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Poseidon prevails in desalination lawsuit



Poseidon is pursuing its final two permits for a proposed desalination operation adjacent to the AES power plant in Huntington Beach. Above is an artist's rendering of the desalination facilities, in the bottom right-hand corner, at the power plant. (Courtesy of Poseidon Water.)

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A lawsuit seeking a new environmental report for the controversial [Poseidon desalination plant](#) proposed for Huntington Beach was rejected by a Sacramento Superior Court judge on Tuesday.

Three environmental groups had filed the suit, arguing that the plant's 2010 Environmental Impact Report needed to be entirely done over because of subsequent changes to the proposal.

In its [2017 approval of the project](#), the State Lands Commission determined that Poseidon needed only to complete a supplemental report addressing the changes to the project, which proponents champion as a drought-proof source of local drinking water.

In his ruling, Judge Richard Sueyoshi found that the supplemental report met legal requirements while noting that the 2010 study had never been legally challenged.

Poseidon officials applauded the decision.

“We’re pleased with the thoughtful validation of the California Superior Court and we look forward to obtaining the (remaining) permits and approvals necessary to build the plant,” said Scott Maloni, Poseidon vice president.

But Poseidon opponents were sticking to their guns.

“This ruling was on a narrow technical issue and may be appealed,” said Sean Bothwell, attorney for the California Coastkeeper Alliance. The groups was joined in the suit by Orange County Coastkeeper and the California Coastal Protection Network.

Garry Brown of Orange County Coastkeeper responded by pointing to Poseidon’s ranking at the bottom of an [analysis of five proposed Orange County water projects](#). The ranking, based on need and cost, was commissioned by the Municipal Water District of Orange County with results released last year.

The \$1-billion project slated for land next to the AES power plant on Pacific Coast Highway still needs approval from the Santa Ana Regional Water Quality Control Board and the California Coastal Commission.

Fueling the lawsuit

Among the reasons cited in the lawsuit for a new Environmental Impact Report:

- Environmentalists argued that the addition of one-millimeter screens in the seawater intake valves necessitated a new report. The screens are intended to minimize the larvae and tiny sealife sucked into the desalination operation, though environmentalists say it can nonetheless kill those eggs and creatures by sucking them into the screen and trapping them. Sueyoshi ruled that the issue was addressed in the supplemental report.
- One possible method of distributing the water is pumping it into the groundwater aquifer, which is then tapped into by local water districts. The suit said this possibility needed to be addressed in the environmental report. Sueyoshi ruled that the change was speculative and did not yet need to be studied.
- The suit said that since water demand had dropped since the original report and alternative sources of water had increased, those factors should be taken into account in the environmental report. Sueyoshi wrote in his decision that the plaintiffs didn’t “sufficiently demonstrate ... that further environmental review was necessitated” by changes in demand and alternative sources.