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## State Water Resources Control Board

### **NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND SCOPING MEETING ON PROPOSED AMENDMENTS TO THE SEAWATER DESALINATION PROVISIONS OF THE WATER QUALITY CONTROL PLAN FOR OCEAN WATERS OF CALIFORNIA**

A copy of this notice in Spanish can be found at (Este aviso está en español en):  
[https://www.waterboards.ca.gov/water\\_issues/programs/ocean/desalination/](https://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/)

**NOTICE IS HEREBY GIVEN** that the California State Water Resources Control Board (State Water Board) will accept written comments on Proposed Amendments to the Seawater Desalination Provisions of the Water Quality Control Plan for Ocean Waters of California (Proposed Project) and hold a public scoping meeting to receive oral input and recommendations on the Proposed Project.

The purpose of the scoping meeting and public comment period is to seek input from public agencies, including responsible and trustee agencies as applicable, Tribes, members of the public, and other interested persons on (1) the proposed amendments to the Seawater Desalination Provisions included in the Proposed Project, and (2) any recommendations for other potential amendments to the Seawater Desalination Provisions.

#### **SUBMISSION OF WRITTEN COMMENTS**

Interested persons are encouraged to submit their comments, evidence, and other material on the Proposed Project electronically. Comment letters can be submitted by email to [DWQ-OceanDesal@waterboards.ca.gov](mailto:DWQ-OceanDesal@waterboards.ca.gov) (if less than 15 megabytes in total size) with the subject “**Comment Letter – Ocean Desal Scoping.**” To be fully considered, written comments must be received by **12:00 noon on November 13, 2024**. Written comments may also be delivered to the addresses below:

Ocean Desalination  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000 (mail)  
1001 I Street, 15th Floor, Sacramento, CA 95814 (hand-delivery)

Please direct questions about submitting comments to  
[DWQ-OceanDesal@waterboards.ca.gov](mailto:DWQ-OceanDesal@waterboards.ca.gov) or (916) 341-5746.

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

## **PUBLIC SCOPING MEETING DETAILS**

State Water Board staff will hold the public scoping meeting at the time and place below, with both a physical meeting location and an option to participate remotely. The meeting will consist of a State Water Board staff presentation regarding the development of the Proposed Project and will provide an opportunity for meeting participants to provide oral comments either in person or via Zoom.

Monday, October 28, 2024

1:00 – 4:00 pm, PST

Joe Serna Jr. CalEPA Headquarters Building

Sierra Hearing Room

1001 I Street Sacramento, CA 95814

Interested parties may provide comments through Zoom. If attending via Zoom, participants must register here:

[https://waterboards.zoom.us/webinar/register/WN\\_fleOJCNSR5S3vE\\_mVQ7EvA](https://waterboards.zoom.us/webinar/register/WN_fleOJCNSR5S3vE_mVQ7EvA).

Participants wishing only to view the scoping meeting, and not provide comment, should view the live webcast available at <https://video.calepa.ca.gov/>. Registration is not required to view the live webcast. The meeting will be recorded.

A quorum of State Water Board members may be present at the scoping meeting. No action will be taken by the State Water Board at the scoping meeting.

## **LANGUAGE SERVICES AVAILABILITY**

The public scoping meeting will be offered in English. To request oral interpretation services in any other language, sign language, or translation of written documents, use one of the following:

- Submit a Language Access Request online at <https://forms.office.com/g/M5PzjfQepk>
- Call the Office of Public Participation at (916) 341-5254
- Email the Office of Public Participation at [OPP-LanguageServices@Waterboards.ca.gov](mailto:OPP-LanguageServices@Waterboards.ca.gov)

Requests for language services must be received by October 11, 2024.

Users of a Telecommunications Device for the Deaf (TDD) may contact the California Relay Service at (800) 735-2929 or the teletype (TTY) voice line at (800) 735-2922.

## **DIRECTIONS AND BUILDING ACCESS**

The Joe Serna Jr. CalEPA Headquarters Building is located in downtown Sacramento at the corner of 10th and I streets. There are many transportation options to this location, described at this website: <https://calepa.ca.gov/headquarters-sacramento/location/>

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes to receive security clearance.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodation are requested to call (916) 341-5572 at least 10 business days before the meeting.

### **ADDITIONAL INFORMATION**

Please direct questions to [DWQ-OceanDesal@waterboards.ca.gov](mailto:DWQ-OceanDesal@waterboards.ca.gov) or (916) 341-5746.

Any person desiring to receive future notices must subscribe to the e-mail distribution list located on the Ocean Desalination [website](#) (click on the “Stay Informed” button to subscribe).

### **PROPOSED PROJECT DESCRIPTION**

The State Water Board will consider amendments to the Seawater Desalination Provisions of the Water Quality Control Plan for Ocean Waters of California (Proposed Project) to improve efficiency of planning and permitting seawater desalination facilities while protecting water quality and related beneficial uses of ocean waters, including by minimizing intake and mortality of all forms of marine life and addressing adverse environmental effects of such facilities. In this process, the State Water Board seeks to promote state policies fostering Tribal engagement, environmental justice, and community outreach when planning and permitting seawater desalination facilities.

The State Water Board staff is considering recommendations to amend, at a minimum, the following elements of the Seawater Desalination Provisions in the Ocean Plan, Chapter III.M:

- (1) identified need for desalinated seawater;
- (2) siting of desalination facilities considering coastal hazards, impacts to groundwater aquifers, and sensitive habitats;
- (3) criteria to determine feasibility of subsurface intakes;
- (4) methods for assessing intake and mortality of marine life;
- (5) calculating and timing of mitigation for impacts to marine life;
- (6) timing and sequencing of document submission by project proponents and review by Water Boards;
- (7) requirements for pilot projects; and
- (8) reporting requirements.

Other topics may be identified during the scoping process.

The State Water Board, under its Racial Equity Resolution adopted in 2021, has reaffirmed its commitment to make racial equity, diversity, inclusion, and environmental justice central to our work and considered in statewide policies. In addition, the State

Water Board has reaffirmed its commitment to improving communication, working relationships, and co-management practices with all California Native American Tribes, including seeking input and consultation on the Water Boards' rules, regulations, policies, and programs to advance decisions and policies that better protect California's water resources. State Water Board staff envisions the Proposed Project will include new requirements for consideration of environmental justice issues and Tribal engagement. Amendments to the Seawater Desalination Provisions could align requirements with these priorities to ensure that state actions lead to more equitable outcomes for communities that have been historically underserved and disproportionately affected by pollution.

Amendments to the Seawater Desalination Provisions could improve efficiency of planning and permitting seawater desalination facilities such as additional direction to applicants on required analyses and submittals and opportunities to improve interagency coordination and concurrent review of application materials. To this end, Water Boards staff is considering possible amendments to the Seawater Desalination Provisions to improve the seawater desalination implementation and permitting process.

### **PROPOSED PROJECT GOALS**

The goals of the Proposed Project are as follows:

- (1) Apply an integrated water resource management approach when supporting the use of desalinated ocean water to supplement water supplies;
- (2) Advance and promote engagement with Tribes;
- (3) Implement the human right to water, racial equity, and environmental justice, initiatives as directed in State Water Board [Resolution No. 2016-0010](#) and [Resolution No. 2021-0050](#), respectively;
- (4) Provide a uniform, statewide approach for controlling adverse effects of seawater desalination facilities, including minimizing intake and mortality of all forms of marine life, protecting water quality and related beneficial uses of ocean waters, and ensuring mitigation is fully compensatory; and
- (5) Improve efficiency of planning, permitting, and implementation of seawater desalination projects by promoting interagency collaboration, coordination, and application of consistent requirements, and by providing direction and clarity on permitting requirements for both project applicants and review agencies.

### **PROPOSED PROJECT LOCATION**

The Proposed Project could address seawater desalination facilities that are active and/or approved, in development, or that may be developed statewide within the coastal zone shown by the hatched lines in Figure 1, and along the adjacent shoreline. The Proposed Project would be administered, in part, within the jurisdiction of the six coastal Regional Water Quality Control Boards (North Coast, San Francisco Bay, Central Coast, Los Angeles, Santa Ana, and San Diego), shown by the colored polygons in Figure 1.

## **PROPOSED PROJECT BACKGROUND**

Through the Ocean Plan and other measures, the State Water Board and six coastal regional water boards preserve and enhance California's territorial ocean waters. On May 6, 2015, the State Water Board adopted amendments to the Ocean Plan to protect ocean waters during the construction and operation of seawater desalination facilities consistent with California Water Code section 13142.5(b) (Seawater Desalination Provisions). California Water Code section 13142.5(b) states:

*“For each new or expanded coastal powerplant or other industrial installation using seawater for cooling, heating, or industrial processing, the best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of all forms of marine life.”*

The Seawater Desalination Provisions provide coastal regional water boards consistent statewide direction for permitting seawater desalination facilities consistent with Water Code section 13142.5(b). The coastal regional water boards, in coordination with State Water Board staff, implement the Seawater Desalination Provisions through the issuance of National Pollutant Discharge Elimination System permits or Waste Discharge Requirements. The state and regional water boards work closely with state and federal agencies when planning and permitting seawater desalination facilities and pilot projects consistent with the Memorandum of Agreement.<sup>1</sup>

The Seawater Desalination Provisions require new or expanded seawater desalination facilities to use the best available site, design, technology, and mitigation measures feasible to minimize intake and mortality of all forms of marine life. Based on the best available science, the Seawater Desalination Provisions include preferred intake and discharge technologies, siting considerations, a receiving water limit for salinity, methods to evaluate marine life mortality, and mitigation requirements to fully compensate for intake and mortality to marine life that occur after a facility uses the best available site, design, and technology feasible. Facilities not proposing to use the preferred technologies take significantly longer to permit, require additional analyses, and require extensive resources from the state permitting agencies.

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<sup>1</sup> Memorandum of Agreement among the State Water Resources Control Board, the California Coastal Commission, the California State Lands Commission, the California State Lands Commission, the California Department of Fish and Wildlife, the North Coast Regional Water Quality Control Board, the San Francisco Bay Regional Water Quality Control Board, the Central Coast Regional Water Quality Control Board, the Los Angeles Regional Water Quality Control Board, the Santa Ana Regional Water Quality Control Board, the San Diego Regional Water Quality Control Board, Monterey Bay National Marine Sanctuary, and the National Marine Fisheries Service's West Coast Region Regarding Interagency Coordinated Review of Environmental Documents and Permit Applications for Seawater Desalination Facilities and Consultation on Desalination Planning Activities, as amended.

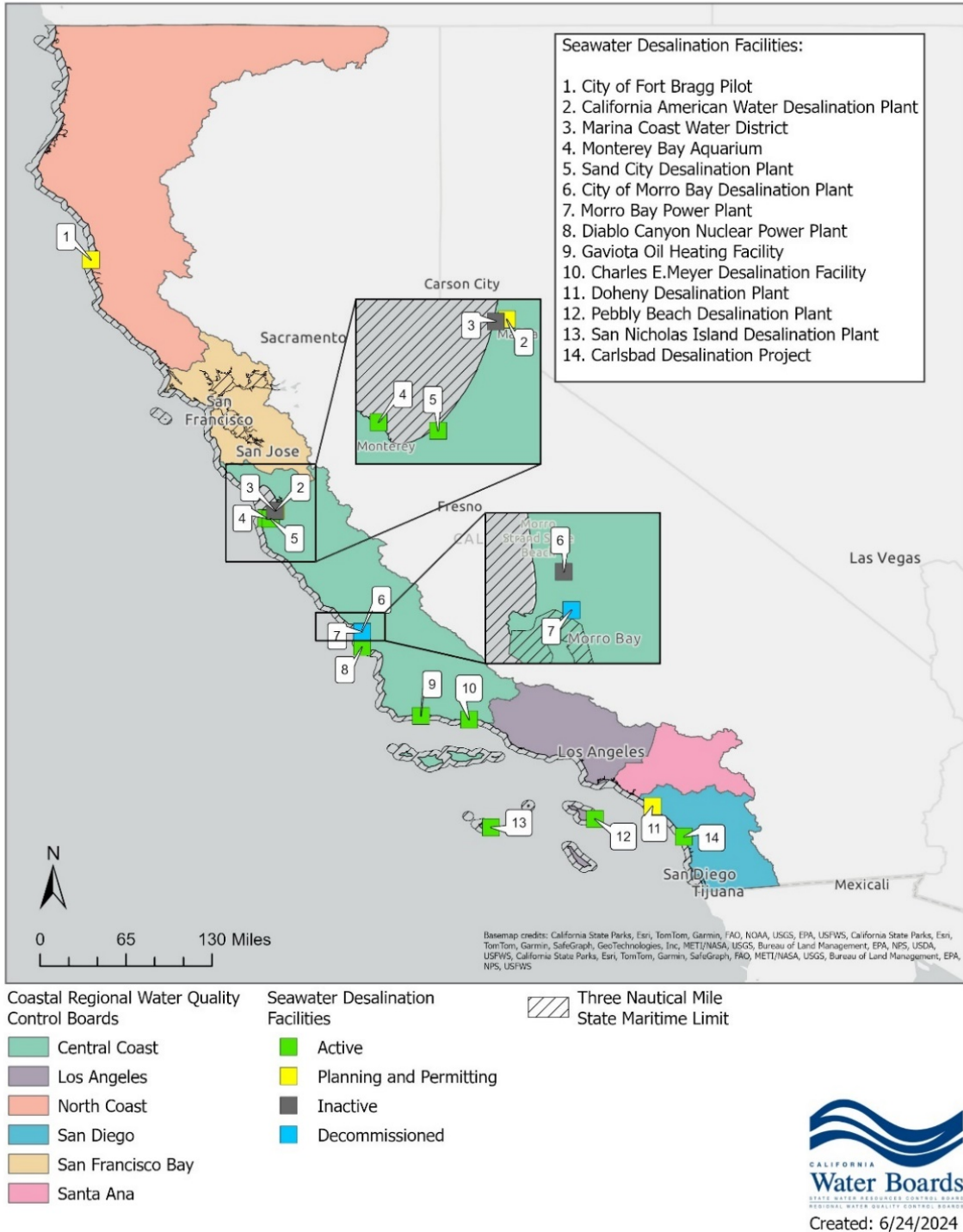


Figure 1: Image showing the State of California and the location of the Proposed Project, which will occur within the coastal zone (hatched lines), and the coastal regional water boards (colored polygons). Squares on the image indicate location of eight active seawater desalination facilities (green), three pending seawater desalination facilities (yellow), two inactive seawater desalination facilities (grey), and one decommissioned seawater desalination facilities (blue).

The Water Code requires that the Ocean Plan be reviewed at least every three years (Triennial Review) to guarantee that the current standards are adequate and do not allow degradation to marine indigenous marine species or pose a threat to human health. After the 2019 Triennial Review, State Water Board staff recommended that the State Water Board review and amend, if necessary, the implementation requirements of the Seawater Desalination Provisions to clarify and provide more specificity for the required analyses and definitions to streamline the permitting process for Water Boards staff and applicants. In addition, in August 2022, the Newsom Administration released California's Water Supply Strategy: Adapting to a Hotter, Drier, Future (Water Supply Strategy), which includes an implementation action that instructs the State Water Board in coordination with other State entities to develop criteria for siting of desalination facilities along the coast and recommend new standards to facilitate approval.

Since the Office of Administrative Law approved the Seawater Desalination Provisions in January 2016, the State Water Board and coastal regional water boards staff (Water Boards staff), and interagency partners (e.g., Coastal Commission and State Lands Commission), known as the Seawater Desalination Interagency Group, have identified potential improvements to the Seawater Desalination Provisions to improve coordination and increase the efficiency of the planning and permitting of seawater desalination facilities. The Seawater Desalination Interagency Group also made recommendations in the January 2024 Seawater Desalination Siting and Streamlining Report to Expedite Permitting, which was submitted to the Governor's Office in fulfillment of an implementation action in the Water Supply Strategy. These recommendations will be used to inform the subsequent implementation action in the Water Supply Strategy: "the State Water Board will consider amendments to the Desalination Policy in the Ocean Plan [Seawater Desalination Provisions] to streamline permits that meet the recommended siting and design standards for projects located in the identified priority areas and identify available mitigation."

September 12, 2024

Date



Courtney Tyler  
Clerk to the Board