CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2016-0072

AN ORDER RESCINDING ORDERS NOS. 88-37, 88-66, AND 93-119

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

1. The San Diego Water Board prescribed waste discharge requirements (WDRs) in Order No. 88-37 to CEMEX Materials Pacific, LLC (CEMEX) for the discharge of sediment laden wastewaters from concrete batching operations into a settling pond via a concrete lined sump at the Oceanside Ready Mix Plant.[1] The San Diego Water Board adopted Order No. 88-37 on March 25, 1988.

2. The San Diego Water Board prescribed WDRs in Order No. 88-66 to CEMEX for the discharge of wastes from concrete batching operations into a settling pond at the Mission Valley Complex Plant.[2] The San Diego Water Board adopted Order No. 88-66 on June 6, 1988.

3. The San Diego Water Board prescribed WDRs in Order No. 93-119 to CEMEX for the discharge of wastes from concrete batching operations into a settling pond at the Escondido Ready Mix Plant.[3] The San Diego Water Board adopted the Order on December 20, 1993.

4. By letter dated February 24, 2016, CEMEX requested rescission of Orders Nos. 88-37, 88-66, and 93-119; and proposed that each operation be:

   a. enrolled in Order No. R9-2014-0041, *Conditional Waiver of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region*: Waiver No. 9, *Discharge of Slurries to Land* (Slurry Waiver); and

   b. enrolled in Order No. 2014-0057-DWQ, *National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities* (statewide Industrial Storm Water Permit).[4]

   Enrollment of the facilities in the Slurry Waiver and statewide Industrial Storm Water Permit will provide a level of water quality protection equal to that

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[1] Located in the Loma Alta hydrologic area of the Carlsbad hydrologic unit.
[2] Located in the Lower San Diego hydrologic area of the San Diego hydrologic unit.
[3] Located in the Escondido Creek hydrologic area of the Carlsbad hydrologic unit.
[4] Statewide Industrial Storm Water Permit:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0057_dwq_rev_mar2015.pdf

provided by the individual waste discharge requirements in Orders Nos. 88-37, 88-66, and 93-119.

5. On March 9, 2016, San Diego Water Board staff inspected the operations and verified that the operations were eligible for enrollment in the Slurry Waiver.[5]

6. The three facilities were enrolled in the Slurry Waiver and statewide Industrial Storm Water Permit on April 7, 2016 and March 4, 2015, respectively.

7. This Order rescinds WDRs for three concrete slurry operations that will be enrolled in the Slurry Waiver and statewide Industrial Storm Water Permit for ongoing operations. It can be seen with certainty that there is no possibility that rescinding the WDRs will have an adverse impact on the environment. This Order is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with the California Code of Regulations title 14, section 15061(b)(3). Adoption of this Order does not enroll the facilities in the Slurry Waiver or statewide Industrial Storm Water Permit. However, because the facilities are existing, and not adding or changing their treatment processes, enrollment of the facilities in the Slurry Waiver does not require additional CEQA compliance beyond that completed by the San Diego Water Board when it adopted the waiver. As a National Pollutant Discharge Elimination System permit, adoption of the statewide Industrial Storm Water Permit by the State Water Resources Control Board was exempt from CEQA. Thus, enrollment of the facilities in the permit does not require additional CEQA compliance.

8. The San Diego Water Board in a public meeting heard and considered all comments pertaining to the rescission of Orders Nos. 88-37, 88-66, and 93-119.

IT IS HEREBY ORDERED that Orders Nos. 88-37, 88-66, and 93-119 are rescinded.

I, David W. Gibson, 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, San Diego Region, on June 22, 2016.

David W. Gibson, Executive Officer

[5] Waiver No. 9 of Order No. R9-2014-0041: http://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/docs/w/WaiverNo9.pdf