

September 9, 2014

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



**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**

Dear Ms. Townsend:

On September 23, 2014, the board will consider a review of the denial of the Wastewater Discharge Requirements (WDR) for a 5.5 mile segment of the Tesoro Extension Project in Orange County. The proposed order to be considered includes language that is far reaching and could significantly impact any and all infrastructure projects in California built in segments.

On page 9, the report rightfully 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. 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 not proposed by the applicant.

Such authority could grind infrastructure projects that are “linear” in nature to a halt. For example, does 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. Further, as the average California infrastructure project can take over 17 years to plan, design, phase, and complete, anticipating water quality issues over decades is literally impossible.

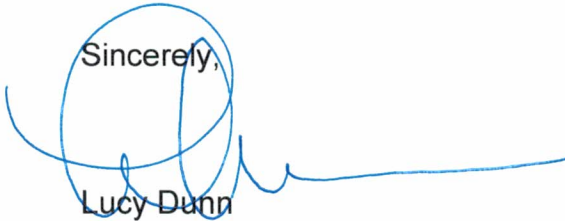
Additionally, this proposed order could have a chilling effect on infrastructure projects, jobs, and the economy in California—at a time when recovery is just beginning and new jobs still of paramount importance. I ask that you reconsider the language in the draft order that will come before you and direct your regional

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boards to consider only the projects that the applicants bring to your boards, not future alignments that may or may not ever come to fruition. The current process already requires future alignments be brought back to the boards on their own merits at the time they are ready to move forward. 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 suggested revision to your draft order for the Tesoro Extension.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lucy Dunn', is written over the word 'Sincerely,'. The signature is fluid and cursive, extending to the right.

Lucy Dunn
President and CEO
Orange County Business Council

LD:la

Cc: Bryan Starr, Senior Vice President Government Affairs, OCBC
Darrell Johnson, CEO, OCTA
Ryan Chamberlain, Director, District 12, Caltrans