



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Executive Office

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Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>.*

January 16, 2003

Mr. David D. Cornman, Director
Project Permitting
Kinder Morgan Energy Partners, L.P.
1100 Town and Country Road
Orange, CA 92868

ORDER FOR TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION: SFPP, L.P., ANOMALY INSPECTIONS AND REPAIRS ON LINE SECTIONS 25 AND 47 IN CONTRA COSTA, SOLANO, AND YOLO COUNTIES

This order responds to your request for water quality certification for the subject project. We understand that SFPP, L.P. is the operating partnership for Kinder-Morgan Energy Partners, L.P.

(Kinder-Morgan) for this project. State Water Resources Control Board (SWRCB) staff received your complete application on October 15, 2002 from San Francisco Bay Regional Water Quality Control Board staff.

ACTION:

1. Order for Standard Certification
2. Order for Technically-Conditioned Certification
3. Order for Denial of Certification

STANDARD CONDITIONS:

The following four standard conditions apply to all certification actions.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).

California Environmental Protection Agency



2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23; and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and is owed by the applicant.
4. Enforcement
 - a. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions provided for under State law. For purposes of section 401(d) of the federal Clean Water Act, the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - b. In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports SWRCB deems appropriate, provided that the burden, including the cost of the reports, shall be in a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - c. In response to any violation of the conditions of this certification, SWRCB may add to or modify the conditions of this certification, as appropriate, to ensure compliance.

ADDITIONAL CONDITIONS:

1. No debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State.
2. When operations are completed any excess material shall be removed from the work area and from any areas adjacent to the work area where such material may be washed into waters of the State.
3. All fuel or oil containers requiring accidental spill containment shall be contained as required by federal regulations.

4. Any oil or grease leaks shall be immediately cleaned up.
5. No equipment maintenance shall be done within or near any water body where petroleum products or other pollutants from the equipment may enter the water body.
6. Staging and storage areas for equipment and materials shall be located outside of the water body.
7. An environmental monitor shall be present during construction to ensure compliance with the measures stated above. The monitor shall have demonstrated experience in monitoring sensitive resource issues on construction projects. The monitor shall have the authority to halt construction activities, if necessary, when noncompliance actions occur.
8. The applicant shall submit annual reports for five years (due December 1) to SWRCB and the San Francisco Bay and Central Valley Regional Water Quality Control Boards (Regional Boards) documenting the progress, success, and any failures of the compensatory mitigation project. The reports shall be as described in the July 2, 2002 "SFPP LS 25 Maintenance Inspection and Repair Habitat Mitigation and Monitoring Plan" prepared by SFPP, L.P. and URS Corporation.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the federal Clean Water Act, and with other applicable requirements of State law.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant project description and the enclosed Project Information Sheet, and (b) compliance with all applicable requirements of the San Francisco Bay and Central Valley Regional Boards' Water Quality Control Plans (Basin Plans).

If you have any questions regarding this Order, please contact Dawit Tadesse, Environmental Scientist, at (916) 341-5486 or e-mail: taded@dwq.swrcb.ca.gov. You may also contact

Mr. David D. Cornman

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Oscar Balaguer, Chief, Water Quality Certification Unit, at (916) 341-5485 or e-mail:
balao@dwq.swrcb.ca.gov.

Sincerely,

/s/

Celeste Cantú
Executive Director

Enclosure

cc: Ms. Loretta K. Barsamian
Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Mr. Thomas R. Pinkos
Executive Officer
Central Valley Regional Water
Quality Control Board
3443 Routier Road, Suite A
Sacramento, CA 95827

Mr. Michael Finan
Sacramento District Office
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

Mr. Calvin C. Fong
San Francisco Office
U.S. Army Corps of Engineers
333 Market Street
San Francisco, CA 94105-2197
Mr. Timothy Vendlinski (WTR-8)
Wetland Section Chief
U.S. Environmental Protection Agency,

California Environmental Protection Agency

Mr. David D. Cornman

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Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife Service
Sacramento Office
2800 Cottage Way
Sacramento, CA 92825

bc: Lori Okun, OCC
Stephen Berger, SFB RWQCB
Patrick Gillum, CV RWQCB

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PROJECT INFORMATION

Application Date: November 27, 2002

Applicant: David D. Corman
Kinder Morgan Energy Partners, L.P.
1100 Town and Country Road
Orange, CA 92868

Project Name: 2002 SFPP, L.P. Line Section 25/47 Pipeline Inspection and Repairs

Project Location: Located along Line Sections (LS) 25 and 47, linear pipelines running from Concord to Sacramento and Concord to Suisun City, respectively. The pipelines primarily follow the Southern Pacific Railroad right-of-way along the Concord shoreline and within Suisun Marsh.

Project Description (purpose/goal): The purpose is to maintain and repair pipelines LS 25 and LS 47. There are a total of 53 pipeline inspection and repair sites (dig sites) within jurisdictional waters, including 45 sites on LS 25 and eight sites on LS 47. The inspection and repair work for each site will take three to four days. The area of excavation will be approximately 20 feet by 10 feet by 4 feet deep at each dig site. Equipment necessary for this work will include a backhoe, hand shovels, and a welding truck.

County: Contra Costa, Solano, and Yolo.

Receiving Water(s) Name(s) and types(s): Pacheco Creek, Peytonia Slough, Suisun Marsh, Alamo Creek, and Ulatis Creek

Fill/Excavation Area (acres): There will be no permanent impacts. The following table indicates temporary impacts in both area and volume of disturbance (i.e., for each habitat type a total of 30 cubic yards will be excavated over a 0.02 acre area).

Temporary Impacts

Wetland Habitat	Excavation Area (Acres)	Excavation Volume (Cubic Yards)
Wetland: non-native grass (LS 25)	0.02	30
Wetland: rushes (LS 25)	0.02	30
Wetland: grassland (LS47)	0.02	30
Wetland: rushes (LS 47)	0.02	30
Total	0.08	120

Non-Compensatory Mitigation: None

Compensatory Mitigation: Kinder-Morgan will enhance a minimum of four (4.0) acres of tidal marsh wetlands at the Rush Ranch Preserve south of Fairfield at the Bridge and Hill Slough Sites. The Bridge Site is located on the west side of Grizzly Island Road, immediately south of the Hill Slough Bridge. The Hill Slough Site is located west of Grizzly Island Road, approximately 0.5 mile south of the Hill Slough Bridge. A long-term management endowment will be provided to Solano Land Trust, the responsible managing agency.

U.S. Army Corps of Engineers Permit Number: Nationwide Permit (NWP) 3, Maintenance

Status of CEQA: The State Water Resources Control Board has determined that this project is categorically and statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA sections 21080.21 and 21080.23 and CEQA Guidelines section 15301. A notice of exemption was filed with the Governor's Office of Planning and Research on December 23, 2002.