

ITEM: 7

SUBJECT: Time Schedule Order: Kinder Morgan Energy Partners, Mission Valley Terminal Remediation Dewatering Discharge Project: The San Diego Water Board will consider adoption of a Time Schedule Order for Kinder Morgan Energy Partners to ensure that the discharge from the dewatering project does not cause, have a reasonable potential to cause, or contribute to an in-stream excursion above the water quality objective for Total Dissolved Solids as required by Discharge Prohibition No. IV.C of Order No. R9-2008-0002 (NPDES Permit No. CAG919002). (Tentative Order No. R9-2011-0052) (Ben Neill)

PURPOSE: To adopt Tentative Order No. R9-2011-0052 (Tentative Order).

PUBLIC NOTICE: A public notice of the Tentative Order was posted in the San Diego Union Tribune on June 27, 2011. Copies of the Tentative Order were e-mailed to Kinder Morgan Energy Partners and to all known interested parties and agencies on June 27, 2011. Also on June 27, 2011 copies of the Tentative Order were posted on the San Diego Water Board's website.

DISCUSSION: Kinder Morgan Energy Partners (Kinder Morgan) is remediating soil and groundwater contamination at its Mission Valley Terminal facility (see Vicinity Map in Supporting Document No. 1) using vapor and groundwater extraction and treatment methods. The groundwater treatment system currently discharges 795,000 gallons per day of effluent to Murphy Canyon Creek. This discharge is regulated under Order No. R9-2008-0002 (NPDES No. CAG919002), *General Waste Discharge Requirements For Discharges From Groundwater Extraction And Similar Discharges To Surface Waters Within The San Diego Region Except For San Diego Bay*.

Kinder Morgan has reported that the groundwater discharge contains total dissolved solids (TDS) concentrations exceeding 2,000 milligrams per liter (see page 10 of Supporting Document No. 4). Although Order No. R9-2008-002 does not prescribe an effluent limitation for TDS, the Order requires that the discharge not cause, have a reasonable potential to cause, or contribute to an in-stream excursion above any applicable receiving water quality objectives. As discussed in Finding No. 4 of the Tentative Order, the discharge has a reasonable potential to contribute to an in-stream excursion above the TDS water quality objective, which is established at 1,500 mg/L for the Mission San Diego Hydrologic Unit.

In order to address exceedances of the TDS objective, the Tentative Order will establish a time schedule for Kinder Morgan to achieve full compliance with the receiving water quality TDS objective. The compliance deadline of November 30, 2015 prescribed in the Tentative Order is reasonable for Kinder Morgan to evaluate the problem and implement appropriate measures to achieve compliance. An interim effluent limitation for TDS is prescribed in the Tentative Order that is based upon the quality of the influent to the treatment facility.

The San Diego Water Board received two comment letters for this item from the City of San Diego's Public Utilities Department and the Transportation & Storm Water Department (Supporting Document No. 6). A response to these comment letters is provided (Supporting Document No. 7). In general, the comments were concerned with the potential impacts from the discharge and the appropriateness of the Time Schedule Order's provisions.

By letter dated August 24, 2010 (see Supporting Document No. 3), Kinder Morgan requested approval to increase the average daily discharge rate to 1.26 million gallons per day. Kinder Morgan reported that the increased discharge rate will accelerate cleanup of groundwater to meet the compliance deadline. In response to the request, Provision No. 6 of the Tentative Order established a revised flow limit. Since release of the Tentative Order, the San Diego Water Board has determined that Kinder Morgan's request to increase its average daily discharge rate will be addressed in a separate letter modifying the Notice of Enrollment. This letter, issued by the Executive Officer, will contain any necessary monitoring requirements for assessment of compliance by the increased

flow with water quality regulations. The errata sheet in Supporting Document No. 8 reflects this change.

**SIGNIFICANT
CHANGES:**

None.

COMPLIANCE:

On December 10, 2008, ACL Order No. R9-2008-0134 was adopted for \$222,000 in mandatory and discretionary penalties for violations of effluent limitations in the previous groundwater discharge permit, Order No. R9-2001-096. Violations included exceedances of total nitrogen and toxicity effluent limitations. Additional treatment systems were subsequently added to address the violations.

LEGAL ISSUES:

None

**SUPPORTING
DOCUMENTS:**

1. Vicinity Map of Mission Valley Terminal.
2. Time Schedule Order No. R9-2011-0052
3. Discharger letter requesting an increase in flow, dated August 24, 2010.
4. Discharger's Executive Summary of Mission Valley Terminal operations, dated August 5, 2009.
5. Public Notice
6. Comment Letters
 - a. City of San Diego Public Utilities Department
 - b. City of San Diego Transportation & Storm Water Department
7. Response to Comments Letter
8. Errata Sheet for Tentative Order No. R9-2011-0052

RECOMMENDATION: Adoption of Tentative Time Schedule Order R9-2011-00052 with errata.