



Amy Kitson
Director of Storage Risk
Management

Southern California Gas
Company
555 W. 5th Street
Los Angeles, CA 90013

Tel: (818) 701-3291
AKitson@semprautilities.com

June 25, 2018

State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

ATTN: Comment Letter — 2018 Draft MOA Between State Water Board and DOGGR

Re: SoCalGas Comments on the Proposed Revised Memorandum of Agreement Between the State Water Resources Control Board and the Department of Conservation, Division of Oil, Gas and Geothermal Resources Regarding Underground Injection Control, Discharges to Land, and Other Program Issues

Dear State Water Resources Control Board:

Southern California Gas Company (SoCalGas) appreciates the opportunity to submit comments on the proposed revised memorandum of agreement (MOA) between the State Water Resources Control Board (“State Water Board”) and the Department of Conservation, Division of Oil, Gas and Geothermal Resources (“DOGGR”) regarding Underground Injection Control (UIC).

SoCalGas supports DOGGR’s and State Water Board’s effort to review and update, as necessary, procedures and coordinated efforts to ensure the injection and discharges of Class II fluids do not cause degradation of the waters of the State of California. SoCalGas is committed to working with DOGGR and the State Water Board to maintain the safety and environmental stewardship of our facilities for the benefit of our employees, customers, and the communities we serve. This letter highlights several key comments on the proposed MOA. We look forward to working with DOGGR and State Water Board during this public commenting period.

1. Reasonable Project Review timelines

SoCalGas appreciates the efforts of both DOGGR and State Water Board in their review of UIC Project applications and the process proposed in MOA Section IV, Subsection B, *UIC Projects* and in Attachment 1 – *UIC Flow Chart*. Although the proposed MOA revision provides a descriptive permitting and approval process, it removes the explicit timelines provided in the 1988 MOA. The 1988 MOA specified a comment and review period of 14 days for the State Water Board prior to the issuance of a draft permit and a comment period of 30 days for the State Water Board during the issuance of the final permit. The proposed MOA project review process states an estimate for review time will be provided, however it does not specify any review or comment timelines during the

draft or final issuance of the project permit. This lack of timelines would hypothetically allow projects to be reviewed indefinitely and presents a level of uncertainty for applicants. SoCalGas recommends publishing specific yet reasonable timelines for the UIC application, review, and permitting process.

2. Applicant Due Process

SoCalGas appreciates the coordination between DOGGR and the State Water Board for UIC project permitting. The process for project/permit review and approval includes multiple steps to allow for consultation, review, commenting by the State Water Board and applicable Regional Water Quality Control Board (Regional Water Board) including recommending disapproval of a project or rescinding an approval. The process does not specify a step for an applicant to rebut or respond to concerns or questions raised by the State Water Board or Regional Water Board. SoCalGas recommends including steps for the applicant to respond to concerns or comments. SoCalGas also alternately recommends referring to an existing agency process that provides due process to applicants during the permitting process.

3. Parties' Obligations and Existing Agency Requirements

SoCalGas is concerned with the vagueness of MOA Section VII, Subsection D "Reservation of Authority" and Subsection E, "No Third-Party Beneficiaries" and its potential impact to third-party beneficiaries such as applicants. Therefore, SoCalGas proposes that the following provisions be added to Subsections D and E:

D. Reservation of Authority

.....

4. Nothing in this MOA shall be construed as limiting, expanding or otherwise affecting the rights under the law of applicants or project proponents whose matters or projects are directly affected by the actions taken by the Parties hereto, including, but not limited, the rights of applicants to review, comment, object to, and appeal the actions proposed or taken by the Parties hereto.

E. No Third-Party Beneficiaries

.....

2. By the same token, this MOA is not intended to harm, undermine, limit or otherwise negatively affect third parties who are not party to this MOA but whose interests can be directly or indirectly affected by any of the Parties' actions performed or omitted pursuant to this MOA.

In conclusion, SoCalGas is committed to be a good steward of our environment and enhancing the safety of our facilities for the benefit of our employees, customers, and the communities we serve.

SoCalGas appreciates the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Amy Kitson".

Amy Kitson
Director of Storage Risk Management