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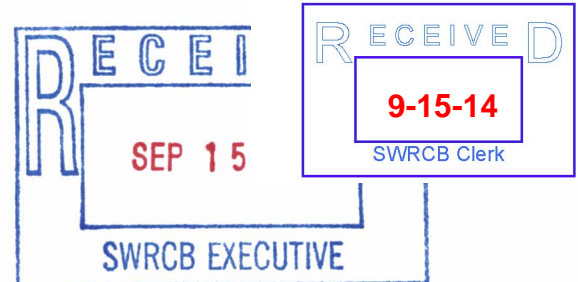
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September 15, 2014

Felicia Marcus, Chair
c/o Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Hand Delivered



Dear Chair Marcus:

On September 23, 2014 your board will consider a review of the denial of the Wastewater Discharge Requirements for the Tesoro Extension project in Orange County. The proposed order you will consider includes language that could significantly impact the segmental construction of any infrastructure projects in California.

On page nine, the report rightfully states that a regional water board may issue WDRs for the project as it is proposed understanding that any expansion or extension of that project would need to come back before the regional board for further review and consideration. However, at the top of page 10 the report goes further, authorizing the regional boards with broad new powers to speculate on impacts of potential future alignments or alternatives not proposed by the applicant.

Such authority could materially impact "stand alone" infrastructure projects that may or may not be part of future improvements, but serve a separate and independent purpose and need. This draft order could create a legal precedent affecting beneficial project work on the speculation that the "initial segment" is likely to lead to further work that could have future negative impacts.

This proposed order could have a chilling effect on infrastructure projects, jobs and the economy in California. I ask that you reconsider the language in the draft order that will come before you and direct your regional boards to consider the projects that the applicants bring to your boards, not future alignments that may or may not ever come to fruition. These alignments must be brought back to the boards and can be considered at that time on their own merits. For a regional board to speculate on potential water quality impacts of future projects that may or may not ever be proposed is not appropriate.

Thank you for considering this suggested revision to your draft order for the Tesoro Extension.

Sincerely,



Will Kempton
Executive Director