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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Colorado River Basin Regional Water Quality Control Board

Certified Mail: 7020 1290 0001 2817 2376

November 16, 2020

Mr. Eric Bolin
SFPP, LP., a subsidiary of Kinder Morgan (SFPP)
10001 Louisiana St., Suite 1000
Houston, Texas 77002
Eric_Bolin@kindermorgan.com

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION - SFPP LS-111 WHITEWATER RIVER PIPELINE WASHOUT INTEGRITY EVALUATION PROJECT (WDID NO. 7A333220001), RIVERSIDE COUNTY, CALIFORNIA

On October 20, 2020, the SFPP, L.P., a subsidiary of Kinder Morgan (Discharger) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction*.

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) has reviewed your enrollment materials and finds that the dredge/fill discharges associated with the SFPP LS-111 Whitewater River Pipeline Washout Integrity Evaluation project (Project) meet the requirements for enrollment. You are hereby enrolled under [Order No. 2004-0004-DWQ](#) and may proceed with the Project in accordance with the Order.

A copy of [Order No. 2004-0004-DWQ](#) can be found on the State Water Board's Adopted Orders webpage below:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf.

NANCY WRIGHT, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with [Order No. 2004-0004-DWQ](#) constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION, IMPACTS, AND MITIGATION:

The purpose of the Project is to assess the condition of the pipeline, inspect it for damage, repair if necessary, and provide necessary cover to an active liquids pipeline that was washed out during high seasonal flows in an ephemeral wash that is tributary to the Whitewater River. The Discharger intends to excavate the washed out sections, remove the protective coating, inspect the pipeline for integrity, repair the pipe if necessary, then re-coat the pipe and recover the line to the depth of cover prior to the exposure.

The Project involves two exposed sections (Section 2 and Section 3) of Line Section 111 (Figures in Attachment A). The impact area at Drainage A (Washout Section 3) includes 0.10 acre of disturbed area. Drainage B (Washout Section 2) includes 0.08 acre of disturbance.

The Project requires excavation approximately 8 feet wide and 4 feet deep at both washout locations. Soil stockpiles and materials will be staged within the 50-foot right-of-way centered on the pipeline. Once the pipeline is inspected and repaired, if necessary, the native soil cover will be replaced over the line and returned to the previous contours.

PROJECT LOCATION:

The Project site is northeast of the Whitewater River, south of I-10, and north of SR 111, in an unincorporated area of Riverside County, California. Latitude/Longitude: 33.9086 North; -116.6359 West Section/Township/Range: 14, T3S, R3E

APPLICATION FEE RECEIVED:

A fee of \$ 3127.00 was received on July 15, 2020.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill and Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Colorado River Basin Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the Project described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301 (Existing Facilities) and section 15304 (Minor Alterations to Land). Additionally, the Colorado River Basin Water Board concludes that no exceptions to the CEQA exemptions listed above apply to the activities approved by this Order.

Pursuant to CEQA, the Colorado River Basin Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment B.

AVOIDANCE AND MINIMIZATION MEASURES:

The Discharger must implement the measures proposed in the Mitigation Plan and Measures section of the Project application, as well as comply with all applicable requirements in [Order 2004-0004-DWQ](#).

TERMINATION OF COVERAGE:

Upon completion of the Project, the Discharger shall submit a complete Notice of Termination (NOT) requesting to be un-enrolled under [Order 2004-0004-DWQ](#). Page 21, Attachment 2 of the Order contains the NOT form. If you have questions concerning this matter, please contact Kai Dunn, 401 Water Quality Certification Program Manager, at (760) 776-8986 or at Kai.Dunn@waterboards.ca.gov.

Sincerely,

Original Signed By

Paula Rasmussen
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

Enclosures: 1) Attachment A Project Maps
2) Attachment B CEQA Findings
3) Order No. 2004-0004-DWQ

KD/cc via email: Nick Ricono
Wood Environment and Infrastructure, Inc.
nick.ricono@woodplc.com

Victoria Hernandez,
BLM California Desert District Office
Vhernandez@blm.gov

Heather A. Pert
Senior Environmental Scientist
California Dept. of Fish and Wildlife, Region 6
Heather.Pert@wildlife.ca.gov

Amy McNeil
Senior Civil Engineer
Riverside County Flood Control
ammcneil@rivco.org

John Chisholm
District Coordinator
Caltrans – District 8
John.Chisholm@dot.ca.gov

Bob Pierotti
Regional Manager
CA Department of Water Resources
Bob.Pierotti@water.ca.gov

Karen Mogus, Deputy Director
Division of Water Quality
State Water Resources Control Board
Karen.Mogus@waterboards.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

File: WDID No. 7A333220001, SFPP LS-111 Whitewater River Pipeline Washout Integrity Evaluation Project, [Order 2004-0004-DWQ](#)

Attachment A
Project Maps

Figure 1



Path: Q:\3554_NaturalResources\KinderMorgan_LS111_Washout_1215100488\MXD\Report\Figures\Permitting\Fig1_Regional.mxd; chris.nixon 6/30/2020



 Survey Area

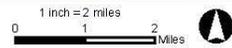
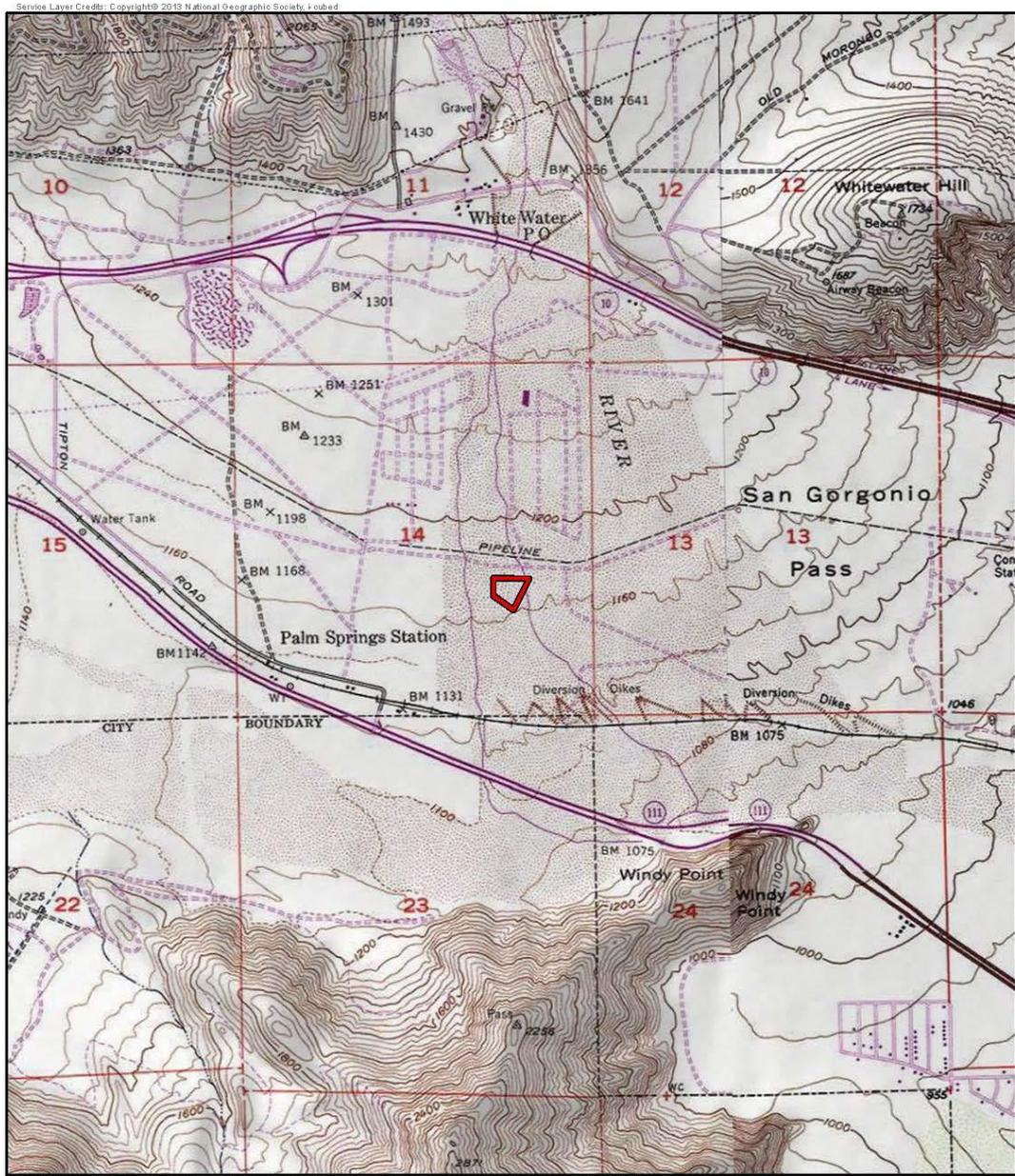


FIGURE 1
Regional Location
Jurisdictional Delineation
SFPP LS 111 Washout
Riverside County, CA.

Figure 2



wood.

 Survey Area

FIGURE 2
Project Location on USGS Topo
Jurisdictional Delineation
SFPP LS 111 Washout
Riverside County, CA.

Figure 3

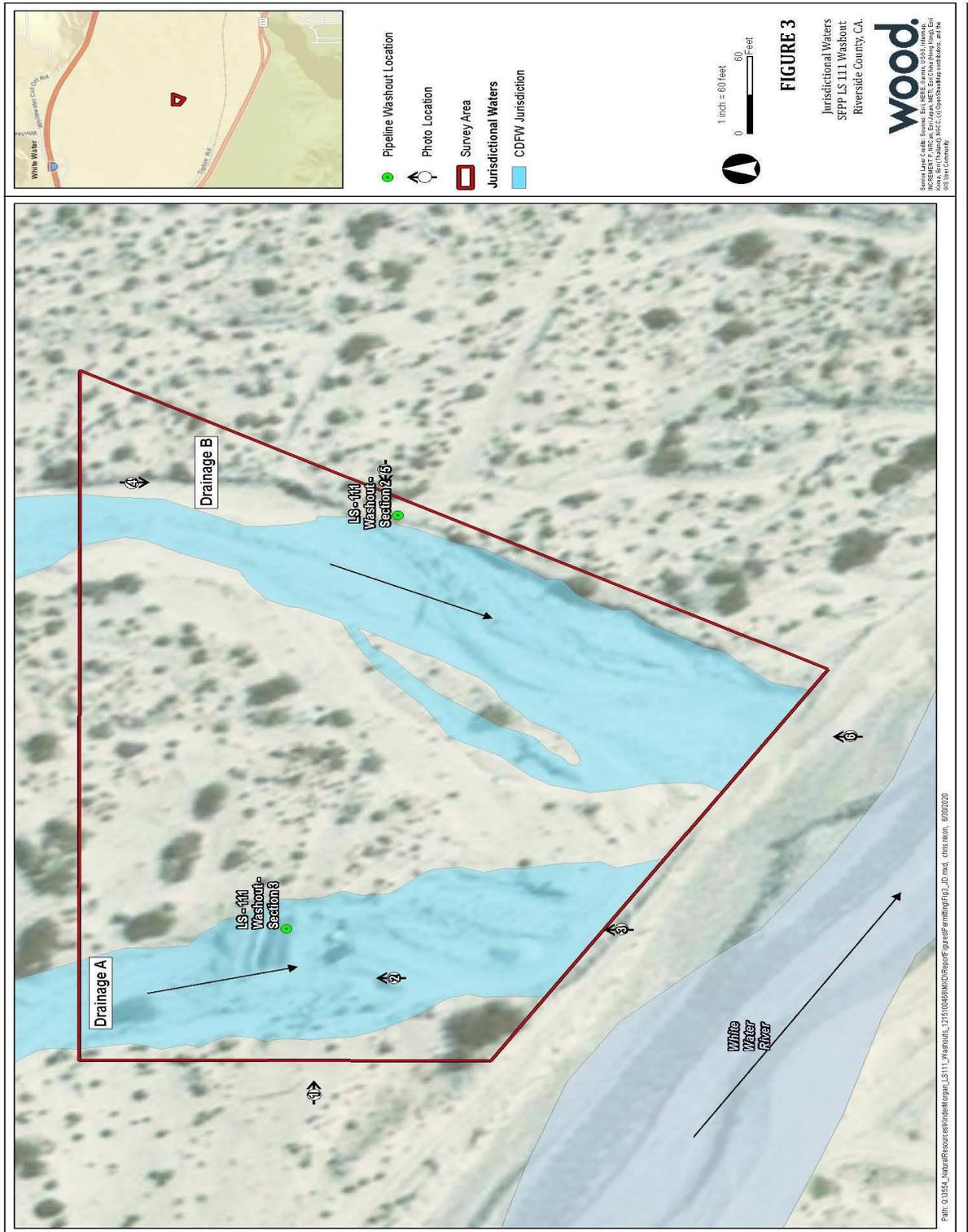
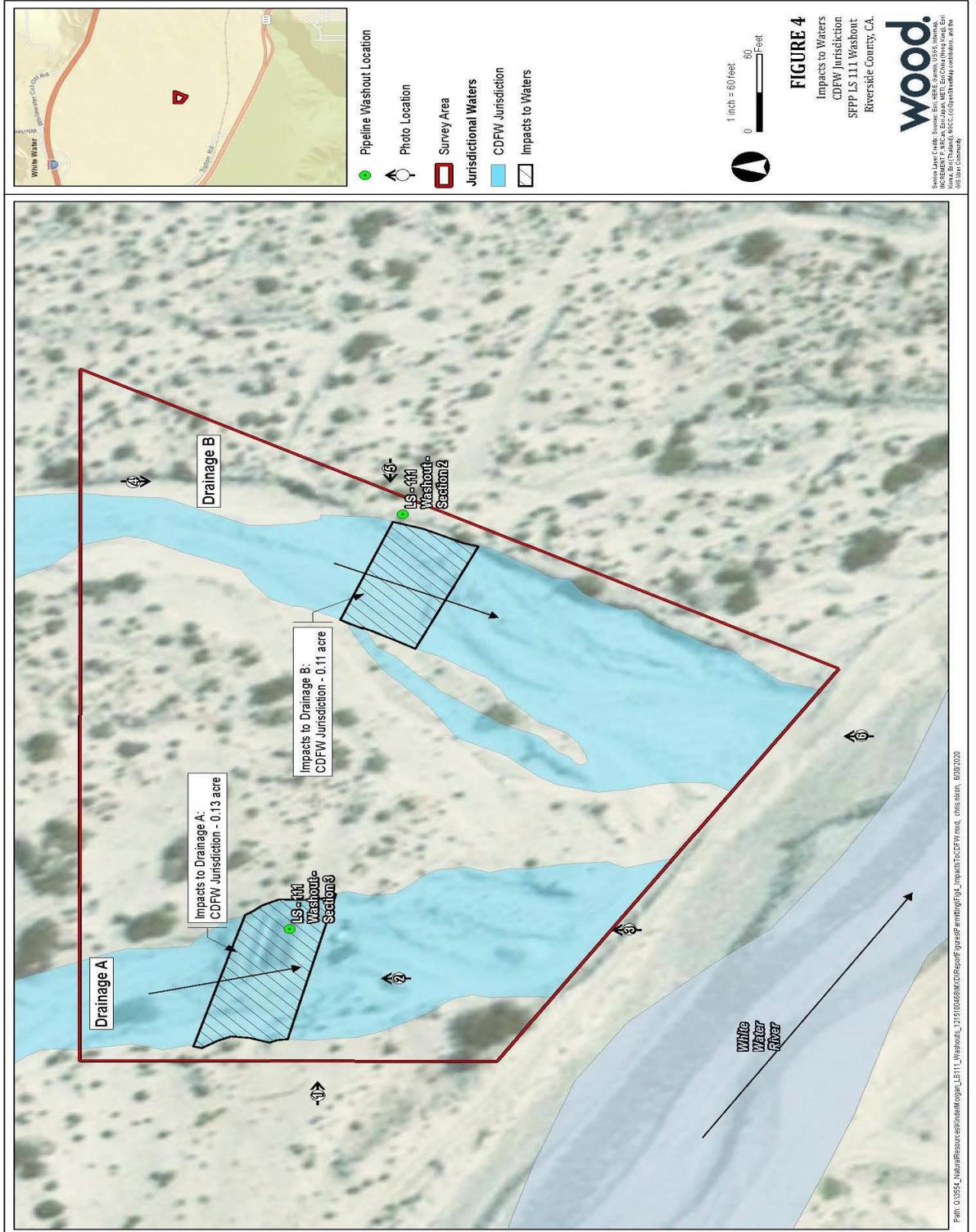


Figure 4



Attachment B CEQA Findings

A. Introduction

The Colorado River Basin Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the Project described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301 (Existing Facilities) and section 15304 (Minor Alterations to Land).

B. Findings

1. Applicable Categorical Exemptions

Under title 14, section 15301 of the California Code of Regulations, there is a “Class 1” categorical exemption where the proposed project “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination” such as “(b) [e]xisting facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.”

Under title 14, section 15304 of the California Code of Regulations, there is a “Class 4” categorical exemption where the proposed project “consists of minor public or private alterations in the condition of land, water, and/or vegetation” including “(f) [m]inor trenching and backfilling where the surface is restored.”

The Project falls within the exemptions found in section 15301 (Existing Facilities) and section 15304 (Minor Alterations to Land). The Discharger will restore the Project site to pre-construction conditions and provide soil stabilization of the Project area. All project disturbances will be to existing unvegetated or previously disturbed areas.

2. No Exceptions to the Categorical Exemptions Apply

There is no substantial evidence that any exceptions to the CEQA categorical exemptions listed above apply. Analysis of the relevant exceptions pursuant to section 15300.2 of the State CEQA Guidelines are as follows:

- a) *Location. Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly*

sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

SFPP LS-111 Whitewater River Pipeline Washout Integrity Evaluation Project is a Class 1 activity because the pipeline is an existing facility. Therefore, this exception to the Section 15301 exemption does not apply.

- b) *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

Pipeline repair projects occur infrequently and generally do not result in successive repairs in the same location over time; therefore, no cumulative impacts are anticipated.

- c) *Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

A biological resources evaluation and rare plant survey conducted in 2020 determined that there is no potential for impact to sensitive wildlife or plants as a result of the project. Pre-construction surveys will be conducted and a biological monitor will be present during project operations to ensure that no sensitive biological resources are impacted. All impacted areas will be restored to pre-project conditions upon completion.

No discharge will occur in, or in immediate proximity to, an area covered by a U.S. Fish and Wildlife Service (USFWS) Habitat Conservation Plan (HCP) or a Department of Fish and Game Natural Community Conservation Plan (NCCP).

- d) *Scenic Highway. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

No scenic resources will be impacted by the project.

- e) *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of Government Code.*

The project is not located on a site listed by the California Department of Toxic Substances Control.

- f) *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

A cultural resource records search was completed for all work locations in June of 2020. The work areas as well as a one-mile radius around the work locations were examined. The records search revealed that several cultural resources have been recorded within one-mile of the work locations. None of the previously recorded cultural resources was located within the project area. The proposed work will not impact any previously recorded cultural resources.

C. Findings and Determination

The issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301 (Existing Facilities) and section 15304 (Minor Alterations to Land).

The Colorado River Basin Water Board concludes that no exceptions to the CEQA exemptions listed above apply to the activities approved by this Order.

The Colorado River Basin Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15062.)