

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TIME SCHEDULE ORDER NO. R9-2002-0042

KINDER-MORGAN ENERGY PARTNERS, LP o/p SFPP, LP,
POWERINE OIL COMPANY,
SANTA FE PACIFIC PIPELINE PARTNERS, LP, SHELL OIL COMPANY,
TEXACO REFINING AND MARKETING INC., EQUILON ENTERPRISES LLC,
EXXONMOBIL OIL CORPORATION

MISSION VALLEY TERMINAL
9950 & 9966 SAN DIEGO MISSION ROAD
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Kinder-Morgan Energy Partners, LP o/p SFPP, LP, Powerine Oil Company, Santa Fe Pacific Pipeline Partners, LP, Shell Oil Company, Texaco Refining and Marketing Inc., Equilon Enterprises LLC, ExxonMobil Oil Corporation (Dischargers) were required to clean up and abate the effects of an unauthorized discharge of petroleum hydrocarbon waste to soil and groundwater underlying the Mission Valley Terminal bulk storage facility and off-site areas by January 1, 1999, pursuant to Cleanup and Abatement Order No. 92-01, as amended in 1994 by Addendum No. 1.
2. The Dischargers have failed to achieve full immobilization of dissolved phase petroleum as required by Directive No. 2 of CAO No. 92-01.
3. The Dischargers failure to fully immobilize dissolved phase petroleum as directed in Cleanup and Abatement Order No. 92-01 directive No. 2, constitutes a continuing violation of the order.
4. A civil penalty of \$10,000 per day for each day in which violations continue after the expiration of the time schedule herein is necessary because the effective penalty is only \$1,428 per day for each of the seven major national or international oil companies responsible for cleanup and abatement of the Mission Valley Terminal release(s) and any lesser amount will not create a sufficient disincentive for delay.
5. The dischargers strategy is to conduct the cleanup in a prioritized, phased manner with current efforts being directed towards containment and cleanup of off-site pollution underlying the Qualcomm Stadium and other areas outside of the Mission Valley Terminals (off-site). Later efforts will be directed towards containment and cleanup of pollution underlying the Mission Valley Terminals area (on-site). Cleanup of off-site pollution is prioritized ahead of cleanup of on-site pollution because the movement of off-site pollution is much more likely to impair future municipal beneficial use of the groundwater. The development of a remediation plan and schedule to cleanup on-site pollution will be completed at a later date and may be temporarily deferred at this time without delaying completion of the final cleanup.
6. In the event that permitting or encroachment processes beyond the control of the dischargers delay completion of a task, the Regional Board may extend the time schedule if Dischargers

provide reasonable notice of such delays and evidence showing that Dischargers used reasonable care in their efforts to obtain permits and encroachment agreements.

7. No term or condition of Cleanup and Abatement Order No. 92-01, or any subsequent order for this facility, is superceded by this Time Schedule Order. The terms and conditions of Clean up and Abatement Order No. 92-01 shall remain in full force and effect.
8. The issuance of this order is an enforcement action taken by a regulatory agency and is exempt from certain provisions of the California Environmental Quality Act (CEQA) in accordance with section 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, That pursuant to sections 13267 and 13308 of the California Water Code the Dischargers shall:

A. Risk Assessment

1. Prepare an adequate workplan for a comprehensive receptor pathway assessment for off-site pollution associated with releases of petroleum hydrocarbon waste from all sites at Mission Valley Terminal. **Due Date:** April 27, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after April 27, 2002, the Dischargers fail to submit an adequate workplan to the Regional Board.
2. Prepare an adequate workplan for a human health and environmental risk assessment. **Due Date:** May 12, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after May 12, 2002, the Dischargers fail to submit an adequate workplan to the Regional Board.
3. Conduct a receptor pathway assessment for off-site pollution according to the workplan prepared pursuant to Task A.1. and incorporating any modifications necessary to address deficiencies identified by the Regional Board and submit an adequate technical report describing the results of the receptor pathway assessment. **Due Date:** July 26, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after July 26, 2002, the Dischargers fail to submit an adequate technical report.
4. Conduct a human health and environmental risk assessment according to the workplan prepared pursuant to Task A.2. that includes a contingency plan and submit an adequate technical report describing the results of the human health and environmental risk assessment. **Due Date:** October 9, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after October 9, 2002, the Dischargers fail to submit an adequate technical report.

B. Hydrogeology and Contaminant Transport

1. Prepare an adequate workplan for a groundwater flow and contaminant transport model for off-site pollution areas. **Due Date:** June 11, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after June 11, 2002, the Dischargers fail to submit an adequate workplan.

2. Estimate interim MTBE mass flux to determine the contaminant mass that is moving through the subsurface over time relative to a known transect and provide an approximate estimate of the potential volume of groundwater impacted by the plume, the potential risk of adverse health effects or of nuisance conditions (taste and odor) to a receptor, and possible attenuation (degradation) of the plume and submit an adequate technical report describing the results of the estimation. **Due Date:** June 6, 2003. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after June 6, 2003, the Dischargers fail to submit an adequate technical report.

C. Remediation

1. Prepare an adequate workplan to evaluate the effectiveness of the existing soil vapor extraction system. **Due Date:** April 27, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after April 27, 2002, the Dischargers fail to submit an adequate workplan.
2. Prepare an adequate workplan to evaluate the effectiveness of the existing groundwater extraction well system. This workplan shall include plans to install new monitoring wells and conduct aquifer testing. **Due Date:** April 27, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after April 27, 2002, the Dischargers fail to submit an adequate workplan.
3. Conduct an evaluation of the existing soil vapor and groundwater extraction systems at the facility according to the workplans prepared pursuant to Tasks C.1. and C.2. and submit an adequate technical report describing the results of the evaluations. **Due Date:** November 23, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after November 23, 2002, the Dischargers fail to submit an adequate technical report.
4. Prepare an adequate workplan to expand the remediation system based on the results from the soil vapor and groundwater extraction technical report (Task C.3). The workplan must include plans to address pollution that has overrun the current system, conduct additional aquifer testing (if needed), and install a cross-section of multilevel (3d) wells to further delineate the source zone. **Due Date:** November 23, 2002. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after November 23, 2002, the Dischargers fail to submit an adequate workplan.
5. Conduct a performance evaluation for the new soil vapor and/or groundwater extraction wells installed per Task C.4 and submit an adequate technical report describing the results of the performance evaluation. **Due Date:** July 8, 2003. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after July 8, 2003, the Dischargers fail to submit an adequate technical report.

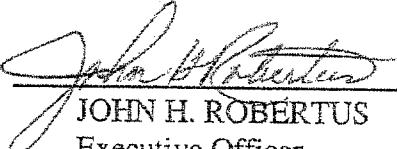
D. Summary Report

Submit an adequate technical report that includes groundwater modeling results, a performance evaluation of new extraction wells, an updated estimate of MTBE mass flux, and recommendations for additional optimization of the new extraction well system. This technical report must also include an updated contingency plan and a proposal for milestone cleanup dates for the restoration of water quality in the portion of the Mission San Diego Hydrologic subarea proposed for development by the City of San Diego for municipal use and for the cleanup of all off-site pollution. **Due Date:** February 1, 2004. The Dischargers shall incur a civil penalty of **ten thousand dollars (\$10,000)** for each day after February 1, 2004, the Dischargers fail to submit an adequate technical report.

E. Workplan Implementation

Implementation of a workplan shall begin no later than thirty (30) calendar days after submittal. Before beginning these activities, the Dischargers shall notify Regional Board of the intent to initiate the proposed actions included in the workplan submitted.

I, John H. Robertus, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of an Addendum adopted by the California Regional Water Quality Control Board, San Diego Region, on March 13, 2002.



JOHN H. ROBERTUS
Executive Officer

Attachment No. 1 – Submittal Due Dates Table

FILE NO.:40-0054.05

Mission Valley Terminal
Time Schedule Order R9-2002-0042
Submittal Due Dates

Task	Description	Submittal Due Date
A.1	Receptor Pathway Assessment Workplan	4/27/02
C.1	Soil Vapor Extraction Evaluation Workplan	4/27/02
C.2	Groundwater Extraction Evaluation Workplan	4/27/02
A.2	Risk Assessment Workplan	5/12/02
B.1	Groundwater and Contaminant Transport Model Workplan	6/11/02
A.3	Receptor Pathway Assessment Technical Report	7/26/02
A.4	Risk Assessment Technical Report	10/9/02
C.3	Soil Vapor and Groundwater Extraction Evaluation Technical Report	11/23/02
C.4	Remediation System Expansion Workplan	11/23/02
B.2	MTBE Mass Flux Technical Report	6/6/03
C.5	New Remediation System Evaluation Technical Report	7/8/03
D	Summary Report	2/1/04