

SUPPLEMENTAL
ENFORCEMENT SUMMARY REPORT
December 10, 2008

ITEM: 12

SUBJECT: Administrative Assessment of Civil Liability: SFPP, L.P., an operating partnership of Kinder Morgan Energy Partners, L.P., Mission Valley Terminal Remediation Dewatering Project. The Regional Board will consider a Tentative Order that would impose a \$222,000 penalty, including \$93,000 in mandatory minimum penalties, based on Complaint No. R9-2008-0046 for violations of Order No. R9-2001-0096, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay. (Tentative Order No. R9-2008-0134) (Jeremy Haas)

PURPOSE: The Regional Board may approve, modify, or reject the Tentative Order. If the Tentative Order is rejected, a hearing will be scheduled to be held at a future Board meeting.

DISCUSSION: This supplemental report includes an errata sheet and three letters submitted by SFPP, L.P, an operating partnership of Kinder Morgan Energy Partners, L.P. (Discharger) in response to the ACL Complaint.

SUPPORTING DOCUMENTS:

6. Errata sheet for tentative Order No. R9-2008-0134
7. Discharger letter dated June 27, 2008
8. Discharger letter dated July 17, 2008
9. Discharger letter dated July 20, 2008

RECOMMENDATION: The adoption of Tentative Order No. R9-2008-0134 is recommended.