



California Regional Water Quality Control Board, San Diego Region

DRAFT LETTER UNDATED

VIA MAIL and E-MAIL

Mr. Scott Martin
Kinder Morgan Energy Partners
1100 Town & Country Road
Orange, CA 92608

In reply refer to:
CRU:240988:bneill
WDID No: 9 000000506

Dear Mr. Martin:

**SUBJECT: AMENDMENT OF NOTICE OF ENROLLMENT FOR MISSION VALLEY
TERMINAL REMEDIATION DEWATERING, SAN DIEGO, CALIFORNIA**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby amends its Notice of Enrollment (NOE) dated December 31, 2009 for coverage of Kinder Morgan Energy Partners (Kinder Morgan), Mission Valley Terminal Remediation Dewatering project under Order No. R9-2008-0002, NPDES Permit No. CAG919002. This amendment is based upon the information submitted by Kinder Morgan on August 24, 2010 and February 28, 2012 in support of its request for an increase in the daily average discharge flow rate from 795,000 gallons per day to 1.26 million gallons per day.

NOE AMENDMENT

The specific amendments to the NOE are as follows:

- 1) The discharge of groundwater to the San Diego River via Murphy Canyon Creek shall not exceed 1.26 million gallons per day.
- 2) Visual observation of Murphy Canyon Creek and San Diego River for turbidity plumes, erosion and sedimentation shall be made at the monitoring points specified in Time Schedule Order No. R9-2011-0052 every two weeks during the first quarter of monitoring. A discussion of the observations and any supporting documentation shall be reported monthly. If monitoring during the first quarter demonstrates insignificant variability, then the monitoring frequency may be reduced to monthly.
- 3) Reasonable precautions shall be taken to prevent the discharge from contributing to downstream flooding during storm events.

BACKGROUND

On June 23, 2009 the San Diego Water Board re-enrolled Kinder Morgan Energy Partners Mission Valley Terminal Remediation project under Order No. R9-2008-0002, NPDES Permit No. CAG919002 for the discharge of up to 505,000 gallons per day of groundwater to the San Diego River via Murphy Canyon Creek. Kinder Morgan reported that the dewatering at the Mission Valley Terminal site is expected to continue for approximately 15 years.

By letter dated December 31, 2009, the San Diego Water Board amended the June 23, 2009 NOE to increase the daily average discharge flow rate from 505,000 gallon per day to 795,000 gallons per day and to modify the total residual chlorine monitoring and reporting requirements.

The existing treatment system consists of an oil/ water separator, cartridge particulate filters, manganese oxidation/filtration removal system, granular activated carbon adsorption system (GAC), biological denitrification system, oxygen generators, ATI Model A15/66 Residual Sulfite Monitor, and Hach Auto Cat 9000 Auto Chlorine Amperometric Titrator.

Kinder Morgan reported that six additional wells were installed at the site in early 2009 to increase the rate of groundwater extraction in support of achieving compliance with the required groundwater remediation schedule deadline of December 31, 2013, specified in Cleanup and Abatement Order (CAO) No. 92-01, Addendum No. 5. Full utilization of these wells will result in an increase of the daily average discharge flow rate from 795,000 gallons per day to 1.26 million gallons per day. Kinder Morgan further reported that the stream gauging and mass loading estimates for Murphy Canyon Creek, along with groundwater analytical results, suggest that the increased discharge flow rates will not have an adverse effect on water quality or beneficial uses of the creek or the San Diego River.

NOE AMENDMENT PROVISIONS

All of the other terms, conditions and requirements specified in the June 23, 2009 enrollment letter, the December 31, 2009 amended enrollment letter, Order No. R9-2008-0002, and Time Schedule Order R9-2011-0052 remain in effect. Kinder Morgan shall maintain full compliance with the terms and conditions of Order No. R9-2008-0002 and Time Schedule Order No. R9-2011-0052.

The California Water Code includes provisions for a variety of enforcement actions for violations of the terms and conditions of Order No. R9-2008-0002, the California Water Code, and the Clean Water Act. Violations of Order No. R9-2008-0002 may subject you to further enforcement including Cleanup and Abatement Orders, Cease and Desist Orders, Administrative Assessment of Liability, and/or termination of your enrollment under Order No. R9-2008-0002. Liability could be administratively imposed to a maximum of \$10,000 per violation plus \$10 per gallon of waste discharged. After an initial violation of the terms and conditions of the Order is discovered, prevention of further violations is necessary to prevent further enforcement actions.

Scott Martin, Kinder Morgan

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DRAFT DATE

Pursuant to the California Water Code (CWC) Sections 13385 (h) and (i), violations of effluent limitations contained in NPDES permits are subject to Mandatory Minimum Penalties (MMP) of three thousand dollars (\$3,000) for each serious violation or, for non-serious violations, the 4th and each subsequent violation in a six month period. Also, monitoring reports that are more than 30 days late are considered serious violations subject to MMPs of three thousand dollars (\$3,000) for each 30 day period in which the report is late, pursuant to CWC Section 13385.1(a)(1).

When the groundwater extraction discharge is terminated, please submit a letter notifying this office of the completion of the project, the termination date of the discharge, and request termination of enrollment under Order No. R9-2008-0002.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this letter or the discharge requirements, please contact Mr. Ben Neill by e-mail at bneill@waterboards.ca.gov or by phone at (858) 467-2983.

Respectfully,

DAVID W. GIBSON
Executive Officer

Cc: Ms. Jennifer Rothman, Arcadis U.S. Inc., 3150 Bristol Street, Suite 250, Costa Mesa, Ca., 92626

Mr. Chris Stransky, California Operations Mgr., Nautilus Environmental, 5500 Morehouse Drive, Suite 150, San Diego, CA 92121

Mr. Kris McFadden, Deputy Director, City of San Diego Storm Water Pollution Prevention Division, 9370 Chesapeake Drive, Ste. 100, MS 1900, San Diego, CA 92123

Marsi A. Steirer, Deputy Director, City of San Diego, Water Department, 600 B Street, Suite 600 (MS906), San Diego, CA 92101

Mr. Kenneth Greenburg, CWA Compliance Office, USEPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Order No: R9-2008-0002
NPDES No: CAG919002
WDID No: 9 000000506
CIWQS: Place ID: 240988
Regulatory Measure ID: 213854
Party ID: 24972

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