



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD • MARINA, CA 93933-2099
Home Page: www.mcwd.org
TEL: (831) 384-6131 • FAX: (831) 883-5995

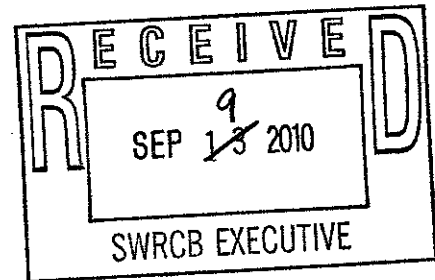
9/22/10 Public Hearing
CA Ocean Plan - Tri Review
Deadline: 9/10/10 by 12 noon

DIRECTORS
KENNETH K. NISHI
President

WILLIAM Y. LEE
Vice-President

THOMAS P. MOORE
HOWARD GUSTAFSON
DAN BURNS

September 9, 2010



Board Members
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100

Subject: Comment Letter – California Ocean Plan

Dear Board Members:

Thank you for the opportunity to comment on the proposed scoping document amendments to the California Ocean Plan. On behalf of the Marina Coast Water District, we have the following comments on Issue 10 Desalination Facilities and Brine Disposal.

California is in dire need for new water supplies. The droughts, climate change, recent court rulings, over appropriated rivers and coastal streams, growth in area of origins, all lead to the need for seawater desalination as part of a secure future water supply. Desalination is a recognized component of California's future water supply as presented in the California Water Plan and the plans of the Marina Coast Water District as well as many local water agencies.

We are asking for you to consider **Alternative #1 No Action, Do not change the existing Ocean Plan**. This will prevent any artificial standard, such as a percentage of natural background salinity, from impeding the need for desalination where feasible and appropriate to meet the needs of our current and future generations. We are suggesting Alternative #1 for the following reasons:

A common brine water quality objective for the entire state is not necessary as all brine discharges require specific National Pollutant Discharge Elimination System (NPDES) permits that include conditions to ensure the ocean environment is not impacted by these discharges.

The identified concern in the scoping document is that there are no Ocean Plan water quality objectives that apply specifically to brine waste discharges from desalination plants. As previously noted, all brine discharges require specific NPDES permits and a common brine water quality objective for the entire state is not necessary. In addition, the current Ocean Plan

provides adequate protection of the ocean waters through existing standards:

- Water Quality objectives are set for bacteriological, physical, chemical and biological characteristics of receiving water for discharge
- Objectives include concentrations of metals, and or the chemical constituents for a discharge for the protection of all beneficial uses including habitat for marine species as well as human health
- Standards applying to the naturally occurring chemical constituents found in seawater that are concentrated as part of the desalination process and discharged back into the ocean as brine

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

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 desalination plants. Please be mindful that all of these discharges are being successfully regulated today and that any additional regulation will impact/impede these facilities also. 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 basins. Brine lines are and will continue to be viable solutions to basin salinity problems. If you chose to move forward, consideration for these uses must be included.

The Regional Water Quality Control Boards (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.

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

It is not appropriate to have a statewide percentage 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

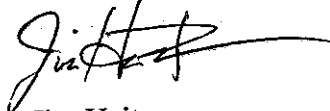
time of dispersal of brine plume all play a part in regional decisions applicable to the unique conditions of a regions ocean environment. Due to the variability of coastal currents, brine plumes vary in size and trajectory over time and may influence multiple types of habitat, each of which may have different tolerances to salinity variation. The variability of currents also influences the amount of time that free floating organisms are exposed to brine plumes.

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

In some cases this would be overprotective, in some under protective. A blanket condition of a certain percentage of natural conditions is not good science. Regional Boards are doing a good job in applying the Ocean Plan. Regional Board staffs have 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 hypersalinity effects and will continue to do so, as 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 brine discharge.

In summary, the ocean plan currently offers good methods of protection. It allows for site specific permits. The NPDES permits and acute and chronic toxicity standards protect the marine species and no more needs to be done at this time. We urge you to adopt Alternative #1 No Action Do not change the existing Ocean Plan.

Sincerely,



Jim Heitzman
General Manager