

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

RESOLUTION NO. R7-2007-0045

APPROVING THE INITIAL STUDY AND ADOPTING
A MITIGATED NEGATIVE DECLARATION FOR
LINE SECTION 111 WASHOUT REPAIRS

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

1. Santa Fe Pacific Pipelines Partners, L.P. (SFPP), located at 1100 Town & Country Road, Orange, California 92868, an operating company of Kinder Morgan Energy Partners, L.P. (KMEP), owns and operates a 20-inch diameter pipeline, Line Section (LS) 111, which transports petroleum products between Colton, California, and Phoenix, Arizona. LS 111 crosses the San Gorgonio River near the intersection of Interstate 10 and State Highway 111 in the vicinity of the City of Palm Springs, California.
2. Heavy storm water flows in the San Gorgonio River in 2004 undermined the soil cover over the pipeline in two locations leaving the line exposed. SFPP/KMEP is proposing to re-cover the exposed areas and install permanent structures that will protect the pipeline from erosion caused by future storm events.
3. On January 13, 2006, the Regional Water Board initially received a request from TRC Solutions, Inc., on behalf of SFPP, for a Clean Water Act Section 401 Water Quality Certification for the installation of permanent erosion control structures for the two exposed sections of LS 111.
4. SFPP/KMEP proposed to install Flexible Concrete Revetments (FCR) along the exposed areas. The proposed FCR structures will either consist of biodegradable bags filled with a sand/cement mix that, when hydrated becomes solid concrete or will be installed as an intact solid concrete structure. The structure will be pinned together with malleable reinforced rods to provide a contiguous, but flexible revetment structure. A subsurface Grout Mat will also be installed to diffuse undercutting of the FCR.
5. On February 28, 2006, the Regional Water Board staff issued a letter to SFPP that indicated that the application for a 401 WQC was complete but pursuant to Section 3856(f) of the California Code of Regulations (CCR) the Regional Water Board may not issue a 401 WQC for the project before being provided with, and having ample time to properly review, a copy of the final California Environmental Quality Act (CEQA) documentation prepared for the proposed project.
6. The Regional Water Board denied the proposed project without prejudice on April 13, 2006, because the Applicant had failed to demonstrate compliance with the environmental review requirements set forth in CEQA (California Public Resources Code Section 2100 et seq.).
7. The Regional Water Board determined that it would act as the Lead Agency under CEQA to conduct the required environmental review for the project.

Resolution R7-2007-0045
Approving the Initial Study and
Adopting a Mitigated Negative Declaration
For Line Section 111 Washout Repairs

8. In this capacity, the Regional Water Board requested and received environmental documentation from TRC Solutions, Inc., for the proposed project.
9. Because of permitting delays, the Applicant submitted a request for a 401 WQC on October 19, 2006, to complete temporary protection of the pipeline at these two exposed sections. The temporary protection was installed to protect the exposed pipeline segments from damage from possible floodwaters within the San Geronio River, all-terrain vehicles, firearms and corrosion. The temporary structures would be removed after the CEQA review process has been completed and regulatory approvals are granted for the construction of the permanent structures, as originally proposed in the 401 WQC received by the Regional Water Board on January 13, 2006.
10. The Regional Water Board's Executive Officer approved a 401 WQC for the temporary protection measures on October 20, 2006. The Regional Water Board determined that the proposed temporary project qualified for a statutory exemption as an Emergency Project pursuant to Public Resources Code Section 21080(b) and filed a Notice of Exemption with the California State Clearinghouse on October 20, 2006.
11. On March 15, 2007, the Regional Board notified interested agencies and persons of its Intent to Adopt a Mitigated Negative Declaration for the SFPP/KMEP Line Section 111 Washout Repairs project, and provided them with an opportunity to submit comments during a 30-day comment period that ended April 14, 2007.
12. The Regional Board, in a public hearing, considered all comments concerning the proposed Mitigated Negative Declaration, including written comments submitted by the California Department of Fish and Game, Inland Deserts Region.
13. The Regional Board finds, on the basis of the whole record before it, which includes the proposed Mitigated Negative Declaration, Initial Study, public comments received, and Board staff responses to public comments, that there is no substantial evidence that the proposed project will have a significant effect on the environment, and that the proposed Mitigated Negative Declaration reflects the Regional Board's independent judgment and analysis.

Resolution R7-2007-0045
Approving the Initial Study and
Adopting a Mitigated Negative Declaration
For Line Section 111 Washout Repairs

THEREFORE, BE IT RESOLVED that the Regional Board:

1. Approves the Initial Study and adopts the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the SFPP/KMEP Line Section 111 Washout Repairs project.
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 November 8, 2007.


ROBERT PERDUE
Executive Officer