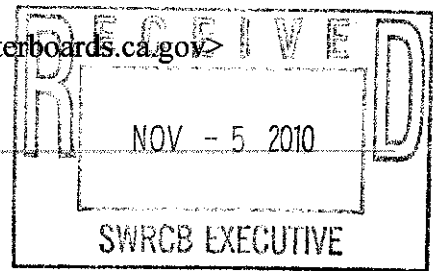


commentletters - Comment Letter - CGP Reopener

From: "Pearson, Scott" <SPearson@sempra.com>
To: "commentletters@waterboards.ca.gov" <commentletters@waterboards.ca.gov>
Date: Friday, November 05, 2010 11:50 AM
Subject: Comment Letter - CGP Reopener



Dear Jeanine Townsend, Clerk of the Board:

Thank you for the opportunity to comment on the new proposed definition of "Legally Responsible Person" ("LRP") in the Construction General Permit. The Sempra Energy Utilities include San Diego Gas and Electric Company (SDG&E) and Southern California Gas Company (SCG). Together, these utilities work to meet the energy needs of millions of customers throughout Southern California. SCG has been delivering clean, safe and reliable natural gas to its customers for more than 140 years. It is the nation's largest natural gas distribution utility, providing energy to 20.5 million consumers throughout a service territory that spans approximately 20,000 square miles in diverse terrain throughout Central and Southern California, from Visalia to the Mexican border.

The Sempra Energy Utilities have sites of which they are investigating the environmental condition, or remediating, but do not own in fee. Often, these sites are owned by one or more third parties for which the Sempra Energy Utilities only have an access agreement or license to conduct the investigation or remediation. Therefore, the Sempra Entities respectfully request that the definition of an LRP make clear that it includes such access agreements or similar entitlements as the possession of a "real property interest." To accomplish this end, we suggest adding the language that is underscored and bolded below after the following sentence in the new LRP definition:

"If the land is controlled by an estate or similar entity, the person who has day-to-day control over the land (including, but not limited to, a bankruptcy trustee, receiver, or conservator), is considered to possess a real property interest. **If the person, company, agency or other entity has a possessory interest in the land pursuant to an access or license agreement (such as when investigating the environmental condition of, or remediating, all or part of a parcel), then such an individual is also considered to possess a real property interest.**"

We thank you for this opportunity to comment on the LRP definition.

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