



November 13, 2024

Ocean Desalination
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

SUBJECT: Statement on Ocean Plan Amendment Scoping Proposal

Dear SWRCB Desalination Team:

On behalf of the undersigned organizations, we offer the following statement in response to the *“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”*:

- **The role of seawater desalination as a water resource strategy in California is at a critical precipice.** As acknowledged by the Newsom Administration and various stakeholders, the 2015 California Ocean Plan amendment adopting novel desalination regulations has failed to meet its intent. The lengthy, cumbersome, and complex permitting processes and timelines for seawater desalination – exemplified by real-time experiences on seawater desalination project efforts over the past decade – has had a chilling effect on the willingness of parties to actively explore and engage in California seawater desalination projects going forward.
- **The desalination industry has been working hard to advance projects in the context of historic drought** conditions within the bounds of the present Ocean Plan requirements, to address a need that has been strongly and urgently felt across California. However, the current process is unworkable, and the proposed amendments outlined by the State Water Resources Control Board (SWRCB) staff during its October 28 scoping workshop exacerbate the myth-laden narratives about seawater desalination.
- Contrary to recent media reports, the 2023 *“Seawater Desalination Siting and Streamlining Report to Expedite Permitting”* in fact **provides no material permit streamlining or regulatory relief** as directed by Governor Newsom. Instead, it continues to single out seawater desalination for unprecedented regulation and perpetuates environmental myths.
- **If some of the existing and newly proposed desalination provisions are included in the next round of amendments to the Ocean Plan, then seawater desalination on any scale will have no future in California.**

Our coalition looks forward to working with the Newsom Administration and the State Water Resources Control Board on a transparent, science-based evaluation of the existing flaws with the Ocean Plan’s desalination provisions and amendments with a specific focus on addressing the following critical areas:

- 1. Identified “Need” for Desalinated Water Must Remain a Local Determination**
- 2. Mitigation Timing, Options, and Approaches Must Be Realistic, Achievable and Feasible**
- 3. De Facto Prohibition on Open Intakes and Predisposition Toward Small, Distributed, “Boutique” Desalination Projects violates CWC section 13142.5(b)**
- 4. Flow Augmentation Must Remain as a Viable Discharge Option**
- 5. A Viable Permitting Path (Including for Pilot Projects) for Offshore Desalination Projects Must be Adopted**
- 6. Cost of Water and Application of Environmental Justice Analysis Must be Amended**
- 7. Reject of Any Conceptual “Loading Order” for Seawater Desalination Projects**

For any questions regarding the comments embodied within this correspondence, please contact CalDesal’s Executive Director – Glenn Farrel – at glennf@caldesal.org or at (916) 216-1747.

Sincerely,

Mark Donovan, Board Chair
CalDesal

Stephen Pang, State Relations Advocate
Association of California Water Agencies

Kristopher Anderson, Policy Advocate
California Chamber of Commerce

Charles Wilson, Executive Director
Southern California Water Coalition