



Constantine Kontaxis  
NPDES Stormwater Chief  
California Department of Transportation  
District 11, MS242  
4050 Taylor Street  
San Diego, CA 92110-2737

ARCADIS U.S., Inc.  
3750 Schaufele Avenue  
Suite 225  
Long Beach  
California 90808  
Tel 562 496 3000  
Fax 582 429 2452  
[www.arcadis-us.com](http://www.arcadis-us.com)

REMEDIATION

Subject:

Notification of Existing Discharge of Treated Groundwater to Stormwater Facility  
under National Pollutant Discharge Elimination System (NPDES) Permit No.  
CAG919002

Date:  
February 28, 2012

Dear Mr. Kontaxis:

Contact:  
Marcelo A. Garbiero

ARCADIS U.S., Inc. (ARCADIS) has prepared this letter on behalf of SFPP, L.P., an operating partnership of Kinder Morgan Energy Partners, L.P. (Kinder Morgan), to summarize our understanding of recent discussions with the California Department of Transportation (Caltrans), District 11 staff regarding an existing discharge of treated groundwater to a stormwater facility within a Caltrans right of way. This letter is submitted at the request of Mr. John Markey, Permit Branch Chief, as detailed below.

Phone:  
562.496.3023

Email:  
[Marcelo.Garbiero@arcadis-us.com](mailto:Marcelo.Garbiero@arcadis-us.com)

Kinder Morgan currently discharges treated groundwater from the Mission Valley Terminal located at 9950 San Diego Mission Road, San Diego, California 92108 to Murphy Canyon Creek, which abuts the Caltrans right of way on the east. This discharge has been on-going since May 1994 and is currently conducted under California Regional Water Quality Control Board, San Diego Region (RWQCB) General Permit Order No. R9-2008-0002, National Pollutant Discharge Elimination System (NPDES) Permit No. CAG919002 (General Permit). The discharge is an essential component of on-going groundwater cleanup efforts. Groundwater extracted from the underlying aquifer is treated at the Mission Valley Terminal and is discharged through a 6-inch pipe that terminates at an underground culvert that discharges to Murphy Canyon Creek. Both the culvert and associated section of Murphy Canyon Creek are located within the Caltrans right of way.

Our ref:  
CM010143.0112

Application for enrollment under the General Permit, most recently renewed in 2008 (see attached re-enrollment letter dated June 23, 2009), requires the Discharger to notify and receive authorization from the appropriate local agency with jurisdiction over the MS4. This requirement is intended to encourage communication between

Imagine the result

Dischargers enrolled under the General Permit and agencies responsible for MS4s in an effort to reduce misunderstandings and concerns over the types of discharges covered by the General Permit. Documentation of this communication was recently requested by the RWQCB in association with a request submitted by Kinder Morgan to increase the average daily discharge rate from the currently permitted 0.795 million gallons per day (mgd) or approximately 550 gallons per minute (gpm) to 1.26 mgd or approximately 875 gpm. Considering the time that has elapsed since the discharge was originally authorized in 1994, no previous records of such communication could be located.

In response to the RWQCB's request, Caltrans was contacted on February 2, 2012 to: (1) communicate the issue; (2) confirm that the discharge was located within the Caltrans right of way; and (3) discuss what procedures, if any, Caltrans may have for allowing a Discharger to fulfill this condition of the General Permit. Discussions occurred with a number of Caltrans staff between February 2, 2012 and February 23, 2012. George Schuh (Caltrans, District 11, Division of Land Surveys) confirmed that both the culvert and section of Murphy Canyon Creek associated with the discharge are located within the Caltrans right of way (see attached Caltrans right of way drawings and email dated February 2, 2012). Additional communications were made to seek guidance on any procedures Caltrans may have for accepting the discharge within their right of way. Following discussions with various Caltrans departments, including NDPEs/Stormwater (Constantine. Kontaxis, NPDES Program Manager), Maintenance (Cory Binns, Deputy Director of Maintenance), and Permits (John Markey, Branch Chief), it was determined that Caltrans would not require a permit or formal authorization in this situation. Additionally, John Markey followed up with his counterpart at the Caltrans State Headquarters and confirmed that there does not appear to be any need to issue a permit or formal authorization for this discharge. Further, Mr. Markey requested that this letter be sent to your attention, documenting the notification and related communications that have occurred in association with this discharge and enrollment under the General Permit.

ARCADIS

Mr. C. Kontaxis  
February 28, 2012

If you have any questions regarding the information provided in this letter, please contact me.

Sincerely,

ARCADIS U.S., Inc.



Marcelo A. Garbiero, P.E.  
Senior Civil Engineer

Copies:

C. Binns, Caltrans District 11  
J. Markey, Caltrans District 11  
S. Martin, KMEP  
N. Van Burgel, KMEP  
Ben Neill, RWQCB San Diego Region



# California Regional Water Quality Control Board San Diego Region

June 13, 2012  
Item No. 13  
Supporting Document No. 7



Linda S. Adams  
Secretary for  
Environmental  
Protection

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

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

June 23, 2009

**CERTIFIED RETURN RECEIPT MAIL**

7009 0080 0000 7433 5424

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

In reply refer to  
CRU: 9 000000506:wghoram

Dear Mr. Martin:

**SUBJECT: RE-ENROLLMENT UNDER GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM GROUNDWATER EXTRACTION AND SIMILAR WASTE DISCHARGES TO SURFACE WATERS WITHIN THE SAN DIEGO REGION EXCEPT FOR SAN DIEGO BAY; ORDER NO. R9-2008-0002; NPDES NO. CAG919002**

**FACILITY: MISSION VALLEY TERMINAL REMEDIATION DEWATERING, 9950 SAN DIEGO MISSION ROAD, SAN DIEGO, CALIFORNIA**

This letter acknowledges receipt of your permit application (Notice of Intent and Form 200) to re-enroll under Order No. R9-2008-0002, NPDES Permit No. CAG919002 for the existing discharge of groundwater at the subject facility. Your application package was dated March 11, 2009 and received March 12, 2009. Your additional submittals, dated April 10, 2009 were received on April 13, 2009. The Regional Board has reviewed your application and determined that the discharge meets the conditions for coverage under Order No. R9-2008-0002.

The discharge is part of the Mission Valley Terminal Remediation Dewatering Project. This letter specifies the discharge requirements for the discharge of extracted and treated groundwater to the San Diego River via Murphy Canyon Creek from the groundwater extraction and remediation project currently enrolled under Order No. 2001-96, NPDES No. CAG919002 and located at 9950 San Diego Mission Road, San Diego. It is our understanding that the discharge from this facility is expected to continue for approximately 15 years.

The groundwater quality monitoring results indicated that total nitrogen, total dissolved manganese, and petroleum hydrocarbons have exceeded effluent limitations contained in Order No. R9-2008-0002 (*Discharge Specification B.4*) for discharges to inland surface waters. It is our understanding that a treatment system is installed to adjust the concentrations of the above-mentioned constituents in order to meet the permit requirements. The treatment system consists of an oil/ water separator, cartridge particulate filters, manganese oxidation/filtration removal system, granular activated carbon adsorption system (GAC), and biological denitrification system.

*California Environmental Protection Agency*

Mr. Scott Martin  
Kinder Morgan Energy Partners  
Mission Valley Terminal Remediation

- 2 -

June 23, 2009  
WDID 9 000000506

In addition, oxygen generators will be put online to increase dissolved oxygen concentrations in the event that dissolved oxygen concentrations are suppressed as a result of the addition of sodium bisulfite (dechlorination agent) to remove the residual chlorine that results from the addition of sodium hypochlorite to precipitate manganese.

You have certified that the treated effluent will comply with the effluent limitations specified in Order No. R9-2008-0002.

Based on the above, the proposed discharge meets the conditions for enrollment under Order No. R9-2008-0002. Your enrollment is based on your signed certification and the application for waste discharge requirements.

The discharge of groundwater to the San Diego River shall not exceed 505,000 gallons per day.

Although this enrollment authorizes a discharge of up to 505,000 gallons per day of groundwater to the San Diego River, it is recommended that you utilize alternative methods of disposal of the groundwater that optimize reuse and beneficial use such as conveying the treated water to the City of San Diego's North City Reclamation plant for reclamation and/or re-injection of the groundwater on the west side of Qualcomm Stadium. It is our understanding that, based on hydrogeologic and engineering studies, re-injection of all of the treated groundwater is not feasible, but we urge you to attempt re-injection of some of the treated groundwater.

The use of *Ceriodaphnia dubia* and *Hyalella azteca* during quarterly WET testing remains unchanged. Use of "dual control" technique for WET tests involving green algae as the test species remains unchanged.

Approval of the relocation of the discharge point into Murphy Canyon Creek remains in effect. The discharge point into Murphy Canyon Creek has been moved from immediately north of San Diego Mission Road to immediately north of Friars Road overpass at I-15. Relocation of the discharge point results in the discharge being approximately 770 feet upstream of the current discharge point.

The Regional Board is satisfied with your proposed continuous\* monitoring of the dechlorination agent with an A15/66 Residual Sulfite Monitor, in conjunction with the required grab sample monitoring of total residual chlorine as required by the general NPDES Permit CAG919002 in order to demonstrate compliance. It is our understanding that a Hach Auto Cat 9000 Auto Chlorine Amperometric Titrator will be used for onsite total residual chlorine monitoring.

Mr. Scott Martin  
Kinder Morgan Energy Partners  
Mission Valley Terminal Remediation

- 3 -

June 23, 2009  
WDID 9 000000506

You may continue with the proposed monitoring and reporting for chlorine residual, and sodium bisulfite (dechlorination agent) in accordance with the June 2006 version of the SWRCB Draft Total Residual Chlorine & Chlorine-Produced Oxidants Policy of California, Compliance Determination, which states (in part):

"Continuous monitoring analyzers for chlorine residual or for dechlorination agent residual in the effluent are appropriate methods for compliance determination. A positive residual dechlorination agent in the effluent indicates that chlorine is not present in the discharge, which demonstrates compliance with effluent limits. This type of monitoring can also prove that some chlorine residual exceedances are false-positives. Continuous monitoring data showing either a positive dechlorination agent residual or chlorine residual at or below the prescribed limit are sufficient to show compliance with the chlorine residual effluent limit, as long as the instruments are maintained and calibrated in accordance with the manufacturers recommendations."

You are required to monitor the discharge and submit monitoring reports as specified in Monitoring and Reporting Program R9-2008-0002, Section E.1., *Groundwater Discharge Monitoring for Discharges Associated With Gasoline or Diesel Underground or Above Ground Storage Tanks*. The reporting frequency includes monthly, quarterly, and semi-annual monitoring reports. In addition, increase the frequency of monitoring and reporting of total nitrogen and manganese to monthly, and add monthly monitoring and reporting of dissolved oxygen and pH.

These reports must be signed and certified pursuant to Attachment D - V. *Standard Provisions – Reporting, B. Signatory and Certification Requirements* of Order No. R9-2008-0002.

All extracted groundwater that does not meet any one or more of the numerical limitations contained in *Discharge Specifications* of the Order will require additional treatment to remove contaminants prior to discharge to the San Diego River. Alternatively, effluent containing constituents in excess of the effluent limitations established in Order No. R9-2008-0002 may be discharged to the sanitary sewer system (with the local municipality's permission) or hauled away for proper disposal by a certified waste-hauler.

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.

Mr. Scott Martin  
Kinder Morgan Energy Partners  
Mission Valley Terminal Remediation

- 4 -

June 23, 2009  
WDID 9 000000506

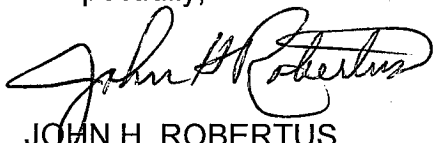
Pursuant to the California Water Code (CWC) Sections 13385 (h) and (i), violations of effluent limitations, contained in NPDES permits are subject to Mandatory Minimum Penalties (MMP) of three thousand dollars (\$3,000) for each serious violation or for non-serious violations, the 4<sup>th</sup> and 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, you are required to 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 Ms. Whitney Ghoram by e-mail at [WGhoram@waterboards.ca.gov](mailto:WGhoram@waterboards.ca.gov) or by phone at (858) 467-2967.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Cc: Ms. Jennifer Rothman, LFR Environmental Management & Consulting Engineering, 3150 Bristol Street, Ste. 250, Costa Mesa, CA 92626-7324

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

Mr. Chris Zirkle, Deputy Director, City of San Diego, Storm Water Pollution Prevention Division, City of San Diego, 1970 B Street, San Diego, CA 92102

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

Ms. Chiara Clemente, Senior Environmental Scientist, Central Watershed Unit, San Diego RWQCB, 9174 Sky Park Court, Suite 100, San Diego, CA 92123

**Garbiero, Marcelo**

---

**From:** George J Schuh [george\_j\_schuh@dot.ca.gov]  
**Sent:** Thursday, February 02, 2012 1:01 PM  
**To:** Garbiero, Marcelo  
**Cc:** Cynthia L Gerhold  
**Subject:** RE: R/W maps of SD-15, PM 6.6/7.5  
**Attachments:** RWLO 55533.2.pdf; S0150701.pdf

Mr. Garbiero,

The heavy dashed lines are mostly contained within Caltrans R/W. The lines with "whiskers" indicate the boundary or Caltrans R/W. The heavy dashed line you created leaves Caltrans R/W at the point where it crosses a line labeled " N 76° 12' 10" W, 100.18 ". That area is under the jurisdiction of the City of San Diego according to the map attached for the R/W to the south (s0150701.pdf) of the map you had marked up. The area in orange is where the R/W was located prior to this R/W map. You don't need the map reference you clouded with red as it is no longer representative of the State R/W. I've taken the same map you and outlined the present State R/W in red. The hachured areas of these maps are generally relinquishments (transfer of responsibility) to the local agency, in this case being the City of San Diego.

(See attached file: RWLO 55533.2.pdf)(See attached file: S0150701.pdf)

George J. Schuh  
Dept. of Transportation, District 11  
Division of Land Surveys  
619-688-3691

Cynthia L  
Gerhold/D11/Caltr  
ans/CAGov

02/02/2012 11:30  
AM

To  
"Garbiero, Marcelo"  
<Marcelo.Garbiero@arcadis-us.com>  
cc  
George J  
Schuh/D11/Caltrans/CAGov@DOT  
Subject  
RE: R/W maps of SD-15, PM 6.6/7.5  
(Document link: George J Schuh)

George would you please help Marcelo with his question. Also, I looked and I can not find 55552-3 on our web server or the color R/W maps folder.



"Garbiero,  
Marcelo"  
<Marcelo.Garbiero  
@arcadis-us.com>  
  
02/02/2012 10:53  
AM

To  
Cynthia L Gerhold  
<cynthia\_l\_gerhold@dot.ca.gov>  
  
cc  
  
Subject  
RE: R/W maps of SD-15, PM 6.6/7.5

Cyndi - here is one of your sheets marked up with the features of interest shown as the thick red dashed lines, which represent an underground culvert and what is now a concrete lined channel (Murphy Canyon Creek). The blocks in yellow are private property now belonging to SFPP - Kinder Morgan Energy Partners. I am pretty sure that the area I show in orange is Caltrans R/W.

Could you help me interpret into whose area the items of interest fall?

Also, there is a reference under the Caltrans R/W stating, "FOR EXISTING R/W SEE L.O. 55552-3". Is this a more current reference perhaps showing existing features?

-----Original Message-----

From: Cynthia L Gerhold [mailto:cynthia\_l\_gerhold@dot.ca.gov]  
Sent: Thursday, February 02, 2012 8:07 AM  
To: Garbiero, Marcelo  
Subject: R/W maps of SD-15, PM 6.6/7.5

(See attached file: S0150708.tif)(See attached file: S0150707.tif)(See attached file: S0150706.tif)(See attached file: S0150705.tif)(See attached file: S0150704.tif)(See attached file: S0150703.tif) (See attached file: S0150702.tif)(See attached file: S0150701.tif)(See attached file: S0150601.tif)

These are the R/W maps I found. Please let me know if these will work for you and if you need anything else. Have a great day!

Cyndi Gerhold  
619-688-6608

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June 13, 2012

Item No. 13

Supporting Document No. 7

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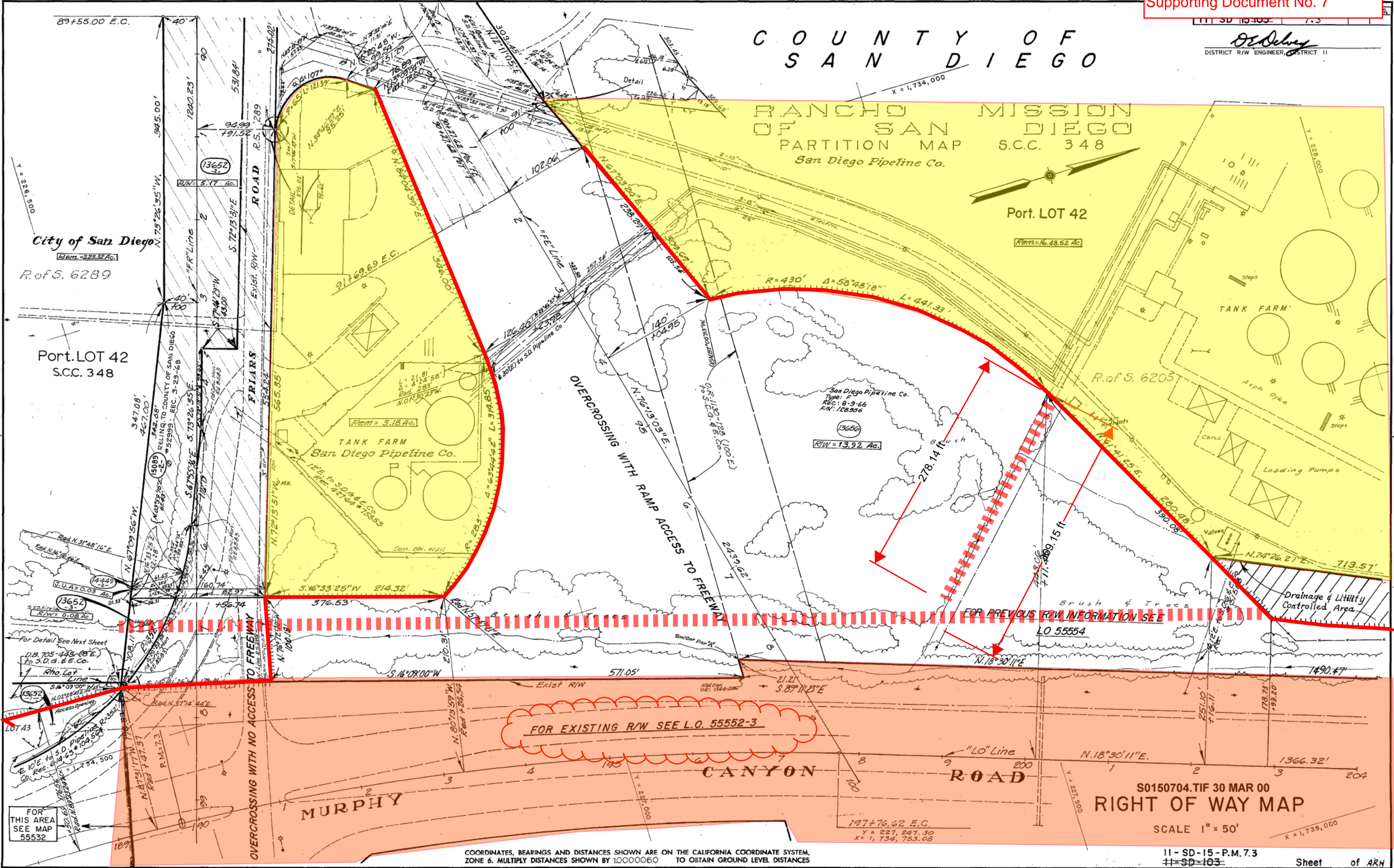
[attachment "Caltrans 55533.2 Markup.pdf" deleted by George J Schuh/D11/Caltrans/CAGov]

FOR THIS AREA SEE MAP 55533.1

COUNTY OF  
 SAN DIEGO

*DeSely*  
 DISTRICT R/W ENGINEER, DISTRICT II

RANCHO MISSION  
 OF SAN DIEGO  
 PARTITION MAP S.C.C. 348  
 San Diego Pipeline Co.



DATE RELEASED	BY
4-5-69	L.B.H./C.P.
8-78	W.E.S.
9-8-78	CE

FOR THIS AREA  
 SEE MAP  
 55532

COORDINATES, BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM,  
 ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.0000060 TO OBTAIN GROUND LEVEL DISTANCES

S0150704.TIF 30 MAR 00  
**RIGHT OF WAY MAP**

SCALE 1" = 50'

11 - SD - 15 - P.M. 7.3  
 SD-103

Sheet of ARH

FOR THIS AREA SEE MAP 55532

FOR THIS AREA SEE MAP 55533.3

L.O. 55533.2

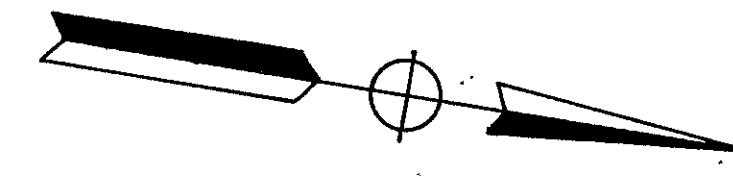
FOR THIS AREA SEE MAP 55534

S0150704.TIF

PARCEL NUMBER	VESTEE	AREAS (SQ. FT. & NOTED)			RECORDING DATA		
		R/W ①	EXC. ②	REM. ③	TYPE	DATE	INST. NO.
21508	W.L. SCHMIDT et ux	0.49 Ac.		B. 17 Ac.	FOC	12-9-81	386097
24206-2	City of San Diego	0.07 Ac.		2.5 Ac.	E	1-20-81	017470

CITY OF SAN DIEGO  
 RANCHO MISSION  
 OF SAN DIEGO

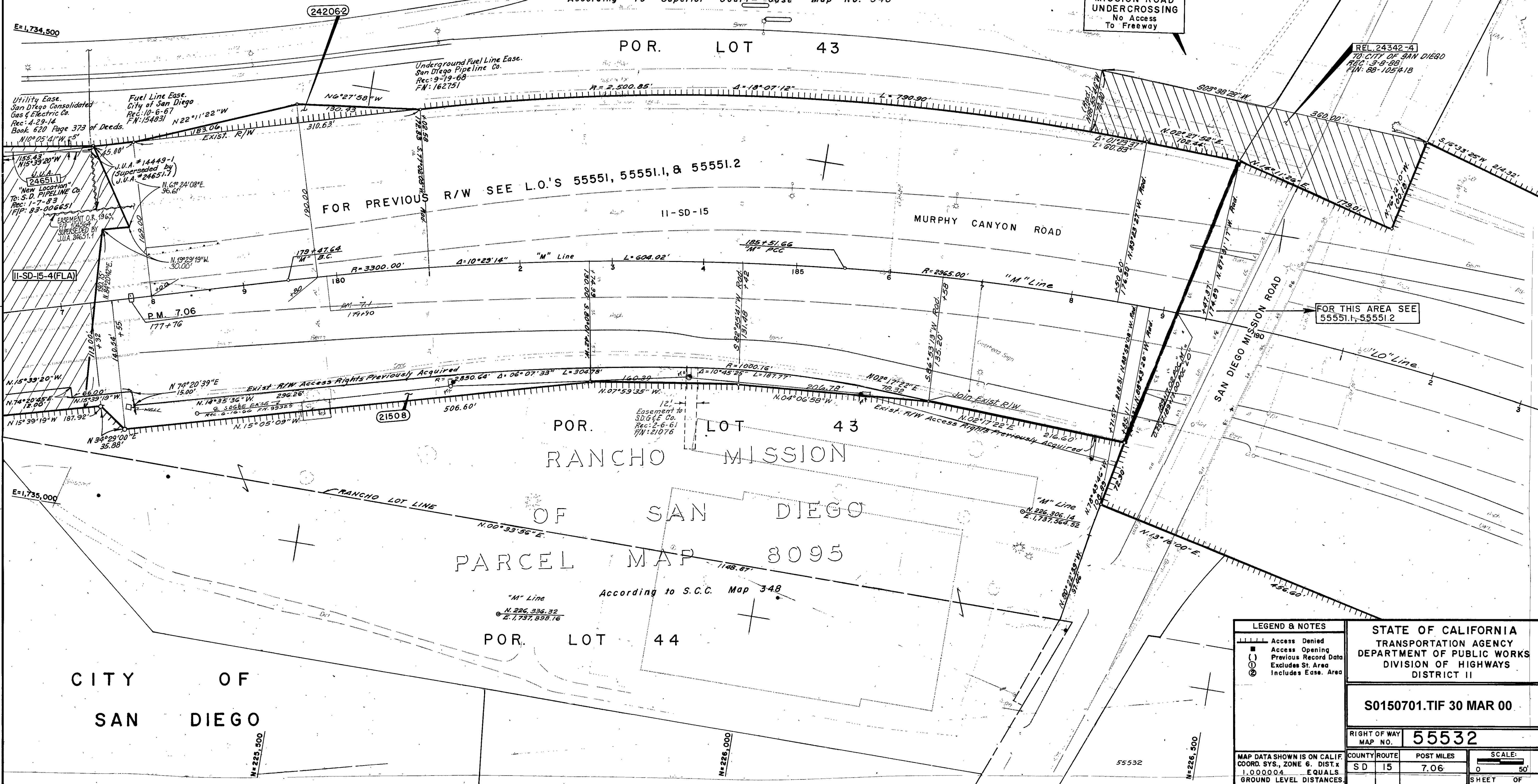
According To Superior Court Case Map No. 348



SAN DIEGO MISSION ROAD UNDERCROSSING  
 No Access To Freeway

FOR THIS AREA SEE MAP 55531

FOR THIS AREA SEE MAPS 55551.1, 55551.2



DATE RELEASED	0/72
REVISED	

<b>LEGEND &amp; NOTES</b>		<b>STATE OF CALIFORNIA TRANSPORTATION AGENCY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS DISTRICT II</b>		
—	Access Denied	<b>S0150701.TIF 30 MAR 00</b>		
—	Access Opening			
( )	Previous Record Data			
⊙	Excludes St. Area			
⊙	Includes Eas. Area	<b>RIGHT OF WAY MAP NO. 55532</b>		
MAP DATA SHOWN IS ON CALIF. COORD. SYS., ZONE 6. DIST. x 1.000004. EQUALS GROUND LEVEL DISTANCES.		COUNTY/ROUTE SD 15	POST MILES 7.06	SCALE: 0 50' SHEET OF