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Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento CA 95814

June 10, 2008

Subject: State Water Resources Control Board Order No. 2008-XX-DWQ National Pollution Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activity

Dear Ms. Townsend:

This comment is submitted on behalf of Verizon California Inc. and Verizon Business Network Services Inc. (Verizon) regarding the NPDES General Permit for Discharges for Storm Water Runoff Associated with Construction and Land Disturbance Activity (General Permit). Verizon appreciates this opportunity to provide comments on the General Permit.

Verizon shares your desire to protect the environment and supports the goals of the General Permit. However, not all of the requirements apply to certain Verizon activities, namely linear utility projects (LUPs). Therefore, Verizon requests that such activities be covered under an alternative General Permit that specifically addresses these activities.

The permit appears to be designed to address typical construction sites that have fairly large lengths and widths. However, as written, the General Permit could also be interpreted to cover a very long cable run, or LUPs. Such a run although very narrow, could be part of an overall system that runs for hundreds of miles. Should the General Permit cover such activities, an extreme burden would be placed upon Verizon and other utilities, although there would be virtually no environmental benefit.

Construction activities associated with LUPs are different than the traditional perimeter bound construction project. As noted above, LUPs are narrow construction projects that may extend for miles but do not result in significant soil disturbances, long term stationary excavation activities, mass grading activities, or vertical construction stages. LUPs were recognized as being different than traditional construction projects in the issuance of the General Permit for Storm Water Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects. However, in the current General Permit,

LUPs are addressed relatively the same as a traditional perimeter bound project with a fixed location.

Verizon's specific concerns relate to General Permit components that do not appear to be applicable to LUPs or that appear to be unreasonably burdensome to LUPs, without providing additional environmental benefit. For instance:

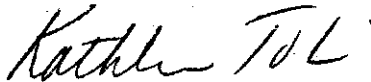
- LUPs do not generally engage in mass grading activities and in some cases are installed in existing right of ways which may include paved and unpaved surfaces. Applying soil stabilization efforts to completed construction areas at appropriate intervals would prevent active construction areas from exceeding the 5-acre threshold. As the project advances soil stabilization and revegetation is also conducted. The dynamic nature of an LUP activity allows the discharger the ability to more quickly identify and correct the source of any potential exceedence. The current permit does not appear to factor in the incremental nature of an LUP.
- The General Permit requires dischargers to assess the Risk Level of a project based on both sediment transport and receiving water risk using "Attachment A". For a linear project disturbing over 5 acres, any one project would likely encounter varying types of conditions effecting the calculation of the Risk Level. This Risk Level may then be inappropriately applied to the entire length of the project. Verizon believes application of these additional requirements to LUPs could be unreasonably burdensome given that the high and medium risk designations would likely be the result of utilizing conservative values to complete the risk worksheet. Such conservative values, which would need to be used to ensure compliance at each specific point along the LUP route, would virtually never represent the conditions throughout most of the LUP route. While there would be a potential regulatory compliance problem, there would not be an associated environmental exposure from ground water runoff because the ground is quickly restored as the work is performed and there would almost always be no openings for significant periods of time.
- The permit states that "For any project that spans two or more planning watersheds, the discharger shall calculate a separate Risk Level for each planning watershed". If a discharger ends up with more than one Risk Level determination, the Regional Water Board may choose to break the project into separate levels of implementation. However, even using a separate Risk Level for each planning watershed, it may not accurately depict the variable nature of an LUP and the project may be inappropriately classified as "medium risk" or "high risk" throughout an extended portion of the LUP.
- Projects at all Risk Levels are required to establish and maintain effective perimeter controls and stabilize all construction entrances/exits sufficient to erosion and sediment discharges from the site. For Risk Levels 2 and 3, the discharger shall ensure that the construction activity traffic to and from the project is limited to entrances and exits that employ effective controls to prevent offsite tracking of sediment. This requirement makes no sense for a LUP and, in addition, is not reasonably feasible.
- The requirement for a unique Rain Event Action Plan (REAP) to be prepared by a qualified SWPPP preparer for medium and high risk construction projects every time a storm with a 50% chance of rain is forecast (Section X of the draft Construction Activity General Permit) is unnecessarily burdensome. Since LUPs have so little open excavation at any one time, the amount of storm water runoff from these areas should be minimal.

Verizon recommends that rather than covering LUPs under this new permitting scenario, that a more appropriate mechanism would be to cover them under Order #2003-0007-DWQ General Permit for Storm Water Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects or a similar type permit. LUPs are essentially small construction projects which progress in a linear manner as work is complete. There is little fundamental difference in small LUPs and LUPs that ultimately exceed the 5-acre threshold.

An alternative approach that would also more appropriately address the unique nature of an LUP would be to craft specific requirements based on stabilization of completed construction areas within specific time frames, for a specific linear distance, or prior to forecasted rain events.

Thank you for allowing the opportunity to provide comments on the recently released General Permit. Verizon is committed to effective and meaningful control of runoff from construction sites to protect water quality and the environment.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Tobin".

Kathleen Tobin
Corporate Workplace Safety
& Environmental Compliance