

## Central Coast Regional Water Quality Control Board

July 23, 2015

Linda G. McIntyre  
Moss Landing Harbor District  
c/o Aspen Environmental Group  
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**SENT VIA ELECTRONIC MAIL ONLY**

Dear Ms. McIntyre:

**COMMENTS ON NOTICE OF PREPARATION (STATE CLEARINGHOUSE IDENTIFICATION NUMBER 2015061103) AND THE SCOPE OF ENVIRONMENTAL ISSUES TO BE ADDRESSED IN THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PEOPLE'S MOSS LANDING WATER DESALINATION PROJECT, MONTEREY COUNTY**

Central Coast Water Board staff has reviewed the Notice of Preparation (NOP) for the proposed People's Desalination Project at the Moss Landing Commercial Park (MLCP). Staff provides the following comments to help clarify issues that need to be addressed in the Draft Environmental Impact Report (DEIR).

**The Central Coast Water Board will require a new National Pollutant Discharge Elimination System (NPDES) permit for the intake and discharge of desalinated water**

The existing NPDES permit is for cement manufacturing at the MLCP and cannot be renewed for substantially different activities such as for desalination. The existing NPDES permit will be rescinded due to inactivity and a new application and Report of Waste Discharge (ROWD) will be required at least 180 days prior to NPDES permit coverage for a desalination facility.

**The proposed desalination plant is a new facility and must meet new California Ocean Plan amendment requirements for intake of seawater and discharge of brine**

On May 6, 2015, the State Water Resources Control Board (State Water Board) approved an amendment to the state's Ocean Plan that address effects associated with the construction and operation of seawater desalination facilities (Desalination Amendment).

[http://www.waterboards.ca.gov/water\\_issues/programs/ocean/desalination/](http://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/)

The proposed People's Desalination Project is a new facility as defined in the Desalination Amendment and subject to California Water Code section 13142.5(b), which addresses marine-life impacts from ocean intakes. The Desalination Amendment provides guidance and standards for seawater desalination intakes to minimize impingement and entrainment of marine life under section 13142.5(b). Based on the Desalination Amendment, the DEIR needs to consider project alternatives that include subsurface intakes and provide studies and documentation showing that subsurface intakes are not feasible before proposing to utilize an open-ocean intake. If subsurface intakes are not feasible at the proposed locations, a reasonable range of nearby siting alternatives including sites that would likely support subsurface intakes should be considered. The NOP acknowledges that additional hydrogeological tests will need to be conducted to assess the feasibility of utilizing subsurface

intakes, and if it indeed turns out subsurface intakes are not feasible, marine studies need to be implemented to estimate the impacts from entrainment from an open ocean intake and these impacts must be mitigated as required by the Desalination Amendment.

Likewise, the discharge of brine through the proposed new outfall diffuser will need to meet the dilution standards outlined in the Desalination Amendment and the discharge must meet other discharge requirements in the California Ocean Plan. Additionally, new intake structures and diffuser systems for the discharge will need an Army Corps of Engineers 404 Permit with accompanying 401 Water Quality Certification issued by the Central Coast Water Board. Please see the following link for further information.

<http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/>

Thank you for your consideration of these comments. If you have questions please contact **Peter von Langen at (805) 549-3688** or [Peter.vonlangen@waterboards.ca.gov](mailto:Peter.vonlangen@waterboards.ca.gov) or Sheila Soderberg at (805) 549-3592 or [Sheila.soderberg@waterboards.ca.gov](mailto:Sheila.soderberg@waterboards.ca.gov).

Sincerely,

Kenneth A. Harris Jr.  
Executive Officer

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