

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

ORDER NO. 95-104

WASTE DISCHARGE REQUIREMENTS  
FOR  
H. G. FENTON MATERIAL COMPANY  
CARROLL CANYON PLANT  
SAN DIEGO COUNTY

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

1. On June 13, 1995, Mr. Paul J. Smith, Manager, H. G. Fenton Material Co., submitted an incomplete report of waste discharge (RWD) for the disposal of wastewater from a sand and gravel washing and concrete batching facility located in Carroll Canyon, San Diego County. On August 28, 1995, the Regional Board staff received additional information completing the RWD.
2. The H. G. Fenton Material Co., Carroll Canyon Plant is located at 9255 Camino Santa Fe in San Diego within the Miramar Reservoir Hydrologic Area of the Penasquitos Hydrologic Unit.
3. H. G. Fenton Material Co. operates a sand and gravel mining and processing facility and a concrete batch plant at the Carroll Canyon Plant. Water is used for washing sand and gravel, batching concrete, washing transit-mix truck drums, and dust control. Water from washing operations is collected, treated, and reused. Make-up water is obtained from the municipal water supply.
4. Sediment-laden water which has been used to wash sand and gravel is occasionally dosed with a polymer to aid sedimentation and then discharged to a settling pond.<sup>(1-)</sup> Clarified water from this settling pond is reused for dust control and sand and gravel washing.
5. Sediment from the settling pond is recycled and reused as a product.
6. Sediment-laden washwater from transit-mix truck drum washing passes through a series of four settling basins prior to discharging to a settling pond. This pond also collects site runoff water. A polymer is occasionally used to aid in sedimentation. Water is drawn from the pond and recycled for concrete batching and hosing off sand and gravel transit trucks.
7. The Carroll Canyon Plant is regulated pursuant to the

National Pollutant Discharge Elimination System Permit (NPDES) General Permit (WDID No. 937S006130) for storm water discharges associated with industrial activities.

8. The San Diego County, Hazardous Material Management Division regulates the hazardous waste generated and stored onsite.
9. The City of San Diego approved and issued a major use permit for the sand and gravel mining activity, and the City enforces the reclamation plan for the facility.
10. The San Diego Air Pollution Control District issued a permit for regulating air pollutants generated at the facility.
11. The *Water Quality Control Plan, San Diego Basin (9)* (Basin Plan) was adopted by this Regional Board on September 8, 1994 and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses and narrative and numerical water quality objectives, and prohibitions which are applicable to the discharges regulated under this order.
12. The Basin Plan established the following beneficial uses for the surface waters of Carroll Canyon within the Miramar Reservoir Hydrologic Area (906.10).
  - a. Agricultural Supply
  - b. Industrial Service Supply
  - c. Water Contact Recreation\*
  - d. Non-contact Water Recreation
  - e. Warm Fresh Water Habitat
  - f. Cold Fresh Water Habitat
  - g. Wildlife Habitat
  - h. Preservation of Rare and Endangered Species

\* Potential beneficial use

13. The Basin Plan established the following beneficial uses for the ground waters of the Miramar Reservoir Hydrologic Area (906.10).
  - a. Municipal and Domestic Supply
  - b. Agricultural Supply
  - c. Industrial Service Supply

14. The Basin Plan contains the following prohibitions which are applicable to this facility:

"The discharge of pollutants or dredged and fill material to waters of the United States, except as authorized by an NPDES permit or a dredge or fill material permit (subject to the exemption described in California Water Code § 13376) is prohibited."

→ "The discharge of waste to inland surface water, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the Regional Board. Consideration would include streamflow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if streamflow provided 100:1 dilution capability."

"The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board."

"The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board."

"The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters, is prohibited."

15. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
- a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;
  - b. Other waste discharges;
  - c. The need to prevent nuisance;
  - d. Past, present, and probable future beneficial uses of

water;

- e. Environmental characteristics of the hydrologic unit under consideration including the quality of water available thereto;
  - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
  - g. Economic considerations;
  - h. The need for developing housing within the region; and
  - i. The need to develop and use recycle water.
16. The Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste.
17. The Regional Board has notified the discharger and all known interested parties of the intent to prescribe waste discharge requirements for the proposed discharge.
18. The Regional Board in a public meeting heard and considered all comments pertaining to its proposed action.
19. The City of San Diego, Development and Environmental Planning Division, has certified a final environmental impact report (FEIR) in accordance with the California Environmental Quality Act (Public Resources Code Section 21000, et seq.)
20. The FEIR contains the following mitigation measure to reduce potential adverse hydrologic and water quality impacts:

The conditions of the approved conditional use permit (CUP) and the required reclamation plan would mitigate adverse hydrologic and water quality impacts associated with the resource extraction. As the resource is depleted and the specific plan implemented through the planned development processes, temporary and permanent erosion-control measures would be required for all grading associated with the specific plan in order to avoid adverse sedimentation impacts. Phasing plans would be prepared as part of specific planned developments and would correspond with the overall development plan as outlined in the specific plan. This revegetation phasing would establish temporary and permanent landscape planting and drainage improvements to avoid sedimentation impacts, limit runoff, prevent

soil erosion, and stabilize soils.

The changes or alterations of the project mitigate or avoid the adverse environmental impacts of the project on hydrology and water quality.

IT IS HEREBY ORDERED, that H. G. Fenton Material Co., Carroll Canyon Plant in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. Discharges of waste to lands which have not been specifically described to the Regional Board and for which valid waste discharge requirements are not in force are prohibited.
2. The discharge of any radiological, chemical or biological warfare agent, or high-level radiological waste is prohibited.
3. Storage, use and/or disposal of wastewater in a manner that would result in ponding or surfacing of wastewater on lands beyond the disposal area, as described in the findings of this Order, is prohibited.
4. The discharge of wastewater or other waste shall not:
  - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
  - b. Cause the occurrence of objectionable tastes and odors in water pumped from the basin;
  - c. Cause waters pumped from the basin to foam;
  - d. Cause the presence of toxic materials in waters pumped from the basin;
  - e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
  - f. Cause this Regional Board's objectives for ground or surface waters of Carroll Canyon within the Miramar Reservoir Hydrologic Area (906.10), as established in the Basin Plan, to be exceeded;
  - g. Cause odors, septicity, mosquitos or other vectors,

weed growth or other nuisance conditions in Carroll Canyon Creek or its tributaries; or

- h. Cause a pollution, contamination, or nuisance, or adversely affect beneficial uses of the ground or surface waters of Carroll Canyon within the Miramar Reservoir Hydrologic Area (906.10) as established in the Basin Plan.
5. The discharge of waste in a manner other than as described in the findings of this Order or the Report of Waste Discharge is prohibited unless the discharger obtains revised waste discharge requirements that provide for the proposed change.
6. The discharge of wastewater or other waste to the Carroll Canyon Creek or its tributaries is prohibited.
7. Discharge of grease, oil or other chemicals to the settling ponds is prohibited.
8. The discharger shall comply with the Basin Plan prohibitions listed in Finding 14 of this Order.

**B. DISCHARGE SPECIFICATIONS**

1. Materials discharged to the ponds shall consist of only runoff or washwater from the sand and gravel washing operation and concrete mixing trucks washing operation.
2. Materials used for back filling of ponds or excavated sites below historical ground water levels shall only consist of uncontaminated soil, rock, concrete and other materials as specifically approved by the Regional Board Executive Officer.
3. Materials used for filling of excavation areas above historic groundwater levels shall only consist of inert materials which do not contain soluble pollutants at concentrations in excess of the Basin Plan ground water objectives and does not contain significant quantities of decomposable waste.
4. The bottoms and sides of all ponds that contain wastewater shall be maintained in an impervious state.
5. A minimum freeboard of at least 2 foot shall be maintained in the ponds.
6. All waste treatment, containment and disposal facilities

(including storage ponds and settling ponds) shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.

7. All waste treatment, containment and disposal facilities (including storage ponds and settling ponds), shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year frequency 24-hour storm.
8. All unused sediment and washwater shall be discharged as described in the Report of Waste Discharge and in the findings of this Order. The waste sediment shall be deposited in a manner that will prevent its erosion when subjected to the effects of up to a 100-year frequency flood as defined by the San Diego County flood control agency.
9. The excavation and sediment disposal shall be conducted in a manner that will ensure that the normal quality and quantity of groundwater underflow of the Carroll Canyon Creek will be maintained.
10. Sediment removed from process washwater or runoff shall be placed only in protected areas where precautions have been taken to minimize erosion.

#### C. PROVISIONS

1. Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.
2. The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.
3. In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. The provision applies for example, when the primary source of power of the treatment facility fails, is reduced, or is lost.

4. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
5. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.
6. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
  - a. Violation of any terms or conditions of this Order;
  - b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
  - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
7. The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
8. This Order is not transferable to any person except after notice to the Executive Officer. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice of any proposed transfer of this Order's responsibility and coverage to a new discharger as described under Reporting Requirement D.3.
9. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger

from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

10. The discharger shall allow the Regional Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  - a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and,
  - d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.
11. A copy of this Order shall be maintained at H. G. Fenton Material Co., Carroll Canyon Plant and shall be available to operating personnel at all times.
12. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Order, shall not be affected thereby.
13. Waste discharge requirements shall remain applicable regardless of changes in ownership or lessee. A change in ownership shall be reported promptly to this Regional Board by letter.
14. The above prescribed waste discharge requirements are established only for (a) a discharge to lands owned or leased by the discharger and specifically reserved for the purpose of wastewater disposal; and (b) a waste disposal operation as described in the Report of Waste Discharge.

15. Prior to initiating discharges of wastes from the H. G. Fenton Material Co., Carroll Canyon Plant at locations other than those provided for by this Order or prior to initiating any material change in characteristics or volume of discharge, the discharger shall (a) submit a supplementary Report of Waste Discharge describing the proposed changes, and (b) obtain waste discharge requirements for the proposed changes.
16. The discharger shall develop and implement operation and maintenance procedures to prevent potential overflow of the settling ponds due to the buildup of siltation and mineral constituents.
17. The discharger shall implement a Storm Water Pollution Prevention Plan as specified in Water Quality Order No. 91-13-DWQ (as amended by Water Quality Order No. 92-12-DWQ) of the General Industrial Storm Water Permit.

**D. REPORTING REQUIREMENTS**

1. The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:
  - a. The addition of a new process or product by the discharger that results in a change in the character of the wastes.
  - b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste.).
  - c. Change in the disposal area from that described in the findings of this Order.
  - d. Other circumstances which result in a material change in character, amount, or location of the waste discharge.
  - e. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.
2. The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall

also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

3. The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on.
4. The discharger shall comply with the attached Monitoring and Reporting Program No. 95-104, and further revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program No. 95-104.
5. Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.
6. The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
7. All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:
  - a. The Report of Waste Discharge shall be signed as follows:
    - (1) For a corporation - by a principal executive

officer of at least the level of vice president.

- (2) *For a partnership or sole proprietorship* - by a general partner or the proprietor, respectively.
- (3) *For a municipality, state, federal or other public agency* - by either a principal executive officer or ranking elected official.

b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a) of this provision;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
- (3) The written authorization is submitted to the Executive Officer.

c. Any person signing a document under this section shall make the following certification:

"I, certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possibility of fine and imprisonment."

8. The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Groundwater Unit  
California Regional Water Quality Control Board  
San Diego Region  
9771 Clairemont Mesa Boulevard, Suite B  
San Diego, California 92124-1331

E. NOTIFICATION

1. California Water Code Section 13263(g) states:

"No discharge of waste into waters of the state, whether or not such discharge is made pursuant to waste discharge requirements shall create a vested right to continue such discharge. All discharges of waste into waters of the state are privileges, not rights."

2. These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.
3. The California Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board is subject to a civil monetary remedy of up to 20 dollars per gallon of waste discharged or, if a cleanup and abatement order is issued, up to 15,000 dollars per day of violation or some combination thereof.
4. The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor.
5. This Order becomes effective on the date of adoption by the Regional Board.

*I, John Norton Acting 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 October 12, 1995.*



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John Norton  
Acting Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

MONITORING AND REPORTING PROGRAM NO. 95-104

FOR  
H. G. FENTON MATERIAL CO.  
CARROLL CANYON PLANT  
SAN DIEGO COUNTY

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitoring discharge. All samples shall be taken at the monitoring points specified in this Order and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification and the approval of the Executive Officer.
2. Monitoring must be conducted according to United States Environmental Protection Agency test procedures approved under Title 40, Code of Federal Regulations CFR, Part 136, "*Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act*" as amended, unless other test procedures have been specified in this Order.
3. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.
4. Monitoring results must be reported on discharge monitoring report forms approved by the Executive Officer.
5. If the discharger monitors any pollutants more frequently than required by this Order, using test procedures approved under 40 CFR, Part 136, or as specified in this Order, the result of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.
6. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data

used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

7. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) the analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
8. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
9. The discharger shall report all instances of noncompliance not reported under Reporting Requirement D.6 of this Order at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement D.6.
10. The monitoring reports shall be signed by an authorized person as required by Reporting Requirement D.7.
11. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.

**B. SETTling POND MONITORING**

1. Where there is more than one pond in series, samples shall be collected from the pond which is furthest downstream. Where there are several washwater or dust control streams, samples shall be collected from the

pond in each stream which is furthest downstream.  
Samples shall be collected and analyzed as follows:

Constituent	Units	Type	Sampling Frequency	Reporting Frequency
Total Dissolved Solids	mg/L	Grab	Annually*	Annually
Chlorides	mg/L	Grab	Annually*	Annually
pH	pH Units	Grab	Annually*	Annually
Total Petroleum Hydrocarbons (Method 418.1)	mg/L	Grab	Annually*	Annually

\* Samples shall be collected between May and September, inclusive.

2. Monthly determine height of the freeboard at lowest point of dikes confining the wastewater. Freeboard measurements shall be submitted annually.

#### C. WASHWATER VOLUME MONITORING

The discharger shall submit the following water volume information annually:

1. An estimate of the monthly volume of water recycled.
2. An estimate of the monthly volume of water drawn from the makeup water source.

#### D. PLANT FACILITIES

The discharger shall annually submit one or more facility diagrams to show any changes to location of the following facilities. The discharger shall submit a statement if no changes were made during the year.

Note: mg/L = milligrams per liter

1. Buildings, stationary equipment, and machinery (such as batch plant, crusher, conveyor belts, etc.).
2. Excavation areas, stockpiles of mined materials, and stockpiles of sediment removed from settling ponds.
3. Location of settling ponds.
4. Location and description of facilities (i.e. berms, etc.) that provide flood and storm protection as required in Discharge Specification B.6 and B.7.

**E. OPERATION AND MAINTENANCE PROCEDURES IMPLEMENTATION**

By January 30 of each year the discharger shall submit a statement certifying that the operation and maintenance procedures developed pursuant to Provision C.16 of Order No. 95-104 was implemented by operating personnel throughout the previous year.

**F. SOLID DISPOSAL**

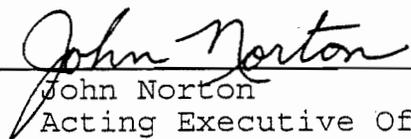
A description of the quantity and type of solid materials deposited into the ponds or excavated areas of the facility shall be submitted annually.

**G. REPORT SCHEDULE**

Monitoring reports shall be submitted to the Executive Officer in accordance with the following schedule:

<u>Reporting Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Annually	January - December	January 30

Ordered by

  
John Norton  
Acting Executive Officer  
October 12, 1995

