



# California Regional Water Quality Control Board San Diego Region



Over 50 Years Serving San Diego, Orange, and Riverside  
Recipient of the 2004 Environmental Award for Outstanding Achievement

June 13, 2012  
Item No. 13  
Supporting Document No. 5

Matthew Rodriguez  
Secretary for  
Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92161  
(858) 467-2952 • FAX (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

Jr.

October 21, 2010 <sup>2011</sup>

Via Mail and E-Mail

[See attached Distribution List]

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

Dear Messrs.,

**SUBJECT: NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN COMMENTS REGARDING PROPOSED FLOW INCREASE AT KINDER MORGAN ENERGY PARTNERS, MISSION VALLEY TERMINAL REMEDIATION DEWATERING PROJECT**

The Executive Officer of the California Regional Water Quality Control Board, San Diego Region, (San Diego Water Board) will consider amending the 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. By letter on August 24, 2010, Kinder Morgan requested an increase in the daily average discharge flow rate from 795,000 gallons per day to 1.26 million gallons per day.

The public initially provided comments on the increase authorization to the San Diego Water Board as part of the hearing for Time Schedule Order R9-2011-0052. The request for flow increase was subsequently removed from consideration as part of the Time Schedule Order. On October 4, 2011, the Executive Officer met with representatives of the City of San Diego regarding the proposed flow increase. While Kinder Morgan was not in attendance, the San Diego Water Board provided Kinder Morgan with a written summary of the meeting. Due to difficulties in scheduling a timely additional meeting with Kinder Morgan and the City, the San Diego Water Board will provide a further opportunity, for written comments on the flow increase.

The deadline for submittal of written comments by interested stakeholders and the public is 5:00 PM, on Friday, November 4, 2011. Written comments received after this date will not be considered. Comments must be mailed, faxed, emailed or delivered to the San Diego Water Board's office at 9174 Sky Park Court, Suite 100, San Diego, CA 92123 and FAX: (858) 571-6972. E-mailed comments must be sent to Mr. Ben Neill at [bneill@waterboards.ca.gov](mailto:bneill@waterboards.ca.gov).

Written comments should address but are not limited to the following topics as raised by the City of San Diego in the October 4, 2011 meeting:

1. Identification of specific measures to minimize potential impacts to groundwater and surface water. Potential impacts include channel maintenance, and groundwater depletion. Potential solutions include alternative water reuse, diminished pumping during rain events, monitoring of and release of responsibility for pollutants entering the MS4, cooperation with the City's seasonal vegetative maintenance time window, and requiring reimbursement pursuant to Water Code section 13304.
2. Identification of appropriate mitigation for potential impacts due to the increased flowrate.
3. The discharger's compliance with provision II.D "Discharge to a Municipal Separate Storm Sewer System (MS4)" of Order R9-2008-0002 that requires prior approval from the appropriate local agency with jurisdiction over the MS4.

Comments regarding Time Schedule Order (TSO) R9-2011-0052 and topics pertaining to the TSO, such as the elevated total dissolved solids (TDS) concentration in the discharge, will not be considered. The hearing on TSO R9-2011-0052 is closed and the order is currently being appealed to the State Water Board.

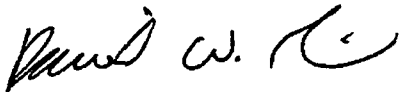
The San Diego Water Board is interested in hearing Kinder Morgan's response to written comments that may be submitted by the City and others. Kinder Morgan will be provided until 5:00 PM, Thursday, November 17, 2011 to submit a written reply to comments.

The Executive Officer will consider taking an action in the matter based on all written comments received, including those received for the hearing on TSO No. R9-2011-0052 to the extent they addressed the flow increase.

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](mailto:bneill@waterboards.ca.gov) or by phone at (858) 467-2983.

Sincerely,



David W. Gibson  
Executive Officer  
San Diego Regional Water Quality Control Board

Enclosure: Distribution list  
DWG:dtb:rm:bin

## Kinder Morgan Time Schedule Order R9-2011-0052

### Distribution List

#### Via Mail:

Scott Martin  
Kinder Morgan Energy Partners  
1100 Town & Country Road  
Orange, CA 92868

Kris McFadden  
City of San Diego Transportation & Storm Water Department  
Suite 100, MS1900  
9370 Chesapeake Drive  
San Diego, CA 92123

Marsi Steirer  
City of San Diego Public Utilities Department  
Suite 600, MS 906  
600 B Street  
San Diego, CA 92101

#### Via E-mail:

Scott Martin	<a href="mailto:MartinS@kindermogan.com">MartinS@kindermogan.com</a>
Kris McFadden	<a href="mailto:KMcFadden@sandiego.gov">KMcFadden@sandiego.gov</a>
Marsi Steirer	<a href="mailto:MSteirer@sandiego.gov">MSteirer@sandiego.gov</a>
Rick Ahlers	<a href="mailto:Rick.Ahlers@arcadis-us.com">Rick.Ahlers@arcadis-us.com</a>
Marcelo Garbiero	<a href="mailto:Marcel.Garbiero@arcadis-us.com">Marcel.Garbiero@arcadis-us.com</a>
Rob Hutzel	<a href="mailto:rhutzel@sandiego.gov">rhutzel@sandiego.gov</a>
Ruth Kolb	<a href="mailto:RKolb@sandiego.gov">RKolb@sandiego.gov</a>
Grace Lowenberg	<a href="mailto:GLowenberg@sandiego.gov">GLowenberg@sandiego.gov</a>
Eric Nichols	<a href="mailto:Eric.Nichols@arcadis-us.com">Eric.Nichols@arcadis-us.com</a>
Gabriel Solmer	<a href="mailto:gabe@sdcoastkeeper.org">gabe@sdcoastkeeper.org</a>
Nancy Van Burgel	<a href="mailto:Nancy_VanBurgel@kindermogan.com">Nancy_VanBurgel@kindermogan.com</a>