

Walter McGuire
CHAIRMAN
Jose Mejia
VICE-CHAIRMAN
Gerald D. Secundy
PRESIDENT
William J. Quinn
CHIEF OPERATING OFFICER

Steve Gross
TREASURER
Randy Fischback
SECRETARY

BOARD OF DIRECTORS

Bob Antonoplis
Joseph Avila
William T. Bagley
Robert Balgenorth
Michael Barr
Jack Bean
Mike Beasley
Ed Bedwell
Joseph C. Bellas
Russ Burns
Steve Burns
Ken Casarez
John Chiffemi
Michele Corash
Tim Cremins
Hal Dash
Bill Devine
Cesar Diaz
Greg Feere
Randy Fischback
Steve Gross
Michael Hertel
Fred John
James (J.P.) Jones
Kenneth L. Khachigian
John T. Knox
Kristen Korbus
Kirk Marckwald
Walter McGuire
Sunne McPeak
Jose Mejia
Richard Morrison
Cressey Nakagawa
Joe Nunez
George Plantka
Art Pulaski
Mike Roos
Lanny Schmid
Gerald D. Secundy
Dan Skopec
Don Solem
Katherine Strehl
Steve Toth
Minnie Tsunozumi
Victor Weisser

CONSULTANTS

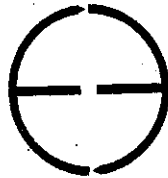
Kendra Daijogo
THE GUALCO GROUP, INC.

Jackson R. Gualco
THE GUALCO GROUP, INC.

Robert W. Lucas
LUCAS ADVOCATES

Gov. Edmund G. "Pat" Brown
FOUNDING CHAIRMAN 1973

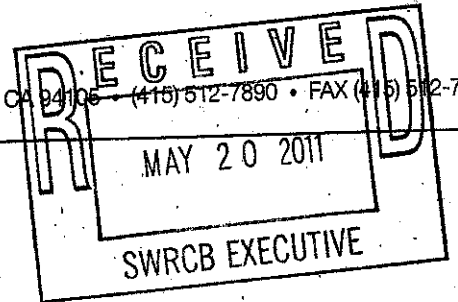
www.cceeb.org



California Council for Environmental and Economic Balance

100 Spear Street, Suite 805, San Francisco, CA 94106 (415) 512-7890 • FAX (415) 512-7897

Public Hearing (5/18/11)
ASBS Special Protections
Deadline: 5/20/11 by 12 noon



May 20, 2011

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814

Via email: commentletters@waterboards.ca.gov

RE: Comments and Recommendations Regarding the General Exception to the California Ocean Plan Waste Discharge Prohibition for Selected Discharges into Areas of Special Biological Significance, Including Special Protections for Beneficial Uses and the Associated Program Environmental Impact Report

Dear State Water Resources Control Board Members:

The California Council for Environmental and Economic Balance (CCEEB) is a non-partisan, non-profit coalition of business, labor and public leaders that advances strategies for a strong economy and a healthy environment. On behalf of CCEEB, we want to thank the State Water Resources Control Board (SWRCB) for this opportunity to comment on the General Exception to the California Ocean Plan Waste Discharge Prohibition for Selected Discharges to Areas of Special Biological Significance, Including the Special Protections for Beneficial Uses and the Associated Program Environmental Impact Report.

CCEEB's membership includes companies with linear facilities that provide gas, electric and communication services which are essential services to California's citizens (e.g., residents, businesses, hospitals, government). Gas transmission and distribution pipelines are located underground as are many of the transmission and distribution electric facilities and communications facilities. These facilities include underground substructures (e.g., underground structures such as vaults, manholes and handholes) that provide access to connections and, in some cases, equipment. Prompt access to these substructures is imperative when responding to outages and is critical for the on-going maintenance of reliable systems.

In order to enter these substructures and conduct the necessary work in a safe manner, any waters that have collected in the substructures need to be removed. This results in short-term intermittent discharges from these substructures. Discharges may be scheduled or unscheduled (e.g., for emergency response). Since many of the electric and communications underground facilities are located mostly in urbanized areas, the discharges of accumulated waters are to the municipal stormwater conveyance systems. Less frequently in urban areas, the discharge may be made directly to a surface water body.



The SWRCB's NPDES permit for these discharges finds that:

"Utility companies operate and maintain numerous vaults and underground structures within their service territories. These vaults and structures may be located in residential, agricultural, commercial, or industrial areas. Sizes can vary from 15 cubic feet to 1,500 cubic feet, depending on their intended use, type, or contents. For safety reasons, utility companies must de-water vaults and underground structures prior to performing any repair, maintenance, and/or installation of equipment. When the amount of water in the vaults or structures interferes with the safety and quality of the work to be done, water must be pumped out. Volume of discharges can vary from a few gallons to a few thousand gallons depending on the configuration and individual situation at each vault or structure. These intermittent discharges are routed to waters of the United States directly or indirectly via local storm conveyance systems."¹

Gas, electric and communications substructures do not generate water, although they may collect water that seeps into the substructures from groundwater or surface runoff. Therefore the water that collects in the substructures is similar to that from groundwater seeps and surface runoff.

While the proposed Exception prohibits most non-stormwater discharges it does authorize the following non-stormwater discharges under certain conditions:

- ◆ Foundation and footing drains,
- ◆ Water from crawl space or basement pumps,
- ◆ Hillside dewatering, and
- ◆ Naturally occurring groundwater seepage via a storm drain.

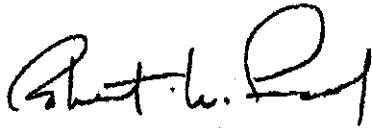
Discharges from utility substructures are substantially similar to these authorized sources and should be identified in the Exception as authorized non-stormwater discharges to stormwater conveyance systems when they are conducted in compliance with a NPDES discharge permit. Accordingly, we urge the Board to revise the Exception to include a section that specifically authorizes the discharge of waters from substructures that are permitted under an NPDES permit.

The SWRCB's NPDES permit requires the permittees to develop and implement plans and procedures to prevent contaminated water from being discharged. In accordance with these plans and procedures, when the water is found to be contaminated it is typically pumped to a truck and disposed off-site. By not including permitted vault discharges in the proposed exception as authorized non-storm water discharges, these waters will always be required to be trucked off-site for disposal when they could be discharged onsite to the municipal stormwater conveyance system. This would be time consuming and result in longer outages of the essential public services these companies provide. It also increases the cost to provide these services and reduces the system reliability.

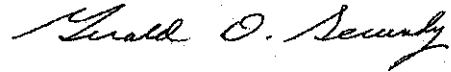
¹ Section III.B. on Page 3 of Order No. 2006-0008-Dwq NPDES No. CAG990002 General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges From Utility Vaults and Underground Structures to Surface Waters

CCEEB welcomes the opportunity to provide you and staff with these comments, which we urge the staff to incorporate when revising the Exception and finalizing the PEIR. We also look forward to staff's response to these and all of the other comments put forth by the stakeholders. If you would like to discuss these comments further, please contact Bob Lucas at 916-444-7337.

Sincerely,



Robert W. Lucas
Waste & Water Quality Project Manager



Gerald D. Secundy
President

cc: The Gualco Group, Inc.