



California Regional Water Quality Control Board San Diego Region



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

May 9, 2012
Item No. 11
Supporting Document No. 5

Matthew Rodriguez
Secretary for
Environmental Protection

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

n Jr.

October 21, ~~2010~~ ²⁰¹¹

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.

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.

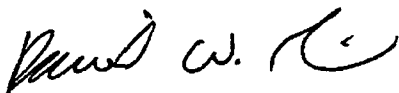
The San Diego Water Board is interested in hearing Kinder Morgan's response to written comments that may be submitted by the City and others. Kinder Morgan will be provided until 5:00 PM, Thursday, November 17, 2011 to submit a written reply to comments.

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 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	MartinS@kindermogan.com
Kris McFadden	KMcFadden@sandiego.gov
Marsi Steirer	MSteirer@sandiego.gov
Rick Ahlers	Rick.Ahlers@arcadis-us.com
Marcelo Garbiero	Marcel.Garbiero@arcadis-us.com
Rob Hutzel	rhutzel@sandiego.gov
Ruth Kolb	RKolb@sandiego.gov
Grace Lowenberg	GLowenberg@sandiego.gov
Eric Nichols	Eric.Nichols@arcadis-us.com
Gabriel Solmer	gabe@sdcoastkeeper.org
Nancy Van Burgel	Nancy_VanBurgel@kindermogan.com