix B of the Application), completed by the Monterey County Planning Department and showing that locally required discretionary approvals have been obtained. We understand the County is reviewing your application for a Coastal Administrative Permit.

We also understand that Monterey County Code Chapter 10.72 includes a number of specific requirements for desalination facilities, including public ownership, sampling and testing of seawater constituents, ongoing monitoring, and others. Please describe how the proposed project will conform to those requirements.

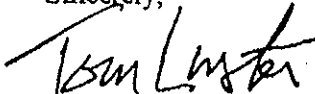
- 3) **Temporary Project:** The application states that the proposed project is temporary, but does not provide a schedule and does not state how long the facility is intended to operate. Please provide that information and please also describe what will be done with the facility at the end of its anticipated operating life.
- 4) **Water Use:** The application states that the facility would produce about 90,000 gallons per day of product water, about 110,000 gallons per day of brine, and about 8,000 gallons per day of wash water from the pre-treatment process. It also states that the brine and product water would be recombined after being separated in the facility and discharged to the power plant cooling water system. The wash water may also be recombined and discharged or may be stored for disposal.

Please confirm that all of the product water would be returned to the power plant discharge and that none will be used as drinking water. If it is to be used as drinking water, please describe what amounts will be made available (i.e., not returned to the power plant discharge) and where it will be used. Please also describe what disposal method(s) would be used for the wash water. Finally, please also confirm the maximum volume of the facility, as the numbers above add up to more than the stated capacity of 200,000 gallons per day.

- 5) **Alternatives:** The application states that the pilot plant expects to use the same water supply and encounter the same conditions as a full-scale plant to be proposed at this location in the future. We understand that there are several alternative water sources being considered for the proposed full-scale plant, including a nearby subsurface location. Please describe whether the pilot plant will be used to test these other water sources, since they may be determined to be feasible, less environmentally damaging, and less costly to treat than the power plant cooling water intake.

Thank you for your attention to these requests. Please contact me at 415-904-5248 or tluster@coastal.ca.gov if you have any questions.

Sincerely,



Tom Luster
Energy and Ocean Resources Unit

Cc: Monterey County Planning Department – Brett Becker
California Public Utilities Commission – Diana Brooks
Central Coast Regional Water Quality Control Board – Martin Fletcher
Coastal Commission, Central Coast District – Kelly Cuffe
Monterey National Marine Sanctuary – Deirdre Hall