

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

NOTICE OF PUBLIC HEARING
concerning

**RENEWAL OF WASTE DISCHARGE REQUIREMENTS
(NPDES NO. CA0084760)
AND TIME SCHEDULE ORDER**

FOR

**KINDER MORGAN ENERGY PARTNERS, L.P.,
THROUGH ITS OPERATING PARTNERSHIP SFPP, L.P.
FOX ROAD PETROLEUM RELEASE SITE
GROUNDWATER REMEDIATION SYSTEM
SOLANO COUNTY**

Kinder Morgan Energy Partners, L.P., Through Its Operating Partnership SFPP, L.P. (hereinafter Discharger) is the owner and operator of the Fox Road Petroleum Release Site Groundwater Remediation System (hereinafter Facility). The Discharger owns and operates an underground petroleum pipeline system that distributed fuel products from Concord to Sacramento, California, and then on to Rockland and Reno, Nevada. The underground petroleum pipeline network includes a 14-inch diameter pressurized transmission pipeline that lies within the Union Pacific Railroad right-of-way, and crosses Fox Road near the City of Dixon in Solano County. In November 1993, the Discharger discovered that a section of pipeline near the Fox Road railroad crossing was leaking its contents. The resulting groundwater contamination plume, treatment system, and disposal area are at the southwest corner of Fox Road and the railroad crossing, which is about 4 miles northeast of Elmira and about 4 miles southwest of Dixon. The surface water discharge from the Facility consists of treated groundwater. The treatment system is designed to treat flows up to 216,000 gpd. The treated groundwater is discharged into Gibson Canyon Creek Flood Control Channel via a 1.5 mile long underground water conveyance line.

The proposed Order includes new effluent limitations for manganese and nitrate, and more stringent effluent limitations for tertiary butyl alcohol, with which the Discharger is unable to immediately comply. A Time Schedule Order is proposed to provide time schedules for compliance with the new and more stringent effluent limitations.

A public hearing concerning this matter will be held during the Regional Water Board meeting, which is scheduled for:

DATE: January 24/25, 2008
TIME: 8:30 AM
PLACE: Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Dr., Suite #200
Rancho Cordova, CA 95670

The designated parties for this hearing are as follows:

- Staff of Central Valley Regional Water Board
- Kinder Morgan Energy Partners, L.P.,

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Board no later than **17 January 2008**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.

The tentative Waste Discharge Requirements and Time Schedule Order were issued on **13 November 2007**. Persons wishing to comment on this noticed hearing item shall submit testimony, evidence, if any, and/or comments in writing to the Regional Water Board no later than noon on **14 December 2007**. Written evidence or comments submitted after noon on **14 December 2007** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Regional Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair

Anyone having questions on the proposed Orders should contact Mr. James Marshall at (916) 464-4772. Interested parties may download the proposed Orders and related documents from the Regional Water Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. Copies of these documents can also be obtained by contacting or visiting the Regional Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/water_laws/. Information on meeting and hearing procedures is also available on the Regional Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at

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(916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

ORIGINAL SIGNED BY
Kenneth D. Landau, Assistant Executive Officer

13 November 2007