

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0069
(916) 319-2069
FAX (916) 319-2169

DISTRICT OFFICE
2400 EAST KATELLA AVENUE, SUITE 640
ANAHEIM, CA 92806
(714) 939-8469
FAX (714) 939-8986

E-MAIL
Assemblymember.Daly@assembly.ca.gov

Assembly California Legislature



TOM DALY
ASSEMBLYMEMBER, SIXTY-NINTH DISTRICT

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Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95812-0100



**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**

Dear Chair Marcus:

I am contacting you regarding the proposed Draft Order concerning the Tesoro Extension Project in Orange County.

The proposed draft order gives regional boards new and expanded authority to speculate on the impacts of potential future phases of projects. The enactment of this order will likely result in a delay, and the possible denial, of beneficial infrastructure projects that provide jobs and improved quality of life for all Californians. That's why various transportation agencies from throughout California have expressed their concern.

There are currently many infrastructure projects underway in the state. Many of these projects are built in phases, especially freeway improvements. Requiring water discharge requirements (WDRs) for potential future phases is unreasonable.

Just as the applicant is not permitted to build beyond the scope of an approved project, regulatory agencies should also not be permitted to render judgments on potential future projects that have not been analyzed or proposed.

I ask that the State Water Resources Control Board modify the staff report to make it clear that regional boards should limit their review of proposed WDRs and water quality certifications to the scope of the proposed project in an application and discharge proposed by an applicant.

Sincerely,

Tom Daly
State Assemblymember, 69th District

cc: Jeanine Townsend, Clerk of the Board, State Water Resources Control Board