

ERRATA SHEET  
TENTATIVE ORDER NO. R9-2008-0134

The following revisions are proposed to tentative Order No. R9-2008-0134. Revisions in the following table are shown in underline/strikeout format to indicate added and removed language, respectively.

The errata serve two purposes. First, the description of the project is revised from “dewatering” to “groundwater remediation” in order to better represent the activities and the associated waste discharge requirements in Order R9-2001-0096, NPDES No. CAG919002, *General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay*. Second, a calculation of the per day liability for mandatory minimum and discretionary penalties, consistent with Complaint No. R9-2008-0046, is added to the Order for clarity.

Errata #	Section	Revision
1	Title of Order	<p>The title of the Order will be revised as follows:</p> <p>Administrative Assessment Of Civil Liability Against SFPP, L.P., An Operating Partnership Of Kinder Morgan Energy Partners, L.P. Mission Valley Terminal <u>Groundwater Remediation</u> <del>Dewatering</del> Project For Violations Of Order No. R9-2001-0096.</p>
2	Finding 8	<p>The last portion of Finding 8 will be revised as follows:</p> <p>...Current NPDES coverage for the Mission Valley Terminal <u>Groundwater Remediation</u> <del>Dewatering</del> Project will expire on March 12, 2009.</p>
3	Directive 1.a	<p>The text of Directive 1.a is modified as follows:</p> <p>Mandatory minimum penalty of \$93,000 (<u>\$3,000 per violation</u>) for 31 effluent limitation violations required by CWC Section 13385, subsections (h) and (i) that occurred between January 1, 2006 and April 30, 2008. Payment shall be made payable to the “State Water Resources Control Board” for deposit into the Cleanup and Abatement Account within 30 days of adoption of this Order;</p>

Errata #	Section	Revision
4	Directive 1.b.	<p>The text of Directive 1.b is modified as follows:</p> <p>Discretionary liability in the amount of \$112,400 for persistent violations of total nitrogen effluent limitations from January 1, 2006 to December 10, 2008 (<u>\$200 per day for 562 days occurring between January 3, 2006 through April 10, 2007 and October 9, 2007 through January 15, 2008.</u>) Payment shall be made payable to the "State Water Resources Control Board" for deposit into the Cleanup and Abatement Account within 30 days of adoption of this Order;</p>
5	Directive 1.c	<p>The text of Directive 1.c is modified as follows:</p> <p>The sum of <b>\$16,600</b> (<u>\$200 per day for 83 days</u>) in discretionary liability for violations of total nitrogen effluent limitations between <del>February 1, 2008</del> <u>January 16, 2008</u> through December 10, 2008 is suspended. SFPP, L.P. is directed to provide documentation prior to March 30, 2009 demonstrating that discharges monitored no less than weekly in February 2009 (i.e., one sample in each of the four weeks) are in compliance with effluent limitations for total nitrogen.</p> <ul style="list-style-type: none"> <li data-bbox="618 1108 1328 1220">i. If SFPP, L.P. provides timely documentation of compliance then the suspended penalty is revoked permanently.</li> <li data-bbox="618 1255 1369 1583">ii. If SFPP, L.P. either (a) fails to submit a timely report, or (b) is unable to document compliance with effluent limitations for total nitrogen, the amount suspended shall become due and payable. SFPP, L.P. shall submit to the Regional Board payment in the amount of \$16,600 payable to the "State Water Resources Control Board for Deposit into the Cleanup and Abatement Account by April 30, 2009.</li> </ul>