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California Regional Water Quality Control Board Central Valley Region

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24 March 2009

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Mr. Steven J. Osborn
Kinder Morgan Energy Partners, L.P.
1100 Town and Country Road
Orange, CA 92868

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Mr. Jon Devish
Union Pacific Railroad
1400 Douglas Street
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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0085; A STREET REMEDIATION PROJECT, SOLANO COUNTY

Our office received an application package on 7 November 2008 from SFPP, L.P., operating partnership of Kinder Morgan Energy Partners, L.P., for the A Street Remediation Project. Based on the application package and subsequent information submitted, we have determined that the project meets the required conditions for approval under the General Order for Discharge to Surface Waters of Groundwater from Cleanup of Petroleum Fuel Pollution (Petroleum General Order). For this Petroleum General Order Permit, SFPP, L.P., operating partnership of Kinder Morgan Energy Partners, L.P. and Union Pacific Railroad are jointly designated as Dischargers. This project is hereby assigned Petroleum General Order No. R5-2008-0085-005 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG915001.

The Petroleum General Order (enclosed) may also be viewed at the following web address: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0085.pdf. You are urged to familiarize yourself with the contents of the entire document. The Petroleum General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Petroleum General Order, and with the information submitted by the Discharger.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING

The Petroleum General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents are found in Attachment B of the Petroleum General Order.

Review of your water quality data in reference to the CTR screening values showed no reasonable potential to impact the receiving waters. In addition, the receiving waters are not

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listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional effluent limitations or additional monitoring requirements will be required for this project.

PROJECT DESCRIPTION

The project site is located in the town of Elmira, and is bounded by the Union Pacific railroad tracks, A Street, and Elmira Road. In September 1996, a release of refined petroleum product was identified in a 14-inch diameter petroleum pipeline owned by SFPP that runs parallel and within the Union Pacific Rail Road Company right-of-way. The pipeline was taken out of service on 13 December 2004.

A groundwater extraction and treatment system (GWETS) was installed to remediate the petroleum hydrocarbon-contaminated groundwater beneath the project site. The GWETS draws groundwater from extraction trenches and extraction wells at the site. Petroleum hydrocarbons and fuel oxygenates are removed from the groundwater using an air-stripper followed by granular activated carbon. Treated groundwater is discharged to Old Alamo Creek, a tributary of the New Alamo Creek.

Approval for regulatory coverage under the Petroleum General Order is for the re-commencement of the discharge that was regulated under the previous Petroleum Clean Up General Order No. 5-00-119-54. The discharge is scheduled to re-commence immediately upon issuance of this NOA and will continue until the site is remediated to levels acceptable to this Regional Water Board office.

MONITORING AND REPORTING

The Discharger is required to comply with all the monitoring and reporting requirements contained in the Petroleum General Order. This includes notifying Central Valley Regional Water Quality Control Board (Regional Water Board) staff 24 hours before the start of each new discharge, notification of noncompliance or anticipated noncompliance, and quarterly reporting of monitoring results.

Effluent and receiving water monitoring shall be conducted and submitted to the Regional Water Board on a quarterly basis. You must submit quarterly reports until Regional Water Board staff formally terminate your coverage under the Petroleum General Order, even if there is no discharge or receiving water flow during the reporting quarter. Most reporting requirements are found in Attachment E of the Petroleum General Order. Please reference your unique order number, R5-2008-0085-005, in your correspondence and submitted documents.

GENERAL INFORMATION AND REQUIREMENTS

The Discharger will be required to implement its Pollution Prevention and Monitoring and Reporting Plan, if applicable. The Regional Water Board shall be notified immediately, if any violation, nuisance, or detriment to the receiving water is observed during implementation of the project. Discharge of material other than what is described in the application is prohibited.

The required annual fee (as specified in the annual billing you will receive from the State Water Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing if the discharge regulated by this Petroleum General Order is no longer necessary, so we may terminate applicability of this Petroleum General Order and avoid additional unnecessary billing.

Failure to comply with the Petroleum General Order may result in enforcement actions, which could include civil liability. Some late reporting and effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation [California Water Code Section 13385(h) and (i)]. If you have no discharge during a quarterly monitoring period, you must still submit a report indicating that no discharge occurred, or you may be subject to MMPs.

If you have any questions please contact David Kirn of our office at (916) 464-4761 or at dwkirn@waterboards.ca.gov.

Original Signed By Kenneth D. Landau

Pamela C. Creedon
Executive Officer

Enclosure: General Order No. R5-2008-0085 (Discharger only)

cc: U.S. Environmental Protection Agency, Region IX, San Francisco
U.S. Army Corps of Engineers, Sacramento
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento