



California Regional Water Quality Control Board Los Angeles Region



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Linda S. Adams
Acting Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

January 6, 2011

Mr. Johnny Tomasson
Kinder Morgan Energy Partners, LP
1100 Town & Country Road
Orange, CA 92608

WASTE DISCHARGE REQUIREMENTS FOR ON-SITE REUSE OF CONTAMINATED SOILS – KINDER MORGAN CARSON TERMINAL, CARSON, CA (FILE NOS. 88-057-007(10) AND 83-080, CI-7404, SITE CLEANUP PROGRAM NO. 045)

Dear Mr. Tomasson:

The Kinder Morgan (Discharger) Carson Terminal (Facility) is located at 2000 E. Sepulveda Boulevard, Carson, CA. An approximately four-acre depression in the southwestern portion of the Facility, known as the Slough has historically been used as a surface impoundment. Refinery filter material, consisting of crude and waste oils, was reported to have been placed in the Slough during the late 1930's and 1940's. On October 31, 1994, the Los Angeles Regional Water Quality Control Board (Regional Board) Board adopted Order No. 94-111 specifying waste discharge requirements for the closure of the Slough in accordance with Surface Impoundment Closure Requirements, section 2582(b)(2), chapter 15, title 23 of the California Code of Regulations (now title 27 of the California Code of Regulations or 27 CCR). The Facility is also subject to Regional Board Cleanup and Abatement Order (CAO) No. 90-152 to cleanup and abate on-site and off-site soil and groundwater contamination.

In 2010, the Discharger completed the partial closure capping of the Slough by installing a low-permeability final cover over the portion of the Slough designated for the construction of six above ground storage tanks. Presently, the Discharger is planning to complete the final closure of the remaining portion of the Slough. Proposed final closure project activities include backfilling a portion of the Slough, installation of a low-permeability cap as the final cover system required pursuant to section 21090 of 27 CCR, and construction of retention basin in a portion of the Slough.

On August 16, 2010, Kinder Morgan Energy Partners LP (Discharger) filed with this Regional Board a report of waste discharge (ROWD), applying for site-specific waste discharge requirements for the reuse of petroleum hydrocarbon contaminated soils at the Facility. The contaminated soils would be generated during grading activities planned in conjunction with an expansion of a stormwater retention pond and the construction of seven 80,000-barrel above-ground storage tanks, associated piping, and other supporting infrastructure at the Facility.

On September 16, 2010, Regional Board staff conducted a compliance inspection of the Facility. During the inspection, staff informed the Discharger that contaminated soils to be generated during planned grading activities could potentially meet discharge limits in Order No. 91-93, *General Waste Discharge Requirements for Discharge of Non-Hazardous Contaminated Soils and Other Wastes in Los Angeles River and Santa Clara River Basins*, adopted by this Regional Board on July 22, 1991. As such, it may

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not be necessary to develop site-specific waste discharge requirements for the proposed on-site reuse of waste soils as part of the backfilling of the Slough. On October 5, 2010, the Discharger amended the ROWD for enrollment under Order No. 91-93, rather than applying for site specific waste discharge requirements. The amended ROWD includes revision to the proposed grading project soils management plan that includes comprehensive in-situ sampling and testing of soils in the stormwater retention pond expansion area and the above-ground storage tank construction area, submittal of laboratory test results to the Regional Board for comparison to Order No. 91-93 limits prior to excavation/grading activities, and the segregation and disposal of soils that do not meet reuse criteria to an off-site legal point of disposal.

As part of the ROWD, the Discharger's consultant, TRC, submitted a report, titled *Soil Sampling Activities – Storm Water Pond and Aboveground Storage Tank* (Report), dated December 8, 2010, to the Regional Board. The Report summarizes results of soil sampling activities conducted in the area of the proposed Slough stormwater retention basin and aboveground storage tank No 80011.

A total of 46 soil samples were collected from 23 sampling points in the area of the proposed stormwater retention pond. The soil samples were collected using an air-vacuum rig to excavate to the desired sampling depth, a hand auger was then used to retrieve a representative soil sample. Similar sampling methods were used to collect a total of 42 soil samples from 21 sampling points in the area of the proposed stormwater retention pond. Soil samples were analyzed for total petroleum hydrocarbons with carbon-range distinction using US EPA Method 8015B(M) to evaluate gasoline-range (carbon range C4-C12), diesel-range (carbon range C13-C22), and oil-range (carbon range C23-C44) hydrocarbons, volatile organic compounds (VOCs), using US EPA Method 8260B, semi-volatile organic compounds (SVOCs) using US EPA Method 8270C, and for metals using US EPA Method 6010B/7470A.

Results of the laboratory analysis of soil samples collected during the investigation were used to delineate soils that meet enrollment criteria of Regional Board Order No. 91-93 for proposed reuse on-site as engineered fill. Soils determined to not meet these enrollment criteria will be transported off-site for recycling or disposal at a legal point of disposal.

Region Board staff has reviewed the amended ROWD and the Report and determined that select soils proposed to be reused at the Facility meet discharge limits in Order No. 91-93, General Waste Discharge Requirements for Discharge of Non-Hazardous Contaminated Soils and Other Wastes in Los Angeles River and Santa Clara River Basins (Order), adopted by this Regional Board on July 22, 1991. The proposed on-site use of soil is herein approved. This approval is conditioned on final cover systems, consistent with requirements in section 21090 of 27 CCR, being constructed over areas where the soils will be reused and that the Facility will continue to be monitored pursuant to CAO No. 90-152. If higher levels of contamination are discovered in these materials during excavation or transportation, the materials must be taken to a legal point of disposal.

Enclosed are Waste Discharge Requirements, comprising:

1. General Waste Discharge Requirements
2. Monitoring and Reporting Program

Please note that the Monitoring and Reporting Program requires that you submit a report to this Regional Board within 10 days of the completion of disposal operations. (ATTN: Information Technology Unit.) This report shall reference the above file number. Pursuant to Sections 13261 and 13265 of the California Water Code, the Discharger must submit the required final report within 10 days of the completion of disposal operations and no later than **April 18, 2011**. Failure to submit the required report may result in the imposition of civil liability penalties by the Regional Board of up to \$1,000.00 per day for each day the report is not received after the due date.

For any additional information, please call Enrique Casas at (213) 620-2299.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosures

cc: Scott Martin, Kinder Morgan Carson Terminal
John Nordenstam, TRC Companies, Inc.

State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

ORDER NO. 91-93

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGE OF NON-HAZARDOUS CONTAMINATED SOILS AND OTHER WASTES
IN LOS ANGELES RIVER AND SANTA CLARA RIVER BASINS
(File No. 88-57)

The California Regional Water Quality Control Board, Los Angeles Region finds:

1. The California Water Code requires that any person discharging wastes or proposing to discharge waste which could affect the quality of the waters of the state shall file a Report of Waste Discharge with the Regional Board. The Regional Board then shall prescribe requirements as to the nature of the proposed or existing discharge.
2. Soils contaminated with moderate concentrations of petroleum hydrocarbons, heavy metals and other special wastes are considered to be wastes whose discharge could affect the quality of the waters of the State.
3. Land disposal of these wastes to properly engineered and managed Class III Waste Management Units (Landfills) is proving to be an efficient and economical means of mitigating the effects of such contaminated waste. The threat to waters of the State is thereby eliminated or reduced to non-significant levels.
4. Each month this Board receives a large number of requests for the disposal of soils contaminated with hydrocarbons and other waste. For each such request, staff has to determine the concentration of the significant contaminants/pollutants in the waste, the regulatory limits, if any, for the contaminants/pollutants, and the potential impact on the waters of the State from the disposal of the waste. Such requests are anticipated to continue and far exceed the capacity of staff to review and bring to the Board for consideration of individual waste discharge requirements in a timely manner. These circumstances create the need for an expedited system for processing the numerous requests for disposal of these moderately contaminated wastes.

June 12, 1991

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Discharge of Non-Hazardous Contaminated Soils

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5. The adoption of general waste discharge requirements for the disposal of these non-hazardous contaminated soils and other similar wastes would: a) simplify the application process for dischargers, b) allow more efficient use of Regional Board staff time; and c) reduce Regional Board time by enabling the Executive Officer to notify the discharger of the applicability of the General Waste Discharge Requirements.
6. These general waste discharge requirements for the disposal of non-hazardous contaminated soils and other similar waste up to 100,000 cubic yards for durations not to exceed 90 days under direction of the Executive Officer would benefit the public, staff, and the Board by accelerating the review process without loss of regulatory jurisdiction and oversight.
7. The Board adopted revised Water Quality Control Plans for the Santa Clara River and Los Angeles River Basins on October 22, 1990 and June 3, 1991, respectively. These Water Quality Control Plans contain water quality objectives for ground water for all Hydrologic Subareas within the Region. The requirements contained in this Order, as they are met, will be in conformance with the goals of the Water Quality Control Plans.
8. Beneficial uses of ground water in the Los Angeles Region include municipal and domestic supply, agricultural supply, industrial process supply, and ground water recharge. Beneficial uses for individual Hydrologic Subareas are specified in the Water Quality Control Plans.
9. The Class III Landfill disposal is a one time, short term disposal, and is not anticipated to require in excess of 90 days to complete at which time these requirements will expire.
10. The issuance of Waste Discharge Requirements for the discharges subject to these general requirements is exempt from the provisions of Chapter 3, (commencing with Section 21100) of Division 13, of the Public Resources Code pursuant to one or more of the following provisions:

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(a) The lead agency has prepared an Environmental Impact Report or a negative declaration based on findings pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15070 which show that there will be no significant impact on water quality; or

(b) The project would affect a minor alteration to the condition of land, and is exempt in accordance with Title 14, Chapter 3, Section 15304, California Code of Regulations.

11. These general waste discharge requirements are not intended to alter or supersede any existing restrictions or working arrangements relating to cleanup cases with local governmental agencies.

The Board has notified interested agencies and persons of its intent to adopt general waste discharge requirements for disposal of hydrocarbon contaminated soils and other similar wastes and has provides them with an opportunity to submit their written views and recommendations.

The Board in a public meeting heard and considered all comments pertaining to the tentative requirements.

IT IS HEREBY ORDERED THAT:

A. APPLICABILITY

1. This Order shall serve as General Waste Discharge Requirements for the discharge of non-hazardous contaminated soil and other similar wastes to properly engineered and managed Waste Management Units.
2. Upon receipt of a Report Waste Discharge describing such discharge, the Executive Officer shall determine if such discharge, a) involves 100,000 cubic yards or less of hydrocarbon contaminated soil and/or other similar waste, b) involves contaminated soils and/or other similar wastes at acceptable levels as determined by the Executive Officer, but total petroleum hydrocarbons (TPH) shall not exceed an average concentration of 1,000 mg/kg, c) will be completed within 90 days, and d) is covered by adequate soil characterization of the nature and extent of the soil contamination, and e) the threat to ground water from such soil and/or other waste discharge is reduced to non-significant levels.

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In the event the Executive Officer so finds, he shall notify the applicant (hereinafter called the Discharger) in writing that the proposed discharge is subject to this Order.

3. Notwithstanding the above provisions, individual cases may be brought to the Board for adoption of waste discharge requirements when deemed appropriate by the Executive Officer.

B. WASTE DISCHARGE REQUIREMENTS

1. No condition of pollution or nuisance shall be caused by the handling of the wastes or from any excavation operation conducted in association with this waste disposal operation.
2. Odors from the handling of these wastes shall not be perceivable beyond the limits of the property owned or controlled by the discharger.
3. All required state and local permits and/or variances shall be obtained by the discharger prior to commencing the disposal operations.
4. The discharge and disposal of waste shall be in conformance with Title 23, Division 3, Chapter 15, California Code of Regulations "Discharge of Waste to Land".
5. Wastes discharged shall be limited to material obtained from one site only; no other wastes shall be imported and/or commingled with those wastes.
6. Wastes may be discharged at a classified Waste Management Unit in the Los Angeles Region, provided the analyses are representative of the entire volume of material and with the concurrence of the site operator.
7. Waste discharged or reclaimed for reuse as soil backfill shall not contain any substance in concentrations toxic to human, animal, plant, or aquatic life.

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8. The discharge of wastes shall be to a legal point of disposal or to a site approved by the Executive Officer and in accordance with the provisions of Division 7.5 of the Water Code. For the purposes of these requirements, a legal disposal site is one for which requirements have been established by a California Regional Water Quality Control Board and which is in compliance therewith.

C. PROVISIONS

1. A copy of these requirements shall be maintained by the discharger at the proposed site and be available at all times to operating personnel.
2. In the event the discharger is unable to comply with any of the conditions of this Order due to:
 - (a) Breakdown of waste disposal equipment,
 - (b) Accidents caused by human error or negligence,
 - (c) Other causes such as acts of nature,
 - (d) Facility operations

The discharger must notify this Board by telephone within 24 hours of the incident and confirm it in writing within one week of the telephone notification.

3. In accordance with Section 13260 of the California Water Code, the discharger shall file a report of material change with this Regional Board of any material change in the character, location or volume of the discharge.
4. The Discharger shall allow the Regional Board or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;

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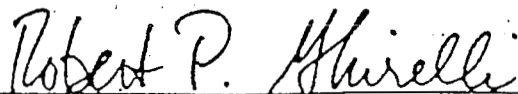
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- (b) Have access to, and copy at reasonable times, any records that are kept under the conditions of this Order;
 - (c) Inspect, at reasonable times, any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - (d) To photograph, sample, or monitor, at reasonable times, for the purpose of assuring compliance with this Order, or as otherwise authorized by the California Water Code.
5. In accordance with Section 13263 of the Water Code, these waste discharge requirements are subject to periodic review and revision by this Regional Board.
6. These requirements do not exempt the discharger from compliance with any other laws, regulations, or ordinances which may be applicable, they do not legalize this soil disposal or similar waste and they leave unaffected any further restraints on those facilities which may be contained in other status or contained by other regulatory agencies.

D. EXPIRATION

These Waste Discharge Requirements regulating a specific short term soil or similar waste discharge expire 90 days after the Executive Officer has determined this Order is applicable to the specific project.

I, Robert P. Ghirelli, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on July 22, 1991.



ROBERT P. GHIRELLI, D.Env.
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**MONITORING AND REPORTING PROGRAM
for
DISCHARGE OF NON-HAZARDOUS CONTAMINATED SOILS
AND OTHER WASTE**

**KINDER MORGAN ENERGY PARTNERS, LP
CARSON TERMINAL, 2000 E. SEPULVEDA BOULEVARD, CARSON, CA
(FILE NO. 88-57-007(10))**

I. REPORTING

- A. Kinder Morgan Energy Partners, LP (discharger) shall implement this monitoring and reporting program on the date of issuance of the Waste Discharge Requirements.
- B. The monitoring report shall be submitted within ten (10) days following the completion of disposal operations at the final point of disposal.
- C. All analytical samples obtained for this program shall be grab samples.
- D. In the event that hazardous or other unacceptable wastes are detected during disposal, the type, source, and final disposition of these wastes shall be reported.

II. TRANSMITTAL LETTER

A letter transmitting the essential points shall accompany each report. The letter shall include a discussion of any violations found during the current reporting period, and shall describe actions taken or planned for correcting those violations. If no violations have occurred, this shall be stated in the transmittal letter.

III. WASTE DISPOSAL REPORTING

- A. A report containing the following information shall be filed with this Regional Board after completion of all waste disposal:
 - 1. A tabular list of the estimated average quantities (in cubic yards) and types of materials deposited.
 - 2. Where the material was deposited (landfill name).
 - 3. A certification that all wastes deposited were in compliance with the Regional Board's requirements and that no wastes have been deposited outside of the boundaries of the site as specified in the Regional Board's requirements.
 - 4. In those cases where approval is given for the partial disposal of contaminated soils or other wastes, the ultimate disposal point of the remaining

contaminated soils or other waters must be reported, including the quantity of material disposed of at the different location.

B. Monitoring reports shall be signed by:

1. In the case of corporations, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of discharge;
2. In the case of a partnership, by a general partner;
3. In the case of a sole proprietorship, by the proprietor;
4. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

C. The report shall contain the following completed declaration:

"I declare under penalty of perjury that the following is true and correct.

Executed on the day _____ of _____ (month) _____ at

_____ (location)

_____ (Signature)

_____ (Title)"

D. The discharger shall mail a copy of the monitoring report to the following:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attn: Information Technology Unit

Ordered By: Samuel Unger
Samuel Unger, P.E.
Executive Officer

Date: January 6, 2011