

San Diego Regional Water Quality Control Board

April 13, 2018

Sent By Email Only

Mr. James Holland
Vice President
Kinder Morgan Inc.
1 001 Louisiana Street, Suite 1 000
Houston, TX 77002
HollandJ@kindermorgan.com

In reply refer to / attn:
240988:KYaeger

Subject: Staff Enforcement Letter (SEL) Related to Violations of General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters Within the San Diego Region, Order R9-2015-0013, NPDES No. CAG919003 (General Order)

Mission Valley Terminal, SFFF, L.P. operating partner of Kinder Morgan Energy Partners, L.P., 9950 San Diego Mission Road (Project)

Mr. Holland:

Attached is a summary of the California Regional Water Quality Control Board, San Diego Region's (San Diego Water Board's) findings regarding the following reports submitted by SFPP, L.P. operating partner of Kinder Morgan Energy Partners, L.P. (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports –September 2016 through December 2017
- Quarterly self-monitoring reports- July 2016 through December 2017
- Semiannual self-monitoring reports- January 2017 through December 2017
- Annual self-monitoring reports- 2016

Please take steps to ensure that the violation(s) noted in the attached violation summary table does not occur in the future. Pursuant to the California Water Code (CWC), the violations noted are subject to additional enforcement action(s) by the San Diego Water Board including a time schedule order, cease and desist order, cleanup and abatement order, imposition of administrative civil liability, referral to the district attorney for criminal prosecution, or referral to the attorney general. Administrative civil liability amounts that may be imposed by the San Diego Water Board under authority of CWC section 13385 include up to \$10,000 per day or up to \$10 per gallon for each gallon of waste discharged.

Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission until the monitoring report is received by the San Diego Water Board. If no monitoring was conducted, the Discharger must submit a written statement signed under penalty of perjury in accordance with Title 40 of the Code of Federal Regulations (40 CFR) section 122.41(k) and 40 CFR section 122.22(a)(1) stating the following:

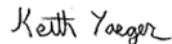
- 1) That no monitoring was conducted during the relevant monitoring period;
- 2) The reason(s) the required monitoring was not conducted; *and*

- 3) The reason(s) the required discharge monitoring report was not submitted to the San Diego Water Board by the requisite deadline if the written statement is submitted after the deadline for submitting the monitoring report.

The San Diego Water Board will issue MMP enforcement actions under separate cover.

In the subject line of any response, please include the following: 240988:KYaeger. For questions or concerns regarding this letter, please contact me by phone at 619-521-5899 or by email at Keith.Yaeger@waterboards.ca.gov.

Respectfully,



Keith Yaeger
Environmental Scientist
Source Control Regulation Unit

cc by email:

Ben Neill, San Diego Water Board, ben.neill@waterboards.ca.gov
Marcelo Garbiero, Arcadis, marcelo.garbiero@arcadis.com

Tech Staff Info & Use	
Order No.	R9-2015-0013
NPDES No.	CAG919003
CW Place ID (Mission Valley Terminal)	240988
CW Party/Organization ID (Kinder Morgan Inc.)	555754
CW Party/Person ID (James Holland)	555755
CW Party/Organization ID (SFPP, L.P. operating partner of Kinder Morgan Energy Partners, L.P.)	555753
CW Party/Person ID (Ron Morones)	555746
CW Party/Organization ID (Arcadis US Inc.-Irvine)	532455
CW Party/Person ID (Marcelo Garbiero)	555747
CW Regulatory Measure (Enrollee)	405699
CW Regulatory Measure (General Order)	400619
CW Regulatory Measure (SEL)	420859
WDID	9 000000506
Violation IDs	
1. 1041836	
2. 1041837	
3. 1041838	
4. 1041839	
5. 1041840	

Summary of Violations
Mission Valley Terminal, SFFF, L.P. operating partner of Kinder Morgan Energy Partners, L.P., 9950 San Diego Mission Road (Project)

	Violation ID(s)	Date(s)	Section of Order Violated	Violation Type	Description of Violation	Additional Notes
1	1041836	10/30/16	Table 6 of the Notice of Applicability	Deficient Monitoring	Failed to conduct chronic toxicity testing on the water flea (<i>Ceriodaphnia dubia</i>) for the third quarter of 2016.	Chronic toxicity test was conducted on the freshwater amphipod <i>Hyalella azteca</i> . However, <i>Hyalella azteca</i> is not an acceptable test species for effluent chronic toxicity testing and the Regional Water Quality Control Board did not approve its use.
2	1041837	12/30/16	Table 6 of the Notice of Applicability	Deficient Monitoring	Failed to conduct chronic toxicity testing on the water flea (<i>Ceriodaphnia dubia</i>) for the fourth quarter of 2016.	
3	1041838	3/31/17	Attachment E section III.A.1	Effluent Violation	Chronic toxicity test for the water flea (<i>Ceriodaphnia dubia</i>) survival and reproduction endpoints failed and had a greater than 50% effect during the first quarter of 2017.	
4	1041839	3/1/17	Attachment E section V.B.3 and Table E-9 of the General Order	Late Reporting	The Annual Summary of Monitoring Data report for 2016 was submitted on May 5, 2017. This report was due March 1, 2017	
5	1041840	1/30/18	Attachment E section V.B.3 and Table E-9 of the General Order	Late Reporting	The self-monitoring report for December 2017 was submitted on February 27, 2018. This report was due on January 30, 2018.	