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SENT VIA EMAIL



July Board Mtg Item
Utility Vault Permit
Deadline: June 9, 2006

June 9, 2006

Song Her, Clerk to the Board
Executive Office
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: NPDES No. CAG990002 – Utility Company discharges from Utility Vaults and Underground Structures to Surface Waters

Dear Song:

Verizon California, Inc. ("Verizon") is pleased to submit this comment upon notice of the renewal of NPDES No. CAG990002 ("Permit"). In its comments, Verizon presents specific issues regarding the permit renewal noted below.

Verizon is concerned that some of the changes in the language of the draft permit may inadvertently make the permit unreasonably burdensome. Therefore, while Verizon supports this general permit, it believes that the language should be modified to assure that the permit can be administered in a fashion that assures that all of its benefits will be achieved without allowing an unreasonable interpretation that would defeat some of the purposes of this general permit.

For instance, Verizon is concerned that the changes in the language to Section II, Notification Requirements, would require a party for this permit to provide both a list of every utility vault/manhole (herein referenced as utility vault) location, and a map showing the location of each such utility vault. This is because this section could be read to define each utility vault as a "facility" which must be so identified. While every utility vault could potentially require pumping, it is virtually impossible to know which ones will need pumping and, therefore, to take advantage of this general permit each utility vault may have to be listed and shown separately.

Verizon believes that this requirement, which could not be inferred from the old permit language, is unworkable, burdensome and potentially harmful. Verizon, like other utilities, maintains tens of thousands of utility vaults that should be covered by this permit because they may need to be pumped on short notice to assure telecommunication service for the public. Listing and mapping each utility vault would be a Herculean effort that would be both time-consuming and expensive. Verizon is concerned that it may be unwise for the public to have access to the full telecommunication distribution system in such an easily obtainable document. This is particularly true since the same benefits can be achieved by identifying the market service areas where the utility vaults will be located. For this reason, Verizon suggests that either the references to the term "facility" be modified to make it clear that each utility vault is not considered a separate facility or to allow the applicant to merely designate an area where facilities exist.

The potential for someone to interpret the proposed draft permit to deem each utility vault as a "facility" is further troublesome because of the inspection requirements of Section VII, Special Provisions, C. Special Provisions, 3.e. iv. d) which would require inspections of each facility on a regular basis of at least once per year. As noted above, Verizon alone has tens of thousands of utility vaults. If this permit is read to require that each utility vault must be inspected at least once per year, Verizon would be forced to incur substantial costs that would certainly have to be passed on to consumers. Verizon does not believe that this general permit was intended to cause such a burdensome inspection requirement and suggests that the language be clarified so that it cannot be so misinterpreted in the future. Since most utility vaults are typically only entered to perform routine and/or emergency work activities to maintain the network it is likely that an alternative inspection schedule could provide an equal or greater level of environmental protection. A more protective and efficient alternative to conducting quarterly or annual inspections would involve a requirement for conducting a pre-discharge visual inspection for each occasion upon which water may be discharged from a utility vault. This would cover all discharges as opposed to allowing un-inspected discharges between required periodic inspections or inspecting utility vaults from which discharges may not occur. This alternative is one option that could be used in lieu of quarterly or annual inspections at vaults.

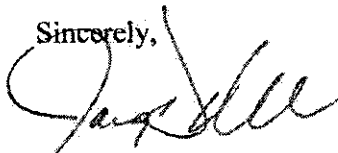
Verizon is also concerned that the proposed requirement contained in Attachment E - Monitoring and Reporting, Section IV could also be interpreted in a fashion that would be unnecessarily burdensome. For instance, in section E. Effluent Monitoring Requirements the Discharger would have to provide a map showing the location of the samples taken for the case studies with respect to the distribution system. By using a Global Positioning System, Verizon should be able to comply with this requirement. However, this section could also be interpreted to require the applicant identify all surface waters within the boundaries of the service area to which water may be discharged. This could be interpreted to require the applicant to identify the complete discharge path from utility vault to ocean. We believe that this provision was intended only to require the identification of the nearest drainage feature such as a storm drain.

Thank you for the opportunity to provide comments on the subject proposed regulation. Verizon commends you for your efforts to provide a general permit that will protect the environment in such a reasonable fashion. Verizon strongly supports the draft regulation; however, we believe

CA State Water Resources Control Board
Page 3

that some of the language should be modified to assure that the provisions cannot be misinterpreted to place unintended burdensome requirements on applicants when such requirements not only do not provide any meaningful benefit, but could actually have negative consequences. If you have any questions or concerns regarding these comments, please do not hesitate to contact me at (927) 718-6032.

Sincerely,



Jacques McCormick
Director - Environment Management

JDM/rd