

San Diego Regional Water Quality Control Board

SDG&E Presentation
May 8, 2013 Public Hearing
on Tentative Order R9-2013-0001
(San Diego Regional MS4 Permit)

Post-Construction BMPs

Linear Underground/Overhead Projects (LUPs)

- SDG&E's testimony on April 11: Permit's post-construction BMPs requirements:
 - Do not differentiate between concentrated impacts from traditional development (e.g., residential, commercial); and
 - Small disconnected impacts from linear projects such as utility power lines
- Purpose of post-construction BMPs:
 - Address large concentrated impacts from traditional footprint development projects (e.g., residential, commercial)
- Permit would also require small disconnected impervious surfaces spread over long distances (e.g., power lines) to implement these BMPs and management requirements
- This adds new design, construction, maintenance, and/ or reporting requirements on LUPs and co-permittees without commensurate water quality benefits

Relative Size

Minimum Threshold for
New Development
10,000 ft² Impervious Surface

100 ft.



100 ft.

Transmission Pole Foundation
110 ft² Impervious Surface



12 ft.
diameter

Post-Construction BMPs – LUPs

- LUP facilities would not individually exceed thresholds, only collectively on long projects
- SWRCB has recognized LUP's dispersed facilities do not pose a water quality threat in their permits:
 - SWRCB Construction General Permit
 - SWRCB Small MS4 General Permit
- Regarding LUPs, this requirement needs to be corrected in this permit
- Staff position – Board would need to make this change
- We request that the Board incorporate permit language to clarify that:

LUPs are not “Development Projects” and are not subject to the development planning requirements in Section E.3.
- We have previously provided language to the Board to make this clarification and have it available for you

Solution for LUPs

Option 1

General

- Insert language to clarify that LUPs are not “Development Projects” and are not subject to the development planning requirements in Section E.3.

Solution for LUPs

Option 1 (cont.)

- **Finding 10** - Add the following sentence and footnote to the end of the finding:

“The nature of linear underground/ overhead projects (LUPs) is to return project sites to pre-construction conditions. Therefore, consistent with Finding 73 in the SWRCB’s Storm Water Construction General Permit^{FN}, LUPs are not subject to the development planning requirements (i.e., Section E.3.).

^{FN}Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ

Solution for LUPs

Option 1 (cont.)

- **Definition of “Development Project”** -
Add the following sentence to the end of the definition:

“Development Projects do not include linear underground/ overhead projects (LUPs).”

Solution for LUPs

Option 1 (cont.)

Definition of “LUPs” - Add the definition from the SWRCB Construction General Permit to Attachment C:

“Linear Underground/Overhead Projects (LUPs) include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio, or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, (a) those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, and associated ancillary facilities); and include, but are not limited to, (b) underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.”

Solution for LUPs

Option 1 (cont.)

- **Fact Sheet (Redline Version p. F-91, Section Provision E.3-Development Planning)** - Insert the following language after the first sentence:

“The requirements of Provision E.3.a include the minimum “management practices, control techniques and system, design and engineering methods, and other such provisions where applicable” to be included in the “planning procedures...to reduce the discharge of pollutants...from areas of new development and significant redevelopment” applicable to all development projects, regardless of size or purpose of development.” **“However, due to the nature of Linear Underground/Overhead Projects (LUPs) to return project sites to preconstruction conditions the definition of “Development Projects” excludes LUPs and LUPs are not subject to Section E.3.”**

Solution for LUPs

Option 2

General

- Insert language that clarifies that:
 - LUPs are not subject to the ≥ 1 acre land disturbance threshold
 - LUPs are only subject to the impervious surface thresholds when a discrete location on a LUP has a newly constructed contiguous impervious surface exceeding a threshold
 - Where exceeded, the permit requirements only apply to that discrete location

Solution for LUPs

Option 2 (cont.)

- **Finding 10** - Add the following sentence and footnote to the end of the finding:

“The nature of linear underground/ overhead projects (LUPs) is to return project sites to pre-construction conditions. Therefore, consistent with Finding 73 in the SWRCB’s Storm Water Construction General Permit^{FN}, LUPs are not defined as a Priority Development Project based on the LUP’s area of land disturbance (Section E.3.b.1.e.). Additionally, LUPs are not defined as a Priority Development Project based on the LUP’s amount of new impervious surface unless a LUP has a discrete location with newly constructed contiguous impervious surface that exceeds one of the impervious surface thresholds in Section E.3.b. Further, when the LUP has a discrete location with newly constructed contiguous impervious surface that exceeds one of the impervious surface thresholds in Section E.3.b, only that specific discrete location is subject to the structural BMP performance requirements in Section E.3.c.

^{FN}Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ”

Solution for LUPs

Option 2 (cont.)

Definition of “LUPs” - Add the definition from the SWRCB Construction General Permit to Attachment C:

“Linear Underground/Overhead Projects (LUPs) include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio, or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, (a) those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, and associated ancillary facilities); and include, but are not limited to, (b) underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.”

Solution for LUPs

Option 2 (cont.)

- **Section E.3.b.1.** – Add a footnote to the first sentence:

Priority Development Projects include the following^{“FN”}:

“^{FN}LUPs are not defined as a Priority Development Project based on the LUP’s amount of new impervious surface unless a LUP has a discrete location with newly constructed contiguous impervious surface that exceeds one of the impervious surface thresholds in Section E.3.b. Further, when a LUP has a discrete location with newly constructed contiguous impervious surface that exceeds one of the impervious surface thresholds in Section E.3.b., only that specific discrete location is subject to the structural BMP performance requirements in Section E.3.c.”

Solution for LUPs

Option 2 (cont.)

- **Section E.3.b.1.e.** - Add a footnote to this section that states:

New or redevelopment projects that result in the disturbance of one or more acre of land and are expected to generate pollutants post construction.^{“FN”}:

“^{FN}This section does apply to LUPs, which are not defined as Priority Development Projects based upon the LUP’s area of land disturbance.”

Solution for LUPs

Option 2 (cont.)

- **Fact Sheet (Redline Version p. F-93, Section Provision E.3-Development Planning)** – In the second paragraph, insert the text below:

While all development projects are subject to the requirements of Provision **E.3.a**, Provision **E.3.b** identifies Priority Development Projects that exceed given size thresholds and/or fit under specific use categories.

“LUPs are not defined as a Priority Development Project based on the LUP’s area of land disturbance. Additionally, LUPs are not defined as a Priority Development Project based on the LUP’s amount of new impervious surface unless a LUP has a discrete location with newly constructed contiguous impervious surface that exceeds one of the impervious surface thresholds in Section E.3.b. Further, when the LUP has a discrete location with newly constructed contiguous impervious surface that exceeds one of the impervious surface thresholds in Section E.3.b., only that specific discrete location is subject to the structural BMP performance requirements in Section E.3.c.”