



MAJESTIC REALTY CO.

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September 10, 2014



Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Post Office Box 100  
Sacramento, CA 95812-0100  
Via E Mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Re: Comments on A-2259; - September 23, 2014 Board Meeting. Petition of Foothill/Eastern Transportation Corridor Agency - Waste Discharge Requirements Tentative Order No. R-9-2013-0007 – Tesoro Extension Project – State Route 241  
Object: Expanded Interpretation of Project Review

Dear Ms. Townsend:

I am writing as a senior representative of one of the nation's largest privately-held commercial property owners. We were founded in California in 1948 and with a portfolio of more than 70 million square feet, we are still proud to call Southern Californian our headquarters and home. We are active leaders in our communities and view ourselves as long-term stakeholders in our region.

On September 23, 2014 your board will consider a review of the denial of the Wastewater Discharge Requirements for a 5.5 mile segment of the Tesoro Extension project in Orange County. Our concern with the proposed order is that the language is far reaching and could significantly impact any and all infrastructure projects in California that are linear in nature and are built in segments – primarily major transportation projects.

On page nine of the above referenced order, the report states "that a regional water board may issue WDRs for the project as it is proposed, understanding that any expansion or extension of that project would need to come back before the regional board for further review and consideration." We are in agreement and believe that this is how we have collectively operated within the historical interpretation of the Porter Cologne Act. However at the top of page 10, the report goes further, authorizing the regional boards with broad new powers to speculate on impacts of potential future alignments or alternatives that not proposed by the applicant.

Such authority could grind infrastructure projects that are "linear" in nature to a halt. This definition will be further compounded as we push for multi-modal interconnections amongst all modes of transportation in the future.



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One example of such proposed connectivity includes the High Speed Rail project which is ultimately intended to offer connectivity across our state. Will the first phase of the High Speed Rail project need to analyze all potential future alignments and alternatives of the project in its entirety before beginning on its initial segment? This draft order could create a legal precedent for just such a challenge.

This proposed order could have unintended consequences and provide a chilling effect on infrastructure projects, jobs and the economy in California. I ask that you reconsider the language in the draft order and direct your regional boards to continue to consider only the projects that an applicant brings forward, speculating on potential future alignments before the due process when they may or may not ever come to fruition is ill advised.

The current process already requires future alignments be brought back to the boards on their own merits at the time when they are ready to move forward. For linear transportation projects, future alternatives may take decades and must adapt to the needs and requirements at that time. For a regional board to speculate on potential water quality impacts of an alignment that may or may not ever be proposed is inappropriate.

Thank you for considering this concern to your draft order.

MAJESTIC REALTY CO.

Sincerely,

Fran Inman  
Senior Vice President