



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

November 4, 2015

Certified Mail – Return Receipt Requested

Article Number: 7010 1060 0000 4953 0754

Scott Martin
Kinder Morgan Energy Partners, L.P.
1100 Town & Country Road
Orange, CA 92868
MartinS@kindermorgan.com

In reply refer to / attn:
240988:bneill

Subject: Notice of Violation No. R9-2015-0171, Kinder Morgan Energy Partners, Mission Valley Bulk Fuel Terminal, Time Schedule Order No. R9-2011-0052

Mr. Martin:

Enclosed is Notice of Violation (NOV) No. R9-2015-0171 issued to Kinder Morgan Energy Partners, L.P. for a violation of Time Schedule Order (TSO) No. R9-2011-0052, *An Order Prescribing a Time Schedule for the Kinder Morgan Energy Partners to comply with Discharge Prohibition No. IV.C of Order No. R9-2008-0002 (NPDES Permit No. CAG919002) for its Mission Valley Terminal Remediation Dewatering Discharge to Murphy Canyon Creek*, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations may be subject to further enforcement actions pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please submit any written correspondence in response to the enclosed NOV to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format, and converted to text searchable format using Optical Character Recognition. All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: 240988:bneill.

HENRY ABARBANEL, PH.D., CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, California 92108-2700 | www.waterboards.ca.gov/sandiego

Mr. Scott Martin
Kinder Morgan Energy Partners

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November 4, 2015

For questions or comments, please contact Ben Neill by phone at (619) 521-3376, or by email at Ben.Neill@waterboards.ca.gov.

Respectfully,



Brandi N. Outwin-Beals, P.E.
Senior Water Resource Control Engineer
Source Control Unit

Enclosure: Notice of Violation No. R9-2015-0171

cc: Marcelo Garbiero, Arcadis, Marcelo.Garbiero@arcadis.com
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Tech Staff Info & Use	
Order No.	R9-2015-0171
Party (CIWQS) ID	24287
WDID	9 000000506
NPDES No.	CAG919002
Reg. Measure ID	403475
Violation ID	998244
Place ID	240988
Person ID	130581



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San Diego Regional Water Quality Control Board

November 4, 2015

**NOTICE OF VIOLATION
No. R9-2015-0171**

Mr. Scott Martin
Kinder Morgan Energy Partners, L.P.
1100 Town & Country Road
Orange, CA 92868

Kinder Morgan Energy Partners, L.P.

Mission Valley Bulk Fuel Terminals
240988:breill

**Violation of
Time Schedule Order
No. R9-2011-0052**

Kinder Morgan Energy Partners, L.P. (Discharger) is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violation described herein.

The Discharger is in violation of San Diego Water Board Time Schedule Order No. R9-2011-0052, *An Order Prescribing a Time Schedule for the Kinder Morgan Energy Partners to Comply with Discharge Prohibition No. IV.C of Order No. R9-2008-0002 (NPDES Permit No. CAG919002) for its Mission Valley Terminal Remediation Dewatering Discharge to Murphy Canyon Creek (TSO).*

A. Summary of Violation

Failure to Comply with Compliance Schedule

1. Pursuant to Time Schedule Order (TSO) No. R9-2011-0052, Table 3. Compliance Schedule:

TSO No. R9-2011-0052 requires the Discharger to complete construction of their selected treatment option to reduce the concentration of total dissolved solids in the discharge to attain compliance with Order No. R9-2008-0002 Discharge Prohibition IV.C and Receiving Water Limitations VI.A.8 by September 30, 2015.

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2. **Evidence:** By letter dated September 29, 2015 and received via email, the Discharger reported that construction of a reverse osmosis system is delayed and construction will not be completed by September 30, 2015, as required by the TSO. The Discharger elected to construct a reverse osmosis system as their selected treatment option to reduce the concentration of total dissolved solids in the discharge to attain compliance with Order No. R9-2008-0002 Discharge Prohibition IV.C and Receiving Water Limitations VI.A.8.

B. Potential Further Enforcement Options

This violation may be subject to additional enforcement actions by the San Diego Water Board or State Water Resources Control Board potentially including but not limited to imposition of administrative civil liability, pursuant to Water Code section 13385(a)(4) and (c), in an amount not to exceed \$10,000 for each day the violation occurs.

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include the reference number 240988: bneill. For questions or comments, please contact Ben Neill by phone at (619) 521-3376, or by email at Ben.Neill@waterboards.ca.gov.



Brandi N. Outwin-Beaks, P.E.
Senior Water Resource Control Engineer
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