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## Central Valley Regional Water Quality Control Board

4 June 2020

Paul Salcido  
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### **NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; SFPP, L.P., AN INDIRECT SUBSIDIARY OF KINDER MORGAN, INC., A STREET REMEDIATION PROJECT, SOLANO COUNTY**

Our office received a Notice of Intent on 1 May 2018 from SFPP, L.P., an indirect subsidiary of Kinder Morgan, Inc. (hereinafter Discharger), for discharge of treated groundwater to surface water. The Discharger is currently covered under a Notice of Applicability (NOA) for the General Order for Discharge to Surface Waters of Groundwater from Cleanup of Petroleum Fuel Pollution (Petroleum General Order), Order R5-2013-0075, which expired on 31 May 2018 and has been rescinded as of 4 June 2020. Based on the application packet and subsequent information submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), Tier 2. This project is hereby assigned Limited Threat General Order R5-2016-0076-041 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-041**, in your correspondence and submitted documents. This NOA shall become effective on **4 June 2020** and the Discharger's coverage under the Petroleum General Order R5-2013-0075 is terminated as of **4 June 2020**.

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. You are urged to familiarize yourself with the entire contents of the Limited Threat General Order. To conserve resources, the Limited Threat General Order may be viewed on the [Central Valley Water Board's Adopted Orders Page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf) at : [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf). A copy of the Limited Threat General Order can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

## **CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING**

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics 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 and other constituents of concern are found in Attachment I of the Limited Threat General Order. Review of your water quality data in comparison to the screening values, showed reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in Old Alamo Creek, which is a water of the United States. However, the existing treatment system is designed to reduce target constituent concentrations below water quality objectives; therefore, the Project qualifies for the Limited Threat General Order.

## **PROJECT DESCRIPTION**

The Discharger's A Street Remediation Project (Facility) is located in the town of Elmira, and is bounded by the Union Pacific rail road 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 was installed to remediate the petroleum hydrocarbon-contaminated groundwater beneath the project site. The groundwater extraction and treatment system draws groundwater from an extraction trench and an extraction well at the site. Petroleum hydrocarbons and fuel oxygenates are removed from the groundwater using granular activated carbon. Treated groundwater is discharged to Old Alamo Creek, a tributary of the New Alamo Creek. The design flow of the Facility is approximately 101,000 gallons per day.

## **EFFLUENT LIMITATIONS**

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, effluent limitations are only required for the parameter identified below:

### **Water Quality-Based Effluent Limitations**

#### **1. All Dischargers**

- a. **Flow (Section V.A.1.a).** The flow rate shall not exceed 0.101 million gallons per day (MGD).
- b. **pH (Section V.A.1.b.i).** The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Lake in Modoc County) shall at all times be within the range of 6.5 and 8.5.

#### **2. Tier 2 Discharges**

- a. **Whole Effluent Toxicity, Chronic (Section V.A.2.a).** There shall be no chronic toxicity in the discharge.
- b. **Whole Effluent Toxicity, Acute (Section V.A.3.b).** Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:

- i. 70%, minimum for any one bioassay; and
- ii. 90%, median for any three consecutive bioassays.

### Technology-Based Effluent Limitations

1. **Effluent Limitations – Petroleum Fuel Pollution Remediation Projects (Section V.B.4).** The following constituents and parameters in Table 1 below shall not exceed the effluent limitations as listed.

**Table 1. Effluent Limitations for Petroleum Fuel Pollution Remediation Projects**

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations	Section Reference
Methanol	µg/L	--	20	V.B.4
Methyl Tertiary Butyl Ether	µg/L	--	1.0	V.B.4
Tertiary Amyl Methyl Ether	µg/L	--	1.0	V.B.4
Tertiary Butyl Alcohol	µg/L	--	10	V.B.4
Total Petroleum Hydrocarbons (Gasoline)	µg/L	--	50	V.B.4

2. The Receiving Water is not listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional 303(d) based effluent limitations or monitoring requirements will be added to this Limited Threat Notice of Applicability.

### RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.b.iii);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.a);
- Pesticides ((VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

## MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent and receiving water in accordance with Attachment C of the Limited Threat General Order.

### Monitoring Locations

1. The Discharger shall monitor the effluent and receiving water at the specified locations as follows:

**Table 2. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
--	INF-001	Shall be located at the influent piping before the groundwater enters the treatment process.
001	EFF-001	Shall be located at the sampling port after the GAC vessels and prior to discharge into Old Alamo Creek (Latitude 39° 20' 56" N, Longitude 121° 54' 36" W).
--	RSW-001	Old Alamo Creek, approximately 50 feet upstream from the point of discharge.
--	RSW-002	Old Alamo Creek, Approximately 50 feet downstream from the point of discharge.

### Influent Monitoring

1. When discharging to surface water, the Discharger shall monitor the influent at INF-001 in accordance with Table C-2 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 3:

**Table 3. Influent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow	gpd	Meter	1/Week
Benzene	µg/L	Grab	1/Year
Ethylbenzene	µg/L	Grab	1/Year
1,2-Dichloroethane	µg/L	Grab	1/Year
Napthalene	µg/L	Grab	1/Year
Toluene	µg/L	Grab	1/Year
Di-isopropyl ether	µg/L	Grab	1/Year
Ethanol	µg/L	Grab	1/Year
Ethyl Tertiary Butyl Ether	µg/L	Grab	1/Year
Methanol	µg/L	Grab	1/Month
Methyl Tertiary Butyl Ether	µg/L	Grab	1/Month
Tertiary Amyl Methyl Ether	µg/L	Grab	1/Month
Tertiary Butyl Alcohol	µg/L	Grab	1/Month

Parameter	Units	Sample Type	Minimum Sampling Frequency
Total Petroleum Hydrocarbons (Gasoline Range)	µg/L	Grab	1/Month
Total Petroleum Hydrocarbons (Diesel Range)	µg/L	Grab	1/Year
Xylene	µg/L	Grab	1/Year

2. **Table 3 Testing Requirements.** The Discharger shall comply with the following testing requirements when monitoring for the parameters described in Table 3.
- Applicable to all parameters.** Parameters shall be analyzed using the analytical methods described in 40 CFR part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
  - Xylene.** Xylene included o-xylene, m-xylene, and p-xylene.

**Effluent Monitoring**

1. When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-2 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 4:

**Table 4. Effluent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow	MGD	Meter	1/Week
Total Volume of Water Treated	gallons	Calculated	1/Month
pH	standard units	Grab	1/Month
Dissolved Oxygen	mg/L	Grab	1/Month
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month
Temperature	°F	Grab	1/Month
Hardness, Total (as CaCO <sub>3</sub> )	mg/L	Grab	1/Quarter
Methanol	µg/L	Grab	1/Month
Methyl Tertiary Butyl Ether	µg/L	Grab	1/Month
Tertiary Amyl Methyl Ether	µg/L	Grab	1/Month
Tertiary Butyl Alcohol	µg/L	Grab	1/Month
Total Petroleum Hydrocarbons (Gasoline)	µg/L	Grab	1/Month
Acute Toxicity	% survival	Grab	1/Year
Chronic Toxicity	--	Grab	1/Year

2. **Table 4 Testing Requirements.** The Discharger shall comply with the following testing requirements when monitoring for the parameters described in Table 4.

- a. **Applicable to all parameters.** Parameters shall be analyzed using the analytical methods described in 40 CFR part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
  - b. A hand-held field meter may be used for **electrical conductivity, dissolved oxygen, temperature, and pH**, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
  - c. For acute toxicity testing, the test species shall be fathead minnow (*Pimephales promelas*). See the Monitoring and Reporting Program (Attachment C) for toxicity monitoring requirements.
3. Section II.B.2 of the Limitations and Discharge Requirements section of the Limited Threat General Order requires that dischargers submit new analytical results every 5 years for pollutants specified in Table I-1 of Attachment I. The Discharger shall submit monitoring results by **1 June 2022** for the following constituents shown in Table 5, below:

**Table 5. Effluent Characterization Monitoring**

<b>Parameter</b>	<b>Units</b>	<b>Sample Type</b>
Biochemical Oxygen Demand (BOD)	mg/L	Grab
Total Suspended Solids (TSS)	mg/L	Grab
Hardness	mg/l	Grab
pH	standard units	Grab
Temperature	°F	Grab
Electrical Conductivity @ 25 °C	µmhos/cm	Grab
Total Dissolved Solids (TDS)	mg/L	Grab
Turbidity	NTU	Grab
Unionized Ammonia Nitrogen, Total (as N)	mg/L	Grab
Chlorine, Total Residual	mg/L	Grab
Aluminum, Total Recoverable	µg/L	Grab
Iron, Total Recoverable	µg/L	Grab
Manganese, Total Recoverable	µg/L	Grab
Standard Minerals	µg/L	Grab
Benzene	µg/L	Grab
Ethybenzene	µg/L	Grab
1,2-Dichloroethane	µg/L	Grab
Napthalene	µg/L	Grab
Toluene	µg/L	Grab
Di-isopropyl Ether	µg/L	Grab
Ethylene Dibromide	µg/L	Grab
Ethyl Tertiary Butyl Ether	µg/L	Grab

Parameter	Units	Sample Type
Carcinogenic PAHs	µg/L	Grab
Total Petroleum Hydrocarbons (Diesel Range)	µg/L	Grab
Xylene	µg/L	Grab
CTR Priority Pollutants	--	--

4. **Table 5 Testing Requirements.** The Discharger shall comply with the following testing requirements when monitoring for the parameters described in Table 5.
- The Discharger is not required to conduct effluent monitoring for constituents that have already been sampled in a given month, as required in Table 4, except for hardness, pH, and temperature, which shall be conducted concurrently with the effluent sampling.
  - Applicable to all parameters.** Parameters shall be analyzed using the analytical methods described in 40 CFR part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
  - A hand-held field meter may be used for **electrical conductivity, dissolved oxygen, temperature, and pH**, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
  - Standard minerals** shall include the following: boron, calcium, iron, magnesium, potassium, sodium, chloride, manganese, phosphorus, total alkalinity (including alkalinity series), and hardness, and include verification that the analysis is complete (i.e., cation/anion balance).
  - Xylene.** Applies to the sum of o-xylene, m-xylene, and p-xylene.
  - CTR Priority Pollutants.** See Table I-3 of the Limited Threat General Order for a complete list of CTR Priority Pollutants.

### Receiving Water Monitoring

- When discharging to surface water, the Discharger shall monitor the receiving water at RSW-001 and RSW-002, in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 6:

**Table 6. Receiving Water Monitoring Requirements**

<b>Parameter</b>	<b>Units</b>	<b>Sample Type</b>	<b>Minimum Sampling Frequency</b>
Dissolved Oxygen	mg/L	Grab	1/Quarter
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Quarter
pH	standard units	Grab	1/Quarter
Temperature	°F	Grab	1/Quarter
Turbidity	NTU	Grab	1/Quarter

**2. Table 6 Testing Requirements.**

- a. Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
  - b. A hand-held field meter may be used for **electrical conductivity, dissolved oxygen, temperature, and pH**, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
3. In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001 and RSW-002. Attention shall be given to the presence or absence of:
- a. Floating or suspended matter
  - b. Discoloration
  - c. Bottom deposits
  - d. Aquatic life
  - e. Visible films, sheens, or coatings
  - f. Fungi, slimes, or objectionable growths
  - g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the Monitoring Report.

**Monitoring Report Submittals**

Monitoring in accordance with this NOA shall begin upon the date of this NOA. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2020**. This report shall be submitted on **1 August 2020**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If treatment and discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 7, below, summarizes the Monitoring Report due dates required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in

accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

**Table 7. Monitoring Periods and Reporting Schedule**

<b>Sampling Frequency</b>	<b>Monitoring Period Begins On...</b>	<b>Quarterly Report Due Dates</b>
1/Day, 1/Week, 1/Month, 1/Quarter	4 June 2020	1 May (1 Jan – 31 Mar) Aug (1 Apr – 30 Jun) Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

**TOXICITY REDUCTION EVALUATION REQUIREMENTS**

For compliance with the Basin Plan’s narrative toxicity objective, the Limited Threat General Order requires all Dischargers of Tier 2 discharges to conduct chronic whole effluent toxicity (WET) testing, as specified in the Monitoring and Reporting Program (Attachment C, section V). Furthermore, the Toxicity Reduction Evaluation Requirements provision (Section IX.C.2) requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity. The Provision includes a numeric monitoring trigger and accelerated monitoring specifications.

**SATISFACTION OF ANTI-BACKSLIDING AND ANTIDegradation REQUIREMENTS**

The effluent limitations in this NOA are at least as stringent as the effluent limitations in the Petroleum General Order, Order R5-2013-0075, with the exception of limitations for benzene, ethylbenzene, 1,2-dichloroethane, naphthalene, toluene, di-isopropyl ether, ethylene dibromide, ethyl tertiary butyl ether, carcinogenic PAH’s, total petroleum hydrocarbons (diesel range), and xylene. Based on the Discharger’s last three years of effluent monitoring data for these constituents, the discharge does not demonstrate reasonable potential to cause or contribute to an instream excursion of the applicable water quality objectives in the receiving water. All samples were below the screening levels. Therefore, the effluent limits for benzene, ethylbenzene, 1,2-dichloroethane, naphthalene, toluene, di-isopropyl ether, ethylene dibromide, ethyl tertiary butyl ether, carcinogenic PAH’s, total petroleum hydrocarbons (diesel range), and xylene have not been included in this NOA.

The less stringent requirements for benzene, ethylbenzene, 1,2-dichloroethane, naphthalene, toluene, di-isopropyl ether, ethylene dibromide, ethyl tertiary butyl ether, carcinogenic PAH’s, total petroleum hydrocarbons (diesel range), and xylene are consistent with the federal antibacksliding regulations of the Clean Water Act (CWA). CWA section 402(o)(2) provides several exceptions to the prohibition against backsliding. CWA 402(o)(2)(B)(i) allows a renewed, reissued, or modified permit to contain a less stringent effluent limitation for a pollutant if information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less

stringent effluent limitation at the time of permit issuance. The new data indicates the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of water quality objectives in the receiving water and represents new information that was not available at the time previous NOA for coverage under Petroleum General Order was issued. The removal of the effluent limits does not allow for an increase in the mass of pollutants discharge, therefore, is also consistent with federal and state antidegradation requirements. Any impact on existing water quality will be insignificant.

### **GENERAL INFORMATION AND REQUIREMENTS**

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of 1) the start of each new discharge, 2) noncompliance, and 3) when the discharge ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation 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 invoice you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

### **ENFORCEMENT**

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

### **COMMUNICATION**

All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance and Enforcement Unit, Attention: Jon Rohrbough. Mr. Rohrbough can be reached at (916) 464-4822 or [jon.rohrbough@waterboards.ca.gov](mailto:jon.rohrbough@waterboards.ca.gov).

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to the general Central Valley Water Board email ([centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov)).

**Please include the following information in the email:**

- **Attention:** NPDES Compliance Unit
- **Discharger:** SFPP, L.P., operating partnership of Kinder Morgan Energy Partners, L.P
- **Facility:** A Street Remediation Project
- **County:** Solano County
- **CIWQS place ID:** 724309

Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES". Please include the attached Monitoring Report Transmittal Form as the first page of each Monitoring Report.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the [Central Valley Water Board's Water Quality Petitions Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)) or will be provided upon request.

Patrick Pulupa  
Executive Officer

Enclosures (3): Attachment A - Project Location Map  
General Order R5-2016-0076-01 (Discharger only)  
Monitoring Report Transmittal Form (Discharger only)

cc: Peter Kozelka, U.S. EPA, Region IX, San Francisco (email only)  
Elizabeth Sablad, U.S. EPA, Region IX, San Francisco (email only)  
Afrooz Farsimadan, Division of Water Quality, State Water Board,  
Sacramento (email only)  
Jon Rohrbough, Central Valley Regional Water Quality Control  
Board (email only)

ATTACHMENT A – PROJECT LOCATION MAP

