



# The EcoMedia Compass

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Dear Senator Feinstein,

The EcoMedia Compass, a California 501(c)(3) non-profit based in Imperial County is writing to you to point out a flagrant conflict of interest in the Long-Range Planning process now underway as part of the Salton Sea Management Program under the California Natural Resources Agency.

The Salton Sea Management Program (SSMP) has hired the Pasadena based engineering, consulting, and construction management firm Tetra Tech to draft new Long-Range Plan proposals for the State. As a company with experience in designing and constructing large scale infrastructure projects including dams, levees, hydro-electric plants, water treatment and desalination plants, including at San Antonio, Texas and at Carlsbad and Huntington Beach California, Tetra Tech has relevant and extensive qualifications for that role. However that reputation is marred by the conviction of persons under Tetra Tech employment and management for falsification of data in an environmental rehabilitation project at Hunter's Point Naval Shipyard a few years ago. The choice of Tetra Tech by the Salton Sea Management Program is clearly related to the decades of experience that Tetra Tech's Salton Sea project lead, Dr. Bill Brownlie, has working on Salton Sea projects and steering Tetra Tech to be the contractor of choice on multiple no-bid engineering contracts for the State chartered JPA, the Salton Sea Authority.

The conflict of interest does not lie just in hiring Tetra Tech to draft new Salton Sea Long-Range Plan proposals for the State. The conflict lies in simultaneously hiring Tetra Tech to draft critical technical review criteria on which the Long-Range Plan proposals drafted by Tetra Tech, and competing proposals drafted by outside project proposers, will be evaluated and selected by the State. This conflict of interest was pointed out in the first few public meetings of the SSMP's Long Range Planning Committee, held late last year and early this year, by at least three members of that Committee, but SSMP staff and contractors organizing those meetings chose to discount the issue.

The EcoMedia Compass Board and Staff serving on the SSMP's Long-Range Planning Committee were surprised to hear at the Wednesday July 6<sup>th</sup> meeting about eleven new substantial variations on existing proposals drafted by Tetra Tech, including Tetra Tech versions of proposals drafted and submitted three months earlier by others. In addition three outside proposals rejected by the U.C. Santa Cruz Independent Review Panel were added to the Long-Range Planning Committee agenda. At that same July 6<sup>th</sup> meeting, a new set of strategies and evaluation criteria were presented. One set of evaluation criteria was sent on Friday July 1<sup>st</sup> to the members of the Committee. However, the evaluation criteria shown on the Zoom presentation in the meeting on July 6<sup>th</sup> was different in several critical details from the evaluation criteria sent to the Committee members on July 6<sup>th</sup> and the new proposals and eleven new variations on existing proposals were only shown to the Long-Range Committee for the first time in the course of the meeting. In particular, Tetra Tech presented two new variations of a Salton Sea desalination and water recycling project proposed on April 2<sup>nd</sup> by a Long Range Planning Committee member:

1. Water Recycling (Desal)
  - a. Salton Sea Water Recycling Project, from a Committee member
  - b. Desal with conventional technology, from Tetra Tech (different technology)
  - c. Desal or water recycling at coast exchange program, from Tera Tech (different technology).

Direction for a Better Environment.  
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Neither of the above variations (b and c) had any written information made available to the Long-Range Planning Committee or the public other than the minimal description above. The original (version a) has a publicly available 50 page write up plus supporting documents. The details of all eleven variations on existing proposals are secret at this time in spite of the fact that Tetra Tech has had three months to come up with these variations. When asked, the State SSMP official in charge of the July 6<sup>th</sup> meeting made clear that proposals submitted by outside proposers on the April 2<sup>nd</sup>, 2022 deadline are not allowed to make any revisions to address strategies and evaluation criteria developed later, yet Tetra Tech continues to revise their own and other proposals to meet those developing strategies and criteria.

The conflict of interest lies with the overall Long-Range Planning process wherein one private contractor is in control of technical evaluations that select what proposals are seriously considered, writes many of the rules of selection, and also drafts their own proposals from which they can expect to profit. That broad conflict of interest is exemplified by a few key technical evaluation criteria drafted by Tetra Tech and shared with the Long-Range Planning Committee for the first time on July 6<sup>th</sup>, to start:

1. Long Term Ability to Improve Water Quality
  - a. Project with greatest ability to improve water quality scores 5 based on ability to reduce sediments and total phosphorus and nitrogen in inflows.
  - b. Scores of others will be scaled by engineering judgement.

This criterion only addresses one part of water quality issues, nitrogen and phosphorus from fertilizer runoff. It totally ignores salinity, oxygenation, pesticides, raw sewage, industrial chemicals, etc. that flow into the Salton Sea. There is no other water quality criterion proposed to address the other contaminants in Salton Sea inflows. Also this criterion gives zero credit for projects that remove these contaminants from the water in the Salton Sea. One of the projects designed by Tetra Tech for the Salton Sea Authority, referred to as the “Updated Perimeter Lake” poses a risk to shoreline communities by redirecting polluted New and Alamo River flows closer to the shoreline communities of Desert Shores, Salton Sea Beach, Salton City, and Bombay Beach. If this criterion stands as drafted by Tetra Tech, there will be no evaluation of water quality risks posed to the shoreline communities by any proposal other than reduction of nitrogen and phosphorus, for which there is already a TMDL standard and remediation in place.

Another criterion drafted by Tetra Tech limits technology choices that can be applied to long-range Salton Sea restoration and mitigation.

2. Proven Technology/ Reduced Risk
  - a. Common, low risk, proven technologies used in CA score 5 (Tetra Tech explained in the July 6<sup>th</sup> meeting this means technologies must have been built at large scale in CA to get a top score of 5).
  - b. Technologies used elsewhere but not in similar conditions or scale, score 3.
  - c. Experimental technologies not proven elsewhere on a largescale, score 1.

For high salinity desalination technology, the only large scale plant built in CA is the Carlsbad seawater reverse osmosis (SWRO) desalination plant on which Tetra Tech was a design contractor along with IDE Technologies, and Poseidon. Tetra Tech is a desalination design and construction management company among other things. This criterion therefore makes Tetra Tech and their design partners on the Carlsbad plant the only team that can meet this criterion for a top score. In essence Tetra Tech is using their position as maker of the rules on which these projects are scored to get a maximum score of 5 and hence set Tetra Tech and its Carlsbad associates up to

make hundreds of millions, and possibly billions, of dollars as part of a sole source design and construction management contractor team preferred to get any Salton Sea desalination job.

After three Long-Range Planning Committee members complained on July 6<sup>th</sup> that the built on large scale in CA technology requirement for a top score makes no sense, the SSMP official running the meeting, agreed to modify the wording to say “Common, low risk, proven technologies approved in CA score 5”. That means the same thing with respect to desalination because the only desalination technology approved at scale in CA through CEQA and California Coastal Commission approval is the one plant at Carlsbad that went through that six year approval process. This is a huge win for Tetra Tech if a desalination project is selected. Why are State SSMP officials supporting protecting a potentially sole source contracting opportunity for Tetra Tech and its Carlsbad associates?

Regarding Proven Technology/ Reduced Risk sub-criterion b, desalination technology used on the coast has NOT been used in a similar condition to the hyper-saline Salton Sea with high biological content and a mix of ions very different from the ocean. The SWRO technology used in the Tetra Tech and associates design for the Carlsbad plant should score a 3, but wiggles out of this by saying any large scale technology approved in CA gets a 5. As Dr. Bill Brownlie stated at a public meeting in the Imperial Irrigation District Boardroom several years ago “If anyone is going to do desalination at the Salton Sea, it will be us.”

It’s not surprising that a powerful and politically connected engineering and construction management company would make every effort to draft criteria that will favor it to be the sole source provider for any desalination technology at the Salton Sea. What is surprising is that State officials working for the SSMP would support that clear conflict of interest.

We find it deeply disturbing that Tetra Tech is being paid by our taxpayer dollars to draft their own proposals for long-term Salton Sea restoration and remediation with no detailed description released to the public, and at the same time are being paid to write key technical evaluation criteria on which the Tetra Tech proposals will be compared against other outside proposals, including criteria that would favor Tetra Tech, giving Tetra Tech a favored position as a potential sole source contractor for hundreds of millions, or even billions, of public dollars.

We recommend a competitive bid process to open the doors to innovation that will be needed to solve the challenging problems at the Salton Sea, a lake nearly double the size of Lake Tahoe. A monopoly contractor stifles innovation. A diversity of solutions are needed to reach a healthy and sustainable future for the Salton Sea region. Please urge California State officials to address this conflict of interest well before the Long-Range Planning process is finished at the end of this year.

Sincerely,  
The EcoMedia Compass Board of Directors