

ITEM: 8

SUBJECT: Rescission of the following Waste Discharge Requirements:

- a. Order No. R9-2008-0071 for Resource Environmental Limited Liability Corporation, In-situ Chemical Oxidation Project at 105 and 112 South Rancho Santa Fe Road, San Marcos,
- b. Order No. R9-2005-0148 for the Driscoll West Boat Repair Facility discharge of Industrial Storm Water to San Diego Bay,
- c. Order No. R9-2004-0154 for Dynegy South Bay, LLC, South Bay Power Plant discharge to San Diego Bay, and
- d. Order No. R9-2007-0009 for the Jack and Mark Stiefel Dairy, Winchester, Riverside County. (Tentative Order No. R9-2012-0043) (*Robert Morris*)

PURPOSE: To adopt Tentative Order No. R9-2012-0043 rescinding the subject waste discharge requirements.

RECOMMENDATION: Adoption of Tentative Order No. R9-2012-0043 is recommended.

KEY ISSUES: None

DISCUSSION: Tentative Order No. R9-2012-0043 will rescind the following Orders:

1. Order No. R9-2008-0071, *Waste Discharge Requirements for Resource Environmental Limited Liability Corporation In-situ Chemical Oxidation Project at 105 and 112 South Rancho Santa Fe Road, San Marcos, San Diego County.*

URS Corporation, on behalf of Resource Environmental LLC has discontinued in-situ chemical oxidation at the site and has requested rescission of Order No. R9-2008-0071. The San Diego County, Department of Environmental Health, Underground Storage Tank Local Oversight Program is the lead agency for cleanup at the site and has confirmed that in-situ chemical oxidation will no longer be used at the site.

2. Order No. R9-2005-0148, (NPDES Permit No. CA0109070) Waste Discharge Requirements For Industrial Storm Water

Discharges From Driscoll's West Boat Repair Facility To San Diego Bay.

Driscoll's West requested rescission of Order No. R9-2005-0148 by e-mail dated February 13, 2012. Driscoll West stated that the boatyard was dismantled in September 2007. Site visits conducted in 2011 by the San Diego Water Board inspection program confirmed that operations have been terminated.

3. Order No. R9-2004-0154, (NPDES No. CA0001368) Waste Discharge Requirements For Dynegy South Bay, LLC, South Bay Power Plant, San Diego County. On December 31, 2010, Dynegy South Bay, LLC ceased operations of the South Bay Power Plant following termination of its Reliability Must Run Status by the California Independent System Operator. Dynegy South Bay, LLC requested rescission of Order No. R9-2004-0154 by letter dated December 29, 2010. Demolition and remediation at the power plant site is not subject to requirements prescribed in Order No. R9-2004-0154. Currently, regulatory oversight is provided through a multi-agency collaboration with the Unified Port of San Diego, the City of Chula Vista, the California Coastal Commission, the San Diego Air Pollution Control District, Cal-OSHA, San Diego County Department of Environmental Health, the California Department of Fish & Game, the California Department of Toxic Substance Control, and the San Diego Water Board. If necessary, the San Diego Water Board has regulatory authority under the California Water Code section 13304 to require former operators of the power plant to investigate site conditions and, if necessary, require appropriate cleanup and abatement measures to address pollution or nuisance conditions in waters of the state caused by past waste discharges.
4. Order No. R9-2007-0009, (NPDES No. CA0109011) Waste Discharge Requirements for Jack and Mark Stiefel Dairy, Riverside County. On March 14, 2012, Mr. Mark Stiefel, the owner of Jack and Mark Stiefel Dairy submitted a request for the rescission of Order No. R9-2007-0009. The termination of coverage of Jack and Mark Stiefel Dairy under the NPDES permit is consistent with USEPA revisions to NPDES program regulations at 40 CFR 122.23(g) made in 2008, which now exempt confined animal feeding operations (CAFOs) having no potential to discharge to surface waters from the need to obtain an NPDES permit. Although exempt from NPDES permit regulations, CAFOs are subject to the provisions in the

California Water Code pertaining to waste discharge requirements for the protection of groundwater. To enforce State regulations, existing dairies in the San Diego Region such as the Jack and Mark Steifel Dairy, are automatically enrolled under General Order No. R9-2008-0130, *Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in the San Diego Region*, upon termination of their individual NPDES permits.

**SIGNIFICANT
CHANGES:**

None

**COMPLIANCE
RECORD:**

There are no major compliance issues with the subject dischargers.

**SUPPORTING
DOCUMENTS:**

1. Tentative Order No. R9-2012-0043
2. Letter dated October 31, 2011 from URS Corporation.
3. Email dated February 13, 2012 from Driscoll West
4. Letter dated November 21, 2011 from Dynegy
5. Letter dated March 14, 2012 from Mark Stiefel

PUBLIC NOTICE:

Notification of this action was provided in the May 23, 2012 Board Meeting Notice and Agenda and posted on the San Diego Water Board web page on May 21, 2012.