



City Councilmember Scott Sherman

District 7

CITY SUES REGIONAL WATER QUALITY CONTROL BOARD AND KINDER MORGAN OVER MURPHY CANYON CREEK POLLUTION

Board Allowing Polluted Groundwater to be Pumped into Murphy Canyon Creek

SAN DIEGO – The City has filed a lawsuit against the Regional Water Quality Control Board and Kinder Morgan, seeking an order stopping the discharge of more than 1.2 million gallons per day of polluted groundwater into Murphy Canyon Creek.

The water board is allowing Kinder Morgan, the corporation responsible for cleaning up the decades-old underground fuel spill that contaminated the Qualcomm property and Mission Valley Aquifer, to extract polluted water from the Aquifer, only partially treat it and dump over 1.2 million gallons per day into Murphy Canyon Creek even though the water does not meet the water board's standards.

The groundwater is discharged into Murphy Canyon Creek, where it flows into the San Diego River and out to sea. The pumping and dumping of this groundwater has had a negative impact on a precious natural resource and made it impossible to ascertain the status of the cleanup because it keeps the groundwater table low and hides the pollution level.

"In 1986, hundreds of thousands of gallons of gasoline was dumped on the Qualcomm property through failure of gasoline tanks on our neighbor's property. The Water Board issued an order in 1991 directing cleanup by 1999. Deadlines have long past. It is now 27 years later and not only has the pollution continued, they are now polluting our creek," City Attorney Jan Goldsmith said.

"The dumping of polluted water into Murphy Canyon creek must stop. That's the first thing that needs to happen. Then Kinder Morgan needs to clean the water, re-inject it back into the aquifer and let the water table rise so the pollution levels can be assessed," the City Attorney said.

Goldsmith announced the filing of the lawsuit at a news conference Thursday. He was joined by City Council President Pro Tem Sherri Lightner and Councilmembers Marti Emerald, Kevin Faulconer and Scott Sherman.

The stadium property is in Councilmember Sherman's district. Sherman, who has lived in the area for 40 years, said he has concerns that the damage done to this area may need further remediation, not only to protect the area's natural habitat but also to protect the City's future interests in the Qualcomm Stadium property.

“Someday the City will have to do something with that site and we have an obligation to protect the taxpayers from being left on the hook if there were to be future remediation efforts required,” Sherman said.

Councilmember Faulconer, who represents San Diego's beach and bay communities, said the threat of increased total dissolved solids flowing directly to our beaches and ocean was unacceptable.

“We must take action because this issue can have a real effect on San Diego's environment and might leave taxpayers on the hook if this water discharge throws the City out of compliance with environmental regulations,” Councilmember Faulconer said.

Councilmember Emerald said water “is the most vital and precious natural resource we have, especially in our semi-arid region where we are so dependent on imported water and need to protect the water supplies we do have.”

“The impact of pollution on our creeks, rivers and bays is of ever greater concern. We need to hold both Kinder Morgan and the RWQCB, as the regulating agency, responsible for repairing and protecting this precious local resource for the benefit of the families in our City,” Emerald said.

Council President Pro Tem Lightner said the main issue is “protecting our waterways from pollution and preserving an important local water source.”

“This so-called cleanup has depleted a long-standing source of local water while pumping polluted water into our natural waterways. That’s what I call a lose-lose situation. It’s time for the Regional Water Quality Control Board to take a good, hard look at the facts and act accordingly to protect the public, the taxpayers and our local water supply,” Lightner said.

This lawsuit is separate from the federal lawsuit the City filed against Kinder Morgan in 2007 over the fuel spill. That case was dismissed by the trial court, which concluded that the case should have been filed many years before 2007 and, therefore, is barred. The City is appealing that case.

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