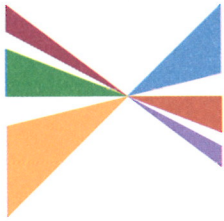


SOUTHERN CALIFORNIA



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September 15, 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 92814  
Via E Mail: [commentletters@waterboard.ca.gov](mailto:commentletters@waterboard.ca.gov)



**Re: Comments on A-2259 –September 23 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 Southern California Association of Governments (SCAG) is the nation's largest Metropolitan Planning Organization representing six counties, 191 cities and more than 18 million residents. We appreciate the opportunity to review the Proposed Order to be considered on September 23<sup>rd</sup> related to the petition of the Foothill/Eastern Transportation Corridor Agency (TCA), which had its Waste Discharge Requirement (WDR) permit for the Tesoro Extension denied by the San Diego Regional Water Quality Control Board. As you consider TCA's petition, SCAG respectfully requests that you consider the following for your information.

First, the Tesoro Extension is part of the 11-mile SCAG portion of the SR-241 project (SR-241 project). The SR-241 project is included in SCAG's federally-approved 2012-2035 Regional Transportation Plan/Sustainable Communities Project. The project is designated as a Transportation Control Measure (TCM) needed to help the region meet federal ozone standards by 2022. Last week, SCAG's governing board, the Regional Council, approved SCAG's 2015 Federal Transportation Improvement Program (2015 FTIP) and determined timely implementation of the SR-241 project as a TCM.

We recognize that both the State Water Resources Control Board (State Board) and the San Diego Regional Water Quality Control Board acknowledged that the Tesoro Extension is one segment of a larger project. However, it is also important to acknowledge that the pending WDR permit was only for the Tesoro Extension. Specifically, SCAG is concerned with the interpretation of the State Board of the Porter Cologne Water Quality Control Act. As drafted on pages 9 and 10, the Proposed Order would appear to allow regional boards to require

WDR permit approvals not only for the current proposed phase of a project, but also for all possible future phases that are not currently being proposed and may not be constructed for many years. This would appear to be contrary to the long-standing practice of regional water quality control boards of permitting major transportation projects in phases, as transportation demand and funding warrant.

Within the SCAG region, phased transportation projects are a fiscal necessity. The 2015 FTIP includes many phased projects in every county. It is an established practice in our region to advance major transportation projects in phases as traffic demand and funding warrant. Typically, project sponsors apply for regional board WDR permit approvals once the California Environmental Quality Act (CEQA) process and preliminary engineering for the proposed improvement is complete. Prominent examples of phased projects in the SCAG Region include the Exposition Corridor Light Rail Transit Line between downtown L.A. and Santa Monica; the Red Line subway project; the Purple line subway extension to Westwood and ultimately to the ocean; the Gold Line between downtown Los Angeles and Montclair in San Bernardino County; improvements to State Route 30; and HOV improvements to the I-405. Of particular note, the northern portion of SR 241 has already been permitted and built in three phases since 1993.

The Tesoro Extension is the next logical link of SR 241 to meet existing and future traffic demand in Rancho Mission Viejo and greater South Orange County. The facility has been programmed in local and SCAG regional plans since 1989 to serve the population and employment expected by SCAG's adopted growth projections. Those projections are now being realized as Rancho Mission Viejo constructs 14,000 housing units and five million square feet of employment-generating development in addition to growth throughout South Orange County.

Because of the potentially significant consequences that the Proposed Order may have to SCAG and other state and local transportation planning agencies and project sponsors throughout the State, SCAG requests that the Proposed Order be clarified on pages 9 and 10 so that the language is specific to the Tesoro Extension and that regional board review of proposed WDR permits and water quality certifications remain focused on the scope of the currently committed phase of the transportation improvement and discharge proposed by the transportation project sponsor.

Sincerely,



Hasan Ikhata

Executive Director

Southern California Association of Governments