

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

RESOLUTION NO. R7-2011-0042

APPROVING THE INITIAL STUDY AND ADOPTING  
A NEGATIVE DECLARATION FOR  
WASTE DISCHARGE REQUIREMENTS FOR  
SFPP,L.P., OPERATING PARTNERSHIP OF KINDER MORGAN ENERGY PARTNERS  
GROUNDWATER TREATMENT DISCHARGE SPRINKLER SYSTEM

**WHEREAS**, the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) finds that:

1. SFPP, L.P. operating partner of Kinder Morgan Energy Partners, L.P. (KMEP), and KMEP, owner and operator of KMEP Fuels Terminal (hereinafter referred to as the Discharger), 1100 Town and Country Road, Orange, California, 92868, submitted a Report of Waste Discharge and engineering report on August 4, 2010, to obtain Waste Discharge Requirements (WDRs) for a Groundwater Treatment Discharge Sprinkler System (hereinafter referred to as the Facility) located at 345 West Aten Road, Imperial, California, 92251. The Discharger proposes to construct this Sprinkler System and discharge treated groundwater from the system (the Project) onto the ground surface of an unlined portion of an adjacent, vacant property that is also owned by the Discharger.
2. The KMEP Fuels Terminal (the Site) is an active fuel loading, storage, and transportation facility located adjacent to the Facility. The KMEP Site encompasses approximately 30 acres with 27 aboveground storage tanks containing gasoline and diesel fuels.
3. Past fuel releases on the KMEP Site have resulted in three areas of concern for total petroleum hydrocarbon (TPH) plumes that have been described as the North Plume, the South Plume, and the Tank 21 Plume. Groundwater monitoring was performed at the Site on a quarterly basis from March 1995 through December 2006. Since January 2007, groundwater monitoring and reporting events have been conducted semiannually.
4. According to the second semiannual 2010 groundwater monitoring report, the estimated plume size of liquid-phase hydrocarbon (LPH) for the three areas of concern were approximately: 3.1 acres for the North Plume; 0.4 acres for the South Plume; and 0.06 acres for the Tank 21 Plume.
5. The Discharger has constructed a Product Barrier Trench (PBT) and Groundwater Treatment System (GWTS) at the KMEP Site to prevent off-site migration of LPH. The trench has been backfilled with highly permeable materials to allow liquid to be extracted without the trench being open. The PBT/GWTS is considered to be one component of an overall remediation project. The PBT/GWTS consists of three product recovery wells in a semi-permeable product recovery trench along the western property boundary of the KMEP Site. Two piezometers are used to gauge recovered product levels in the trench.
6. Groundwater remediation by the PBT/GWTS consists of total fluids extraction (product and groundwater), treatment with an oil/water separator (OWS) followed by liquid-phase granular activated carbon (LGAC) treatment, and the proposed on-site discharge of treated groundwater to soil through a sprinkler system. Recovered LPH is periodically recovered

from the OWS by a licensed transportation and disposal provider and is recycled offsite in accordance with applicable state and federal regulations.

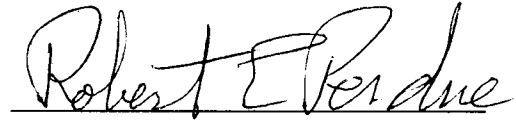
7. Treated groundwater from the PBT/GWTS will be discharged at a rate of approximately 1 gallon per minute (gpm) into a 5,000 gallon Baker tank. A high level switch inside the tank will periodically activate a low-profile sprinkler system that will discharge the effluent stored in the tank onto the ground surface. The sprinkler system is capable of operating at rates of 15 to 25 gpm.
8. The proposed Project area where the sprinkler system will be installed is a vacant, previously disturbed parcel, approximately 3 acres in size located adjacent to the KMEP Site. This parcel of land was historically used for agricultural purposes, but all agricultural activity ceased as of 1987.
9. To evaluate whether to allow the Discharger to discharge treated groundwater by issuing the subject WDRs could have a significant effect on the environment, the Regional Water Board assumed lead agency role status under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) to conduct the required environmental review. In that role, the Regional Water Board conducted an Initial Study in accordance with the requirements specified in Section 15063 of the "State CEQA Guidelines" (California Code of Regulations (CCR), Title 14, Section 15000 et seq.) to evaluate whether the proposed Project could have a significant effect on the environment.
10. Regional Water Board staff concluded in the Initial Study that allowing the disposal of treated groundwater to the land could not have a significant effect on the environment
11. On May 18, 2011, the Regional Water Board notified interested agencies and persons of its Intent to Adopt a Negative Declaration for the subject WDRs for the Discharger, and provided them with an opportunity to submit comments during a 30-day comment period that ended June 16, 2011.
12. The Regional Water Board, in a public hearing, considered all comments concerning the discharge to be regulated by the WDRs and the proposed Negative Declaration

**THEREFORE, BE IT RESOLVED that the Regional Water Board:**

1. Approves the Initial Study and adopts the proposed Negative Declaration for the proposed WDRs for the KMEP Groundwater Treatment Discharge Sprinkler System at the City of Imperial.
2. Directs that a copy of this Resolution be forwarded to the State Water Resources Control Board.
3. Directs that a copy of this Resolution be forwarded to all interested parties.
4. Directs the Executive Officer to file a Notice of Determination with the Office of Planning and Research, State Clearinghouse, pursuant to Public Resources Code Section 21108 and Title 14, California Code of Regulations, Section 15075(a).

**CERTIFICATION**

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region on June 23, 2011.

A handwritten signature in black ink that reads "Robert E. Perdue". The signature is written in a cursive style with a horizontal line underneath the name.

ROBERT PERDUE  
Executive Officer