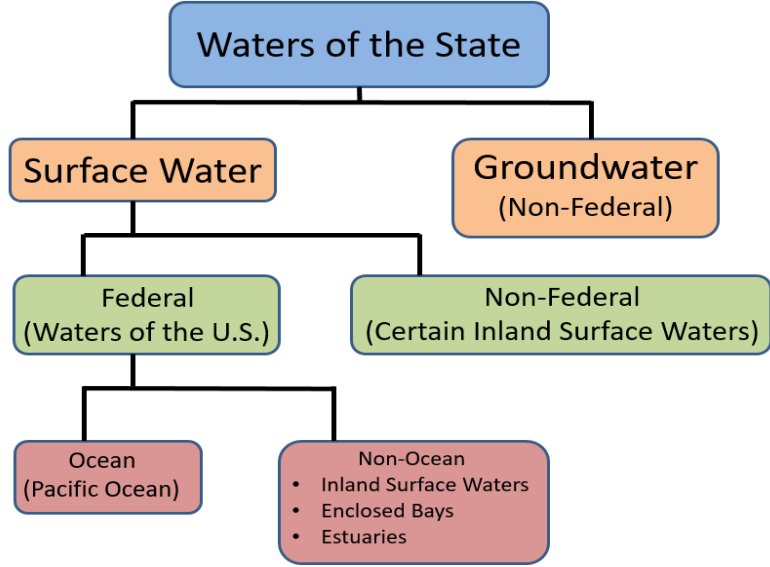


Commenter	Representative	Comment Number	Comments/Questions	SB Response
Kinder Morgan	Amy Blythe	1	Include definitions for: "recycled water" "discharge to land", "nuisance violation"	<p>The State Water Board concurs with this comment. The proposed Order has been modified to include the definition of "recycled water" and "Nuisance" per the definitions from the Porter-Cologne Water Quality Control Act as follows:</p> <p>"Recycled water: Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource."</p> <p>"Nuisance: Anything which meets all of the following requirements:</p> <p>(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.</p> <p>(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.</p> <p>(3) Occurs during, or as a result of, the treatment or disposal of wastes." See, Wat. Code Section 13050, Subd. (m) and (n).</p> <p>The proposed Order has also been modified to include the following definition of "discharge to land":</p> <p>"Discharge to land: A discharge which results, or probably will result, in a discharge to groundwater that does not runoff into a surface water and/or a conveyance to a surface water."</p>

Kinder Morgan	Amy Blythe	2	<p>The Flow Chart labeled Figure 1-A appears to be contrary to the definition of a “non-federal surface water”. “Ground water” is included in the written definition of a non-federal surface water, which is contrary to Figure A-1.</p>	<p>The State Water Board concurs with this comment. The definition of Non-federal Surface Water has been clarified by removing the word "groundwater." The modified definition reads as follows: Non-Federal Surface Water: Non-federal surface waters means surface water, including saline waters, within the boundaries of the state that are not waters of the United States. Note that discharge to certain waters of the state, such as wetlands or vernal pools, are prohibited in the General Order. Figure A-1 in the Attachment A has been updated to clarify that Groundwater is a non-federal water of the state.</p>  <pre> graph TD A[Waters of the State] --> B[Surface Water] A --> C[Groundwater (Non-Federal)] B --> D[Federal (Waters of the U.S.)] B --> E[Non-Federal (Certain Inland Surface Waters)] D --> F[Ocean (Pacific Ocean)] D --> G[Non-Ocean • Inland Surface Waters • Enclosed Bays • Estuaries] </pre>
Kinder Morgan	Amy Blythe	3	<p>There should be less stringent effluent monitoring requirements for discharges to upland areas compared to surface waters/ephemeral streams</p>	<p>The State Water Board does not concur. The proposed Order protects all surface waters equally per federal regulations, regardless of the location. The proposed requirements pertaining to effluent limitations, compliance monitoring and California Toxic Rule reasonable-potential-analysis are required by federal regulations in all non-storm water NPDES permits.</p>
Kinder Morgan	Amy Blythe	4	<p>There should be a completely different set of analytical/monitoring requirements for discharges from used pipe verses discharges from new pipe/trench excavation etc.</p>	<p>The State Water Board partially concurs with this comment. The monitoring requirements in the proposed Order are based on the type of discharge type and the type of receiving water. The proposed Order includes separate and different monitoring requirements for discharges to surface water and discharges to land. Furthermore the proposed Order contains separate monitoring requirements and effluent limitations for discharges from existing facilities for Total Petroleum Hydrocarbons for gasoline (TPHg) and diesel (TPHd); see Section V.C Final Effluent Limitations for Hydrostatic Testing Discharges from Existing Facilities, and Monitoring and Reporting Requirements Attachment E Section II.A.4, which do not apply to new facilities. To address this comment, the requirements in Table E-2 of Attachment E has been clarified by adding a footnote to magnify this distinction.</p>

Kinder Morgan	Amy Blythe	5	There are sizeable areas of the state where waters do not discharge to the ocean. In those areas, testing for the California Ocean Plan Constituents is unnecessary.	The State Water Board concurs that discharges into non-ocean surface waters of the U.S. do not require testing for Ocean Plan constituents. The proposed Order currently contains separate monitoring requirements for ocean discharges and inland discharges. Attachment E, Page E-4, Section II.A.6 and 7 contain separate monitoring requirements for ocean discharges and inland discharges.
Kinder Morgan	Amy Blythe	6	For land application, the permit requires monitoring of "pond freeboard." This seems to imply that the discharge is expected to be contained within an earthen bank.	The State Water Board concurs with this comment. Monitoring requirements for land applications are designed for discharges to both open fields and unlined ponds. The proposed Order has been modified to include footnote 3 under Table E-4 in Attachment E, to specify "Freeboard shall be measured from the pond water surface to the lowest point of overflow <u>for monitoring of all pond systems.</u> " This pond monitoring will demonstrate compliance with the freeboard limitation of one foot for pond systems.
Kinder Morgan	Amy Blythe	7	On page 25, the permit says that for replanting, you need a "Qualified Biologist." That should be changed to include guidance from the National Resources Conservation Service.	<p>The State Water Board does not concur. The proposed Mitigated Negative Declaration (MND) serves as the CEQA document required for the State Water Board's waste discharge permitting action of adopting a programmatic-level statewide permit. The proposed MND does not serve as a project-specific CEQA document.</p> <p>The proposed mitigation requirement of having a qualified biologist to certify replanting is analogous to the certification requirement in the CEQA process for State Water Board permitting actions of water purveyors and vector control agencies in the State Water Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also referred to as the SIP). Although the CEQA requirements in the SIP pertain to a Board's action of providing a regulatory exception to these public safety utilities, and this exception does not apply to natural gas companies, the proposed programmatic-level CEQA processes for the permitting of discharges from natural gas utility projects holds the same primary objective of protecting human health and safety. Similar to projects conducted by water purveyors and vector control agencies, a local project-level CEQA process will be conducted to address further project-specific mitigation requirements for each natural gas utility project. Guidance from the National Resources Conservation Service may be determined appropriate for project-specific replanting mitigation measures identified in the project-specific CEQA process.</p>
Kinder Morgan	Amy Blythe	8	Page 11 encourages the use of recycled water. It says "Recycled water may be used in hydrostatic tests for the hydrostatic test water, dust control, irrigation of restored landscaping, or other uses." The sentence isn't very clear, and is open to a couple interpretations. However, it does raise this question: If hydrostatic test water is reused for dust control or irrigation, is that subject to this permit? Or are there other authorizations required?	Discharges to surface waters of the U.S. require an NPDES permit. Discharges to waters of the state that are not federal require waste discharge requirements, such as a discharge to non-federal surface water and land. If hydrostatic test water is reused for dust control and irrigation of restored landscape, the resulting discharge of the hydrostatic test water (regardless if recycled water or potable water) must meet the requirements of the proposed Order.

Sacramento Municipal Utilities District	Jamie Cutlip, Rob Ferrera and Sara Christian	1	<p>It is our desire that the Project MND will acknowledge any Project impacts related to the following:</p> <ul style="list-style-type: none"> • Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment: <ol style="list-style-type: none"> 1. https://www.smud.org/en/business/customer-service/support-and-services/design-construction-services.htm 2. https://www.smud.org/en/do-business-with-smud/real-estate-services/transmission-right-of-way.htm • Utility line routing • Electrical load needs/requirements • Energy Efficiency • Climate Change • Cumulative impacts related to the need for increased electrical delivery 	<p>The State Water Board does not concur. The Mitigated Negative Declaration (MND) is specific to potential impacts due to discharges of water regulated by the State Water Board to waters that are solely waters of the state (non-federal surface waters and land). This MND is not project specific. Natural gas companies enrolled under the proposed Order will need to comply with CEQA requirements on a project-specific basis for each project with the corresponding local municipality as the CEQA lead agency. State Water Board staff met with this commenter to explain the above response.</p>
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	1	<p>Timing: As proposed, the proposed General Order would be effective 100 days after adoption. Assuming the permit is adopted at the December 5th SWRCB meeting as planned, it would not be effective until March 15, 2018. We strongly support the suggestion for an accelerated implementation timeline discussed by staff at the October 2, 2017 hearing. Our recommendation would be an effective date of 30 to 45 days after adoption. That would allow us to use the adopted General Order during at least a portion of the upcoming winter season, when it is most needed.</p>	<p>The State Water Board Staff has discussed this request with US EPA Region 9. US EPA has provided written permission to waive the 100 day waiting period. The proposed Order has been modified so that the effective date is the adoption.</p>
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	2	<p>Permit and MND Title: The proposed General Order, as it is intended, applies to discharges from excavation, construction, maintenance, and testing and repair activities, including hydrostatic test discharges, site dewatering discharges, and ancillary discharges such as the staging of hydro excavated materials. However, the current title infers that the “related activities” are specific to hydrostatic test projects and associated activities as opposed to construction and maintenance operations as well. The Natural Gas Utilities propose a revision to the title of the Permit within the General Order and MND so that it more properly reflects the intent of the Permit and to avoid any confusion on its applicability and discharges covered. The Permit title proposed by the Natural Gas Utilities is:</p> <p>STATEWIDE GENERAL ORDER FOR DISCHARGES FROM NATURAL GAS UTILITY HYDROSTATIC TESTING, MAINTENANCE, REPAIR, AND SITE DEWATERING ACTIVITIES.</p>	<p>The title of the Order has been revised to cover all the discharges from natural gas utility related activities. The title has been updated to the following: STATEWIDE GENERAL ORDER FOR DISCHARGES FROM NATURAL GAS UTILITY CONSTRUCTION, OPERATIONS AND MAINTENANCE ACTIVITIES. The State Water Board staff had a follow-up meeting with this commenter explaining the above response.</p>

<p>Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company</p>	<p>Ricardo E. Moreno</p>	<p>3</p>	<p>MND Project Description: The current MND Project description states “The State Water Resources Control Board (State Water Board) has prepared a General Waste Discharge Requirements Order (General Order) for discharge of wastewater generated in hydrostatic pressure testing of natural gas facilities.” This statement does not fully capture the full range of discharges covered by the proposed General Order and analyze in the MND. The Natural Gas Utilities request the MND Project Description be revised with the underlined text as follows: <u>“The State Water Resources Control Board (“State Water Board”) has prepared this Initial Study pursuant to the California Environmental Quality Act (“CEQA”). It evaluates the effects of issuing a General Waste Discharge Requirements Order (“General Order”) for discharge of hydrostatic pressure testing and site dewatering wastewater generated during planned, unplanned, routine, and/or emergency activities conducted on natural gas facilities. These discharges may be generated from construction, testing, operations, maintenance, and/or repair activities conducted on natural gas facilities.”</u> Additional revisions, intended to ensure the IS and MND fully capture the full range of discharges covered by the proposed General Order, are provided in the red-line strikeout versions attached to this letter.</p>	<p>The State Water Board concurs. State Water Board staff held a follow-up discussion with this commenter explaining the necessary modifications to the commenter's suggested language. The proposed Mitigated Negative Declaration has been modified with the insertion of the following language: “The State Water Resources Control Board (State Water Board) has prepared this Initial Study pursuant to the California Environmental Quality Act (CEQA). This Initial Study evaluates the effects of issuing a statewide General Order for discharges from natural gas utility construction, operation and maintenance activities. These discharges may be generated from construction, operations, and maintenance activities conducted on natural gas facilities.”</p>
<p>Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company</p>	<p>Ricardo E. Moreno</p>	<p>4</p>	<p>Tribal notification: As proposed, the General Order requires tribal notification in certain circumstances prior to discharge. For a good number of projects, tribal notification takes place during the project planning phase, well before the project breaks ground. The Natural Gas Utilities request that this notification requirement apply when the utilities have not already notified the tribes of the project We request that this General Provision 4 be revised as follows with the underlined text: <u>Unless project notification to the Tribal entity has already taken place,</u> the Discharger must provide a 30-calendar day advance notice of project-specific planned discharges to lands, and to surface waters through lands, affiliated with any Native American Tribes included on the State Water Board Native American Tribe Pre-Discharge Notification List, as described in section II.B above. The written notification to Tribal representatives must include the following information.</p>	<p>The State Water Board does not concur. The 30-calendar day advance notice that is the subject of this comment is to inform the Tribe of upcoming planned discharges associated with the specific project. The notification is not to inform the Tribe of the project itself. State Water Board staff discussed this distinction with the commenters.</p>

Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	5	<p>Land Discharge, species review: In order to acknowledge the Natural Gas Utilities existing environmental screening processes and ensure efficient compliance, the Natural Gas Utilities propose revisions to the process to address situations involving land discharges in sensitive areas. The following language is proposed for both the MND and the Permit:</p> <p><i>In sensitive areas where discharges will be performed, and where sufficient wastewater/groundwater will be discharged to ponds to result in saturated surface soils or otherwise impact species that reside in subterranean burrows, an environmental review will be conducted before any work is performed. Environmental review involves an assessment of existing conditions and may include a query of species accounts using published literature and data provided by the California Natural Diversity Data Base, field surveys, field evaluations, and biological resource monitoring. If there is the potential to have a substantial adverse effect on sensitive species identified as a threatened, endangered, candidate, or special status species identified in regional plans, policies, or regulation, appropriate avoidance and minimization measures will be applied to avoid or minimize impacts where possible. When significant unavoidable impacts to state or federal listed species may occur (e.g. take of listed species), work will begin after the appropriate state and/or federal permits are secured.</i></p> <p>To address this comment, the Natural Gas Utilities propose the revisions to Section 3.4.4. shown in the red-line strikeout version of the IS and MND attached to this letter and Section IX.E.2 of the General Order.</p>	<p>The State Water Board concurs. The suggested language has been considered and included with some minor modifications, as follows:</p> <p><i>"In sensitive areas where discharges occur, and where the discharge to land results in saturated surface soils or otherwise impact species that reside in subterranean burrows, an environmental review must be conducted before the discharge is initiated. Environmental review involves an assessment of existing conditions and may include a query of species accounts using published literature and data provided by the California Natural Diversity Data Base, field surveys, field evaluations, and biological resource monitoring. If there is the potential to have a substantial adverse effect on sensitive species identified as a threatened, endangered, candidate, or special status species identified in regional plans, policies, or regulation, appropriate avoidance and minimization measures will be applied to avoid or minimize impacts where possible. When significant unavoidable impacts to state or federal listed species may occur (e.g. take of listed species), work will begin after the appropriate state and/or federal permits are secured."</i></p>
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	6	<p>Use of the word Groundwater in the IS and MND</p> <p>The IS and MND use the word "groundwater" for discharges from excavations. To better capture the nature of the source, avoid confusion, and reflect consistency with what the Permit states, the Natural Gas Utilities ask to globally replace in the IS and MND the word "groundwater" with either "site dewatering or excavation dewatering".</p> <p>To address this comment, the Natural Gas Utilities propose the revisions shown in the red-line strikeout versions of the IS and MND attached to this letter</p>	<p>The State Water Board concurs. The IS/MND has been modified to replace the word "groundwater" with "site dewatering" to refer to discharges from excavations.</p>
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	7.1	<p>Other Comments and/or Requests: The requirement on Attachment E.II.A.5 is inconsistent with General Order Sections V.A.2.Final Effluent Limitations for Total Residual Chlorine, and V.B.2., Final Effluent Limitations for Chlorine, as well as with Section X.B Total Residual Chlorine Effluent Limitations. The General Order states that a discharge is in compliance with the total residual chlorine effluent limitations if the total residual chlorine concentration measured by a handheld field chlorine meter is below a minimum level (quantifiable level) of 0.1 mg/L chlorine. Please correct Attachment E.II.A.5 to make it consistent with the General Order language.</p>	<p>The State Water Board concurs. The General Order has been corrected to consistently require a minimum level (quantifiable level) of 0.1 mg/l for total chlorine residual.</p>

Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	7.2	The 5.0 µg/L limit for TPHg under General Order Section V. C.2., Final Effluent limitations are below possible MDL. TPHg is a cumulative result for many analytes that can fall within the curve. The MDL for most labs is 23 ug/L. Most hits between the MDL and RL are normally discrete peaks not typical of TPHg curve. As written, the chances of a false positive J flags are high. Most Permits, such as the Draft R2-2017-00XX, use 50 µg /L to account for this issue.	The State Water Board does not concur. The State Water Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), addresses compliance determination with the effluent limitations for situations where the minimum detection level (MDL) is greater than the effluent limitation. (i.e. MDL = 23 ug/l > effluent limit of 5 ug/l). In this circumstance, the analytical sampling results must show the subject pollutant is Detected but Not Quantifiable (also referred to as J-flags or DNQ) for the dischargers to be in compliance. The Board has implemented this compliance determination method in other NPDES permits such as the Statewide General Permit for Utility Vaults and Underground Structures (Water Quality Order 2014-0174-DWQ).
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	7.3	Please add "or alternative test methods approved by U.S. EPA" to Attachment D, Section III.B. and to Attachment E, Section I.A. to provide consistency with the language in Section II.A.1 of Attachment E. In practice, VOC methods used by some utilities, such as 8260B and 8015M, are not in 40 C.F.R. Part 136, but are methods approved by EPA.	The State Water Board concurs. The General Order has been modified to include the suggested language.
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	7.4	Table E-2 should include a footnote to indicate that weekly sampling is required only for those that exceeded effluent limitations in the first sampling event.	The State Water Board concurs as compliance monitoring is intended to be required only when there is reasonable potential for the subject pollutant, and an effluent limitation for the pollutant is in place. The General Order has been modified to include the suggested language.
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	7.5	Table 3- Add a column for CAS # to constituents.	The State Water Board concurs that including the CAS# for each priority pollutant corresponding with the California Toxic Rule listing of priority pollutants facilitates the dischargers implementation of the permit. The General Order has been modified to include the suggested column of information.
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	7.6	Typos or inconsistent use of terms are corrected in the attached red-line strike versions of both the proposed General Order and the IS and MND.	The State Water Board appreciates the identification of the identified typos and inconsistencies. The General Order, IS and MND have been corrected to address the identified errors.
Pacific Gas and Electric, San Diego Gas and Electric and Southern California Gas Company	Ricardo E. Moreno	7.7	Please update Table E-2 to include TPHg and TPHd rather than Total Petroleum Hydrocarbons, as limits are only included for those two.	The State Water Board concurs. The General Order has been modified to address the inconsistency.

State of California Native American Heritage Commission	Gayle Totton	1	There is no Tribal Cultural Resources section or subsection in the Executive Summary or Environmental Checklist as per California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," http://resources.ca.gov/cega/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf	The State Water Board concurs. The Environmental Checklist contained within the Draft Initial Study and Mitigated Negative Declaration have been updated to include a Tribal Cultural Resources section. Previously, the Environmental Checklist analyzed this resource area within the Cultural Resources section. The information, analysis and identified mitigation measures now appear within a separate Tribal Cultural Resources section.
State of California Native American Heritage Commission	Gayle Totton	2	There is no documentation of government-to-government consultation by the lead agency under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes. Discussions under AB-52 may include the type of document prepared; avoidance, minimization of damage to resources; and proposed mitigation. Contact by consultants during the Cultural Resources Assessments is not formal consultation.	The proposed General Order describes State Water Board outreach to tribes listed on the Native American Heritage Commission, as required by Assembly Bill 52 and codified at California Public Resources Code section 21080.3.1. State Water Board staff held consultation with two California Native American Tribes that responded to a consultation invitation letter during development of the proposed General Order, the Wiyot Tribe and the United Auburn Indian Community. As a result of the consultations, gas companies enrolled under this General Order must provide 30-day advance notice, in writing, of a proposed discharge within the affiliated lands of any tribe that has requested such notifications, as well as any applicable site-specific cultural resource avoidance and minimization measures, including best management practices, to be implemented at the site.
State of California Native American Heritage Commission	Gayle Totton	3	There are no mitigation measures specifically addressing Tribal Cultural Resources separately and distinctly from Archaeological Resources. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring. Mitigation language for archaeological resources is not always appropriate for or similar to measures specifically for handling Tribal Cultural Resources. Sample mitigation measures can be found in the "Final text for tribal cultural resources update to Appendix G (cited above) and the California Natural Resources Agency's Revised AB-52 Technical Advisory (March 2017).	The State Water Board concurs. The Draft Initial Study and Mitigated Negative Declaration have been amended to reflect the separate Tribal Cultural Resources area and analysis, distinct from the discussion of Cultural Resources. The revised Environmental Checklist and analysis reflects mitigation measures addressing Tribal Cultural Resources, and the proposed permit describes the process for tribal notification to address these issues.