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JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

January 27, 2020

Certified Mail: 7018 0680 0000 9827 2332

Ms. Michelle Babaie  
SFPP, LP  
1001 Louisiana Street, Suite 1000  
Houston, TX 77002  
(281) 222-3841  
[Michelle\\_Babaie@KinderMorgan.com](mailto:Michelle_Babaie@KinderMorgan.com)

**Subject: NOTICE OF APPLICABILITY OF STATE WATER BOARD  
CERTIFICATION OF THE 2017 NATIONWIDE PERMITS –  
NATIONWIDE PERMIT 12: UTILITY LINE ACTIVITIES – SFPP LS-72  
PIPELINE ANOMALY DIG, JOINT 7640 PROJECT**

Dear Ms. Babaie,

Enclosed please find a Notice of Applicability (NOA) authorized by State Water Resources Control Board Deputy Director for the Division of Water Quality, Karen Mogus. This NOA is issued to SFPP, LP for the SFPP LS-72 Pipeline Anomaly Dig, Joint 7640 project (Project). The State Water Board Certification of the 2017 Nationwide Permits (General Order) is included as part of this NOA and is available for download at [the State Water Board's Certification General Orders web page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2017](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017)). Attachment B of the General Order includes the General Order's Reporting and Monitoring Requirements.

This NOA is issued in response to an application submitted by SFPP, LP for proposed Project discharge to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed NOA and General Order.

If you require further assistance, please contact me by phone at (916) 327-8117 or by email at [Alexander.Lopez@waterboards.ca.gov](mailto:Alexander.Lopez@waterboards.ca.gov). You may also contact Beth Payne, Chief of the Wetlands Permitting and Planning Unit, by phone at (916) 341-5579, or by email at [Elizabeth.Payne@waterboards.ca.gov](mailto:Elizabeth.Payne@waterboards.ca.gov).

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Lopez', written in a cursive style.

Alex Lopez, Environmental Scientist  
Division of Water Quality

Enclosure (1):       NOA for the SFPP LS-72 Pipeline Anomaly Dig, Joint 7640 project  
                              (Project)

cc: [Via email only] (w/ enclosure):

Margaret Finch  
Project Manager  
Sequoia Environmental Consulting, Inc.  
[mfinch@sequoiaeco.com](mailto:mfinch@sequoiaeco.com)

Sam Ziegler, Chief  
Wetlands Regulatory Office (WTR-8)  
U.S. Environmental Protection Agency, Region 9  
[Ziegler.Sam@epa.gov](mailto:Ziegler.Sam@epa.gov)

James Mazza, Acting Division Chief  
Regulatory Division, San Francisco District  
U.S. Army Corps of Engineers  
[James.C.Mazza@usace.army.mil](mailto:James.C.Mazza@usace.army.mil)

Gregg Erickson  
Regional Manager  
California Dept. of Fish and Wildlife, Bay Delta Region  
[Gregg.Erickson@wildlife.ca.gov](mailto:Gregg.Erickson@wildlife.ca.gov)

Karen Mogus, Deputy Director  
Division of Water Quality  
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CWA Section 401 WQC Program  
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Keith Lichten  
Program Manager  
San Francisco Bay Regional Water Quality Control Board  
[Keith.Lichten@waterboards.ca.gov](mailto:Keith.Lichten@waterboards.ca.gov)



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## State Water Resources Control Board

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### NOTICE OF APPLICABILITY FOR NATIONWIDE PERMIT 12: UTILITY LINE ACTIVITIES

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**Effective Date:** January 27, 2020

**Program Type:** Fill/Excavation

**Project Type:** Oil and Gas

**Project:** SFPP LS-72 Pipeline Anomaly Dig, Joint 7640  
Regulatory Measure ID: 435222  
WDID: SB19043IN

**Applicant:** SFPP, LP  
**Applicant Contact:** Michelle Babaie  
1001 Louisiana Street, Suite 1000  
Houston, TX 77002  
Phone: (281) 222-3841  
Email: [Michelle\\_Babaie@KinderMorgan.com](mailto:Michelle_Babaie@KinderMorgan.com)

**State Water Board Staff:** Alex Lopez  
Environmental Scientist  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 327-8117  
Email: [Alexander.Lopez@waterboards.ca.gov](mailto:Alexander.Lopez@waterboards.ca.gov)

**State Water Board Contact Person:**

For further assistance, please call State Water Resources Control Board (State Water Board) Staff listed above or (916) 341-5478 and ask to speak with the Wetlands Permitting and Planning Unit Supervisor.

## **I. Action**

This document serves as a Notice of Applicability (NOA) for enrollment under the State Water Resources Control Board (State Water Board) Certification of the 2017 Nationwide Permits (SWRCB ID SB17001GN; hereafter referred to as the General Order) at the request of SFPP, LP (Applicant). The General Order can be accessed at [the Clean Water Act Section 401 - Certification and Wetlands Program, General Orders webpage](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017)

([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2017](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017)). On January 10, 2020, the State Water Board received a complete Notice of Intent (NOI) requesting authorization for the Applicant's SFPP LS-72 Pipeline Anomaly Dig, Joint 7640 project (Project). After reviewing the NOI, the State Water Board has determined that the Project meets General Order requirements for Nationwide Permit 12: Utility Line Activities.

## **II. Project Purpose**

As described in the Project NOI and supplemental information (hereafter referred to as the Application), which is incorporated herein by reference, the purpose of the Project is to investigate an anomaly on a fuel pipeline, and repair the pipeline as needed.

## **III. Project Location**

The Project is located 0.29 miles northwest of the intersection of Foster Street and Berrellessa Street, in the City of Martinez, Contra Costa County, California. The Project coordinates are 38°1'10.87" N, 122°8'44.46" W.

## **IV. Receiving Waters Information**

The Project is located within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are listed in Table 1. These waters are regulated in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies of the California Water Boards, which may be accessed online at [the State Water Boards' Plans and Policies webpage](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)).

**Table 1: Receiving Water Information**

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303(d) Listing Pollutants
Joint 7640	Unnamed wetland	Wetland	18050002	Carquinez Strait	IND, COMM, EST, MIGR, RARE, SPWN, WILD, REC-1, REC-2, NAV	Chlordane, DDT, Dioxin compounds (including 2,3,7,8-TCDD), Furan compounds, Invasive Species, Mercury, PCBs (Polychlorinated biphenyls), PCBs (Polychlorinated biphenyls) (dioxin-like), Selenium

**V. Direct Impacts to Waters of the State**

Total Project fill/excavation quantities for all impacts are summarized in Table 2.

**Table 2: Total Project Fill/Excavation Quantity to Wetlands**

Temporary Impact <sup>1</sup>	Permanent Impact - Physical Loss of Area	Permanent Impact - Degradation of Ecological Condition Only
0.0005 acres	0.0 acres	0.0 acres

**VI. Description of Indirect Impacts to Waters of the State**

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Potential indirect adverse effects include but are not limited to: increased sediment loading to streams from riparian and/or upland areas used for access or staging areas, possibility of introducing invasive species into the Project areas, and changing timing of runoff delivery to streams in the Project area. The Project, as designed, will not have significant indirect impacts to waters of the state.

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

## **VII. Avoidance and Minimization**

In order to avoid and minimize impacts to waters of the state and their designated beneficial uses, the Applicant will follow the avoidance and minimization measures as proposed in their Application.

## **VIII. Mitigation for Temporary Impacts**

All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities in compliance with the General Order and according to the restoration plan submitted by the Applicant in the Application.

## **IX. California Environmental Quality Act (CEQA)**

The State Water Board has determined that the Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15301. Additionally, the State Water Board finds that no exceptions to the exemptions apply to the activities approved by this NOA.

## **X. Certification Fees**

A fee payment of \$1638 was received by the San Francisco Bay Regional Water Quality Control Board on October 30, 2019. 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).

## **XI. Authorization**

To comply with state law, this Project must proceed as described in the Application submitted to the State Water Board by the Applicant and in accordance with the conditions in the General Order. Coverage under the General Order is no longer valid if the Project (as described) is modified. The Project must proceed in accordance with the requirements contained in this NOA and the General Order.

The Applicant should become familiar with the contents of the General Order. A copy of the General Order and its attachments can be found on [the State Water Resources Control Board's website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017) (https://www.waterboards.ca.gov/water\_issues/programs/cwa401/generalorders.html#yr\_2017).

## **XII. Reporting and Notification Requirements**

The Applicant shall submit an Annual Report each year on January 15 until a Notice of Project Complete is issued to the Applicant. Notices and reporting shall be provided to the State Water Board according to section XIII.A, "Notification Requirements," of the General Order.

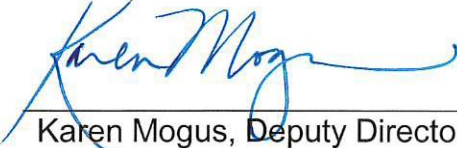
Electronic Document Submittal: The Applicant must submit all reports and information required under this Certification according to the Report Submittal Instructions found in Attachment B, "Reporting and Notification Requirements," of the General Order. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). Documents over 50 megabytes (MB) will not be accepted via email and must be placed on a disc and delivered to the addresses listed above.

### **XIII. Water Quality Certification**

I hereby issue this Notice of Applicability for the SFPP LS-72 Pipeline Anomaly Dig, Joint 7640 project, certifying that as long as all of the conditions listed in the General Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

The State Water Board will file a Notice of Exemption (NOE) at the State Clearinghouse within five (5) working days of issuance of this NOA. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes Water Quality Certifications to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all NOA actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of the General Order and the attachments to the General Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans and Policies.

  
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Karen Mogus, Deputy Director  
Division of Water Quality

  
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Date