

September 15, 2014

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, CA 95812



RE: Comments on A-2259 – 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 San Bernardino Associated Governments (SANBAG) appreciates the opportunity to comment on Tentative Order No. R9-2013-0007 regarding the Transportation Corridor Agencies (TCA) Tesoro Extension Project for State Route 241.

SANBAG is the council of governments, county transportation commission, and transportation planning agency for San Bernardino County. As such, we are responsible for planning and implementing an efficient multi-modal transportation system to serve the 1.9 million residents of our county. SANBAG also administers Measure I, the half-cent transportation sales tax approved by county voters in 1989 and reaffirmed in 2004.

SANBAG is also part of the Southern California Association of Governments (SCAG) region. SCAG is the metropolitan planning organization (MPO) responsible for the adoption of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) as required under SB 375 (Chapter 728, Statutes of 2008). This multi-modal plan contemplates a number of transportation improvements through 2035 and it is critical that the transportation agencies in the region are able to successfully implement the projects contained within these plans in a timely and cost-effective way.

Historically, the State Water Resources Control Board has considered it appropriate for regional water quality control boards to permit projects in phases, reflecting the current conditions and funding availability for the actual project being constructed at that time. The revised tentative order now indicates that regional boards may now require that transportation agencies obtain approval for discharges associated with future phases of a transportation improvement – even if that future phase is not funded and not scheduled for construction for many years. This goes well beyond a reasonable approach to permitting projects and associated California Environmental Quality Act (CEQA) requirements.

Given the cyclical and sometimes inconsistent nature of transportation funding, it is typical for improvements to be funded and constructed in phases, spanning multiple decades. Given the length of time that can pass between phases, it seems premature to judge the project in its entirety when it is still unknown whether the entire project will ever be fully funded or constructed. If this precedent is established, it will become increasingly difficult for transportation agencies to match projects with available funding and permitting requirements – thus resulting in delays to project delivery and an inability to meet greenhouse gas reduction requirements and federal air quality standards.

We respectfully request that you reconsider the tentative order to limit the ruling to the scope of the transportation improvement proposed at the time of the application and any discharge that may result. Transportation agencies must retain the necessary flexibility to phase major improvements in our regions in order to efficiently and effectively serve our respective populations and meet major state and federal environmental standards.

Sincerely,

Raymond W. Wolfe
Executive Director
San Bernardino Associated Governments

c: Gonzales, Quintana & Hunter LLC