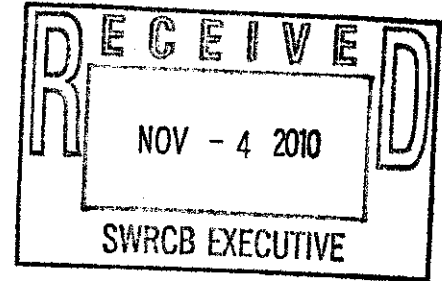




SOUTHWEST GAS CORPORATION

James F. Wunderlin, P.E., Senior Vice President/Engineering &
Business Operations And Technology Support



November 4, 2010

VIA ELECTRONIC MAIL
commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: "Comment Letter – CGP Reopener"
Modifications to Order No. 2009-0009-DWQ [NPDES NO. CAS000002]

Dear Ms. Townsend:

Southwest Gas Corporation (Southwest) herein submits its comments to the Proposed **MODIFICATIONS TO ORDER NO. 2009-0009-DWQ** issued by the California Water Resources Control Board (CWRCB). In this rulemaking, CWRCB proposes to modify the definition of Legally Responsible Person (LRP).

Southwest is a natural gas local distribution company that serves over 1.8 million customers in Arizona, California and Nevada. Southwest owns and operates 937 miles of interstate and intrastate transmission pipelines and 29,928 miles of distribution mains. Southwest's intrastate facilities are regulated for pipeline safety by the Arizona Corporation Commission (ACC), the California Public Utilities Commission (CPUC) and the Public Utilities Commission of Nevada (PUCN) under mandatory requirements of the U. S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA). Southwest's intrastate facilities are regulated for economic purposes (rate structure) by the ACC, the CPUC and the PUCN. Southwest is a member of the American Gas Association (AGA).

By and through these comments, Southwest urges the CWRCB to amend the existing rule to clearly allow corporations to delegate signatory authority to employees other than "the manager of facility," which can include such persons as supervisors and other persons that the corporation entrusts with the authority to bind the corporation. Southwest's proposed amendments are as follows:



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**State Water Board Order No. 2009-0009-DWQ
Appendix 5 – Glossary pages 1-2
Approved Signatory¹**

A person who has legal authority to sign, certify, and electronically submit Permit Registration Documents and Notices of Termination on behalf of the Legally Responsible Person. The Approved Signatory must be one of the following:

1. For a corporation: a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) any other employee that the manager of the facility if authority to sign documents has been assigned or delegated the authority to sign documents to the manager in accordance with corporate procedures;

SOUTHWEST believes that these amendments would preserve the CWRCB's policy of having corporate employees, not contractors, sign the documents. It also preserves what appears to be the CWRCB's policy of ensuring that the employee that signs the document, regardless of rank in the corporation, will have authority to bind the corporation. If the Southwest amendments were adopted, the corporation will retain the responsibility for false or missing reports, even if the authorized employee fails to perform their function properly.

Southwest appreciates the opportunity to submit its comments to the CWRCB CGP Reopener, MODIFICATIONS TO ORDER NO. 2009-0009-DWQ [NPDES NO. CAS000002].

Respectfully submitted,

For further information, please contact:

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¹ Key: Blue-underline is the original amendment's additions
~~Red-strikethrough~~ is the original amendment's deletions
Green-italics-underline is text that is to be added to the amendment
~~Purple-double-strikethrough-italics~~ is text that is to be removed from the amendment