

September 3, 2014

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Chief Executive Officer

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Post Office Box 100
Sacramento, California 92814

Via E Mail: commentletters@waterboard.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

Dear Ms. Townsend:

The Metro Gold Line Foothill Extension Construction Authority (“Construction Authority”) submits the following comments on the Draft Order in the above-referenced matter. The Construction Authority is the public agency responsible for designing and building the Foothill Gold Line Project, extending the Metro Gold Line light rail from Union Station in Los Angeles to the City of Montclair in San Bernardino County. Like nearly all long, linear transportation projects, the Foothill Gold Line is being designed, permitted and built in phases – often many years apart. The first phase of the Foothill Gold Line Project (from Union Station to Pasadena) started in 1999 and opened in 2003. The second phase (from Pasadena to Azusa) began in 2009/2010 and is under construction with expected completion toward the end of 2015. The third phase (from Azusa to Montclair) is awaiting funding and not expected to be completed for many years.

We request that the State Board modify the report accompanying the Draft Order to reinforce that regional boards should limit their review of proposed WDRs and water quality certifications to the phase of the project being proposed by the transportation agency.

It is unrealistic and highly disruptive, not to mention extremely costly and at odds with planning functions, to require water board approval for phases of a project that could be decades away from construction. The Draft State Water Board draft order in the above matter indicates that regional water boards may require transportation agencies to obtain water board review and approval of discharges associated with future phases of a transportation improvement at the time of the initial phase – even in circumstances where the future phase is not funded and may not be built for many years. This interpretation would be nearly impossible to implement due to the realities of staged planning and would

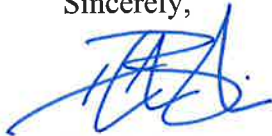


cause material delay and expense at a time when the need for effective delivery of transportation projects is high and budgetary capacity is low.

The Foothill Gold Line Project could not have reached this point unless it utilized a phased approach that called for permits only on the phase under immediate consideration. When the Project began in 1999, there was funding available only for the first phase of the Project. Then six years after completion, additional funding became available and design and construction (including permitting) began anew. Once the Construction Authority receives funding for the phase to Montclair, it will begin design and construction of that phase, including obtaining all required permits. All in all, total completion of the Foothill Gold Line Project will take over 20 years from start to finish.

The Construction Authority could not possibly have known enough about each phase of the Project to obtain WDRs and water quality certifications for the entire Project back when it began the first phase fifteen years ago in 1999. Details of future phases of a Project are not known well enough to apply for a permit until planning and design are advanced to a certain point. Public agencies must retain the flexibility to phase the permitting and construction of large transportation projects if they are ever going to succeed in delivering them.

Sincerely,



Habib F. Balian
Chief Executive Officer