



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Ricky Ramos, Associate Planner
DATE: July 8, 2003

**SUBJECT: ENVIRONMENTAL IMPACT REPORT NO. 00-02 (Continued from June 3, 2003
With Public Hearing Closed)(Poseidon Seawater Desalination Plant)**

APPLICANT: Poseidon Resources Corporation, 3760 Kilroy Airport Way, #260, Long Beach, CA
90806

PROPERTY

OWNER: AES Huntington Beach, LLC, 21730 Newland Street, Huntington Beach, CA 92646

LOCATION: 21730 Newland Street (East side of Newland, south of Edison Ave)

STATEMENT OF ISSUE:

- ◆ Environmental Impact Report No. 00-02 (EIR No. 00-02) request:
 - Analyze the potential environmental impacts associated with a request to construct a 50 million gallons per day (MGD) seawater desalination plant including a 10,120 square foot administration building, a 38,090 square foot reverse osmosis building, a 36,305 square foot product water storage tank, and miscellaneous accessory structures on an approximately 11 acre site. The project also includes up to 10 miles of water transmission lines to connect to an existing regional transmission system, and two off-site booster pump stations.
 - Documents potential impacts to Land Use/Relevant Planning, Geology/Soils/Seismicity, Hydrology and Water Quality, Air Quality, Noise, Public Services and Utilities, Aesthetics/Light and Glare, Hazards and Hazardous Materials, and Construction Related Impacts.
 - Evaluates four alternatives to the original project proposal.
 - Concludes that the project results in no environmental impacts or less than significant environmental impacts in the areas of Agricultural Resources, Air Quality (long-term), Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Land Use/Relevant Planning, Mineral Resources, Population and Housing, Recreation, and Transportation/Traffic.
 - Concludes that potential impacts can be mitigated to less than significant levels in the areas of Geology/Soils/Seismicity, Hydrology and Water Quality, Noise, Public Services and Utilities, Aesthetics/Light and Glare, and Construction Related Impacts.
 - Concludes that potential impacts cannot be mitigated to less than significant levels in the area of Short-Term Construction Related Emissions.

- ◆ Continued Item
 - Planning Commission meeting June 3, 2003 - Planning Commission requested clarification regarding ten items pertaining to the EIR.

- ◆ Staff’s Recommendation: Certify EIR No. 00-02 as adequate and complete and adopt a Statement of Overriding Considerations based upon the following:
 - Compliance with California Environmental Quality Act (CEQA)
 - Compliance with the City of Huntington Beach General Plan goals, policies, and objectives
 - Compliance with the City of Huntington Beach Zoning and Subdivision Ordinance
 - Potentially significant environmental impacts have been eliminated or substantially lessened
 - Remaining significant unavoidable impacts are found to be acceptable due to overriding considerations
 - Benefits of the project are balanced against its unavoidable environmental impacts

RECOMMENDATION:

Motion to:

“Certify EIR No. 00-02 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1581 (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny certification of EIR No. 00-02 with findings for denial.”
- B. “Continue certification of EIR No. 00-02 and direct staff accordingly.”

PROJECT PROPOSAL:

Environmental Impact Report No. 00-02 represents an analysis of potential environmental impacts associated with the construction of a seawater desalination plant that will convert up to 50 million gallons per day (MGD) of seawater into potable water. The project includes a 10,120 square foot administration building, a 38,090 square foot reverse osmosis building, a 36,305 square foot product water storage tank, and miscellaneous accessory structures on an approximately 11 acre site. There will also be up to 10 miles of water transmission lines to an existing regional transmission system, and two off-site booster pump stations. The project also proposes perimeter landscaping and fencing along the project’s frontage on Newland Street and Edison Avenue.

BACKGROUND:

As requested by the Planning Commission, staff prepared responses to specific issues identified by the Planning Commission at the June 3, 2003 hearing on the subject project. In addition, this staff report summarizes issues identified in correspondence received subsequent to the May 27, 2003 Planning Commission hearing and oral testimony at the June 3, 2003 Planning Commission hearing. As stated at

the two previous public hearings by staff, the City's environmental consultant, and the applicant, the issues raised at the hearing and in the additional correspondence have substantially been addressed in the Draft EIR, Responses to Comments document, and previous staff reports. This staff report has been prepared to further clarify staff's position and the EIR analysis, and to specifically address the key issues requested by the Planning Commission. As set forth below, the information and analysis presented to date is adequate under CEQA for the Planning Commission to certify the Final EIR.

DETAILED REPORT:

The CEQA process for the proposed Poseidon Seawater Desalination Project has involved several opportunities for public comment on the project. As noted in the May 27, 2003 Staff Report, the Draft EIR was circulated for public review between September 19 and November 4, 2002. The City received a total of 21 comment letters on the Draft EIR, and prepared formal written responses to all comments, as required by CEQA. The City completed the Responses to Comments document on March 21, 2003, after several months of additional research and analysis to address Draft EIR comments. The Responses to Comments document, although only required by CEQA to be distributed to Responsible Agencies that submitted comments, was provided to all commenting parties (both public and private). It should be noted that, of the 21 comment letters and responses provided by City staff, the City only received three replies from agencies that commented on the Draft EIR. Of those three replies, two agencies continued to raise concerns with the EIR (Coastal Commission staff member Tom Luster provided letters dated May 8, 2003 and June 3, 2003 and IRWD staff member Lars Oldewage provided a letter dated May 22, 2003 and IRWD staff member Gregory Heiertz provided a letter dated June 5, 2003), while one agency simply emphasized that the seawater desalination project at Huntington Beach is needed to fulfill Orange County's long-term water needs (Municipal Water District of Orange County (MWDOC) Board of Directors member Wayne Clark provided a letter dated May 19, 2003).

PREVIOUS SUPPLEMENTAL STAFF RESPONSES

A total of 39 comment letters have been received subsequent to the public review period for the Draft EIR. In addition, a total of 43 oral comments have been received by the Planning Commission at the May 27, 2003 and June 3, 2003 hearings. Prior to submittal of the May 29, 2003 staff report, 17 comment letters had been received by the City subsequent to the Draft EIR public review period. In addition, 27 oral comments regarding the proposed project were received at the May 27, 2003 public hearing. These comments were responded to within two staff reports (dated May 27 and May 29, 2003). This staff report addresses the comment letters received at or after the June 3, 2003 hearing as well as the 16 oral comments received at that hearing. As noted in this report, the comment letters and oral comments focused on similar topics, such as salinity, marine biological impacts, and the proposed project's relationship to the OCSO outfall and bacterial plume.

STAFF RESPONSES WITH RESPECT TO SPECIFIC REQUESTS FROM THE PLANNING COMMISSION FOR FURTHER INFORMATION OR CLARIFICATION OF ISSUES

Commissioner Kokal:

1. AES Heat Treatment/Reverse Flow Process: Periodically, the AES power plant completes a heat treatment procedure to control the amount of marine organisms naturally occurring

in the seawater that attach to the walls of the power plant intake structure and pipeline, and interfere with plant operations. The heat treatment procedure is typically completed once every six to eight weeks and continues for six to eight hours per heat treatment event. Heat treatment is a part of the routine operation of every power plant and as such this process is permitted and regulated by the AES power plant NPDES discharge permit.

The main goal of heat treatment is to detach the living marine organisms from the power plant intake structure and pipelines and to return the marine organisms back into the ocean through the power plant intake. Therefore, for the duration of a heat treatment event, the power plant intake and discharge are reversed (i.e. cooling water enters from the power plant discharge and discharges through the power plant intake). The marine organisms detached from the power plant intake structure and pipelines cannot be released through the power plant discharge outfall because they cannot pass through the power plant condenser tubes. The marine organisms are several times larger in size than the condenser tube openings. Under normal operations the cooling water is collected through the intake structure pumped through the power plant condenser tubes which exchange heat with the cooling water, and then the heated water is discharged through the power plant discharge outfall.

During heat treatment, a very small amount of seawater flow is actually taken from the ocean, and most of the cooling water flow is recirculated within the power plant system rather than discharged through the power plant outfall. By recirculating the seawater flow, rather than discharging it to the ocean, the seawater temperature in the recirculation loop within the power plant rises. The higher water temperature triggers the detachment of the marine organisms from the intake structure and pipeline walls so that they may be released back into their natural environment in the ocean. Once the heat treatment process is complete and before the discharge is released to the ocean, the discharge is cooled to meet the temperature discharge limit under AES Power Plant's NPDES Permit. There is no separate temperature limit for the heat treatment process.

Because the heat treatment process reverses the flow direction in the discharge line, the proposed desalination facility would not be able to discharge its saline concentrate. Therefore, the desalination plant will not be operational during periods of heat treatment. Because the desalination plant will not take water for treatment during power plant heat treatment operations, the desalination plant has no effect on entrapment and entrainment of marine organisms during that process.

The relationship between the power plant heat treatment process and the desalination plant operations was addressed in the Draft EIR (see Appendix E, page E-9). As stated on this page "Poseidon will not take water into the desalination plant during heat treatments".

2. Growth Inducement (End Users): Concern about the Draft EIR's analysis of the project's growth inducing impacts was raised by Coastal Commission staff member, Mr. Tom Luster, in his November 4, 2002 comment letter. Mr. Luster raised this issue again in late comment letters and the issue has also been raised by several others who submitted late comments on the Draft EIR. At the public hearings before the Planning Commission on

May 27, 2003 and on June 3, 2003 this issue was raised in oral comments and discussed by the Commissioners. On each occasion, staff has responded that the Draft EIR's analysis of the project's potential growth-inducing impacts has been completed in compliance with the legal requirements of CEQA.

Growth is managed on a number of fronts: General Plans are adopted by local and county governments to set forth accepted activities within the jurisdictions as it relates to density, land use and related infrastructure. Most local governments also work with the Southern California Association of Governments (SCAG) and related planning groups to refine expectations for the future. In Orange County, water agencies work with the California Department of Water Resources, SCAG, and the Metropolitan Water District of Southern California (MWD) to develop their respective Urban Water Management Plans to project how they will serve customers within the relevant approved General Plan areas. Urban Water Management Plans and General Plans are formulated only after receiving required public input. Amendments to these plans require further public input and, in the case of General Plans, environmental determinations.

The examination of the project's potential growth-inducing impacts is contained in Section 5.2 (pages 5-2 through 5-6) of the Draft EIR (refer to Attachment No. 1 to the staff report). Section 3.5 of the Draft EIR (pages 3-20 through 3-23) examined the related topics and addressed the need for the project (refer to Attachment No. 2 to the staff report). The following excerpts from the response to comment 2m are reproduced below to clarify the approach taken by the Draft EIR in analyzing the project's potential growth-inducing impacts.

“.... As stated in the Draft EIR, the proposed project consists of construction of a seawater desalination plant, storage facilities, and pipelines to produce drinking water for delivery into the regional water distribution system to meet the needs of the Southern California Region and particularly Orange County. It should be noted that the project will sell water on a wholesale basis to water agencies who in turn will sell the water to customers at retail prices. The project does not propose to sell water at a retail level nor is it allowed to by law. At page 3-20, the Draft EIR explains in some detail how the water produced by the proposed seawater desalination facility will be delivered into the regional distribution system operated by the Metropolitan Water District of Southern California (MWD). The regional system operated by MWD serves Orange County and most of the South Coast Hydrologic Region. The analysis of potential growth-inducing impacts recognized that water supplies are typically allocated on an aggregate basis and, consequently, potential impacts in both the South Coast Region and in Orange County were examined. The Draft EIR (on page 5-6) concludes that the potential growth-inducing impacts of the project are not anticipated to be significant....

...The comment requests information (to the extent that information is known) regarding the potential allocation of the project's desalinated water

supply by various water agencies. It is beyond the scope of this EIR to specifically address how local water agencies will allocate the desalinated water supply produced by this project. By way of response, however, it should be noted that in Section 5.2, the Draft EIR referenced several water supply plans and provided an analysis for certain allocation scenarios. Based on projections provided by the Department of Water Resources (DWR), the Draft EIR concluded (on page 5-6) that it is likely that much of the desalinated water supply produced by this project will be allocated to replace existing imported water supplies that are lost to increased environmental restrictions and water supply regulations. Still, the Draft EIR also provided an analysis (on page 5-5) that assumed all of the water produced by the desalination plant would be allocated by local water agencies as supplemental supply to support new growth. The calculations in the Draft EIR show that the total amount of water projected to be produced by the desalination plant would equal less than one percent of the total supply for the South Coast Region and less than eight percent of the total supply for Orange County. Consequently, the project results in only a nominal addition to regional supplies. Moreover, as noted on page 5-5, even if all of the project water was only allocated within Orange County, the project could not supply enough water to keep pace with long-term projected population growth. The Draft EIR (on page 5-6) concludes that the potential growth-inducing impacts of the project are not anticipated to be significant.”

One of the main concerns raised repeatedly regarding the Draft EIR relates to the Draft EIR’s inability to identify the specific “end users” of the water to be supplied by the Poseidon Seawater Desalination Project. At the Planning Commission hearings for this project, the Commissioners have questioned the applicant regarding the existence of an agreement between the applicant and Santa Margarita Water District (SMWD) by which SMWD would purchase the rights to receive (via a water exchange) up to one half of the proposed project’s water supply (up to 25 million gallons per day). At the public hearings, the applicant confirmed the existence of this agreement, but also noted that the agreement is not legally binding unless a series of conditions are met. The applicant further clarified that even if the agreement went forward, there is no requirement addressing how SMWD would allocate the water within the SMWD service area.

As stated in the Draft EIR and confirmed by the applicant’s testimony, it can be concluded that the project’s water will be delivered into the existing regional water distribution system used to meet the water needs of Orange County. Those needs could include the water needs of end users in the SMWD service area (if the exchange agreement is carried out) and/or the needs of water users in the service area of any of the other cities and water agencies in Orange County.

The following excerpts from the May 29, 2003 staff report are reproduced below to clarify what might happen to the project’s water once it is delivered into the regional distribution system.

“In Orange County (as is the case in most of Southern California), retail water agencies and cities have the statutory authority and the duty to provide water service to end users within their service area. End users include existing customers and potential new customers, which conceivably could include expanding commercial or residential developments or new infill developments in Orange County. However, the retail agencies and cities have choices in the potential water supply they use to serve their customers. They can use groundwater and other local supplies (like recycled water) to the extent those supplies are available. They can negotiate water transfers from other areas of the State that have surplus supplies and they can emphasize conservation methods to stretch existing supplies. In addition, most retail agencies and cities depend on (and choose to purchase) imported water from the Metropolitan Water District of Southern California (“MWD”) through their local wholesaler. In Orange County, the local wholesaler of water is the Municipal Water District of Orange County (see support letter Attachment No. 4.4 to the May 22, 2003 Inter Office Communication from staff to the Planning Commission).

Under California law, all water agencies (wholesale and retail) must prepare and adopt an Urban Water Management Plan describing existing and future sources of water supply. These plans are required to be updated every five years. Moreover, recent laws require that any end user that intends to develop 500 or more new homes, commercial office projects over 250,000 sq.ft. or retail centers over 500,000 sq.ft. must (in conjunction with the proposed retail water supplier) prepare a “Water Supply Assessment” detailing and analyzing the proposed water supply for the development project. The Water Supply Assessment is prepared in addition to other environmental review documents required as part of the land use planning and zoning process. Land use policies of cities and counties regulate growth at the local level. All of these documents are subject to public review as part of the environmental review process.

Speculating on the various future water supply choices that may be made by retail water providers and end users throughout Orange County is not required by CEQA. It is unknown how many retail water agencies or cities will negotiate to purchase desalinated project water from Poseidon Resources. Finally, even when some water wholesale or retail agency purchase project water, it is unknown how they will allocate the supplies. In any case, CEQA will require environmental review of those choices at the time they are made.

Accordingly, the Poseidon EIR has properly analyzed the project’s potential growth-inducing impacts by focusing on the relationship between the amount of the new supply that would be available (to several end users) and the water supply demand projections for Orange County and the surrounding area.”

3. AES Entrainment/Impingement Study: Section 316(b) of the Federal Clean Water Act reads as follows:

“Any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.”

In 1977, the U.S. EPA published draft guidelines for conducting 316(b) demonstrations for compliance with Section 316(b) of the Federal Clean Water Act (Section 316(b) is summarized above). Such studies were planned and conducted in southern California with oversight from the Los Angeles, Santa Ana, and San Diego Regional Water Quality Control Boards (RWQCBs), National Marine Fisheries Service, and the California Department of Fish and Game. Studies were conducted in the late 1970s and early 1980s, and study results were submitted to EPA in 1982-1983.

In the early 1990s, EPA was sued by Riverkeeper and others for not implementing Section 316(b), since demonstration guidelines were never finalized and no updated studies were required. A Consent Decree from District Court was filed in 1995 that provided EPA until 2001 to finalize 316(b) regulations. Subsequent orders gave EPA more time. The final rule for Phase I (new) facilities was published in November 2001. The proposed rule for Phase II (existing) facilities was published in April 2002, and final guidelines are projected to be issued in February 2004. The Phase II rule currently applies to facilities that:

1. Both generate and transmit electric power or generate electric power but sell it for transmission;
2. Use a cooling water intake structure(s) or obtain water by any sort with an independent supply who has a cooling water intake structure;
3. Draw cooling water from waters of the U.S. and at least 25% of the water is used solely for contact or non-contact cooling purposes;
4. Have an NPDES permit, or are required to have an NPDES permit; and
5. Have flows of 50 mgd or more (those with less than 50 mgd, as well as certain existing manufacturing facilities, and offshore and coastal oil and gas extraction facilities, will be subject to the Phase III rule).

It is likely that when the Phase II rule is enacted, all existing coastal generating stations in Ventura, Los Angeles, and Orange Counties will be required to perform new 316(b) demonstrations and comply with new Performance Standards. Most of the generating stations' NPDES permits will be up for renewal in 2005. South Bay Power Plant (San Diego County) was recently required to perform a 316(b) demonstration as part of its NPDES permit renewal process, and was specifically directed to follow the proposed Phase II guidelines. Several generating stations north of Point Conception (Diablo Canyon Power Plant, Morro Bay Power Plant, Moss Landing Power Plant, and Potrero Power Plant) all performed 316(b) demonstrations in the last four years or so. These studies used

methods agreed upon by the power plant operators and regulatory agencies (primarily Regional Water Quality Control Boards).

In December 2000, AES Huntington Beach L.L.C. submitted the Application for Certification to the California Energy Commission (CEC) for the AES Huntington Beach L.L.C. Generating Station Retool Project. In March 2001, the CEC issued its Staff Assessment of the project, which recommended “a license be issued for a restricted time period consistent with AES’s electrical generating contract with the Department of Water Resources or until September 30, 2006”. As part of this conditional license, AES is required to complete several tasks, including Condition of Certification Bio-4:

“The project owner will prepare a monitoring/study plan and conduct one year of monitoring to determine the actual impingement and entrainment losses resulting from the operation of the cooling water system for the new Units 3 and 4 and the existing Units 1 and 2. The project owner will sample the intake and source water to determine fractional losses relative to their abundance in the source water. The methods, analysis, results, and conclusions of the monitoring study will be documented in a scientific style report and submitted to the CPM for review and approval. Other agencies, including the U.S. Fish and Wildlife Service and the California Department of Fish and Game, shall be included in the review of the draft report, if they so request. A final report shall be prepared upon completion of field sampling. The study results will be utilized during the NPDES permit renewal evaluation to be completed by the Santa Ana Regional Water Control Board in June 2005.”

Initially, AES staff planned for Unit 3 to be in commercial operation on or about November 12, 2001 and Unit 4 to be in commercial operation on or about November 26, 2001 (R. Tripp, pers. comm. 2001). However, due to unforeseen circumstances, this did not occur. According to AES staff, Unit 3 was made operational on June 26, 2003 and Unit 4 is expected to be operational sometime this summer. In accordance with Bio-4, MBC *Applied Environmental Sciences* (MBC) submitted a draft entrainment and impingement study plan to the CEC. After reviewing the study plan, CEC staff and consultants met on October 5, 2001 to discuss specifics of the study plan. In July 2002, MBC submitted a revised draft study plan to the CEC and the Biological Resources Research Team (BRRT), which consists of interested parties representing regulatory agencies, consultants, and the applicant (AES Huntington Beach L.L.C.). Comments and recommendations to the study plan were submitted by the BRRT and discussed at a meeting on October 9, 2002. . The study plan is now in final form, as members of the BRRT have agreed on sampling and analysis methodologies. On June 19, 2003, the CEC authorized MBC to commence the biological monitoring for the AES Huntington Beach entrainment/impingement study, the results of which will be included in a formal report to be prepared after monitoring has occurred for one year.

AES submitted \$1.5 million to the CEC to conduct the study. As it is currently proposed, data will be collected for one year. A Final Report is due to the CEC within 10 months of the end of sampling. CEC Condition of Certification Bio-5 specifies “If the entrainment

and entrapment study determines that significant impacts to one or more species of coastal fish is occurring, the project owner will provide mitigation/compensation funds for mitigation/compensation for impacts to Southern California Bight fish populations. Upon consultation with the project owner, the mitigation/compensation funds should be used for such things as tidal wetlands restoration, creation of artificial reefs, or some other form of habitat compensation that is sufficient to fully address the species impacts identified in the final report required by the Condition of Certification Bio-3..." AES and the CEC will then present their cases on what the significance of impacts is, and what appropriate mitigation should be required. The Santa Ana Regional Water Quality Control Board will also review the results of the study prior to reissuance of the generating station's NPDES permit in 2005.

In the Section 316(b) Phase II Proposed Rule, the U.S. Environmental Protection Agency explains that "the mortality rate of entrained organisms varies by species; mortality rates for fish can vary from two to 97 percent depending on the species and life stage entrained." However, it should be noted that, in an effort to be as conservative as possible, the CEC will require that the forthcoming entrainment/impingement study for the AES Generating Station assume a 100 percent mortality rate for all marine organisms entrained through the AES intake. It is important to note that the purpose of the AES entrainment and impingement study is not to determine the mortality rate of organisms entrained through the AES intake structure, but rather to determine the number of individuals and types of marine organisms impacted, as well as the extent of impacts to source water populations offshore of the generating station. All entrainment and impingement effects determined from the CEC study are attributable only to generating station operations and are being properly addressed through the ongoing permitting certification process. As such, the 316(b) study for the AES facility would not serve as an indicator of potential mortality impacts to entrained marine organisms.

4. NPDES Review of AES Discharge: As stated within Response 4b of the Responses to Comments document, the National Pollution Discharge Elimination System (NPDES) permit (No. CA0001163) issued to AES Huntington Beach, LLC by the Santa Ana Regional Water Quality Control Board (RWQCB) includes specific monitoring requirements for monitoring the discharge through the outfall. This permit will need to be renewed in 2005. NPDES requirements will continue to apply in the event of proposed project implementation. In addition, the project will be required to obtain a separate NPDES permit from the RWQCB that will also include monitoring requirements. The discharge from the desalination plant will be required to meet all Ocean Plan standards regulated by the RWQCB.
5. Leakage from AES Discharge Vault (bacterial levels): The bacteria levels in the AES Power Plant intake well are generally less than 1,000 MPN (most probable number) per 100 mL (milliliter) but occasionally exceed this level. The intake well levels are often higher than the bacteria levels in the ocean near the intake, based on intensive monitoring conducted by MBC Applied Environmental Sciences during the summer of 2001. This indicates that there is a source of bacteria to the intake well. Power plant staff has confirmed that the only discharges to the intake well are screen wash water and a small

amount of pump seal water and that there may be leakage through the gates separating the intake well from the discharge vault. The discharge vault currently receives the following sources:

- ❖ condenser cooling water discharge;
- ❖ on-site storm drain water and process wastewater from the power plant's retention basins; and
- ❖ off-site City of Huntington Beach storm drain water from urban runoff from the mobile home park near the power plant.

The power plant's retention basins and the City's storm drain system may contribute to bacteria levels in the discharge vault. The potential leakage between the discharge vault and the intake well may be a source of bacteria in the intake well.

The California Department of Health Services (DHS) bases pathogen removal requirements for drinking water treatment plants on monthly median total coliform bacteria levels in the source water. The monthly median levels in the intake well range from <2 to 705 MPN/100 mL. These levels are sufficiently low that DHS granted conceptual approval for the minimum required removal of pathogens for the desalination plant. In addition, the desalination plant has multiple treatment processes to remove and inactivate bacteria and other pathogens in the source water.

The bacteria and other pathogens that will be removed by the desalination plant will be present in the concentrated discharge from the plant. There will be two mechanisms for killing the bacteria to insure that the concentrated discharge from the desalination plant does not increase the levels of bacteria discharged to the ocean through the power plant outfall. First, the influent will be chlorinated to kill the bacteria whenever total coliform levels reach 1,000 MPN/100 mL and then de-chlorinated prior to the treatment process to protect the RO membranes. Second, the high pressures associated with forcing water through the reverse osmosis membranes will kill bacteria. Pilot testing conducted at the Carlsbad Pilot Plant has shown that the total coliform levels in the concentrated discharge are consistently less than 2 MPN/100 mL.

Commissioner Dingwall:

1. Growth Inducement - California Coastal Commission comment letter (dated 5/8/03): See response to Commissioner Kokal's Issue No. 2, above.
2. Product Water Compatibility with Irvine Ranch Water District (IRWD): IRWD's operational concerns associated with the blend of desalinated water with Metropolitan Water District of Southern California (MWD) water could be resolved by implementation of one or more measures, including (a) modification of the IRWD discharge limits for sodium and chloride to accommodate the use of desalinated as a new water supply source and/or (b) modification of desalinated plant water quality to accommodate the IWRD limits, if any, at the time the desalination plant is operational and ready to begin delivering water into the regional distribution system.

Another factor to be taken into consideration in addressing IRWD concerns is that the above mentioned sodium and chloride limits stem from limitations defined in the Water Quality Control Plan (groundwater basin plan defined by the Santa Ana RWQCB) applicable to the IRWD project. Currently, this plan is being amended. The amended plan may further accommodate the use of the desalinated water blend.

The applicant understands that it must work with the RWQCB, MWD and other users of the regional water distribution system to address all specific concerns and regulations governing water quality at the time when the plant is actually going to be ready to deliver water. The applicant has indicated that it is committed to produce water quality that is in compliance with all pertinent regulatory requirements at the time the project begins commercial operations. This commitment is going to be enforceable by intergovernmental agreements with MWD and others which stipulate performance and water quality standards (as identified in the Draft EIR).

It should be noted that the applicant has initiated and continues to conduct workshops with Municipal Water District of Orange County (MWDOC), its member agencies and MWD. These workshops are designed to identify and resolve integration/operation issues of the new water source with all affected parties. IRWD has been invited to attend these workshops.

In addition, technical reports on issues pertaining to water chemistry, hydraulics, and related subjects have been made available to IRWD and other receiving water agencies, and will continue to be made available as the project progresses. The first two such papers on corrosion control strategies, and hydraulic modeling were provided to agencies attending the project's first technical workshop held at MWDOC on February 13, 2003. IRWD did not attend this workshop. Consequently, the applicant set up a separate meeting held on March 26, 2003 to present all of the work effort that has been completed to IRWD and to discuss the ongoing work effort needed to address IRWD's and other water agencies' concerns.

Mr. John Hills, IRWD staff, confirmed in his June 3, 2003, oral testimony before the Planning Commission that the applicant is working with IRWD to address their water quality issues and work towards resolution. Mr. Hill also informed the Commissioners that as of June 3, 2003 no resolution had been reached. He wanted these facts disclosed in the record of proceedings before the Planning Commission.

As a result of IRWD's concerns regarding the compatibility of the proposed project's product water with their recycled water facilities, staff recommends a condition be incorporated into the Conditional Use Permit (CUP) associated with the proposed project to ensure that the interests of the IRWD are addressed. The condition shall read as follows:

“The applicant shall produce potable water of quality that is in compliance with all applicable regulatory requirements. In addition, the applicant shall

supply Irvine Ranch Water District (IRWD) with water of quality that does not cause the IRWD to violate the pertinent limits of the IRWD reuse permit, applicable to the desalinated water quality at the time the proposed project is ready to begin the supply of desalinated water to the IRWD. The applicant shall reach an agreement with the Municipal Water District of Orange County (MWDOC) and its affected member agencies regarding the specific requirements of the quality of the desalinated water prior to beginning construction of the desalination plant. If agreement between the two parties is not reached by then, MWDOC has the right to reject the use of desalinated water.”

3. Responses to Comments 2c, 2l, 4b, and 11c - Surfrider National Foundation comment letter (dated 5/27/03):

Mr. Joe Geever of the Surfrider National Foundation submitted written comments to the Planning Commission regarding the proposed project in a letter dated May 27, 2003. Commissioner Dingwall specifically requested an examination of issues raised by Surfrider’s May 27, 2003 letter in regards to product water quality, alternatives, intake water quality monitoring, and solid waste disposal. Many of the issues raised within this letter have been previously addressed within the Responses to Comments document. As such, Responses 2c, 2l, 4b, and 11c from the Responses to Comments document are provided below:

Response 2c - Product Water Quality: This project does not require that the Pacific Ocean in the vicinity of the intake be designated as supporting the beneficial use of drinking water (MUN). The Sources of Drinking Water Policy, adopted by the State Water Resources Control Board in 1988, requires that all waters of the state, with certain exceptions, be protected as existing or potential sources of municipal and domestic supply. One of the exceptions is water with a total dissolved solids (TDS) concentration exceeding 3,000 mg/L, which is applicable to the Pacific Ocean. The MUN designation affords some additional chemical protection of a waterway because maximum contaminant levels (MCLs) are to be achieved in ambient waters. There is no additional protection provided for microbial contaminants because MCLs have not been established for pathogens or coliforms.

The Pacific Ocean in the vicinity of the intake is high quality and, in fact, has concentrations of some chemicals that are far below the drinking water MCLs prior to any treatment. An MUN designation would not provide any additional protection because the intake water quality is not influenced by storm water discharges, the Santa Ana River, the Talbert Marsh, or the Orange County Sanitation District (OCSD) wastewater discharge, as described in the hydrologic modeling studies included in the Draft EIR Appendix (Appendices C and D). Requiring these discharges to meet MCLs

in ambient waters would provide no improvement in water quality at the intake to the desalination plant.

The treated water from the Poseidon Desalination Plant will be required to meet all drinking water standards in Title 22 of the California Code of Regulations. As described in the Watershed Sanitary Survey Report (Draft EIR, Appendix E) and in the Draft EIR (pp. 4.6-11 through 4.6-17), the plant will have multiple treatment processes, including reverse osmosis membranes, and will be capable of meeting all of the drinking water standards.

The applicant will be required to obtain a drinking water permit from the California Department of Health Services that will address monitoring of source water quality (intake supplies). The desalination plant intake water quality in terms of turbidity (which is a surrogate indicator for potential elevated pathogen content) and salinity will be measured automatically and monitored continuously at the desalination plant intake facilities. Instrumentation for continuous monitoring and recording of these parameters will be installed at the desalination plant intake pump station. In event of excessive increase in intake seawater turbidity and/or salinity, this instrumentation will trigger alarms that will notify desalination plant staff. If the intake turbidity and salinity reaches a preset maximum level, this instrumentation will automatically trigger plant shutdown procedures. In addition to the automation provisions, turbidity and salinity will also be measured manually by the desalination staff at least once a day and the intake seawater will be analyzed for pathogen content at least once per week. In the event of elevated intake seawater turbidity, laboratory pathogen content analysis will be performed more frequently.

In addition to the intake water quality monitoring instrumentation, the desalination plant pretreatment filtration facilities will be equipped with filter effluent turbidimeters and particle counters. This equipment will allow to continuously monitor pretreatment filter performance and to trigger adjustments of desalination plant operations to accommodate intake water quality changes.

Response 21 – Alternatives: Pursuant to CEQA Guidelines section 15126.6(a), an EIR shall describe a range of reasonable alternatives *to the project*. According to the Draft EIR, (Section 3, *PROJECT DESCRIPTION*, page 3-8) “the proposed project consists of construction of a seawater desalination plant, storage facilities, and pipelines to produce drinking water for delivery into the regional water distribution system to meet the needs of the Southern California Region and particularly Orange County.” The comment does not discuss the main component of the project (construction of a seawater desalination plant) and, focusing on the drinking water production aspect of the project, suggests that the EIR “evaluate possible

alternative sources of water that might be available” to meet the drinking water needs of Orange County and the region.

As directed in CEQA Guidelines section 15126.6(c), an EIR shall include alternatives to the project that could feasibly accomplish most of the basic objectives of the project. Although an objective of the project is to provide a reliable local source of drinking water to Orange County and the surrounding region, most of the project objectives emphasize development of a drinking water source that is “independent of,” “decreases pressures on” and “minimizes demands on” existing drinking water supplies (*i.e.*, imported water supplies and local groundwater supplies). (See the list of project objectives on page 6-1 of the Draft EIR.) “Comments are most helpful when they suggest additional specific alternatives,” as stated in CEQA Guidelines section 15204(a). Except for desalinated seawater, the lead agency is not aware of (and the comment does not identify) any “other water sources” that do not fall into the categories of either “imported water” or “local groundwater.” For example, water reuse projects are dependent on existing water supplies because, by their very nature, they “recycle” existing imported or local groundwater supplies. In addition, water reuse projects do not directly produce potable/drinking water. Consequently, there are no feasible “other water sources” to evaluate that meet the objective of the project.

As directed in CEQA Guidelines section 15126.6(c), an EIR shall include alternatives to the project that could avoid or substantially lessen one or more of the significant effects. The Draft EIR notes (on page 6-1) that with the exception of short-term air quality emissions associated with construction activities, “all potentially significant impacts” (which includes potential impacts to marine organisms and water quality) can be “mitigated to less than significant levels.” Therefore, it is not anticipated that any alternative water source (assuming there is one) will avoid or substantially lessen significant impacts when compared to the project.

The comment suggests that “subsequent environmental documents” should evaluate various factors related to the availability of water supplies in the region. Because that aspect of the comment does not address the sufficiency of this Draft EIR for the Poseidon Seawater Desalination Project, no further response is necessary.

Several factors regarding the availability of water supplies in the region have been reported since the start of the public review period of the Draft EIR. The Orange County Water District (OCWD) has identified the overdraft of the Santa Ana River Groundwater Basin by more than 400,000 acre-feet due to drought conditions of the last three years.¹ The project could serve, for example, to offset withdrawals from the groundwater basin

¹ “O.C. Sees Cheap Water Era Ending”, Orange County Register, September 29, 2002.

during dry years (allowing it to recharge) and to offset the need for imported water in wetter years. For further information about the availability of water supplies in the region, reference is made to the Metropolitan Water District's (MWD) Integrated Resource Plan and the current situation with the reduction of Metropolitan's Colorado River allocation. Metropolitan's December 10, 2002 Board documents contain an approval of further support of increasing the volume of desalinated water to manage potential supply shortfalls and drought conditions. Finally, it should be noted that MWD established its Local Resources Program (LRP) to encourage the development of local programs for water conservation, recycling, desalination and storage to establish a diversity of approaches to improve regional supply reliability. The program is also intended to assist in the management of drought conditions as well.

The comment suggests that Section 3.5 of the DEIR does not "adequately discuss other sources of water." Section 3.5 is the portion of the *PROJECT DESCRIPTION* that sets forth the "need" for the project and the project objectives. While a statement of objectives is required as part of the project description section of an EIR², the information regarding the "need" for the project (Draft EIR at pages 3-20 through 3-23) was simply included as supplemental background information relating to water supply availability in Orange County and the region. On page 3-23 the Draft EIR reproduces a table created by the California Department of Water Resources (DWR, the governmental agency in California that has statutory responsibility with respect to water supplies). The table summarizes the projected availability of surface water, groundwater and recycled water supplies. The table projects a water supply shortage of 944,000 acre-feet for the South Coast Region in 2020.

Finally, the comment suggests that the benefits and effects of the proposed project should be compared with water supply projects "such as" the 80 projects referenced in the "Southern California Integrated Water Resource Plan" (IRP). As stated in the Draft EIR at page 3-22, the IRP was adopted in 1996 by the Metropolitan Water District of Southern California (MWD), the major imported water supplier in the region. As described in the Draft EIR, each of the "80 projects" referred to by the comment were existing water recycling projects. The Draft EIR (on page 3-21) further describes the difference between the proposed project and water recycling projects. Water recycling consists of the "reclamation of wastewater to produce water that is safe and acceptable for various non-potable uses, but not approved for direct use drinking and other domestic uses." The proposed project will produce water that is approved for direct use drinking and for other potable uses. A comparison of two different supplies with different objectives is not required. It should also be noted that the proposed project will only produce

² CEQA Guidelines Section 15124[b].

approximately 56,000 acre-feet per year of potable water supply (not 150,000 acre-feet per year as stated in the comment).

Response 4b – Intake Water Quality Monitoring: The National Pollution Discharge Elimination System (NPDES) permit (No. CA0001163) issued to AES Huntington Beach, LLC by the Santa Ana Regional Water Quality Control Board (RWQCB) includes specific monitoring requirements for monitoring the discharges through the outfall. Those requirements will continue to apply. In addition, the project will be required to obtain a separate NPDES permit from the RWQCB that will also include monitoring requirements. The RWQCB's Ocean Plan human health standards are designed to protect the beneficial use of body-contact recreation. The discharge from the desalination plant will be required to meet all Ocean Plan standards regulated by the RWQCB.

Response 11c – Solid Waste Disposal: As stated within Section 4.9, *CONSTRUCTION RELATED IMPACTS*, of the Draft EIR, the applicant shall prepare a waste reduction plan for construction/operational waste and the project will be in compliance with AB 939 requirements.

4. Impacts of Project on Future Restored Adjacent Wetland – California Earth Corps comment letter (dated 5/27/03): Impact analysis and mitigation for potential impacts to receptors surrounding the proposed project site (including the adjacent wetland area) are provided throughout the Draft EIR, including Sections 4.3 (marine biology issues associated with water quality) and Section 4.9 (construction-related impacts). This comment letter raises similar issues to those identified by California Department of Fish and Game, for which additional discussion (and mitigation measures) are provided within Responses 3d and 3h of the Responses to Comments document. Concerns from Gary Gorman of the Huntington Beach Wetlands Conservancy were addressed within Response 13b.

Although the Draft EIR was prepared prior to City staff gaining knowledge that the adjacent wetland area would be restored, several mitigation measures were included in the Draft EIR that would mitigate potential impacts to the adjacent wetland, even in a restored state. These mitigation measures apply to potential impacts in regards to noise, nighttime lighting, and nesting birds, and are provided below:

- NOI-1 Prior to the issuance of any building or grading permits, the Applicant shall prepare an acoustical analysis report and appropriate plans, prepared under the supervision of a City-approved acoustical consultant, describing the stationary noise generation potential and noise mitigation measures (such as the installation of sound enclosures or placing noise-generating equipment indoors), if needed, which shall be included in the plans and specifications of the project. All stationary equipment shall be designed to meet the noise criteria as specified in the City of Huntington Beach Municipal Code Chapter 8.40 (Noise

Control), and will be subject to the approval of the City of Huntington Beach.

ALG-2 If outdoor lighting is included, light intensity shall be limited to that necessary for adequate security and safety. All outside lighting shall be directed to prevent “spillage” onto adjacent properties and shall be shown on the site plan and elevations.

CON-12 To reduce project-related construction noise impacts generated by the proposed project, the following conditions shall be implemented:

- ❖ Construction activities shall be limited to hours specified by the City Noise Ordinance; and
- ❖ Unnecessary idling of internal combustion engines shall be prohibited.

CON-41 In order to minimize potential construction impacts to nesting savannah sparrows adjacent to the proposed desalination facility, a pre-construction nesting survey will be performed by a qualified biologist in consultation with applicable regulatory agencies. Should nesting savannah sparrows be found, adequate mitigation (such as relocation, construction noise abatement measures, etc.) will be implemented as appropriate based on the findings of the pre-construction survey.

Additional mitigation measures throughout the Draft EIR would also minimize impacts to the adjacent wetland area in regards to air quality, urban runoff/storm water, and erosion. It should also be noted that the existing containment berm (approximately 15 feet in height) running along the border of the project site adjacent to the wetland area would be left in place, further minimizing potential impacts to biological resources.

Response 3d. The Huntington Beach Wetlands are situated southeast of the desalination site and occupy a 131 acre, 1.5 mile long area along the coast, bordered by Pacific Coast Highway to the southwest, and the Talbert and Santa Ana River Flood Control Channels to the north and southeast.³ The wetlands are divided into two major components. To the southeast, the 17-acre Talbert Marsh opens to the ocean through a 100 ft-wide entrance adjacent to the mouth of the Santa Ana River. The Talbert Marsh is a recovering wetland area reintroduced to tidal influence on February 17, 1989.⁴

The second component of the Huntington Beach wetlands, separated from the Talbert Marsh by Brookhurst Street, includes 89 privately owned acres abutting the edge of the southeast corner of the proposed project site. This acreage has limited tidal access, and water sources are primarily limited to rainfall, urban runoff, and groundwater seepage.⁵

³ MEC, 1991.

⁴ Reish and Massey, 1990.

⁵ MEC, 1991.

Salinities are extremely high in the soils and seasonal ponds, water quality of the brackish water marsh is poor, and the area in general is considered degraded.⁶ The remaining area of the Huntington Beach Wetlands includes almost 20 acres of open water channel of the Talbert Flood Control System.

The privately owned area of the Huntington Beach wetlands (abutting the edge of the southeast corner of the desalination plant site) is primarily a seasonally flooded estuarine intertidal habitat dominated by pickleweed, along with other plant species that can tolerate high soil salinities and seasonal saturation and drought, such as saltgrass and alkali heath.⁷ Many areas of the wetland are heavily disturbed and unvegetated. The back dune habitat along the Pacific Coast Highway supports a moderate number of species including introduced plant species. The dunes have been replanted with native plant species. The site functions as a seasonal wetland for some wildlife, while seasonal ponding in former tidal sloughs supports limited fish and invertebrate use.

As stated in the Draft EIR, a spill at the desalination facility of either product or byproduct water is likely to have negligible effects on the Huntington Beach Wetlands and Talbert Flood Control System. Soils of wetlands are already flooded by freshwater during the rainy season, forming standing pools. Product water spills will do the same. Soils are already hypersaline, so spills of byproduct water will contribute little to the salinity of soils. Spills into the local Talbert Channel are also likely to have minimal impact. The channel already has multiple year-round fresh water inputs, so product water spills will have no impact. Byproduct water spills will be diluted by these fresh water inputs, although if the channel contains ocean water at the time of a spill, salinities may be overly elevated. Species likely to be found in the channel, such as topsmelt, can tolerate wide variations in salinity.

Western snowy plover (*Charadrius nivosus*, federally-listed as threatened and a state species of concern) forage primarily on sand at the beach-surf interface where they feed on small invertebrates. Snowy plovers nest most commonly on sandspits, dune-backed beaches, beach strands and open areas near river mouths and estuaries.⁸ Western snowy plover is a winter migrant in southern California and a localized breeding resident April through September.⁹ Reduced tidal influence in the marsh adjacent to the proposed project make it unlikely that western snowy plover will forage in this area. Plovers would also be unlikely to nest in this, or other adjacent marsh areas due to human activity. Western snowy plover nesting was last observed in the area in 1993, when one nesting pair was observed at the protected California least tern breeding area located on the Huntington State Beach.¹⁰

Belding's savannah sparrow (*Passerculus sandwichensis beldingii*, state-listed as endangered) may use the pickleweed of the Huntington Beach wetlands for breeding, nesting and feeding habitat.¹¹ Construction impacts, including short-term, temporary noise

⁶ Coats and Josselyn 1990, CDFG 1982, cited in MEC, 1991.

⁷ MEC, 1991.

⁸ Thelander and Crabtree, 1994.

⁹ AES and URS, 2000.

¹⁰ Personal communication, Jonathan Snyder, United States Fish and Wildlife Service, 2003.

¹¹ MEC, 1991.

disturbance, could lead to disruption in Belding's savannah sparrow nesting activities in the marsh adjacent to the project site. A spill at the desalination plant site of either product or byproduct water could potentially impact Belding's savannah sparrow through inundation of any of the bird's low- or ground-lying nests in the area. However, such a spill is unlikely to occur as the existing on-site containment berms abutting the wetland area would remain in place, thereby keeping product water or byproduct water from impacting the wetland area. Adult birds are likely to avoid areas of construction and operational impacts, minimizing potential effects on adults. As noted in Section 3.0, *ERRATA*, in order to minimize potential construction impacts to nesting savannah sparrows, a pre-construction nesting survey will be performed by a qualified biologist in consultation with applicable regulatory agencies. Adequate mitigation (such as relocation, construction noise abatement measures, etc.) will be implemented as appropriate based on the findings of the pre-construction survey.

California least tern (*Sterna antillarum brownii*, state- and federally-listed as endangered) are known to fly over the Huntington Beach wetlands, and to feed in the open water of the Talbert Channel.¹² Least terns forage on small shallow-water fish such as anchovies and topsmelt.¹³ In order to provide abundant food for their chicks, California least terns breed in loose colonies along the coast near areas of seasonally abundant small fish, such as estuaries, river mouths and shallows. Nests are shallow depressions in sandy open areas with little vegetation. Nests and chicks are highly vulnerable to predation from native and introduced predators. A protected 7.9-acre California least tern breeding area is located on the Huntington State Beach between the Talbert Marsh opening and the mouth of the Santa Ana River, approximately 5,000 ft south east of the proposed project area. Typically 200 to 300 nesting pairs of California least terns utilize this breeding site each year.¹⁴ This area is likely to be unaffected by construction impacts. The nesting site is also well outside the modeled area of elevated salinities from the offshore discharge.¹⁵ Least terns nest above the high tide level, so they would not be directly impacted by water of varying salinities as might occur in the case of accidental release of high saline water. California least tern forage species are mobile, surface-schooling fish species can be expected to tolerate all salinity conditions resulting from project operations (refer to Appendix C of these Responses to Comments), limiting least tern exposure to high salinities during foraging. California least terns are not likely to be impacted as a result of RO plant operations.

Response 3h. A biological constraints report was prepared to assess potential biological resource impacts at the proposed underground pump station, while a review was conducted to assess potential marine biological and coastal terrestrial impacts at the proposed desalination site. Rare plants and natural communities may exist adjacent to the proposed underground booster pump station location (for further information, Refer to Response 1c, above). However, in response to agency comments, the underground pump station location will be sited adjacent to existing pipeline facilities, and no sensitive vegetation/community will be replaced.

¹² MEC, 1991.

¹³ Thelander and Crabtree, 1994.

¹⁴ Personal communication, Keane, 2001.

¹⁵ Jenkins and Wasyl, 2001 (Appendix D of the Draft EIR).

As indicated in Response 3d, above, the wetland area abutting to the southeastern boundary of the desalination plant site features high salinities in the soils and seasonal ponds, poor water quality of the water marsh, and the area in general is considered degraded. This area is dominated by pickleweed, along with other plant species that can tolerate high soil salinities and seasonal saturation and drought, such as saltgrass and alkali heath. Many areas of the wetland are heavily disturbed and unvegetated. The back dune habitat along the Pacific Coast Highway supports a moderate number of species including introduced plant species. The dunes have been replanted with native plant species. The desalination plant is not anticipated to impact vegetation in the adjacent wetland area. However, should construction have the potential to impact suitable habitat for nesting birds within 500 feet of project construction/staging areas, applicable pre-construction nesting surveys will be performed in coordination with appropriate resource agencies.

In addition, the proposed water conveyance pipeline alignment would primarily travel within existing street right-of-way and easements. No sensitive vegetation or natural communities are anticipated to be impacted through pipeline implementation (also see Response 3e above regarding flood control channel crossings).

Commissioner Ray:

1. Impacts of Project on Future Restored Adjacent Wetland/Possibility of Buffer Area–California Earth Corps comment letter (dated 5/27/03): See response to Commissioner Dingwall’s Issue No. 4, above.
2. Archaeological Resources within Proposed Project Boundaries: According to the City of Huntington Beach General Plan EIR, archaeological resources within the City have mostly been destroyed by development. The remaining archaeological resources are likely to be found in vacant, undeveloped areas of the City. As all elements of the proposed project (excluding the proposed pump station nearby the NCCP/HCP area in unincorporated Orange County) occur within developed areas, the project is not expected to impact archaeological resources. In addition, a discussion of potential impacts and mitigation measures for the proposed pump station nearby the NCCP/HCP area in unincorporated Orange County is provided within the Draft EIR in Section 4.9, *CONSTRUCTION RELATED IMPACTS*.
3. Growth Inducement in Regards to Santa Margarita Water District and the Rancho Mission Viejo, Saddle Creek, Saddle Crest, and Saddleback Meadow developments: Refer to Commissioner Kokal’s #2 response, above. It should be noted that the Santa Margarita Water District would only provide service to one of the specific developments mentioned by Commissioner Ray (the Rancho Mission Viejo development), as the Saddle Creek, Saddle Crest, and Saddleback Meadow residential developments are within the service area of the Trabuco Canyon Water District, not SMWD.¹⁶
4. AES Heat Treatment/Reverse Flow Process: See response to Commissioner Kokal’s Issue No. 1, above.

¹⁶ <http://www.tewd.ca.gov/service.htm>

ADDITIONAL COMMENTS RECEIVED AT OR AFTER THE JUNE 3, 2003 PLANNING COMMISSION HEARING

WRITTEN COMMENTS: A brief summary of each comment letter received either at or after the June 3, 2003 Planning Commission hearing is provided below (refer to each individual comment letter as provided by City staff in previous staff reports or late communication packets for more information):

1. Rich Kolander, **Huntington Beach Resident** (dated May 8, 2003): Mr. Kolander's letter provides information on the benefits of the proposed project, focusing on the industrial nature of the project area, existing infrastructure, tax revenues, and improvements in water pressure. Mr. Kolander endorses the proposed project.
2. Jan Vandersloot, M.D., **Huntington Beach Business Owner** (dated May 29, 2003): Mr. Vandersloot's letter provides information regarding the proposed project's salinity plume and suggests a relationship to the results of bacterial testing performed as part of the Huntington Beach Closure Investigation, Phase I. Information from the Huntington Beach Shoreline Contamination Investigation, Phase III, is also included. The letter also expresses concerns regarding entrainment/impingement, public/private desalination plant ownership, alternative locations, by-product brine disposal, and recreational impacts. Attached to Mr. Vandersloot's letter is the executive summary from the Huntington Beach Shoreline Contamination Investigation, Phase III Peer Review Panel Summary Report. Mr. Vandersloot recommended continuation on the Draft EIR for the project.
3. Larry Porter, **Newport Beach Resident** (dated May 29, 2003): Mr. Porter's letter focuses on the existing bacterial plume off-shore of Huntington Beach and its potential relationship to the proposed project. The letter also contains information regarding the Southern California Bight and pollutants discharged into the Bight from local waterways. Mr. Porter also states concerns with reverse osmosis membrane durability and the Department of Health Services conceptual approval letter. Mr. Porter recommends denial of the proposed project.
4. Robert W. Harrison, P.E., **Huntington Beach Resident** (dated May 30, 2003): Mr. Harrison's letter focuses on thermal impacts of the existing AES facility and potential effects of the proposed project. The letter provides information on benefits of the project, such as environmental benefit and use of existing infrastructure. Mr. Harrison recommends approval of the proposed project.
5. Joe Geever, **Surfrider Foundation – National Office** (dated May 30, 2003): Mr. Geever's letter focuses on entrainment/impingement and potential impacts of the project on organisms surviving the AES cooling process and growth inducement. Mr. Geever recommends continuation of the Draft EIR for the proposed project.
6. Don May, **California Earth Corps** (dated June 3, 2003): Mr. May's comment letter largely reiterates text found in his previous letter dated May 27, 2003. Mr. May's comments on the proposed project focused on growth inducement/cumulative impacts, coastal/terrestrial/wetland biological impacts, geological hazards, Ascon/Nesi hazardous materials, on-site drainage, AES entrainment/impingement, permitting requirements, groundwater/soil contamination, noise, light and glare, operational use of hazardous materials, drinking water supply, tsunami potential, aesthetics, and cultural resources. Mr. May recommends continuation of the Draft EIR.

7. Tom Luster, **California Coastal Commission** (dated June 3, 2003): Mr. Luster's letter focuses on the 316(b) study to be performed for the AES Generating Station. Mr. Luster repeats the comment included in his November 4, 2002 and May 8, 2003 letters that the results of this study are necessary to appropriately make a determination on the Draft EIR. Mr. Luster recommends continuation of the Draft EIR until this entrainment study is completed.
8. Gregory P. Heiertz, P.E., **Irvine Ranch Water District** (dated June 5, 2003): Mr. Heiertz's letter suggests that product water from the proposed project would cause Irvine Ranch Water District (IRWD) to exceed reclaimed water permit limits set by the Santa Ana Regional Water Quality Control Board (SARWQCB), due to elevated sodium and chloride levels. Mr. Heiertz recommends that mitigation measures to ensure reclaimed water quality permit compliance should be included into the EIR prior to certification.
9. Don Schulz, **Surfrider Foundation** (dated June 19, 2003): Mr. Schulz's letter provides information regarding the Groundwater Replenishment System (GWRS).
10. Mike Seymour, **Huntington Beach Resident** (dated May 29, 2003): Mr. Seymour's letter indicates support for the project.
11. Michelle Kremer, **Surfrider Foundation National Office** (dated July 2, 2003): Ms. Kremer's letter urges the Planning Commission not to certify the EIR until deficiencies relative to growth inducement and marine life mortality, among others, are addressed.
12. Richard Kolander, **Huntington Beach Resident** (dated July 1, 2003): Mr. Kolander's letter includes articles on water supply problems in the western United States.
13. Bill Holman, **Huntington Beach Resident** (dated July 3, 2003): Mr. Holman expresses support of the project.

ORAL COMMENTS: In addition, as part of the CEQA process for the proposed desalination facility, input from the public was received by the City of Huntington Beach Planning Commission on June 3, 2003. A total of 16 oral comments regarding the proposed project were heard during the public hearing. A list of speakers and a brief summary of their comments is provided below. In addition please note that “*” indicates that the speaker also submitted written comments, either as part of the Draft EIR review period or following close of public review.

1. Don McGee – Opposed to Project: Mr. McGee stated his concerns in regards to the AES facility's financial situation, public versus private ownership of the proposed project, and conservation of water instead of desalinated water.
2. Dean Albright, **Ocean Outfall Group (OOG)** – Opposed to Project: Mr. Albright's comments focused on sewage/bacterial impacts and their relationship to marine biology and potential salinity impacts of the proposed project.
3. Chris Jepsen – Opposed to Project: Mr. Jessup stated his concerns in regards to AES air pollution and potential project-related impacts in regards to product water pipeline implementation, adjacent wetland impacts, desalination facility electricity consumption, and land use issues.
4. *John Hills, **IRWD** – Expressed Concerns About the Adequacy of the EIR: Mr. Hills' comments focused on potential impacts to IRWD reclaimed water quality, customer acceptance of water, reverse osmosis membrane performance, and potential corrosion impacts from desalinated product water.

5. Billy Owens - Project Applicant: Mr. Owens provided a brief project overview and responses to some recurring comments on the proposed project.
6. *Joe Geever, **Surfrider Foundation** - Opposed to Project: Mr. Geever stated his concerns in regards to growth inducement and marine life mortality impacts of the proposed project.
7. *Rich Kolander, Supportive of Project: Mr. Kolander provided an analogy of the proposed project to an early-era Ford automobile factory.
8. Greg Jewell, **Surfrider Foundation** - Opposed to Project: Mr. Jewell stated his concerns that an alternate site should be utilized for the proposed project.
9. Randy Furman - Opposed to Project: Mr. Furman provided comments regarding a lack of benefits of the proposed project for the City of Huntington Beach, alternative sites, and the relationship of the project in regards to the Southeast Coastal Redevelopment Plan.
10. *Don May, **California Earth Corps** - Opposed to Project: Mr. May stated his concerns in regards to growth inducement, permit acquisition for the project applicant, and issues raised by the California Coastal Commission and California Department of Fish and Game.
11. *Larry Porter - Opposed to Project: Mr. Porter provided comments in regards to the relationship of the OCS discharge and the AES intake and potential salinity issues of the proposed project.
12. Ron Van Blarcom – Project Applicant Team: Mr. Van Blarcom stated the relationship between the proposed project and the legal requirements of CEQA.
13. Jeffrey Graham – Project Applicant Team: Dr. Graham provided information regarding potential marine biological impacts due to the by-product brine discharge of the proposed project.
14. Elaine Archibald – Project Applicant Team: Ms. Archibald stated information found in the Watershed Sanitary Survey, and that there is no relationship between the bacterial plume off the coast of Huntington Beach and the AES intake.
15. Nikolay Voutchkov – Project Applicant: Mr. Voutchkov provided information regarding product water quality and its relationship with IRWD.
16. Scott Jenkins – Project Applicant Team: Mr. Jenkins stated that the AES intake does not have a relationship to the bacterial plume near the Huntington Beach coast, as well as the AES intake’s relationship to local marshes and the Santa Ana River.

ATTACHMENTS:

1. Resolution No. 1581 (Final EIR No. 00-02)
2. Excerpt from Draft EIR pages 5-2 through 5-6
3. Excerpt from Draft EIR pages 3-20 through 3-23
4. Additional Comment Letters
 - a) Don Schulz, Surfrider Foundation Local Chapter, dated June 19, 2003
 - b) Mike Seymour, dated May 29, 2003
 - c) Gregory Heiertz, Irvine Ranch Water District, dated June 5, 2003
 - d) Michelle Kremer, Surfrider Foundation National Office, dated July 2, 2003
 - e) Rich Kolander, dated July 1, 2003
 - f) Bill Holman, dated July 3, 2003
5. Planning Commission Staff Reports (Previously Distributed – Not Attached)
 - a) EIR No. 00-02 Staff Report dated May 27, 2003
 - b) CUP No. 02-04/CDP No. 02-05 Staff Report dated May 27, 2003

- c) Late Communication dated May 27, 2003
- d) Report Updates dated May 22, 2003
- e) Report Updates dated June 3, 2003
- f) Late Communication dated June 3, 2003
- g) Revised Errata dated June 3, 2003