



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: January 5, 2021

Subject: Approve First Amendment to License Agreement with SFPP, L.P. by Kinder Morgan, Concord area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute the First Amendment to License Agreement (Amendment) between Contra Costa County (County) and SFPP, L.P., a limited partnership, acting by and through Kinder Morgan Operating L.P. "D", its General Partner acting by and through Kinder Morgan G.P., Inc. (collectively referred to as Licensee). Project No.: 0676-6P4059.

DIRECT the Real Estate Division to cause the Amendment to be delivered to Licensee for execution.

FISCAL IMPACT:

The Local Road Fund (fund 110800) will receive an annual fee of \$8,143 effective December 1, 2020. The annual fee will increase by 4% each year for the remaining nine years of the Agreement.

BACKGROUND:

Licensee operates a petrochemical facility adjacent to the Walnut Creek Channel (Channel), north of Imhoff Drive at 1550 Solano Way, Concord. The California Regional Water

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/05/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 5, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Margaret Eychner,
925. 957-2463

cc:

Quality Control Board, San Francisco Bay Region (RWQCB) has required Licensee to perform remediation

BACKGROUND: (CONT'D)

measures to lower toxin levels in the groundwater caused by migration of petroleum hydrocarbons from the facility toward the Channel. The Amendment will allow Licensee to maintain a Phytoremediation System that allowed for planting of ninety-four (94) trees and installation of monitoring and extraction wells in the County's Right of Way. The purpose of the Phytoremediation System is to intercept and break down the contaminants in the groundwater that are migrating toward the County's property and Walnut Creek Channel.

CONSEQUENCE OF NEGATIVE ACTION:

Licensee will be unable to remain in compliance with the RWQCB requirements.

ATTACHMENTS

Amendment to License Agreement