

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. R7-2008-0045

**WASTE DISCHARGE REQUIREMENTS
FOR
US BUREAU OF LAND MANAGEMENT, LANDOWNER
SUPERIOR READY MIX, PLANT OWNER
SIMON CONCRETE AND AGGREGATE, PLANT OPERATOR
SAND AND GRAVEL PLANT
CONCRETE MIXER TRUCK WASH FACILITY
North of Indio - Riverside County**

The California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Water Board or Regional Board), finds that:

A. Findings of Fact

1. On March 7, 2008, Simon Concrete and Aggregate (hereinafter referred to as the Operator) , P.O. Box 10990, Indio, California 92202, submitted an application and Report of Waste Discharge (ROWD) to update Waste Discharge Requirements (WDR) for the truck wash facility at its sand and gravel plant. The physical address of the plant is 35905 Dillon Road, Indio, California.
2. The Operator operates an existing gravel mining and concrete mixing facility on land leased from the Bureau of Land Management (BLM) located north of Interstate 10, off Dillon Road in the SE ¼ of Section 30, T4S, R8E, SBB&M; Assessor's Parcel Number 8745-350-001. Superior Ready Mix owns the facility. Simon Concrete and Aggregate, Superior Ready Mix, and the US Bureau of Reclamation are hereafter jointly referred to as the Discharger.
3. The facility discharges a maximum of 2560 gallons per day (gpd) of wastewater from three (3) separate waste streams. Mixer truck washwater is collected where the concrete mixing trucks are rinsed after they are loaded to leave the facility. Daily discharges average around 300 gallons. The facility has a washpad designed to contain the washwater and convey the runoff to a concrete lined basin where it is combined with the facilities process supply water. All of the wastestream from the washpad is recycled.
4. The Operator also generates wastewater at a separate steam cleaning area and a separate washpad where the truck mixer barrels are cleaned with detergent and acid. The discharger states the two facilities are closed systems that contain all wastewater. Most of the wastewater collected from the two wastestreams is evaporated in concrete lined ponds with a small percentage recycled in the plants processes. When needed, the collection basins are pumped to remove wastewater and solids. Prior to pumping, wastewater and solids are to be analyzed, then disposed of at an appropriate location.
5. The Operator rinses the interior of the truck mixer barrels at the end of the day and dumps the washwater and concrete in the pit area of the facility. This material is removed daily and recycled at the plant.

6. The nearest well located on property owned by Simon Concrete and Aggregate is approximately 300 feet south of the mixer truck washpad. The depth to groundwater is approximately 390 feet and the Total Dissolved Solids (TDS) concentration is about 774 mg/L. The well supplies water to the concrete batch plant and potable water for domestic use at the plant office.
7. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and as amended to date designates the beneficial uses of ground and surface waters in this Region.
8. Federal regulations for storm water discharges were promulgated by the U.S. Environmental Protection Agency on November 16, 1990, (40 CFR Parts 122, 123, and 124). The regulations require specific categories of facilities which discharge storm water associated with industrial activity to obtain NPDES permits and to implement Best Conventional Pollutant Technology (BCPT) to reduce or eliminate industrial storm water pollution.
9. The State Water Resources Control Board adopted Order No. 91-13-DWQ (General Permit No. CAS000001), as amended by Water Quality Order No. 92-12-DWQ, specifying waste discharge requirements for discharges of storm water associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent by industries to be covered under the Permit.
10. The Discharger's self-monitoring reports indicate the following wastewater characteristics:

Flow	300 gpd
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B. Legal Requirements

1. The WDRs in this Board Order are completed pursuant to Division 7, Chapter 4, Article 4, of the California Water Code (CWC) for discharges not subject to regulation under Clean Water Act (CWA) Section 402 (33 U.S.C. Section 1342).
2. The Regional Water Board developed requirements in this Order from information submitted with the application, self monitoring reports, and special studies.
3. In accordance with Section 15301, Article 19, Chapter 3, Division 6, Title 14 of the California Code of Regulations (CCR), the issuance of WDRs that govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and implementing Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).
4. The Basin Plan designates beneficial uses and establishes water quality objectives for ground and surface waters in the Region, and contains implementation programs and policies to achieve objectives. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan.
5. Simon Concrete and Aggregate is located within the Coachella Hydrologic Unit, which has the following beneficial uses for ground water:
 - a. Municipal Supply (MUN)
 - b. Industrial Supply (IND)
 - c. Agricultural Supply (AGR)

6. State Water Board Resolution No. 68-16 (“Policy with Respect to Maintaining High Quality Waters of the State”) (hereinafter Resolution No. 68-16) requires a Regional Water Board in regulating the discharge of waste to maintain high quality waters of the State (i.e., background water quality) until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than as described in plans and policies (e.g. violation of any water quality objective). Moreover, the discharge is required to meet WDRs that require implementation of best practicable treatment or control (BPTC) of the discharge necessary to assure pollution or nuisance will not occur, and highest water quality consistent with maximum benefit to the people will be maintained. Section 13267 of the CWC authorizes the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements.
7. Simon Concrete and Aggregate has been discharging under WDRs No. 95-004 for approximately 13 years. During that period the discharger has submitted quarterly monitoring reports that require “Samples be taken of the wastewater contained in the concrete basin at the truck wash facility and monitored for the following:” Constituents monitored are: Total Dissolved Solids, with a prescribed frequency of “Prior to pumping of Basin”, Volatile Organic Compounds (EPA Method 601 and 602) with a prescribed frequency of “Prior to pumping of Basin”, and Volume of Washwater Discharged to Storage Basins with a prescribed frequency of “Quarterly.” The monitoring reports indicate a daily average discharge of 300 gallons per day. The discharger states that the wastewater has been disposed of by evaporation or by reuse at the plant. Consequently, the collection basin has never been pumped and therefore, has never been monitored for TDS or VOCs.
8. Some degradation of groundwater from the discharge to the seepage pits is consistent with Resolution No. 68-16, provided that this degradation:
 - a. Is confined to a reasonable area;
 - b. Is minimized by means of full implementation, regular maintenance, and optimal operation of (BPTC) measures;
 - c. Is limited to waste constituents typically encountered in concrete mixer washwater; and does not result in water quality less than that prescribed in the applicable basin plan, including violation of any water quality objective.
9. The discharge of wastewater from this facility, as permitted herein, reflects best practicable treatment and control. The controls assure the discharge does not create a condition of pollution or nuisance, and that the highest water quality defined by the physical and chemical nature of the local groundwater will be maintained, which is consistent with the anti-degradation provisions of Resolution No. 68-16. To comply with Resolution No. 68-16:
 - a. Washwater is collected in the concrete lined water supply basin to minimize percolation of wastes and thus, ensure the wastes do not adversely impact underlying ground water;
 - b. Site operating personnel are required to be familiar with the contents of this Board Order, and properly operate and maintain the washwater disposal facility.
10. The constituent in concrete mixer washwater effluent that presents the greatest risk to groundwater quality is Total Dissolved Solids (TDS). The facility’s lined concrete collection basins significantly minimize percolation of wastes and thus, prevent groundwater degradation by TDS.

11. The concrete plant provides a valuable service to the community and contributes to the economy in the area. This factor and the containment of wastewater in lined ponds preventing an increase in TDS are consistent with maximum benefit to the people of the State. Accordingly, the discharge as authorized is consistent with the anti-degradation provisions of Resolution No. 68-16.
12. Section 13267 of the CWC authorizes Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program required pursuant to these WDRs implements Federal and State monitoring and reporting requirements.
13. The Regional Water Board notified the Discharger and all known interested agencies and persons of its intent to update WDRs for this discharge, and has provided them with an opportunity for a public meeting, and an opportunity to submit comments.
14. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that Board Order No. 95-004 is rescinded, and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

A. Prohibitions

1. The discharge of waste classified as “hazardous” (Section 2521, Chapter 15 of Title 23 CCR), or “designated” (Section 13173 CWC), is prohibited.
2. The direct discharge of wastewater to surface water or surface drainage courses is prohibited.
3. Surface flow of wastewater from this facility is prohibited.
4. Bypass or overflow of untreated or partially treated waste is prohibited.
5. Discharge of treated wastewater at a location or in a manner different from that described in this Board Order, or as otherwise authorized by the Regional Water Board’s Executive Officer, is prohibited.
6. The discharge of waste to land not owned by or authorized for such use to the Discharger is prohibited.

B. Discharge Specifications

1. The treatment or disposal of wastes from the facility shall not cause pollution or nuisance as defined in CWC Sections 13050(l) and (m).
2. A minimum depth of freeboard of two (2) feet shall be maintained at all times in all wastewater collection ponds.
3. No wastewater other than vehicle washwater shall be discharged into the wastewater collection system.
4. All wastewater shall be pumped and disposed of by a duly authorized service.
5. Adequate measures shall be taken to assure that flood or surface water drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.

6. The drainage facilities of the washpad shall be maintained to prevent ponding
7. The integrity of the wastewater storage facilities will be maintained to prevent leakage.
8. The discharge shall not cause degradation of any beneficial use of surface or ground water.
9. Public contact with wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
10. The discharger shall not discharge waste in excess of the design treatment capacity of the disposal system.
11. Treated or untreated solid waste materials shall be disposed at locations approved by the Regional Water Board's Executive Officer.

C. Provisions

1. The Discharger shall comply with all conditions of the Board Order. Noncompliance constitutes a violation of the Porter-Cologne Water Quality Control Act, and is grounds for enforcement action, for Order termination, revocation and reissuance, or modification of Waste Discharge Requirements; or denial of an Order renewal application.
2. Notwithstanding the joint identification of Simon Concrete and Aggregate, Superior Ready Mix, and the US Bureau of Reclamation as the "Discharger" in Finding No. A.2, above, the Regional Water Board staff may communicate directly with Simon Concrete and Aggregate for purposes of day-to-day communication regarding compliance with terms of this Order. In this context, Simon Concrete and Aggregate shall be considered the party with primary responsibility for ensuring day-to-day compliance with this Order and the related regulatory matters. Correspondence and notifications between the Regional Water Board staff and Simon Concrete and Aggregate shall be as if to or from all parties identified in Finding No. A.2 as the "Discharger."
3. The discharger shall comply with "Monitoring and Reporting Program No. R7-2008-0045", and future revisions thereto, as specified by the Regional Board's Executive Officer.
4. The discharge shall not cause degradation of any water supply, as required by State Water Board Resolution No. 68-16. Annual reports on calibration records of the flow meter shall be forwarded to the Regional Board.
5. Prior to any modifications in this facility which would result in material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the discharger shall report all pertinent information in writing to the Regional Board and obtain revised requirements before any modifications are implemented.
6. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.
7. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
8. This Board Order does not authorize violation of any federal, state, or local laws or regulations.

9. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
10. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order; and
 - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order; and
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
11. The Discharger shall, at all times, properly operate and maintain all systems and components of treatment and control, including, but not limited to, solids handling and disposal facilities installed or used to achieve compliance with this Board Order. Proper operation and maintenance includes, but is not limited to: effective performance; adequate process controls; adequate laboratory controls; and appropriate quality assurance procedures. This provision requires use of backup or auxiliary facilities, or similar systems, when necessary to achieve compliance with this Board Order. Systems in service and reserved shall be inspected and maintained on a regular basis. Records of inspections, and maintenance performed, shall be made available to the Regional Water Board upon demand.
12. The Discharger shall report any noncompliance that may endanger human health or the environment. Information shall be provided to the Regional Water Board office and the Office of Emergency Services orally, within 24 hours of when the Discharger is aware of the incident. During non-business hours, the Discharger shall leave a message on the Regional Water Board voice recorder. A written report is due within five (5) business days of when the Discharger is aware of the incident. At a minimum, the report shall describe: noncompliance and its cause; period of noncompliance; time anticipated to achieve full compliance; and steps taken or planned, to reduce, eliminate, and prevent recurrence of noncompliance. The Discharger shall report all intentional or unintentional wastewater spills in excess of 1,000 gallons to the Regional Water Board office in accordance with the above time constraints.
13. The Discharger is the responsible party for complying with facility WDRs, and the monitoring and reporting program. Violations may result in enforcement action including Regional Water Board or court orders that require corrective action or impose civil monetary liability, or modify or revoke WDRs.
14. All storm water discharges from this facility must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies, regarding discharges of storm water to storm water drain systems or other courses under their jurisdiction.
15. Ponds shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, ancillary inflow, and infiltration during the non-irrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.

16. Storm water discharges from the facility shall not cause or threaten to cause pollution or contamination.
17. Storm water discharges from the facility shall not contain hazardous substances equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
18. Federal regulations for storm water discharges require specific categories of facilities which discharge storm water associated with industrial activity (storm water) to obtain National Pollutant Discharge Elimination System (NPDES) permits and to implement Best Conventional Pollutant Technology (BCT) and Best Available Technology Economically Achievable (BAT) to reduce or eliminate industrial storm water pollution.
19. In the event that there are storm water discharges associated with industrial activities, the Discharger shall submit a Notice of Intent and/or maintain coverage under the General Storm Water Permit.
20. This Board Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a Board Order modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Board or the Regional Board, including revisions to the Basin Plan.

I, Robert E. Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 25, 2008.



ROBERT PERDUE
Executive Officer