



July 24, 2020

Chairman William Ruh
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Re: Comments on NPDES Permit Renewal for Proposed Huntington Beach Desalination Project

Chairman Ruh:

On December 4, 2019 Irvine Ranch Water District (IRWD) submitted a comment letter to the Santa Ana Regional Water Quality Control Board (Regional Board) on the NPDES Permit Renewal for the proposed Huntington Beach Desalination Project (HBDP). In that letter, IRWD expressed concern that Orange County Water District (OCWD) has not found a buyer for the HBDP product water, and therefore has not established a need for the project. IRWD described how in lieu of finding a buyer for the water, OCWD would resort to recharging the product water into the local groundwater basin. IRWD's letter further described specific water quality impacts that will occur to IRWD's potable and recycled water supplies from constituents present in HBDP product water, and how the recharge of the water would result in degradation of the groundwater basin in contravention of the State Water Resource Control Board Anti-Degradation Policy. In response to IRWD's December 2019 letter, Regional Board staff have posted response to comments that confirm the significance of the issues raised by IRWD.

The purpose of this letter is to highlight how Regional Board staff responses confirm the significance of the issues that IRWD identified in its December 2019 comment letter. The letter also describes why the Regional Board should not renew the NPDES Permit for the HBDP based on these issues and provides additional comments for the Regional Board's consideration.

Regional Board Staff Response on Need for HBDP:

Regional Board staff's response to IRWD's comment on the need for the HBDP (number 0008.01) confirms that there is no need for the project. The staff response includes the following text:

"At the workshop on May 15, 2020, OCWD also acknowledged that it has not received firm commitments from other agencies to purchase the product water and that if they cannot find agencies to buy the product water then they will inject the water into the groundwater basin."

Regional Board staff's response to IRWD's comment on the need for the HBDP confirms that OCWD has no buyer for the product water from the HBDP. Logically, if there are no buyers, there is no need for the project. Without an identified need for the project, the Regional Board should not approve the renewal of the NPDES Permit for the project.

Regional Board Staff Response on Basin Degradation:

As described above, Regional Board staff has confirmed that without a buyer for HBDP product water, OCWD will recharge the water into the groundwater basin. Since there is no buyer for the water, the Regional Board can only assume that the water will be recharged into the groundwater basin. The text of Regional Board staff's response to IRWD's comment (number 0008.02), on the resulting degradation of water quality in the groundwater basin and the corresponding requirement for a second pass reverse osmosis (RO) treatment, confirms that degradation of the basin is a significant issue. The Regional Board staff response includes the following text:

“Agree—any produced desalinated water that is to be used for recharge must not adversely affect the beneficial uses of the Orange County groundwater basins and must meet water quality objectives. High concentrations of boron in irrigation water could adversely impact citrus and other crops..... A second pass RO treatment process is currently not part of the project description and was not included in the Discharger's Report of Waste Discharge or permit application.”

Since the Region Board can only assume that OCWD will recharge the HBDP product water into the groundwater basin and that Regional Board staff correctly states that recharge of the water must not adversely affect beneficial uses and that high concentrations of boron could cause adverse impacts, then the Regional Board must find that the Discharger's permit application is fundamentally flawed and must at a minimum be resubmitted to include a second pass RO treatment.

Additional IRWD Comments:

To supplement IRWD's December 2019 comment letter and the information provided above, IRWD offers the following additional comments on the HBDP permit renewal request.

No Commitments to Purchase Water:

Water resource project planning by retail water agencies is complicated and must take into consideration the reliability of existing and potential future supplies. Furthermore, retail water agencies consider the cost of water as a primary consideration in water resource planning. The Municipal Water District of Orange County (MWDOC) demonstrated in its 2018 Water Supply Reliability Study that imported water supplies to Orange County are substantially reliable and there are other cost effect (water recycling) projects being considered that will augment and ensure that these imported supplies will continue to be reliable into the future. MWDOC also projects lower future customer demands within Orange County, further diminishing the need for future projects. Accordingly, MWDOC ranked the HBDP low in effectiveness in its 2018 study.

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The reason why IRWD and other retail water agencies have not committed to purchase desalinated seawater from the HBDP, is that these retail agencies do not want to give up the reliable imported supplies that they currently have in exchange for HBDP product water that costs substantially more.

Hoping for a Need:

On June 1, 2020, Scott Maloni, the Vice President of Poseidon Water submitted a letter to the Regional Board, requesting that the following condition be added into the NPDES permit:

Prior to discharge, the Discharger shall provide the Regional Board with an executed water purchase agreement between the Facility and a water agency (or agencies), which would therefore demonstrate the need for the capacity from the Facility.

Mr. Maloni's June 1 request admits that there is currently no demonstrated need for the project and that it hopes to find a need for the project in the future. Based on this admission, the Regional Board should find that there is no need for the project and reject the permit renewal.

Impacts of Climate Change:

In its July 16, 2020 letter to the Regional Board, OCWD claims that the HBDP "facility is climate resilient and would provide a hedge or insurance against" climate impacts. Contrary to OCWD's claim, the HBDP has been identified to be subject to inundation due to sea level rises resulting from climate change.

Not only has OCWD failed to demonstrate a need for product water from the HBDP, it is ignoring that the project is susceptible to sea level rises and incorrectly relying on the project as a hedge against the impacts of climate change impacts. Without a sound need for the project, the HBDP should not be permitted.

IRWD greatly appreciates the opportunity to provide the information above. Please provide a copy of this letter to your fellow members of the Regional Board. I hope that this information is helpful to you in evaluating the renewal of the NPDES Permit for the HBDP Project. If you would like to discuss these issues further, feel free to contact me at (949) 453-5590.

Sincerely,



Paul A. Cook, P.E.
General Manager

cc: Members of the Santa Ana Regional Water Quality Control Board
Executive Director, Hope Smythe
Assistant Director, Jayne Joy, Santa Ana Regional Water Quality Control Board